

Introduced by: Mayor
Date: 06/18/19
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-036**

**A RESOLUTION TO FORM THE RUSTIC AVENUE ROAD IMPROVEMENT
ASSESSMENT DISTRICT AND PROCEED WITH THE IMPROVEMENT**

- WHEREAS,** KPB Chapter 14.31 authorizes the formation of road improvement districts within the Kenai Peninsula Road Service Area (RSA); and
- WHEREAS,** an application for a petition to form a road improvement assessment district (RIAD) was received from the property owners within the proposed district; and
- WHEREAS,** KPB 14.31.040 requires that applications to form a RIAD and to participate in the RIAD match program shall be received no later than July 1 of each year; and
- WHEREAS,** the application for Rustic Avenue RIAD formation and to participate in the match program was submitted timely; and
- WHEREAS,** on August 14, 2018, the RSA board reviewed the RIAD application and authorized funding to obtain an engineer's estimate for the Rustic Avenue RIAD for the purpose of improving approximately 750 linear feet of Rustic Avenue not currently on the Road Service Area maintenance list; and
- WHEREAS,** pursuant to KPB 14.31.065, on March 12, 2019, the RSA board adopted RSA Resolution 2019-04 approving the circulation of the Rustic Avenue RIAD petition consistent with the recommendations in the staff report of August 14, 2018; and
- WHEREAS,** KPB 14.31.070(D) 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 60 percent of recorded owners have signed the petition, and 64 percent in value of the property to be benefited; and
- WHEREAS,** the petition and required filing fee were submitted timely by the sponsor, and the borough clerk has certified that the petition contains sufficient signatures to meet the thresholds required by KPB 14.31.070; 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 clerk further gave 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 no written objection to the necessity of formation of the district has been filed with the borough clerk; and

WHEREAS, KPB 14.31.090 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 the petition report described in KPB 14.31.060, the RSA resolution to approve the petition report and recommend a borough match, a description of the current condition of the rights-of-way that are to be improved and a statement of the need for the proposed local improvement, and the method of financing the improvement.

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

SECTION 1. That the Kenai Peninsula Borough shall form the Rustic Avenue Road Improvement Assessment District (RIAD), and the mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 14.31 and RSA Resolution 2019-04, attached as Exhibit 1 to the Mayor's Report, 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 14.31.090, this resolution is supported by the mayor's report, which is attached hereto and incorporated herein by reference.

SECTION 3. That the proposed Rustic Avenue RIAD is necessary and should be made and is hereby formed, and the borough shall proceed with the construction of the proposed gravel improvement for a district encompassing 10 benefited parcels in the area of Kalifornsky, for approximately 750 linear feet of roadway of Rustic Avenue.

SECTION 4. That the boundaries of the RIAD for improving the roadway set forth in the district map attached as Exhibit 4, page 7, to the Mayor's Report and the properties legally described in the Estimate Assessment Roll as Mayor's Report Exhibit 4, page 5, are hereby approved as comprising the RIAD.

SECTION 5. That the estimated cost of the project of \$106,674.00, which includes direct costs of \$90,885.57, a 10 percent KPB project contingency of \$9,088.56 per KPB 14.31.060(2)(a), and indirect administrative costs of \$6,699.87, is approved.

SECTION 6. That the attached Estimate Assessment Roll, Mayor's Report Exhibit 4, pages 5 & 6, which includes properties within the district to be properly included and subject to an assessment of \$5,333.70 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 the construction of the improvement and to accomplish this project.

SECTION 8. That the borough clerk shall cause a copy of this resolution and estimated assessment roll to be recorded in the District Recorder's Office for the State of Alaska at Kenai.

SECTION 9. That this resolution shall take effect immediately upon its adoption.

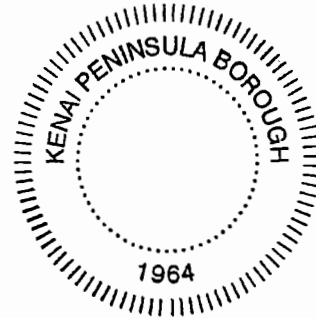
ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.

Wayne H. Ogle

Wayne H. Ogle, Assembly President

ATTEST:

John Blankenship
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None