

Introduced by: Mayor  
Date: 05/17/22  
Hearing: 06/21/22  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-16**

**AN ORDINANCE AMENDING KPB 5.35.160 RELATING TO NOTICE OF  
ASSESSMENTS FOR UTILITY SPECIAL ASSESSMENT DISTRICTS TO ENSURE  
CODE COMPATIBILITY WITH SOFTWARE CONSTRAINTS**

**WHEREAS,** current Kenai Peninsula Borough Code (KPB) 5.35.160(A) provides that within 15 days after the enactment of an ordinance under KPB 5.35.150 levying a special assessment, the finance director shall mail a statement to the owner of record of each property assessed; and

**WHEREAS,** due to software constraints in calculating the levy related to the special assessment the system is not able to auto-generate the required statement to property owners within 15 days of the enactment, which results in the finance department manually inputting necessary levy information to mail the required statement to the owner of record of each property assessed; and

**WHEREAS,** this ordinance will amend KPB code to provide that the required statement will be mailed on the first day of the month following enactment of the ordinance of assessment for a newly formed utility special assessment district;

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

**SECTION 1.** That KPB 5.35.160(A) is amended as follows:

**2.33.020. Notice of assessment.**

- A. [WITHIN 15 DAYS AFTER] On the first day of the month following the enactment of an ordinance under KPB 5.35.150 levying a special assessment, the finance director shall mail a statement to the owner of record of each property assessed. For each property the statement shall designate the property, the total allocated assessment, the assessment lien amount, the schedule of payments, the time of delinquency, penalties, and notice of the deferral of principal option described in KPB 5.35.155. The statement shall also include notice that if a benefited parcel is subdivided following the date of the mayor's approval of the petition report under this chapter, the property owner shall be required to pay off the remaining balance of the assessment, or prepay estimated costs if the final assessment

has not been determined, prior to approval of the final plat pursuant to KPB 20.60.030. Additionally, the statement shall include notice that the ordinance of assessment is the final determination of the assessment, and any property owner who filed a written objection to the assessment roll before its confirmation in that ordinance may appeal the decision of the assembly on their objection to the superior court within 30 days after the date the assessment roll was confirmed.

- B. Within 5 days after the statements are mailed, the finance director shall publish a notice that such assessments have been mailed and that the assessment roll is on file in the office of the borough clerk.
- C. After enactment of an ordinance under KPB 5.35.150 levying a special assessment, the clerk shall file in the office of the district recorder an appropriate notice of assessment lien on all lands assessed.

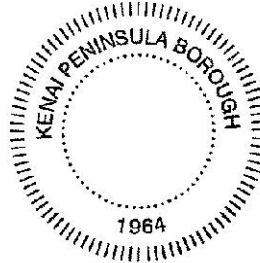
**SECTION 2.** That this ordinance shall be effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF JUNE, 2022.**

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson  
No: None  
Absent: None