

Introduced by: Mayor  
Date: 04/21/20  
Hearing: 05/05/20  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-18**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL  
FOR THE RUSTIC AVENUE ROAD IMPROVEMENT ASSESSMENT DISTRICT**

- WHEREAS,** the assembly, by Resolution 2019-36, established the Rustic Avenue Road Improvement Assessment District ("District") and authorized the construction of the improvements; and
- WHEREAS,** the assembly, by Ordinance 2019-19-01, appropriated \$106,674 for the District; and
- WHEREAS,** the total costs of constructing the improvements, including all allowable amounts as provided in KPB 5.35.080 and AS 29.46.110 ("costs"), are now known; and
- WHEREAS,** the District's final assessment roll has been prepared and the total costs of the improvement less the Road Service Area 50 percent match is allocated among the benefited parcels based on an equal amount to each parcel; and
- WHEREAS,** the borough clerk has published a notice of the filing of the assessment roll once in a newspaper of general circulation within the borough stating that such assessment has been made and is on file in the office of the borough clerk, and providing notice of the time and place for the May 5, 2020 hearing where objections would be heard; and
- WHEREAS,** notice of the assessment and hearing was mailed to each owner of record as shown on the rolls of the borough assessor not less than ten days before the hearing; and
- WHEREAS,** the assembly, on May 5, 2020, held a hearing on the assessment roll at which time all persons objecting to assessments were given an opportunity to present their objections; and
- WHEREAS,** the assembly found no errors or inequalities in the roll; and
- WHEREAS,** the assembly finds that the roll should be confirmed; and

**WHEREAS,** special assessments will be levied on properties in the District that are directly benefited by the project, and said special assessments, with interest thereon, will be sufficient (together with other amounts) and available to pay the actual cost to the borough of the improvements plus interest;

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

**SECTION 1. Classification.** That this ordinance shall be a non-code ordinance.

**SECTION 2. Confirmation of Roll.** That the assessment roll for Rustic Avenue Road Improvement Assessment District, attached as Exhibit A to this ordinance, as presented to the assembly on April 21, 2020 in the total amount of \$88,838.60 less the Road Service Area 50 percent match of \$44,419.30, for a net assessed amount of \$44,419.30 to all benefited parcels of the District is confirmed.

**SECTION 3. Notice of Assessment.** That within 15 days after the adoption date of this ordinance, the finance director shall mail to the record owner of each property assessed a statement designating the property, the assessment amount, the schedule of payments, the time of delinquency, and penalties. Within five days after the statements are mailed, the finance director shall publish a notice that the statements have been mailed and that the assessment roll is on file in the office of the borough clerk. After enactment of this ordinance the clerk shall file in the office of the Kenai District Recorder a notice of assessment on all parcels assessed within the road improvement assessment district.

**SECTION 4. Payment of Assessment.** That the entire assessment may be prepaid without interest or penalty within 30 days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment shall accrue at the rate of 6.75 percent per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2021. Installments shall include principal plus accrued interest.

**SECTION 5. Delinquencies.** That if an installment of the assessment is delinquent, the balance of the assessment, plus accrued interest, becomes due and delinquent thirty days after the date of notice of the installment delinquency. Notice of the delinquency shall be mailed to the owner of record. The notice must contain notice of the nonpayment of the installment and that the balance of the assessment, plus accrued interest, will become due and delinquent if the installment, interest and penalty are not paid within thirty days of the date of the notice. 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.

**SECTION 6. Termination of Assessment.** Upon the discharge of indebtedness to the borough, the finance director shall release special assessment liens associated with the District.

**SECTION 7. Authority for Ordinance.** That the borough has ascertained and hereby determines that each and every matter and thing as to which provision is made in this ordinance is necessary in order to carry out and effectuate the purposes of the borough in accordance with our constitution and statutes of the State of Alaska, and the Code of Ordinances of the Kenai Peninsula Borough.


**SECTION 8. Severability.** That if any one or more of the covenants and agreements provided in this ordinance to be performed on the part of the borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

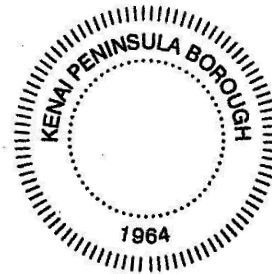
**SECTION 9. Effective Date.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF APRIL, 2020.**

  
\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper  
No: None  
Absent: None

# Exhibit A

## RUSTIC AVENUE RIAD ESTIMATE ASSESSMENT ROLL

Ordinance of Assessment

PROJECT COSTS	ESTIMATED	FINAL COSTS
Gravel Construction Cost:	72,369.00	72,567.65
Construction Contingency (5%):	3,618.45	0.00
<b>Construction Cost Subtotal:</b>	<b>75,987.45</b>	<b>72,567.65</b>
Relocation of Utilities in ROW:	3,500.00	0.00
Engineering Design (10%):	7,598.75	9,070.95
Contract Admin. & Const. Mngt (5%):	3,799.37	0.00
<b>Total Construction Cost:</b>	<b>90,885.57</b>	<b>81,638.60</b>
RIAD Project Contingency (10%):	9,088.56	-
Filing Fee Adjustment:	-	500.00
KPB Administration Cost:	6,699.87	6,700.00
<b>Total Project Cost:</b>	<b>106,674.00</b>	<b>88,838.60</b>
Less Road Service Area Match (50%):	53,337.00	44,419.30
<b>Final Cost to Parcel Owners:</b>	<b>53,337.00</b>	<b>44,419.30</b>
Number of Benefited Parcels:	10	10
<b>Cost Per Parcel:</b>	<b>5,333.70</b>	<b>4,441.93</b>

Non-Refundable Filing Fee: \$1,000 *Per KPB 14.31.050(G) = <\$2M*  
 Paid on: November 9, 2018

Total Estimate Project Cost: 44,419.30  
 Less any required pre-paymer 0.00  
 Total Estimate Assessments: 44,419.30 *KPB 14.31.080(A)*

Total number of parcels in district: 10  
 Total number parcels in favor of project: 6  
 Percentage of parcels in favor of project: 60.0%  
 Percentage of parcels in favor, 2018 assessed value: 64.0%  
 Restrictions, 14.31.080:  
 KPB 14.31.080(A), Lien Limit <25%, # Parcels 0  
 14.31.080(A)(2), Delinquent RP Tax <10%: 0.00%  
 14.31.080(A)(3), Unimpr/Impvd AV <40%: 0.00%

PARCEL ID	LEGAL	IMPROVEMENT VALUE	2019 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	OWNER	ADDRESS	CITY ST ZIP	2018 DEL TAX	OTHER SPC ASSMT	VOTED IN FAVOR	2018 ASSESSED VALUE IN FAVOR
131-041-67	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 1 BLOCK 1	177,400	192,800	4,441.93	0.00	RICHMOND KODY S	PO BOX 2585	KENAI, AK 99611	NO	NO		0
131-041-68	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 2 BLOCK 1	166,000	181,400	4,441.93	0.00	BRASHEAR DEANNA L	325 GEMINI DR	SATELLITE BEACH, FL 32937	NO	NO	X	180,700
131-041-69	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 3 BLOCK 1	215,900	230,300	4,441.93	0.00	BRIDGE CHERYL L	48185 RUSTIC AVE	SOLDOTNA, AK 99669	NO	NO	X	229,500
131-041-70	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 4 BLOCK 1	204,000	218,400	4,441.93	0.00	PETROVICH ROSALIND M & MICHAEL L	PO BOX 2356	KENAI, AK 99611	NO	NO	X	217,500
131-041-71	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 5 BLOCK 1	175,400	189,800	4,441.93	0.00	LEAKE JOHN M Jr	PO BOX 874	SOLDOTNA, AK 99669	NO	NO	X	189,000
131-041-72	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 6 BLOCK 1	212,000	226,400	4,441.93	0.00	STRAUME TIFFANY R & KARL J	48255 RUSTIC AVE	SOLDOTNA, AK 99669	NO	NO	X	225,500
131-680-23	T 4N R 11W SEC 3 SEWARD MERIDIAN KN 0860140 GORESEN ESTATES SUB NO 2 TRACT 4O	133,300	147,600	4,441.93	0.00	MOFFIS NICOLE A	2241 BEAVER LOOP RD	KENAI, AK 99611	NO	NO		0
131-680-24	T 4N R 11W SEC 3 SEWARD MERIDIAN KN 0860140 GORESEN ESTATES SUB NO 2 TRACT 4P	172,100	186,400	4,441.93	0.00	CONDON LINDA A & TODD L	48186 RUSTIC AVE	SOLDOTNA, AK 99669	NO	NO		0
131-680-25	T 4N R 11W SEC 3 SEWARD MERIDIAN KN 0860140 GORESEN ESTATES SUB NO 2 TRACT 4Q	146,300	160,600	4,441.93	0.00	SAVELY TROY D	48204 RUSTIC AVE	SOLDOTNA, AK 99669	NO	NO		0
131-680-26	T 4N R 11W SEC 3 SEWARD MERIDIAN KN 0860140 GORESEN ESTATES SUB NO 2 TRACT 4R	155,000	169,300	4,441.93	0.00	HUNT CHRISTINE & JOSHUA	48230 RUSTIC AVE	SOLDOTNA, AK 99669	NO	NO	X	161,700
10		1,757,400	1,903,000	44,419.30	0.00						6	1,203,900
<i># Parcels All Improved Properties</i>											<i># in favor</i>	<i>Total AV</i>

as of 3/3/2020

**The following three parcels are not included in the RUSTIC AVENUE road improvement assessment district:**

*It has been determined that the following three (3) properties whose boundaries touch the proposed improvement will not benefit from the proposed improvement as these parcels are currently being served to a greater degree by sections of Rustic Avenue which are currently on the RSA maintenance system.*

PARCEL ID	LEGAL	IMPROVEMENT VALUE	2019 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	OWNER	ADDRESS	CITY ST ZIP	PHYSICAL ADDRESS	ACREAGE
131-041-47	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2003103 MYSTIC RIDGE ESTATES PART 1 LOT 3 BLK 1	384,000	436,400	-	-	JESTER NATHAN E & LINDSAY B	PO BOX 1951	KENAI AK 99611	48020 HARMONY AVE	3.10
131-041-73	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 2013021 MYSTIC FIELDS SUB PHASE 1 LOT 7 BLOCK 1	211,700	226,100	-	-	STAFFORD KATIE M STAFFORD KEVIN D	PO BOX 1141 PO BOX 210262	SOLDOTNA, AK 99669 ALUKE BAY, AK 99821	48275 RUSTIC AVE	0.92
131-320-61	T 4N R 11W SEC 3 SEWARD MERIDIAN KN 0790061 ALASKA RUSTIC ESTATES SUB LOT 1 BLK 3	5,000	8,400	-	-	OLIVER, AMEND III JOSEPH, CHONG HYE	PO BOX 583 PO BOX 304	KENAI, AK 99611 SILVERDALE, WA 98383		0.92