

**WARREN COUNTY
ROADS IMPROVEMENT PROGRAM
POLICIES AND PROCEDURES**

I. PURPOSE AND AUTHORITY

The purpose of the Roads Improvement Program is to assist property owners with making improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of Warren County.

The procedures in this policy are in accordance with and follow the guidelines set forth in Article 9A. Special Assessments for Critical Infrastructure Needs, NC General Statutes 153A-210.1 through 153A-210.7, and Session Law 2015-121, Senate Bill 284.

II. REQUIREMENTS TO QUALIFY FOR ASSESSMENT

201. A petition requesting Warren County to make certain improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of the County to be financed by imposing a special assessment against benefited property must be signed by property owners representing at least 66% of the assessed value of all real property to be assessed in the subdivision.

III. ASSESSMENT PROVISIONS

301. Depending upon funding availability, Warren County may finance up to 100% of the cost of road improvements made to non-state-maintained roads in private subdivisions in the unincorporated areas of the County.
302. The assessment may be set and property owners charged for the actual cost of engineering design, construction and construction administration connected with the road improvements.
303. An administration fee may be charged by Warren County as part of the total project cost. This fee would cover the cost of legal ads advertising the public hearing as well as notifying property owners, staff and legal assistance time.
304. The cost of the project shall be assigned to the property owners in one of the following methods to be determined at the outset of the project:
1. equal rate per lot, or
 2. per foot of street frontage.

IV. PROCEDURE FOR SPECIAL ASSESSMENT FOR ROAD IMPROVEMENTS

401. SUBMISSION OF PETITION

401.1 Benefited property owners shall submit a petition requesting the County's participation in funding improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of the County. This petition shall be signed by:

1) a majority of the owners of real property to be assessed; and 2) owners who represent at least sixty-six (66%) of the assessed value of all real property to be assessed. (See GS 153A-210.3(a) for the methodology to determine whether the petition has been signed by a majority of owners.

401.2 Verification of the property owners along the road shall be made from the files of the Warren County Tax Office. Signatures of others (renters, etc.) not listed as a property owner shall be considered invalid signatures.

401.3 The following information shall accompany the petition:

1. List of names and addresses of property owners along the road;
2. Map of road(s) in question indicating lot ownership; and
3. List of property owners agreeing to be assessed.

401.4 County staff shall have 30 days following the submission of the petition to verify the petition. Upon completion of that time period and certification that the petition is valid, and if funds are available, staff will prepare the preliminary assessment resolution for consideration by the Board of County Commissioners at the next regular meeting following the current agenda procedures.

Should it be determined the petition is valid; however, no funds are available in the Roads Improvement Program, the petition will be date stamped and kept on file in order of receipt until such time as funds become available.

402. PRELIMINARY ASSESSMENT RESOLUTION

402.1 The following items shall be included in the Preliminary Assessment Resolution:

1. A statement of intent to undertake the project;
2. A general description of the nature and location of the project;
3. A statement as to the proposed basis for making the assessments(i.e. lot, frontage);
4. A statement as to the percentage of cost of the work that will be assessed;
5. A statement of estimated project cost;
6. A statement as to which, if any, assessments shall be held in abeyance and for how long;
7. The estimated cost of the project and the amount of the cost to be derived from each financing source, i.e.:
 - a) Revenue bonds issued under G.S. 153A-210.6;
 - b) Project development financing debt instruments issued under the NC Project Development Financing Act, Article 6 of Chapter 159 of the General Statutes;
 - c) General obligation bonds issued under the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes; or

- d) General revenues.
8. A statement as to the proposed terms of payment of the assessment;
9. An order setting the time and place for a public hearing on all matters covered by the Preliminary Assessment Resolution. (The public hearing will not be earlier than three weeks nor later than ten weeks from the date of the adoption of the Preliminary Assessment Resolution.)

403. FINAL ASSESSMENT RESOLUTION

403.1 Notice of Hearing

The Clerk to the Board of County Commissioners shall duly advertise the public hearing by the following methods:

1. A notice must be published in the local newspaper at least ten (10) days before the Public Hearing is to be held providing the facts of the Preliminary Assessment Resolution and the date, time and location of the Public Hearing.
2. A copy of the Preliminary Assessment Resolution must be mailed by first class mail to each property owner who will benefit from the road improvements at least 10 days prior to the Public Hearing. A certified statement must be filed with the Board of County Commissioners that each property owner has been mailed a copy of the Resolution along with the date mailed.

403.2 After the public hearing is held, the Board of County Commissioners shall vote to consider the adoption of the Final Assessment Resolution. If the Board decides that a different percentage of cost to be assessed or that the scope of the project should be lesser or greater than described in the Preliminary Assessment Resolution, it shall adopt and advertise a new Preliminary Assessment Resolution.

403.3 The Final Assessment Resolution shall include:

1. The basis upon which the assessments will be made, together with a general description of the boundaries of the benefited area;
2. The percentage of the cost of work to be assessed;
3. The financing source(s) to be used by the County to fund the improvements;
4. The terms of payment, including the conditions, if any, under which assessments are to be held in abeyance.

403.4 The Final Assessment Resolution shall not be different from the Preliminary Assessment Resolution.

404. PROJECT CONSTRUCTION

404.1 Upon adoption of the Final Assessment Resolution and confirmation that sufficient funds are available in the Roads Improvement Program, the County shall commence with the project. The County shall follow the proscribed bid procedures in the NC General Statutes to secure a contractor to make the necessary improvements.

404.2 Upon completion of all improvements, staff will prepare a summary of the total project costs, including but not limited to: engineering design, construction expenses, staff and legal expenses, surveying expenses, and other related expenses.

404.3 Once the final project costs are determined and approved by the Board of County Commissioners, the Preliminary Assessment Roll may be prepared.

405. PRELIMINARY ASSESSMENT ROLL

405.1 The Preliminary Assessment Roll shall be prepared and presented to the Board of County Commissioners for consideration and approval. The Preliminary Assessment Roll shall contain:

1. A brief description of each lot, parcel or tract to be assessed;
2. The basis for assessment;
3. Terms of payment;
4. The amount assessed against each property owner;
5. A map of the project showing each lot, parcel or tract assessed;
6. The name of property owners as verified by the County tax records; and
7. An order setting the time and place for a public hearing for consideration of the Final Assessment Roll.

405.2 Upon approval of the Preliminary Assessment Roll, it shall be placed on file in the office of the Clerk to the Board of County Commissioners and open for public inspection. The Preliminary Assessment Roll will also set a time for a public hearing for consideration of the Final Assessment Roll.

406. PUBLIC HEARING AND FINAL ASSESSMENT ROLL

406.1 Notice of Hearing

The Clerk to the Board of County Commissioners shall duly advertise the public hearing by the following methods:

1. A notice must be published in the local newspaper that a Preliminary Assessment Roll has been adopted noting that the roll is on file in the Clerk's office and open for public inspection and also give the date, time and place for the public hearing, this shall be published at least 10 days prior to the hearing date;
2. Mail (by first class mail) a copy of the Preliminary Assessment Roll to each property owner listed on the roll. This notice shall include: the time, date and place of the public hearing; a note that the roll is on file in the Clerk's office; and state the amount (as shown on the roll) of the assessment against each property owner. This mailing shall be completed at least 10 days prior to the hearing.

The Clerk shall file with the Board of County Commissioners a certified statement confirming the notices were mailed to the property owners indicating the date which the notices were mailed and the date of the publication.

406.2 Public Hearing

At the public hearing, the Board of County Commissioners shall hear from all interested persons in the matter. The hearing will operate in accordance with the Board's policy for holding public hearings. At or after the hearing, the Board shall annul, modify or confirm the assessments in whole or part, either by:

1. Confirming the preliminary assessments against each lot, parcel or tract of land described in the assessment roll; or,
2. Canceling, reducing or increasing the assessments as may be proper in compliance with the basis of assessment. If a property is found to be omitted on the roll, the Board may place it on the roll and make proper assessments.

When the Board confirms the assessments for the project, the Clerk shall enter the date, hour and minute of the confirmation into the Board's minutes. From the time of confirmation, each assessment becomes a lien on the real property of the owner under priorities set out in N.C.G.S. 153A-200.

406.3 Delivery of Final Assessment Roll

After the assessment roll is confirmed, the Clerk shall send a certified copy of the Assessment Roll to the County Tax Collector for collection in the same manner as property taxes or as otherwise provided in this policy.

406.4 Publication of Final Assessment Roll

The County Tax Collector shall publish once in the local newspaper, a notice that the assessment roll has been confirmed. This notice shall be published no earlier than 20 days from the date the assessment roll is confirmed. The notice shall state:

1. The assessments may be paid without interest at any time before the expiration of a 30 day period from the date that the notice is published;
2. If the assessment is not paid within this time, all installments shall bear interest, as determined by the Board of County Commissioners.

407. PAYMENT TERMS

407.1 Full Payment of Assessment

Within thirty (30) days after publication of confirmation of the assessment roll, each property owner shall pay his full assessment, unless the Board has provided the assessments may be paid in annual installments.

407.2 Installment Payments of Assessment

If the Board allows installment payments, any portion not paid within the thirty (30) day period shall be paid in annual installments. The Board shall determine in the assessment resolution whether payments may be made by annual installments and set the number of installments which may not be more than twenty-five (25.) (See NCGS 153A-210.5)

The assessment against each benefited property shall be payable in a period not to exceed Twenty-five (25) years with the unpaid balance having an interest rate not to exceed eight (8%) per cent per annum. (See NCGS 153A-200.)

The Board may provide:

1. the first payment with interest is due on the date when property taxes are due; and one installment with interest is due on the same date in each successive year until the assessment is paid in full; or,
2. the first installment with interest is due sixty (60) days after the date the assessment roll is confirmed, and one installment with interest is due on the same day in each successive year until the assessment is paid in full.

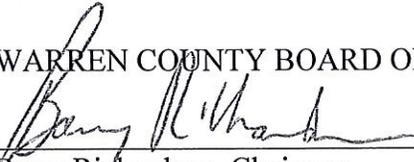
407.3 Assessment of Property Not in Single Ownership

Assessment of property in the below listed areas shall be conducted in accordance with N.C. General Statutes as outlined in each specific section:

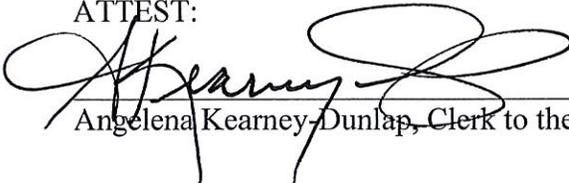
- NCGS 153A-202 Assessments on property held by tenancy for life or years.
NCGS 153A-203 Lien in favor of a contingent or a joint owner payment special assessment;
NCGS 153A-204 Apportionment of assessments.

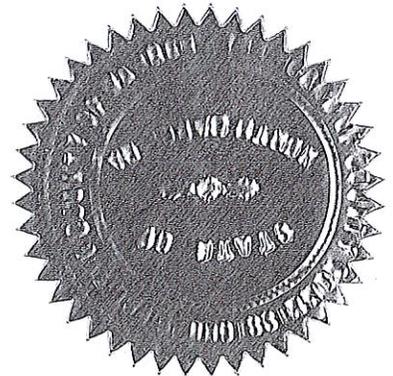
Adopted this the 2nd day of May, 2016.

WARREN COUNTY BOARD OF COMMISSIONERS


Barry Richardson, Chairman

ATTEST:


Angelena Kearney-Dunlap, Clerk to the Board



WARREN COUNTY ROADS IMPROVEMENT PROGRAM

PETITION

FOR IMPROVEMENT OF PRIVATE SUBDIVISION ROADS

Date: _____

Subdivision Name: _____ Township: _____

Contact Person: _____
Name Telephone Number(s)

PLEASE ATTACH ONE (1) COPY OF THE RECORDED SUBDIVISION PLAT TO THIS PETITION

We the undersigned, being property owners in the subdivision named above that is located in Warren County do hereby request the County to make improvements to the roads located in our subdivision in accordance with the guidelines of the Warren County Roads Improvement Program Policies and Procedures and the adopted Minimum Road Specifications for Private Subdivisions.

We understand and agree that the total cost of the road improvements will be assessed to the property owners in our subdivision. Each property owner has indicated his/her understanding of the assessment requirements by signing the attached list of property owners agreeing to be assessed.

We also confirm our understanding that after the roads are improved in our subdivision, we the undersigned property owners will be fully responsible for the upkeep and maintenance of said roads and that Warren County will have no further involvement or responsibility for their upkeep or maintenance.

We advise that the roads requested to be improved are _____ mile(s) in length, and at the present time there are _____ occupied homes located along the roads and having entrances into the roads. We also advise there are _____ (indicate number) public school buses for exceptional children and _____ (indicate number) transportation service providers for the disabled and elderly that traverse the roads in our subdivision. There is/is not (circle one response) mail and parcel post delivery at individual homes in our subdivision. We have/do not have (circle one response) a designated Road Oversight Person for road maintenance in our subdivision.

NAME

MAILING ADDRESS

TELEPHONE NUMBER
