

Introduced by: Mayor
Date: 2/15/2022
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-005**

**A RESOLUTION TO FORM THE LOOKOUT DRIVE UTILITY SPECIAL
ASSESSMENT DISTRICT AND PROCEED WITH THE IMPROVEMENT OF A
NATURAL GAS MAIN LINE EXTENSION**

- WHEREAS,** Kenai Peninsula Borough Code (KPB) Chapter 5.35 authorizes the formation of utility special assessment districts within the Kenai Peninsula Borough; 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 4, 2021, the Mayor approved the Administrative Review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Lookout Drive USAD for construction of a natural gas main line; 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
- WHEREAS,** the owners of record of 77.78 percent of the total number of parcels, and 80.18 percent in value of the properties to be benefited, have signed the petition; and
- WHEREAS,** the petition was submitted timely by the sponsor on December 3, 2021, and on December 6, 2021, the borough clerk determined that the petition received 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); and
- WHEREAS,** the borough clerk 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,** the borough clerk gave additional notice, by publication, once a week for two consecutive weeks in a newspaper of general circulation in the borough, 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 ____ ()

written objection to the necessity of formation of the district has been filed with the borough 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 Kenai Peninsula Borough (“Borough”) shall form the Lookout Drive Utility Special Assessment District 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 Borough 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 Lookout Drive USAD is necessary and should be made and is hereby formed, and the Borough shall proceed with the construction of an extension of Enstar’s natural gas main line to a district encompassing 18 benefited parcels in the area of Diamond Ridge, beginning at the intersection of Walter Thomas Road and Ridge Circle, north and including all of Lookout Drive.

SECTION 4. That the boundaries of the USAD for the natural gas main line set forth in the district map as mayor’s report Exhibit 1, page 15, and the properties legally described in the Estimate Assessment Roll as mayor’s report Exhibit 1, page 17, are hereby approved as comprising the USAD.

SECTION 5. That the estimated cost of the project of \$78,978.78, which includes direct costs of \$71,719.00 and KPB Administrative costs of \$7,259.78, is approved.

SECTION 6. That the attached Estimate Assessment Roll, mayor’s report Exhibit 1, page 17, which includes properties within the district to be properly included and subject to an assessment of \$4,387.71 per parcel for the improvement, is incorporated by reference herein and adopted.

SECTION 7. That the mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the Borough to proceed with construction of the improvement and to accomplish this project.

SECTION 8. That the borough 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 at Kenai.

SECTION 9. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15th DAY OF FEBRUARY, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk