

Introduced by: Mayor  
Date: 12/16/03  
Action: Adopted  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
RESOLUTION 2003-124**

**A RESOLUTION OF NECESSITY ESTABLISHING THE CHAR  
SUBDIVISION UTILITY SPECIAL ASSESSMENT DISTRICT FOR  
CONSTRUCTION OF A NATURAL GAS MAIN LINE**

- WHEREAS**, in 1991, residents of the borough adopted a nonareawide power by a vote of the people to form special assessment districts for utility lines;
- WHEREAS**, natural gas provides a safe, economical heating alternative and has been shown to increase the value and marketability of parcels; and
- WHEREAS**, the availability of natural gas as a heating fuel may decrease the utilization of heating fuels requiring storage containers which may leak their contents, thereby minimizing the potential for pollution to nearby lakes, area drinking water, and the environment; and
- WHEREAS**, a petition has been received requesting the establishment of a utility special assessment district (“USAD”) for financing the construction of an extension of Enstar’s natural gas service line to a district in the area of Char Subdivision located south of Soldotna along the Sterling Highway; and
- WHEREAS**, KPB Chapter 5.35 requires that the owners of more than 70 percent of the parcels within the proposed district sign the petition, and 70.27 percent have signed the petition; and
- WHEREAS**, Resolution 92-54 requires that within 90 days of filing of the petition, the mayor shall cause to be prepared a resolution of necessity for the assembly’s consideration to determine: a) whether the proposed USAD meets the requirements of KPB Chapter 5.35, and b) whether the borough should establish a USAD as proposed by the petition; and
- WHEREAS**, this resolution, with its attached exhibits, which are incorporated by reference as if fully set forth herein, sets out the plans, specifications, estimated costs, proposed method of assessment, payment schedule, estimated assessment roll, proposed method of borough financing, and schedule for construction as required by KPB Chapter 5.35 and the regulations adopted under that Chapter.

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

**SECTION 1.** That this resolution is supported by the information in the following attached exhibits which are incorporated by reference as if fully set forth herein:

- 1) Clerk's certification of the petition, dated October 23, 2003;
- 2) USAD profile information sheet, dated December 4, 2003;
- 3) an estimated assessment roll, dated December 4, 2003;
- 4) a map of the boundaries of the proposed USAD;
- 5) petition form information cover sheet;
- 6) letter-statement from Enstar Natural Gas, dated July 8, 2003;
- 7) supplemental letter/statement from Enstar Natural Gas, dated November 25, 2003 stating that if approved by Kenai Peninsula Borough Assembly at the December 16, 2003 meeting the project would be constructed during the 2004 construction season at the 2003 construction rates; and
- 8) a memo indicating the method of funding this project from the Finance Director, dated October 27, 2003.

**SECTION 2.** That the boundaries of the USAD for a gas main line set forth in the map attached as Exhibit 4, and the properties legally described in Exhibit 3, are hereby approved as comprising the USAD.

**SECTION 3.** That the plans, specifications, profiles and estimated costs set forth in Exhibit 2 and the schedule for construction set forth in Exhibit 7 are hereby approved.

**SECTION 4.** That the method of levying the special assessment shall be on an equal allocation per lot, parcel, or tract as authorized by KPB Chapter 5.35. Uniform allocation of costs to each parcel in the proposed district is a fair method because each parcel is equally benefited by the ability to connect a service line to the main line.

**SECTION 5.** That the estimated assessment roll, set forth in Exhibit 3, is incorporated by reference as if fully set forth herein.

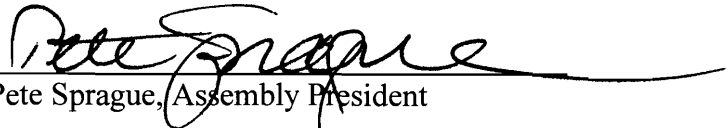
**SECTION 6.** Special assessment bonds will not be issued in anticipation of collection of the special assessments. Borough investment monies shall be the financing mechanism. The frequency and number of installment payments shall be as follows:

Special assessments levied on property within the Char Subdivision Utility Special Assessment District may be paid in ten equal annual installments. Penalties will not be imposed for accelerated payments.

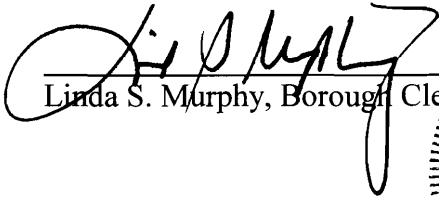
**SECTION 7.** That the proposed Char Subdivision Utility Special Assessment District, as described and proposed through Exhibits 1 – 8, is found to meet the requirements of KPB Chapter 5.35 and is determined to be necessary and in the borough's interest.

**SECTION 8.** That this resolution shall take effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF DECEMBER, 2003.**

  
Pete Sprague, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

