

# CROW WING COUNTY - FIRST ASSESSMENT DISTRICT (FAD)

## Policy and Procedure for Requesting Existing Gravel Town Roads to be Improved to a Bituminous Surface

Adopted by Crow Wing County Board of Commissioners – October 11, 2016

### Background

On June 20, 2014, the Crow Wing County Board of Commissioners, acting as the First Assessment District (FAD) Town Board, adopted a policy requiring compliance with a specific set of roadway standards prior to receiving consideration for acceptance as a publicly owned and maintained roadway. Among these established standards is the requirement for all new FAD roadways to have a paved bituminous surface.

Prior to 2014, a limited number of gravel roadways were accepted for public ownership. This was allowed under the condition that future bituminous surfacing would be funded through assessments paid by the benefitting property owners. The occurrence of requests to pave these roads has been on the increase in recent years. This has created the need to clearly define the process in which property owners must follow to prepare their request for consideration. The Crow Wing County Board of Commissioners has final authority to approve requested bituminous paving projects and the associated property assessments required to fund them.

The process described below is intended to apply to those gravel roads currently under the jurisdiction of the FAD. It is not intended to address private roads seeking approval for acceptance as public roads. This procedure is described by a separate document. For assistance with these steps, contact the Crow Wing County Highway Department.

### Process – Official Petition Phase

- The property owners interested in a paving a gravel FAD road identify a single representative to act as the liaison with the County Highway Department. This person will be referred to as the **Lead Petitioner**.
- The Lead Petitioner contacts the Highway Department for help with verification that the road in question is under the jurisdiction of the FAD. Privately owned roadways, those not officially accepted for public ownership, will not receive consideration under this procedure.
- Once the road jurisdiction is verified, the Lead Petitioner provides a written request for the Highway Department to assemble a project petition form.
- The Highway Department then works with the Lead Petitioner to define the scope of the proposed project including all improvements required to meet the established FAD roadway standards.
- The Highway Department provides a written project description and project planning level cost estimate for inclusion on the property owner petition form.
- The Highway Department combines the project description and planning level cost estimate with a list of all known property owners adjacent to the proposed project. If a single entity owns multiple parcels, a signature line will be included for each distinct parcel. This is considered the **Official Petition**. This document shall include a per parcel cost estimate calculated by dividing the total project estimate by the total number of distinct parcels. The petition will also include a description of any financing options offered by the County.
- The Highway Department will mail or email a copy of the Official Petition to the Lead Petitioner. This signifies the start a **90** day time limit for the Lead Petitioner to circulate the Official Petition.

- The Lead Petitioner is solely responsible for distributing the Official Petition and gathering required signatures. Property owners who sign the petition are indicating support for the project. Those who do not sign, or cannot be reached by the Lead Petitioner, will be counted as unsupportive of the proposed project.
- During the signature collection period the Lead Petitioner can request a Highway Department representative to attend a property owner (neighborhood) meeting to describe the process and proposed project.
- After **90** days or once the Lead Petitioner has determined he/she has acquired all possible signatures, the Official Petition shall be submitted in writing to the County Engineer for evaluation. If the Official Petition is not submitted within **90** days, it shall be considered void and next attempt to distribute a petition shall not be initiated for **180** days.

### **Process – County Board of Commissioners Consideration Phase**

- Official Petitions achieving **60%** or more parcel owner's signatures **will** be forwarded to the County Board of Commissioners for consideration and placed on a future meeting agenda.
- During the County Board meeting the Commissioners will acknowledge receipt of the petition and determine how to proceed on a case by case basis. The County Board can exercise a range of options including setting a public assessment hearing, requesting more project information, requiring a larger percentage of property owner support or removing the proposed project from further consideration. **There is no petition signature percentage that automatically binds the County Board of Commissioners to take action.**
- If the County Board chooses to schedule a public assessment hearing, all adjacent property owners will be notified by mail of the date and location of the hearing. At the public hearing the County Board will allow an opportunity for each property owner to speak for or against the project and potential assessments.
- After the public hearing is closed the County Board can exercise a range of options including directing the County Engineer to design and construct the project, request more project information or removing the proposed project from further consideration. **There is no petition signature percentage that automatically binds the County Board of Commissioners to build the project.**
- Official Petitions containing less than **60%** of parcel owner's signatures **will not** be forwarded to the County Board for consideration.

### **Process – Design and Construction Phase**

- If the County Board directs the County Engineer to proceed, the County will prepare the required engineering plans and solicit project bids from prospective contractors.
- If the project's best value bid is in excess of 110% of the estimated cost communicated to property owners, the County will notify the Lead Petitioner. Prior to entering into a construction contract projected to exceed this threshold, the Lead Petitioner must provide the County Engineer written notice to proceed or to cancel the project.
- If the project's best value bid is less than 110% of the estimated cost communicated to property owners, the County will enter into a contract to have the proposed project constructed.
- The County will be responsible for design engineering, contract administration, construction engineering and initial payments to the contractor.
- Upon project completion, a final assessment role and resolution will be adopted by the County Board. This will be based on actual project costs once construction is completed.

### **Additional Information**

- The recommended assessment payback period is five years with an eight percent (8%) interest rate. This will be assessed to the adjacent owner's property taxes beginning the year after construction is complete.
- Property owners have the option to pay off the assessment at any time to avoid or decrease interest charges.
- The project estimate communicated to property owners will include the projected construction costs, plus an amount equal to eight (8%) percent of the total construction costs. This is intended to cover the expenditures incurred by the County to manage this process, complete engineering and oversee project construction.
- Future costs related to the roadway (maintenance, resurfacing, etc.) will be funded from the FAD property tax levy and not be assessed to individual property owners.