

# **Pottawattamie County Secondary Roads**

**223 South 6<sup>TH</sup> Street**

**Council Bluffs, Iowa, 51501**

**Approved  
April 19, 2022**

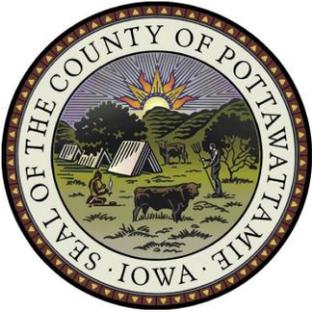
## **Road Improvement Policy**

Pottawattamie County desires to uniformly participate with property owners who seek to improve their road by petitioning for a “Secondary Road Assessment District” or a “Special Secondary Road Assessment District”. This type of petition is a proposal by property owners to pay some or all of the costs to improve a county road along their property. Petitioners should refer to Iowa Code Chapter 311 for the definitions and lawful application of these road improvement tools.

## **Procedures and Information for Petitioners:**

- 1) Interested parties must contact the Secondary Roads Department for assistance and to schedule a pre-petition meeting to identify the district and resolve questions prior to the petition being distributed.
- 2) The petition and all signature pages shall be filed with the County Engineer. The Engineer shall have the petition reviewed by the County Attorney’s Office to determine whether the petition meets legal criteria for consideration under Iowa Code Chapter 311.
- 3) Once reviewed by the County Attorney’s Office the County Engineer will place the petition on the agenda for the Board of Supervisors to consider.
- 4) Petitions must be signed by at least 50% of the parcel owners to be accepted by the Board of Supervisors. Each parcel shall be counted as having one owner, even if owned jointly, as tenants in common, under contract for purchase, or in a life estate; more than one signature may be provided for such parcels. Corporations, trusts, and partnerships require the signature of a corporate officer, trustee, or partner, respectively. Life estates require the signature of the estate holder, and not remaindermen. Signatures provided under a power of attorney must accompany a copy of the power of attorney.
- 5) A parcel under the jurisdiction of any probate court should be noted on the signature page(s).
- 6) The petition may not be withdrawn by the petitioners after acceptance for consideration by the Board of Supervisors.
- 7) Final Costs, while estimated and provided, are not apportioned until the final public hearing and may change as a result of public comment presented the initial Public Hearing. Initial estimates are subject to change during the process.
- 8) County Participation is limited to no more than 50% of the total project cost as provided for in Iowa Code Chapter 311.

Pottawattamie County in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders or consultants that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids and proposals as appropriate in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.



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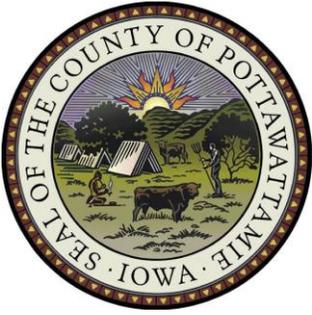
- a) Maintenance credits shall be applied against the County participation threshold prior to any other County contribution.
  - b) The County participation to be recommended by the County Engineer shall be the highest Iowa DOT traffic count divided by 1000 in any of the previous four traffic counts; but not to exceed 50% minus the maintenance credit. For example, if the vehicle count is 230 vehicles per day the County participation would be 23% of the improvement costs. The official traffic count is provided by the Iowa DOT. <https://iowadot.gov/maps/msp/traffic/2016/counties/POTTAWATTAMIE.pdf>
  - c) The petitioners may contribute a lump sum payment to encourage District participation. The Lump Sum amount shall be identified on the petition, as well as, the petitioner responsible for depositing the funds. These funds will be deposited to the Secondary Roads Fund prior to the Special Assessment District being approved. These funds will be reimbursed to the identified petitioner if the District fails to be approved.
- 9) The Secondary Road Assessment District shall terminate at a Public Road Intersection or at a Cul-de-Sac. The District cannot extend more than 1/2 mile from each side of the road and 1/2 mile beyond a Cul-de-Sac or dead-end.
- 10) The initial proposal will provide for apportionment of costs in the following manner:
- a) add the Parcel Values (before exemptions) of all parcels in the district to find the Total District Value;
  - b) divide the Total District Value by the number of parcels to obtain the Average District Value; and
  - c) divide each Parcel Value by the Average District Value to determine a valuation bracket;
  - d) divide the estimated improvement cost by the number of eligible petitioners to determine average assessment.
- Each valuation bracket will be assessed a percentage of the average assessment. The average assessment may then be adjusted to correct the data for outliers and be uniformly applied to the district.

Percentage of Average Valuation	Percentage of Average Improvement Cost
0 to 40%	20%
40 to 80%	60%
80 to 120%	100%
120 to 160%	140 %
160 to 200%	180%
200% and up	200%

Apportionment of the costs may be changed by the Board of Supervisors as a result of comments at the Public Hearings and in an effort to have apportionments meet the requirements of Iowa Code Chapter 311.

- 11) The proposed district should exclude parcels that:

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- a) do not have current or possible future access to the road which is to be improved (parcels with access via easement or private road are not subject to this exclusion);
- b) are vacant and have topography such that any type of construction is not economically feasible;
- c) are vacant and do not meet the minimum lot dimensions or acreage for residential, industrial or commercial construction;
- d) are vacant and have covenants, conditions and/or restrictions which prohibit construction of any type;
- e) are vacant and encumbered by covenants, conditions, easements, regulations, or restrictions which prohibit or significantly impair residential, industrial or commercial construction; and/or

12) Parcels owned by public entities are to be included to the extent allowed by Iowa Code §311.10.

13) The Board of Supervisors may reject, approve, or modify and approve the petition, including excluding or adding parcels to the proposed district.

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