

Introduced by: Popp
Date: 01/18/00
Hearing: 02/15/00
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-01**

**AN ORDINANCE AMENDING KPB 14.31.090(G) REGARDING CONSTRUCTION
COSTS FOR ROAD LOCAL IMPROVEMENT DISTRICTS AND
KPB 14.31.120 REGARDING ALLOCATION OF ASSESSMENTS**

WHEREAS, the borough assembly adopted KPB 14.31 revising the procedures for formation of local improvement districts for roads in 1997; and

WHEREAS, the borough has received inquiries regarding several improvement projects; and

WHEREAS, as currently drafted, the ordinance does not allow any variation from the construction estimate without a return to the petitioners for comment and nonobjection; and

WHEREAS, unlike gas local improvement districts, the construction of a road improvement project must be competitively bid, and it is difficult in a competitive market to commit that construction costs will not exceed the engineer's estimate for the project; and

WHEREAS, the proposed amendment allows some variation between the engineer's estimate and the construction estimate without requiring nonobjection of property owners, but still requires nonobjection of owners within the proposed district where construction costs exceed the engineer's estimate by 10 percent; and

WHEREAS, equal allocation of the costs of a road local improvement district among lots within the district is practical where the lots are residential and not disparate in size;

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

SECTION 1. KPB 14.31.090(G) is hereby amended to read as follows:

G. In the event that the lowest, responsive, responsible, qualified bid for labor and materials for the improvement exceeds the estimated cost for labor and materials by more than 10 percent, then no contract shall be entered without further assembly approval. Prior to such

further approval, the borough clerk shall publish notice once in a newspaper of general circulation in the borough stating the time and place when owners of parcels to be assessed may be heard on the question and shall, by regular mail, notify affected property owners of the time and place when they may be heard on the question. If written objections are not received by or on the date set for consideration of the increased improvement costs from owners of parcels bearing at least one-half of the cost of the improvement, the assembly may approve the improvement contract.

SECTION 2. KPB 14.31.120 is hereby amended to read as follows:

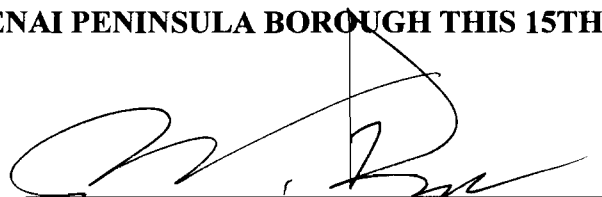
14.31.120. Methods of assessment.

The method of allocating the cost of an improvement shall be proportional to the benefit of the improvement to each assessed parcel. The assembly shall determine the method of allocating the cost of the improvement. The methods of allocating the cost of an improvement include without limitation the following:

- A. Allocation based on the area of a parcel;
- B. Allocation based on lineal feet of street frontage of a parcel;
- C. Allocation based on the assessed valuation of a parcel; [AND]
- D. Allocation by zones within the special assessment district which allow differential assessment based upon differing benefits to different geographic locations within the district[.]; and
- E. Allocation on a per lot basis so that each lot is charged an equal amount.

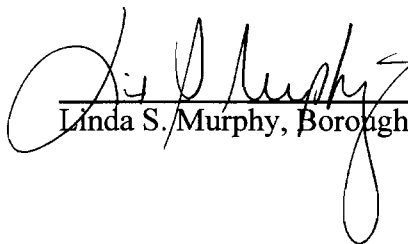
SECTION 2. This ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2000.



William Popp, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

