

Introduced by: Mayor
Date: 05/07/24
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-009**

**A RESOLUTION FORMING THE PRINCESS LAKE ESTATES UTILITY SPECIAL
ASSESSMENT DISTRICT AND PROCEEDING WITH THE IMPROVEMENT OF A
NATURAL GAS MAIN LINE**

- WHEREAS,** KPB Chapter 5.35 authorizes the formation of utility special assessment districts within the Kenai Peninsula Borough (“KPB”); and
- WHEREAS,** an application for a petition to form a utility special assessment district (“USAD”) was received from the property owners within the proposed district; and
- WHEREAS,** on November 16, 2023, the Mayor approved the Administrative Review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Princess Lake Estates USAD for construction of a natural gas main line extension, attached as Mayor’s Report Attachment 1; and
- WHEREAS,** KPB 5.35.107(C) requires signatures of the owners of record of (a) at least 60 percent of the total number of parcels subject to assessment within the proposed district and (b) at least 60 percent in value of the property to be benefited, in order to be considered by the assembly for formation; and the owners of record of 69.70 percent of the total number of parcels, and 74.39 percent in value of the properties to be benefited, have signed the petition; and
- WHEREAS,** the petition was submitted timely by the sponsor on February 15, 2024, and on February 21, 2024, the Clerk determined that the petition bears sufficient signatures meeting the signature thresholds as required by KPB 5.35.107, and acknowledged receipt of a filing fee for \$1,000 as required by KPB 5.35.030(D), (see Mayor’s Report Attachment 3, Certification of Petition); and
- WHEREAS,** KPB gave notice of the public hearing for this resolution by certified mail, return receipt requested, mailed not less than 35 days before the date of the hearing, to each record owner of a parcel in the proposed district; and
- WHEREAS,** KPB further gave notice by publication once a week for two consecutive weeks in a newspaper of general circulation in the KPB, with the first publication appearing not less than 30 days before the date of the hearing; and

WHEREAS, more than 35 days have passed since the mailing of the notice of the public hearing to each record owner of a parcel in the proposed district, and zero (0) written objection to the necessity of formation of the district has been filed with the KPB Clerk; and

WHEREAS, KPB 5.35.110(A) requires the Mayor to prepare for Assembly consideration a resolution to form the special assessment district and proceed with the improvement, and to submit with the resolution a copy of the petition as described in KPB 5.35.107(A);

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

SECTION 1. That the KPB will form the Princess Lake Estates (USAD, and the Mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 5.35, and negotiate and execute such documents as are determined to be in the best interests of the KPB to accomplish this project.

SECTION 2. That pursuant to the requirements of KPB 5.35.110, this resolution is supported by the Mayor's Report, which is attached hereto and incorporated herein by reference.

SECTION 3. That the proposed Princess Lake Estates USAD is necessary and should be made and is hereby formed, and the KPB will proceed with the construction of an extension of Enstar Natural Gas Company's natural gas main line extension to a district encompassing 132 benefited parcels in the area of Salamatof, including those section of Lower Salamatof Avenue and Treasure Chest Avenue, Erinite Street, Lake Vista Drive, Opal Street, Thorite Lane, and Wallers Street.

SECTION 4. That the boundaries of the USAD for the natural gas main line extension set forth in the district map as Mayor's Report Attachment 2, page 11, and the properties legally described in the Estimate Assessment Roll as Mayor's Report Attachment 2, page 13, are hereby approved as comprising the USAD.

SECTION 5. That the estimated cost of the project of \$627,435.60, which includes direct costs of \$612,196.00 and KPB Administrative costs of \$15,239.60, is approved.

SECTION 6. That the attached Estimate Assessment Roll, Mayor's Report Attachment 2, page 13, which includes properties within the district to be properly included and subject to an assessment of \$4,753.30 per parcel for the improvement, is incorporated by reference herein and adopted.

SECTION 7. Pursuant to the requirements of KPB 5.35.105(B) and 5.35.110(E)(4), that the following one (1) property shall be excluded from the district and will not receive the benefit of the improvement and will not be subject to the assessment as the Mayor has determined this property as not directly benefiting from the improvement due to the property's physical characteristic, T 6N R 12W SEC 12 SEWARD MERIDIAN KN 2016001 PRINCESS LAKE ESTATES PHASE 5 TRACT E (PIN 017-265-79); see Attachment 1, page 3.

SECTION 8. That the Mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the KPB to proceed with construction of the improvement and to accomplish this project.

SECTION 9. That the Clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the District Recorder's office for the State of Alaska in Kenai.

SECTION 10. That notice is hereby given that a property owner within the boundaries of the Princess Lake Estates USAD, unless excluded by Section 6 of this resolution, must pay off the remaining balance of any special assessment on property to be subdivided, or prepay estimated costs if the final assessment has not been determined, before a final plat may be signed and recorded pursuant to KPB 20.60.030.

SECTION 11. That this resolution shall be effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF MAY, 2024.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None