**CITY OF JAMESTOWN**
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# PUBLIC HEARING NOTICE

## RE: City of Jamestown Special Assessment Policy

The Jamestown City Council will be holding a public hearing in the Council Chambers, on THURSDAY, FEBRUARY 18, 2021, at 3:00 P.M., at City Hall, 102 3rd Avenue SE, Jamestown, ND, to receive public comment relative to the City of Jamestown Special Assessment Policy. The policy is available for viewing on the City of Jamestown website at jamestownNd.gov/government/public notices.

Comments to said policy may be made with the City Council at the public hearing or filed in writing prior to the public hearing at the office of the City Administrator, 102 3rd Avenue SE, Jamestown, ND 58401 or emailed to Sarah Hellekson at shellekson@jamestownNd.gov .

**Dated this 20th day of January 2021.**

**Sarah Hellekson**
**City Administrator**

**PUBLISH: January 27 and February 3, 2021**
**Two Column Boxed Display Ad**

# CITY OF JAMESTOWN
# SPECIAL ASSESSMENT
# GENERAL POLICIES AND GUIDELINES

## PROPOSED REVISION 2020

## December 17, 2020 Committee Meeting

Submitted by: City of Jamestown Engineering, Finance and Assessing staff in 2020

Reviewed by the Special Assessment Commission: October 26, 2020

Reviewed by the Finance and Legal Committee: November 19 and December 17, 2020

Adopted by the City Council: _____

## INTRODUCTION

Special assessment is the primary method the City of Jamestown utilizes to fund public improvements. The costs of the improvements are allocated to the parcels that benefit from these improvements. Infrastructure improvements are recognized as benefiting a property by increasing the potential value and usefulness of the property through delivery of infrastructure services.

The City of Jamestown has a history of allocating costs of improvements directly to the properties receiving the benefit. The general idea is that most properties that were developed in the past have paid for their portion of the infrastructure which fits the city's overall long-term development plan. Future development is expected to continue this process. In this way, individual projects will contribute to the overall growth, improvement, and quality of life of the entire community and the benefit derived from the delivery of infrastructure services.

The policies described in this document are intended to generally describe how district boundaries are established and benefits are determined for typical infrastructure projects. Occasionally, situations will occur which will require a variation from the policies described in this document.

## POLICY GOALS

1. Provide a stable and continuing source of funding to accommodate infrastructure needs for new development, redevelopment and maintenance within the community in a cost-effective manner.

2. To be responsive to community needs and desires for health, safety, welfare, accessibility, and mobility provided by new infrastructure and maintenance of existing assets.

3. Provide for and ensure consistent, uniform, fair, and equitable treatment, to the extent as is practical, lawful and possible for all property owners in regard to the assessment of cost for benefits to properties for qualifying improvements as listed and prescribed in State and local law.

4. Provide the Special Assessment Commission, City Council, staff and others with guidelines and methods to efficiently distribute infrastructure costs to benefitting properties in an equitable and consistent manner, thereby enhancing the value of property by assigning a proportionate value of the improvements to the properties deriving from the improvement.

5. Provide a comprehensive, well-constructed and well-maintained infrastructure system that services individual properties.

6. To provide an effective tool for the management of municipal resources to support a highly functional and well-maintained infrastructure system that promotes economic development and growth, fosters a sense of community pride, and allows flexibility by planning long-range capital improvements.

**Special Assessment Process**

The North Dakota Century Code Chapter 40 provides cities with the authority to levy special assessments. Special assessments are used to pay for municipal projects such as street paving and maintenance, installation of curb and gutter, water, storm and sewer mains, and sidewalks, as well as weed-cutting, mowing, snow removal, removal of diseased trees and shrubs, curb stop repairs and replacements, flood control, boulevard maintenance and repair, decorations, assessments of unpaid or delinquent city utility bills and other items listed in the N.D.C.C.

There are several opportunities in the formation of a special assessment district and in the special assessment process for citizen involvement and input from affected property owners.

A three-person Special Assessment Commission is appointed by the Mayor and approved by the City Council. The Commission is responsible for determining which properties within an improvement district benefit from the improvement and then spreading the assessments fairly among the properties in the district. The Special Assessment Commission is not responsible for determining whether any work should be done.

The city auditor must certify the annual installments of special assessments by November 1 to the county auditor for property tax collection. After the Special Assessment Commission and the City Council have approved the assessments, property owners have the option of paying special assessments in full by contacting the county treasurer's office.

**Basis of Special Assessments**

The following policy is the basis for special assessments for these public improvement projects when the public improvement is petitioned by property owners or initiated by the city. This policy has been developed in accordance with North Dakota Century Code, Title 40, that relates to municipal government.

**Definitions for purposes of this policy**

- A Parcel is land identified for purposes of taxation. A parcel is either a subdivided land or an unplotted area of land.
- A Plat is a map of a specific area which was surveyed and subdivided into blocks and lots.
- A Lot is a legal identifier of a subdivided land located within a plat.

**1. Street**

- Cost allocation is based on a parcel unit value (square footage per 7,000 square feet).
- Boundaries are drawn to not only include properties that abut the roadway improvement, but also include properties up to a distance halfway to the adjacent roadway. In that way each parcel is assessed for an avenue and a street in order that corner lots are assessed the same as interior lots.

**A.** New Pavement/Reconstruction/Resurfacing - patch, level, mill & overlay, seal coat, concrete pavement repair

- City may subsidize up to 20% for resurfacing projects per N.D.C.C. 40-24-10
  - If it is a major arterial, the City Council could choose to create a citywide assessment.
  - The city does not subsidize new development (no city share).
- Balance of remaining cost is assessed unless other resources are identified and approved.
- Assessment for asphalt or concrete may be seven (7) years to fifteen (15) years, never to exceed thirty (30) years per N.D.C.C. 40-24-06.

**B.** Unpaved Reconstruction/Regrading - gravel, grade, otherwise repair and reconstruct a non-paved street per N.D.C.C. 40-22-01.

- The cost to gravel, grade, and otherwise reconstruct a non-paved street will be assessed proportionately without city subsidy.
- This work may be petitioned by adjacent property owners.
- Assessment for gravel, grading and reconstructing a non-paved street may be one (1) year to three (3) years, never to exceed thirty (30) years per N.D.C.C. 40-54, for more complex projects.
- General maintenance, including minor repairs, gravel and grading, may be at the discretion of the city and at the city's cost without special assessment to adjacent property owners.

2. **Alley – Improve paved or non-paved public alley**

   A. **New Pavement/Reconstruction/Resurfacing** - patch, level, mill and overlay, seal coat, concrete, pave, repair paved alley
   - The cost to patch, level, mill and overlay, seal coat, concrete, pave, repair an alley and otherwise reconstruct a non-paved alley will be assessed proportionately without city subsidy, based on a per parcel square footage per 7,000 sq. ft., to properties that are either adjacent to the alley or have access to the property via the public alley.
   - Assessment for asphalt and concrete may be seven (7) years to fifteen (15) years, never to exceed thirty (30) years per N.D.C.C. 40-24-06.

   B. **Reconstruction/Regrading** - gravel, grade, otherwise repair and reconstruct an unpaved alley
   - The cost to gravel, grade, and otherwise reconstruct a non-paved alley will be assessed proportionately without city subsidy, based on a per parcel square footage per 7,000 square feet, to properties that are either adjacent to the alley or have access to the property via the public alley.
   - This work must be petitioned by the adjacent property owners.
   - Assessment for gravel, grading and reconstructing a non-paved alley may be one (1) year to two (2) years, never to exceed thirty (30) years per N.D.C.C. 40-54 for more complex projects.
   - General maintenance, including minor repairs, gravel, and grading, may be at the discretion of the city and at the city's cost without special assessment to adjacent property owners.

3. **Parking lot**
   - New Pavement/Reconstruction/Resurfacing - paint, stripe, sign, patch, level, mill and overlay, seal coat, concrete, pave, repair paved parking lot and plant trees, shrubs, mow or otherwise beautify the public parking lot.
   - The cost will be assessed proportionately, based on the requirements in the N.D.C.C. for the businesses in the improvement district that benefit by the work in the improvement district.
   - Assessment for parking lot repair and maintenance may be one (1) year, never to exceed ten (10) years per N.D.C.C. 40-24-08 and 40-23.1-05.

4. **Concrete Curb and Gutter, Sidewalk, Paths, Driveways (New and Repairs)**
   - New and Reconstruction
     - Total cost of sidewalks, paths and driveways are assessed to individual parcels.
     - Curb, gutter, and ADA ramps are included as paving project costs.
   - Owner-Elected Improvement

  - Total costs are assessed directly to individual parcels.
- Assessment may be seven (7) years, never to exceed thirty (30) years per N.D.C.C. 40-22-01 and 24-40-06.

5. **Street Lighting**
   - Cost allocation is based on a per parcel front footage.
   - Boundaries are drawn to include properties that are immediately contiguous to the roadway where the improvement is made per N.D.C.C. 40-30-03.
   - City may consider installing streetlights when fifty percent (50%) of lots are either permitted or contain building structures, or if transportation safety issues exist.
   - Corner lots only pay one-half the cost of the assessment for each side of the lot.
   - The city does not subsidize streetlights other than the cost of electricity for improvements in the right-of-way.
   - Installation or replacement of city-owned ornamental and regular streetlights are subject to assessment. Most wooden pole streetlights are owned and installed by OTPC at its cost. Most metal poles are city- owned.
   - Assessment may be seven (7) years, never to exceed thirty (30) years per N.D.C.C. 40-22-01 and 40-24-06.

6. **Storm Water, Ponds, Outlets, Underground Lines and Mains**
   - Cost allocation based on parcel square footage unit value (square footage per 7,000 square feet).
   - District boundaries are determined by watershed areas.
   - Existing coulees and identified detention ponds are not assessed for storm water.
   - For regional storm water districts, the city assumes the cost for unannexed property, which assessment is held in abeyance when the land is subsequently annexed.
     - Factor applied to unannexed property shall coincide with the Comprehensive Land Use Plan.
   - Assessment may be seven (7) years, never to exceed thirty (30) years per N.D.C.C. 40-24-04 and 40-24-06.

7. **Watermain (Distribution)**
   - Cost allocation, whether based on parcel per unit or front footage, must be consistent for the entire district.
   - Half the cost to install 6" water main for residential or 8" for commercial is calculated and then allocated to all parcels on one side of improvement proportionately based on unit. Same is done for the other side of improvement.
     - City assumes excess cost of oversized main installation.
     - Exception is new development when the developer must pay 100%.
   - City does not subsidize new main construction.

- City may subsidize up to twenty percent (20%) for watermain replacement.
    - For regional water main, the city assumes the cost for un-annexed property which assessment is held in abeyance until un-annexed land is annexed.
- Assessment may be twenty (20) years, never to exceed thirty (30) years per N.D.C.C. 40-24-05.

**8. Sanitary Sewer Main (Collection)**

- Cost allocation, whether based on parcel per unit or front footage, must be consistent for the entire district.
- Half the cost to install 8" sewer main for residential or 10" for commercial is calculated and then allocated to all parcels on one side of improvement proportionately based on unit. Same is done for the other side of improvement.
    - City assumes excess cost of oversize main installation.
    - Exception is new development when the developer must pay 100%.
- City does not subsidize new main construction.
- City may subsidize up to twenty percent (20%) for main replacement.
    - For regional sewer main, the city assumes the cost for un-annexed property which assessment is held in abeyance until un-annexed land is annexed.
- Assessment may be twenty (20) years, never to exceed thirty (30) years per N.D.C.C. 40-24-04.

**9. Maintenance and Improvements of Property**

- Costs shall be special assessed against the property owner on which work was completed or utility service provided. In the case of maintenance such as, but not limited to, snow removal, mowing, trimming, or tree and shrub removal within the city right-of-way or easement, the full benefit shall be assigned to the property adjacent to the right-of-way or easement. N.D.C.C. 40-22 and 40-24.
- The improvements shall include but not be limited to building demolition, delinquent utility bills, curb stop repairs, tree and shrub planting, trimming or removal, mowing, boulevard and public place improvements, watering, snow removal, weed control, pest control, and decorations. N.D.C.C. 40-22 and 40-24.
- The City Council shall determine the actual cost to be assessed.
- Duration of assessment shall be for one (1) year.