§ 15-2311. Financing of river improvements; assessment and collection of cost; correction and revision of assessments.

1. After a river improvement project has been duly authorized and the determination of benefits and the apportionment of cost thereof duly recorded, the department may finance such improvement pursuant to the Local Finance Law. If obligations are issued, they shall not be construed in any event as obligations of the state, and neither the state, the department, nor any member thereof personally shall be obligated to pay the principal or interest therefor. Such obligations shall be lawful investments for savings banks, trust companies, executors and trustees and for any of the funds of the state which by law may be invested. The proceeds thereof shall be deposited in a national or state bank or trust company either in Albany or in one of the counties in which such improvement is made, to be approved by the Comptroller. Before any such deposit is made, the Comptroller shall require from the depository security for the repayment of the same to the department upon demand of the moneys so deposited in the manner provided in section 106 of the State Finance Law. Moneys received under the provisions of title 23 of this article shall constitute a fund to be known as the "river improvement district fund," and the portion thereof applicable to each improvement shall be separately kept by the Comptroller and the same are hereby pledged to the payment of the cost and expenses of such improvement and the Comptroller is authorized and directed to pay therefrom the costs and expenses of such improvement upon the order of the department or the authorized officer thereof.

2. The department shall, on or before September 1 following the issuing of any obligations and annually thereafter, prepare a statement of the amount to be raised during the ensuing year, in order to retire the obligations maturing during such year, together with the interest thereon and the estimated cost of maintenance of such improvement for the ensuing calendar year. Such statement shall be approved by the Comptroller; it shall show the amount of the proportional share thereof to be paid by each county, town, city or village respectively as determined by the department, and such county, town, city or village shall cause the same to be assessed, levied and collected in the same

manner as provided by law with reference to general taxes, and paid to treasurer of the county, who shall forthwith forward the same to the Comptroller to be by him paid into the river improvement district fund applicable to such improvement; it shall also show the amount of the proportional share thereof to be paid by the lands and properties collectively in such improvement district within each county during such year, to be assessed, levied and collected as hereinafter provided. Copies of this statement shall be transmitted on or before September 1 to the Comptroller, the clerk of the county legislative body, or such other similar official as shall have been designated by the county legislative body, the clerk of each town, the mayor of each city and the mayor of each village affected by such improvement.

3. The assessors of each town and city included in such improvement district are hereby required to enter in a separate column in the annual assessment roll of such town or city before the delivery thereof to the county legislative body the description by number corresponding with the number thereof on said survey, map and descriptions so filed in the county clerk's office, each parcel of land and each designation or description of property within the county in such improvement district, together with the name of the then owner or owners thereof as far as the same can be ascertained by the assessors, and set opposite such number and description of each separate parcel or property, in the column of the roll for the total assessed valuation of property, the amount of benefit by reason of such improvement received by such parcel or property as stated and specified in the determination of the department as modified by the court if so modified, and recorded in the office of the clerk of the county.

4. The county legislative body shall each year at the time the annual tax levy is made levy upon each separate parcel and property in the county within such improvement district appearing upon the assessment rolls of the towns and cities included therein as herein provided, such portion of the amount to be paid by all of the property in the county within such improvement district appearing by the statement of the department and the Comptroller made to the board as in title 23 of this article provided as the amount so assessed against such parcel or

property on the rolls for benefit accruing thereto bears to the aggregate amount so assessed on the rolls against all of such lands and properties, and the taxes so levied shall be collected in the same manner as general taxes are levied and collected, and shall be like liens as general taxes until the amount thereof is paid to the county treasurer of the county, superior in force and effect to all other liens except unpaid general taxes; provided, however, that the collection of such tax shall only be enforced by a sale of the land or property assessed.

5. On or before the first day of June in each year the county treasurer shall pay the amount so to be raised in his county, as shown by the statement of the department and Comptroller of the previous year, to the Comptroller, who shall pay the same into the river improvement district fund. The tax collectors and county treasurers collecting and paying such taxes to the Comptroller shall be governed by and have all the powers specified in the Real Property Tax Law, which formerly were specified in articles 4 and 7 of the Tax Law for the collection of taxes and sales of property by county treasurers for unpaid taxes and redemption of lands.

6. In the event that obvious errors or discrepancies should be discovered in any assessment of benefits or apportionment of cost made under the provisions of title 23 of this article, the department may correct the same by filing corrected copies of the statement of such assessment and apportionment and following the procedure specified above. Should such correction be made the county legislative body are empowered to levy additional sums on or to give credit to certain parcels to the end that the amount collected from each parcel shall be what it should have been had an error not been made. Such county legislative body is also empowered to apply to the department for an adjustment of assessments among the various parts into which an original parcel may be subdivided. The department shall file and record its findings in such cases as amendments to the original or corrected assessment, and shall give notice to the parties affected, but need hold no hearing thereon unless such hearing be demanded within ten days after notice is given by a party affected. None of the above proceedings shall

be held to reopen the determination of an assessment or apportionment, or both, except as to the particular matter involved. Should the department at any time find that a former assessment or apportionment appears with the lapse of time or in the light of new knowledge and experience to have become inequitable it may so declare by written order and proceed to review the whole matter by following the full procedure laid down in section 15-2303.