

Introduced by:	Mayor
Date:	4/18/95
Hearing:	5/16/95
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 95-16**

**AN ORDINANCE AMENDING KPB CODE SECTION 5.35.050 CONCERNING
PETITION REQUIREMENTS FOR UTILITY SPECIAL ASSESSMENT DISTRICTS**

WHEREAS, Section 5.35.050. in part states that petitioners may not withdraw their approval of the proposed improvement for a period of six (6) months after the date of filing of petition; and

WHEREAS, Kenai Peninsula Borough Resolution 92-54, Section F states that the Resolution of Necessity must be considered by the assembly within 90 days of the filing of the petition; and

WHEREAS, Section 5.35.110.D, Resolution of Necessity, specifically allows for written objections from property owners of record within the proposed assessment district; and

WHEREAS, the right to object is a separate specific right set by ordinance and statute which cannot be waived merely by signing the petition; and

WHEREAS, the section 5.35.050 could be misunderstood by petitioners to bar them from filing objections as provided in KPB 5.35.110 (D);

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

SECTION 1. That Section 5.35.050 be amended to read:


5.35.050. Requirements of petition.

The petition shall include a description of the proposed improvements, the estimated cost, a description of the proposed geographic district subject to the special assessment as previously approved by the assessor pursuant to 5.35.030. The petition shall contain the signatures of (a) the owners of record of more than seventy percent of the total number of parcels subject to assessment within the proposed district; and (b) the owners of record of properties within the district which would be subject to greater than seventy percent of the total assessment under the petitioners proposal. The petition must contain or be accompanied by a statement from an authorized officer or employee of the utility whose service is sought to be extended acknowledging that the project as

proposed by the petition meets the requirements of the utility and that the utility approves and will support construction of the extension. No property owner may withdraw his approval of the proposed improvement for a period of six (6) months after the date of filing of petition, and this six (6) month approval shall be expressly stated upon the petition. Nothing in this section shall be construed to preclude a property owner from filing an objection as provided in KPB 5.35.110 (D) within the time provided by ordinance or regulation.

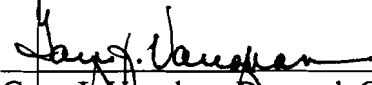
SECTION 2. This ordinance becomes effective upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16th DAY OF MAY, 1995.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk