

Introduced by: Mayor  
Date: 02/14/12  
Hearing: 03/13/12  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2012-03**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL  
FOR THE POPPY RIDGE ROAD IMPROVEMENT ASSESSMENT DISTRICT**

- WHEREAS,** the Assembly, by Resolution 2011-033 established the Poppy Ridge Road Improvement Assessment District (the "District") and authorized the construction of the improvements; and
- WHEREAS,** the Assembly, by Ordinance 2010-19-46, appropriated \$348,257.00 for the Poppy Ridge Road Improvement Assessment District; and
- WHEREAS,** the Assembly, by Resolution 2011-083, authorized the construction of the improvement for the Poppy Ridge 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 percent match is allocated among the benefited parcels based on an equal amount to each parcel; and
- WHEREAS,** the Borough Clerk has given notice of the public hearing on the ordinance by regular mail mailed not less than fifteen days before the date of the March 13, 2012 hearing to each record owner of a parcel in the District, and by publication not less than fifteen days before March 13, 2012 in a newspaper of general circulation within the borough in accordance with KPB 14.31.100(B)(2); and
- WHEREAS,** the notices of public hearing stated that such assessment has been made and is on file in the office of the borough clerk, available for public inspection, and provided notice of the time and place for the hearing on March 13, 2012, where objections may be heard; and
- WHEREAS,** the notice of the assessment and hearing mailed to each record owner of a parcel in the District stated the amount of the assessment to be levied against the parcel; and
- WHEREAS,** on March 13, 2012, 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**, 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 specially 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 Poppy Ridge Road Improvement Assessment District, attached as Exhibit A to this ordinance, as presented to the assembly on March 13, 2012 in the total amount of \$276,774.28 less the Road Service Area 50 percent match of \$138,387.14, for a net assessed amount of \$138,387.14 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 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, 2013. 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.

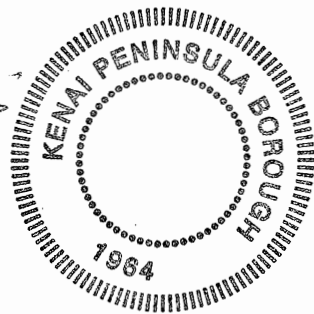
**SECTION 9. Effective Date.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 13TH DAY OF MARCH, 2012.**

  
\_\_\_\_\_  
Gary Knopp, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk



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

**POPPY RIDGE - ROAD IMPROVEMENT ASSESSMENT DISTRICT**

<b>Cost:</b>		
<b>Construction</b>	\$	239,822.05
<b>Engineering &amp; Project Admin</b>	\$	24,195.88
<b>KPB Interdepartmental</b>	\$	-
<b>Inflation Adj</b>	\$	-
<b>Contingency</b>	\$	-
<b>Total Construction Cost</b>	\$	264,017.93
<b>Filing Fee Adjustment</b>	\$	4,377.00
<b>KPB Admin Fee</b>	\$	8,379.35
<b>Total Cost</b>	\$	276,774.28
<b>Less Road Service Area Match</b>	\$	138,387.14
<b>Final Cost to Parcel Owners</b>	\$	138,387.14
<b>Number of benefitted parcels:</b>		34
<b>Percent of Parcels Delq</b>		
<b>Cost per parcel</b>	\$	4,070.21

Parcel #	Legal Description	2011 Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
05507213	T 5N R 11W SEC 25 & 26 SEWARD MERIDIAN KN ADL 21928 S1/2 NW1/4 IN SEC 25 & NE1/4 IN T 5N R 11W SEC 24 SEWARD MERIDIAN KN	311,300	\$ 4,070.21	\$ -	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669
05561002CO7	0820044 COLLEGE ESTATES SUB NO 2 LOT 2 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	65,600	\$ 4,070.21	\$ -	KRULL HENRY G & MARY L	47220 EAGLE RIDGE CT	KENAI	AK	99611
05561019	2004077 COLLEGE ESTATES SUB NO 4 LOT 13 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	185,400	\$ 4,070.21	\$ -	LISA BISMARCK	PO BOX 727	KENAI	AK	99611-0727
05561020	2004077 COLLEGE ESTATES SUB NO 4 LOT 12 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	253,800	\$ 4,070.21	\$ -	DEMOSSE ROGER D & GINGER L	35790 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561021	2004077 COLLEGE ESTATES SUB NO 4 LOT 11 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	189,300	\$ 4,070.21	\$ -	FOSTER KIMBERLY J	35820 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561022	2004077 COLLEGE ESTATES SUB NO 4 LOT 10 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	186,600	\$ 4,070.21	\$ -	DAILY JOHN A AND STOGSDIL VONDA K	35840 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561023	2004077 COLLEGE ESTATES SUB NO 4 LOT 24 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	274,500	\$ 4,070.21	\$ -	OLSON CASEY SCOTT & KATIE ARCHER	PO BOX 1385	SOLDOTNA	AK	99669
05561024	2004077 COLLEGE ESTATES SUB NO 4 LOT 23 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	185,300	\$ 4,070.21	\$ -	KRAUSE KEVIN B & LILJEBLAD DAORUANG	PO BOX 730	KENAI	AK	99611
05561025	2004077 COLLEGE ESTATES SUB NO 4 LOT 22 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	224,800	\$ 4,070.21	\$ -	NATH ROBERT A & TONI	35920 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561026	2004077 COLLEGE ESTATES SUB NO 4 LOT 2 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	193,500	\$ 4,070.21	\$ -	WILSON GARY W VA REO VETERANS AFFAIRS SECRETARY	PO BOX 1660	SOLDOTNA	AK	99669
05561027	2004077 COLLEGE ESTATES SUB NO 4 LOT 3 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	218,400	\$ 4,070.21	\$ -	OF C/O BANK OF AMERICA	2375 N GLENVILLE DR	RICHARDSON	TX	75082-4315
05561028	2004077 COLLEGE ESTATES SUB NO 4 LOT 4 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	187,400	\$ 4,070.21	\$ -	CRAWFORD RHONDA JEAN	35875 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561029	2004077 COLLEGE ESTATES SUB NO 4 LOT 5 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	189,800	\$ 4,070.21	\$ -	APPELHANS RONNIE JOE & KARLA L	35855 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561030	2004077 COLLEGE ESTATES SUB NO 4 LOT 6 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	192,600	\$ 4,070.21	\$ -	JONES LYNN A	35835 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561031	2004077 COLLEGE ESTATES SUB NO 4 LOT 7	186,800	\$ 4,070.21	\$ -	SMITH JOE T	PO BOX 2619	KENAI	AK	99611

Parcel #	Legal Description	2011 Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
05561032	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2004077 COLLEGE ESTATES SUB NO 4 LOT 8 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	187,400	\$ 4,070.21	\$ -	LAWRENCE CINDY	35795 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561033	2004077 COLLEGE ESTATES SUB NO 4 LOT 9 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	313,000	\$ 4,070.21	\$ -	DIXON W JOHN & MARCELLA J	35765 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561035	2005075 COLLEGE ESTATES SUB NO 5 LOT 1 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	185,300	\$ 4,070.21	\$ -	DAVIS HOWARD T III	PO BOX 2555	KENAI	AK	99611
05561036	2005075 COLLEGE ESTATES SUB NO 5 LOT 21 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	188,000	\$ 4,070.21	\$ -	CLARK JOSEPH A	1529 SHEPHERD LN	CARROLLTON	TX	75007-1234
05561037	2005075 COLLEGE ESTATES SUB NO 5 LOT 20 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	208,300	\$ 4,070.21	\$ -	BASS RAYMOND D & DEBRAH L	46430 FRANKE RD	SOLDOTNA	AK	99669
05561038	2005075 COLLEGE ESTATES SUB NO 5 LOT 25 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	186,800	\$ 4,070.21	\$ -	HARPER MICHAEL A	46440 FRANKE RD	SOLDOTNA	AK	99669
05561039	2005075 COLLEGE ESTATES SUB NO 5 LOT 19 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	207,100	\$ 4,070.21	\$ -	MULLICAN JOHN R & JOYCE LYNN PALM RONALD A & TRACY Y & PALM	46427 FRANKE RD	SOLDOTNA	AK	99669
05561040	2005075 COLLEGE ESTATES SUB NO 5 LOT 18 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	187,900	\$ 4,070.21	\$ -	TIFFANY L	785 BROOKS AVE	SOLDOTNA	AK	99669
05561041	2005075 COLLEGE ESTATES SUB NO 5 LOT 17 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	187,100	\$ 4,070.21	\$ -	AZZARA MARK	46447 FRANKE RD	SOLDOTNA	AK	99669
05561042	2005075 COLLEGE ESTATES SUB NO 5 LOT 16 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	209,400	\$ 4,070.21	\$ -	HART JEREMY E & CUNNINGHAM TRACY R	PO BOX 1901	SOLDOTNA	AK	99669
05561101	0860152 FERN FOREST SUB LOT 9 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	181,400	\$ 4,070.21	\$ -	WATSON MICHAEL	35500 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561102	0860152 FERN FOREST SUB LOT 8 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	188,100	\$ 4,070.21	\$ -	SEGURA DAVID R & ELLEN P	35540 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561103	0860152 FERN FOREST SUB LOT 7 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	179,400	\$ 4,070.21	\$ -	ZORN MECCA C AND JONES MECCA	PO BOX 2857	SOLDOTNA	AK	99669
05561104	0860152 FERN FOREST SUB LOT 6 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	187,400	\$ 4,070.21	\$ -	HANSON JAMES E JR & EMILY	35610 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561105	0860152 FERN FOREST SUB LOT 5 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	176,700	\$ 4,070.21	\$ -	GRIFFIN JEFFREY SCOTT & MONICA J	PO BOX 3235	SOLDOTNA	AK	99669
05561106	0860152 FERN FOREST SUB LOT 4 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	185,200	\$ 4,070.21	\$ -	CARMICHAEL ANDREW J	35640 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561107	0860152 FERN FOREST SUB LOT 3 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	181,600	\$ 4,070.21	\$ -	WILLSON BRADLEY A & SHARON L	35670 POPPY RIDGE RD	SOLDOTNA	AK	99669
05561108	0860152 FERN FOREST SUB LOT 2 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	189,000	\$ 4,070.21	\$ -	LAWTON ERIN	PO BOX 4216	SOLDOTNA	AK	99669
05561109	0860152 FERN FOREST SUB LOT 1	186,100	\$ 4,070.21	\$ -	WATSON DAVID L & DAWNITA R	23031 COHOE LOOP RD	KASILOF	AK	99610
34		6,760,300	\$138,387.14		Total Assessment Per 34 Parcels x \$5,121.43				