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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 15-050(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
PROVIDING FOR THE REASSESSMENT OF CONDOMINIUM UNITS
IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL
ASSESSMENT DISTRICT.

WHEREAS, By Resolution 15-017, adopted March 23, 2015, the City confirmed the assessment roll for the Homer Natural Gas Distribution Special Assessment District (“District”); and

WHEREAS, On April 3, 2015, the Superior Court in *Castner v. City of Homer, et al.*, Case No. 3HO-13-00038CI, ruled that the City’s method of assessing condominium units in the District was unlawful, and the Alaska Supreme Court recently denied a Petition for Review of this ruling; and

WHEREAS, It now is necessary to prepare a new assessment roll for condominium units in the District, with assessments that comply with the Superior Court’s decision; and

WHEREAS, The assessments in the new assessment roll will be subject to review by the Superior Court for compliance with its decision.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized and directed to prepare a new assessment roll for condominium units in the District; and

BE IT FURTHER RESOLVED that the assessment for each condominium unit in a condominium project shall be a percentage of the per-lot assessment amount of \$3,262.77 that is equal to the condominium unit’s percentage of undivided interest in the common elements of the condominium; and

BE IT FURTHER RESOLVED that the new assessment roll for condominium units in the District shall be subject to the procedure for certification of an assessment roll in HCC 17.04.070 and 17.04.080, and the appeal procedure in HCC 17.04.130; and

BE IT FURTHER RESOLVED that upon the confirmation of the new assessment roll for condominium units in the District, and the approval of the assessments in that assessment roll by the Superior Court in *Castner v. City of Homer, et al.*, Case No. 3HO-13-00038CI, the assessments in that assessment roll will supersede and replace the assessments of

42 condominium units in the District that were confirmed in Resolution 15-017.

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44 PASSED AND ADOPTED by the Homer City Council on this 29th day of June, 2015.

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CITY OF HOMER

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Francie Roberts

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FRANCIE ROBERTS, MAYOR PRO TEMPORE

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52 ATTEST:

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Jo Johnson

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JO JOHNSON, MMC, CITY CLERK

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Fiscal Note: N/A

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