

Introduced by: Mayor  
Date: 5/05/92  
Action: Adopted  
Vote: 12 yes, 1 no

KENAI PENINSULA BOROUGH  
RESOLUTION 92-54

**A RESOLUTION ADOPTING REGULATIONS FOR IMPLEMENTATION OF KPB  
CHAPTER 5.35 "UTILITY SPECIAL ASSESSMENT DISTRICTS"**

**WHEREAS**, on April 7, 1992, the Borough Assembly enacted Ordinance 92-16 which codifies a new KPB Chapter 5.35 providing for Utility Special Assessment Districts; and

**WHEREAS**, KPB 5.35.050 states that the mayor shall adopt regulations, subject to assembly approval, setting out such requirements and procedures as deemed necessary for the efficient administration of the USAD program; and

**WHEREAS**, those regulations have been drafted and are provided for assembly review and approval within this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**Section 1.** That the following Utility Special Assessment District regulations are hereby adopted under the authority of KPB Chapter 5.35:

**KPB CHAPTER 5.35  
"UTILITY SPECIAL ASSESSMENT DISTRICT" REGULATIONS**

A. Scope. The following regulations are adopted under the authority of KPB 5.35.050 to set out the administrative requirements and procedures applicable to the Borough's "Utility Special Assessment District" program (hereinafter USAD) as enacted through KPB Chapter 5.35.

B. Improvements Subject to Program. The USAD program is limited to the construction of the lines of service of an APUC regulated utility to the close vicinity of the boundary of the assessed private properties. USAD's are not available for the construction and financing of private hookups or service connections running from the Utility's main line to private structures or facilities to be served on the abutting privately owned parcels.

C. Petition Preparation. USAD petitions must be completed and filed by petitioners on forms provided by the Borough and must contain all information and signatures as required by KPB 5.35.040. Petitioners shall complete the petition process as follows:

1. Petitioners must first contact the Utility from which the service is sought and obtain the project description and estimated cost as prepared and approved in writing by the Utility.

2. Petitioners must then bring the documents prepared by the Utility to the Borough Assessor's office for assistance in designation of the geographic district subject to assessment (which must include the Legal Description and Borough Tax Parcel numbers for each parcel proposed to be subject to the assessment), and for determination of the method of allocation of costs to the affected properties.

3. A petition form will be prepared by the Borough Assessor's office, including:

- a. the project description;
- b. the names of each owner of record (defined herein as those contained in the borough's assessment records);
- c. the tax parcel number of each parcel;
- d. the assessed valuation of each parcel;
- e. the proposed method of allocation of assessments to each of the involved parcels; and,
- f. a space for the date and signature of each owner of record.

D. Petition Signature Requirements. The petition must be filed with the signatures of:

1. the owners of record of more than 70% of the total number of parcels subject to assessment within the proposed district; and,

2. the owners of record of properties within the district which would be subject to greater than 70% of the total assessment under the petition proposal.

3. All signatures must be dated and the petition must be filed at the office of the Borough Clerk within thirty (30) days of the date of the first signature, in order to be included for calculation of the required percentages.

E. Petition Filing Fee. A nonrefundable fee, equal to One Hundred and Sixty Dollars (\$160.00) per lot to be assessed, shall be required for filing of a petition for USAD. This fee will cover the Borough's interim administrative costs in the event that the proposed USAD fails to be constructed. If the proposed USAD is approved and constructed, the filing fee will be applied to the overall project cost unless the individual source(s) of the fee are identified at the time of filing, in which case the fee will be applied to the assessments charged against the property(s) of the identified source(s).

F. Resolution of Necessity. Within 90 days of filing of a petition for USAD, which is filed in conformance with all requirements of the Borough ordinances and regulations, a Resolution of Necessity shall be prepared by the Mayor for consideration by the Assembly. The

resolution shall set out the plans, specifications, estimated costs, proposed method of assessment, payment schedule and the estimated assessment roll for the USAD, and shall propose the method of Borough financing and a schedule for construction in the event that the project is approved.

Notice shall be provided to the owners of record of all parcels proposed to be assessed in conformance with the requirements of KPB 5.35.100 C. Written objections from the record owners may be filed with the borough clerk within thirty days of the date of hearing on the resolution.

G. Written Objections. The record owners of the properties contained in the estimated assessment roll included in the "Resolution of Necessity" may file written objections to the project with the Borough Clerk's office within thirty (30) days of the adoption of the Resolution of Necessity.


H. Resolution to Proceed. In the event that objections to the USAD as proposed in the Resolution of Necessity are not filed by the owners of parcels which will bear more than one-half (1/2) of the costs of the improvement, the Mayor shall cause a resolution to be presented for Assembly consideration authorizing the Mayor to proceed with construction of the improvement and adopting an estimated assessment roll.

I. Ordinance of Assessment. Once the actual cost of the project is determined, and the construction of the improvement is authorized by the Assembly, the Mayor shall prepare an Ordinance for Assembly enactment which levies an assessment against each lot in conformance with the estimated assessment roll adopted in the resolution to proceed. The assessment roll enacted through this Ordinance shall not alter the method of cost allocation from that adopted by the Resolution to Proceed but may correct any errors made in application of the adopted methodology to specific parcels.

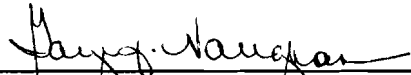
J. Refunds. In the event that funds collected by the Borough which are directly attributable to a specific USAD (whether through assessments or Utility refunds) exceed the total costs and expenditures of the Borough on the project, such surplus funds will be returned to the owners of record of the assessed parcels upon final completion of all Borough involvement in the USAD.

**Section 2.** That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5th DAY OF MAY, 1992.

  
Betty J. Glick, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk