

Introduced by: Mayor
Date: 03/01/11
Hearing: 04/05/11
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-04**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL
FOR THE ASHTON PARK/BRUMLOW PARK ROAD IMPROVEMENT ASSESSMENT
DISTRICT**

- WHEREAS,** the Assembly, by Resolution 2010-026 established the Ashton Park/Brumlow Park Road Improvement Assessment District (the "District") and authorized proceeding with the project; and
- WHEREAS,** the Assembly, by Ordinance 2009-19-30, appropriated \$336,097.24 for the Ashton Park/Brumlow Park Road Improvement Assessment District; and
- WHEREAS,** the Assembly, by Resolution 2010-068, authorized the allocation of funds and award of the contract to construct the improvements for the Ashton Park/Brumlow Road Improvement Assessment District; and
- WHEREAS,** the total costs 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 costs of the improvement less the Road Service Area 50% match is allocated among the benefited parcels based on an equal amount to each parcel; and
- WHEREAS,** the Borough Clerk published a notice of the filing of the assessment roll once in a newspaper of general circulation within the borough in accordance with KPB 14.31.100(B)(2) 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 on April 5, 2011, where objections may be heard; and
- WHEREAS,** on April 5, 2011, the Assembly held a hearing 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, special assessments will be levied on properties in the District that are benefited by the Project, and said special assessments, with interest thereon, will be sufficient (together with other amounts) and available to pay the actual cost to the borough of the improvements plus interest;

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 Ashton Park/Brumlow Park Subdivision Road Improvement Assessment District, attached as Exhibit A to this ordinance, as presented to the Assembly on April 5, 2011 in the total amount of \$270,503.88 less the Road Service Area 50 percent match of \$135,251.94, for a net assessed amount of \$135,251.94 to all benefited parcels of the District is confirmed.

SECTION 3. Notice of Assessment. That within fifteen days after the adoption 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 Borough Clerk shall file in the office of the Kenai District Recorder a notice of assessment on all parcels assessed within the road improvement 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 5.25 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, 2012. 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 and assessment payments is the same as the penalty for delinquent real

property taxes in effect on the date of the delinquency.

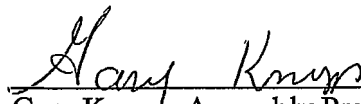
SECTION 6. Termination of Assessment. Upon the discharge of indebtedness to the borough, the Finance Director shall release special assessment liens associated to the District.

SECTION 7. 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 our constitution and statutes of the State of Alaska, and the Code of Ordinances of the Kenai Peninsula Borough.

SECTION 8. 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, agreements 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 9. Effective Date. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF APRIL, 2011.



Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None

Parcel #	Legal Description	Total Assessed		Assessment	Owner	Address	City	St	Zip	Tax Delq
		Value								Amount
05508151	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	181,900	\$	2,331.93	COMBS DONALD J	34694 PISCES CT	SOLDOTNA	AK	99669	
05508152	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	170,000	\$	2,331.93	KILLIAN SHAWN M	PO BOX 3286	SOLDOTNA	AK	99669	
05508153	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	151,100	\$	2,331.93	MEZA ROSEMARIE A	34721 PISCES CT	SOLDOTNA	AK	99669	
05508154	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	178,500	\$	2,331.93	VEN HUIZEN DORIS V	PO BOX 197	SOLDOTNA	AK	99669	
05508155	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	198,200	\$	2,331.93	NEWTON JOSHUA L	34791 LIBRA CT	SOLDOTNA	AK	99669	
05508156	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	174,100	\$	2,331.93	TURNBULL TRAVIS J	400 WINFIELD CIR	ANCHORAGE	AK	99515	
05508157	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	257,600	\$	2,331.93	VANDERWALL RONALD J & DARLA L	PO BOX 2124	SOLDOTNA	AK	99669	
05508158	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	142,800	\$	2,331.93	LONCH MATTHEW J	PO BOX 1855	SOLDOTNA	AK	99669	
05508159	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	168,800	\$	2,331.93	BISCHOPINK DARLINE R	34669 COMMERCE ST	SOLDOTNA	AK	99669	
05508160	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	168,600	\$	2,331.93	WOODGEARD SUNEE D	34639 COMMERCE ST	SOLDOTNA	AK	99669	
05508161	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074 ASHTON PARK SUB LOT 1	146,200	\$	2,331.93	STEHR CHARLOTTE V TRUSTEE OF THE CHARLOTTE V STEHR	15730 HAYFORD ST	LA MIRADA	CA	90638	
05508162	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	135,600	\$	2,331.93	FLETCHER LISA K	47370 ARIES CT	SOLDOTNA	AK	99669	
05508163	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	137,800	\$	2,331.93	LORA PATRICIA L	805 FRONTAGE RD STE 200C	KENAI	AK	99611	
05508164	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	160,800	\$	2,331.93	PARKS MICHELLE L	390 COLUMBINE ST	SOLDOTNA	AK	99669	
05508165	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	154,500	\$	2,331.93	WRIGHT TRAVIS B	PO BOX 3661	SOLDOTNA	AK	99669	
05508166	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	145,000	\$	2,331.93	ENGLAND CHRISTINA J	47405 ARIES CT	SOLDOTNA	AK	99669	
05508167	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	151,200	\$	2,331.93	ROSS KYLE D	PO BOX 3035	SOLDOTNA	AK	99669	
05508168	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	174,400	\$	2,331.93	NAVARRO ANTHONY L & CHRISTINE D	34580 COMMERCE ST	SOLDOTNA	AK	99669	
05508169	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	130,400	\$	2,331.93	CUNNINGHAM CHRISTINE	PO BOX 2652	KENAI	AK	99611	
05508170	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	133,000	\$	2,331.93	THOMPSON TAMMY M	47340 VIRGO CT	SOLDOTNA	AK	99669	
05508171	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	165,600	\$	2,331.93	BEAUPRE DIANA	PO BOX 207	SOLDOTNA	AK	99669	
05508172	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	132,200	\$	2,331.93	MUHS CHARLES W & DOTTYE G	PO BOX 2896	SOLDOTNA	AK	99669	
05508173	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074 ASHTON PARK SUB LOT 13	93,100	\$	2,331.93	FRISON DAN J & LAUREL A CONSERVATORS EST OF TRAVIS FRISON	PO BOX 2531	SOLDOTNA	AK	99669	
05508174	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	159,700	\$	2,331.93	CUNNINGHAM BRICE	47395 VIRGO CT	SOLDOTNA	AK	99669	

Parcel #	Legal Description	Total Assessed Value	Assessment Amount	Owner	Address	City	St	Zip	Tax Delq Y = Yes
05508175	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074	148,400	\$ 2,331.93	GRAHAM LUCY D	PO BOX 1588	KENAI	AK	99611	
05508176	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074 ASHTON PARK SUB LOT 16	156,400	\$ 2,331.93	VEH ANDREAS & KATHERINE TRUSTEES ANDREAS & KATHERINE	34506 COMMERCE ST	SOLDOTNA	AK	99669	
05508181	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 2007053 BRUMLOW PARK SUB	77,900	\$ 2,331.93	INNES DAVID SCOTT	245 N BRENTWOOD ST	SOLDOTNA	AK	99669	
05508182	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 2007053 BRUMLOW PARK SUB	40,600	\$ 2,331.93	WRIGHT TRAVIS B	PO BOX 3661	SOLDOTNA	AK	99669	
58		9,677,300	\$ 135,251.94						0

Parcel identified below is excluded from the district as it is the parcel on which the wellhouse and water system for the homeowners association resides.

05508177	T 5N R 11W SEC 35 SEWARD MERIDIAN KN 0970074 ASHTON PARK SUB BLK 2	100		ASHTON PARK OWNERS ASSN	1212 1ST AVE	KENAI	AK	99611	
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