

Introduced by: Mayor
Date: 03/19/24
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-005**

**A RESOLUTION TO FORM THE JUBILEE STREET UTILITY SPECIAL
ASSESSMENT DISTRICT AND PROCEED WITH THE IMPROVEMENT
OF A NATURAL GAS MAIN LINE**

WHEREAS, KPB Chapter 5.35 authorizes the formation of utility special assessment districts (“USAD”) within the Kenai Peninsula Borough (“KPB”); and

WHEREAS, an application for a petition to form a USAD was received from the property owners within the proposed district; and

WHEREAS, on November 27, 2023, the Mayor approved the administrative review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Jubilee Street USAD (“District”) for construction of a natural gas main line, attached as Mayor’s Report Attachment 1; 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 a 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 60 percent of the total number of parcels in the proposed District, and 70.12 percent in value of the properties to be benefited, have signed the petition; and

WHEREAS, the petition was submitted timely by the sponsor on January 9, 2024, and on January 11, 2024, 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), (see Mayor’s Report Attachment 3, Certification of Petition); 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 further gave notice by publication once a week for two consecutive weeks in a newspaper of general circulation in the KPB, 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 zero (0) 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 USAD 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 KPB will form the Jubilee Street USAD, 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 KPB 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 Jubilee Street USAD is necessary and should be made and is hereby formed, and the KPB will proceed with the construction of an extension of Enstar's natural gas main line to a district encompassing 10 benefited parcels in the area of Kasilof, including Jubilee Street, and Pope Place.

SECTION 4. That the boundaries of the USAD for the natural gas main line set forth in the district map as Mayor's Report Attachment 2, page 11, and the properties legally described in the Estimate Assessment Roll as Mayor's Report Attachment 2, page 13, are hereby approved as comprising this USAD.

SECTION 5. That the estimated cost of the project of \$42,562.00, which includes direct costs of \$35,862.00 and KPB administrative costs of \$6,700.00, is approved.

SECTION 6. That the attached Estimate Assessment Roll, Mayor's Report Attachment 2, page 13, which includes properties within the District to be properly included and subject to an assessment of \$4,256.20 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 KPB to proceed with construction of the improvement and to accomplish this project.

SECTION 8. That the Borough Clerk will 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, Kenai District.

SECTION 9. That notice is hereby given that a property owner within the boundaries of the Jubilee Street USAD, unless excluded by Section 6 of this resolution, must pay off the remaining balance of any special assessment on property to be subdivided, or prepay estimated costs if the final assessment has not been determined, before a final plat may be signed and recorded pursuant to KPB 20.60.030.

SECTION 10. That this resolution is effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MARCH, 2024.



Brent Johnson, Assembly President

ATTEST:



Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson
No: None
Absent: None