

OPINION
48-42

January 12, 1948 (OPINION)

CITIES

RE: Special Assessment Districts May Include Entire City

Your letter of January 9, 1948, relating to special assessment districts for extensions of your waterworks and sewer system, at hand.

I talked this matter over with Mr. Burdick some time ago, but as far as I know he did not leave any blue prints of the proposed extension in the office. He made small pencil sketches just to show the proposition but not with reference to any specific extension.

The present statute relating to the size and form of improvement districts is section 40-0922 of the 1943 Revised Code. This section seems to give the city council a considerable leeway in providing the form and size of improvement districts. I think the statute with reference to sidewalk districts says something about the compactness of the districts, but this word is entirely absent from the provision relating to sewer and waterworks districts.

I agree with you, as I agreed with Mr. Burdick, that to require the city to make separate improvement districts for each extension proposed would be cumbersome and would, in letting contracts for the work, necessarily require the letting of several separate contracts. We had a situation at Watford City the past year where the city advertised, I think, for three separate improvement districts. Their bids were for separate districts and also for the entire work including all districts. These comprehensive bids were considerable less than the combined separate bids, and this office approved the letting of the contract on one of these comprehensive bids, as it clearly was to the benefit of the taxpayers since by accepting such bids the cost to them was much less than it would have been had the districts been advertised and contracts let separately. Therefore, I am of the opinion that the city, after consultation with its engineer, may make one special improvement district to include all of the proposed extensions to the present waterworks and sewer system. I think it would be well to show that the separate extensions were simply extensions of the existing systems.

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Attorney General