

Introduced by: Hodgins
Date: 7/21/92
Shortened Hearing: 8/04/92
Enacted: 8/04/92
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 92-39**

**AN ORDINANCE AMENDING KP.B 5.35.060 REGARDING BENEFITTED
PROPERTIES, SPECIAL ASSESSMENT DISTRICTS**

WHEREAS, Special Assessment Districts for Utilities, when formed under Ordinance 92-16, are subject to all benefitted properties to be included in the assessment district; and

WHEREAS, the Borough may form Special Assessment Districts that exclude some benefitted properties as long as 100% of the included property owners agree to pay 100% of the cost of the improvements; and

WHEREAS, formation of a Special Assessment District for utilities under this paragraph will allow non-consenting property owners to be excluded from the formation and participation of special assessment districts;

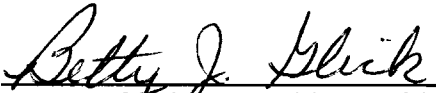
NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Kenai Peninsula Borough 5.35.060 is hereby amended by enactment of an additional paragraph "E." to read as follows:

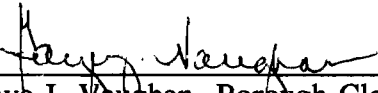
E. A petition may be approved despite a determination by the Assembly that some properties which are benefitted by the proposed project have been excluded from the assessment roll, provided that 100% of the owners of record of properties to be assessed have signed the petition requesting establishment of the special assessment district. In such cases, where the Borough Assessor has made the preliminary determination that benefitted properties are being excluded by the proposal, the petition shall contain a statement to that effect, noticing the prospective signors that the proposed assessment district excludes certain benefitted properties and clearly stating the 100% signature requirement.

Section 2. That this Ordinance shall take effect immediately upon its enactment.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 4th DAY OF AUGUST, 1992.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk