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CITY OF HOMER
HOMER, ALASKA
ORDINANCE 81-12

AN ORDINANCE AMENDING CHAPTER 13A, ARTICLE II, IMPROVEMENT DISTRICTS; REPEALING AND REENACTING CERTAIN SECTIONS PERTAINING TO FORMATION, ASSESSMENT, PETITION PROCEDURE, COUNCIL INITIATIVE PROCEDURE, PRELIMINARY ASSESSMENT ROLL, PUBLIC HEARING, OBJECTIONS AND REVISIONS; REPEALING AND REENACTING SECTIONS PERTAINING TO ARTICLE III THE METHOD OF ASSESSMENT COMPUTATION.

NOW, THEREFORE, the City of Homer ordains:

Section 1. Article II, Section 13A-200.1 through Section 13A-200.6 are hereby repealed; Sections 13A-200.1 through 13A-200.7 are reenacted to read:

Section 13A-200.1. IMPROVEMENT DISTRICTS - GENERAL PROVISIONS. The Council may assess against the property of a governmental unit and private real property benefitted, all or a portion of the costs of constructing or improving capital improvements. All benefitted real property, including that which is exempt from taxation in accordance with law, shall be liable for the cost of public improvements assessed unless specifically exempted from assessments for public improvements by law.

Section 13A-200.2. IMPROVEMENT DISTRICTS - FORMATION. An improvement proposal may be initiated by:

- (a) a petition to the Council of the owners of at least one-half or more in value of the property to be benefitted, or
- (b) the City Council.

Section 13A-200.3. PROCEDURE BY PETITION. (1) Property owners of one-half or more in value of the property to be benefitted by an improvement may file a petition with the City Clerk requesting that an improvement district be formed and stating what specific public improvement is to be made. Petition forms shall be available from the City Clerk.

(2) The petition shall be investigated by the City Manager, who shall, within sixty (60) days of the filing of the petition, make a survey of and report on the proposed improvement to the Council. The report shall concern the need for the proposed improvement, the desirable scope of and the estimated cost of the proposed improvement, and the recommended percentage of the improvement plan cost to be assessed against the property benefitted. The report shall contain a description defining the district and the properties to be assessed and showing the desirable scope of the proposed improvement.

(3) The Council shall find by resolution whether (a) the improvement requested is necessary and should be made, (b) the request has sufficient and proper petitioners, and (c) Council shall also approve the percentage of the improvement plan cost to be assessed against the properties benefitted.

1 The resolution shall also set forth a time for public hearing
2 on the necessity of the proposed improvement.

3 Section 13A-200.4 PROCEDURE BY COUNCIL INITIATIVE. If
4 the City Council determines that an improvement is needed, they
5 shall pass a resolution declaring their intent to form an
6 improvement district and shall within that resolution set a
7 time for public hearing on the necessity of the proposed improve-
8 ment.

9 (2) Upon direction of the Council, the City Manager shall
10 make a survey and report to the Council concerning the need for
11 and estimated costs of the improvement. The survey and report
12 shall be filed with the City Clerk at least fourteen (14) days
13 prior to the time of the public hearing on the necessity for the
14 improvement.

15 Section 13A-200.5. PRELIMINARY ASSESSMENT ROLL. The City
16 Manager shall prepare a preliminary assessment roll for a
17 proposed improvement. This roll shall include the name of the
18 record owner, a brief description of the property, and the
19 estimated amount to be assessed against the property. The
20 preliminary assessment roll shall be filed with the City Clerk
21 at least fourteen (14) days prior to the public hearing on the
22 necessity for the improvement.

delete
23 Section 13A-200.6. PUBLIC HEARING. As previously specified
24 (~~Procedure by Petition~~), the Council shall by resolution set a
25 time for the public hearing on the necessity for the improvement
26 and the improvement plan. The notice of such hearing shall be
27 published at least once a week for four consecutive weeks in a
28 newspaper of general circulation within the City. The City
29 Manager shall also send notices by certified mail to every
30 record owner of property within the proposed improvement district
31 at least fourteen (14) days prior to the public hearing. The
32 Council shall hear all interested persons favoring or opposing
the proposed improvement district.

33 Section 13A-200.7. OBJECTIONS AND REVISIONS. (1) The
34 owner of the property to be assessed may file an objection to
35 the improvement plan no later than forty-five (45) days ~~after~~
36 ~~publication of the notice, required.~~ At the end of the 45 days,
37 if the owners of one-half in value of the property to be benef-
38 fitted have not objected, the Council may pass a resolution
39 approving the plan and authorizing proceeding with the improve-
40 ment.

last required public
41 (2) If objections are made by the owners of property
42 bearing one-half of the estimated cost of the improvement, the
43 Council may not proceed with the improvement unless the plan
44 is revised to meet the objections and the objections are reduced
45 to less than fifty (50) percent. The Council may then pass a
46 resolution approving the revised plan, which shall then become
47 an original plan, and proceed with the improvement.

48 Section 2. Article II, Section 13A-200.22 DEFINITIONS
49 is amended by adding paragraph (e) which reads:

50 (e) "property" means land and improvements and all
51 possessory rights and privileges appurtenant to the
52 property, and includes personal property affixed to the
land or improvements.

1 Section 3. Numbers for Sections 13A-200.201 - 13A-200.210
2 are hereby corrected and renumbered to read:

3 Sections 13A-200.21 - Sections 13A-200.29 to correspond
4 with standard numbering system. Section 13A-200.22 (definitions)
5 is hereby renumbered as Section 13A-200.31.

6 Section 4. Article III, Sections 13A-300.1 to 13A-300.5
7 is hereby repealed and reenacted to read:

8 Section 13A-300.1. ASSESSMENTS - IN GENERAL. Any assess-
9 ment levied by the City of Homer for a capital improvement shall
10 be computed as provided for in this article. The provisions of
11 this chapter shall not prevent or be construed to prevent the
12 collection of assessments or payment in lieu of assessments for
13 any improvements in any other manner as provided by law.

14 Section. 13A-300.3. ASSESSMENT METHOD. (1) The methods
15 of assessment are described in general herein, and will require
16 decisions of policy by the Council to meet current situations
17 and needs.

18 (2) Except as otherwise provided by ordinance for a
19 particular local improvement district, assessments shall be
20 based on the square footages of the affected property. Assess-
21 ments shall be computed on a square foot basis with a maximum
22 lot depth of one hundred and fifty (150) feet from the lot line
23 abutting the improvement. In the case of a lot which is less
24 than 150 feet in depth, the actual depth of the lot shall be
25 used for the purposes of computing the square footages. There
26 is no maximum lot width for the purposes of this computation.

27 (3) The maximum depth of 150 feet shall not apply in any
28 parcel where the remaining portion of the lot beyond the 150
29 feet fails to meet the minimum lot size, or fails to meet the
30 minimum lot width requirements of the City of Homer as set forth
31 in the Homer Zoning Ordinance. In such cases, the entire parcel
32 of land shall be assessed on the square foot basis.

 (4) Exceptions to the square footage assessments shall be
for those improvements which:

(a) are beneficial to an area, and/or

(b) abut affected property so that the benefits of
the improvement are fairly proportional to the
frontage of the property.

 The Homer City Council is the sole authority for deter-
mining what shall constitute an "area" or an "abutting property"
improvement, and for the method of determining the assessments
to the affected area of property.

 Section 13A-300.5. ASSESSMENT AMOUNT. The Council may
assess one hundred (100) percent of any or all costs of a
public improvement, or any portion thereof, against each parcel
of property benefitted by the improvement. Unless otherwise
provided by ordinance for a particular improvement district,
the actual amount of an assessment shall be determined by taking
the total number of square feet to be assessed and dividing
such figure into that cost of the improvement to be paid by
the assessments. The square foot cost shall then be apportioned
to each parcel or lot according to the number of square feet
being assessed for that parcel or lot.

