

Marion County Local Improvement District (LID) Procedure – Following ORS 371.605 – 371.660

Notes:

-Process can begin at either step 1a or 1b (ORS 371.615).

- 1a. Petition signed by at least 60% of abutting property owners representing at least 60% of the abutting land submitted to Board of Commissioners (BOC).
 - a. If property has multiple owners, each such property is considered as having one owner for purposes of calculating 60% of abutting property owners; and all co-owners must sign to be included in the 60% (ORS 371.620).
 - b. 60% of the abutting land can be based on:
 - i. Percentage of land area (acreage, square footage) or;
 - ii. Linear abutting frontage (linear feet, yards).
 - c. Board does not have discretion to reject a petition at this point (ORS 371.625: “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....”)
- 1b. Board initiates the process by resolution.
- 1c. Resolution or petition must indicate where the improvement is to be made (i.e., identify the street) and describe the nature of the improvement desired (ORS 371.615).
- 1d. Board then refers petition or resolution to County Engineer to prepare Feasibility Analysis.
2. County Engineer prepares Feasibility Analysis (ORS 371.625).
 - a. If project is determined to be feasible by County Engineer, report prepared to address:
 - i. Estimated total cost of improvements;
 - ii. Identify properties and owners to be assessed and;
 - iii. Proposed method of assessment.
 - b. If project includes sidewalks, see ORS 371.642: “...[T]he cost of construction of sidewalks under [ORS 371.605 to 371.660] 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.”
3. Feasibility Analysis presented to BOC (ORS 371.625).
4. Notice of the favorable report is mailed to all property owners containing the estimated total cost of improvement and their estimated individual cost (ORS 371.630).
 - a. Owners have 20 days from the mailing of notice to file written objection with BOC.

- b. If greater than 50% of owners representing more than 50% of total assessment object, project terminates and cannot be revisited by petition or Board Order for period of one year.
5. If the number of objections mentioned above are not received, then BOC records Board Order with County Clerk establishing properties in Order are subject to liens for the cost of the improvements, noting final costs are to be determined in a later Order (ORS 371.635).
 - a. Order must describe land to be assessed.
 - b. Order to be recorded with County Clerk.
 - c. If project is not conducted within two (2) years of recordation, BOC may by new Order vacate former Order for improvement.
6. Project design and construction occur by contract or force account (internal staff) as directed by recorded Order (ORS 371.635).
7. Project construction completes, passes inspection, and is accepted by BOC (ORS 371.640).
8. County Engineer prepares report on total cost of improvement and determines final individual cost assessments (ORS 371.640).
9. Board Hearing (ORS 371.645).
 - a. County Engineer presents final assessment report to BOC.
 - b. Board sets by Order a public hearing not less than ten (10) days after the filing of the final assessment report to hear objections to final assessment report.
 - c. Notice is mailed to all property owners not less than five (5) days prior to the date of the hearing.
 - d. Board hears objections to final assessment report, considers relevant modifications to assessments, and by Order establishes the final individual cost assessments.
10. The final individual cost assessments are recorded with the County Clerk as a lien onto each property (ORS 371.650).
11. Once the assessment is certified, property owners have 30 days to either pay the assessment in full or apply for installment payments. Assessments not paid in full, or not entered into an agreement for installment payments, will be charged an interest rate established by County (ORS 371.655).
12. Accounts delinquent for one year are subject to writ of execution to take possession of the property to be sold in order to collect unpaid assessment (ORS 371.660) – the county does not have discretion to not collect such delinquent accounts by execution and sale.