

Town of Buchanan Comprehensive Special Assessment Policy

I. PURPOSE OF POLICY

The purpose of this policy is to provide payment for the construction and significant improvement of various town infrastructure through the use of special assessments. This policy should be used in coordination with ordinances found in the Buchanan Municipal Code under Chapter 70 and in coordination with Wisconsin Statute 66.0703. This policy may be updated as necessary by the Town Board.

The policies contained herein are designed to serve as a general guide for the Town Board in allocating benefit to properties. The Town Board reserves the right to vary from these policies if the assessments derived by imposition of the policies creates obvious inequities, where the assignment of benefit to a particular property is difficult to determine, or because of extreme or unusual circumstances or for other good reason.

II. TOWN OF BUCHANAN ASSESSMENT POLICY

Special assessments shall be levied upon any parcel of land within the Town whenever special benefits are conferred upon such parcel of land by any municipal work or improvement. Special assessments shall generally only be used when the special benefit conferred is typically not offered through a standard public improvement in the Town. This policy shall only apply in existing developed areas and platted subdivisions.

Special assessments shall be conferred on property in the Town for the following local improvements if they meet the terms of this policy:

- Storm Sewer Improvements
- Street Improvements
- Street Lighting
- Sidewalks
- Curb and Gutter

III. DEFINITIONS

The following terms shall have the following meaning for purpose of this policy.

A. Assessment Types and Areas

1. Assessment District. Any geographical area designated by a resolution of the Town Board in which infrastructure improvements are to be installed, the costs of which are to be recovered through the levy of special assessments against benefiting properties within such district.
2. Front Footage Assessment. The amount to be levied and charged against a parcel of land which shall be determined by multiplying the assessable per foot project costs by the parcel's total assessable frontage.
3. Per Lot Assessments. When the Town Board determines that the scope of public improvements to be made is equally beneficial to all lots, and that the properties are reasonably homogeneous with respect to size, street frontage, and use, the amount to be levied and charged against a parcel of land shall be determined by dividing the sum of the assessable project costs by the total number of lots. If in the judgment of the Town Board a parcel of land has the potential to be subdivided to create additional buildable lots, the Board may assess that parcel of land additional "per lot" charges as appropriate.
4. Square Footage Lot Assessments. When the Town Board determines that the scope of public improvements to be made is equally beneficial to all lots, that the size of a lot impacts the benefits received, and use of lots are generally homogeneous, the amount to be levied and charged against a parcel of land shall be determined by dividing the sum of the assessable project costs by the square footage of each lot.
5. Minimum Frontage. The assessable frontage will be calculated as the actual frontage of the property at the right-of-way or the minimum lot width required by zoning, whichever is greater.

B. Lot Definitions

1. Corner Lot. A lot located at the intersection of two public streets where the interior angle of such intersection does not exceed 135 degrees.
2. Double Sided Lot. A lot having a pair of opposite lot lines along two parallel public streets and which is not a corner lot.
3. Standard Lot. A lot having only one lot line along a public street.
4. Triple Sided Lot. A lot having three lot lines along a public street.

C. Other Definitions

1. Administrative Costs. A reasonable charge for services of the administrative, engineering, preparation of bid documents, and legal staff of the Town. To cover administrative related costs for a project, the Town will add 10% to total project costs or utilize direct estimates from providers for the cost of administration.
2. Assessable Costs. Costs to be included in the assessment can include any of the following: administrative costs, construction, inspection, right-of-way or easement acquisition, landscaping, restoration, permit fees, legal fees, and engineering.
3. Developer. Any person, partnership, corporation or other similar entity who requests that the Town extend or install public works or improvements for the purpose of developing one or more parcels of land under their control or ownership.
4. Intersection. Where two public streets connect which each have unique names.
5. Town. The Town of Buchanan and/or its assigned designee.

IV. SPECIAL ASSESSMENT PAYMENTS

A. Method of Payment

1. Lump sum payment to be paid at due date.
2. One installment if the assessment is \$400 or less.
3. Five equal installments if the total assessment is greater than \$400.
4. Ten equal installments if the assessment exceeds \$4,000. (This must be specifically requested, if desired.)
5. All deferred payments will bear interest on the unpaid balance at the rate of 2% per annum above the most current borrowed rate.
6. Separate current year special assessment bills may be combined to establish eligibility for the \$4,000 limit for installment payment options. Town Board must be notified prior to November 1.
7. The use of a tiered plan may be used by the Town. For example, assessments from \$0 to \$400 are due up front, assessments from \$401 to \$2,000 may be paid with up to three installments in two years, assessments from \$2,001 to \$10,000 may be paid with up to five installments; assessments exceeding \$10,000 may be made over 10 years.

B. Delinquent Installment

If any installment was not paid to the Town Treasurer with the other taxes it shall be returned as delinquent and accepted and collected in the same manner as delinquent general taxes on real estate.

C. Miscellaneous Payment Procedures

1. All publicly owned and tax exempt property, including lands owned or under the jurisdiction of the Board of Education, School Districts, Sanitary Districts and other branches of town, state or county governments, will be assessed 100% of the assessment rate.
2. When county, state or federal aids are available for a specific project, they will be applied first to reduce the Town's share of the cost of the project (if any). Any remaining funds will be applied to reduce assessments.
3. The total amount of all outstanding special assessments will become due and payable upon sale or transfer of the property.
4. Adjacent Municipalities. Property in an adjacent municipality which abuts and benefits from an improvement may be specially assessed if the adjacent municipality adopts a resolution approving the levy. If adopted, the treasurer of the adjacent municipality must collect the assessment as a tax and pay it over to the treasurer of the Town.

V. CALCULATING ASSESSABLE FOOTAGE

Assessable footage is equal to the total number of developable feet that a parcel of land fronts upon the right-of-way or easement in which the public work or improvement is to be installed and property benefited or minimum frontage, whichever is greater. For assessment purposes, assessable footage shall be determined as follows:

1. Platted Lands. If the parcel of land to be assessed has been platted under Wisconsin Statutes 236, the lot line dimensions shown on the certified survey map or subdivision plat shall be used to determine assessable footage.
2. Unplatted Lands. If the parcel of land to be assessed is not platted, and if no accurate plat of survey or record is available which indicates the dimensions of the parcel, assessable footage shall be determined by scaling or field measurement or best available information.
3. Corner Lots-both sides to be improved. The assessable footage of a corner lot is equal to the sum of the dimensions of the two lot lines fronting on the right(s)-of-way or easement(s) in which the public work or improvement is to be installed plus the arc of the intersection of the same two lot lines and subtracting the minimum lot width required by zoning from the length of the longest side being assessed. Where the dimension of the arc on a corner lot is not available or cannot be determined, the tangent, radius, or a field measurement may be substituted.
4. Corner Lots-only one side to be improved. The assessable footage shall be calculated in the manner described above except that only the dimension of the lot line which fronts on the right-of-way or easement in

which the public work or improvement is to be installed shall be used plus one-half of the arc of the intersection of said lot line with the lot line fronting on the second right-of way. Where the dimension of the arc on a corner lot is not available or cannot be determined, the tangent, radius, or a field measurement may be substituted.

5. Double Sided Lots. The assessable frontage for double sided lots shall be calculated the same as platted lands, but will only be assessed for the frontage on the side which utilities are first installed to service said lot.
6. Triple Sided Lots. The assessable frontage for triple sided lots will be calculated by subtracting the minimum lot width required by zoning from the length of the two longest sides being assessed.
7. Odd Shaped or Irregular Lots. The assessable frontage will be calculated as the actual frontage of the property at the right-of-way or the minimum lot width required by zoning, whichever is greater.
8. Vacant Lots. Vacant lots shall be treated the same as lots with existing improvements and similar zoning.
9. Partial Assessment. An assessment shall be considered partial when any public work or improvement is installed which is intended to serve only a portion of a parcel of land, given that such parcel may be further subdivided, and such subdivision would then require further extension of services at that time in order to serve said parcel.

A partial assessment shall be calculated by subtracting one from the potential number of lots that could be created for the property and multiplying that number by the minimum lot width will calculate the length of the deferred frontage. Dividing the total length of assessable frontage by the minimum lot width for the property and rounding the number down to the next whole number will calculate the potential number of lots that could be created for the property. Any parcel of land assessed in accordance with this policy shall be considered partially served and shall be fully subject to future assessments for additional extensions of public works or improvements.

VI. EXCEPTIONS AND DEFERRALS

The Town Board may grant an exception or deferral from the requirements of this policy in any specific case where the Board considers that there is an emergency, hardship, or urgent need for granting such exception or deferral. Other exceptions are as follows:

1. Farmland Exception. Eligible farmland is exempt from special assessments as described in Wisconsin Statute 91.15. Land zoned “exclusive agriculture” or for which a farmland preservation agreement is in existence, is exempt from special assessments, unless the assessments were imposed prior to filing for exclusive agriculture status or the owner

of the land chooses to use the improvements created by the assessment. At such time, the assessments, together with all interest accrued shall be charged to the owner for use of the improvements.

2. Wetlands and Environmentally Sensitive Areas.

- a. Any portion of a property that is designated as a Wetlands area or carries some other designation as an environmentally sensitive area may be eligible for a deferment of the special assessment for that portion of property that is in the designated area.
- b. Any portion of a property that is designated as a Wetlands area or carries some other designation as an environmentally sensitive area may be eligible for a deferment of the acreage special assessment for overbuild of a public improvement for that portion of land that is in the designated area.
- c. For purposes of this section, the property must be designated as Wetlands or environmentally sensitive by the Outagamie County Zoning Office, the State of Wisconsin Department of Natural Resources (DNR), or the Army Corps of Engineers. The property must be ineligible for construction of any kind. Proof of such designation shall be required.
- d. Property owners will be notified of the special assessment proposed for their entire property. If the property owner provides proper proof of wetlands or environmentally sensitive designation, only that portion that carries such designation will be eligible for deferment.
- e. If approved by the Town Board, the deferment shall remain in place until such time that the property no longer carries the designation as a wetlands or environmentally sensitive area, or until such time that permits are issued for construction on the land eligible for the deferment. Two liens may be placed on the property: one for the area that has the special assessment deferred; the other for the area that is not eligible for a deferment.
- f. The deferment shall be for both the principal and interest on the special assessment that might otherwise accrue.

3. Non-Benefitted Properties. Those properties which are undevelopable, thus non-benefitted, due to building setback restrictions, easements, or other zoning restrictions shall be deferred.

4. Hardship Deferrals.

- a. Deferring Assessments. The Town of Buchanan will defer the payment of special assessments for owner occupied homes in situations where the owners have incomes at or below the federal standards for very low incomes (30% of median income) in the Appleton MSA.

- b. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the Town Treasurer qualification for the deferment by presentation of a copy of the their most recent federal tax return prior to the levying of the assessment, and annually thereafter. A property owner must qualify for this deferment at the time the Board levies the initial assessment, and annually thereafter, in order to be eligible for a deferment.
- c. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.
- d. Qualified very low income persons shall have the principal portion of their assessment deferred until the death of the qualifying property owner(s), and/or the sale of the property, whichever occurs first.
- e. Interest shall be payable on assessments levied against a property during the period of deferment. The interest rate payable shall be the rate of 2% per annum above the most current borrowed rate at the time that the Board initially levied the special assessments. Interest payments shall be made in the same manner and at the same time as other special assessments are paid in accordance with this policy.
- f. Deferment shall cease at the time a property owner(s) no longer meets the income criteria for the program, upon the death of the qualifying owner(s), or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.
- g. Deferment shall expire if a property owner fails to provide the Town a copy of a federal tax return by May 1st of each year demonstrating program eligibility.
- h. All deferred assessments shall be placed on stand-by special assessment and a *lis pendens* filed in the Register of Deeds Office for Outagamie County setting forth the amount of the lien against the property by reason of stand-by charge and the conditions of payment.

VII. STORM SEWER IMPROVEMENTS

The Town will use the following criteria for calculating special assessments levied for storm sewer projects.

1. General Application. Storm sewer improvements shall be assessed by the Town under the following policies.
 - a. Residential zones shall be assessed 100% for storm sewer mains 18-inch or less in diameter. Storm sewer mains of greater than 18-inch in diameter shall be assessed to the property owners in the “assessment area” as follows: The below described percentages are determined by taking capacity of a 18-inch diameter pipe divided by capacity of a larger pipe which equals the percentage of cost of a larger pipe to be assessed to the property owner.
 - i. The property owner shall pay 73% of the cost of pipe and installation of pipe for any 21-inch storm sewer main.
 - ii. The property owner shall pay 56% of the cost of pipe and installation of pipe for any 24-inch storm sewer main.
 - iii. The property owner shall pay 45% of the cost of pipe and installation of pipe for any 27-inch storm sewer main.
 - iv. The property owner shall pay 36% of the cost of pipe and installation of pipe for any 30-inch storm sewer main.
 - v. The property owner shall pay 25% of the cost of pipe and installation of pipe for any 36-inch storm sewer main.
 - vi. The property owner shall pay 18% of the cost of pipe and installation of pipe for any 42-inch storm sewer main.
 - vii. Pipes larger than 42-inch in diameter shall be calculated similar to the above calculations.
 - b. Non-Residential zones shall be assessed 100% for storm sewer mains 24-inch or less in diameter. Storm sewer mains of greater than 24-inch in diameter shall be assessed to the property owners in the “assessment area” as follows: The below described percentages are determined by taking capacity of a 24-inch diameter pipe divided by capacity of a larger pipe which equals the percentage of cost of a larger pipe to be assessed to the property owner.
 - i. The property owner shall pay 73% of the cost of pipe and installation of pipe for any 27-inch storm sewer main.
 - ii. The property owner shall pay 55% of the cost of pipe and installation of pipe for any 30-inch storm sewer main.
 - iii. The property owner shall pay 34% of the cost of pipe and installation of pipe for any 36-inch storm sewer main.
 - iv. The property owner shall pay 22% of the cost of pipe and installation of pipe for any 42-inch storm sewer main.
 - v. The property owner shall pay 16% of the cost of pipe and installation of pipe for any 48-inch storm sewer main.
 - vi. The property owner shall pay 12% of the cost of pipe and installation of pipe for any 54-inch storm sewer main.

- vii. Pipes larger than 54-inch in diameter shall be calculated similar to the above calculations.
 - c. Storm water improvements benefiting an entire development or a drainage basin shall be assessed on an area wide, per lot, or square footage per lot basis. Storm sewer projects which are generally along road frontage will be assessed on a front footage basis.
 - d. Replacement or repair of storm sewers shall be paid by the Town.
 - e. Anytime storm sewer is extended in such a manner so as to allow a parcel of land to connect to or benefit from such services, that parcel's assessable footage shall be calculated in the manner specified in this policy regardless of whether the storm sewer is physically installed along the entire length of that parcel of land. Any parcel of land so assessed shall be deemed fully served and shall not be subject to any further assessment for storm sewer.
2. Service Laterals. Storm sewer laterals shall be installed at the Town's discretion. The total cost of all laterals installed shall be divided by the total number of laterals to produce an average cost for each type of lateral. Separate costs shall be established for each size of lateral if more than one size is to be installed. The resultant lateral cost(s) shall be charged directly to each parcel within the assessment district for each type and size of lateral installed to that parcel at 100% actual cost.

VIII. STREET IMPROVEMENTS

The Town will use the following criteria for calculating special assessments levied for street improvements.

1. General Application. All street improvement projects undertaken by the Town shall be constructed by the Town in accordance with the most current version of construction specification established by the Town or specifications completed for a specific project. Street improvements shall be assessed by the Town under the following policies.
 - a. Replacement, repair, and maintenance of existing streets shall be paid for by the Town.
 - b. When any street is upgraded from its current design, that portion of improvement above and beyond the original cross section, such as widening, or addition of curb and gutter shall be assessed to the benefiting parcels.
 - c. Improvements will be assessed on a front footage basis unless a per lot assessment is adopted for a project.
 - d. When any street within a residential area is constructed or reconstructed to reflect an urban cross-section and be wider than

33' from back of curb to back of curb, benefitting parcels shall only be assessed for a 33' street. The additional expense for a wider street shall be paid by the Town.

- e. When any street within a residential area is constructed or reconstructed to reflect a rural cross section and be wider than a 30' gravel base and 24' wide surface, benefitting parcels shall only be assessed for the 30' base and 24' wide surface. The additional expense for a wider street shall be paid by the Town.
- f. When any street within a non-residential area is constructed or reconstructed to be wider than 44' as measured from back of curb or back of curb, benefitting parcels shall only be assessed for a 44' street. The additional expense for a wider street shall be paid by the Town.
- g. For a project, the cost of improving intersections within the project will be divided equally among all properties benefited.
- h. Driveway aprons shall be constructed at property owner's expense.

IX. STREET LIGHTING

The Town will use the following criteria for calculating special assessments levied for street lighting.

1. General Application. Street lighting shall be assessed by the Town under the following policies.
 - a. Special assessments for street lighting will only be used for the installation of new street lights where such facilities were previously not available and generally in conjunction with the construction or reconstruction of a street.
 - b. Improvements will be assessed on a front footage basis unless a per lot assessment is adopted for a project.
 - c. Assessments shall be for 100% for new street lights.

X. SIDEWALKS

The Town will use the following criteria for calculating special assessments levied for sidewalks.

1. General Application. Sidewalks shall be assessed by the Town under the following policies.
 - d. Special assessments for sidewalks will only be used for the installation of new sidewalks where such facilities were previously

not available and generally in conjunction with the construction or reconstruction of a street.

- e. Improvements will be assessed on a front footage basis unless a per lot assessment is adopted for a project.
- f. Sidewalks shall be constructed as detailed within Chapter 74 of the Buchanan Municipal Code.
- g. Service walks between the curb/street and sidewalk are the total responsibility of the property owner.
- h. The extraordinary expense of installing a sidewalk in an unusual manner at the request of the owner in order to accommodate an obstacle will be charged to the abutting property owner.
- i. Assessments shall be for 100% for new sidewalks.

XI. CURB AND GUTTER

Curb and gutter assessments shall be consistent with the policy provided for Street Improvement assessments.

Adopted by Town Board: January 15, 2008