

CITIZEN GUIDE

PETITIONING FOR ROAD IMPROVEMENTS TO LOCAL ACCESS ROADS IN LINN COUNTY



LINN COUNTY ROAD DEPARTMENT

3010 FERRY ST SW

ALBANY, OREGON 97322

Phone: (541) 967-3919 Fax: (541) 924-0202

roads@co.linn.or.us

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	HOW TO HAVE YOUR STREET IMPROVED BY PETITION	3
1.	How to Start	3
2.	Number of Property Owners Who Must Sign	3
3.	The Petition is Signed, Now What?	4
4.	What Type of Improvement Can be Requested?	5
5.	Design of the Street Improvements	6
6.	Cost of Road Improvements	7
7.	Improvement Costs	7
8.	After Construction is Completed, then What?	7
9.	When and How Do I Pay for this Assessment?	8
10.	How to Sign the Petition	8
III.	PETITION FORM	11
IV.	ROADWAY STANDARD DRAWING	14
V.	OREGON REVISED STATUTES (excerpt)	15

I. INTRODUCTION

This booklet was prepared to help those people who live along local access roads petition to have their road improved through the road assessment process. Local Access Roads are roads that the public has a right to use ("open to the public"), but that are not Federal or State Roads and are not "County Roads". "County Roads" are public roads that have been accepted as part of the County road system and that are maintained at county expense.

While petitioning to have a local access road improved may result in assessments to abutting property owners, there are also numerous advantages. Foremost among these is that once a local access road is improved to County standards, the road is accepted by the Linn County Commissioners as a County road. As a result, future maintenance would be done by the Linn County Road Department and not be the responsibility of abutting property owners.

Within the rural areas of Linn County are a number of major highways maintained by the State of Oregon, primarily Interstate 5 and State Highways 20, 34, 226 and 228. In addition, the County road system includes approximately 1,139 miles of road, of which roughly 115 miles are unpaved. There are also numerous local access roads (40 miles) that are not part of the County road system. As such, maintenance still remains the responsibility of abutting property owners. These local access roads are usually short, gravel roads in pre-existing rural subdivisions.

State Law prohibits use of gas tax money to improve or maintain roads not part of the County road system. Gas tax monies cannot be used for improving or maintaining local access roads. At the present time, local access roads are being accepted into the County road system as County roads only if they have been approved to County standards.

Proceedings to improve an existing dedicated local access road in an unincorporated area can be initiated two ways. The Board of Commissioners may adopt an appropriate resolution, or a petition can be submitted by local property owners. A petition must be signed by no fewer than 60% of the adjacent property owners. Collectively, the ownership of the petition signers must represent at least 60% of the land frontage abutting the proposed improvement. When completed, the petition is submitted to the Linn County Road Department. If the petition appears complete and correct after review by the Road Department, it will be forwarded to the Linn County Board of Commissioners for their consideration.

II. HOW TO HAVE YOUR ROAD IMPROVED BY PETITION

1. How to Start

The first thing to do is to talk with your neighbors who live along the road or street you wish improved. A genuine interest must be shown by most of the property owners living along this road or street before proceeding with the petition.

2. Number of Property Owners Who Must Sign

State law requires that 60% of the property owners, representing at least 60% of the property frontage along the road or street proposed to be improved, must sign the petition (a sample petition is included in this booklet). Remember, this means property owners. If you have a deed or contract that is recorded in the office of the County Recorder, then you are recognized as the legal owner and you may sign the petition. If you or one of your neighbors holds an un-recorded contract or deed to the property, then you are not eligible to sign the petition or to object to it. It is recommended that you have your deed or contract recorded at the County Recorder's office. If more than one person is the recorded owner of any piece of property, ALL recorded owners must sign the petition.

All persons interested in the improvement of a road or street should carefully read all of the instructions. It is important that each property owner have a thorough understanding of both the statutory requirements and the procedures to be followed.

In order to have the improvement included in the next year's construction program, the properly signed petition should be turned into the Road Department no later than September 30. This is necessary because time is needed for all proposed projects to be properly surveyed and designed, hearings held, contract documents prepared and bids received prior to the beginning of the next construction season.

NOTE: The petitioner should thoroughly understand the petition before signing. If he or she decides to proceed with the circulation and submittal of the petition, it is important to completely and accurately fill out all the information requested. The signing of this petition means that, if the improvement is authorized, the work will be done and the costs will be assessed to the adjacent property owners. You are strongly encouraged to talk to the Linn County Road Department throughout the process.

3. The Petition is Signed, Now What?

- a. First, bring or mail your completed petition to the Road Department. Staff will review it to make certain that the required signatures, representing the minimum percentage of roadway frontage and ownerships, are present on the petition. A map showing the boundary of the properties within the proposed improvement district and showing the tax lot numbers for these properties, must accompany the petition. You can obtain maps with tax lot numbers of your area from the County Assessor's office, located on the second floor of the courthouse, 967-3808.
- b. If the petition is found to be satisfactory, the Road Department will file it with the County Clerk's office and will also refer it to the Board of Commissioners. The petition will be accompanied by a staff report, stating that the signature requirements of the law have been met. The staff report will normally recommend authorization of further investigation of the proposed project for feasibility and surveys to be performed. This will allow the Road Department to estimate the cost of the improvement.
- c. Upon authorization by the Board of Commissioners, the Road Department will have the road or street surveyed, prepare a feasibility report, an estimate of cost for construction and a recommendation as to the method of allocating costs between the property owners. The estimate of cost, feasibility report and recommendation along with a list of all the property owners and the respective frontage, will then be transmitted to the Board of Commissioners.
- d. If the feasibility report submitted by the County Engineer is favorable, the Board of Commissioners will have notices mailed to the owner(s) of each parcel of land to be assessed for the proposed improvement. The letters will state the estimated total cost of the improvement and the estimated amount of the assessment that will be charged to each property. The property owner has 20 days after the mailing to file, in writing, objections to the construction of the proposed improvement. A public hearing will be held at the end of the 20 day remonstrance period where all parties wishing to speak will be afforded the opportunity.
- e. If more than 50% of the property owners, representing more than 50% of the total amount of the estimated assessments, object in writing within the 20-day period, the improvement project will automatically be denied. By statute, at least one year must elapse before a new petition for improvement can be considered.

- f. If a majority of the property owners representing more than 50% of the total amount of the estimated assessments are in favor of the proposed improvement, then the Board of Commissioners will order the work done and a schedule set for the work.
- g. The construction work will normally be performed by private contractors through a competitive bid process.

4. What Type of Improvement Can be Requested?

- a. You will notice on the second page of the petition form, a choice of (1) standard 22 foot asphalt concrete paving width; and, (2) standard 22 feet 0-9 oil mat paving width (see attached standard drawing). Other widths require approval of the Road Department.
 - 1. Linn County uses a 22 foot asphalt concrete standard paving width. This section is ordinarily used for construction of roads within unincorporated areas that are classified as local or residential streets.
 - 2. Linn County also provides an alternate 22 foot 0-9 oil mat paving. The 0-9 oil mat surfacing is a less expensive alternative to the 22 foot asphalt concrete section. The 0-9 mat surface is a mixture of various sizes of rock and liquid asphalt placed on a prepared road surface. The 0-9 oil mat surface is not permitted within new subdivisions. This surface can only be used on roads where the average daily traffic (ADT), both current and projected 20 years ahead, will be less than 250 vehicles per day.
- b. The Board of Commissioners has final approval of the roadway standard requested by petitioners.
- c. For a paved local access road to be accepted in the County system under ORS 368.041, the minimum right-of-way widths must be 50 feet (60 feet is desired). If existing width is below these standards, property owners may be required to donate property to meet the minimum right-of-way widths.
- d. The improvement project must have well defined logical beginning and ending points. An example is an intersection with an existing paved road.

5. Design of the Street Improvements

- a. Road and Street Drainage - All engineering, including establishment of centerlines and grades, will be done by the Linn County Road Department. It is the policy of the Road Department to design finished centerline grades that will benefit the majority of the properties involved, provide proper street or road drainage and match other adjacent streets or roads. In general, we try to provide grades and drainage systems that allow all of the adjacent properties to drain toward the road. However, in localities where this is impossible, it may be necessary for some adjacent properties to be below the street or road grade. We urge you to inspect the plans and design of the street or road system so that you may be aware of the effects upon your property.

If an individual property owner is not satisfied with the road design or cost, he or she has the right to remonstrate against the improvement. All affected property owners should be aware that conditions along the street or road will undoubtedly change as a result of the construction. When existing roadbeds are widened, there will probably be a change in grade and the abutting land may be left higher or lower, in relation to the roadway, than it is at present. In addition, the drainage patterns may be altered. The Road Department would be happy to furnish a list of recently constructed county roads to help familiarize individuals with what road construction projects look like when completed.

- b. Driveways - Existing driveways shall be reconstructed only as necessary to provide for reasonable access to the property and a smooth transition between the new and existing driveway, unless a more extensive structure has been approved in writing by the County Engineer prior to opening of bids. Additional driveway reconstruction must be requested in writing by the petitioners when the petition is submitted to the Road Department.

Where existing driveways have a gravel or light bituminous surface, the new driveway connection will be gravel only. Where the existing driveway has a permanent pavement (asphalt concrete or portland cement) the new driveway connection will be paved with asphalt concrete.

6. Cost of Road Improvements

County contract documents for road construction projects normally include the following bid items:

- a. Clearing and grubbing
- b. Excavation and/or embankment (fill)
- c. Base rock
- d. Asphalt concrete pavement or 0-9 oil mat
- e. Concrete pipe
- f. Mail box supports
- g. Other items as required

The cost of road improvement projects vary according to conditions, amount and relative difficulty of the work. Engineering and administration costs are normally about 15% of the project cost. Increasing costs of materials, labor and equipment affect the cost of road improvements in Linn County just as with most other products and services which we buy.

7. Improvement Costs

- a. Under the present policy, the County will not participate in the funding. The Board of Commissioners will accept the road into the County road system for future road maintenance once the road is brought up to county standards. This policy includes all types of road improvements discussed herein.

8. After Construction is Completed, then What?

- a. After completion of the entire project, the County Engineer will report the total cost of the project to the Board of Commissioners. This cost will include the amount paid to the contractor and any other construction costs incurred, plus up to 15% of the above items to cover engineering and administration. The final assessment therefore equals the construction cost, plus up to 15% engineering and administrative costs.
- b. A final hearing is required by ORS 371.645 before the Board of Commissioners. Here the County Engineer will report these costs to the Board of Commissioners and certify that the road improvements have been done in accordance with the plans and specifications.

9. When and How Do I Pay for this Assessment?

- a. After the final costs are determined for the improvement, the Board of Commissioners will inform the County Clerk and County Treasurer that the assessments are due and payable to Linn County. Lien docketing will be made up for each individual parcel of property and notices will be sent to the respective owners.
- b. The property owner may elect to pay the entire amount in cash; extend payments equally over a period of not to exceed 30 years; or according to such other terms as the Linn County Board of Commissioners may provide.
- c. The interest rate will be established by the Board of Commissioners and will be based on the interest rate the county currently receives on its investments.
- d. Oregon Law (ORS 311.702 to 311.735) allows home-owners aged 62 or over to defer payments on bonded assessments on their principal dwelling. The assessments must be paid, with interest, when the owner moves to another home, dies or sells the property. More information can be obtained from the Oregon Department of Revenue, State Office Building, Salem, Oregon 97310 (Phone 371-2244).

10. How to Sign the Petition

Don't forget that if two or more people own the property jointly, all must sign the petition. If the signer is a sole owner, he or she should indicate this on the petition. Under the **Address of the Petitioner**, list the place where you are currently living. Check whether the property belongs to a sole owner or a joint ownership. Joint owners, if married, should check the husband and wife space. If they are not married, check partnership. A married person may be the sole owner, if the deed so states.

Under joint ownership, **each owner must state what percentage of the property he or she owns.**

- a. If you are the sole legal owner (whether married or single), you should sign the petition as the sole owner (see Example "A"). However, if you and another person, such as your spouse, both own the property, then your spouse must sign (see Example "B").
- b. If you and one or more persons own the property together, then each of you must sign the petition. Each owner must state his or her respective share of ownership (see Example "C").

EXAMPLE "A"

(Sole Owner)

2300

(Tax Lot No.)

Sole Owner

Husband & Wife

Partnership

John J. Doe

(Owner #1 Name)

John J. Doe

(Signature)

1234 Wrong Wy

(Address)

Albany, OR 97321

(City/State/Zip)

(541) 926-1234

(Phone)

(Owner #2 Name)

(Signature)

(Address)

(City/State/Zip)

(Phone)

EXAMPLE "B"

(Husband & Wife)

2300

(Tax Lot No.)

Sole Owner

Husband & Wife

Partnership

John J. Doe

(Owner #1 Name)

John J. Doe

(Signature)

1234 Wrong Wy

(Address)

Albany, OR 97321

(City/State/Zip)

(541) 926-1234

(Phone)

Janet C. Doe

(Owner #2 Name)

Janet C. Doe

(Signature)

(Address)

(City/State/Zip)

(Phone)

EXAMPLE "C"

(Partnership)

2300

(Tax Lot No.)

Sole Owner

Husband & Wife

Partnership

John J. Doe

(Owner #1 Name)

John J. Doe

(Signature)

1234 Wrong Wy

(Address)

Albany, OR 97321

(City/State/Zip)

(541) 926-1234

(Phone)

Robert G. Jones

(Owner #2 Name)

Robert G. Jones

(Signature)

3388 Winston St.

(Address)

Santa Monica, CA 81123

(City/State/Zip)

(452) 986-1134

(Phone)

The foregoing information should answer most of the questions that may arise concerning street and road improvements. Please feel free to contact the Linn County Roadmaster or the County Engineer @ (541) 967-3919) if you have any questions or comments.

Thank you

(Petition and signature sheets follow for your use)

PETITION FOR THE IMPROVEMENT OF

(Road Name)

The Honorable Board of County Commissioners
Linn County Courthouse
PO Box 100
Albany, Oregon 97321

We hereby petition the above entitled Board for an Order and all other acts and proceedings for the improvement of that certain street or road located in Linn County, Oregon, to-wit:

(Full Description of Street or Road)

- (1) That said road lies entirely in the unincorporated area of Linn County.
- (2) That said road is a platted street or is a dedicated public road. See Volume _____, Page _____, Linn County Record of Roads, Plats or Deeds.
- (3) That the signers of this petition constitute not less than 60% of the owners of property abutting on said road within the limits of the proposed improvement; and that their ownership collectively represents not less than 60% of said property.
- (4) That this petition is made pursuant to Chapter 371.605 to 371.660, inclusive, Oregon Revised Statutes and each owner of petition agrees to comply with and be bound by all provisions, terms and conditions of said Chapter, consents to the assessment against his or her respective property and ownership, subject to the right to make timely objections to such assessment as may be fixed by the County Engineer; and, after final determination of the amount of such assessment against each parcel of property and certification thereof to the County Treasurer, does agree that each assessment shall be a valid and enforceable lien against the representative properties whether or not said Chapter be hereafter held invalid in whole or in part, by any Court, or whether same be repealed by subsequent act of the State Legislature.

- (5) That the attached map shows the boundary of the properties included within the proposed improvement district and shows the tax lot numbers of these properties.

NOTE: The petitioner is urged to thoroughly understand the importance of this petition before signing and, if he or she intends to sign the petition, is further urged to fill out completely and accurately all the information requested. The signing of this petition means that, if the improvement is authorized, the work will be done. The cost will be assessed and may be paid in a lump sum after completion of the work or semi-annually, in accordance with the statutes.

We desire the improvement to be (check one):

- _____ (1) A standard 22 foot asphalt concrete section.
_____ (2) A standard 22 foot 0-9 oil mat section.

I, _____, certify that I circulated this petition and attached signature sheets and verify to the best of my knowledge that all information and signatures obtained are true and correct.

Signature

Address

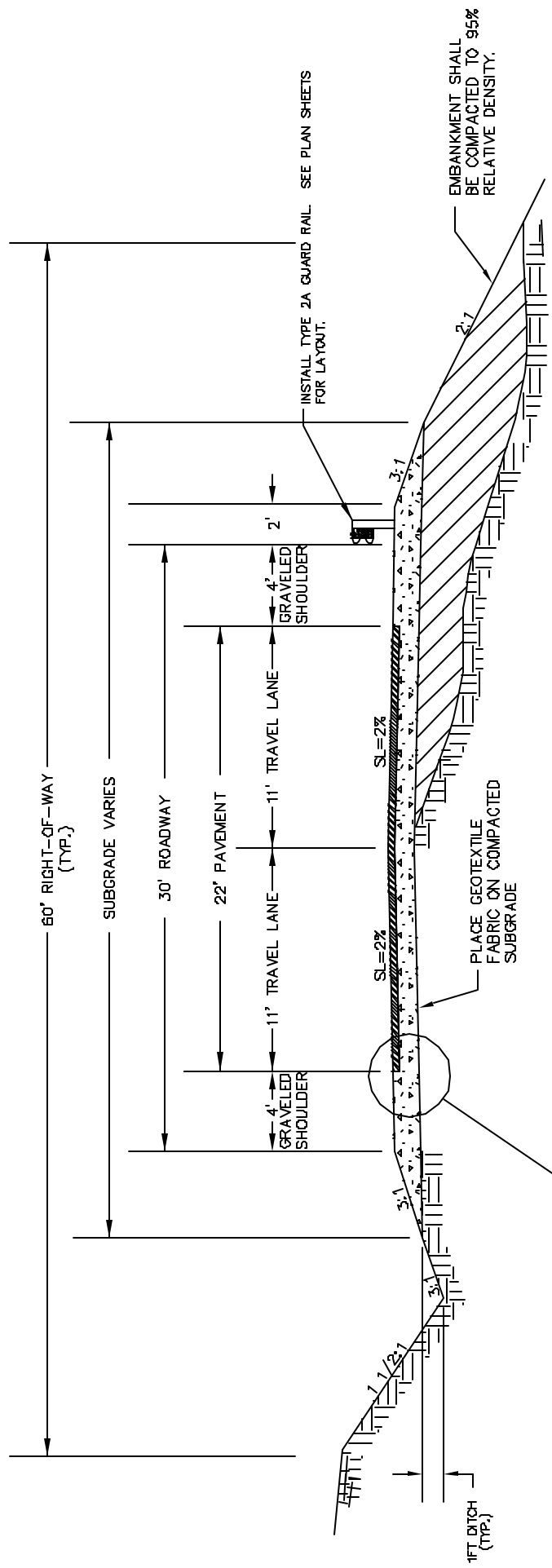
City State Zip

Phone Fax

Property Owner Signature Sheet

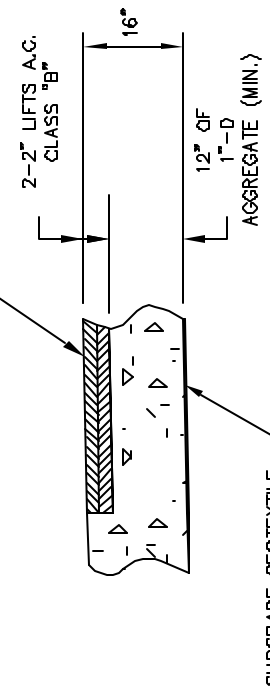
(copy as necessary)

(Tax Lot No.)	(Owner #1 Name)	(Owner #2 Name)
<input type="checkbox"/> Sole Owner	(Signature)	(Signature)
<input type="checkbox"/> Husband & Wife		
<input type="checkbox"/> Partnership		
	(Address)	(Address)
	(City/State/Zip)	(City/State/Zip)
	(Phone)	(Phone)
(Tax Lot No.)	(Owner #1 Name)	(Owner #2 Name)
<input type="checkbox"/> Sole Owner	(Signature)	(Signature)
<input type="checkbox"/> Husband & Wife		
<input type="checkbox"/> Partnership		
	(Address)	(Address)
	(City/State/Zip)	(City/State/Zip)
	(Phone)	(Phone)
(Tax Lot No.)	(Owner #1 Name)	(Owner #2 Name)
<input type="checkbox"/> Sole Owner	(Signature)	(Signature)
<input type="checkbox"/> Husband & Wife		
<input type="checkbox"/> Partnership		
	(Address)	(Address)
	(City/State/Zip)	(City/State/Zip)
	(Phone)	(Phone)
(Tax Lot No.)	(Owner #1 Name)	(Owner #2 Name)
<input type="checkbox"/> Sole Owner	(Signature)	(Signature)
<input type="checkbox"/> Husband & Wife		
<input type="checkbox"/> Partnership		
	(Address)	(Address)
	(City/State/Zip)	(City/State/Zip)
	(Phone)	(Phone)



NOTES:

- ① PAVEMENT SHALL BE ASPHALT CONCRETE CLASS "B" OR 3 SHOT OIL MAT.
- ② BASE ROCK SHALL BE 1"-0 CRUSHED AGGREGATE. TOP 3 INCHES OF BASE MAY BE 3/4"-0 CRUSHED AGGREGATE. AGGREGATE SHALL BE COMPACTED TO 95% RELATIVE DENSITY. DEPTH VARIES DEPENDING ON SOIL & TRAFFIC CONDITIONS.
- ③ SLOPES SHOWN ARE TYPICAL AND MAY VARY DEPENDING ON ACTUAL FIELD CONDITIONS ENCOUNTERED.
- ④ WIDEN SUBGRADE SHOULDER 2FT FOR GUARD RAIL INSTALLATIONS.



SUBGRADE GEOTEXTILE FABRIC IS TO EXTEND 12FT FROM CENTER LINE ON BOTH TRAVEL LANES

LINN COUNTY ENGINEER'S OFFICE

TYPICAL SECTION
RURAL LOCAL ROAD

JOHN FERRY STREET SW
ALBANY, OREGON 97321

DRAWING NO.: STD111P-SEC101C

DATE: 09/00

DESIGNED BY: D.P.W.

SHEET: 51-001

HOPE SCALE: NONE

VERT. SCALE: NONE

EXCERPT FROM OREGON REVISED STATUES

CHAPTER 371 - SECTIONS 605 to 660

IMPROVEMENTS OF STREETS AND ROADS IN UNINCORPORATED AREAS

371.605 - Definitions for ORS 371.605 to 371.660

As used in ORS 371.605 to 371.660 unless the context requires otherwise:

- (1) "Owner" means a vendee under a recorded land contract or if there is no such contract, the holder of the record title, which vendee or holder has a present interest equal to or greater than a life estate.
- (2) "Engineer" means the County Engineer, Roadmaster, Surveyor or other engineer selected by the County Court.
- (3) "Improvement" means and includes:
 - a. Surveying, clearing, draining, grading, paving, surfacing and constructing roads, streets, curbs or sidewalks within the right-of-way of a county road., dedicated public road or platted street; or
 - b. Installing, constructing, reconstructing, improving, extending or repairing lateral sewers, street mains, sewage disposal systems or similar facilities and other facilities incidental thereto, within the right-of-way of a county road, dedicated public road, platted street or easement.
- (4) "Sidewalk" means a public way primarily intended for the use of pedestrians within the right-of-way of a county road, dedicated public road or platted street. (Amended by 1955 c.773 s1; 1973 c.461 s1; 1975 c.738 s2)

371.610 - Application of ORS 371.605 to 371.660

- (1) ORS 371.605 to 371.660 do not apply to any State Highway.
- (2) The County Court may designate any road or street improved under ORS 371.605 to 371.660 as a county road without invalidating the assessments levied for the purpose of the improvements. (Amended by 1955 c.773 s2; 1959 c.656 s1)

371.615 - Petition or resolution for improvements of roads in unincorporated areas.

Proceedings to improve a platted street, dedicated public road or county road in an unincorporated area may be initiated by the County Court by resolution or by a petition signed by not less than 60% of the owners of the land representing not less than 60% of the land abutting on the proposed improvement and presented to the County Court praying for the improvement. The resolution or petition shall describe the road, street, curbs or sidewalk to be improved or constructed, designating where the improvement shall be made and defining the nature of the improvement desired. (Amended by 1955 c.773 s3; 1961 c.432 s1; 1971 c.327 s1)

371.620 - Signers of petition and object in event of contingencies.

In case of tenants by the entireties, joint tenants or tenants in common, the parcel of land is considered as having one owner, which owner shall be deemed to have signed the petition provided for in ORS 371.615 or the objection provided for in ORS 371.630 only if every cotenant of the parcel has signed.

371.625 - Investigation and estimation of cost of improvement by engineer.

When the resolution is adopted or the petition is filed with it, the County Court shall refer the resolution or petition to the Engineer, who shall investigate the proposed improvement. If in his judgment the improvement is feasible, the Engineer shall make an estimate of the cost of the improvement and report the same to the County Court. If the improvement is to be paid for in whole or in part by special assessments against property benefitted by the improvement, the Engineer shall include in his report:

- (1) A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefitted;
- (2) The description and assessed value of each lot, parcel of land or portion thereof, to be specially benefitted by the improvement, with the names of the recorded owners thereof; and
- (3) Where the improvement petitioned for includes the construction and installation of lateral sewers, street mains or similar facilities, a separate statement of the estimated cost of the construction and installation of lateral sewers, street mains or similar facilities. (Amended by 1971 c.327 s2; 1973 c.461 s2)

371.630 - Notice to owner of engineer's report; filing objections.

- (1) If the Engineer makes a favorable report on the proposed improvement, the County Court shall mail to the owner of each parcel of land favorable report, the estimated cost of the improvement and the estimated amount of the assessment against his land. Notice shall require the owner to file with the County Court within 20 days after the mailing of the notice, his written objection, if any, to the further prosecution of the improvement.

- (2) If objections are received by the County Court signed by more than 50% of the owners of land representing more than 50% of the total amount of the assessment for the proposed improvement, the proposed improvement shall, by order of the court, be declared abandoned and no new petition may be filed and no new resolution may be adopted for the improvement within a period of one year after the date of the order. (Amended by 1955 c.773 s4; 1971 c.327 s3)

371.635 - Court order for improvement; recording; vacation of order and removal of lien.

- (1) If the number of objections mentioned in ORS 371.630 is not received, the County Court may, by order describing the land to be assessed, direct the improvement to be made by contract, or by force account. If by contract, it shall be awarded in the same manner as provided for other contracted county road improvement.
- (2) The County Court shall record the order for the improvement with the County Clerk. The recorded order is notice that the land described in the order is subject to a lien of an assessment for the cost of the improvement, in an amount to be determined later by an order of the County Court. The County Clerk shall endorse upon the order the date of the filing thereof, and shall record and index the same in a lien docket in the office of the County Clerk.
- (3) If the proposed improvement described in the order of the County Court is not commenced within two years after the order for the improvement is recorded, the County Court may, by a new order, vacate its former order for the proposed improvement. The County Court shall record with the County Clerk the order vacating the former order for the proposed improvement. Thereupon the land described shall be free of such lien and the effect of the former order. The County Clerk shall endorse upon the new order the date of the filing thereof, and shall record and index the same in the lien docket referred to in subsection (2) of this section. (Amended by 1955 c.549 s1; 1955 c.773 s5; 1971 c.327 s4)

371.640 - Engineer to compile improvement cost; source of payment; reimbursement of source; additional work.

- (1) After the improvement has been made, inspected by the Engineer and accepted by the County Court, the Engineer shall compile the total cost of the improvement. He may add up to 15% of the total cost for engineering and administration. Where the improvement includes the construction and installation of lateral sewers, street mains or similar facilities, the Engineer shall separately compile the total costs of those improvements.
- (2) Payment of the cost of the improvement other than for the construction and installation of lateral sewers and street mains or similar facilities shall be made from the general road funds or from any funds available for the construction or improvement of county roads. Payment of the cost of construction and installation of lateral sewers, street mains or similar facilities shall be made from any funds available to the county for such improvements.

- (3) The funds expended for the improvement shall be reimbursed or the improvement warrants shall be retired to the extent of the proceeds of an assessment against the land benefited by the improvement, but no assessment shall be made against any operating railroad right-of-way without the consent of the owner thereof. Each landowner shall be assessed a portion of the cost of the improvement corresponding to the relative benefit to the land of the landowner from the improvement.
- (4) All the cost of improvements within intersections connected with any improvement under ORS 371.605 to 371.660 may be borne by the county.
- (5) Unless notified to the contrary by the owner prior to the acceptance of bids for improvements under ORS 371.605 to 371.660, an existing driveway shall be reconstructed to the property line to conform with the new grade. Additional driveways or other road connections, including retaining walls, may be constructed simultaneously with the improvements, when a written request is filed with the County Court prior to the acceptance of bids by the affected abutting landowners. The cost of the driveway and all requested work shall be charged to the abutting owner and added to the assessment against the land of the owner. (Amended by 1953 c.573 s2; 1955 c.773 s6; 1961 c.432 s2; 1971 c.327 s5; 1973 c.461 s3; 1987 c.615 s4)

371.642 - Allocation of costs of sidewalk or curb construction and other improvements.

Notwithstanding any provision to the contrary in ORS 371.605 to 371.660, the cost of construction of sidewalks under those sections shall be assessed in proportion to the front footage of the land or otherwise, as provided in those sections, to the owners of land abutting on the side of the street or road on which the sidewalks are constructed and fronting on such sidewalks. The cost of construction of all other improvements under those sections shall be assessed, in the manner provided in those sections, to the owners of land benefited by the improvement. (1955 c.773 s12; 1971 c.327 s6)

371.645 - Engineer to ascertain assessment; hearing on objections; court order.

- (1) The Engineer shall ascertain the amount of the assessment against each parcel of land assessed for the improvement and report the same to the County Court.
- (2) The County Court by order shall thereupon set the time, not less than 10 days after the filing of the report, and place for a hearing of objections to the assessments as fixed in the report of the Engineer.
- (3) Not less than five days prior to the date of the hearing, the County Court shall mail to the owner of each parcel of land proposed to be assessed, at his address as shown on the petition or on the latest tax roll of the County, a written notice of the time and place for the hearing of objections and of the amount of the proposed assessment against the land of the owner.
- (4) After hearing the objections, the County Court shall by order find and determine from the evidence submitted the amount of assessment against each individual parcel of land. (Amended by 1955 c.773 s7; 1971 c.327 s7)

371.650 - Certification of assessment; recording order; lien.

- (1) The County Court shall certify a list and description of the ownership, stating the amount of assessment against each individual parcel of land, and shall record the order with the County Clerk, who shall endorse thereon the date of the filing thereof and record and index it in the lien docket referred to in ORS 371.635(2).
- (2) The assessments and interest are a lien upon the land against which the same are assessed from the date of the filing with the County Clerk of the order of the County Court for the improvement, as provided in ORS 371.635. Each parcel of land is deemed to be benefited by the improvement to the full amount of the assessment levied thereon. No transfer, sale or division of any such parcel, or change in the legal description thereof, in any way divests the lien from the original parcel and the whole thereof. Failing to enter the name of the owner or a mistake in the name of the owner does not in any way render void any assessment and does not in any way affect the lien on the land described. The lien has priority over all other liens and encumbrances whatsoever, except tax liens.
- (3) Upon payment of the assessment in full, the County Court shall satisfy the same by a notation in the lien docket referred to in ORS 371.635(2), and the parcel of land charged with such assessment is thereby discharged from the lien. (Amended by 1955 c.773 s8; 1959 c.656 s2)

371.655 - When assessment due, payable and delinquent; interest; by whom collected.

- (1) Except as provided in subsection (2) of this section, 30 days after the assessment is certified, the entire amount against each parcel of land shall be due and payable at the office designated by the governing body of the county and, if not so paid, shall be delinquent from that date and shall bear interest at a rate per annum established by the governing body of the County until paid. (Amended by 1981 c.322 s8)
- (2) The owner of property assessed under ORS 371.605 to 371.660 shall have the right to apply for installment payment of his assessment as provided in ORS 223.210.
- (3) The provisions of ORS 223.205 to 223.295 (Bancroft Bonding Act) and 223.770 relating to the assessment of property benefited by public improvements and to the issuance of bonds and other obligations for the cost of such improvements and the provisions of ORS 287.502 to 287.510 relating to the issuance of improvement warrants by cities, shall apply in so far as practicable and applicable in relation to the assessment by counties of the cost or any portion of the cost of improvements against the property benefited in accordance with ORS 371.605 to 371.660 and to the issuance of bonds and other obligations by the county. However, notwithstanding the provisions of ORS 223.295, in issuing bonds and other obligations under the provisions of this section, a county may incur indebtedness to an amount not exceeding .0375 of the latest true cash valuation of the county.

- (4) Where, in ORS 223.205 to 223.295, 223.770 and 287.502 to 287.515, officials of cities are referred to, the corresponding officials of counties where applicable and unless otherwise designated, charter shall perform the required functions. The duties required of the common council, board of trustees, or other governing body of a city shall be performed as to this section by the governing body of the county. The duties required of the auditor, clerk or other officer charged with keeping the records of a city shall be performed as to this section by the County Clerk. The duties required of the mayor or other executive head of a city shall be performed as to this section by the chairman of the governing body of the county. The duties of the city treasurer shall be performed as to this section by the county treasurer. (Amended by 1955 c.773 s9; 1959 c.656 s3; 1961 c.432 s3; 1963 c.545 s1; 1965 c.227 s1; 1971 c.325 s3; 1981 c.322 s8)

371.660 - Delinquent list; execution and sale.

- (1) One year from the date an assessment for improvements under ORS 371.605 to 371.660 is delinquent, or, in case the assessment has been spread in semi-annual installments, one year from the date any semi-annual installment of the assessment is delinquent, the County Court shall prepare a delinquent list of all assessments not wholly paid. The list shall contain a description of the land, the name of the person to whom assessed and the amount of the assessment and interest due.
- (2) The County Court shall transmit the list to the County Clerk, who shall issue a writ of execution thereon, directed to the County Court.
- (3) The County Court shall proceed to collect the unpaid assessments named in the list by advertising and selling each parcel of land in the manner provided by law for the sale of real property on execution, but no parcel shall be sold for a sum less than the amount of the unpaid assessment plus interest thereon and the cost of advertising and sale. (Amended by 1955 c.773 s10; 1959 c.656 s4, 1961 c.432 s4)