

Introduced by:	Mayor, Popp
Date:	02/20/01
Hearing:	04/03/01
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH
ORDINANCE 2001-05
(Popp) Substitute

AN ORDINANCE ENACTING KPB 5.20.170 AND KPB 14.31.055
ESTABLISHING A ROAD SERVICE AREA RIAD MATCH FUND AND
MATCH PROGRAM

WHEREAS, the borough adopted a road local improvement district ("LID") program in 1991;
and

WHEREAS, no road LID project has been completed since adoption of the program; and

WHEREAS, pavement reduces maintenance costs and provides improved roads for residents within the road service area providing a borough contribution of up to 25 percent of the costs of a road improvement assessment district ("RIAD") project will encourage participation in this road improvement program; and

WHEREAS, improving substandard roads to RSA maintenance standards is a way of providing an additional service to property owners within the RSA whose properties are not currently accessed by a borough-maintained road; and

WHEREAS, other municipalities encourage citizen participation in road improvement assessment districts by providing a match;

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

SECTION 1. That KPB 5.20.170 is hereby enacted to read as follows:

5.20.170. Road improvement assessment district (RIAD) Match Fund.

The Kenai Peninsula Borough Road Service Area RIAD Match Fund is established to receive, account, and disburse funds for road improvement assessment district project costs set forth in KPB 14.31.110. The fund shall earn interest at the rate for the borough's investment pool. Appropriations and disbursements from the fund are to be used solely to defray the costs associated with road improvement assessment districts formed pursuant to KPB 14.31. The Road Service Area fund provides capitalization of the RIAD Match Fund. The RIAD Match Fund shall be used only for projects which proceed through construction. Monies remaining in the fund at the end of the fiscal year will not lapse.

SECTION 2. That KPB 14.31.030 is hereby amended as follows:

14.31.030. Property subject to assessment.

The assembly may assess any real property or interest in real property that the assembly determines is benefitted directly or indirectly by an improvement. The real property or interest in real property that is benefitted by an improvement [MUST] may be abutting, adjoining, adjacent, contiguous [OR OTHERWISE TOUCHING THE IMPROVEMENT] or noncontiguous to the improvement.

SECTION 3. That KPB 14.31.050(D) is hereby amended as follows:

D. The road service area board shall consider the following factors in evaluating petition applications and determining which projects shall be funded under KPB 14.31.050(A)(1).

1. Whether the road is currently on the maintenance system;
2. To what extent do the assessed values of properties support the proposed scope of work for each project;
3. The number of petitions for projects received that year;
4. The funds available in the Road Improvement Assessment District Engineer's Estimate Fund established under KPB 5.20.160;

SECTION 4. That KPB 14.31.055 is hereby enacted to read as follows:

14.31.055. Road Service Area Match Program.

A. There is established pursuant to KPB 5.20.170 a borough match program for pavement projects for roads certified for borough maintenance and gravel projects for roads not certified for maintenance in order that they may be certified for maintenance. The road service area board may authorize that up to 25 percent of the costs of a RIAD be defrayed from this fund subject to the assembly's annual appropriation to the fund.

B. The annual deadline application for the match program is June 1 of each year.

C. The road service area board shall consider the following factors in evaluating applications for the match program:

1. for purposes of the pavement match program, whether the road is certified for borough maintenance;
2. for purposes of the gravel match program, whether it is economically feasible to improve the road to RSA certification standards;
3. to what extent do the assessed values of properties support the scope of work for each project;
4. the number of applications for projects received that year;

5. the funds available in the Road Improvement Assessment District Match Fund;
6. whether an application for district formation has been previously filed and whether conditions have changed to make the project more feasible than in past application years;
7. the number of residents served;
8. the number of parcels served;
9. the feasibility of the project's compliance with KPB 14.31.080 criteria regarding restrictions on formation; and
10. whether there is alternate access to properties served by the road and the condition of that alternate access.

D. The road service area board may adopt procedures by board resolution for implementation of this program consistent with this chapter.

SECTION 5. That KPB 14.31.110 is hereby amended as follows:

14.31.110. Costs assessed.

The assembly shall assess against the benefitted parcels [ONE HUNDRED PERCENT OF ALL] costs of the improvement that are allowable under AS 29.46.110 which are not subject to the road service area match program, including without limitation costs of land acquisition, design, engineering, administrative overhead, professional services, financing costs and interest; provided that the assessment allocated to a parcel shall be reduced by the amount of any prepayment for that parcel under KPB 14.31.080(A).

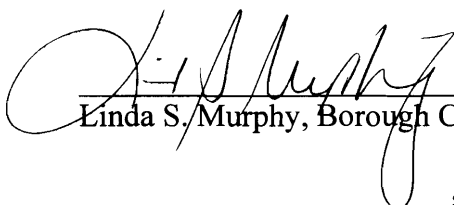
SECTION 6. Notwithstanding KPB 14.31.055(B), the deadline for applications for the match program for FY-2002 shall be October 1, 2001.

SECTION 7. That this ordinance takes effect immediately upon its enactment. RIADs initiated in FY-01 may apply for contribution from the RIAD Match Fund established under KPB 5.25.170 pursuant to the provisions of KPB 14.31.055.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF APRIL, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

