

Introduced by: Mayor
Date: 04/07/15
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2015-017**

**A RESOLUTION APPROVING THE PETITION APPLICATION FOR THE
FORMATION OF THE BIRCH PARK UTILITY SPECIAL ASSESSMENT DISTRICT
FOR CONSTRUCTION OF A NATURAL GAS MAIN LINE**

- WHEREAS,** in 1991 the voters of the Kenai Peninsula Borough adopted a non-area wide power to form special assessment districts for utility lines; and
- WHEREAS,** natural gas provides a safe, economical heating alternative and has been shown to increase the value and marketability of parcels; and
- WHEREAS,** an application has been received requesting the establishment of a utility special assessment district (USAD) for financing the construction of an extension of Enstar's natural gas main line to a district in the southwest area of Fritz Creek, including that portion of East End Road, Birch Park Drive, and Reinhart Lane; and
- WHEREAS,** at least 60 days prior to the hearing date of this resolution, the Kenai Peninsula Borough Clerk's Office notified the proposed benefited parcel owners by certified mail, return receipt requested, describing the special assessment district and proposed improvement, providing a map of the proposed improvement, the date of the public hearing, and informing the recipients that no subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes after assembly approval of the petition application; and
- WHEREAS,** the map showing the proposed boundary has been reviewed by the assessor and the mayor as required by KPB 5.35.030 and found to be proper and appropriate for this project; and
- WHEREAS,** parcel 174-360-21, COWGILL ACRES SUB NO 4 TRACT B2, located at 57600 Kokomo Road, has not been included in the district as it will not benefit directly from the proposed gas main line because the main line route does not extend to that portion of Kokomo Road, and
- WHEREAS,** the main line which will serve parcel 174-360-22, COWGILL ACRES SUB NO 4 TRACT B1, will require a utility easement which will intersect parcel 174-360-20, COWGILL ACRES SUB NO 3 LOT 4, and

WHEREAS the petition sponsor has provided the assessing department with written notice of intent to proceed with assembly review of the petition application; and

WHEREAS, Enstar has submitted a letter of approval for the proposed natural gas main line extension; and

WHEREAS, there are no other special assessment liens against any of the parcels in the proposed district; and

WHEREAS, this resolution, with its attached exhibits, which are incorporated by reference as if fully set forth herein, sets out the description of the proposed improvements, the total estimated cost of constructing the improvement, a map showing the boundary, the name of each record owner within the proposed district, the tax parcel number of each parcel, the assessed valuation of each parcel, an estimate of the amount to be assessed to each parcel, the status of tax payment of each parcel, whether there are special assessment liens against any of the parcels, a description of any parcel that exceeds the assessment to value ratios set forth in KPB 5.35.070(D), the method of proposed financing, and the total number of parcels to be assessed;

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

SECTION 1. That the petition application for the proposed Birch Park Utility Special Assessment District is hereby approved, and the petitioner may file a petition with the assembly through the Borough Clerk.

SECTION 2. That this resolution is supported by the information in the following attached exhibits which are incorporated by reference as if fully set forth herein:


- 1) petition signature page;
- 2) USAD information sheet describing the proposed improvement, including the total estimated project cost of \$130,863.78, which is Enstar's estimated cost of \$123,604.00 plus the borough's cost of \$7,259.78, and the estimated cost per parcel of \$7,270.21;
- 3) map of the proposed USAD district and boundaries;
- 4) Enstar's commitment letter to construct the gas main line, dated December 15, 2014, stating that \$123,604.00 is Enstar's total estimated cost of the improvement (which includes the installation cost of \$104,904.00, plus non-standard cost items of \$18,700.00 for extensive boring, and a Storm Water Pollution Prevention Plan (SWPPP));

- 5) spreadsheet listing the name of the record owner of each parcel in the proposed district, the tax parcel number, the assessed valuation, an estimate of the amount to be assessed to each parcel, the status of tax payments of each parcel, whether there are other special assessment liens against any of the parcels, a description of any parcels that exceed the assessment-to-value ratio set forth in KPB 5.35.070(D), and total number of parcels to be assessed; and
- 6) 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 3. That all parcels within the proposed USAD are benefited by the improvement as defined in KPB 5.35.105(B).

SECTION 4. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF APRIL, 2015.



Dale Bagley, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley
No: None
Absent: None