

Introduced by:	Mayor
Date:	11/21/06
Shortened Hearing:	12/05/06
Action:	Enacted
Vote:	7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-39**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL
FOR THE MOOSE RANGE SUBDIVISION UTILITY SPECIAL ASSESSMENT
DISTRICT AND ESTABLISHING THE METHOD FOR TERMINATING
ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS**

WHEREAS, by Resolution 2006-001, the assembly established the Moose Range Subdivision Utility Special Assessment District (the "District"); and

WHEREAS, the total cost of constructing the improvements, including all allowable amounts as provided in KPB 5.35.080 and AS 29.46.110 ("Costs"), are now known; and

WHEREAS, the District special assessment roll has been prepared and the total cost of the improvement spread equally among all the lots and tracts within the District; and

WHEREAS, the borough clerk has published a notice of filing the assessment roll once in a newspaper of general circulation within the borough stating that such assessment has been made and is on file in the office of the borough clerk, and providing notice of the time and place for the hearing held December 5, 2006, where objections may be heard; and

WHEREAS, the assembly, on December 5, 2006, held hearings on the assessment roll at which time all persons objecting to assessments were given an opportunity to present their objections; and

WHEREAS, notice of the assessment and hearing was mailed to each owner of record as shown on the rolls of the Borough Assessor not less than ten days before the hearing; and

WHEREAS, the assembly found no errors or inequalities in the roll; and

WHEREAS, the assembly finds that the roll should be confirmed; and

WHEREAS, the natural gas main line has been constructed and any necessary property acquisitions completed for the natural gas pipeline in the District (the "Project"); and

WHEREAS, special assessments will be levied on properties in the District that are specially benefitted by the Project, and said special assessments, with interest thereon, will be sufficient (together with other amounts) and available to pay the actual cost of the improvements to the borough plus interest;

WHEREAS, hearing on shortened time is necessary to minimize the cost to the borough associated with financing the project.

NOW, THEREFORE, BE IT ORDAINED BY THE KENAI PENINSULA BOROUGH ASSEMBLY:

SECTION 1. Classification. That this ordinance shall be a non-code ordinance.

SECTION 2. Confirmation of Roll. That the assessment roll for Moose Range Subdivision Utility Special Assessment District, attached as Exhibit A to this ordinance, as presented to the assembly on November 21, 2006, in the total amount of \$101,614.24 is confirmed. The assessment constitutes a lien on each parcel within the district.

SECTION 3. Notice of Assessment. That within fifteen days after the enactment date of this ordinance, the finance director shall mail to the record owner of each property assessed a statement designating the property, the assessment amount, the schedule of payments, the time of delinquency, and penalties. Within five days after the statements are mailed, the finance director shall publish a notice that the statements have been mailed and that the assessment roll is on file in the office of the borough clerk. After enactment of this ordinance, the clerk shall record with the Kenai District Recorder a notice of assessment on all parcels assessed within the utility special assessment district.

SECTION 4. Payment of Assessment. That the entire assessment may be prepaid without interest or penalty within thirty days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment shall accrue at the rate of 10.25 percent per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2007. Installments shall include principal plus accrued interest.

SECTION 5. Delinquencies. That if an installment of the assessment is delinquent, the balance of the assessment, plus accrued interest, becomes due and delinquent thirty days after the date of notice of the installment delinquency. Notice of the delinquency shall be mailed to the owner of record. The notice must contain notice of the nonpayment of the installment and that the balance of the assessment, plus accrued interest, will become due and delinquent if the installment, interest, and penalty are not paid within thirty days of the date of the

notice. The penalty for delinquent installment of assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency.

SECTION 6. Establishment of Reserve and Refund Accounts.

- A. That there is established the District Reserve and Refund Account (the "Reserve and Refund Account").
- B. That there shall be paid into the Reserve and Refund Account:
 - 1. All monies received from ENSTAR Natural Gas Company that are refund entitlements arising out of new customers connecting to the gas line installed in the District, and
 - 2. The final refund due under the ENSTAR line extension tariff, and
 - 3. Interest on the average Reserve and Refund Account balance at the rate determined by the Finance Director to be the average interest earned on Borough investments during the year.

SECTION 7. Distribution of Reserve and Refund Account Funds.

- A. The borough shall refund the funds in the Reserve and Refund Account at the end of each fiscal year an amount equal to the fund balance divided by the number of lots within the District provided the refunded amount is greater than or equal to \$25.00 per parcel. If the amount is under \$25.00, the refund will be carried over to the following fiscal year. The order of refund will be: first, to ANY outstanding balance applied in the order of unpaid costs, penalty, interest, and then principal; and, second, to the owner of record as shown on the most recent records of the borough assessor. If any lot or tract within the District is divided into two or more lots, the refund for such re-subdivided lots shall be computed by counting the re-subdivided lots as a single lot for purposes of determining the initial refund entitlement. If any lots or tracts are consolidated, the converse shall apply. The initial refund entitlement shall then be divided equally among the subject lots. If an account is in a delinquent or foreclosure status, any such refund shall be applied against the delinquent balance in the order described above.
- B. That upon the repayment to the borough of all indebtedness incurred for the District or after the borough receives the final refund entitlements arising out of new customers connecting to the gas line, any funds remaining in the Reserve and Refund Account shall be distributed as provided under this section.

SECTION 8. Termination of Assessment and Refund of Pro Rata Share of Assessment Prepayments.

- A. That upon the discharge of all indebtedness to the Borough, all unpaid, non-delinquent assessment installments are cancelled. The Finance Director shall refund to the owner of record as shown on the records of the Borough Assessor an amount equal to the fund balance divided by the number of lots within the District.
- B. That for any lot upon which foreclosure proceedings to recover delinquent assessment installments has been commenced prior to the cancellation of remaining assessment installments, the amount due shall be recomputed as provided in Section 8(A), except there will be no refund.

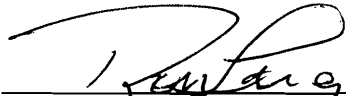
SECTION 9. Appropriation. That there is appropriated for the purposes set out in this ordinance the refunds from ENSTAR attributable to the District, all assessments and interest in the District, assessment foreclosure proceeds and interest earned on the funds as provided in Section 6(B)(2). The appropriation under this section does not lapse until after the final refund required under Section 7(B) has been made.

SECTION 10. Authority for Ordinance. That the borough has ascertained and hereby determines that each and every matter and thing as to which provision is made in this ordinance is necessary in order to carry out and effectuate the purposes of the Borough in accordance with the constitution and statutes of the State of Alaska, and the Code of Ordinances of the Kenai Peninsula Borough.

SECTION 11. Severability. That if any one or more of the covenants and agreements provided in this ordinance to be performed on the part of the borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

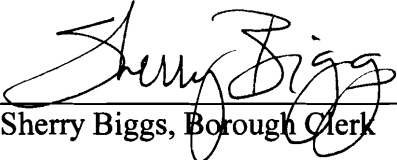
SECTION 12. Effective Date. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF DECEMBER, 2006.

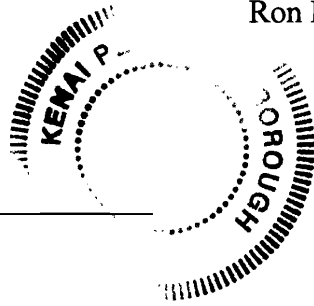


Ron Long, Assembly President

ATTEST:



Sherry Biggs, Borough Clerk



- Yes: Fischer, Knopp, Martin, Merkes, Sprague, Superman, Long
- No: None
- Absent: Germano, Gilman

MOOSE RANGE SUBDIVISION - UTILITY SPECIAL ASSESSMENT DISTRICT

Enstar Cost \$ 91,625.00
 KPBA Admin Cost \$ 9,989.24
 Total Est. Cost \$ 101,614.24

Total Cost \$ 101,614.24
 Total Prepayments \$ 893.92
 Total Assessments \$ 100,720.32

No. of Parcels 56
 Cost/Parcel \$ 1,814.54

Parcels > 21% 6
 Total To Prepay \$ 893.92

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06301279	KN2002074 T05N R09W S07 TRACT 1 RAVEN'S GARDEN	91,500	1,814.54	\$ -	NELSON JEFFERY A & STRAND-NELSON SUSAN M	PO BOX 246	STERLING	AK	99672
06301280	KN2002074 T05N R09W S07 TRACT 2 RAVEN'S GARDEN	32,100	1,814.54	\$ -	WICKSTROM CHERYL LYNN	PO BOX 50	KASILOF	AK	99610
06309166	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 3	25,100	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309167	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 4	24,000	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309168	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 5	20,400	1,814.54	\$ -	REID SHANE & MONICA	PO BOX 3637	KENAI	AK	99611
06309169	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 9	41,100	1,814.54	\$ -	FOX JON & LINDA	PO BOX 1118	SOLDOTNA	AK	99669
06309170	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 8	34,400	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309171	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 7	29,400	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309172	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 6	21,200	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06376005	KN0790207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 1 LOT 8 BLOCK 5	181,300	1,814.54	\$ -	BARKER TRACEY L MICHAEL S	PO BOX 1245	KASILOF	AK	99610
06376006	KN0800063 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART TWO LOT 14 BLOCK 5	153,600	1,814.54	\$ -	KOTZIN AARON J & DONNA L	PO BOX 23706	FLAGSTAFF	AZ	86002
06376007	KN0810029 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 3 LOT 2 BLOCK 2	198,000	1,814.54	\$ -	VAN MALDEREN PHYLIS & JEAN LOUIS	PO BOX 1455	SOLDOTNA	AK	99669
06376009	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 1 BLOCK 2	73,900	1,814.54	\$ -	AUSMAN PHILLIP E & DEAN NANCY I	PO BOX 2211	SOLDOTNA	AK	99669
06376010	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 4 BLOCK 1	17,500	1,814.54	\$ -	DEGERNES CHRISTINA M & SHUSTER WILLIAM C	PO BOX 1238	STERLING	AK	99672
06376014	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 1 BLOCK 5	18,900	1,814.54	\$ -	ROESCH NORMAN C & KILBOURN-ROESCH SHARON	39525 MOOSE RANGE DR	STERLING	AK	99672
06376015	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 2 BLOCK 5	216,500	1,814.54	\$ -	KILBORN SHARON & ROESCH NORMAN C	39525 MOOSE RANGE DR	STERLING	AK	99672

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376018	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 9 BLOCK 5	175,600	1,814.54	\$ -	MCCORMICK ROGER A & SUSAN J	PO BOX 1115	THORN BAY	AK	99919
06376019	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 10 BLOCK 5	20,300	1,814.54	\$ -	YESSAK DOUGLAS M & LINDA M	35865 EDGINGTON RD	SOLDOTNA	AK	99669
06376020	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 11 BLOCK 5	21,500	1,814.54	\$ -	COLIGAN CLINTON A & DOLORES A	PO BOX 4300	SOLDOTNA	AK	99669
06376021	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 12 BLOCK 5	19,400	1,814.54	\$ -	COLIGAN CLINTON A & DOLORES A	PO BOX 4300	SOLDOTNA	AK	99669
06376022	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 13 BLOCK 5	41,500	1,814.54	\$ -	WATTERS MICHAEL L & HELEN	PO BOX 871594	WASILLA	AK	99687
06376023	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 15 BLOCK 5	15,600	1,814.54	\$ -	KOTZIN AARON & LEGERDA DONNA S	PO BOX 23706	FLAGSTAFF	AZ	86002
06376024	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 16 BLOCK 5	20,200	1,814.54	\$ -	OBRIEN SHARON G C/O SEAN O'BRIEN	2504 SACRAMENTO #10	SAN FRANCISCO	CA	94115
06376025	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 17 BLOCK 5	22,200	1,814.54	\$ -	EQUITY TRUST CO CUSTODIAN FBO LAWRENCE R LITWER IRA	2775 SW JADE AVE	PORTLAND	OR	97225
06376027	KN0830139 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 5 LOT 3A BLOCK 1	173,900	1,814.54	\$ -	DEGERNES CHRISTINA M & SHUSTER WILLIAM C	PO BOX 1238	STERLING	AK	99672
06376028	KN T05N R09W S07 WEST 796.22 FT OF GOVT LOT 4	72,600	1,814.54	\$ -	MCKENNEY THEODORE & VALERIE	PO BOX 4104	SOLDOTNA	AK	99669
06376030	KN0840207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 6 LOT 1A-1	13,800	1,814.54	\$ -	WRIGHT PATTIE A	35555 KENAI SPUR HWY PMB 335	SOLDOTNA	AK	99669
06376031	KN0840207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 6 LOT 1A-2	17,000	1,814.54	\$ -	WRIGHT PATTIE A	35555 KENAI SPUR HWY PMB 335	SOLDOTNA	AK	99669
06376032	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 3	45,800	1,814.54	\$ -	MCKENNEY TED & VALERIE & MINNICH ROBERT & TERESA	PO BOX 4104	SOLDOTNA	AK	99669
06376033	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 2 BLOCK 3	3,800	1,179.05	\$ 635.49	MCKENNEY TED & VALERIE & MINNICH ROBERT & TERESA	PO BOX 4104	SOLDOTNA	AK	99669
06376042	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 14 BLOCK 2	86,600	1,814.54	\$ -	BELL ALBERT LOUIS	PO BOX 851	STERLING	AK	99672
06376043	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 2	6,600	1,767.05	\$ 47.49	BELL LOUIS	PO BOX 851	STERLING	AK	99672
06376044	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES PHASE 1 LOT 2 BLOCK 2	7,400	1,814.54	\$ -	GARSKE HUGH & DIANE M	38220 EVERGREEN	STERLING	AK	99672

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376045	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 3 BLOCK 2	6,900	1,814.54	\$ -	KOENIG TRISTA P	21313 JAYHAWK DR	CHUGIAK	AK	99567
06376046	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 4 BLOCK 2	6,600	1,767.05	\$ 47.49	BISHOP DAVID S	359 QUAIL RUN TRCE NE	CLEVELAND	TN	37312
06376047	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 5 BLOCK 2	6,400	1,725.05	\$ 89.49	BURRELL CHARLES M & LAURA L	PO BOX 110836	ANCHORAGE	AK	99511
06376050	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 8 BLOCK 2	6,600	1,767.05	\$ 47.49	YOUNKER STEPHEN & ELIZABETH REVOCABLE LIVING TRUST	1015 S 40TH AVE # 23	YAKIMA	WA	98908
06376051	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 9 BLOCK 2	6,700	1,788.05	\$ 26.49	SANDOZ VICTORIA L	3814 SPRING COULEE RD	BELLINGHAM	WA	98226
06376052	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 9 BLOCK 1	21,300	1,814.54	\$ -	OEHLER RHONDA L	PO BOX 665	SOLDOTNA	AK	99669
06376053	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 8 BLOCK 1	209,000	1,814.54	\$ -	OEHLER RHONDA L	PO BOX 665	SOLDOTNA	AK	99669
06376054	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 7 BLOCK 1	21,100	1,814.54	\$ -	OEHLER RHONDA	PO BOX 665	SOLDOTNA	AK	99669
06376055	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 6 BLOCK 1	96,300	1,814.54	\$ -	DASPIT BARRY	PO BOX 807	STERLING	AK	99672
06376056	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 5 BLOCK 1	19,300	1,814.54	\$ -	DEYOE KENNETH V & REESE JUDITH C	PO BOX 1171	STERLING	AK	99672
06376057	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 4 BLOCK 1	276,600	1,814.54	\$ -	DEYOE KENNETH V & REESE JUDITH C	PO BOX 1171	STERLING	AK	99672
06376058	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 3 BLOCK 1	15,400	1,814.54	\$ -	BOWEN JOHN W	44576 GENE ST	KENAI	AK	99611
06376059	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 2 BLOCK 1	15,400	1,814.54	\$ -	BOWEN JOHN W	44576 GENE ST	KENAI	AK	99611
06376060	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 1	9,000	1,814.54	\$ -	GREEN FAMILY TRUST C/O LEO NEALY	5324 E HEATHER LN	POST FALLS	ID	83854
06376062	KN0990078 T05N R09W S07 MOOSE RANGE HOMESTEAD NO 7 LOT 7A BLOCK 5	118,200	1,814.54	\$ -	ADAMS LARRY & TONI J	39665 MOOSE RANGE DR	STERLING	AK	99672
06376063	KN200070 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PT 8 LOT 5B BLOCK 5	132,400	1,814.54	\$ -	SMITH TROY F & JULIE A	PO BOX 515	SOLDOTNA	AK	99669
06376064	KN200070 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PT 8 LOT 3A BLOCK 5	282,900	1,814.54	\$ -	BYERLEY DARRYL J & REBECCA J	PO BOX 2741	SOLDOTNA	AK	99669

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376065	KN2005123 MOOSE RANGE RIDGE ESTATES SUB BURLISON ADDN LOT 6A BLOCK 2	204,700	1,814.54	\$ -	BURLISON STEVEN & SHELLEY	PO 3523	SOLDOTNA	AK	99669
06376105	KN T05N R09W S07 SW1/4 NW1/4 SE1/4	28,000	1,814.54	\$ -	HONEYSETT WILLIAM R II & HONEYSETT SHEILA R & HONEYSETT PETER J C/O	44980 CARVER DR	KENAI	AK	99611
06376112	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT A	13,200	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
06376113	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT B	71,700	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
06376114	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT C	114,100	1,814.54	\$ -	SUNDBERG SCOTT	PO BOX 2684	SOLDOTNA	AK	99669
06376115	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT D	223,400	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
56			\$100,720.32	\$ 893.92					