

## **Memorandum 12-035 Revisions to HCC 17.04 Special Assessment Districts**

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MEMORANDUM 12-035

TO: MAYOR AND COUNCIL MEMBERS  
CIYT OF HOMER

FROM: THOMAS F. KLINKNER

RE: REVISIONS TO HCC 17.04, SPECIAL ASSESSMENTS

FILE NO.: 506,742.205

DATE: MARCH 6, 2012

In anticipation of the City's use of special assessments to finance a natural gas distribution system, I have drafted an ordinance revising and updating Homer City Code Chapter 17.04, Special Assessments. An explanation of the substantive changes made by the ordinance follows. References to Code section numbers are to the section numbers in the ordinance.

17.04.010 Definitions. An obsolete reference to the Accelerated Roads Program in the present HCC 17.04.010 is eliminated. The definition of "improvement" is simplified, and expanded to include natural gas distribution systems. A statement in the definition of "record owner" in the present HCC 17.04.010 regarding the presumed legal owner of property is eliminated, as this presumption already appears in state statute.

17.04.020 Purpose of chapter. This section restates more concisely the content of the first two paragraphs of the present HCC 17.04.020.

17.04.030 Assessment authority. Subsection (a) repeats the substance of the first paragraph of the present HCC 17.04. Subsection (b) is new, and states explicitly that an improvement in a special assessment district need not be owned by the City.

17.04.040 Initiation of district. The provision in present HCC 17.04.030(a) for an application to initiate a special assessment district is eliminated as redundant. Subsection (a) restates the methods of initiating a special assessment district—petition or council resolution—that appear in present HCC 17.04.030(b) and (d). The requirement in present HCC 17.04.030(d) of a three-fourths vote for the council to initiate a district is eliminated. The provision in present HCC 17.04.030(c) for the council to find that petition is insufficient is eliminated as unnecessary—under new HCC 17.04.040(b), the city clerk performs this function. Under new HCC 17.04.040(b), the city clerk schedules the neighborhood meeting provided for in present HCC 17.04.030(a)(2)(i), and provides for the preparation of an improvement plan as in present HCC 17.04.040(a).

17.04.050 Creation of district. Under new HCC 17.04.050(a), the clerk, rather than the council under present HCC 17.04.040(b), The requirement for four weeks' publication of notice of the hearing in present HCC 17.04.040(b) is reduced to one, as this is all that state statute requires. New HCC 17.04.050(b) provides for property owners to object to creation of the district as in present HCC 17.04.050. New HCC 17.04.050(c) provides for the council to make the findings specified in present HCC 17.04.030(b) and (d). New HCC 17.04.050(d) provides for unanimous property owner waiver of the hearing and protest period as in present HCC 17.04.040(c).

17.04.060 Contract award; Approval of increased costs. New HCC 17.04.060(a) modifies present HCC 17.04.060 to provide for situations (such as natural gas distribution facilities) where the City will not contract for the improvement as owner. New HCC 17.04.060(b) provides for notice and an opportunity to object for property owners if actual construction costs will exceed the estimated cost by more than 115%, as in present HCC 17.04.060.

17.04.070 Assessment roll. This section restates the procedure for reviewing the assessment roll in present HCC 17.04.070. New HCC 17.04.070(c) incorporates the special rule for the combination of lots after formation of an assessment district that appears in present HCC 17.04.040(b).

17.04.080 Certification of assessment roll. This section restates the procedure for certification of the assessment roll in present HCC 17.04.080. In addition it provides for the recording of the confirmed assessment roll.

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17.04.090 Payment. This section restates the provisions for establishing terms of payment, mailing of statements, and publication of notice of the statement mailing, that appear in present HCC 17.04.090 and 17.04.095(a).

17.04.100 Subdivision after levy of assessments. This section consolidates and restates the rules for payment of assessments where property is subdivided after assessments are levied that appear in present HCC 17.04.095(b) and (d), and in present HCC 17.04.180. Present HCC 17.04.095 is deleted as unnecessary, because assessments remain a lien on property that is sold.

17.04.110 Assessments to be liens. This section restates the provisions regarding assessment liens in present HCC 17.04.100.

17.04.120 Reassessment. This section restates the provisions for reassessment in present HCC 17.04.110.

17.04.130 Objection and appeal. This section restates the provisions regarding objection and appeal in present HCC 17.04.120.

17.04.140 Interim financing. This section restates the provisions for interim financing in present HCC 17.04.125.

17.04.150 Special assessment bonds. This section restates the provisions for special assessment bonds in present HCC 17.04.130.

17.04.160 Time limit for special assessment districts. This section restates the requirement for reauthorization of special assessment districts after five years that appears in present HCC 17.04.140.

17.04.170 Water and sewer connections required. This section restates the requirement for connection to water and sewer utility improvements that appears in present HCC 17.04.150.

17.04.180 Road improvement assessments for lots with two street frontages. This section restates and clarifies the provisions for assessment of lots with two street frontages that appear in present HCC 17.04.160.

17.04.190 Deferment of assessment payments for senior citizens. This section simplifies and restates the provisions for deferment of assessments on senior citizens' residences in present HCC 17.04.165.

17.04.200 "In lieu of assessment". This section restates the provisions for "in lieu of assessments" in present HCC 17.04.170 and 17.04.175.

Related Ordinances **Memorandum - Related Ordinances:** [Ordinance 12-14 Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts](#)

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