

Introduced by: Mayor
Date: 07/10/07
Hearing: 08/07/07
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2007-19-17**

**AN ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF
\$111,324 TO THE SPECIAL ASSESSMENT FUND FOR CHINULNA POINT
SUBDIVISION ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT AND
AUTHORIZING AWARD OF A CONTRACT**

- WHEREAS,** KPB Chapter 14.31 provides authority for creating and financing road improvement special assessment districts for the improvement of existing roads; and
- WHEREAS,** a petition was received requesting the formation of a Road Improvement Assessment District (RIAD) in the Chinulna Point Subdivision for improving and paving the roadways within the subdivision; and
- WHEREAS,** previously, 28 of 31 property owners approved formation of the RIAD; and
- WHEREAS,** the assembly adopted Resolution 2006-055 to form the Chinulna Point Subdivision Road Improvement Assessment District and proceed with the improvement; and
- WHEREAS,** on June 06, 2006, the assembly appropriated \$190,269.42 through the enactment of Ordinance 2005-19-51 on shortened hearing in order that the road improvement could possibly be constructed within the 2006 construction season; and
- WHEREAS,** the request for proposals was advertised in June and July 2006, and the assembly authorized the design contract award on August 1, 2006; and
- WHEREAS,** the engineering contract for the RIAD was awarded and notice to proceed issued August 29, 2006, resulting in a decision to delay construction of the project until the 2007 construction season; and
- WHEREAS,** the project plans were completed in April 2007 and the cost of the Chinulna Point Subdivision Road Improvement is now estimated at \$301,593.42, an increase of \$111,324.00 or 58 percent; and
- WHEREAS,** the Road Service Area Board at its May 8, 2007 meeting moved to continue its support of the project and to fund 50 percent of the revised project cost, amounting to an additional \$55,662 from the RIAD Match Fund; and
- WHEREAS,** due to the increase in the estimated cost of the project, the estimated cost to the property owners of the RIAD has increased from \$2,882.87 per lot to \$4,864.41; and

WHEREAS, because the cost has increased more than 10 percent, the Borough is required by KPB 14.31.090(G) to notify the property owners and give them 30 days in which to provide objection to continuation of the project; and

WHEREAS, if written objections are not received by the hearing date from owners of parcels bearing at least 50 percent of the improvement cost, the assembly may approve the improvement contract; and

WHEREAS, the property owners of the RIAD were notified and one objected to the continuation of the road improvement district; and

WHEREAS, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and

WHEREAS, the Borough previously authorized an investment with the RIAD in the amount of \$190,269.42 which will be repaid with interest by assessments on the parcels within the district; and

WHEREAS, the General Fund investment amount previously authorized by the Borough will need to be increased by \$55,662.00; and

WHEREAS, the Kenai Peninsula Borough has solicited and received bids for the Chinulna Point Subdivision Road Improvement project; and

WHEREAS, the low responsive bid from Alaska RoadBuilders is fair and reasonable, and the bidder is qualified to perform the work;

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

SECTION 1. That an additional \$55,662.00 is authorized to be advanced to the assessment fund from the General Fund and appropriated into Account No. 888-92028-CHINU-49101.

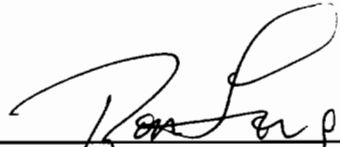
SECTION 2. That the special assessment fund shall repay to the General Fund the full amount invested by the General Fund with interest though payments made on the special assessments levied.

SECTION 3. That an additional \$55,662.00 is authorized to be transferred from the Road Service Area RIAD match fund Account No. 238-33960-00000-50884 to the assessment fund and appropriated into Account No. 888-92028-CHINU-49101.

SECTION 4. That the mayor is authorized to award a contract to Alaska Road Builders in the amount of \$234,538 to perform the work associated with the Chinulna Point Subdivision Road improvement project.

SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF AUGUST, 2007.



Ron Long, Assembly President

ATTEST:


Sherry Biggs, Borough Clerk



Yes: Fischer, Germano, Gilman, Knopp, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None