

Introduced	Mayor
Date:	December 2, 1997
Hearing:	January 6, 1998
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-74**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL  
FOR THE ROBINSON LOOP UTILITY SPECIAL ASSESSMENT DISTRICT AND  
ESTABLISHING THE METHOD FOR TERMINATING ASSESSMENTS AND  
MAKING REFUNDS TO PROPERTY OWNERS**

- WHEREAS,** the assembly, by Resolution 97-049 established the Robinson Loop Utility Special Assessment District (the "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 spread equally among all the lots and tracts within the District; and
- WHEREAS,** The borough clerk has published a notice of the filing of the assessment roll once in a newspaper of general circulation within the borough stating that such assessment has been made and is on file in the office of the borough clerk, and providing notice of the time and place for the hearing held January 6, 1998, where objections would be heard; and
- WHEREAS,** the assembly, on January 6, 1998, 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,** notice of the assessment and hearing was mailed to each owner of record as shown on the rolls of the Borough Assessor not less than ten days before the hearing; 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,** the project has been planned, designed, developed, constructed, equipped, property acquisitions completed for and all other acts completed necessary for the provision, or otherwise provided for a natural gas pipeline in the District (the "Project"); and

**WHEREAS,** special assessments will be levied on properties in the District that are specially benefitted 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.** The assessment roll for Robinson Loop Utility Special Assessment District, attached as Exhibit A to this ordinance, as presented to the assembly on January 6, 1998 in the total amount of \$162,698.00 is confirmed.

**SECTION 3. Notice of Assessment.** 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 utility special assessment district.

**SECTION 4. Payment of Assessment.** 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 10.5 percent (10.5%) per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 1999. Installments shall include principal plus accrued interest.

**SECTION 5. Delinquencies.** 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 if the installment, penalty and interest have not been paid within the thirty days of the due date. 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 of

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. Establishment of Reserve and Refund Accounts.**

- A. That there is established the District Reserve and Refund Account (the "Reserve and Refund Account").
- B. That there shall be paid into the Reserve and Refund Account:
  - 1. All monies received from ENSTAR Natural Gas Company that are refund entitlements arising out of new customers connecting to the gas line installed with the District, and
  - 2. The final refund due under the ENSTAR line extension tariff, and
  - 3. Interest on the average Reserve and Refund Account balance at the rate determined by the Finance Director to be the average interest earned on Borough investments during the year.

**SECTION 7. Distribution of Reserve and Refund Account Funds.**

- A. That upon the repayment to the Borough of all indebtedness incurred for this assessment district, any funds remaining in the Reserve and Refund Account shall be distributed as provided under this section.
- B. That after the Borough receives the final refund from ENSTAR, the Finance Director shall distribute the balance of the funds by sending to each owner of record as shown on the most recent records of the Borough Assessor an amount equal to the fund balance divided by the number of lots within the District. If any lot or tract within the District is divided into two or more lots, the refund for such resubdivided lots shall be computed by counting the resubdivided lots as a single lot for purposes of determining the initial refund entitlement. The initial refund entitlement shall then be divided equally among the resubdivided lots.

**SECTION 8. Termination of Assessment and Refund of Pro Rata Share of Assessment Prepayments.**

- A. That upon the discharge of all indebtedness to the Borough, all unpaid, nondelinquent assessment installments are canceled. The Finance Director shall refund to the owner of record as shown on the records of the Borough Assessor of each lot for which a prepayment of the assessment was made an amount equal to the difference in the total assessment paid by the lot and the amount paid by lots for which no prepayments were made.
- B. That for any lot upon which foreclosure proceedings to recover delinquent assessment installments has been commenced prior to the cancellation of remaining assessment installments, the amount due shall be recomputed as provided in subsection A, except there will be no refund.

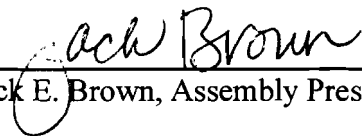
**SECTION 9. Appropriation.** That there is appropriated for the purposes set out in this ordinance the refunds from ENSTAR attributable to the District, all assessments and interest in the District, assessment foreclosure proceeds and interest earned on the funds as provided in Section 6(B)(3). The appropriation under this section does not lapse until after the final refund required under section 8(B) has been made.

**SECTION 10. 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.

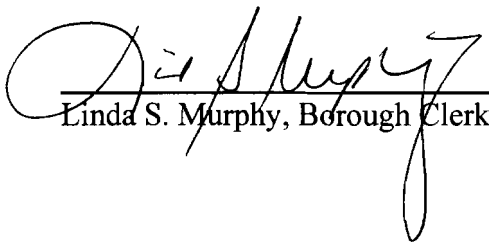
**SECTION 11. Severability.** That if any one or more of the covenants and agreements provided in this ordinance to be performed on the part of the borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreements or agreements shall be 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 12. Effective Date.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 6TH DAY OF JANUARY, 1998.**

  
\_\_\_\_\_  
Jack E. Brown, Assembly President

ATTEST:

  
\_\_\_\_\_  
Linda S. Murphy, Borough Clerk

**ROBINSON LOOP PROJECT FINAL ASSESSMENT ROLL**

Cost per linear foot	7.97	Number of Lots:	77
Linear feet	<u>17,730</u>		
Linear cost	141,308	Assessment per lot:	2,113
Bore cost	10,000		
Admin cost	<u>11,390</u>		
Total cost	<b>162,698</b>		

PARCEL	LEGAL DESCRIPTION	ASSMNT	NAME	ADDRESS
06379002	S10 KN810167 LEILANI SUB LOT 1	\$2,113	ALBRIGHT DAVID L & GARCIA	143 LITTLE AVE SOLDOTNA AK 99669
06304713	S03 KN840295 BRUCE SUB LOT 2 BLOCK 1	\$2,113	ANDERSON CHRISTY D & SUSAN	PO BOX 1182 SOLDOTNA AK 99669
06379006	S10 KN860131 LEILANI SUB NO 2 LOT 4A	\$2,113	ANDERSON MARTIN T	PO BOX 1394 SOLDOTNA AK 99669
06337015	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 10 BLOCK	\$2,113	BISHOP JOHN W & LINDA S	PO BOX 533 STERLING AK 99672
06337026	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 11 BLOCK	\$2,113	BISHOP JOHN W & LINDA S	PO BOX 533 STERLING AK 99672
06337004	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 11 BLOCK	\$2,113	BOSELA ANTHONY & CAROLYN	HC 1 BOX 3607 STERLING AK 99672
06337020	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 5 BLOCK 3	\$2,113	BRADFORD JACK E & JANICE D	9499 BRAYTON DR #115 ANCHORAGE AK 99507
06336009	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 1 BLOCK 3	\$2,113	BROWN GLYNN G & TERRY G	PO BOX 717 SOLDOTNA AK 99669
06386007	S10 KN830119 BURBACK SUB LOT 1	\$2,113	BURBACK ROBERT & CAROLINE H	PO BOX 286 STERLING AK 99672
06337008	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 15 BLOCK	\$2,113	CARLYLE RANDOLPH W & GAYLE	PO BOX 490 STERLING AK 99672
06304714	S03 KN840295 BRUCE SUB LOT 3 BLOCK 1	\$2,113	CARSON KAREN	PO BOX 2883 SOLDOTNA AK 99669
06336001	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 1 BLOCK 1	\$2,113	CASWELL DAVID C & BARBARA J	HC 1 BOX 3603 STERLING AK 99672
06380003	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 2 BLOCK 3	\$2,113	CHRISTENSEN BRIAN & NORMAN	PO BOX 26 KENAI AK 99611
06337028	S02 KN790080 WHISPERING MEADOWS SUB PART 2 RESUB LOT 10 BLK 1 LOT 10B BLOCK 1	\$2,113	CLARK HENRY C & JUANITA J	PO BOX 2105 SOLDOTNA AK 99669
06337031	S02 KN840307 WHISPERING MEADOWS SUB PART 3 LOT 1-A BLOCK 2	\$2,113	COWAN PATRICK S & MYRNA K	PO BOX 828 SOLDOTNA AK 99669
06337032	S02 KN840307 WHISPERING MEADOWS SUB PART 3 LOT 1-B BLOCK 2	\$2,113	COWAN PATRICK S & MYRNA K	PO BOX 828 SOLDOTNA AK 99669
06337034	S02 KN840307 WHISPERING MEADOWS SUB PART 3 LOT 2-B BLOCK 2	\$2,113	COWAN PATRICK S & MYRNA K MARILYN	PO BOX 828 SOLDOTNA AK 99669
06304701	S03 KN SE1/4	\$2,113	FARMER ROSELLA REVOC TRUST	C/O LINDA C SWENSEN 401 DONNA DRIVE ANCHORAGE AK 99504
06337009	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 5 BLOCK 2	\$2,113	FOSTER CHARLES C & L E	PO BOX 90 GRAVETTE AR 72736
06337011	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 4 BLOCK 2	\$2,113	FOSTER CHARLES C & L E	PO BOX 90 GRAVETTE AR 72736
06337012	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 3 BLOCK 2	\$2,113	FOSTER CHARLES C & L E	PO BOX 90 GRAVETTE AR 72736
06337022	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 3 BLOCK 3	\$2,113	FOSTER CHARLES C & L E	PO BOX 90 GRAVETTE AR 72736
06337023	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 14 BLOCK	\$2,113	FOSTER CHARLES C & L E	PO BOX 90 GRAVETTE AR 72736
06386003	S10 KN W1/2 W1/2 NE1/4 NE1/4	\$2,113	FOUST MICHAEL L & TIFFANY D	PO BOX 413 STERLING AK 99672

EXHIBIT A, Page 1 of 3

PARCEL	LEGAL DESCRIPTION	ASSMNT	NAME	ADDRESS
06337010	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 6 BLOCK 2	\$2,113	GARDNER FRANK M & KATHY L	PO BOX 705 STERLING AK 99672
06337018	S02 KN740110 WHISPERING MEADOWS SUB LOT 7 BLOCK 3	\$2,113	GIBBS FRANK B & CAROLYN H	4031 E 5TH ANCHORAGE AK 99508
06380015	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 1 BLOCK 1	\$2,113	HANSON MARK & MAILE C	PO BOX 1877 SOLDOTNA AK 99669
06337005	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 12 BLOCK	\$2,113	HARDY ETHEL L	PO BOX 223 SEWARD AK 99664
06337001	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 8 BLOCK 1	\$2,113	HILER DALE H & LONDA L	PO BOX 581 STERLING AK 99672
06380013	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 3 BLOCK 1	\$2,113	HILER HOWARD L & PATRICIA A	PO BOX 43 STERLING AK 99672
06336012	S02 KN880061 WHISPERING MEADOWS SUB PART 1 HILER ADDN LOT 6B	\$2,113	HILER NORMAN D & KIMBERLY A	PO BOX 313 STERLING AK 99672
06380004	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 3 BLOCK 3	\$2,113	HILLER HOWARD L & PATRICIA A & HILER DALE H & LONDA L	PO BOX 43 STERLING AK 99672
06337002	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 9 BLOCK 1	\$2,113	HOEKMAN PHILIP & JUNE GAIL	PO BOX 721 STERLING AK 99672
06304717	S03 KN840295 BRUCE SUB LOT 2 BLOCK 2	\$2,113	HYDE KEVIN B & KIM C	PO BOX 4444 SOLDOTNA AK 99669
06380014	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 2 BLOCK 1	\$2,113	ISAAK DAVID W & SHARON L	PO BOX 3128 SOLDOTNA AK 99669
06304650	S11 NW1/4 EXCLUDING WEAVER SUB & CHUMLEY TRACTS	\$2,113	ISAAK SHARON L & TOLLACKSON KAREN M & WEAVER J DOUGLAS	PO BOX 3128 SOLDOTNA AK 99669
06386002	S10 KN NW1/4 NE1/4	\$2,113	ISENMAN PAUL & ISENMAN LOIS	4816 DRUMMOND AVE CHEVY CHASE MD 20815
06304705	S03 KN740022 JERHOB SUB LOT 5	\$2,113	JERMAIN BONNIE R	1227 H ST ANCHORAGE AK 99501
06337019	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 6 BLOCK 3	\$2,113	JOHNSON HARRY S & ROBIN	PO BOX 686 STERLING AK 99672
06379003	S10 KN810167 LEILANI SUB LOT 2	\$2,113	KIMBALL PHILLIP & ROSEMARY	HC 1 BOX 3487 STERLING AK 99672
06379005	S10 KN860131 LEILANI SUB NO 2 LOT 4B	\$2,113	KIMBALL PHILLIP & ROSEMARY	HC 1 BOX 3487 STERLING AK 99672
06304718	S03 KN840295 BRUCE SUB LOT 3 BLOCK 2	\$2,113	KINCAID BYRON J & LINDA D	PO BOX 1164 SOLDOTNA AK 99669
06336004	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 4 BLOCK 1	\$2,113	KRIZER MARK D & SUSAN F	PO BOX 161 STERLING AK 99672
06386005	S10 KN840213 MARKS SUB LOT 1	\$2,113	MARSTERS EDWARD D & TAMI J	PO BOX 892 STERLING AK 99672
06386004	S10 KN E1/2 W1/2 NE1/4 NE1/4	\$2,113	MARSTERS EDWARD DALE & TAMI JO	PO BOX 892 STERLING AK 99672
06379004	S10 KN810167 LEILANI SUB LOT 3	\$2,113	MARTINELLI RONALD L	PO BOX 2035 SOLDOTNA AK 99669
06379007	S10 KN860131 LEILANI SUB NO 2 LOT 4D	\$2,113	MARTINELLI RONALD L & KAREN	PO BOX 2035 SOLDOTNA AK 99669
06379008	S10 KN860131 LEILANI SUB NO 2 LOT 4C	\$2,113	MARTINELLI RONALD L & KAREN	PO BOX 2035 SOLDOTNA AK 99669
06337030	S02 KN820046 WHISPERING MEADOWS SUB PART 2 SPOONER ADDN LOT 9B BLOCK 3	\$2,113	MCBIRNEY ED & BOWLES DELBERT R	1200 W DIMOND BLVD LOT 612 ANCHORAGE AK 99515
06304719	S03 KN840295 BRUCE SUB LOT 4 BLOCK 2	\$2,113	MCDONALD DEBRA	HC 1 BOX 3637 STERLING AK 99672
06336011	S02 KN880061 WHISPERING MEADOWS SUB PART 1 HILER ADDN LOT 6A	\$2,113	MCKENNA JAMES G & MARILYN N	PO BOX 2204 SOLDOTNA AK 99669
06304711	S03 KN740022 JERHOB SUB LOT 1	\$2,113	MCKENNA JAMES G & MARILYN N	PO BOX 2204 SOLDOTNA AK 99669
06337006	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 13 BLOCK	\$2,113	MCKENZIE CALLEN	PO BOX 4376 SOLDOTNA AK 99669
06337007	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 14 BLOCK	\$2,113	MCKENZIE CALLEN	PO BOX 4376 SOLDOTNA AK 99669
06336007	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 7 BLOCK 1	\$2,113	MENDENHALL JOHNNY & MAXINE	PO BOX 623 STERLING AK 99672
06304703	S03 KN EAST 150 FT OF SE1/4 SW1/4	\$2,113	MILLS MARY ANN	PO BOX 143 STERLING AK 99672

PARCEL	LEGAL DESCRIPTION	ASSMNT	NAME	ADDRESS
06304704	S03 KN740022 JERHOB SUB TRACT A	\$2,113	MILLS MARY ANN	PO BOX 143 STERLING AK 99672
06337021	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 4 BLOCK 3	\$2,113	NELSON JAMES O & CONSTANCE L	205 E DIMOND BLVD #135 ANCHORAGE AK
06336010	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 15 BLOCK	\$2,113	NICKEL BRENDEN B & RONDA	PO BOX 1035 STERLING AK 99672
06304723	S03 KN950057 JERHOB SUBD NO 2 LOT 7B	\$2,113	NUSSBAUM JOHN P & LINDA S	PO BOX 23 STERLING AK 99672
06304724	S03 KN950057 JERHOB SUBD NO 2 LOT 7C	\$2,113	NUSSBAUM JOHN P & LINDA S	PO BOX 23 STERLING AK 99672
06304715	S03 KN840295 BRUCE SUB LOT 4 BLOCK 1	\$2,113	PENNER GARY I	PO BOX 855 STERLING AK 99672
06304716	S03 KN840295 BRUCE SUB LOT 1 BLOCK 2	\$2,113	PENNER IVAN DALE & MAXINE M	PO BOX 204 STERLING AK 99672
06336008	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 2 BLOCK 3	\$2,113	QUELLAND ROBBIE MICHAEL	PO BOX 1124 STERLING AK 99672
06336005	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 5 BLOCK 1	\$2,113	RICH JAMES C & PATRICIA M	PO BOX 665 STERLING AK 99672
06337033	S02 KN840307 WHISPERING MEADOWS SUB PART 3 LOT 2-A BLOCK 2	\$2,113	ROSE MICHAEL D	PO BOX 230 KASILOF AK 99610
06337024	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 13 BLOCK	\$2,113	SANDBERG ERIC & MCNALLY KAY	HC 1 BOX 3634 STERLING AK 99672
06337025	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 12 BLOCK	\$2,113	SANDBERG ERIC & MCNALLY KAY	HC 1 BOX 3634 STERLING AK 99672
06336002	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 2 BLOCK 1	\$2,113	SHASSETZ ROBERT A & SHARON	PO BOX 1163 STERLING AK 99672
06304722	S03 KN950057 JERHOB SUBD NO 2 LOT 7A	\$2,113	SHULER MARK I & JULIE	PO BOX 2463 SOLDOTNA AK 99669
06380002	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 1 BLOCK 3	\$2,113	SIEVERS DAWN MARIE & DIXIE M	1135 WATKINS ST SE GRAND RAPIDS MI 49507
06337029	S02 KN820046 WHISPERING MEADOWS SUB PART 2 SPOONER ADDN LOT 9A BLOCK 3	\$2,113	SIPES RANDY J	PO BOX 1217 STERLING AK 99672
06304706	S03 KN740022 JERHOB SUB LOT 6	\$2,113	STRANG RICHARD W & STRANG GRAY M	14519 RANCHO JAMUL DR JAMUL CA 91935
06380001	S11 KN840184 WEAVER SUB PART 1 AMENDED LOT 6 BLOCK 4	\$2,113	TOLLACKSON KAREN M & CHRISTOPHER M	N 8710 COUNTRY HOMES SPOKANE WA 99218
06337017	S02 KN740110 WHISPERING MEADOWS SUB PART 2 LOT 8 BLOCK 3	\$2,113	WEST ROBERT LEWIS RESTATED	REVOCABLE TRUST PO BOX 230070 ANCHORAGE AK 99523
06336003	S02 KN740032 WHISPERING MEADOWS SUB PART 1 LOT 3 BLOCK 1	\$2,113	YANCEY EMRON ARTHUR	HC 1 BOX 3606 STERLING AK 99672
06337027	S02 KN790080 WHISPERING MEADOWS SUB PART 2 RESUB LOT 10 BLK 1 LOT 10A BLOCK 1	\$2,113	YANDELL BRIAN D	PO BOX 1099 STERLING AK 99672
77		\$162,698		

These are parcels that are being purchased by the indicated individual. However the purchases are by real estate contract which means the seller, Charles Foster is the owner of record.

06337009	\$0	TAPPANA LLOYD M & ELIZABETH A	PO BOX 973 SOLDOTNA AK 99669
06337011	\$0	SCHMENGER ORTWIN & NANCY J	PO BOX 8668 LAS CRUCES NM 88006
06337012	\$0	SCHMENGER ORTWIN & NANCY J	PO BOX 8668 LAS CRUCES NM 88006