



PROCEDURE AND PROCESS FOR ASSESSMENT OF NAVIGATION PROJECT COSTS

To Our Citizens, Visitors and General Public

July 20, 2020

The North Carolina General Assembly has specific regulations concerning levying a special assessment by benefited property owners. The NC General Assembly granted the Town the authority to assess for navigation projects during the 1985 Session when Chapter 725 House Bill 1406 was ratified on July 12, 1985.

The previous and current process for property owners to request a dredging project to be undertaken by the Town and for the benefited property owners to be assessed the actual project costs, mirrors the street improvements process as outlined in Town Ordinance Chapter 97 titled Streets and Sidewalks; Parades and Special Events, and NCGS Chapter 160A Article 10 titled Special Assessments.

Once the Permit Application decision, from the federal and state agencies, is known, any variance requests are obtained, if required, and the estimated construction costs are acquired, the Council will then need to begin the process required to assess the benefited property owners as outlined in NCGS Chapter 160A Article 10.

This process is very detailed but is not complex. The pace for moving through is dependent on both how the Town Council wishes to proceed and on how long the project itself takes.

If there are any questions as to how this process works, please feel free to reach out to the Town Clerk at 910.5279.6297 x. 1003 or email info@sunsetbeachnc.gov.

The Assessment Process Guideline

The detailed procedure required to levy a special assessment of benefiting property owners is as follows:

1. Consider the availability of funds for the project and approve/deny the project.
2. If the Town Council decides to go forward with the project, and the Council decides to finance the project by special assessment, it shall first adopt a preliminary resolution that shall contain the following:
 - a. A statement of intent to undertake the project;
 - b. A general description of the nature and location of the project;
 - c. A statement as to the proposed basis for making assessments, which shall include a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
 - d. A statement as to the percentage of the cost of the work that is to be assessed;
 - e. A statement as to which, if any, assessments shall be held in abeyance and for how long;

- f. A statement as to the proposed terms of payment of the assessment; and
 - g. An order setting a time and place for a public hearing on all matters covered by the preliminary resolution which shall be not earlier than three weeks nor later than 10 weeks from the date of the adoption of the preliminary resolution.
3. After the Public Hearing, the Council may adopt an Assessment Resolution directing that the project be undertaken. The Resolution will set forth the following:
 - a. The basis on which the special assessments shall be levied, together with a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
 - b. The percentage of the cost to be specially assessed;
 - c. The terms of payment, including the conditions under which assessments are to be held in abeyance, if any. The percentage of cost to be assessed may not be different from the percentage proposed, and the projects authorized may not be greater in scope than the projects described in the preliminary resolution. If the council decides that a different percentage of the cost should be assessed than that proposed in the preliminary resolution, or that any project should be enlarged, it shall adopt and advertise a new preliminary resolution.
 4. When the project is complete, the Council shall ascertain the total cost. In addition to construction costs, the cost of all necessary legal services, the amount of interest paid during construction, costs of rights-of-way, and the costs of publication of notices and resolutions may be included. The determination of the Council as to the total cost of any project shall be conclusive.
 5. When the total cost of a project has been determined, the Council shall have a preliminary assessment roll prepared. The preliminary roll shall contain:
 - a. a brief description of each lot, parcel, or tract of land assessed,
 - b. the basis for the assessment,
 - c. the amount assessed against each,
 - d. the terms of payment, including the schedule of discounts (see NCGS 160A-226.1), if such a schedule is to be established and the name of the owner of each parcel of land as far as this can be ascertained from the tax records.
 - e. A map of the project on which is shown each parcel assessed with the basis of its assessment, the amount assessed against it, and the name of the owner, as far as this can be ascertained from the tax records, shall be a sufficient assessment roll.
 6. After the preliminary assessment roll has been completed, it shall be filed with the Town Clerk where it shall be available for public inspection. The Council shall also cause a notice of the hearing on the preliminary assessment roll to be mailed to the owners of property listed thereon at least 10 days before the hearing. The notice mailed to each property owner shall give notice of the time and place of the hearing, shall note the availability of the preliminary assessment roll for inspection in the Town Clerk's office and shall state the amount of the assessment against the property of the owner as shown on the preliminary assessment roll. The person designated to mail these notices shall file with the Council a certificate showing they were mailed by first-class mail and on what date. Such a certificate shall be conclusive as to compliance with the mailing provisions of this section in the absence of fraud.

7. After the public hearing, the Council shall annul, modify, or confirm the assessments, in whole or in part, either by confirming the preliminary assessments against any or all of the lots or parcels described in the preliminary assessment roll, or by canceling, increasing, or reducing them as may be proper in compliance with the basis of assessment. If any property is omitted from the preliminary assessment roll, the Council may place it on the roll and levy the proper assessment. Whenever the Council confirms assessments for any project, the Town Clerk shall enter in the minutes of the Council the date, hour, and minute of confirmation. From and after the time of confirmation, the assessments shall be a lien on the property assessed of the same nature and to the same extent as the lien for county and city property taxes, according to the priorities set out in G.S. 160A-233(c). After the assessment roll is confirmed, a copy of it shall be delivered to the Town Tax Collector for collection in the same manner as property taxes, except as herein provided.
8. After the expiration of 20 days from the confirmation of the assessment roll, the Town Tax Collector shall publish once a notice that the assessment roll has been confirmed, and that assessments may be paid without interest at any time before the expiration of 30 days from the date that the notice is published, and that if they are not paid within this time, all installments thereof shall bear interest as provided in G.S. 160A-233. The notice shall also state the schedule of discounts, if one has been established, to be applied to assessments paid before the expiration date for payment of assessments without interest.