

Introduced by: Popp
Date: 06/20/00
Hearing: 07/18/00 & 08/01/00
Amended: 07/18/00
Action: Amended & Postponed
Action: Enacted as Amended
Date: 08/01/00
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-19-08**

AN ORDINANCE ENACTING KPB 5.20.160 ESTABLISHING A ROAD IMPROVEMENT ASSESSMENT DISTRICT (RIAD) ENGINEER'S ESTIMATE FUND, AND APPROPRIATING \$50,000 TO THE FUND, AND AMENDING KPB 14.31.050 AND 14.32.050 REGARDING PAYMENT OF FILING FEES FOR RIADS

WHEREAS, it is necessary to incur the costs of an engineer's professional services prior to petition circulation to arrive at an accurate estimate of the costs of construction for road improvement projects; and

WHEREAS, the borough benefits from road improvement projects with lower maintenance costs, enhanced safety, and access for its citizens; and

WHEREAS, it would be appropriate for the borough to assist in defraying the costs of filing fees which pay the cost of an engineer's estimate as long as 100 percent of the costs of completed road improvement projects are assessed against the benefitted parcels;

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

SECTION 1. That KPB 5.20.160 is hereby adopted 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 proceed and shall absorb the cost of the engineer's estimate for projects which don't proceed.

SECTION 2. That KPB 14.31.050 is hereby amended as follows:

14.31.050. Review of petition application.

A. After receiving an application for a petition to form a special assessment district, the borough assessor shall determine the boundaries of the proposed district after consulting with the road service area director. Once the borough assessor makes an initial determination that formation of the proposed district is feasible based on the proposed boundaries and criteria set forth in KPB 14.31.080, a filing fee [ESTABLISHED BY THE MAYOR] based on the cost of obtaining a professional civil engineer's estimate of the total project costs and petition preparation shall be paid [TO DEFRAY THE COSTS OF PETITION PREPARATION] pursuant to one of the methods below, as determined by the road service area board:

1. The petition sponsor shall pay a nonrefundable filing fee of \$1,000. If an additional filing fee is necessary to defray the cost of the engineer's estimate for the project cost, the remaining filing fee may be paid by the road service area. One hundred percent of the costs incurred by the borough to complete the project shall be assessed against the benefitted parcels in compliance with KPB 14.31.110.

2. The petition sponsor shall pay 100% of the above described filing fee, which shall be nonrefundable. [FIFTY (50) PERCENT OF THE FILING FEE MAY BE PAID BY THE BOROUGH ROAD SERVICE AREA AS LONG AS 100] One hundred percent of the costs [OF A COMPLETED PROJECT ARE] incurred by the borough to complete the project shall be assessed against the benefitted parcels in compliance with KPB 14.31.110. [THE PETITION SPONSOR SHALL PAY THAT PORTION OF THE FILING FEE NOT PAID BY THE BOROUGH.]

B. The road service area director shall obtain an estimate of the cost of the improvement proposed for the district. Based upon the proposed district boundaries, and the estimated assessments in the district, the borough assessor shall inform the sponsor whether the proposed district may violate any of the restrictions on district formation in KPB 14.31.080.

C. Applications for road improvement assessment district formations under KPB 14.31.050(A)(1) must be received no later than June 1 of each year. The Roads Department shall make a report and recommendation to the RSA board regarding the applications. The road service area board shall review the petitions by August 1 of each year for construction in the following year.

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 Fund established under KPB 5.20.160;
5. Whether an application for district formation has been previously filed and whether conditions have changed that make the project more feasible than in past application years.

E. The Road Service Area Board shall adopt administrative procedures for application of the factors set forth in KPB 14.31.050(D) by board resolution.

SECTION 3. That KPB 14.32.050 is hereby amended as follows:

14.32.050. Review of petition application.

A. After receiving an application for a petition to form a special assessment district, the borough assessor shall determine the boundaries of the proposed district after consulting with the road service area director. Once the borough assessor makes an initial determination that formation of the proposed district is feasible based on the proposed boundaries and criteria set forth in KPB 14.32.080, a [NONREFUNDABLE] filing fee [ESTABLISHED BY THE MAYOR] based on the cost of obtaining a professional civil engineer's estimate of the total project costs and petition preparation shall be paid [BY THE PETITION SPONSOR TO DEFRAY THE COSTS OF PETITION PREPARATION] pursuant to one of the methods below, as determined by the road service area board:

1. The petition sponsor shall pay a nonrefundable filing fee of \$1,000. If an additional filing fee is necessary to defray the cost of the engineer's estimate for the project cost, the remaining filing fee may be paid by the road service area. One hundred percent of the costs incurred by the borough to complete the project shall be assessed against the benefitted parcels in compliance with KPB 14.32.120.
2. The petition sponsor shall pay 100% of the above described filing fee, which shall be nonrefundable. One hundred percent of the costs incurred by the borough to complete the project shall be assessed against the benefitted parcels in compliance with KPB 14.32.120.

B. The road service area director shall obtain an estimate of the cost of the improvement proposed for the district. Based upon the proposed district boundaries, and the estimated assessments in the district, the borough assessor shall inform the sponsor whether the proposed district may violate any of the restrictions on district formation in KPB 14.32.080.

C. Applications for road improvement assessment district formations under KPB 14.32.050(A)(1) must be received no later than June 1 of each year. The Roads Department shall make a report and recommendation to the RSA board regarding the

applications. The road service area board shall review the applications by August 1 of each year for construction in the following year.

D. The road service area board shall apply the following factors in evaluating petition applications and determining which projects shall be funded under KPB 14.32.050(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 Fund established under KPB 5.20.160;
5. Whether an application for district formation has been previously filed and whether conditions have changed that make the project more feasible than in past application years.

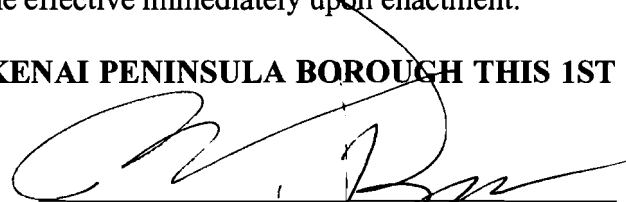
E. The Road Service Area Board shall adopt administrative procedures for application of the factors set forth in KPB 14.32.050(D) by board resolution.

SECTION 4. The sum of \$50,000 shall be transferred from the Road Service Area fund balance and appropriated to the Kenai peninsula Borough Road Service Area RIAD Engineer's Estimate Fund, Account No. 237.33960.01RID.49999.

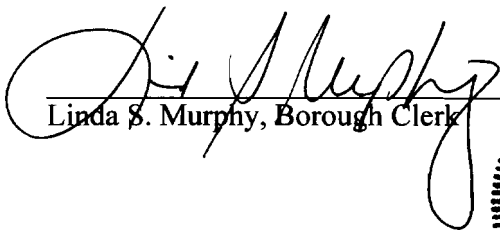
SECTION 5. Notwithstanding KPB 14.31.050(A)(1) and 14.32.050(A)(1) the deadline for filing applications for Road Improvement Assessment District formations in 2000 shall be September 15 with review of the applications by the Road Service Area Board to take place no later than October 20, 2000.

SECTION 6. That this ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2000.


William Popp, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

