

Introduced by: Mayor
Date: 04/20/04
Hearing: 05/18/04
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2004-11**

**AN ORDINANCE REPEALING KPBB CHAPTER 14.32, DELETING REFERENCES TO
KPBB 14.32 IN OTHER AREAS OF THE CODE, AND AMENDING KPBB CHAPTER
14.31 RELATING TO ROAD IMPROVEMENT ASSESSMENT DISTRICTS**

- WHEREAS,** KPBB 14.32 was enacted in order to promote road improvement assessment district (“RIAD”) projects where a governmental entity was providing a match for improvement of a collector road; and
- WHEREAS,** KPBB 14.31 has been previously amended to provide a borough match for improvement of a collector road; and
- WHEREAS,** the mill levy was increased to 1.5 mills in the road service area (“RSA”) for FY03; and
- WHEREAS,** there are funds available to provide additional borough matches for RIAD projects; and
- WHEREAS,** pavement improvements resolve drainage problems, reduce maintenance costs, and provide for greater resident convenience; and
- WHEREAS,** pavement of collector roads is particularly advantageous for the RSA because they are heavily trafficked by the general public as well as by abutting property owners, and internal subdivision roads receive primarily abutting owner traffic; and
- WHEREAS,** the RSA’s providing a greater match for the lots abutting collector roads will better promote the pavement of collector roads; and
- WHEREAS,** at its May 12, 2004 meeting, the RSA board recommended enactment of this ordinance; and
- WHEREAS,** the RSA board supports a level of funding consistent with the terms of this ordinance; and
- WHEREAS,** pursuant to KPBB 14.31.055 (E), the RSA board will adopt procedures implementing the match program based on relevant criteria, including funding levels;

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

SECTION 1. That KPB Chapter 14.32 is deleted in its entirety.

SECTION 2. That KPB 5.10.040(A)(13) is hereby amended as follows:

13. Special assessments of the borough or one of its political subdivisions authorized by Chapter 5.35[,] or 14.31[OR 14.32]. Total principal investment is not to exceed \$2,000,000 at the end of any fiscal year.

SECTION 3. That KPB 5.20.160 is hereby amended as follows:

5.20.160. Road improvement assessment district (RIAD) Engineer's Estimate Fund.

The Kenai Peninsula Borough Road Service Area RIAD Engineer's Estimate Fund is established to receive, account, and disburse funds for road improvement assessment district project cost estimates. 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 fund the engineering costs associated with estimating the total project costs for road improvement assessment districts formed pursuant to KPB 14.31[AND 14.32]. The Road Service Area fund provides capitalization of the RIAD Engineer's Estimate Fund. The RIAD Engineer's Estimate Fund shall be reimbursed for engineer's fees at the time of financing for projects [WHICH] that proceed and shall absorb the cost of the engineer's estimate for projects which don't proceed.

SECTION 4. That KPB 14.06.070(B)(4) is hereby amended as follows:

4. *Decertification alternatives.* The RSA director or his designee may meet with property owners to discuss the necessary upgrades to avoid decertification. A local improvement district may be considered pursuant to KPB 14.31[OR 14.32]. The borough may engage in cooperative efforts to the extent allowed by law with property owners to upgrade roads where property owners contribute material, equipment, professional services, and right-of-way for the project. The RSA director shall report at a subsequent meeting of the RSA board what efforts have been met to bring the road to RSA maintenance standards and if there are feasible alternatives to decertification.

SECTION 5. That KPB 14.31.055(A) is hereby amended as follows:

- A. There is established pursuant to KPB 5.20.170 a borough match program for RIAD projects as follows: [THE ROAD SERVICE AREA BOARD MAY AUTHORIZE THAT UP TO 25 PERCENT OF THE COSTS OF A RIAD BE DEFRAIDED

FROM THIS FUND SUBJECT TO THE ASSEMBLY'S ANNUAL APPROPRIATION TO THE FUND.]

1. The road service area board may authorize that up to 50 percent of the costs of a RIAD be defrayed from this fund for local or internal subdivision roads subject to the assembly's annual appropriation to the fund.
2. The road service area board may authorize that up to 70 percent of the costs of a RIAD be defrayed from this fund to pave or improve a paved collector road subject to the assembly's annual appropriation to the fund.
3. Where pavement RIADS include both parcels abutting a collector road and internal subdivision roads, the parcels abutting the collector road qualify for up to a 70 percent match, and the parcels abutting an internal subdivision road qualify for up to a 50 percent match.

SECTION 6. That KPB 14.31.160 is hereby enacted as follows:

14.31.160. Definitions.

“Arterial road” means a road intended to carry traffic from local and subdivision roads to major highways. Such roads primarily accommodate relatively large volumes of traffic for relatively long distances at relatively high speeds.

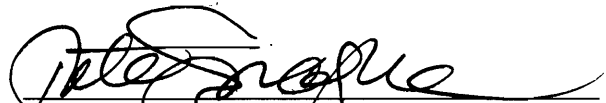
“Benefit” means an advantage gained from the improvement greater than that shared by the general public under this ordinance. Improved access is one way of ascertaining that a parcel is benefited.

“Collector road” means roads that provide both land access and carry traffic from local or subdivision roads to arterial or major highway systems.

“Local road” means a road designed and intended to serve local areas. Such roads primarily accommodate land access to abutting property. Local roads feed traffic into collector and arterial street systems.

SECTION 7. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF MAY, 2004.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

