NON-CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 10/18/16
Public Hearing: 12/06/16
Defeated: 12/06/16

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-116

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING WEST RYAN CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 582, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

WHEREAS, a petition has been filed by the owners of at least 70 percent in value of the property within West Ryan Circle Road Paving Local Improvement District for paving the surface of the roads; and

WHEREAS, the Clerk has certified the petition; and

WHEREAS, the Manager's administrative report, including the improvement plan, is incorporated in IM No. 16-178; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the Borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local

improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than 70 percent of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is a power exercised through a service area, there is a board of supervisors, and the board has recommended the improvement.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. The West Ryan Circle Road Paving Local Improvement Plan will increase property values, is necessary, is in the public interest, and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the road paving local improvement district bearing more than 70 percent of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B), there are zero properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the West Ryan Circle Road Paving Local Improvement District No. 582 as described on the attached legal description marked Exhibit A.

Section 7. The Manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for Assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the Assembly.

Section 8. Upon completion of the work up to 100 percent of the total cost of the improvement shall be assessed equally against each property within the road paving local improvement district. The amount to be assessed shall be reduced by the amount, if any, of matching funds appropriated for the improvement in the fiscal year 2017 budget. The Finance Director shall prepare a special assessment roll assessing to each property within the road paving local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of Borough code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may

be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the Assembly upon approval of the road paving local improvement district special assessment roll, provided, the Assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the Manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the road paving local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the Assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the Assembly may provide for other means of financing the project cost at its sole discretion.

Section 12. Effective date. This ordinance shall take effect upon adoption.

DEFEATED by the Matanuska-Susitna Borough Assembly this 6 day of December, 2016.

DEFEATED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, and Doty

EXHIBIT A

LEGAL DESCRIPTION FOR
WEST RYAN CIRCLE LID582

5950
Lots One (1) through Ten (10), Block One (1), and Lots One (1) through Three (3), and Lots Six (6) and Seven (7) Block Two (2), HOLLYWOOD HLS H&K PH 1, according to Plat #2006-177;

6639
Lots Four A (4A) and Five A (5A), Block Two (2), HOLLYWOOD HLS H&K PH 1 B/2 L/4&5, according to Plat #2007-11;

6680
Lot Ten (10), Block Three (3), HOLLYWOOD HLS H&K PH 2, according to Plat #2007-56;

6756
Lots One (1) and Two (2), Block One (1), CHEYENNE MDWS PH 1, according to Plat #2007-166.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.