Resolution 13-088 Confirming the Assessment Roll and Payment Dates for Kachemak Drive Phase II Water and Sewer Special Assessment District

Resolution ID: 13-088
Resolution Status: Adopted
Resolution Effective Date: Mon Sep 9th, 2013
Resolution Summary:
A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Kachemak Drive Phase II Water and Sewer Special Assessment District. City Clerk.

CITY OF HOMER
HOMER, ALASKA
City Clerk
RESOLUTION 13-088

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE KACHEMAK DRIVE PHASE II WATER AND SEWER SPECIAL ASSESSMENT DISTRICT.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council created a Kachemak Drive Phase II Water and Sewer Special Assessment District on April 11, 2005 via Resolution 05-43 at the 25% property owner share of assessments; and

WHEREAS, A public hearing was held on May 24, 2005 to hear objections to the formation of such district; and

WHEREAS, Resolution 05-81(S) was adopted by Council on July 25, 2005 authorizing the formation of the Kachemak Drive Phase II Water and Sewer Special Assessment District; and

WHEREAS, Following a lengthy environmental permit process and the City's need to assert powers of eminent domain for easement acquisition for the improvements, Council adopted Resolution 10-54 extending the period for constructing improvements in the district to July 25, 2015; and

WHEREAS, The Kachemak Drive Phase II Water and Sewer Special Assessment District was completed and accepted by Public Works for city maintenance; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and a public hearing scheduled for August 26, 2013; and

WHEREAS, All record property owners within the district were mailed the final assessment roll, notice of their right to object, and notice of the August 26th public hearing; and

WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Kachemak Drive Phase II Water and Sewer Special Assessment District and the Mayor and Clerk shall be directed to sign same.

NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on February 1, 2014, all assessments in the Kachemak Drive Phase II Water and Sewer Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall have added a penalty of ten percent (10%) which penalty and principal amount of the assessment shall both draw interest at a rate of one and one half percent (1.5%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments

are in default. All costs including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property; and

BE IT FURTHER RESOLVED that an optional twenty (20) year payment plan is offered whereby the assessment may be paid in twenty (20) equal yearly installments plus interest of one and one half percent (1.5%) on the unpaid balance of the assessment. The first such installment shall be due and payable without interest on or before 5:00 p.m. February 1, 2014 and each installment thereafter shall be due on or before February 1st, of each year, plus interest on the unpaid balance of the assessment. If any annual installment payment is not received when due, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principal (including the annual installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until paid. Should default occur, the City will institute civil action for foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action shall be added and incorporated into the assessed amount due plus interest and penalties, and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property.

PASSED AND ADOPTED by the Homer City Council on this 9th day of September, 2013.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Total project costs are $3,960,332; 75% property owner share is $2,970,249; 25% paid by HAWSP $990,083. 87 parcels are assessed for water and sewer at $34,140.80. KPB parcel numbers 179-080-13, 179-080-21, 179-080-27, and 179-100-04 have deferred assessments. KPB parcel number 179-100-17 is exempt. KPB parcel number 179-330-04 was removed from the district.

Resolution Files Kachemak Drive Phase II Final Assessment Roll

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