

Pottawattamie County Secondary Roads

223 South 6TH Street
Council Bluffs, Iowa, 51501

APPROVED 01/02/2024

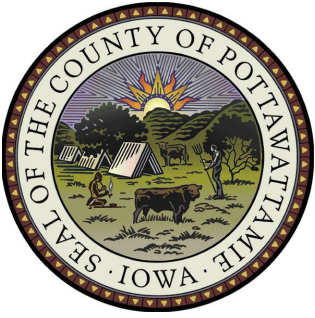
Road Improvement Policy

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 this road improvement tool.

Procedures and Information for Petitioners:

- 1) Interested parties should contact the Secondary Roads Department for assistance in meeting the petition requirements and to request a pre-petition meeting. After the interested parties have contacted the Secondary Roads Department, the County Engineer will place the proposed project on the Board of Supervisor’s agenda as a study session regarding apportionment for the Board to consider. This shall take place prior to the pre-petition meeting. During the study session, the Board shall have the opportunity discuss options for apportionment for the project. Prior to a pre-petition meeting being scheduled, the Board shall make a decision on the apportionment for the project. The Board will direct the County Engineer to provide the approximate cost per parcel for the improvement based on the apportionment to the interested parties at the pre-petition meeting. A pre-petition meeting may then be scheduled with the interested parties, wherein the Secondary Roads Department will assist in identifying the Secondary Roads Assessment District, provide the apportionment range, and resolve questions prior to the petition being distributed.
- 2) The Secondary Road Assessment District shall terminate at a Public Road Intersection or at a Cul-de-Sac and shall not extend more than ½ mile from each side of the road.
- 3) The Petition shall follow Iowa Code Chapter 311.7, and indicate one of the following options:
 - a) The Petitioners may request to establish a Special Assessment District; in which case the costs will be assessed against the lands included in the district over a 10-year period with simple interest.
 - b) The Petitioners may request improvement of the road by Donation in lieu of assessment. The road may be paid for, or “sponsored” by any number of petitioners or non-petitioner owners of adjacent parcels to the proposed road. Sponsors may deposit the portion provided for in the petition with the County Treasurer in lieu of the Special Assessment. Upon the completion of the road, and the satisfaction of all claims in relation to the road, any balance then remaining of the funds provided by the sponsors shall be returned to them according to their respective interests, providing all guarantees made by the sponsors have been fulfilled.
- 4) Before submitting the petition 75% of the listed parcels must show the owner’s signature(s) as approval for the road improvement costs and provide the required ownership documentation provided herein. Those opposed to the

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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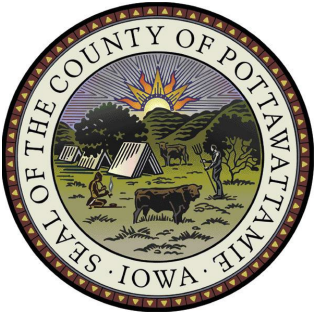
petition should not sign the petition. Each parcel shall be counted as having one owner, even if owned jointly, as tenants in common, under contract for purchase, or in a life estate; more than one signature may be provided for such parcels. Corporations, trusts, and partnerships require the signature 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. A parcel under the jurisdiction of any probate court should be noted on the signature page(s).

- 5) The petition and all signature pages shall be date stamped and filed with the County Engineer on or before October 1st to be constructed in the following season. 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.
- 6) 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 for approval. A petition for improvement by Donation In Lieu of Assessment will not be considered until sufficient funds have been deposited; or if sufficient funds have not been deposited, the petition will be rejected, and funds returned to the sponsors after the second regular Board of Supervisors meeting in January.
- 7) The petition may not be withdrawn by the petitioners after it has been submitted. The Board of Supervisors may reject, approve, or modify and approve the petition, including excluding or adding parcels to the proposed district during the approval process.
- 8) Final Costs, while estimated and provided, are not apportioned until the final public hearing and may change as a result of public comment presented in the initial Public Hearing(s). Estimates are subject to change during the process.
- 9) County Participation is limited to no more than 50% of the total project cost as provided for in Iowa Code Chapter 311.
 - a) The sum of maintenance credits and County participation shall not exceed 50% of the project costs.
 - b) The County contribution shall be 30% on roads designated as Farm to Market routes; 20% on local thru routes; and 10% on dead-end roads.

10) The initial proposal will provide for apportionment of costs in the following manner:

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.

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Apportionment shall be calculated as follows:

- a) The total district value shall be determined based on the sum of published assessed values.
- b) The individual assessed value shall be divided by the total district value to determine a percentage of the district value, this is the individual assessment percentage.
- c) The individual assessment percentage shall be multiplied by the estimated cost to determine each property's apportioned cost.

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

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