

Introduced by: Mayor  
Date: 04/08/97  
Shortened Hearing: 04/22/97  
Action: Enacted  
Vote: Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-23**

**AN ORDINANCE AMENDING KPB 5.35.090 AMENDING  
THE ALLOWABLE METHODS OF ASSESSING PARCELS INCLUDED IN  
UTILITY SPECIAL ASSESSMENT DISTRICTS**

**WHEREAS,** Alaska Statutes require that properties in special assessment districts be assessed costs in proportion to the benefit received from the improvement financed by the special assessment district; and

**WHEREAS,** KPB 5.35.090 presently provides two alternative methods of allocating costs among parcels included in utility special assessment districts; and

**WHEREAS,** properties included in utility special assessment districts frequently vary dramatically; and

**WHEREAS,** more flexibility is needed regarding selection of the cost allocation method to fairly allocate costs among parcels in proportion to the benefit received;

**WHEREAS,** shortened hearing is needed so that this change will govern pending utility special assessment district (USAD) petitions;

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

**SECTION 1.** That KPB 5.35.090 is amended to read as follows:

**5.35.090 Method of assessment.**

The methods of assessment set forth in this section will be used. The determination of the method to be used may involve determinations on the character of the properties in the assessment district and the benefit received from the improvement. Following are the methods:

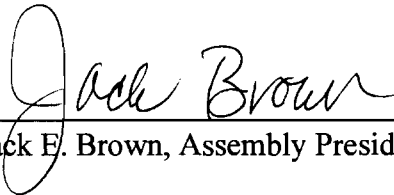
- A. Allocation of costs on a per lot basis so that each lot is assessed an equal amount; or
- B. Allocation in proportion to assessed property valuations for land.

The method prescribed in subsection A of this section shall be used unless the character of the properties are such that one or more parcels are more than three times the size of the typical lot in which case the allocation method in subsection B shall be followed; provided, however, the method in subsection A may be used despite a disparity in lot size where legal or physical restrictions

effectively limit the larger lot to the same use as the typical lots in the assessment district, or where the assembly otherwise determines the method in subsection A would more reasonably allocate the cost in proportion to the benefit received.

**SECTION 2.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22nd DAY OF APRIL, 1997.**

  
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Jack E. Brown, Assembly President

ATTEST:

  
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Shirley Olsen  
Borough Clerk