

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

**KENAI PENINSULA BOROUGH  
RESOLUTION 2015-032**

**A RESOLUTION TO FORM THE DISTRICT AND PROCEED WITH THE  
IMPROVEMENT OF THE BIRCH PARK UTILITY SPECIAL ASSESSMENT  
DISTRICT FOR A NATURAL GAS MAIN LINE**

**WHEREAS,** on April 7, 2015, the assembly adopted Resolution 2015-017, A Resolution Approving the Petition Application for the Formation of the Birch Park Utility Special Assessment District (USAD) for Construction of a Natural Gas Main Line; and

**WHEREAS,** the petition was timely submitted by the sponsor, and the borough clerk has determined that the petition received bears sufficient signatures; 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 30 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 have been filed with the borough clerk; and

**WHEREAS,** KPB 5.35.110 in accordance with AS 29.46.020 requires the assembly to make a finding that the improvement is necessary and should be made;

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

**SECTION 1.** 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.) The clerk's certification of the petition, dated May 22, 2015.

- 2.) The estimated assessment roll for the proposed USAD containing the tax parcel identification number, legal description, assessed value, estimated assessment per parcel, owners name and mailing address, the assessed value before and after the proposed improvement, the value-to-cost ratio (which does not exceed 21 percent), maximum assessment and any prepayment needed, whether the property owners have approved the proposed district, and tax delinquencies. The assessment roll further specifies the total cost for the proposed USAD, the number of lots and cost of the improvement per lot.
- 3.) A map of the proposed district showing the benefited parcels, which benefited parcels are improved, and the proposed course of the mainline.
- 4.) The petition form information sheet which explained to petitioners the nature of the project, the total and per-parcel estimated cost, filing and signature deadlines and requirements, the approved withdrawal prohibition, and the filing fee.
- 5.) A commitment letter and map of the proposed main line from Enstar Natural Gas dated December 15, 2014, stating that \$123,604 is Enstar's total estimated cost of the improvement, the total linear feet of the project, cost per linear foot, and that it is prepared to construct the proposed improvement during the 2015 season at the stated construction rate.
- 6.) Memo from the borough Finance Director dated March 23, 2015, stating that internal financing will be used and setting forth the number and frequency of payments.

**SECTION 2.** That the proposed Birch Park USAD is necessary because natural gas provides a safe, economical heating alternative, and has been shown to increase the value and marketability of parcels.

**SECTION 3.** That the proposed Birch Park USAD 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 Fritz Creek, including that portion of East End Road, Birch Park Drive and Reinhart Lane, as shown in Exhibit 3 attached.

**SECTION 4.** That the estimated cost of the project of \$130,863.78, which includes direct costs of \$123,604 and indirect administrative costs of \$7,259.78, is approved.

**SECTION 5.** That the attached Estimated Assessment Roll, Exhibit 2, which includes properties within the district to be properly included and subject to an assessment of \$7,270.21 per parcel for the improvement, is incorporated by reference herein and adopted.

**SECTION 6.** 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 7.** That the borough clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the State of Alaska Recorder's office for the Homer District.

**SECTION 8.** That this resolution shall take effect immediately upon its adoption.

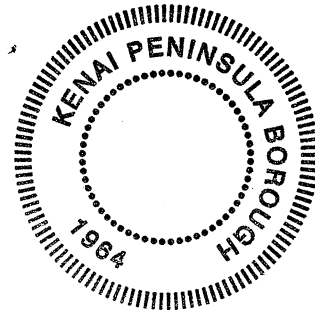
**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JULY, 2015.**

*Dale I Bagley*

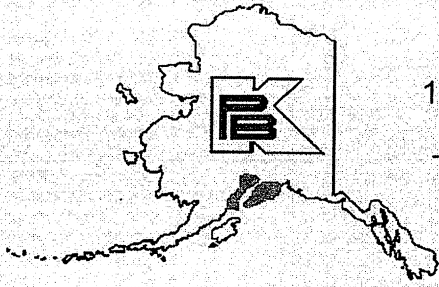
\_\_\_\_\_  
Dale Bagley, Assembly President

ATTEST:

*John Blankenship*  
\_\_\_\_\_  
John Blankenship, MMC, Borough Clerk



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



## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: [assemblyclerk@borough.kenai.ak.us](mailto:assemblyclerk@borough.kenai.ak.us)

**JOHNI BLANKENSHIP, MMC  
BOROUGH CLERK**

# **KENAI PENINSULA BOROUGH CERTIFICATION OF PETITION**

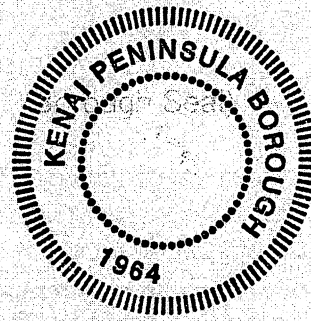
## **Birch Park Utility Special Assessment District**

A petition for formation of the Birch Park Utility Special Assessment District (*approved by Assembly Resolution 2015-017*) was received in the Office of the Borough Clerk on May 22, 2015. I hereby certify the petition as sufficient. Signatures of property owners of 13 parcels (70% of 18 parcels) were required. Signatures of property owners of 14 parcels (77.8 %) were validated.

A Check in the amount of \$1,000.00 was received with the petition.

Dated this 22nd day of May, 2015.

Johni Blankenship, MMC  
Borough Clerk



cc: Jennifer Reinhart, P. O. Box 3031, Homer, AK 99603 (*Petitioner*)  
Marie Payfer, KPБ USAD Coordinator  
KPБ Assembly President Bagley and Members of the Assembly  
KPБ Mayor Mike Navarre

**EXHIBIT #1**

**BIRCH PARK UTILITY SPECIAL ASSESSMENT - ESTIMATED ASSESSMENT ROLL**

Enstar Construction Cost: 104,904.00  
 Enstar Non-Standard Cost: 18,700.00  
 Enstar Total Estimated Cost: \$123,604.00  
 KPB Administration Cost: 7,259.78  
 Total Estimated Cost: \$130,863.78

Total Assessed Value: 2014 Assessed Values

Lien limit per parcel: Lien on each benefited parcel cannot exceed 21% of 2014 adjusted assessed value, per 5.35.070(D) (prior version)  
 130,863.78

Total Estimated Project Cost: 0.00  
 Less any required pre-payments: 0.00  
 Total Estimated Assessments: \$130,863.78

Total number of parcels in district: 18  
 Total number parcels in favor of project: 14  
 Percentage of parcels in favor of project: 77.78%

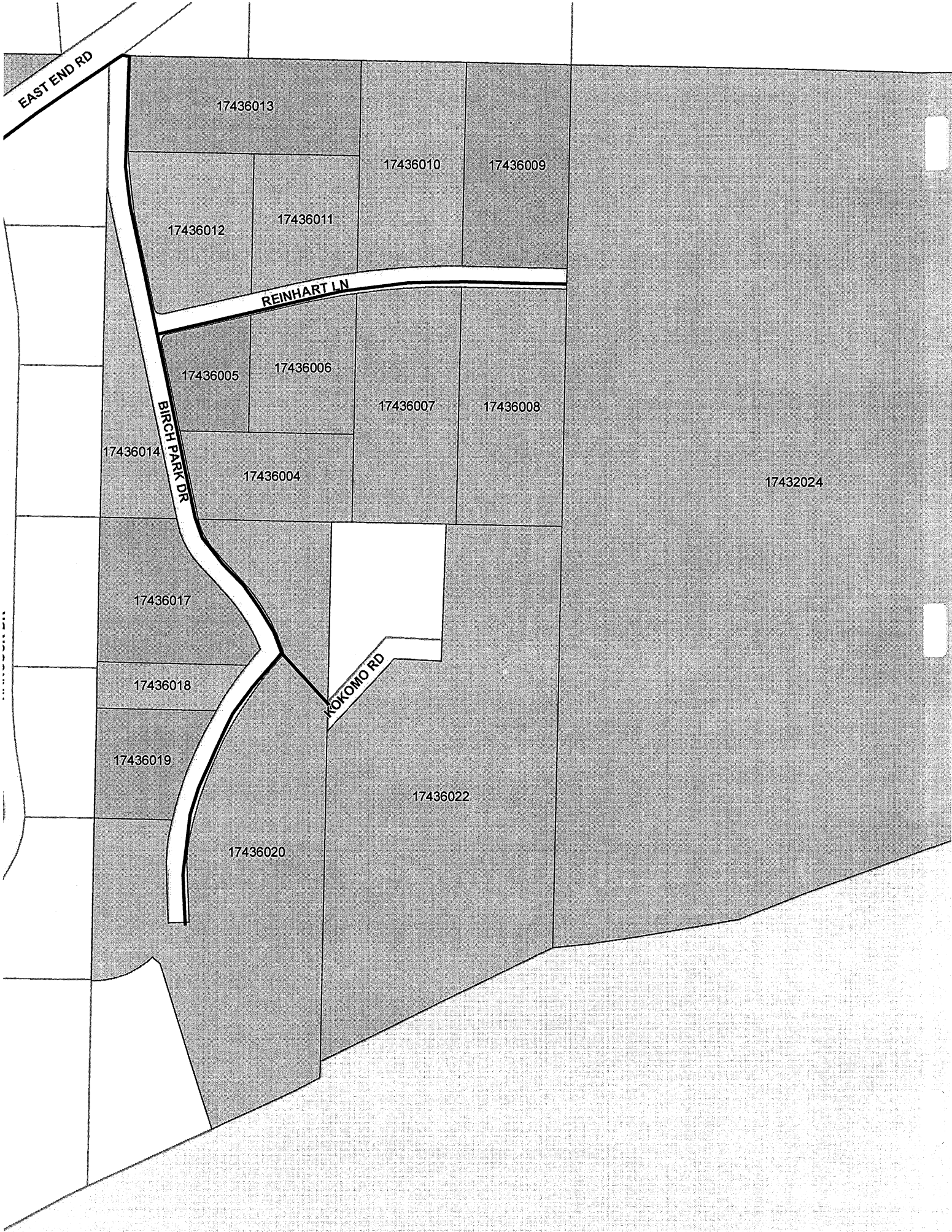
Petition Certified under KPB 5.35, Ord. 2009-25 (prior to enactment of KPB 5.35, Ord. 2015-12) <10% - 5.35.070(D) >70% - 5.35.107(a)&(b) (prior version) <10% - 5.35.070(D)

Percentage of parcels in district delinquent: 0.00%

PARCEL ID	LEGAL	2014 ASSESSED VALUE	ADJUSTED ASSESSED VALUE	COST/VALUE < 21% LIMIT	MAXIMUM ASSESSMENT	REQUIRED PREPAYMENT	OWNER	ADDRESS	CITY STATE ZIP	2014 TAX DEL	OTHER SPECIAL ASMNTS	VOTED IN FAVOR
174-320-24	T 6S R 12W SEC 6 SEWARD MERIDIAN HM - PW NW1/4 SE1/4 & GOVT LOT 6 PER PW RES 9S-10 REC @9S-17W	994,500	1,001,770	0.73%	7,270.21	0.00	FRAIMAN REVOCABLE TRUST	PO BOX 2622	HOMER, AK 99603	N	N	YES
174-350-13	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0740599 BAYSHORE SUB TRACT 13	37,000	44,270	16.42%	7,270.21	0.00	HARTON SANDRA	PO BOX 1166	OCALA, FL 34478	N	N	
174-360-04	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 1 BLK 2	194,400	201,670	3.60%	7,270.21	0.00	BROWN CHRISTOPHER	40794 BIRCH PARK DR	HOMER, AK 99603	N	N	
174-360-05	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 2 BLK 2	39,000	46,270	15.71%	7,270.21	0.00	MITCHELL MICHAEL G	3602 ARKANSAS DR	ANCHORAGE, AK 99517	N	N	
174-360-06	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 3 BLK 2	51,000	58,270	12.48%	7,270.21	0.00	MITCHELL MICHAEL G	3602 ARKANSAS DR	ANCHORAGE, AK 99517	N	N	
174-360-07	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 4 BLK 2	222,900	230,170	3.16%	7,270.21	0.00	REINHART VESTA E	40990 BIRCH PARK DR	HOMER, AK 99603	N	N	YES
174-360-08	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 5 BLK 2	243,100	250,370	2.90%	7,270.21	0.00	FRAIMAN DOUGLAS E FRAIMAN JOHANNA P	PO BOX 2622	HOMER, AK 99603	N	N	YES
174-360-09	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 5 BLK 1	55,900	63,170	11.51%	7,270.21	0.00	HOYT MADRENE RENE	PO BOX 1	HOMER, AK 99603	N	N	YES
174-360-10	T 6S R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 4 BLK 1	226,200	233,470	3.11%	7,270.21	0.00	HOYT MADRENE RENE	PO BOX 1	HOMER, AK 99603	N	N	YES

PARCEL ID	LEGAL	2014 ASSESSED VALUE	ADJUSTED ASSESSED VALUE	COST/VALUE < 21% LIMIT	MAXIMUM ASSESSMENT	REQUIRED PREPAYMENT	OWNER	ADDRESS	CITY STATE ZIP	2014 TAX DEL	OTHER SPECIAL ASSESSMENTS	VOTED IN FAVOR
174-360-11	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 3 BLK 1	119,100	126,370	5.75%	7,270.21	0.00	RUDOLPH JOSHUA D RUDOLPH RACHEAL R	57618 REINHART LN	HOMER, AK 99603	N	N	YES
174-360-12	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 2 BLK 1	155,200	162,470	4.47%	7,270.21	0.00	ANDRES BARRY STROTHERS HELEN	14130 SPECKING AVE	ANCHORAGE, AK 99515	N	N	YES
174-360-13	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 1 BLK 1	56,600	63,870	11.58%	7,270.21	0.00	FRAIMAN DOUGLAS E FRAIMAN JOHANNA P	PO BOX 2622	HOMER, AK 99603	N	N	YES
174-360-14	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 0741959 MYSTIC MEADOWS SUB LOT 1 BLK 3	206,400	213,670	3.40%	7,270.21	0.00	BOWEN GORDON E	PO BOX 2201	HOMER, AK 99603	N	N	YES
174-360-17	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 2003089 COWGILL ACRES SUB NO 3 LOT 1	51,500	58,770	12.37%	7,270.21	0.00	REINHART JOSEPH LYNN	40950 BIRCH PARK DR	HOMER, AK 99603	N	N	YES
174-360-18	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 2003089 COWGILL ACRES SUB NO 3 LOT 2	138,600	145,870	4.98%	7,270.21	0.00	REINHART JENNIFER K KELLY JOHN E	PO BOX 3031	HOMER, AK 99603	N	N	YES
174-360-19	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 2003089 COWGILL ACRES SUB NO 3 LOT 3	42,000	49,270	14.76%	7,270.21	0.00	REINHART JENNIFER K KELLY JOHN E	PO BOX 3031	HOMER, AK 99603	N	N	YES
174-360-20	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 2003089 COWGILL ACRES SUB NO 3 LOT 4	424,600	431,870	1.68%	7,270.21	0.00	REINHART LINDA SHOWS	40950 BIRCH PARK DR	HOMER, AK 99603	N	N	YES
174-360-22	T 65 R 12W SEC 6 SEWARD MERIDIAN HM 2005079 COWGILL ACRES SUB NO 4 TRACT B1	630,700	637,970	1.14%	7,270.21	0.00	WHIP TIMOTHY JAY VONZIEGESAR-WHIP ELIZABETH A	57639 KOKOMO RD	HOMER, AK 99603	N	N	YES

18	# Parcels	3,888,700.00	4,019,564	130,863.78	0.00	0	0	14
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EAST END RD

17436013

17436010

17436009

17436012

17436011

REINHART LN

17436005

17436006

17436007

17436008

17436014

17436004

17432024

BIRCH PARK DR

17436017

KOKOMO RD

17436018

17436019

17436022

17436020

# UTILITY SPECIAL ASSESSMENT DISTRICT INFORMATION SHEET

## BIRCH PARK USAD

This petition proposes a utility special assessment district (USAD) be formed for the purpose of providing natural gas in the southwest area of Fritz Creek, including that portion of East End Road, Birch Park Drive and Reinhart Lane. A map showing the parcels to be assessed is attached.

The project proposes to lay approximately 4,650 feet of 2-inch gas line. The proposed method of cost allocation is by equal assessment to each of the 18 benefited parcels. The total estimated project cost is \$130,863.78, which includes Enstar's 2015 construction cost of \$123,604.00 (installation cost of \$104,904.00 and additional cost of \$18,700.00 for non-standard construction cost items for extensive boring, and a Storm Weather Pollution Prevention Plan (SWPPP)), plus the Kenai Peninsula Borough Administrative cost of \$7,259.78. The allocated cost per parcel is estimated at \$7,270.21.

This estimated assessment will only cover the cost for Enstar to install the natural gas main line. Property owners will need to contact the utility company for costs associated with the service connection from the utility's main line to their private structures or facilities. These connection costs are not included in the assessment.

This cost will be assessed in the form of a lien on the benefited parcel. It will be payable over a ten (10) year period. At your option, it may be paid at any time prior to the ten year period. Failure to pay the assessment will be cause for foreclosure proceedings. Interest will be added to any assessments not paid within 30 days of the date of the assessment notice. The rate of interest will be equal to the prime rate at the date of assessment plus 2%.

The legal description of parcels within the proposed district as of the date of the assembly's approval of the petition application will establish the parcels for assessment. No subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes after assembly approval of the petition application, KPB 5.35.070(B).

This petition proposes to assess 100% of the benefited parcels. In order to qualify, the petition must have more than 70% of the property owners within the proposed district approving the project, KPB 5.35.107. Approval is signified by properly signing the petition signature page. Failure to secure approval of more than 70% of the parcel owners within the proposed district will cause the petition to fail.

All signatures must be dated and the petition must be filed with the office of the Borough Clerk within thirty (30) days of the date of the first signature in order to be included in the calculation



of the required percentages (KPB Res. 92-54). For lots 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. If the owner is a trust or corporation, copies of articles of the trust or corporation must be included verifying signature authority. If signatures are signed with Power of Attorney, notarized verification must be provided verifying signature authority.

No property owner may withdraw his/her approval of the improvement for a period of six (6) months after the filing of this petition, KPB 5.35.107. This shall not preclude the owner(s) from filing an objection as provided in KPB 5.35.110(D).

A non-refundable filing fee in the amount listed in the most current KPB Schedule of Rates, Charges and Fees must be paid at the time of submission of this petition. This filing fee is for the whole project, not a per parcel fee.

This petition consists of: 1) Petition Signature Page; 2) this Petition Information Sheet; 3) a map of the geographic area encompassing the benefited parcels; 4) ENSTAR's commitment letter to construct the gas main line, dated December 15, 2014; 5) a list of the benefited parcels in the proposed USAD detailing each respective parcel's tax identification number, legal description, assessed value, estimated charge for the benefit, names and addresses of the parcel owners, and tax delinquencies; and 6) memo from the Finance Director stating method of financing, interest rate to be paid and setting forth the number and frequency of payments.

Only the page requiring your signature(s) needs to be returned to the petitioner(s).

Questions regarding this petition may be referred to:

Petition Organizer(s):

Jennifer Reinhart: 907-235-8281

Or

Marie Payfer, Special Assessment Coordinator  
(907) 714-2230 or 1-800-478-4441 within the Borough  
mpayfer@kpb.us



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

December 15, 2014

Ms. Marie Payfer, USAD Coordinator  
Kenai Peninsula Borough  
144 N. Binkley  
Soldotna, Alaska 99669

**RE: *Birch Park Estates USAD, Utility Special Assessment District***

Dear Ms. Payfer:

The Birch Park Estates engineering estimate has been completed. The project design requires approximately 4650 feet of 2-inch pipe. ENSTAR's 2015 construction rate for 2-inch pipe is \$22.56 per foot; therefore the cost to install the 2-inch main line portion will be \$104,904.00. The project will also require boring approximately 300 feet of 2-inch pipe, at a cost of \$16,500.00, as well as a SWPPP, Storm Water Pollution Prevention Plan at a cost of \$2,200.00. ENSTAR's total estimated cost for pipe installation in 2015 is \$123,604.00.

This is a non-refundable project and a Contribution in Aid Agreement will be required. The cost for service lines to individual lots is not included in this estimate. Service lines are to be paid by individual property owners, as they desire service.

In the event the Birch Park Estates Utility Special Assessment District is approved by the Kenai Peninsula Borough on or before July 15, 2015, ENSTAR will construct the project in 2015. If the project approval is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

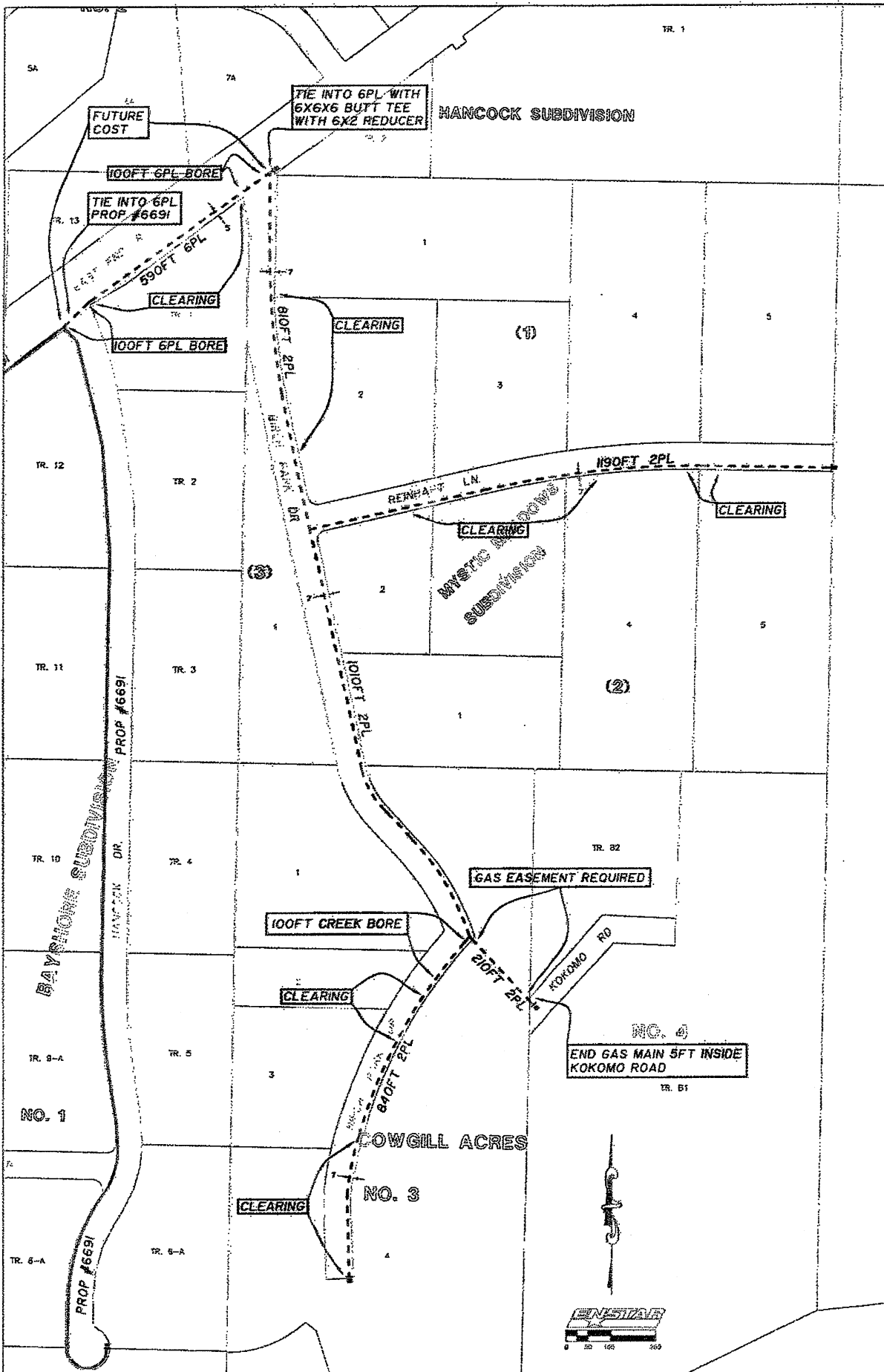
Please do not hesitate to call should you need any assistance or have any questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Charlie".

Charlie Pierce  
Southern Division Manager

**EXHIBIT #5 (Pg 1 of 2)**

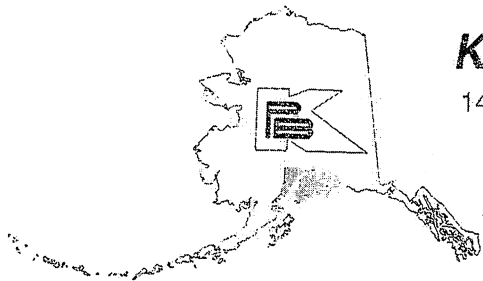


ENSTAR NATURAL GAS COMPANY  
**ENSTAR**  
 ANCHORAGE, ALASKA

PROPOSED GAS MAINS  
**BIRCH PARK ESTATES**  
 SHEET 1 OF 1 SCALE 1"=200'

PROP#	6839	REVISIONS	DATE
GRID	H03740		
DATE	6/24/14	DRAWN	KK CRD NB

**EXHIBIT #5 (Pa 2 of 2)**



## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE**  
**BOROUGH MAYOR**

**TO:** Dale Bagley, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Mike Navarre  
Kenai Peninsula Borough Mayor

**FROM:** Craig Chapman, Finance Director *C Chapman*

**DATE:** March 23, 2015

**SUBJECT:** Birch Park Utility Special Assessment District (“USAD”) Financing

The Borough plans to provide the funds necessary to finance the Funny River West USAD from internal sources. KPB 5.10.040 allows the investment of borough monies in special assessment districts that are authorized under KPB 5.35. The total of such investments is limited to not more than \$5,000,000 at the end of any fiscal year. As of February 28, 2015, the borough has \$1,745,080 invested in special assessment districts. If approved, the \$130,864 projected for the Birch Park USAD will increase the total special assessment district investment to approximately \$1,875,944.

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.

**EXHIBIT #6 (Pg 1 of 2)**

**Kenai Peninsula Borough**  
 Currently Proposed USAD/RIAD Projects  
 Updated 3/18/2015

	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>		
2/28/2015	1,745,080	1,745,080
<b>Projects Awaiting Approval:</b>		
Birch Park USAD(Fritz Creek Area)	130,864	130,864
Funny River EAST USAD		1,225,995
Diamond View Estates USAD		248,677
Toloff Road USAD		87,640
Winridge Ave-Eagle Ridge Ct. RIAD		111,779
<b>Total</b>	<b><u>1,875,944</u></b>	<b><u>4,580,258</u></b>