

Introduced by: Mayor
Date: 11/02/99
Hearing: 12/14/99
Action: Postponed to 1/4/00
Hearing: 01/04/2000
Action: Enacted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 99-66**

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

WHEREAS, the assembly, by Resolution 99-066 established the Ross Road 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 4, 2000, where objections would be heard; and

WHEREAS, the assembly, on December 14, 1999, and January 4, 2000, held hearings 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 mainline has been constructed and any necessary property acquisitions completed for the 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. That the assessment roll for Ross Road Utility Special Assessment District, attached as Exhibit A to this ordinance, as presented to the assembly on November 2, 1999 in the total amount of \$43,679.97 is confirmed.

SECTION 3. Notice of Assessment. That 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. That 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, 2000. Installments shall include principal plus accrued interest.

SECTION 5. Delinquencies. That 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. 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 for 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:
 - 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
 - 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 entitlements arising out of new customers connecting to the gas line installed with the District, 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 re-subdivided lots shall be computed by counting the re-subdivided lots as a single lot for purposes of determining the initial refund entitlement. The initial refund entitlement shall then be divided equally among the re-subdivided 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, non-delinquent 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.

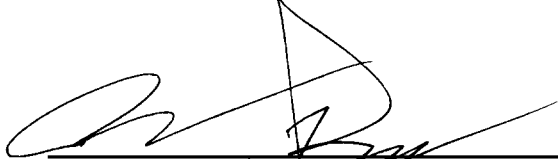
SECTION 9. Appropriation. That there is appropriated for the purposes set out in this ordinance the refunds from ENSTAR attributable to the District, all assessments and interest in the District, assessment foreclosure proceeds and interest earned on the funds as provided in Section 6(B)(2). The appropriation under this section does not lapse until after the final refund required under section 7(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.

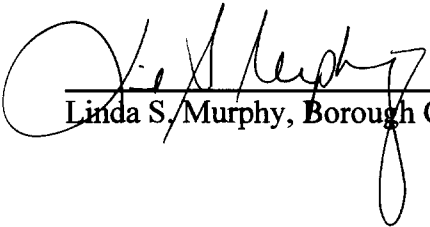
SECTION 12. Effective Date. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 4TH DAY OF JANUARY, 2000.

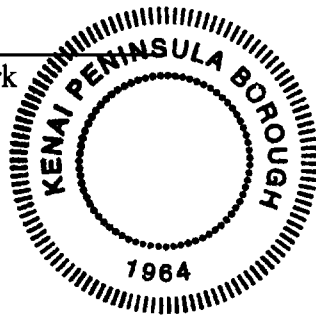


William Popp, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



ROSS ROAD USAD FINAL ASSESSMENT ROLL

10/20/99

ROSS ROAD USAD

Enstar cost	36,486.00
KPB Admin cost	7,193.97
Total Cost	43,679.97
No. Parcels	17
Cost per Parcel	2,569.41

Total Cost	43,679.97
Total Prepayments	0.00
Total Assessments	43,679.97

Parcel #	Legal	Total Assessed Value	Maximum Assment	Prepymt Needed	Name	Address	City State Zip
065-074-02	T05N R08W S11 KN820050 ROSS SUB TRACT A	549,900	2,569.41		UNITED PENTECOSTAL CHURCH	PO BOX 367	STERLING AK 99672
065-074-22	T05N R08W S11 KN940078 ROSS SUB NO 3 TRACT 5	124,600	2,569.41		ROSS CHARLES F & PATRICIA M	PO BOX 608	STERLING AK 99672
065-074-23	T05N R08W S11 KN940078 ROSS SUB NO 3 TRACT 4	18,800	2,569.41		ROSS CHARLES F & PATRICIA M	PO BOX 608	STERLING AK 99672
065-074-24	T05N R08W S11 KN940078 ROSS SUB NO 3 TRACT 2	15,000	2,569.41		WALDRIP KEVIN J & MICHELLE	HC 1 BOX 152-U	SOLDOTNA AK 99669
065-074-25	T05N R08W S11 KN940078 ROSS SUB NO 3 TRACT 1	97,100	2,569.41		MEHNERT GABRIELE K	PO BOX 1303	STERLING AK 99672
065-074-26	T05N R08W S11 KN940078 ROSS SUB NO 3 TRACT 3	15,000	2,569.41		ROSS CHARLES F & PATRICIA M	PO BOX 608	STERLING AK 99672
065-240-02	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 2	20,400	2,569.41		POLZIN DONNIE J & JUSTINE M	PO BOX 211	STERLING AK 99672
065-240-03	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 3	117,600	2,569.41		POLZIN DONNIE J & JUSTINE M	PO BOX 211	STERLING AK 99672
065-240-04	T05N R08W S14 KN001779 PETUMLA ACRES SUB TRACT 4	23,000	2,569.41		HEINTZ CHRISTINE	PO BOX 814	STERLING AK 99672
065-240-22	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 13 THAT PORTION THEREOF EAST OF ROSS ROAD	91,900	2,569.41		WILLETS JERRY L	C/O EDDIE WILLETS 1056 BAXTER ST	NEOSHO MO 64850
065-240-24	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 14 THAT PORTION THEREOF EAST OF ROSS ROAD	13,800	2,569.41		WILLETS JERRY L	C/O EDDIE WILLETS 1056 BAXTER ST	NEOSHO MO 64850
065-240-25	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 14 THAT PORTION THEREOF WEST OF ROSS ROAD	94,900	2,569.41		EBERLINE RANDALL D & ROBIN	HC 1 BOX 271	STERLING AK 99672

ROSS ROAD USAD Final Assessment Roll

10/20/99

Parcel #	Legal	Total Assessed Value	Maximum Assment	Prepymt Needed	Name	Address	City State Zip
065-240-26	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 15 THAT PORTION THEREOF EAST OF ROSS ROAD	12,900	2,569.41		WILLETS JERRY L	C/O EDDIE WILLETS 1056 BAXTER ST	NEOSHO MO 64850
065-240-27	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 15 THAT PORTION THEREOF WEST OF ROSS ROAD	45,400	2,569.41		MARTIN DANIEL L & SUZANNE C	PO BOX 1072	STERLING AK 99672
065-240-28	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 16 THAT PORTION THEREOF EAST OF ROSS ROAD	11,700	2,569.41		CUNNINGHAM ARIC & JOANN	PO BOX 113350	ANCHORAGE AK 99511
065-240-29	T05N R08W S14 KN001779 PETALUMA ACRES SUB TRACT 16 THAT PORTION THEREOF WEST OF ROSS ROAD	97,900	2,569.41		BOYER LARRY D & DELLA K	PO BOX 196	STERLING AK 99672
065-240-33	T05N R08W S14 KN850193 PETALUMA ACRES NO TWO TRACT 13-B	45,000	2,569.41		BILKEY BRIAN L & KATHLEEN J	PO BOX 825	STERLING AK 99672
17			43,679.97				

THE PARCEL IDENTIFIED BELOW IS BEING PURCHASED ON A REAL ESTATE CONTRACT BY THE PERSON(S) LISTED BELOW. OWNER OF RECORD IS JERRY WILLETS AND IS INCLUDED IN THE INFORMATION DETAILED ABOVE.

065-240-22 FRED L. & LEONA LINDBERG