

Introduced by: Mayor  
Date: 02/15/22  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**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 no written objections 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.

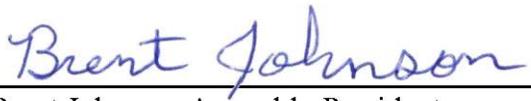
**SECTION 6.** That the attached Estimate Assessment Roll, mayor’s report Exhibit 1, page 17, which includes properties within the district to be properly included and subject to an assessment of \$4,387.71 per parcel for the improvement, is incorporated by reference herein and adopted.

**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.

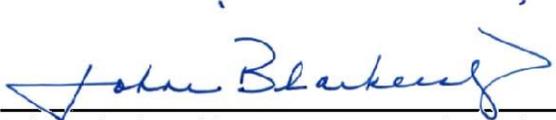
**SECTION 8.** That the borough clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the District Recorder's office for the State of Alaska at Kenai.

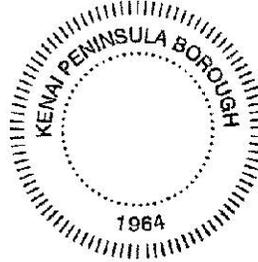
**SECTION 9.** That this resolution is effective immediately upon its adoption.

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

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



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

**Kenai Peninsula Borough**  
Assessing Department

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**MEMORANDUM**

RECEIVED  
NOV 04 2021  
KPB ASSESSING DEP

TO: Charlie Pierce, Borough Mayor

FROM: Adeena Wilcox, Director of Assessing *AW*  
Marie Payfer, Special Assessment Coordinator *MP*

DATE: November 4, 2021

RE: Administrative Review of the Petition Report for the Lookout Drive Utility  
Special Assessment District (USAD)

Review Period: Thursday, November 4, 2021, through Friday, November 19, 2021

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In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Diamond Ridge. Known as the Lookout Drive Utility Special Assessment District (hereinafter "USAD"), the proposed main line route will begin north of the intersection of Walter Thomas Road and Ridge Circle, and includes all of Lookout Drive. The project would benefit 18 parcels.

The attached Petition Report, and associated exhibits, is provided to the mayor for consideration and approval. Pursuant to 5.35.105(C), the mayor will consider the petition report for the proposed USAD and make a final determination to approve or to acquire additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mailed notices to the affected property owners to allow for the comment period as described in KPB 5.35.030(E).

The notices were mailed out to the affected property owners on Tuesday, September 21, 2021; therefore, the mayor may consider the petition report **not earlier than Thursday November 4, 2021, and not later than Friday, November 19, 2021.**

Your review and approval of the proposed petition report is hereby requested so that the sponsor may pursue the signatures of owners of property within the approved boundaries. If sufficient signatures are obtained and the completed petition certified, the project may move forward with assembly approval of the resolution to form the district and proceed with the improvement. The sponsor hopes for this to occur no later than the first Assembly meeting in June of 2022 (TBD), to stay on schedule to meet the utility company's deadline of June 15, 2022, for assembly approval to form the district, and to allow for construction of the proposed project during the 2022 construction season.

**SECTION 1. IMPROVEMENT PROPOSAL:**

On September 8, 2021, the utility company, Enstar Natural Gas Company, submitted a letter of approval for the proposed natural gas main line extension and a written estimate of the utility's estimated cost of constructing the extension. The sponsor was informed of the total estimated cost for this project. On September 13, 2021, the sponsor provided the assessing department with written notice of intent to

Page -2-

Date: November 4, 2021

To: Kenai Peninsula Borough Mayor

RE: Admin Review of the Petition Report – Lookout Drive USAD

proceed with administrative review of the petition report, and has submitted a non-refundable filing fee as established in the most current Schedule of Rates, Charges and Fees. Pursuant to KPB 5.35.03(E), the assessing department mailed notices of the proposed USAD to all parcel owners in the proposed district on September 21, 2021.

The project proposes to install a natural gas line of approximately 2,520 lineal feet of 2-inch pipe. The total project cost for a 2022 construction is estimated at **\$78,978.78**, which includes Enstar's 2022 standard construction cost of \$71,719 (based on \$28.46 per lineal foot), plus the Kenai Peninsula Borough administrative cost of \$7,259.78. The allocated cost per-parcel is estimated to be **\$4,387.71** for each of the 18 benefited parcels. This project does not require additional Non-Standard construction cost items. If the project is approved by the assembly by June 15, 2022, Enstar will attempt to construct the project in 2022. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

## **SECTION 2. RESTRICTIONS ON FORMATION:**

Pursuant to 5.35.070(B), the legal description of parcels within the proposed district as of the date of the mayor's approval of the petition report under KPB 5.35.105 will establish the parcels for assessment. No subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes after the mayor's approval of the petition report. Additionally, KPB 5.35.030(E)(4), requires "any action to replat parcels within the proposed district shall be completed and recorded before the date the mayor approves the petition report under KPB 5.35.105(C)".

Currently, one parcel within the boundary of this proposed district is in the process of subdividing: parcel 173-151-12, preliminary plat "Bluff Point Subdivision Curry Addition". If the final plat is approved and recorded prior to the date of the mayor's approval of the petition report, the number of parcels within this district and the cost per parcel will be adjusted to reflect one additional benefited parcel. Additionally, the legal description and new parcel numbers will be updated prior to the assessing department providing the final petition to the sponsor for distribution.

Pursuant to KPB 5.35.070 restrictions on formation, in no case may a property be assessed an amount in excess of 50% of the fair market value of the property, and a special assessment district may not be approved where properties which will bear more than 10% of the estimated costs of the improvement are subject to unpaid, past-due borough property taxes.

Within this proposed district, there are zero parcels that exceed the 50% assessment-to-value limitation, and there are zero parcels which are delinquent in payment of the 2021 property taxes. In addition, there are no other special assessment liens against any of the parcels in the proposed district, and there is no one owner who owns more than 40% of the total number of parcels to be benefited.

## **SECTION 3. KENAI PENINSULA BOROUGH OWNED PROPERTY:**

Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district.

Within this proposed district, there are zero benefited parcels which are currently owned by the Kenai Peninsula Borough.

Lookout Drive USAD

Page -3-

Date: November 4, 2021

To: Kenai Peninsula Borough Mayor

RE: Admin Review of the Petition Report – Lookout Drive USAD

#### **SECTION 4. PUBLIC COMMENTS – EXCLUSION REQUESTS**

**Public Comments:** The assessing department has received one (1) written comment regarding the proposed project from a member of the public, Claire Donahue. This email/letter is included as public comment.

**Exclusion Requests:** Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the physical characteristics of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property has such physical characteristics and therefore cannot benefit from the proposed improvement. Any property which is excluded from the district will “not receive the benefit of the improvement and will not be subject to the assessment”, per KPB 5.35.110 (E)(4).

Within this proposed district, there are zero property owners objecting to their parcel's inclusion in the proposed district.

#### **SECTION 5. PETITION REPORT AND EXHIBITS:**

The following list of exhibits to the Petition Report support and are incorporated by reference as follows:

1. **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition;
2. **Enstar's commitment letter** to support the 2022 construction of the extension and a written estimate of the total cost of construction, dated September 8, 2021. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2022, Enstar will construct the project in 2022; however, if the project is delayed and is constructed in 2023, the rate will increase to an undetermined 2023 construction rate;
3. **a map** of the proposed USAD district and boundaries;
4. **estimate assessment roll** spreadsheet contains the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
5. **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

#### **SECTION 6. ADMINISTRATIVE REVIEW:**

KPB chapter 5.35.105(C) stipulates the mayor will consider the petition report and make a final determination to approve the report or to require additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mails notice to affected property owners under KPB 5.35.030(E), and that upon the mayor's approval, at least one copy of the petition report shall be

Lookout Drive USAD



# PETITION SIGNATURE PAGE

## LOOKOUT DRIVE - USAD

### NOTICE TO PETITION SIGNERS:

1. Signed petition pages **must be returned to the SPONSOR(S)** by: \_\_\_\_\_
2. Signatures must be in ink and dated.
3. **See back of this page for important deadline for signatures and signature requirements.**
4. **Your signature(s) represents a vote in favor of the project for the parcel listed below.** You must sign and date your approval for each parcel you own which is included within the district. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the completed petition is filed, per KPB 5.35.107(E). This does not preclude the property owner(s) from filing a written objection to the necessity of the formation of the district as provided in KPB 5.35.110(D).
5. This Petition consists of the following:
  - This Petition Signature Page; and
  - The Petition Report, and includes the following exhibits:
    - 1) Petition Information Sheet;
    - 2) Enstar’s commitment letter to support the 2022 construction of the extension and a written estimate of the total cost of construction, dated September 8, 2021. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2022, Enstar will construct the project in 2022; however, if the project is delayed and is constructed in 2023, the rate will increase to an undetermined 2023 construction rate;
    - 3) a map of the geographic area encompassing the benefited parcels;
    - 4) estimate assessment roll: a spreadsheet which provides the total estimated cost of the improvement and estimated amount to be assessed to each parcel; the name of the owner(s) of record, parcel number, legal description, and total assessed value for each parcel in the proposed district; whether there are other special assessment liens against any of the parcels; and the description of any parcel which violates the restrictions regarding maximum lien limits or real property tax delinquencies; and
    - 5) a memo from the Finance Director stating the method of financing, interest rate to be paid and setting forth the number and frequency of payments.

### 6. RETURN COMPLETED SIGNATURE PAGE TO USAD SPONSORS:

Herman Lin	8015 Garfield Ave, #208, Alhambra CA 91801	(626) 590-4222	hermanlinn@yahoo.com
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**THE OWNER(S) OF RECORD, BY HIS/HER SIGNATURE ACKNOWLEDGES THAT HE/SHE HAS HAD THE OPPORTUNITY TO READ THE DOCUMENTS COMPRISING THE PETITION REPORT LISTED IN #5 ABOVE AND APPROVES THE PROPOSED THE UTILITY SPECIAL ASSESSMENT DISTRICT.**

Owner(s) of Record

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Parcel No.: \_\_\_\_\_  
 Assessed Value: \_\_\_\_\_  
 Legal: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

## IMPORTANT INFORMATION

### Petition Signature Page

In order for the sponsor to meet the deadline for signature of the completed petition:

**It is important to coordinate the timing of the distribution of the petitions to the property owners, and the signing & collection of the completed petitions signature pages.**

**KPB 5.35.107(B): Deadline for Signature.** Completed petition signature pages must be filed with the assessing department within 45 days of the date the assessing department distributes the petitions to the sponsor.

**IMPORTANT: Contact the USAD sponsors directly regarding the deadline for signatures:**

Herman Lin	8015 Garfield Ave, #208, Alhambra CA 91801	(626) 590-4222	hermanlinn@yahoo.com
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**KPB 5.35.107(C): Signature requirements.** The petition must contain the signatures of **(a)** the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district; and **(b)** the owners of record of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation.

1. Multiple owners: When a parcel is owned by more than one person or entity, signatures for each record owner are required in order for the parcel to count towards the signature thresholds. All signatures shall be consistent with the requirements listed in KPB 5.35.107(C)(2) – (6), as applicable [if the joint owner is deceased a copy of the death certificate must be provided]. The following are those requirements:
2. Signature by Proxy: Signatures by proxy will not be accepted by the clerk.
3. Power of Attorney: The signature of a power of attorney will only be accepted by the borough if the signature is accompanied by a copy of the Power of Attorney document providing authority for such signatures.
4. Business entities:
  - a. *Corporations:* Where a parcel is owned by a corporation, the petition shall be signed by two individuals, one of whom is the chairman of the board, the president, or the vice president, and the other of whom is the secretary or treasurer, or by another person or persons who have been given authority via corporate resolution.
  - b. *Limited liability companies:* Where a parcel is owned by a LLC, the petition must be signed by a member if the LLC is member-managed, or by the manager, if a manager has been designated.
  - c. *Other business owners:* Where a parcel is owned by another type of business entity, only those persons who have signatory authority to bind the business entity under Alaska Statutes may sign the petition as owner.
5. Trusts: Where a parcel is owned by a trust, only the trustee may sign as the property owner. If there are co-trustees, a majority must sign the petition in order for the parcel to count towards the signature thresholds unless otherwise provided in the trust document. The signature of the trustee(s) shall be accepted by the clerk if it is accompanied by a complete copy of the trust document.
  - [A *Certificate of Trust* which complies with AS 13.36.079 may be submitted in lieu of the entire trust document. **WARNING:** owners should consult with an attorney to advise them if the *Certificate of Trust* complies with AS 13.36.079, or assist them in preparing a *Certificate of Trust*.]

**KPB 5.35.107(E): Signature withdrawal.** A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department prior to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the filing of the completed petition.

# PETITION REPORT

## LOOKOUT DRIVE

### UTILITY SPECIAL ASSESSMENT DISTRICT (USAD)

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Diamond Ridge. Known as the Lookout Drive Utility Special Assessment District (hereinafter "USAD"), the proposed main line route will begin north of the intersection of Walter Thomas Road and Ridge Circle, and includes all of Lookout Drive. A map showing the parcels to be assessed is attached to the Petition Report as Exhibit 3. The project would benefit 18 parcels.

The project proposes to install a natural gas line of approximately 2,520 lineal feet of 2-inch pipe. The total project cost for a 2022 construction is estimated at **\$78,978.78**, which includes Enstar's 2022 standard construction cost of \$71,719 (based on \$28.46 per lineal foot), plus the Kenai Peninsula Borough administrative cost of \$7,259.78. The allocated cost per-parcel is estimated to be **\$4,387.71** for each of the 18 benefited parcels. This project does not require additional Non-Standard construction cost items. If the project is approved by the assembly by June 15, 2022, Enstar will attempt to construct the project in 2022. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction. See Petition Report Exhibit #2, Enstar's commitment letter and written estimate.

**This Petition Report is supported by the attached exhibits:**

- 1) **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
- 2) **Enstar's commitment letter** to support the 2022 construction of the extension and a written estimate of the total cost of construction, dated September 8, 2021. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2022, Enstar will construct the project in 2022; however, if the project is delayed and is constructed in 2023, the rate will increase to an undetermined 2023 construction rate;
- 3) **a map** of the proposed USAD district and boundaries;
- 4) **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
- 5) **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

**The USAD sponsor(s) are:**

Herman Lin	801 S Garfield Ave, #208, Alhambra CA 91801	(626) 590-4222	hermanlinn@yahoo.com
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For additional information, contact:

Marie Payfer, KPB Special Assessment Coordinator

907-714-2250 or Email: [mpayfer@kpb.us](mailto:mpayfer@kpb.us)

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## UTILITY SPECIAL ASSESSMENT DISTRICT PETITION INFORMATION SHEET LOOKOUT DRIVE – USAD

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Diamond Ridge. Known as the Lookout Drive Utility Special Assessment District (hereinafter "USAD"), the proposed main line route will begin north of the intersection of Walter Thomas Road and Ridge Circle, and includes all of Lookout Drive. A district map showing the parcels to be assessed is attached to the Petition Report (PR) as PR Exhibit #3. The project would benefit 18 parcels.

The project proposes to install a natural gas line of approximately 2,520 lineal feet of 2-inch pipe. The total project cost for a 2022 construction is estimated at **\$78,978.78**, which includes Enstar's 2022 standard construction cost of \$71,719 (based on \$28.46 per lineal foot), plus the Kenai Peninsula Borough administrative cost of \$7,259.78. The allocated cost per-parcel is estimated to be **\$4,387.71** for each of the 18 benefited parcels. This project does not require additional Non-Standard construction cost items. If the project is approved by the assembly by June 15, 2022, Enstar will attempt to construct the project in 2022. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction. See PR Exhibit #2, Enstar's commitment letter and written estimate.

With regard to each benefited parcel, PR Exhibit #4 (the *Estimate Assessment Roll*) contains the tax parcel number, name of record owner, legal description, assessed value, estimated amount of special assessment, the existence of other special assessment liens (if any), and any violations of KPB 5.35.070.

**The sponsor of this petition is:**

Herman Lin	801 S Garfield Ave, #208, Alhambra CA 91801	(626) 590-4222	hermanlinn@yahoo.com
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**What costs are covered:** This estimated assessment will only cover the cost to install the extension of the utility's main line of services. Property owners will need to contact the utility company for any additional costs associated with the service connection from the utility's main line to their private structures or facilities on the benefited parcels. Private hookups, service connections, and/or conversion costs are NOT included in the assessment. Enstar Natural Gas Company is located at 36225 Kenai Spur Hwy, Soldotna, AK 99669; or by phone at 907-262-9334, or online at [www.enstarnaturalgas.com](http://www.enstarnaturalgas.com).

**Assessment lien:** If the project is approved and constructed, and once the actual cost of the public improvement has been ascertained, the assembly will assess the parcels of property directly benefited by the improvement on a per-parcel basis by equal allocation of the total cost. This cost will be assessed in the form of a lien on the benefited parcel. In no case may a property be assessed (lien) an amount in excess of 50% of the current fair market value (assessed value) of the property. Within this proposed district there are zero parcels that exceeds the 50% assessment-to-value limitation, and no prepayment of the assessments will be required (partial amount of the *allocated cost*).

**Payment options:** The cost assessed can be paid in full, or in 10 annual installments with interest to accrue on the unpaid amount of the assessment. The assessment may be paid at any time prior to the 10 year period without penalty. Interest will be added to any assessments not paid within 30 days of the Notice of Assessment. The interest rate charged is the *prime rate* plus 2% as of the date the ordinance confirming the assessment roll is enacted by the assembly. The penalty for delinquent installment and assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency. The lien will remain on the parcel until the debt has been paid in full.

*Deferral of payment of principle:* Property owners who meet the income and residency requirements established by KPB 5.35.155, may be eligible for a deferral of payment of principal. Deferral is for the *principle* balance only; accrued interest must be paid by the due date each year. Deferment will only apply to benefited property *owned and occupied as the primary residence and permanent place of abode* of the qualifying applicant. Per KPB 5.35.155(F), "*the deferred assessment, including all unpaid accrued interest, becomes due and payable in full when the property ceases to be owned or occupied by the resident who qualified for the deferral. Any remaining balance due shall be paid on the same schedule as would have been in place if no deferral had applied.*" Interested property owners should contact the KPB Finance Department for complete details, including income qualifiers, all restrictions and requirements, and to obtain an annual application.

**Legal description of parcels:** Pursuant to KPB 5.35.070(B), the legal description of the parcels subject to the special assessment within this proposed district was established on November 4, 2021, the date of the mayor's approval of the petition report. Any action to replat parcels within the proposed district must have been completed and recorded before the date the mayor approved the petition report. No further subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes.

Currently, one parcel within this district is in the process of subdividing. The owner of the property will be required to prepay the estimated assessment before the final plat may be approved per KPB 20.60.030. The final plat was not approved and recorded prior to the mayor's approval of the petition report, therefore, the estimated assessment roll spreadsheet will not be updated to reflect a change in number of parcels within this district.

**Petition requirements:** This petition proposes to assess all of the benefited parcels. In order to qualify, the petition must have the signatures of: **(a)** owners of record of at least 60% of the total number of parcels subject to assessment within the proposed USAD; *and* **(b)** the owners of at least 60% in value of the property to be benefited. Approval of the project is signified by property owners in the district properly signing and dating the petition signature page. Failure to secure enough signatures to meet these thresholds will cause the petition to fail.

**Petition signature requirements:** An owner's signature represents a **vote in favor** of the project. All signatures must be in ink and dated. The completed Petition Signature Page must be returned to the USAD sponsor timely. For parcels with joint ownership *each owner of record must sign and date the petition*. If the joint owner is deceased a copy of the death certificate must be provided. For all signature requirements established by KPB 5.35.107(C), see page 2 of the Petition Signature Page. Please note, for properties owned by business entities (e.g., *corporations, limited liability corporations, etc.*), and properties held by *trusts*, additional signature authorization documentation will be required which must be included with the signed Petition Signature Page in order to be considered for signature percentages thresholds.

**Signature withdrawal:** A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the completed petition signature pages by the sponsor. *A withdrawal is effective only if notice of the withdrawal is submitted to the assessing department before the completed petition is filed.* This restriction does not preclude the property owner(s) from filing an objection to the necessity of formation of the district as provided in KPB 5.35.110(D).

A **Petition Signature Page** will be provided to the benefited property owners with the final petition. Only the Petition Signature Page will need to be returned to the district sponsor (*including any required signature authorization documentation, see above*). The district sponsor will be responsible for collecting the signed petitions signature pages and for submitting the completed petition to the Borough. The Borough will accept the original or an electronic copy of the signed petition signature pages (scanned or copied).

**Deadline for signatures:**

Property owners must contact the **USAD Sponsor** regarding the deadline to return the signed petition signature pages & any required signature authorization documentation, to the sponsor for final collection.

Pursuant to KPB 5.35.107(B), the sponsor will be responsible to file the completed petition signature pages to the assessing department within 45 days of the date on which the assessing department distributes the petition to the sponsor for distribution to property owners. The 45 day period begins as of date the sponsor receives the final petition from Assessing.

**Certification of petition:** Once the sponsor files the completed petition signature pages with the assessing department, the borough clerk shall determine whether the petition contains sufficient signatures as required. If the petition meets code requirements for percentage thresholds, the borough clerk shall certify the petition and submit the petition to the mayor for preparation of a resolution to form the district and proceed with the improvement.

**Submit signed petition signature pages directly to the USAD sponsors:**

Herman Lin	801 S Garfield Ave, #208, Alhambra CA 91801	(626) 590-4222	hermanlinn@yahoo.com
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For additional information, contact:

Marie Payfer, *KPB Special Assessment Coordinator*

Dir. Line: 907-714-2250

Email: [mpayfer@kpb.us](mailto:mpayfer@kpb.us)

**Terms & Definitions:**

**Special Assessments:** Authorized under AS 29.46, a funding method used to finance capital improvements that benefit specific (limited) property within a certain designated area (*special assessment districts*). Capital improvements may include roads improvements or the extension of the lines of service of those public utilities regulated by the Regulatory Commission of Alaska. Special assessments spread the cost of the improvement among all the properties that directly benefit from the improvement, with the idea is that it is easier for property owners to afford the benefits if they share the cost as a group rather than paying individually. Special assessments are a way for property owners and the municipality to work together to finance capital improvements that directly benefit the property owners.

**Per KPB 5.35.19:**

**Benefit:** an advantage gained from the improvement greater than that shared by the general public. Benefit may include, for example, increased property value and marketability, a special adaptability of the land, or a relief from some burden (e.g., lower energy costs).

**Deferral of Payment:** payment is postponed or suspended until a certain time or event, but is not forgiven.

**Directly benefited:** the property may hook up a private service line to the main service line without any further extension of the main line, based upon the utility's guideline.

**District:** an area composed of individual parcels of land that are connected to the public improvement for which the special assessment is to be levied.

**Petition:** the formal written request signed by record owners within the proposed boundaries to form the utility special assessment district. There are three stages of the petition:

Petition Report: the document created by the assessing department, for the mayor's review, which contains all pertinent information regarding the proposed district and special assessment project.

Final Petition: contains the petition report and all exhibits approved by the mayor, and a petition signature page with instructions. It is the final petition which is distributed by the sponsor to all owners of property within the proposed district.

Completed Petition: refers to all signed and dated petition signature pages collected by the sponsor, including any required signature authorization documentation. The sponsor is required to submit the completed petition to the assessing department prior to the end of the 45 day signature collection period, for review and certification.

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3000 Spenard Road  
PO Box 190288  
Anchorage, AK 99519-0288  
[www.enstarnaturalgas.com](http://www.enstarnaturalgas.com)

September 8, 2021

Marie Payfer, Special Assessment Coordinator  
Kenai Peninsula Borough  
148 N. Binkley  
Soldotna, AK 99669

**RE: Lookout Drive USAD**

Dear Ms. Payfer,

The Lookout Drive USAD engineering revision has been completed. The project would install 2,520 feet of gas main. ENSTAR's 2022 construction rate for 2-inch pipe is \$28.46 per foot at a total standard cost of \$71,719. This project does not require additional Non-Standard construction cost items. The total estimated ENSTAR cost for this project in 2022 is \$71,719.

This is a non-refundable project in which a Contribution in Aid of Construction (CIAC) agreement will be used. The cost of service lines to individual lots is not included in this estimate. Service lines are to be paid by individual property owner, as they desire service.

In the event the Lookout Drive USAD is approved by the Kenai Peninsula Borough on or before June 15th, 2022, ENSTAR will construct the project in 2022. If the project is delayed and is constructed in 2023, the rate will change to the 2023 construction rate.

If you have any questions, feel free to contact me at 714-7514.

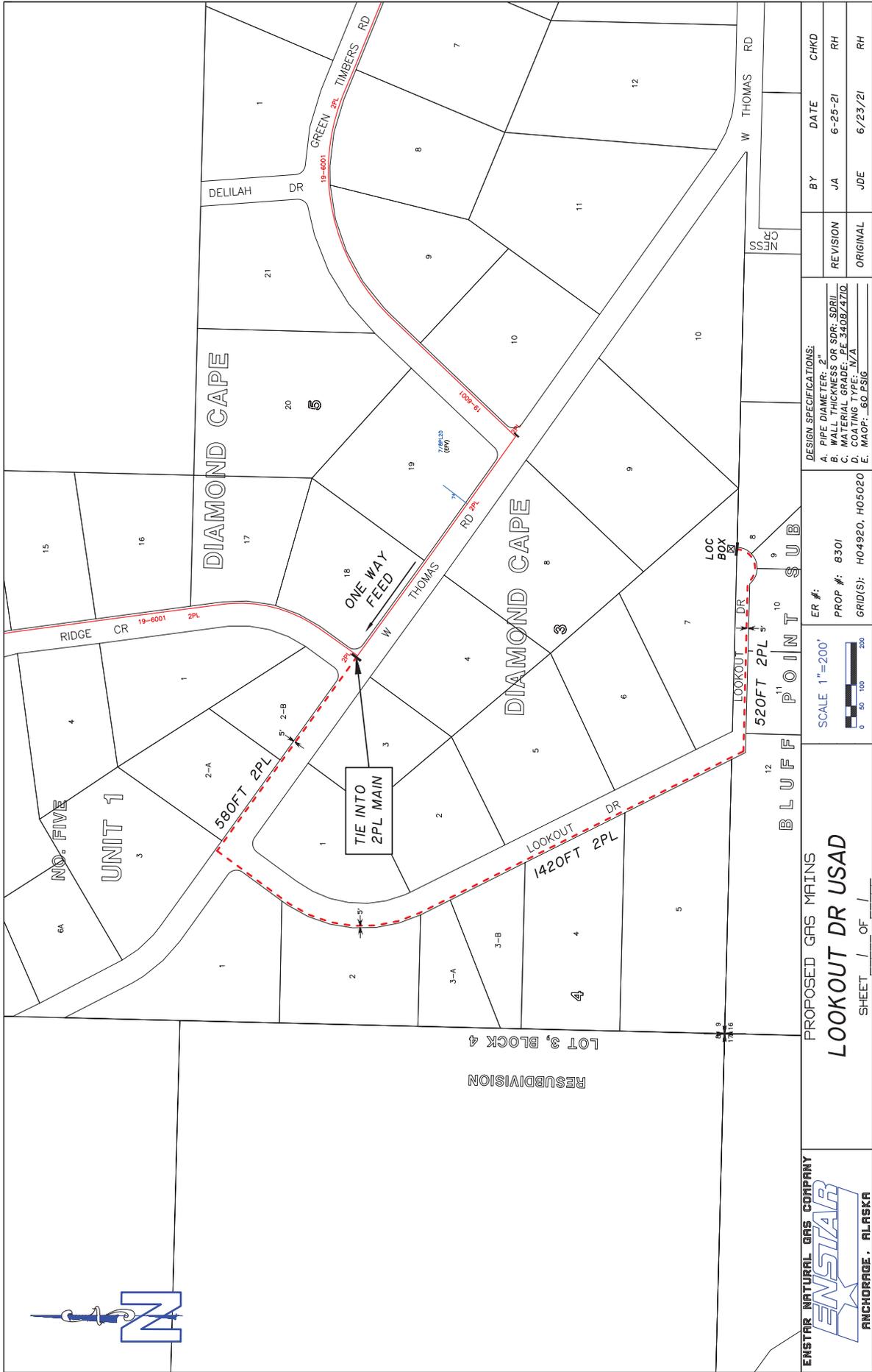
Best Regards,

Robin P. Barry, PE, PMP  
Southern Division Manager

**RECEIVED**  
SEP 08 2021  
KPB ASSESSING DEPT

Anchorage: 907-277-5551 • Kenai Peninsula Office: 907-262-9334 • Mat-Su Office: 907-376-7979

***All Our Energy Goes Into Our Customers***



ENSTAR NATURAL GAS COMPANY  
**ENSTAR**  
 ANCHORAGE, ALASKA

PROPOSED GAS MAINS

**LOOKOUT DR USAD**

SHEET / OF /

SCALE 1"=200'



ER #:  
 PROP # 6301  
 GRID(S): H04920, H05020

DESIGN SPECIFICATIONS:  
 A. PIPE DIAMETER, 2"  
 B. WALL THICKNESS OR SDR, SDR11  
 C. MATERIAL GRADE, PE 3408/370  
 D. COATING, 3 MIL  
 E. MAOP, 560 PSI

REVISION	BY	DATE	CHKD
ORIGINAL	JDE	6/23/21	RH
	JA	6-25-21	RH

# LOOKOUT DR USAD



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**LOOKOUT DRIVE USAD - ESTIMATED ASSESSMENT ROLL**

Resolution to Form the District and Proceed with the Improvement Ordinance of Appropriation

Enstar Construction Cost:	71,719.00
Enstar Non-Standard Cost:	0.00
<b>Enstar Estimated Cost:</b>	<b>71,719.00</b>
KPB Administration Cost:	7,259.78
<b>Total Estimated Project Cost:</b>	<b>78,978.78</b>

Total # of Parcels for Assessments:	18
<b>Cost Per Parcel:</b>	<b>4,387.71</b>

No-n-refundable Filing Fee per 5.35.030(D):	\$1,000
Total Assessed Value (AV)	78,978.78
Total Project Cost:	<b>(4,387.71)</b>
(Less) Total Paid Prepayments of Assessments:	<b>74,591.07</b>

Total Assessed Value: 2021 Assessed Value (AV) 78,978.78  
 Total Project Cost: (4,387.71)  
 (Less) Total Paid Prepayments of Assessments: 74,591.07

Total number of parcels petition signature percentage calculation:	18
Total number of parcels in favor of project:	14
Percentage of parcels in favor:	77.78%
Percentage of AV parcels in favor, district value:	80.18%
Current percentage of parcels in district delinquent in real property taxes:	0.00%

PARCEL_ID	LEGAL	2021 ASSES VALUE	LIEN LIMIT <50% A.V. per 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	PREPAYMENT Paid in Full 5.35.070(B)	CHK/DATE	OWNER	ADDRESS	CITY, ST, ZIP	VOTE IN FAVOR	VOTE IN FAVOR A.V.	DEL TAX	SPC ASSMT
173-151-08	T 65 R 14W SEC 16 SEWARD MERIDIAN HM 0830081 BLUFF POINT SUB LOT 8	910,000	0.48%	4,387.71	0.00			SHAPIRO DAVID M	6156 CAMINO LARGO	SAN DIEGO, CA 92120	YES	910,000	NO	NO
173-151-09	T 65 R 14W SEC 16 SEWARD MERIDIAN HM 0830081 BLUFF POINT SUB LOT 9	99,800	4.40%	4,387.71	0.00			ZHOU XUHONG	PO BOX 1084	ARCADIA, CA 91077	YES	99,800	NO	NO
173-151-13	T 65 R 14W SEC 16 SEWARD MERIDIAN HM 2010054 BLUFF POINT SUB-DONICH ADDN LOT 10A	242,100	1.81%	4,387.71	0.00			MCKNAUGHTON LAURAN	1013 E FIREWEED LN	ANCHORAGE, AK 99508		0	NO	NO
173-151-14	T 65 R 14W SEC 16 SEWARD MERIDIAN HM 2010054 BLUFF POINT SUBD- DONICH ADDN LOT 11A	567,100	0.77%	4,387.71	0.00			DONICH DANIEL H	PO BOX 918	HOMER, AK 99603	YES	567,100	NO	NO
173-630-28	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 1 BLK 4	382,600	1.15%	4,387.71	0.00			SCHNEIDER PATRICK & DAWN	PO BOX 667	HOMER, AK 99603	YES	382,600	NO	NO
173-630-29	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 2 BLK 4	174,000	2.52%	4,387.71	0.00			DONAHUE CLAIRE	1110 W 6TH AVE APT 202	ANCHORAGE, AK 99501	YES	174,000	NO	NO
173-630-31	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 4 BLK 4	177,300	2.47%	4,387.71	0.00			ROHR JOHN ROBERT	PO BOX 2621	HOMER, AK 99603	YES	177,300	NO	NO
173-630-32	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 5 BLK 4	153,800	2.85%	4,387.71	0.00			HOWORTH KAREN	41965 LOOKOUT DR	HOMER, AK 99603		0	NO	NO
173-630-33	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 7 BLK 3	367,300	1.19%	4,387.71	0.00			BEACH GEO & WEBB SYDNEY	PO BOX 2512	HOMER, AK 99603	YES	367,300	NO	NO
173-630-34	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 6 BLK 3	355,500	1.23%	4,387.71	0.00			ROHR JOHN R	PO BOX 2621	HOMER, AK 99603	YES	355,500	NO	NO
173-630-35	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 5 BLK 3	97,600	4.50%	4,387.71	0.00			ROHR JOHN R	PO BOX 2621	HOMER, AK 99603	YES	97,600	NO	NO
173-630-36	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 2 BLK 3	321,100	1.37%	4,387.71	0.00			SULLIVAN FAMILY TRUST	70 CEDAR AVE APT 1	COCOA BEACH, FL 32931		0	NO	NO
173-630-37	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 1 BLK 3	160,100	2.74%	4,387.71	0.00			BREWER GLENN A	67925 WALTER THOMAS RD	HOMER, AK 99603	YES	160,100	NO	NO
173-630-38	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0770078 DIAMOND CAPE SUB UNIT 1 LOT 3 BLK 3	206,100	2.13%	4,387.71	0.00			KEBCHULL DAVID E & MARILYN	41626 N EMERALD LAKE DR	ANTHEM, AZ 85086	YES	206,100	NO	NO
173-630-56	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0840114 DIAMOND CAPE SUB UNIT 1 RESUB LOT 3-A BLK 4	366,300	1.20%	4,387.71	0.00			AERS DAVID P	PO BOX 2045	HOMER, AK 99603		0	NO	NO
173-630-57	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0840114 DIAMOND CAPE SUB UNIT 1 RESUB LOT 3-B BLK 4	252,600	1.74%	4,387.71	0.00			NOILLAR DAVID W & KATHRYN L	32 N BUENA VISTA ST	REDLANDS, CA 92373	YES	252,600	NO	NO
173-630-58	T 65 R 14W SEC 9 SEWARD MERIDIAN HM 0900699 DIAMOND CAPE UNIT THREE LOT 2-A BLK 5	214,000	2.05%	4,387.71	0.00			CARLSON ROBERT A	14401 ELMORE RD	ANCHORAGE, AK 99516	YES	214,000	NO	NO
173-151-12 in process	T 65 R 14W SEC 16 SEWARD MERIDIAN HM 0830081 BLUFF POINT SUB LOT 12	417,500	1.05%	0.00	4,387.71	4,387.71	CC #267868 12/21/2021	CURRY CHRISTIE R	PO BOX 976	LA CONNER, VA 98257	YES	417,500	NO	NO
<b>18</b>	<b>Total Benefitted Parcels</b>	<b>5,464,800</b>	<b>0</b>	<b>74,591.07</b>	<b>4,387.71</b>	<b>4,387.71</b>	<b>05 of 1/7/2022</b>				<b>14</b>	<b>4,381,500</b>	<b>0</b>	<b>0</b>

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# PUBLIC COMMENTS



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**From:** sunfish10@yahoo.com <sunfish10@yahoo.com>  
**Sent:** Saturday, October 30, 2021 12:21 PM  
**To:** Assessing, <Assessing@kpb.us>  
**Cc:** John <jcravens@highstandard.tech>  
**Subject:** <EXTERNAL-SENDER>Lookout Drive USAD

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi,  
I would like to express my support of the assessment associated with bringing natural gas to Lookout Drive.  
Claire Donahue  
41845 Lookout Drive  
Diamond Cape SD Unit 1, Lot 2  
907.953.9955  
Please contact me if there is anything else I need to do prior to the Nov. 4th deadline.  
Thank you,

Claire Donahue

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Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Kenai Peninsula Borough Mayor  
Brandi Harbaugh, Finance Director

**FROM:** Lauri Lingafelt, Sales Tax Accounting Supervisor

**DATE:** 9/20/2021

**RE:** Lookout Drive Utility Special Assessment District (USAD) Financing

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The Borough plans to provide the funds necessary to finance the Lookout Drive USAD from internal sources. KPB 5.10.040 allows the investment of borough monies in special assessment districts that are authorized under KPB 14.31. The total of such investments is limited to not more than \$5,000,000 at the end of any fiscal year. As of September 15, 2021, the borough has \$934,833 invested in special assessment districts and South Bend Bluff Estates RIAD pending approval for \$770,165. If Lookout Drive USAD is approved, the \$78,979 projected will increase the total special assessment district investment to approximately \$1,783,977.

The owners of property located within the USAD will be required to make principal and interest payments each year for a ten-year period to retire the indebtedness to the borough. The rate of interest will be equal to the prime rate (currently 3.25%) plus 2% or 5.25%. Property owners can avoid or reduce the interest charge by making accelerated payments on the principal. Penalties will not be imposed for accelerated payments. The assessment constitutes a lien on each parcel within the district.

**Kenai Peninsula Borough**  
 Currently Proposed USAD/RIAD Projects  
 9/16/2021

		Current Proposal	Outstanding Proposals
<b>Max Allowed</b>		<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>
<b>Current Balance(100.10706) as of:</b>			
	9/15/2021	934,833	934,833
<b>Previously Approved Projects:</b>			
None		-	-
<b>Projects Awaiting Approval:</b>			
South Bend Bluff Estates RIAD		770,165	770,165
Lookout Dr USAD		78,979	78,979
<b>Total</b>		<b><u>\$ 1,783,977</u></b>	<b><u>\$ 1,783,977</u></b>

9 15 2021