



## **KENAI PENINSULA BOROUGH**

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

### **MEMORANDUM**

TO: Blaine Gilman, Assembly President  
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*  
Tom Anderson, Director of Assessing *DM/dec 7A*

FROM: Marie Payfer, Special Assessment Coordinator *ml*

DATE: August 25, 2016

SUBJECT: Amended Mayor's Report Replacing Original Mayor's Report dated June 9, 2016, Relating to Resolution 2016-029, A Resolution to Form the Eddy Hill Drive Road Improvement Assessment District (RIAD) and Proceed with the Improvement (Mayor)

### **AMENDED MAYOR'S REPORT**

Property owners in the proposed Eddy Hill Drive Road Improvement Assessment District (RIAD) have worked with the borough administration to form the proposed RIAD. Pursuant to the requirements of KPB 14.31.065, on March 22, 2016, the Road Service Area Board adopted RSA Resolution 2016-03, approving the petition report before its circulation among benefited property owners, approving up to \$318,994.20 as the RSA match for this project, and recommending the formation of the district (see, Exhibit 1).

This resolution to form the Eddy Hill Drive RIAD and proceed with the improvement approves the formation of the RIAD and authorizes the mayor to proceed with the construction of the improvement. This is the first step in a three-step process requiring assembly action for the Eddy Hill Drive RIAD: 1) resolution to form the district and proceed with the improvement; 2) ordinance of appropriation of funds; and 3) ordinance of assessment.

KPB 14.31.070(D) requires the petition must contain the 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 benefited, in order to be considered by the assembly for formation. A completed petition for the formation of the Eddy Hill Drive RIAD was received by the Assessing Department on April 21, 2016, and certified by the borough clerk on April 22, 2016 (see, Exhibit 2 and Exhibit 4, page 5).

Resolution 2016-029 was originally scheduled to go before the assembly for review at the June 21, 2016 assembly meeting. However, due to unresolved issues in defining the road improvement district, the Assessing Department recommended that Resolution 2016-029 and Ordinance 2015-19-31 be tabled until the issues could be resolved. These issues included (a)

revising the estimated assessment roll from the 2015 certified assessed values to the current 2016 assessed values, and (b) implementing a 2016 tax adjustment request (TAR) to change one parcel assessed as an unimproved parcel to an improved parcel. These issues have now been resolved and this matter may now be brought back to the Assembly for consideration.

In preparation, the borough clerk sent all required notices to the property owners and published the required information concerning the proposed district as required by borough code.

The resolution is supported by the exhibits listed herein which provide the documentation required by code to support forming this RIAD and proceeding with construction.

Pursuant to KPB 14.31.090, the mayor shall prepare for assembly consideration a resolution to form the special assessment district and proceed with the improvement. The mayor shall submit with the resolution the following information, all of which is detailed in the referenced Exhibits to this memo.

- 1) RSA Resolution 2016-03, March 22, 2016 (see, Exhibit 1).
- 2) Certification of Petition, Eddy Hill Drive RIAD, dated April 22, 2016 (see, Exhibit 2).
- 3) RSA Staff Report, dated July 14, 2015, a description of the current condition of the rights-of-way proposed for improvement and a statement of the need for the proposed local improvement (see, Exhibit 3).
- 4) The petition report prepared by borough staff under KPB 14.31.060, updated to account for any change in information (see, Exhibit 4). The petition report includes the following exhibits:
  - a) The petition information sheet which provided a description of the proposed improvement, and a description of the limitations on withdrawing a petition signature under KPB 14.31.070(E) (see, Exhibit 4, pages 3 & 4).
  - b) The estimate assessment roll spreadsheet, which provides the legal description of the benefited parcels, the name of the record owner, the total estimated cost of the project, an estimate of the amount to be assessed to each parcel, the status of tax payments, if there are other special assessment liens against any of the parcels in the proposed district, and a description of any benefited parcels that exceed the assessment-to-value ratio set forth in KPB 14.31.080(A)(1). There are no properties within this proposed district delinquent in payment of real property taxes, and no properties with other borough special assessment liens (see Exhibit 4, pages 5 to 7). The estimate assessment roll spreadsheet has been updated to reflect recent changes to the district regarding the benefited properties assessed values from the 2015 certified assessed values to the 2016 certified assessed values, and to reflect an adjustment on one benefited parcel's 2016 assessed values corrected by a tax adjustment request (TAR). The result of these adjustments increased the total assessed values on two benefited parcels that were affected by the assessment-to-value-ratio, which resulted in a decrease in the required prepayment to one parcel and the elimination of a required prepayment of assessment for another parcel. The overpayment of prepayments was refunded to the district sponsor, and a refund check was issued on June 19, 2016.
  - c) A map of the proposed RIAD district and boundaries, updated to reflect the recent change to the improved/unimproved status of a benefited parcel (see, Exhibit 4, page 8).
  - d) An updated memorandum from the Finance Director stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments (see, Exhibit 4, pages 9 & 10).

- e) Summary of construction cost estimates for the Eddy Hill Drive RIAD (4,525 LF) provided by Larson Engineering & Design, P.C. (see, Exhibit 4, page 11).

PROJECT BACKGROUND:

The total project is estimated to cost \$637,988.40. This includes direct costs of \$566,808.00, a 10 percent KPB project contingency of \$56,681.00 per KPB 14.31.060(2)(a), and indirect administrative costs of \$14,499.40. There are 35 benefited parcels within this district.

KPB 14.31.120 requires the method of assessment shall be an allocation of costs on a per parcel basis so that each benefited parcel is charged an equal amount. The per-parcel cost is estimated to be \$9,114.12. Equal allocation is reasonable because the benefit of access to the improvement is the same for all parcels.

Pursuant to KPB 14.31.080(A)(1), a special assessment district may not be formed if the estimated amount of the assessment to be levied against each parcel in the district exceeds 25 percent for paving improvements. Within this proposed district, there are six (6) parcels that exceed the 25 percent limitation, and require prepayments of the estimated amount of assessment to reduce the liens to the allowable amount of \$9,114.12 per parcel. A total of \$25,234.72 in prepayments has been received by the borough at least 15 days prior to assembly action on the resolution to form the district and proceed with the improvement per code requirement.

This matter is now presented to the assembly for approval to proceed with the project. Any objections received will be provided to the assembly on the hearing date.