

HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**SPECIAL MEETING**  
**6:00 P.M. MONDAY**  
**MARCH 16, 2015**  
**COWLES COUNCIL CHAMBERS**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER MARVIN YODER  
CITY CLERK JO JOHNSON

### **SPECIAL MEETING AGENDA**

**1. CALL TO ORDER, 6:00 P.M.**

Councilmember Reynolds has requested excusal.  
Councilmember Zak has requested telephonic participation.

**2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

**3. PUBLIC HEARING(S)**

A. Homer Natural Gas Special Assessment District

**4. NEW BUSINESS**

A. **Resolution 15-016**, A Resolution of the City Council of Homer, Alaska, Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting Property and Correcting Errors in the Assessment Roll. **Page 3**

Memorandum 15-037 from City Clerk as backup. **Page 5**

**5. COMMENTS OF THE AUDIENCE**

**6. COMMENTS OF THE CITY ATTORNEY**

**7. COMMENTS OF THE CITY CLERK**

**8. COMMENTS OF THE CITY MANAGER**

**9. COMMENTS OF THE MAYOR**

**10. COMMENTS OF THE CITY COUNCIL**

## **11. ADJOURNMENT**

Next Regular Meeting is Monday, March 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. Special Meetings are scheduled for Tuesday, March 17, 2015 at 5:00 p.m. and Tuesday, March 24, 2015 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-016**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE PRELIMINARY ASSESSMENT ROLL FOR THE  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT BY  
EXEMPTING PROPERTY AND CORRECTING ERRORS IN THE  
ASSESSMENT ROLL.

WHEREAS, Council adopted Ordinance 13-02 on February 11, 2013 creating the City of Homer Natural Gas Distribution Special Assessment District; and

WHEREAS, Since the adoption of Ordinance 13-02, the Council has taken several actions to delete properties from the preliminary assessment roll that it found would not be benefited by the improvement, and to correct other errors in the preliminary assessment roll; and

WHEREAS, The Council finds that it is necessary to amend the preliminary assessment roll as provided herein to exempt \_\_\_\_\_ property that will not be benefited by the improvement, and to correct other errors in the preliminary assessment roll.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the preliminary assessment roll for the Homer Natural Gas Special Assessment District by exempting \_\_\_\_\_ property and correcting other errors in the assessment roll, as shown on Attachment A, a copy of which is attached and incorporated herein.

PASSED AND ADOPTED by the Homer City Council on this 16<sup>th</sup> day of March, 2015.

CITY OF HOMER

\_\_\_\_\_  
FRANCIE ROBERTS,  
MAYOR PRO TEMPORE

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 15-037

TO: MAYOR PRO TEMPORE ROBERTS AND CITY COUNCIL  
FROM: JO JOHNSON, MMC, CITY CLERK  
DATE: MARCH 11, 2015  
SUBJECT: NATURAL GAS SPECIAL ASSESSMENT DISTRICT

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March 16<sup>th</sup> is the Council's final meeting for correcting any errors or making amendments to assessments in the properties assessed for the Homer Natural Gas Special Assessment District. Included in this packet are objections filed as of March 11<sup>th</sup> at 3:00 p.m. There are three categories including Condominiums, Financial Hardships, and Other Objections.

Objections received after the above date and time and up until the 5:00 p.m. deadline on March 16<sup>th</sup> will be provided to you in a supplemental packet.

Notices were mailed on February 18<sup>th</sup> and since that time we have been updating property ownership on the assessment roll upon receiving that information from affected property owners. When timely, new property owners were sent notices of the assessments. We have worked to make the assessment roll as clean as possible with the information we have received.

On March 23<sup>rd</sup> the final assessment roll will be presented to you. A public hearing has been scheduled for that council meeting. In anticipation of a minor change on the assessments, the public hearing is required.

#### RECOMMENDATION:

Review objections to assessments and determine amendments as appropriate by motion.



# CITY OF HOMER



## NOTICE OF PUBLIC HEARING

### HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

The Homer City Council will hear objections to the assessment roll for Homer Natural Gas Special Assessment District during City Council meetings on **March 9 and 16, 2015 at 6:00 p.m.** The meetings will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

All owners of record are welcome to attend and give testimony concerning errors or inequalities on their assessment(s). **Written objections or comments must be received prior to March 16, 2015 at 5:00 p.m. at the City Clerk's office.**

Please take note, State Law provides that, "the validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation."

After the public hearings the City Council shall correct errors and inequalities in the roll and confirm the roll at the March 23, 2015 regular meeting. Time and method of payment shall then be fixed by resolution; payments may not be required sooner than sixty days after billing and may be paid in full or by other available terms.

Notice of hearings and assessment roll was mailed to owners of record on February 18, 2015. Questions concerning the assessment roll or hearings may be directed to the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, phone (907) 235-3130, fax (907) 235-3143, email [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us).

Dated this 17<sup>th</sup> day of February, 2015

A handwritten signature in cursive script that reads "Jo Johnson".

Jo Johnson, MMC, City Clerk

Publish: Homer Tribune: March 4, 2015  
Homer News: March 12, 2015

Account No. 175-0375-5227

## CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Homer Natural Gas Special Assessment District was posted at Homer City Hall and at the Homer Public Library on March 2, 2015 and that the City Clerk posted same on City of Homer Homepage on March 2, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 2<sup>nd</sup> day of March, 2015.



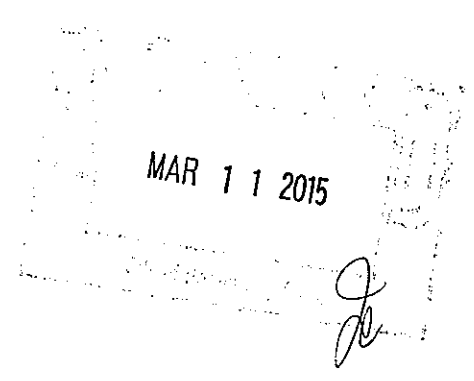
A handwritten signature in cursive script that reads "Jo Johnson".

Jo Johnson, City Clerk

# CONDOMINIUMS



Larry Lawson  
2490 S. Woodworth Loop #499  
Palmer, AK 99603



March 9, 2015

Jo Johnson  
City Clerk  
City of Homer  
491 E. Pioneer Ave.  
Homer, AK 99603

I am submitting my written objection to City of Homer Natural Gas Special Assessment. I own Lands End Lodge Condominium #18 and one garage at 4799 Homer Spit Road in Homer, Alaska.

Tax parcel ID number 18103449CO18.

Legal description: T 7S R 13W SEC 1 Seward Meridian HM 2007012 LANDS END LODGES CONDOMINIUMS PHASE 6 UNIT 18.

Tax parcel ID number 18103449COG3.

Legal description: T 7S R 13W SEC 1 Seward Meridian HM 2009003 LANDS END LODGES CONDOMINIUMS PHASE 9 UNIT G-3.

The Land's End Lodges condominium project is located on one lot (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with one natural gas stub-out on Homer Spit Road by the City of Homer to supply the entire condominium project. Since the City of Homer did not supply individual stub-outs to each condominium unit, and treated it instead as one single city lot, then it is only reasonable that Lands End Lodge Condominium project be assessed as one city lot for the amount of \$3,237.14.

I am also objecting to the six garages being assessed as individual city lots. They are owned by the condominium owners and cannot be sold to anyone other than a condominium owner. According to the declarations and by-laws of the condominium project, the use of the garage units for human habitation is prohibited. They are not considered a separate entity from the individual condominium owner's private residence and should not be assessed as such; especially in consideration of the fact that other detached garages within the City of Homer are not assessed apart from their respective residences. Plus, my garage is not heated and I will never need natural gas to it.

Respectfully,

Larry Lawson





17701082013

MAR 11 2015

March  
~~April~~ 5, 2015  
rb

Beery Trust  
Ray and Raneer' Beery  
P.O. Box 195  
Exeter, CA 93221

RE: 816 Quiet Creek  
Homer, AK 99603

City of Homer  
City Clerks Office  
491 E. Pioneer Avenue  
Homer, AK 99603

To Whom It May Concern,

Please accept this letter as our written objection to the Homer Natural Gas Special Assessment.

We believe, as condo owners, we are being charged wrongly for the gas line and special assessment.  
We believe the method of assessment is illegal as ruled by Superior Court order.

Sincerely,

Beery Trust  
Ray and Raneer' Beery

CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17701082C013	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2003056 BARNETT SUB QUIET CREEK ADDN TRACT A	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

MAR 11 2015 PM 01:01 *ek*

*Law Office Of*  
**LIEU T. VO CLARK**  
*Attorney & Counselor at Law*

Telephone: (985) 231-7364

P. O. Box 465  
Mandeville, Louisiana 70470-0465

Telefax: (985) 231-7364

March 11, 2015

City of Homer  
Office of the City Clerk  
**ATTN: Jo Johnson, MMC, City Clerk**  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Ph: (907) 235-3130  
Fax: (907) 235-3143  
Email: [jojohnson@cityofhomer.ak.us](mailto:jojohnson@cityofhomer.ak.us)

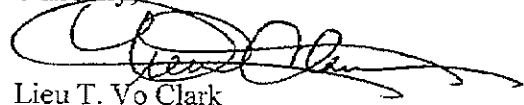
**SENT VIA FACSIMILE AND EMAIL**

**RE: Travis and Lieu Clark**  
**3479 Landings St., Unit 22**  
**Homer, Alaska 99603**

Dear Ms. Johnson:

My husband and I have received the city's natural gas assessment notice, and as the owners of a single unit in the 17 unit Landings Condominium building and who hold a 1/17<sup>th</sup> allocated undivided interest in the common property and as such also a 1/17<sup>th</sup> allocated undivided interest in the common property natural gas assessment, we object to receiving an assessment which is 17 times higher than our proportional interest in that natural gas improvement. Furthermore, in *Castner v. City of Homer*, Kenai Superior Court Judge Charles Huguelet, noting that a 2-inch natural gas distribution pipe run to a lot is the same whether the lot has an apartment building or a condominium complex on it, held that a city of Homer ordinance assessing condominiums individually places "an arbitrary, unreasonable and inequitable burden" on condominium owners. As the City of Homer has accepted the decision of the Kenai Superior Court by not appealing the ruling, this decision is binding on the city. The city should and would be collaterally estopped from re-litigating the issue of assessment on condominiums as there is already binding law. *Castner v. City of Homer*, (Jan. 2014). The city's current intentions to assess condominium units in violation of the Court's ruling require us to object to the illegal assessment and notify the city of our intent to meet with the board members of our condominium association to pursue every legal avenue available to ensure a fair and legal natural gas assessment of our property by the city.

Sincerely,

  
Lieu T. Vo Clark



MAR 11 2015



March 10, 2015

Homer City Council  
491 E. Pioneer Avenue  
Homer, AK 99603

RE: Homer Natural Gas Special Assessment  
Beluga Professional Center – Unit 4  
KPB Parcel No. 17730124C004

Dear Mayor and City Council Members:

As owners of the referenced property we are writing to object to the Council's decision to assess each condo owner for the installation of a single natural gas line servicing their building.

The Beluga Professional Center on Ben Walters Lane has 4 units. We are served by **ONE** natural gas line, as well as a single water and sewer service, a single electrical service, and we are located on **ONE** lot. Our building is the same as any other multi-tenant commercial office or retail building in Homer.

Please apply the ruling received in *Castner v. City of Homer* case to all condominium associations, including the BPC and its owners.

Sincerely,



Jillian Lush, Executive Director  
Sprout Family Services

3691 Ben Walters Lane, 4, Homer, AK 99603



**Regula Wild  
Mountain View Drive  
Unit 1  
Homer, AK 99603  
907 299-3182 / regula\_wild@hotmail.com**

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MAR 11 2015



**March 11, 2015**

**To the City of Homer:**

**As the owner of a condominium on parcel 17727066CO01 I hold as such an allocated undivided interest in the common property natural gas improvement and assessment. It is still unclear to me why the City of Homer has never accepted nor plans to adhere to Judge Huguelet's order (Castner v City of Homer). I strongly object to receiving an assessment higher than my proportional interest by using a method of assessment that has been declared illegal by the State Superior Court. I also object that the City of Homer continues to waste tax revenue pursuing an issue that has been ruled on by the Court.**

**Respectfully,**

**Regula Wild**





To: City of Homer  
Office of the City Clerk  
491 E. Pioneer Ave  
Homer, AK 99603

MAR 11 2015



March 9, 2015

We are writing to formally register our objection to the Homer Natural Gas Special Assessment of Parcels ID: 17730124CO01 and 17730124CO02. Address: 3691 Ben Walters Lane, Suites 1 & 2.

The preliminary assessment as it pertains to the Beluga Professional Center Condominiums, including the aforementioned parcels, is inequitable as it stands and should be amended to reflect a percentage based on our allocated interest of ownership. The BPC building has one natural gas line but has been assessed four times. As has already been established in *Castner v. City of Homer*, the manner of assessment the City is adopting has been found to be illegal by the Superior Court; it is both "disproportionate to the benefit received" and "arbitrary and unreasonable." We request that the City of Homer apply the ruling received in Mr. Castner's case fairly to all condominium associations, including the BPC and its owners.

Sincerely,

Joel and Tia Pietsch  
Owners, Harbor School of Music & Dance  
PO Box 392  
Homer, AK 99603  
907-235-6705



Law Office Of  
**LIEU T. VO CLARK**  
Attorney & Counselor at Law

Telephone: (985) 231-7364

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Mandeville, Louisiana 70470-0465

Telefax: (985) 231-7364

March 11, 2015

City of Homer  
Office of the City Clerk  
**ATTN: Jo Johnson, MMC, City Clerk**  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Ph: (907) 235-3130  
Fax: (907) 235-3143  
Email: [jjohnson@ci.homer.ak.us](mailto:jjohnson@ci.homer.ak.us)

MAR 11 2015



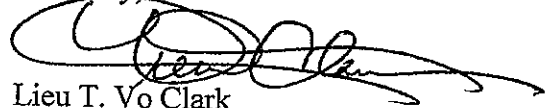
**SENT VIA FACSIMILE AND EMAIL**

**RE: Travis and Lieu Clark**  
**3479 Landings St., Unit 22**  
**Homer, Alaska 99603**

Dear Ms. Johnson:

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Sincerely,



Lieu T. Vo Clark



March 9, 2015

City of Homer  
Office of the City Clerk  
491 E. Pioneer Ave.  
Homer, Alaska 99603

MAR 10 2015



Re: condo gas assessments

Owners of parcel: 17716108C003

To Whom It May Concern,

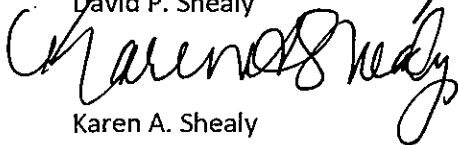
As condo owners of the above referenced property, we'd like to provide insight regarding condo assessments for the gas project. By definition of a condominium, we hold an allocated undivided interest in the common property natural gas improvement and assessment. We strongly object to receiving an assessment higher than our proportional interest in the property. It is wrong, unreasonable and unfair of the city to use an assessment method declared to be illegal by the State Superior Court. By definition of condo ownership, and according to a recent judge's order (Castner v. City of Homer), "each lot held in the condo form of ownership should be assessed the same amount as lots held in other forms of ownership." The judge explained "each condo unit owner should be assessed a percentage of the amount, based on the unit's allocated undivided interest in the lot."

We strongly object to the disproportionate assessment we received and strongly urge the City reconsider the assessment method. Thank you for your attention to this letter. We look forward to your written response at your earliest convenience.

Sincerely,



David P. Shealy



Karen A. Shealy

212 Lee Dr.

Homer, AK 99603

(907)299-2008



James Jones & David Duke

CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17516033C005	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0800072 BUNNELL'S SUB NO 11 LOT 65-A	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

You cannot charge me more than my ownership interest in the common property which is 8.33% of the assessment or \$ 270.00



MAR - 9 2015

I Am the owner of Parcel: 17516033C005  
And as such hold an allocated individual interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the state Superior Court. The administrative process you have required me to take part in is not appropriate.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130





Gerald F. Cox, MD, PhD  
4799 Homer Spit Rd., Unit 708  
Homer, Alaska 99603  
(vacation and rental unit address)

Gerald F. Cox, MD, PhD  
48 Avon Circle  
Needham, MA 02494  
(permanent address)

2 March 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

MAR - 9 2015



With this letter, I am submitting a formal **written objection** to the City of Homer Natural Gas Special Assessment levied by tax parcel number for one condominium that my wife and I own in the Land's End Lodges condominium complex on Homer Spit, 4799 Homer Spit Road, tax parcel ID number;

18103449CO04 – Gerald F. Cox and Cynthia A. Lemere

Superior Court Judge Charles Huguelet's decision in Castner vs. the City of Homer stated the City of Homer **cannot** treat condominium units the same as individual city lots in the natural gas special assessments.

The Land's End Lodges condominium project is located on a **single lot** (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with **one** natural gas stub-out on Homer Spit Road to supply the entire condominium project. In order to connect the condominiums to natural gas from the single stub-out, **Enstar Natural Gas already charged the Land's End Lodges Homeowner's Association \$49,390.32 to extend access to the individual condominium units.** Had the City of Homer supplied stub-outs to each individual tax parcel, the Homeowner's Association would not have incurred such high costs from Enstar. Enstar did not charge the individual owners of the condominiums within the project to extend the gas line; instead **Enstar charged the condominium association as a single entity.** The City of Homer did not supply 28 individual natural gas stub-outs to the 28 condo tax parcels; instead they provided one stub-out to the condominium project's single lot. We would not be objecting to this assessment by tax parcel if each of our tax parcels had been treated as a single city lot and provided with individual stub-outs.

Land's End Lodges is a condominium project that consists of 28 tax parcels, which includes 22 residential condominiums units and 6 garage units; the latter are not inhabitable, do not have water and sewer connections, and as such should not be assessed as individual city lots for gas line assessment purposes.

I firmly believe as a matter of equipoise that the City of Homer should abide by Judge Huguelet's decision and the recommendations of former City Manager Walt Wrede and City Attorney Thomas Klinkner to apply the Castner ruling to all condo assessments and assess the Land's End Lodges Homeowner's Association **one assessment of \$3,237.14** for our single City lot that has one stub-out provided by the City, and not 28 individual assessments, 6 of which are for detached garages associated with the residential condominiums. This special assessment reeks of double-dipping and profiteering by

the City of Homer at the expense of law-abiding and tax-paying citizens like me who support local businesses by renting out my unit to tourists and providing tax revenues to the City of Homer and the Kenai Peninsula Borough.

Our condominium association owns the 2 streets that access our complex and is responsible for their maintenance, repair, snow plowing and snow removal - **NOT** the City of Homer. Our condo association is responsible for the repair and maintenance of our street lights and associated electrical bills - **NOT** the City of Homer. When a fire hydrant needed repairs several years ago as required by the City of Homer, our association arranged and paid for the work - **NOT** the City of Homer. When a water line in one of our two streets failed last year and created a giant sink hole extending from the garage driveways through the street and into individual unit driveways, the association arranged and paid for the repairs - **NOT** the City of Homer. All of these expenses were paid for by the Land's End Lodges Homeowners' Association because we are a condominium complex and are treated differently than single family residences on individual lots under the City of Homer's condominium zoning requirements and building codes.

The City of Homer cannot have it both ways; we have already paid for our fair share of the natural gas line project.

If you wish to contact me, I can be reached at 48 Avon Circle, Needham, MA 02494 by letter, [Gerald.cox@genzyme.com](mailto:Gerald.cox@genzyme.com) by email, or 617-230-1614 by telephone.



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Gerald F. Cox, MD, PhD  
Vice President  
Clinical Development for Rare Diseases  
Genzyme, a Sanofi company

To whom it may concern,

We are writing concerning the Homer Natural Gas Special Assessment District (HSAD). We have two objections to the letter that was sent to us regarding parcel ID 17918113C015.

First, we no longer own this property and included in the Sales agreement that the buyer shall be responsible for payment of the HSAD. (Seen line 25 of Purchase and Sale Agreement) I talked to Melisa on 2/25/15 over the phone about the new owner.

Our second objection is to the amount assessed to this property. We are not sure if the new owner will have time to object, so we are on his behalf. This property is a condo and as such holds an allocated undivided interest in the HSAD. We object to an assessment higher than the proportional interest using a method of assessment that has been declared illegal by the State Superior Court.

Sincerely,

Paul Klaben

Suzanne Klaben

907-283-3691

MAR - 9 2015



Already on list  
✓ New owner  
Noticed 2/27/15

# Purchase and Sale Agreement

(Residential)

This form authorized for use ONLY by active Real Estate Licensee Subscribers of Alaska Multiple Listing Service, Inc.



Dated 12/31/2014 Brokerage Names Kachemak Group Real Estate AK MLS ID # 4016 Brokerage Ph (907) 235-7733  
 Listing Brokerage: The Alderfer Group Branch Office of Keller Williams Alaska Group 4019 (907) 235-5232  
 Selling Brokerage: \_\_\_\_\_  
 MLS # 14-12904

Licensee Names	License #	Direct Ph	Cell Ph	Email Address
Listing 1: <u>Karen Marquardt</u>	<u>16949</u>	<u>(907) 299-1775</u>	<u>(907) 299-1775</u>	<u>karenmarquardt@gmail.com</u>
Listing 2: _____	_____	_____	_____	_____
Selling 1: <u>Huck L Bishop</u>	<u>18997</u>	<u>(907) 299-0354</u>	<u>(907) 299-0354</u>	<u>huck@alderfergroup.com</u>
Selling 2: _____	_____	_____	_____	_____

### Licensee Relationships: The Seller and Buyer acknowledge the following:

- a) **Listing Licensee 1**  is representing the Seller only (may assist the Buyer); or  is assisting both the Buyer and Seller as a Neutral Licensee; or  is assisting the Seller without representation.  
**Listing Licensee 2**  is representing the Seller only (may assist the Buyer); or  is assisting both the Buyer and Seller as a Neutral Licensee; or  is assisting the Seller without representation.
- b) **Selling Licensee 1**  is representing the Buyer only (may assist the Seller); or  is assisting both the Buyer and Seller as a Neutral Licensee; or  is representing the Seller only (may assist the Buyer); or  is assisting the Buyer without representation.  
**Selling Licensee 2**  is representing the Buyer only (may assist the Seller); or  is assisting both the Buyer and Seller as a Neutral Licensee; or  is representing the Seller only (may assist the Buyer); or  is assisting the Buyer without representation.

1) **Buyer(s)**, William E. Strous, hereby deposit(s) earnest money of ONE THOUSAND DOLLARS ZERO CENTS (\$ 1,000.00) Dollars evidenced by:  Cash  Personal Check  Cashier's Check  Note, Due on 01/01/2015, (date)  Or \_\_\_\_\_ shall be held in trust by  Listing Broker  Selling Broker  Other FATCO as earnest money on and part payment for the purchase of real property and improvements situated in Homer (city or area) 99603 (zip), in the \_\_\_\_\_ Recording District, State of Alaska, described as: 3479 Landings Street #27, Homer, AK 99603 (Address) T 6N R 13W SEC 21 Seward Meridian HM 0790110 (Legal) (the Property).

2) **Purchase Price:** EIGHTY SIX THOUSAND FIVE HUNDRED DOLLARS ZERO CENTS 00/100 (\$ 86,500.00) Dollars  
 Minimum Down Payment (including earnest money shown above)..... \$ or % \_\_\_\_\_

3) **Terms:** Buyer  does  does not intend to occupy Property as Buyer's primary residence.  
 Property Type (check one):  Single Family  Condominium  PUD  Duplex  Triplex  Fourplex  
 Other \_\_\_\_\_

*Check one below:*

a)  **All Cash Offer:**  
 No loan is needed to purchase the Property; Buyer shall provide Seller written third-party documentation verifying sufficient funds to close no later than 01/14/2015 (date) 5:00 (time). Seller shall have three (3) business days after receipt of documentation to notify Buyer, in writing, if the verification of funds is not acceptable. If Buyer fails to provide such documentation, or if Seller finds verification of funds unacceptable, Seller may terminate this Purchase Agreement. Failure of Seller to provide Buyer written notice of objection shall be considered acceptance of verification of funds.

b)  **New Financing: Recording is contingent upon Buyer obtaining financing as follows:**  
 Check the appropriate block(s) below:  
 Conventional  
 FHA – (Attach Required Addendums)

<sup>DS</sup>  
WES / /  
 Buyer(s) Initials

<sup>DS</sup>  
SK / PK  
 Seller(s) Initials

**Purchase and Sale Agreement Regarding Property Described As:**

Address: 3479 Landings Street #27, Homer, AK 99603

Legal (the Property): T 6N R 13W SEC 21 Seward Meridian HM 0790110



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**13) Insurance:**

It is the Buyers' responsibility to determine whether homeowners' or property owners' insurance can be obtained for this property, within the time frame set forth in Paragraph 9c, and provide evidence of availability of same as may be required prior to recording.

**14) Carbon Monoxide Detectors:**

Carbon Monoxide (CO) is a colorless, odorless, and potentially fatal gas produced by the burning of fossil fuel. You are advised to use CO detectors in your property and have heating systems inspected and serviced regularly. **Alaska Statute AS 18.070.095(a).**

**15) Home Warranty Protection Plans:**

Home warranty protection plans (HWPP) may be available to buyers and/or sellers for residential properties, including multi-family units, during and after recording of this transaction. However, the HWPP does not replace the need for an independent home inspection. The Real Estate Brokerages do not warrant or provide any product or service in connection with the HWPP. **In the event Buyer and/or Seller choose not to purchase a HWPP prior to recording, this paragraph shall serve as acknowledgement Buyer and/or Seller wish to waive their right to purchase the plan.**

**16) Brokerage Notice Regarding Earnest Money Deposits & Refunds:**

Under Alaska law (12 ACC 64.250(7)), earnest money must be deposited into the Real Estate Brokerage trust account in a timely manner. Alaska Statutes and Regulations also require real estate brokerages to ensure the bank has cleared the earnest money deposit before funds can be released. If an offer is not accepted, or Purchase and Sale Agreement terminates, there may be up to fourteen (14) business days delay in refunding the earnest money to the Buyer, to allow the Buyer's check to clear the Real Estate Brokerage Trust Account. If Buyer provides written documentation from their bank showing funds have been deposited in Broker's Trust Account. Alaska Statutes & Regulations require the Broker refund the earnest money to the Buyer not more than one business day after the Buyer's check has cleared.

**17) Termination:**

In the event this Purchase Agreement is terminated as provided for in this Purchase Agreement, absent a default by the Buyer, all earnest money shall be returned to the Buyer and all parties shall be relieved of their obligations as set forth herein.

**18) Time of the Essence and Remedies:**

Seller and Buyer understand that time is of the essence. If any obligation is not performed or waived as provided, or if any note or check received as earnest money or any other payment is not paid, honored or tendered when due, there shall be the following remedies:

- a) **If Buyer is in Default:** Except as provided in Paragraphs 3, 7e, 9k, 9l, 9m, 9q, 10c, 10e, 11b, 19 and 20, Seller's remedies shall be limited to liquidated damages in the amount of the earnest money set forth in Paragraph 1. It is agreed that such payments and things of value are liquidated damages and are Seller's sole and only remedy for Buyer's failure to perform the obligations of this contract. The parties agree that Seller's actual damages in the event of Buyer's default would be difficult to measure, and the amount of the liquidated damages herein provided for is a reasonable estimate of such damages.
- b) **If Seller is in Default:** Buyer may elect to treat this Purchase Agreement as canceled, in which case all earnest money paid by Buyer hereunder shall be returned and Buyer may recover such damages as may be proper, or Buyer may elect to treat this Purchase Agreement as being in full force and effect and Buyer shall have the right to specific performance or damages, or both.

**19) Earnest Money Dispute:**

Notwithstanding any termination of this Purchase Agreement, Buyer and Seller agree that, in the event of any controversy regarding the earnest money held by Broker, the Broker may:

- a) Make the determination as to the cause of the failure of this Purchase Agreement and distribute the earnest money accordingly after giving notice to Cooperating Broker, or
- b) Require the parties to execute an agreement for the release of the earnest money, in which case the earnest money shall be distributed in accordance with such agreement. If the parties are unwilling to execute an agreement for the release of earnest money, the parties shall submit the matter to mediation as provided below, and if mediation fails, the broker may file an interpleader action in a court of competent jurisdiction requesting the court to determine the distribution of the earnest money. Broker shall be entitled to an award from the earnest money of full reasonable attorneys' fees and costs.

<sup>DS</sup> WES / /  
Buyer(s) Initials

<sup>DS</sup> SK / <sup>DS</sup> PL  
Seller(s) Initials

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- VA – (Attach Required Addendums)
- Alaska Housing Finance Corporation under the following program \_\_\_\_\_
- RD - Rural Development
- Other \_\_\_\_\_

- i) On or before \_\_\_\_\_, (date) Buyer agrees to make a good faith loan application with \_\_\_\_\_ (Lender).
- ii) If Buyer does not reveal a fact or contingency to the Lender and this purchase does not record because of that nondisclosure after initial application, the Buyer shall be in default.
- iii) On or before \_\_\_\_\_, (date) the Buyer will provide the Seller a letter from the Lender verifying the following items:
  - (1) a satisfactory credit report,
  - (2) acceptable income,
  - (3) source of down payment,
  - (4) availability of funds to close, and
  - (5) that loan approval  is or  is not contingent on the lease, sale or recording of a sale of any property.
- iv) In the event Buyer fails to provide Seller with above-mentioned letter or other acceptable verification by the date above, this Purchase Agreement may be terminated at the election of the Seller with written notice provided to the Buyer within \_\_\_\_ (3 if not filled in) days from date above.
- v) Buyer must obtain Seller's approval in writing of any change in Lender, type of financing or allocation of closing costs.
- vi) Buyer agrees to pay all fees and satisfy all conditions, in a timely manner, required by the Lender for processing of loan application. Buyer agrees the interest rate offered by Lender is not a contingency of this Purchase Agreement, so long as Buyer qualifies for the financing herein agreed. Availability of any financing program may change at any time, Brokers and Licensees are not responsible for representations or guarantees as to availability of any loans, project and/or property approvals or interest rates.

c)  **Seller Financing:**

- i) \$ \_\_\_\_\_ payable at \$ \_\_\_\_\_, or more, per month including \_\_\_\_\_ % interest per annum for \_\_\_\_\_ years.
- ii) The parties are encouraged to negotiate the important terms of seller financing now, and to include such terms in Paragraph 25, or in a separate addendum. Important terms may include form of financing documents (contract, note and trust deed or mortgage), due on sale clause, prepayment option or penalty, remedies upon default, etc., if any.
- iii) Buyer shall provide Seller with documentation, as required by Seller, verifying Buyer's ability to purchase according to the price, terms and conditions of the Purchase Agreement by \_\_\_\_\_, (date).
- iv) Seller Financing is contingent upon the Seller's approval of the above documentation on or before \_\_\_\_\_, (date). In the event Buyer fails to obtain Seller's approval, this Purchase Agreement shall automatically terminate.

**4) Costs:**

The costs shall be paid by Buyer (B) or Seller (S) as indicated below. Costs payable by both Buyer and Seller to be shared equally. **Buyer to pay for any fees due to requirements of the lender not covered below.**

ITEM	B	S	ITEM	B	S	ITEM	B	S	ITEM	B	S
Lender Origination Fee			Credit Report			Owner Title Insurance		X	Smoke Detectors		X
Commitment Fee			Reserves			ALTA Title Insurance			CO Detectors		X
Discount Points			Prepaid Interest			Recording Fee	X		As-Built Survey / Recert.		
MIP/PMI(default insurance)						Escrow Closing Fee	X	X			
VA Funding Fee			Sales Tax	X	X	Annual Escrow Fee			Tests for Health Authority Approval:		
Rural Dev. Loan Fee			Resale Certificate /			Bank Set-Up Fee			Well Flow (Quantity)		
Lender Doc. Prep Fee			Public Offer Statement		X	Assume/Transfer Fee			Basic Water Quality		
			HOA Transfer/Doc Fees		X	Assessments Levied		X	PIWA Water		
Flood Certification			HOA Assessments		X	Assessments Pending		X	Other Specified Water Test		
Tax Registration			HOA Questionnaire		X	Attorney Doc Prep Fee	X	X	Septic Inspection		
Home Warranty			Appraisal			Brokerage Fee		X	DEC/MOA Approval Fees		

**5) Funds at Recording:**

Seller and Buyer agree before recording can take place, funds provided to the Closing Agent shall be in the following form: cash; interbank electronic transfer; money order; a certified check or cashier's check drawn on a financial institu-

Buyer(s) Initials: WES Seller(s) Initials: SK PK

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tion located in the state; or any above combination that permits the Closing Agent to convert the deposit to cash not later than the next business day (AS 34.80.040).

**6) Prorations:**

Property taxes, interest on loans being assumed, prepaid rents, and HOA fees, if applicable, shall be prorated as of the date of recording.

**7) Title/Survey:**

- a) The Seller shall convey title by statutory warranty deed or \_\_\_\_\_.
- b) The Property may be subject to restrictions contained on the Plat; in the Deed; in covenants, conditions, and restrictions; or other documents noted in the preliminary title report.
- c) Upon execution of this Purchase Agreement by all parties, Seller will, at Seller's sole expense, order the report and exceptions from FATCO (Title Company) and furnish them to Buyer.
- d) Upon receipt of the report and exceptions, Buyer shall have 3 business days (three (3) if not filled in) within which to notify Seller, in writing of any matters disclosed in the report, which are unacceptable to Buyer. Buyer's failure to timely object, in writing shall constitute acceptance of the report.
- e) If, within 3 business days (three (3) if not filled in) following receipt of the objections, Seller fails to remove or correct the matters identified in the objections, or does not give written assurances reasonably satisfactory to Buyer that they will be removed or corrected prior to the recording date this transaction shall automatically terminate. After recording, Buyer shall receive an owner's standard form policy of title insurance insuring marketable title in the Property to Buyer in the amount of the purchase price, free and clear of the objections and all other title exceptions agreed to be removed as part of this transaction.
- f) Mineral rights may not pass with title to the Property.
- g) Neither Seller nor Seller's licensee make any representation as to the location of the lot corners or boundary lines. Buyer accepts sole responsibility for identifying and locating the corners and boundary lines of the lot.
- h) Survey, as-built survey, or recertification of survey shall be dated on or after \_\_\_\_\_, (date) **OR**  as required by Lender.

**8) Documents/Disclosures Required By Law:**

- a) **Lead-Based Paint Warning:** Unless exempt, if the improvements on the Property include one or more residential dwelling(s) constructed prior to January 1, 1978, the Buyer shall not be obligated under the terms of this Purchase Agreement unless a completed Lead-Based Paint Disclosure form is signed by Seller and the Seller's real estate licensee(s), which must occur before the parties sign this Purchase Agreement. (See EPA pamphlet Protect Your Family From Lead in Your Home for more information.) If applicable, Buyer acknowledges receipt of the lead-based paint disclosure signed by the Seller prior to signing this offer.
- b) Buyer  has  has not received a copy of the **State of Alaska Residential Real Property Transfer Disclosure Statement**.
- c) Buyer  has  has not received a copy of the **Alaska Real Estate Commission Consumer Pamphlet**.
- d) **Sex Offenders:** The State of Alaska requires the registration of sex offenders residing within the State of Alaska (AS12.63.010). The Alaska Department of Public Safety is charged with maintaining the registry created. For more information, contact the Alaska State Trooper Post, Municipal Police Department or on-line at the State of Alaska /Department of Public Safety (<http://www.dps.state.ak.us>) Internet site by clicking on the Sex Offender Registry. As a buyer, it is your responsibility to independently investigate and verify for yourself the acceptability of a property with respect to these issues. (AS34.70.050). **If Buyer elects to terminate this agreement based upon this investigation, Buyer must provide Seller with written notice within the time set forth in Paragraph 9I.**
- e) The State of Alaska maintains a list of properties that have been identified by Alaska law enforcement agencies as illegal drug manufacturing sites, including meth labs. For more information on this subject and to obtain a list of these properties, go to <http://www.dec.state.ak.us>. **If Buyer elects to terminate this agreement based upon this investigation, Buyer must provide Seller with written notice within the time set forth in Paragraph 9I.**
- f) If a Resale Certificate or a Public Offering Statement is required by law for the transfer of this Property, it is hereby agreed that the time for the Buyer to review these documents begins at the date that the Buyer acknowledges in writing the receipt of these documents. **In the event that this Purchase and Sales Agreement terminates and Buyer has received a Resale Certificate or Public Offering Statement, the Buyer agrees to deliver the Resale Certificate or Public Offering Statement to Seller or Seller's Licensee.**

WES / \_\_\_\_\_  
Buyer(s) Initials

SK / PK  
Seller(s) Initials

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**9) Physical Inspection of Property/Property Condition:**

- a) Until the date of possession or recording, whichever is earlier, Seller agrees to maintain the Property in its current condition, subject to ordinary wear and tear.
- b) Buyer and Seller understand that Brokers and/or Licensees are not experts in the areas noted below and Buyer and Seller should rely solely on experts who are qualified in these areas. Brokers and/or their Licensees make no representations regarding the Property, including whether the residence or other improvements meet current building codes, safety or other requirements; and assume no duty to investigate or verify any disclosures made by Seller.
- c) Buyer shall have the right, at Buyer's expense, to have a licensed contractor(s) or other qualified professional(s) to further inspect and investigate the subject Property on or before \_\_\_\_\_, (date) \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.(time).
- d) Buyer is advised to hire a qualified, licensed, adequately insured inspector upon terms satisfactory to Buyer, which may cover some of the provisions below.
- e) Seller to approve Buyer's selection of a qualified professional(s) prior to any inspection or action. Such approval will not be unreasonably withheld. Buyer requests approval of the following inspector(s):  
\_\_\_\_\_  
\_\_\_\_\_
- f) Seller shall make the premises available for all inspections. Buyer shall defend, indemnify and hold Seller, Brokers and Licensees harmless from all liability or property damage including any liens, claims, or personal injury arising from the Property inspections. This indemnity includes Seller's right to recover all costs and expenses incurred by Seller to enforce this subsection, including Seller's reasonable attorney fees. This provision shall survive the termination or buyer default of this Purchase Agreement.
- g) Buyer's inspection may include, but is not limited to: square footage; rental/lease agreements; applicable school boundaries; city and borough zoning or use restrictions; erosion; avalanche hazards; sex offenders; pests; structural; plumbing; sewer/septic system; well (quantity/quality); heating; appliances; insulation; electrical; roof; soils; drainage; foundation; mechanical systems; lot corners and boundaries; code compliances; or possible past or present environmental hazards such as asbestos, mold, illegal drug or substance manufacturing including meth labs, urea-formaldehyde, radon gas, waste disposal sites, underground tanks, water contamination and/or other substances/products, etc.
- h) Buyer understands that measurements for square footage and/or dimensions may vary. It is the Buyer's responsibility to verify square footage (within the time set forth in Paragraph 9c) and not rely on information received from Seller, Brokers and Licensees, or governmental agencies.
- i) Buyer is responsible for researching whether the property is in a 'fire and/or road service' area.
- j) Buyer is advised to research land use, land use permits, building regulations, status of building permits, final completion documentation, status of PUR 101, PUR 102, and zoning affecting the Property, as well as rebate and weatherization/energy audit programs that may or may not be available for the Property.
- k) Buyer shall furnish to Seller copies of all reports obtained by Buyer concerning the subject Property at no cost to Seller. Buyer and Seller understand that any written reports generated as a result of any inspection(s) and investigation(s) of this Property become a material amendment to the State of Alaska Residential Real Property Transfer Disclosure Statement. Upon the receipt by Buyer of any such new property disclosure, Buyer has seventy-two (72) hours, or as otherwise allowed under AS Sec 34.70.020, to terminate this Purchase Agreement.
- l) Buyer's request for repairs/remedies or termination shall be in writing, supported by written reports (if applicable), and delivered to Seller or Listing Licensee(s) not later than \_\_\_\_\_, (date) \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. (time).
- m) Seller and Buyer to reach an agreement regarding Buyer's request for repairs/remedies, by \_\_\_\_\_, (date) \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. (time).  
If no agreement is reached by the above date, the Buyer shall exercise one of the following options, in writing, within \_\_\_\_\_ business days (three (3) if not filled in):
  - i) Buyer may terminate this Purchase and Sales Agreement.
  - ii) Buyer may accept Seller's last counter offer of repairs/remedies.
  - iii) Buyer may accept the property with any and all property conditions and discoveries as a result of the Buyer's inspection process.
 If the Buyer does not respond in the allotted time, Seller may terminate this agreement in writing as outlined in Paragraph 17.
- n) If Seller's corrections are subject to re-inspection and approval prior to closing, by the same or a qualified inspector approved above, Buyer shall pay for first re-inspection. Thereafter, Seller to pay for all additional re-inspection fees.

WES  
Buyer(s) Initials

SK PL  
Seller(s) Initials



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- o) If Buyer fails to have the Property inspected or fails to provide Seller with a written request for repairs/remedies or termination, in accordance with this Purchase Agreement, Buyer accepts the Property in its present condition and as described in the Residential Real Property Transfer Disclosure Statement.
- p) Except as otherwise specifically stated in this Purchase Agreement or the Residential Real Property Transfer Disclosure Statement, recording of this transaction shall constitute Buyer's acceptance of the Property AS IS, WHERE IS, at recording, with all defects, latent or otherwise. Neither Seller, Broker nor any Licensee shall be bound by any representation or warranty of any kind relating in any way to the Property, its condition, quality or quantity, except as specifically set forth in this Purchase Agreement or the Residential Real Property Disclosure Statement, which contains representations of the Seller only, and which is based upon the best of Seller's personal knowledge.
- q) In the event the improvements on the Property are destroyed or materially damaged prior to recording, then, at the Buyer's option, this Purchase and Sale Agreement shall terminate upon Buyer's written notice to Seller.

**10) Appraisal:**

- a)  Buyer  Seller agrees to advance funds for the appraisal fee to Lender by \_\_\_\_\_, (date) and authorizes the Lender to order by \_\_\_\_\_, (date).
- b) The completion of Purchase  is  is not contingent upon the appraisal of the Property being equal to or greater than the agreed upon Purchase Price.
- c) If the completion of Purchase is contingent upon the appraisal, and the Property does not appraise for the Purchase Price or greater, the parties shall have \_\_\_\_\_ business days (three (3) if not filled in) from receipt of appraisal to re-negotiate the Purchase Price. In the event the parties do not reach agreement on the Purchase Price within this time, the Purchase Agreement shall automatically terminate. (In the event of FHAVA loans, the FHAVA Amendatory Clause shall supersede).
- d) In the event the appraisal generates Lender-required repairs, repairs to be negotiated between Seller and Buyer.
- e) If Seller and Buyer have not reached an agreement regarding Lender-required repairs, within \_\_\_\_\_ business days (three (3) if not filled in) of Seller's receipt of the appraisal, this Purchase Agreement shall automatically terminate.
- f) If repairs/remedies are subject to re-inspection and approval prior to the recording date, Buyer shall pay for first re-inspection. Thereafter, Seller to pay for all additional re-inspection fees.

**11) Recording/Possession:**

- a) This sale shall be recorded on 01/22/2015, (date) or earlier by mutual agreement. Prior to recording, Buyer and Seller agree to sign all reasonably necessary closing documents and to perform the reasonable conditions required by the Closing Agent and Buyer's Lender.
- b) If obtaining new financing, and:
  - i) If Buyer is unable to obtain a loan commitment from agreed Lender by Recording Date, through no fault of Buyer, Buyer to provide written notice to Seller immediately upon Buyer learning of their inability to obtain loan commitment from Lender. This Purchase Agreement shall terminate automatically unless Seller and Buyer agree to modifications by Amendment to this Purchase and Sale Agreement.
  - ii) If Buyer fails to provide notice of inability to obtain loan commitment by such date (11a), or as modified by Amendment, and this transaction does not record, through no fault of the Seller, Buyer shall be in default.
- c) Seller shall deliver possession of the Property to the Buyer upon confirmation of recording or  under attached occupancy agreement or  other \_\_\_\_\_.
- d) Unless otherwise agreed in writing, Seller shall remove all debris, personal property not sold to Buyer, and leave the Property in clean condition. Seller shall provide keys and/or means to operate all locks, including but not limited to: mailboxes, security systems, alarms, garage door openers and any portable control devices for accessing the Property upon confirmation of recording.
- e) Buyer may walk through the Property prior to recording to determine there have been no material changes to the condition of the Property.
- f) If Property is a unit in a condominium or other common interest community, Buyer may be required to pay a deposit to the homeowners' association (HOA) to obtain access to HOA facilities.

**12) Tenant Occupied Property:**

Seller to provide rental/lease agreement(s) including lead based paint disclosure(s) (if applicable) within three (3) business days of fully executed Purchase Agreement which are subject to Buyer's approval within the time set forth in Paragraph 9c. Seller and Buyer shall comply with the regulations contained in the Alaska Landlord/Tenant Act. All refundable deposits shall be transferred to the Buyer at recording. Seller to provide Estoppel Certificate(s) prior to closing.

<sup>DS</sup>  
WES / /  
Buyer(s) Initials

<sup>DS</sup> <sup>DS</sup>  
SK / PK  
Seller(s) Initials

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c) In the event the Broker makes a determination as to the cause of the failure of the Purchase Agreement and distributes the Earnest Money accordingly, the parties hereto agree to indemnify and hold the Broker harmless from any and all claims, liabilities or losses that either party may incur as a result of the Broker's decision.

**20) Mediation:**

If a dispute arises relating to this Purchase Agreement, between or among Buyer and Seller, and is not resolved prior to or after recording, the parties shall first proceed in good faith to submit the matter to mediation. Costs to be shared by mutual agreement between or among the parties. Unless otherwise agreed in mediation, the parties retain their rights to proceed to arbitration or litigation. If the parties have not agreed to mediation within 30 days from date of original dispute, it will be assumed that they do not wish to mediate the dispute and the Broker will act accordingly.

**21) Costs and Expenses:**

In the event of any arbitration or litigation relating to this Purchase Agreement, the arbitrator or court shall award to the prevailing party all reasonable costs and expenses, including attorney fees.

**22) Broker:**

It is mutually agreed by all parties that the Brokers and/or their Licensees shall not be held liable in any manner whatsoever for damages arising from defaults or acts by or omissions of Buyer or Seller.

- a) Both Buyer and Seller acknowledge Brokers are participants of the Alaska Multiple Listing Service, Inc., (AK MLS) and are authorized to report details of the sale to AK MLS.
- b) Buyer and Seller authorize any Lender, escrow agent, closing agent, appraiser, home inspector, surveyor and any other related party to this sale to furnish and provide any and all information and copies of documents related to this sale to both the Listing and Selling Brokers and their Licensees.

**23) Foreign Investment in Real Property Tax Act:**

The Foreign Investment in Real Property Tax Act ("FIRPTA") requires every person who purchases real property located within the United States from a "foreign person" to deduct and withhold from the Seller's proceeds ten percent (10%) of the gross sales price, with certain exceptions, and to pay the amount withheld to the Internal Revenue Service. A "foreign person" includes a non-resident alien individual, foreign corporation, foreign partnership, foreign trust, and foreign estate. Seller and Buyer agree to execute and deliver, as appropriate, any instrument, affidavit or statement, and to perform any acts reasonable or necessary to comply with FIRPTA.

**24) Attachments:**

The following attachments are hereby made part of this Purchase Agreement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**25) Additional Terms and Conditions:**

- 1.) This Purchase and Sale Agreement is to supersede agreement from Dec. 23rd, 2014 between Buyer William E. Strous and Sellers Paul E. & Suzanne M. Klaben, for the property, 3479 Landings Street #27, Homer, AK 99603, legal T 6N R 13W SEC 21 Seward Meridian HM 0790110
- 2.) Buyer is aware of, and shall be responsible for payment of the HSAD for the installation of the natural gas utility grid, anticipated in early 2015

See attached addendum for additional terms and conditions.

<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <small>DS</small> WES         </div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <small>DS</small> SK         </div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <small>DS</small> PK         </div>
_____ Buyer(s) Initials	_____ Seller(s) Initials	

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**Brokerage Fee:**

A real estate broker may be compensated by any party to a real estate transaction, by a third party, or by one or more of the parties to the transaction splitting or sharing the compensation. Seller and/or Buyer agree to pay forthwith at recording a brokerage fee in cash as stated in the Personal Services Agreement. (i.e. Listing Agreement, Buyer's Agreement)

**Seller Response: (sign only one!)**

- Seller accepts the foregoing offer as written. Seller agrees to sell and convey the Property described on the terms and conditions herein stated. Seller understands this is a legally binding contract.**

Seller Signature(s)

1: Paul Klaben 2: Suzanne Klaben 3: \_\_\_\_\_  
DocuSigned by: Paul E. Klaben BAAB962E84F... DocuSigned by: Suzanne M. Klaben 26403...  
 Date 1/1/2015 Time: 11:12 a.m. p.m.

- Seller makes the attached Counter Offer**

Seller Signature(s)

1: \_\_\_\_\_ 2: \_\_\_\_\_ 3: \_\_\_\_\_  
Paul E. Klaben Suzanne M. Klaben  
 Date \_\_\_\_\_ Time: \_\_\_\_\_ a.m. p.m.

- Seller hereby rejects the foregoing offer and declines to make a Counter Offer**

Seller Signature(s)

1: \_\_\_\_\_ 2: \_\_\_\_\_ 3: \_\_\_\_\_  
Paul E. Klaben Suzanne M. Klaben  
 Date \_\_\_\_\_ Time: \_\_\_\_\_ a.m. p.m.

Print name(s) Paul & Suzanne Klaben

Address 3479 Landings Street #27, Homer, AK 99603

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Name of Listing Broker's Office Kachemak Group Real Estate

Licensee Signature Karen Marquardt Licensee Signature \_\_\_\_\_  
DocuSigned by: Karen Marquardt B2204DC...

Listing Licensee #1 Fax Number: (907) 235-5663 Listing Licensee #2 Fax Number: \_\_\_\_\_

Listing Licensee #1 Email: karenmarquardt@gmail.com Listing Licensee #2 Email: \_\_\_\_\_

WES Buyer(s) Initials

SK PK Seller(s) Initials



March 6, 2015

Robert Scott Gutierrez

166 W Bunnell Ave Unit 203

Homer, AK 99603

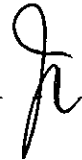
City of Homer

Office of the City Clerk

491 E. Pioneer Ave.

Homer, AK 99603

MAR - 9 2015



Subject: Natural Gas Improvement Assessment

Dear Sir,

I, Robert Scott Gutierrez, am the owner of unit #203 in the Bay Watch Condominiums located at 166 W. Bunnell Ave in Homer, AK. (Legal description: T6S R 13W Sec 19 Seward Meridian Homer 0810021 Bay Watch Condominiums Unit 203)

I hereby object to the City of Homer's attempt to assess condominium properties for subject gas improvements contrary to Judge Huguelet's order (Castner v City of Homer).

As the owner of unit #203, I hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you require me to take part in is not appropriate.

Sincerely,



Robert Scott Gutierrez 



- PARCEL 17915047C01 WAS SOLD IN NOVEMBER 2014.
- PARCEL 17915047C02 AND PARCEL 17915047C01 ARE CONDOMINIUM UNITS. I WAS INFORMED THAT THEY WOULD BE ASSESSED ONE 3237.17/100 FEE FOR BOTH CONDOMINIUM UNITS INSTEAD OF TWO INDIVIDUAL FEES FOR EACH ~~UNIT~~ CONDOMINIUM UNIT. PLEASE CLARIFY.

Thank you

MAR - 9 2015



COLETTE IRELAND  
PO BOX 3464  
HOMER, AK  
99603






William and Gail Frank

PO Box 1749

Rockport, Tx 78381

MAR -9 2015  


City of Homer

Office of the City Clerk

491 Pioneer Ave

Homer, Ak 99603

Re: Parcel ID 17701082C004- 708 Quiet Creek-Protest of assessment

March 3, 2015

Please be advised that we do not think it fair to charge a full natural gas assessment on our condo when you ran only one line to the building our condo is in and this single line services five condos.

I believe that apartments with the same type situation do not get charged a full assessment per each apartment. I do not see where our situation is different than that of the apartments. We therefore protest this assessment and believe ours should be something less than a full assessment.

Thank you

  
William and Gail Frank



MAR - 9 2015

March 3, 2015

To Whom It May Concern :

"I am the owner of parcel 175160330008 and as such hold an allocated undivided interest in the common property natural gas improvement and assessment. Of course I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court!! The administrative you have required me to take part in is not appropriate!!" FYI = the association owns the hallway, the deck & the attic.

Dorel Bills  
166 N Burnside #4  
Hoover, AL



**Jo Johnson**

---

**From:** Patricia Moreth <muza@xyz.net>  
**Sent:** Monday, March 09, 2015 2:11 PM  
**To:** Jo Johnson  
**Subject:** gas line written objection

Dear Homer City Council:

I am the owner of parcel T 6S 13W SEC 19 Seward Meridian HM 0810021, Baywatch Condominiums, Unit 106, and as such hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you have required me to take part in is not appropriate.

As an owner of a modest condo in town, my trust was in the Council's process - and then due process - when the condo issue went to court. That trust is seemingly on thin ice as a result of the latest Council's actions in regard to condo natural gas assessments.

Merriam-Webster defines due process as the official and proper way of doing things in a legal case: the rule that a legal case must be done in a way that protects the rights of all the people involved. While the Council does not have judicial jurisdiction, the Council does have a fiduciary duty and obligation to uphold the Alaska Superior Court order in *Castner v City of Homer* by applying the ruling to all condo owners within the natural gas improvement and assessment corridor.

Kind regards,

Pat Moreth  
Homer, Alaska



March 7, 2015

City of Homer

Office of the City Clerk

491 E. Pioneer Ave.

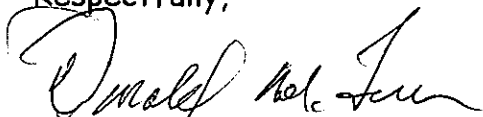
Homer, Alaska 99603

Re: The Landings Condominiums

To Whom It May Concern:

Maritime Helicopters Inc. is the owner of parcel 17918113C007 and as such holds an allocated undivided interest in the common property natural gas improvement and assessment. We object to receiving an assessment higher than our proportional interest using a method of assessment that has been declared illegal by the State Supreme Court. The administrative process you have required us to take part in is not appropriate.

Respectfully,

  
Donald M. Fell, President

Maritime Helicopters Inc.





March 7, 2015

City of Homer

Office of the City Clerk

491 E. Pioneer Ave.

Homer, Alaska 99603

*Re; The Landings Condominiums*

To Whom It May Concern:

MDIC LLC is the owner of parcel 17918113CO08 and as such holds an allocated undivided interest in the common property natural gas improvement and assessment. We object to receiving an assessment higher than our proportional interest using a method of assessment that has been declared illegal by the State Supreme Court. The administrative process you have required us to take part in is not appropriate.

Respectfully,

*Mary Ann Fell*  
Mary Ann Fell

MDIC LLC

Member



**JAMES & RUTH LAVRAKAS**

March 8, 2015

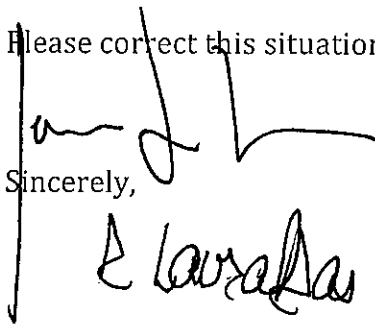
To the Homer City Council,

We are the owners of condominium Parcel ID 17727066C003, and as such hold an allocated undivided interest in the common property natural gas improvement and assessment. We object to receiving an assessment higher than our proportional interest using a method of assessment that has been declared illegal by State Superior Court.

You cannot charge us more than our *ownership interest in the common property*, which is 25% of the assessment in the case of High Tide Condominiums at 152 Mountain View Drive.

You have willfully ignored Judge Huguelet's decision regarding this assessment and how it is to be applied to condominiums, and ignored your own attorney's advice to comply with the Judge's decision.

Please correct this situation according to law.

  
Sincerely,  
*J. Lavrakas*

James & Ruth Lavrakas



Jo Johnson, MMC  
City Clerk  
City of Homer  
491 E. Pioneer Ave.  
Homer, Alaska 99603

MAR - 9 2015



March 7, 2015

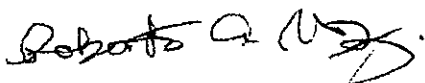
We are submitting our written objection to the city of Homer Natural Gas Special Assessment. We own Lands End Lodge Condominium # 3 at 4799 at Homer Spit Rd. # 3 in Homer Alaska.

Parcel ID # 181034490003

Legal description: T 7S R 13 W SEC 1 Seward Meridian HM 2001017 Lands End Lodge Condominium Unit #3 Sub No 2 amended Lot 24-B-1, and as such hold an allocated undivided interest in the common property natural gas improvement and assessment.

We object to receiving an assessment higher than our proportional interest using a method assessment that has been declared illegal by the State Superior Court. The administrative process you have required us to take part in is not appropriate.

The Land's End Lodges Condominium project is located on one lot ( T 7S R 13 W SEC 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1 ) within the City of Homer and was provided with one natural gas stub out on Homer Spit Road to serve the entire condominium project. Please bear in mind the fact that the condominium owners have already paid Enstar for the cost of linking their units to this stub.



Roberto A. Miki.  
6930 Tulipan Court.  
Coral Gables, Fl 33143.



Dina Chung de Miki  
6930 Tulipan Court  
Coral Gables, Fl. 33143



March 6, 2015

MAR - 9 2015

Jo Johnson, MMC  
City Clerk  
City of Homer  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
907-235-3130  
[jjohnson@ci.homer.ak.us](mailto:jjohnson@ci.homer.ak.us)



RE: Statement of Tax Assessment, Homer Natural Gas Special Assessment Dist.  
Parcel ID 18103449C002  
Marvin D. Loflin  
Cognicom Properties, LLC

This is to object to the assessment on the referenced parcel for the following reasons:

1. Judge Charles Huguelet in *Castner vs. the City of Homer* required the City of Homer to treat Condominium Associations as a single city lot.
2. There is only one gas connection to the condominium campus treating that campus as a de facto single city lot.

For the foregoing reasons the assessment should be \$3237.14 consonant with the assessments levied on single city lots in Homer . This is to request a redetermination of the assessment to that appropriate for a single city lot in accord with the practice throughout the city and in accord with an adjudicated judgment.

Most sincerely,

Marvin D. Loflin, Manager  
CogniCom Properties, LLC

President  
Board of Directors  
Land's End Lodges Condominium Association





**Jo Johnson**

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**From:** Julie Nolan <julieanninak@hotmail.com>  
**Sent:** Sunday, March 08, 2015 12:24 PM  
**To:** Jo Johnson  
**Subject:** written objection to assessment roll

To: City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, AK 99603

I, Julie A. Nolan, am the owner of parcel # 17727066CO02 , (Legal Description T 6S 13W SEC 17 Seward Meridian HM 2007036 HIGH TIDE CONDOMINIUMS UNIT 2), and as such hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher to my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you have required me to take part in is not appropriate.

For the record, this is my written objection to the assessment role, as I am unable to attend the City Council meetings in person. Please respond with written receipt of this email - thank you in advance for your help.

Regards,

Julie A. Nolan  
c. (907)947-5155  
wk (907)793-3309

mailing address;  
705 N St. Apt 1  
Anchorage, AK 99501



## Jo Johnson

---

**From:** mick desannoy <mickdesannoy@gmail.com>  
**Sent:** Saturday, March 07, 2015 7:27 PM  
**To:** Jo Johnson  
**Cc:** mick desannoy  
**Subject:** objection to natural gas assessment

Hi Jo Johnson, I own condo #9 of the condo's on the spit at Land's End and object to the natural gas assessment based on Superior Court Judge Charles Huguelet's decision in Castner vs. the City of Homer which stated the City of Homer could not treat condominium units the same as individual city lots in the natural gas special assessments. I understand the city wants to assess us by parcel tax ID number and not by lot. Our project is on one lot and we received one gas stub-out. The City of Homer only provided one stub-out for us on Homer Spit Road, Enstar charged us \$49,390.32 to extend gas to each condo unit. Now the city wants the 28 owners of the condos to pay a total of \$90,639.92 for the one stub-out they provided. That is totally unfair. Other city lot owners are being assessed \$3,237.14 per City lot- regardless of how many homes or apartments are on each lot. Judge Huguelet's ruling said the City can only assess by City lot, not by tax ID number. The City has chosen to not follow the Judge's ruling or the advise of former City Manager Walt Wrede and City Attorney Thomas Klinker to apply the Castner ruling to all condo assessments, one assessment per City lot. I think the city should abide by the Judge's ruling. Thanks for your concern on this matter. MICK DESANNOY



March 6, 2015

MAR - 6 2015

To whom it may concern,

This letter serves as our written objection to the inequality of the Homer Natural Gas Special Assessment.

We own a condominium unit in the High Tide Condominiums building at 152 Mountain View Drive in Homer, KPB tax parcel number 17727066CO04. As such, we hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. It is unfair for the City of Homer to charge each unit owner the full lot assessment. I request that each lot held in the condominium form of ownership be assessed the same amount as lots held in other forms of ownership.

Respectfully,  
Doug and Margarida Kondak



John E. Micks & Susan S. Klimow  
1441 Gwenn Drive  
Anchorage, AK 99515

MAR - 6 2015

March 2, 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

We are submitting our written objection to the City of Homer Natural Gas Special Assessment levied by tax parcel number for one condominium we own in the condominium project on the Homer Spit, Land's End Lodges, 4799 Homer Spit Road, tax parcel ID number:

18103449CO01 – John E. Micks and Susan S. Klimow

Superior Court Judge Charles Huguelet's decision in Castner vs. the City of Homer stated the City of Homer could not treat condominium units the same as individual city lots in the natural gas special assessments.

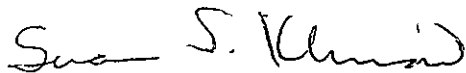
The Land's End Lodges condominium project is located on one lot (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with one natural gas stub-out on Homer Spit Road to supply the entire condominium project. In order to connect the condominiums to natural gas from the single stub-out, Enstar Natural Gas charged the Land's End Lodges Homeowner's Association \$49,390.32 to extend access to the individual condominium units. Had the City of Homer supplied stub-outs to each individual tax parcel, the Homeowner's Association would not have incurred such high costs from Enstar. Enstar did not charge the individual owners of the condominiums within the project to extend the gas line, they charged the condominium association. The City of Homer did not supply 28 individual natural gas stub-outs to the 28 condo tax parcels, they provided one stub-out to the condominium project's one lot. We would not be objecting to this assessment by tax parcel if each of our tax parcels had been treated as a single city lot and provided with a stub-out.

We believe the City of Homer should abide by Judge Huguelet's decision and the recommendations of former City Manager Walt Wrede and City Attorney Thomas Klinkner to apply the Castner ruling to all condo assessments and assess the Land's End Lodges Homeowner's Association one assessment of \$3,237.14 for our one City lot and the one stub-out provided by the City, not 28 individual assessments,

six of which are for detached garages associated with the residential condominiums. As condominium owners with an allocated interest in the assessment and as such have an allocated undivided interest in the common property natural gas improvement and assessment. We object to receiving a higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you have required me to take part in is inappropriate.

As a condominium association we own the two streets that access our project and are responsible for their maintenance, repair, snow plowing and snow removal - not the City of Homer. Our condo association is responsible for the repair and maintenance of our street lights and associated electrical bills, not the City of Homer. When a fire hydrant needed repairs several years ago as required by the City of Homer, our association arranged and paid for the work not the City of Homer. When a water line in one of our two streets failed last year creating a giant sink hole extending from garage driveways through the street and into individual unit driveways, the association arranged and paid for the repairs not the City of Homer because we are a condominium project and are treated differently than individual single family residences on individual lots under the City of Homer's condominium zoning requirements and building codes.

Respectfully submitted,



---

John Micks and Susan Klimow  
Owners  
18103449CO01



MAR - 6 2015



3 March 2015

Office of the City Clerk  
491 East Pioneer Avenue  
Homer, AK 99603

Dear City Clerk:

I am a trustee for the trust that owns Parcel 17701082C007, described as T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2003056 BARNETT SUB QUIET CREEK ADDN TRACT A.

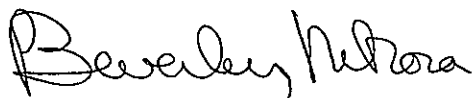
This parcel should be exempted from the Homer Natural Gas Special Assessment District.

This parcel is part of the Quiet Creek Community condominium.

There is a court ruling that the owners of units in a condominium should not be assessed separately. Judge Huguelet wrote that the city's assessment rules for condominiums "impose an arbitrary, unreasonable, and inequitable burden" on condominium owners.

The Quiet Creek Community condominium should be assessed just once.

Sincerely,



Beverley Nikora, Trustee  
Leo & Beverley Nikora Trust  
119 Mission Hills Drive  
Rancho Mirage, CA 92270



## Jo Johnson

---

**From:** mozhetbyt@gmail.com  
**Sent:** Friday, March 06, 2015 8:40 AM  
**To:** Jo Johnson  
**Subject:** SPELL\_Testimony on Gas Line Assessment

Dear Ms. Johnson,

Thank you for speaking with me so cordially and helpfully this morning. As I had mentioned I am currently in Romania doing consulting work for the US Government (MDA) on the Aegis Ashore project [http://www.mda.mil/system/aegis\\_ashore.html](http://www.mda.mil/system/aegis_ashore.html) . I was told of the upcoming opportunity to testify on the Gas Line Assessment by a fellow condominium unit owner but, because of my location, am unable to send written testimony at this time. I will be back in the US briefly in a week and will send a signed "hardcopy" of this email to your office to arrive NLT the 16th.

My name is B. (Benjamin) David Spell and I have been an Alaska resident since 1963 and have lived in Homer off and on many times during this period. Last year I sold my Fairbanks property and bought a unit (#201) in Baywatch Condominiums; it is my retirement home. The parcel number of that unit is 17516033CO07. This is not a high end condominium and many of us owners are on retirement/fixed incomes.

As you might gather, I am speaking in opposition to the full assessment of ~\$3400 per unit for four reasons. First and foremost, it is unfair to assess me an amount that is larger than my proportional interest in the entire structure. Second, that disproportionate assessment has, I understand, been declared illegal by the State Superior Court. Third, the burden imposed by this assessment is far beyond any benefit that I could realize even if I were to be able to afford to hook up to it and purchase the appliances necessary to use it. I would have to live far beyond the usable life of the dwelling (as well as myself) to realize any benefit. Finally, for the foregoing reason, I have no intention of hooking up to the gas line so will derive no benefit in any event.

A more equitable assessment would be to assess based on property value -- more closely liked to potential benefit.

Thank you for your consideration.

Respectfully,

B. David Spell  
166 W. Bunnell Ave, Apt 2 (aka 201)  
Homer, AK 99603  
(907) 687-5253

Sent from Windows Mail



**Jo Johnson**

---

**From:** Ken Castner <kcastner@tonsina.biz>  
**Sent:** Friday, March 06, 2015 4:18 AM  
**To:** Jo Johnson  
**Subject:** Written Objection to Natural Gas Assessment

Dear Ms. Johnson:

It is my position that I need not file an objection given the Superior Court's ruling in my favor, with which the City is required to comply. I am doing so simply to be sure that there can be no argument that I am somehow waiving any rights. The law requires that I and other condominium owners be assessed pro rata based on our actual percentage ownership interest, established by the relevant declaration, in the property. It is my position is that all condo unit owners should be similarly assessed, as the Superior Court ruled. It is also my position that the assessments for all properties in the district need now be recalculated to meet the apportionment requirements of the City ordinance.

I also want to reiterate my prior testimony to the Council that I believe the Free Main Allowance (which is now at over 1 million dollars) is to be used for the exclusive benefit of the ratepayers, and not absorbed by the City as some sort of financial windfall.

It is also my wish, as testified to previously, that the City conclude its involvement in the natural gas business and not attempt to collect any additional assessments in the future.

Sincerely,  
Ken Castner  
299.2770



## Jo Johnson

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**From:** Craig Matkin <comatkin@gmail.com>  
**Sent:** Thursday, March 05, 2015 10:05 PM  
**To:** Jo Johnson  
**Subject:** Condominium gas assessment

TO:  
City of Homer,  
Office of the City Clerk

I am the executive director of the North Gulf Oceanic Society, a non-profit corporation that owns unit (Suite B) of a condominium located at 3430 Main Street, Homer, Alaska. We hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you have required me to take part in is not appropriate. Our multiple unit condominium sits on one lot, has one furnace, and one natural gas hookup for the entire building.

Craig Matkin, Executive Director  
North Gulf Oceanic Society  
3430 Main St Ste B1  
Homer, Alaska 99603





**Michael W. and Michelle M. Gordon**  
Post Office Box 2939  
Homer, Alaska 99603-2939

**The Gordon's, LLC**  
1068 West Fireweed Lane, Suite A  
Anchorage, Alaska 99503-2510

28 February 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

MAR - 5 2015



We are submitting our written objection to the City of Homer Natural Gas Special Assessment levied by tax parcel number for three condominiums and one garage we own in the condominium project on the Homer Spit, Land's End Lodges, 4799 Homer Spit Road, tax parcel ID numbers;

18103449CO04 - The Gordon's, LLC  
18103449CO15 - The Gordon's, LLC  
18103449CO16 - Michael W. and Michelle M. Gordon  
18103449COG2 - Michael W. and Michelle M. Gordon (garage)

Superior Court Judge Charles Huguelet's decision in *Castner vs. the City of Homer* stated the City of Homer could not treat condominium units the same as individual city lots in the natural gas special assessments.

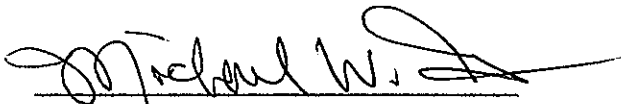
The Land's End Lodges condominium project is located on one lot (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with one natural gas stub-out on Homer Spit Road to supply the entire condominium project. In order to connect the condominiums to natural gas from the single stub-out, Enstar Natural Gas charged the Land's End Lodges Homeowner's Association \$49,390.32 to extend access to the individual condominium units. Had the City of Homer supplied stub-outs to each individual tax parcel, the Homeowner's Association would not have incurred such high costs from Enstar. Enstar did not charge the individual owners of the condominiums within the project to extend the gas line, they charged the condominium association. The City of Homer did not supply 28 individual natural gas stub-outs to the 28 condo tax parcels, they provided one stub-out to the condominium project's one lot. We would not be objecting to this assessment by tax parcel if each of our tax parcel's had been treated as a single city lot and provided with a stub-out.

Our condominium project consists of 28 tax parcels consisting of 22 residential condominiums units and six garage units. The garage units are owned by individual owners of condos within the association and are not allowed by the association's declarations and by-laws to be sold to any entity or individual unless they own one of the residential condominium units. Our declarations and by-laws prohibit use of the garage units for human habitation, they can only be used as garages and do not have water and sewer

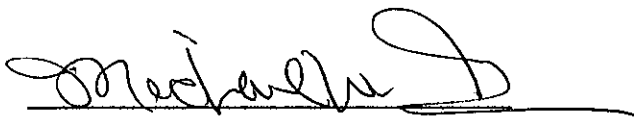
connections. We object to the detached garage units being assessed the same as an individual city lot - does the City of Homer assess other detached garages independently of their respective residences?

We believe the City of Homer should abide by Judge Huguelet's decision and the recommendations of former City Manager Walt Wrede and City Attorney Thomas Klinkner to apply the Castner ruling to all condo assessments and assess the Land's End Lodges Homeowner's Association one assessment of \$3,237.14 for our one City lot and the one stub-out provided by the City, not 28 individual assessments, six of which are for detached garages associated with the residential condominiums.

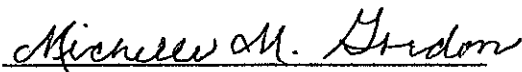
As a condominium association we own the two streets that access our project and are responsible for their maintenance, repair, snow plowing and snow removal - NOT the City of Homer. Our condo association is responsible for the repair and maintenance of our street lights and associated electrical bills, NOT the City of Homer. When a fire hydrant needed repairs several years ago as required by the City of Homer, our association arranged and paid for the work NOT the City of Homer. When a water line in one of our two streets failed last year creating a giant sink hole extending from garage driveways through the street and into individual unit driveways, the association arranged and paid for the repairs NOT the City of Homer because we are a condominium project and are treated differently than individual single family residences on individual lots under the City of Homer's condominium zoning requirements and building codes.



Michael W. Gordon, managing partner  
The Gordon's, LLC  
18103449CO04  
18103449CO15



Michael W. Gordon, owner  
18103449CO16  
18103449COG2



Michelle M. Gordon, owner  
18103449CO16  
18103449COG2

MAR - 5 2015

March 3, 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Ave.  
Homer, Alaska 99603

RE: Statement of Tax Assessment, Homer Natural Gas Special Assessment Dist.  
Parcel ID 18103449C007 and 18103449C0G5  
Philip H. and Anna F. Mink Living Trust

I have received and reviewed your Notice of Public Hearing provided by letter dated February 17, 2015. I wish to provide a written Objection to the assessment on the captioned parcels.

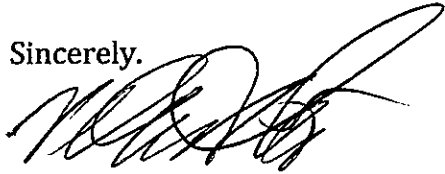
I understand that Superior Court ruling by Judge Charles Huguelet in Castner vs. the City of Homer required the City of Homer to treat Condominium associations as a single city lot.

The Land's End Lodges Condominium Association is located on one lot (T 75 R 13W Sec 1 Seward Meridian HM0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer. It was provided one natural gas connection on the Homer Spit Road to supply the entire Condominium campus. Enstar Natural Gas charged the Condominium Association close to \$50,000 to extend the line from Home Spit Road down our two private streets and to the individual condominium and garage structures. If the City had paid for and provided natural gas lines through our private streets, then the Condominium Association would not have incurred these expenses. Charging 28 individual natural gas connections is inappropriate.

The Land's End Lodges Condominium Association consists of twenty two residential units and six garage units. We have two private streets that the Association provides for the service, maintenance and repair of. The Association pays for the maintenance and utility cost of our public street lights on those streets. We have paid for the repair and replacement of fire hydrants at required by the City Fire Department. We have repaired and replaced water lines within the campus as required by City Utilities. The Association has not demanded or subjected the City of Homer to any costs that have been incurred. The Association has not received any maintenance services from the City of Homer.

We believe the City of Homer should abide by Judge Huguelet's decision and the recommendation of the former City Manager Walt Wrebe and City Attorney Thomas Klinkner to apply the Castner ruling to one condo assessment of the Land's End Lodges Condominium Association of \$3,237.14.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip H. Mink', written in a cursive style.

Philip H. Mink, Trustee  
Philip H. & Anna F. Mink Living Trust  
18310 Potter Bluff Circle  
Anchorage, Alaska 99518

Wj

Chris and Susan Freeman  
25 Airport Place Midway, AR  
72651

3 March 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

We are submitting our written objection to the City of Homer Natural Gas Special Assessment levied by tax parcel number for two condominiums and one garage we own in the condominium project on the Homer Spit, Land's End Lodges, 4799 Homer Spit Road, tax parcel ID numbers;

18103449C011 unit 11  
18103449C022 unit 22  
18103449C0G4 Garage

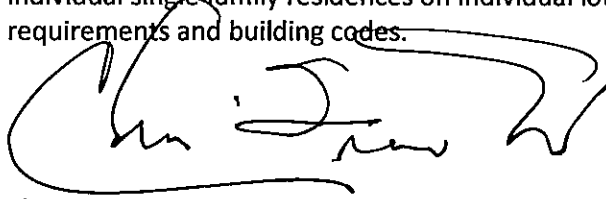
Superior Court Judge Charles Huguelet's decision in Castner vs. the City of Homer stated the City of Homer could not treat condominium units the same as individual city lots in the natural gas special assessments.

The Land's End Lodges condominium project is located on one lot (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with one natural gas stub-out on Homer Spit Road to supply the entire condominium project. In order to connect the condominiums to natural gas from the single stub-out, Enstar Natural Gas charged the Land's End Lodges Homeowner's Association \$49,390.32 to extend access to the individual condominium units. Had the City of Homer supplied stub-outs to each individual tax parcel, the Homeowner's Association would not have incurred such high costs from Enstar. Enstar did not charge the individual owners of the condominiums within the project to extend the gas line, they charged the condominium association. The City of Homer did not supply 28 individual natural gas stub-outs to the 28 condo tax parcels, they provided one stub-out to the condominium project's one lot. We would not be objecting to this assessment by tax parcel if each of our tax parcel's had been treated as a single city lot and provided with a stub-out.

Our condominium project consists of 28 tax parcels consisting of 22 residential condominiums units and six garage units. The garage units are owned by individual owners of condos within the association and are not allowed by the association's declarations and by-laws to be sold to any entity or individual unless they own one of the residential condominium units. Our declarations and by-laws prohibit use of the garage units for human habitation, they can only be used as garages and do not have water and sewer connections. We object to the detached garage units being assessed the same as an individual city lot - does the City of Homer assess other detached garages independently of their respective residences?

We believe the City of Homer should abide by Judge Huguelet's decision and the recommendations of former City Manager Walt Wrede and City Attorney Thomas Klinkner to apply the Castner ruling to all condo assessments and assess the Land's End Lodges Homeowner's Association one assessment of \$3,237.14 for our one City lot and the one stub-out provided by the City, not 28 individual assessments, six of which are for detached garages associated with the residential condominiums.

As a condominium association we own the two streets that access our project and are responsible for their maintenance, repair, snow plowing and snow removal - NOT the City of Homer. Our condo association is responsible for the repair and maintenance of our street lights and associated electrical bills, NOT the City of Homer. When a fire hydrant needed repairs several years ago as required by the City of Homer, our association arranged and paid for the work NOT the City of Homer. When a water line in one of our two streets failed last year creating a giant sink hole extending from garage driveways through the street and into individual unit driveways, the association arranged and paid for the repairs NOT the City of Homer because we are a condominium project and are treated differently than individual single family residences on individual lots under the City of Homer's condominium zoning requirements and building codes.

A handwritten signature in black ink, appearing to read "Chris Freeman". The signature is fluid and cursive, with a large initial "C" and "F".

Chris Freeman, Managing Member  
Freeman Holding of Arkansas

Michael & Karen DeVaney  
484 Klondike Ave.  
Homer, Alaska 99603

February 28, 2015

MAR - 4 2015



To Homer City Council and the citizens of Homer, Alaska

RE: Homer Natural Gas Assessment parcel ID 17918113C012, The Landings Lot 1

We are writing to register our objection to the assessment on our portion of the gas line put in at The Landings. Our condominium building only received one line and we should not have to pay 17 assessment fees for one line.

You have already lost this battle in court and did not appeal the decision. Your own attorney advised you not to do the assessment this way but you ignored his advice. It is not equitable to lower the rate for one condominium and not apply the ruling to all condominiums. If we are all forced to sue the City for fair equitable rates it will waste a substantial amount of taxpayer's money that could have been used far more effectively for necessary community services.

Sincerely,



Michael & Karen DeVaney





MAR - 4 2015

**Joseph & Gena Columbus**  
1430 K St.  
Anchorage, Alaska 99501

**Kachemak Bay Retreat, LLC**  
1430 K St.  
Anchorage, Alaska 99501



3 March 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

We are submitting our written objection to the City of Homer Natural Gas Special Assessment levied by tax parcel number for the one condominium we own in the condominium project on the Homer Spit, Land's End Lodges, 4799 Homer Spit Road, tax parcel ID number:

18103449CO05- Kachemak Bay Retreat, LLC

Superior Court Judge Charles Huguelet's decision in *Castner vs. the City of Homer* stated the City of Homer could not treat condominium units the same as individual city lots in the natural gas special assessments.

The Land's End Lodges condominium project is located on one lot (T 7S R 13W Sec 1 Seward Meridian HM 0990018 Lands End Sub No 2 Amended Lot 24-B-1) within the City of Homer and was provided with one natural gas stub-out on Homer Spit Road to supply the entire condominium project. In order to connect the condominiums to natural gas from the single stub-out, Enstar Natural Gas charged the Land's End Lodges Homeowner's Association \$49,390.32 to extend access to the individual condominium units. Had the City of Homer supplied stub-outs to each individual tax parcel, the Homeowner's Association would not have incurred such high costs from Enstar. Enstar did not charge the individual owners of the condominiums within the project to extend the gas line, they charged the condominium association. The City of Homer did not supply 28 individual natural gas stub-outs to the 28 condo tax parcels, they provided one stub-out to the condominium project's one lot. We would not be objecting to this assessment by tax parcel if each of our tax parcel's had been treated as a single city lot and provided with a stub-out.

Our condominium project consists of 28 tax parcels consisting of 22 residential condominiums units and six garage units. The garage units are owned by individual owners of condos within the association and are not allowed by the association's declarations and by-laws to be sold to any entity or individual unless they own one of the residential condominium units. Our declarations and by-laws prohibit use of the garage units for human habitation, they can only be used as garages and do not have water and sewer connections. We object to the detached garage units being assessed the same as an individual city lot - does the City of Homer assess other detached garages independently of their respective residences?

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---

Joseph A. Columbus, managing partner  
Kachemak Bay Retreat, LLC  
18103449CO05

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Gena Columbus, partner  
18103449CO05

## Jo Johnson

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**From:** Mary Ann Harding <maharding.homer@gmail.com>  
**Sent:** Tuesday, March 03, 2015 9:50 AM  
**To:** Jo Johnson  
**Subject:** Fwd: Gas Assessments for Condominiums

To whom it may concern:

I am the owner of a condominium unit in the Interlude Condominium complex at 1363 Bay Avenue in Homer. As such, I hold an allocated undivided interest in the common property natural gas improvement and assessment. I object to receiving an assessment higher than my proportional interest using a method of assessment that has been declared illegal by the State Superior Court. The administrative process you have required me to take part in is not appropriate.

The City of Homer is costing itself and the taxpayers extra time and money by ignoring Judge Huguelets's order (Castner v City of Homer). The longer this matter drags on, the more it will continue to cost.

It is unfair for the City of Homer to charge each unit owner the full lot assessment just because the easiest way to come up with an assessment method was to use the KPB tax rolls.

The Interlude Condominiums are more similar to an apartment complex in that there is a central boiler room that supplies heat to each unit.

I request that each lot held in the condominium form of ownership be assessed the same amount as lots held in other forms of ownership.

Sincerely,  
Mary Ann Harding  
[maharding.homer@gmail.com](mailto:maharding.homer@gmail.com)



m

To: Homer City Council

Re: Natural Gas Assessment Notice from City of Homer  
Parcel ID 17516033C010,

You cannot charge me more than my ownership interest in the common property which is 8.33% of the assessment or \$270.00.

Regards,



James Bartilson  
166 W Bunnell Ave #204  
condo #8  
Homer, Alaska



## Jo Johnson

---

**From:** Christy Mershon <christymershon@gmail.com>  
**Sent:** Monday, March 02, 2015 1:56 PM  
**To:** Jo Johnson  
**Subject:** Condo owner objection to natural gas assessment

To the city council:

I am the owner of parcel 17918113CO02 and as such hold an allocated undivided interest in the common property natural gas improvement and it's assessment. I object to receiving an assessment higher than my proportional interest. The City is using a method of assessment that has been declared illegal by the Alaska Superior Court. The "administrative process" you now require me to take part in is not appropriate.

Christy Mershon  
PO Box 1677  
Homer, AK 99603  
907-399-4744





W

# Quiet Creek Community Association, Inc.

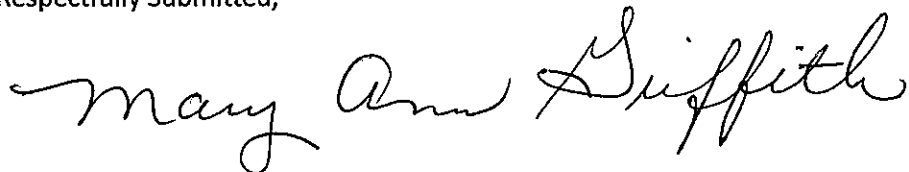
March 1, 2015

City of Homer Manager and City Council:

On behalf of the homeowners of the Quiet Creek Community Association, Inc , we are writing to object to your method of assessment for the Homer Natural Gas Special Assessment District. We feel we should be assessed per building, not individual units.

Since this subject has gone to court and Judge Charles Huguelet found the condo assessment unjust and should have been by lot, we feel this should apply to ALL condo owners. "The assessment charge is disproportionate to the benefit received."

Respectfully Submitted,

A handwritten signature in cursive script that reads "Mary Ann Griffith". The signature is written in black ink and is positioned above the typed name of the signatory.

Mary Ann Griffith, Secretary and Treasurer

Harlow Lockwood, President

Karen Berg Forester, Vice President



Jo Johnson

17701082005

**From:** Mary Ann Griffith <griffithmarym@gmail.com>  
**Sent:** Saturday, February 28, 2015 4:18 PM  
**To:** Jo Johnson  
**Subject:** Fwd: City Assessments of Condominiums

----- Forwarded message -----

**From:** Karen <kfrealty@alaskan.com>  
**Date:** Sat, Feb 28, 2015 at 12:15 PM  
**Subject:** City Assessments of Condominiums

City of Homer City Manager and City Council:

My Husband and I feel that the Condominium Owners of Homer Alaska are being double charged for our service of Natural Gas. Yes we have attended and it is of record many of the Council meeting hearings on this issue. We totally agree with the Judges ruling on this matter as pursued by Ken Castner of being fair and equitable. All the Homeowner's of which we are one of 15 in Quiet Creek, participated and paid a higher than moderate amount of money through our Homeowner's Association, Owner's special assessment just to have the gas brought into our complex and metered, then we individually paid a fair price per unit to have the gas connected to each unit and for all the conversions necessary to be able to use natural gas. Since we have 5 individual Bldgs and have already paid for individual unit extensions we feel we should be assessed per building not individual units. The City of Homer and Enstar benefitted from the 15 units coming into the program, as users and should not be paid twice to bring it to us. Individual lots pay an assessment whether or not they become users and apartment buildings are assessed once to the owner.

Sincerely, Cal and Karen Forrester.



**JAMES & RUTH LAVRAKAS**

February 6, 2015

To the Homer City Council,

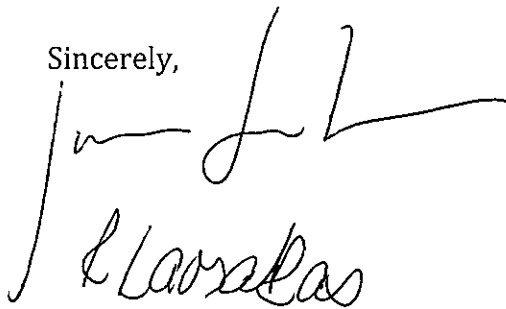
Your recent actions in regards to the natural gas assessment of condos has made us very dissapointed.

You cannot charge us more than our ownership interest in the common property which is 25% of the assessment in the case of High Tide Condominiums at 152 Mountain View Drive.

You have willfully ignored Judge Huguelet's decision regarding this assessment and how it is applied to condominiums, and ignored your own attorney's advice to comply with the Judge's decision.

What's going on? What could you be thinking?

Sincerely,



James & Ruth Lavrakas



OFFICE OF  
**RONALD L. BAIRD**  
ATTORNEY AT LAW

*To Mayor Council 1/08/15*

MAILING ADDRESS:  
P.O. Box 112070  
ANCHORAGE, ALASKA 99511-2070  
OFFICE LOCATION:  
1000 E. O'MALLEY ROAD, SUITE 202  
ANCHORAGE, ALASKA

PHONE NO.: 907-565-8818  
FAX NO.: 907-565-8819  
WEBSITE: www.rlbaIRD.com

January 7, 2015  
Via email to [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) and U.S. Mail

City Council  
City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603

JAN - 8 2015

Subject: Assessment for Natural Gas Distribution System  
The Landings Condominiums  
Our File: TLC-01

Dear Council Members:

I represent The Landings Condominium Association concerning the proposed assessment by the City for the natural gas distribution system. The Landings Condominium is a 17 unit condominium project within a single building located at 3479 Landings Street. The building has been connected to the system by means of a single gas line. At Enstar's insistence and at individual unit owner expense, the line is being plumbed at the building into separately metered lines for the individual units.

Members of the Board of the Association have been informed that the City is considering assessing each individual unit as if it were a separate lot instead of assessing the project as one lot with each unit responsible for 1/17<sup>th</sup> of the lot assessment. The former method of assessment simply raises more revenue without regard to the City's actual cost of extending natural gas service to this building which as noted is by means of a single line. As already noted, the expense of the separate metering is already being paid by the unit owners to Enstar. The Landings project should not be penalized for installing a system of separate meters which was required by Enstar. That system will permit individual gas users to pay only for the gas they need and will encourage energy conservation long after the initial cost of the system has been paid.

It is true that AS 34.08.720(b) requires that each unit in a condominium project "shall be separately taxed and assessed" but the statute says nothing about how condominiums are to be assessed in relation to other types of properties. As noted, fairness demands that where only one distribution line is required to serve a property, only one lot assessment should be made.

Homer City Council  
January 7, 2015  
Page 2 of 2

Please consider these factors when finalizing the assessment role.

Sincerely,



Ronald L. Bair

cc: Board of The Landings Condominium Association

RLB:rlb - TLC01150106 Ltr to Council.docx



# FINANCIAL HARDSHIPS



3/11/2015

City of Homer

As per my conversation with the council on 3/9/2015, I am not objecting to the assessment on my 2 lots I own on Klondike Ave. What I am concerned over is the date when the assessment payment begins. Anymore I am on a fixed income of \$2,200/mo of which is already allocated for my monthly bills. I have a retirement Sep account which I can draw from but for which, this year, I have already tapped out. Anymore drawn would jeopardize my Affordable Health Care subsidy, which, for me, given my financial equation, is crucial. Thus, I respectfully request that payment for the gas line assessment doesn't begin until January of next year or as late into this year as is possible. That would certainly help me fit the payment into the flow of my financial circumstances. I'm sure others face the same situation. Thank you for your consideration.

Tim O'Leary

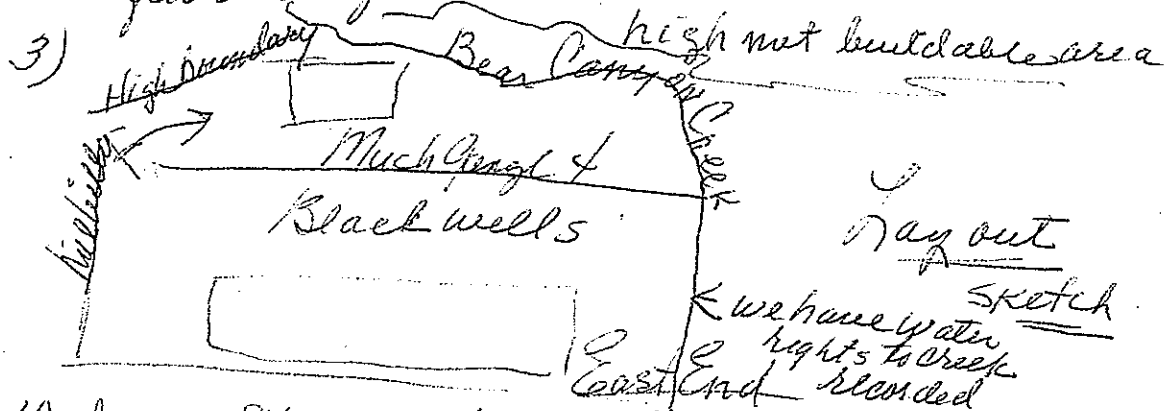




Gloria F. Corey - does Rd Hillbilly St  
between Oak Draw + Blackwells  
to 1410-

In reference to speaking Monday 9<sup>th</sup> at 6pm  
to the Council

- 1) Our home is accessed by Hillbilly St - We are not on East End Road - as our address implies
- 2) From East End up to our home is about a quarter of a mile



- 4) I am 81 and husband <sup>(ill)</sup> Bill 87 in June w/a reverse mtg on our home - Not feasible to invest (indebt ourselves) for 20 years -
- 5) We do not have the funds to bring the gas line up to house + then purchase a Gas Boiler + gas appliances
- 6) Question: We had a GCI cable installed in 2005 + when gas line put thru they cut our cable We would appreciate being reconnected -

I thank you for hearing me out - you just should have come around about 30yrs ago -

Signed:

Gloria F. Corey  
William A. Corey P.O.A.



ACCOUNT No. ~~175-0375-5027~~  
17913110

CITY OF HOMER

March 4, 2015

Written Rejection

RE: Homer Natural Gas Bill

MAR - 9 2015

Dear Sirs,

I have no choice but to write to you regarding the bill we are to receive (\$3200.00), for the gas we never requested.

My husband John + I moved to Homer Aug. 2007. It took a very long time for him to find employment + we had used up most of our savings account to pay for food + our bills. (we do not even have any cell phones). Out of desperation he became a school bus driver for First Student here in Homer. The amount of yearly income there is based on which route you can bid for, but it's based on seniority so one can never plan ahead or know just how many hours you will be given per week to work.

He made a decent income for several years but ~~the~~ "the" school year "2014" was the worst. He earned only \$20,465.00 (see enclosed W2) I am 60 yrs. old + unwell ~~and~~ unemployed.

We are living paycheck to paycheck. So far this year (2015) he has brought home paychecks ranging from \$581.00 to \$662.00 - "Bi-weekly"!

We would have loved to get the gas (as we love cooking on gas stoves) but this was a luxury we knew we could never afford.

When we were told we would have to pay the city over \$3200.00 we were shocked.

I am requesting you please waive this charge since we have no way of paying you.

Sincerely yours,

Mary Ellen Ulrick  
(407) 235-6169

PS - My husband Johnny was diagnosed with "hepatocellular carcinoma" (Liver cancer) in Dec. 2013. He is always in pain but continues to get up every morning to work <sup>his</sup> 4 hrs/day so we can pay our bills. The last thing I want to burden him with during his fight for life is this \$3200.00 bill. P.S. - I have \$253.00 in our savings account.



5 Medicare wages and tips 20465.70		6 Medicare tax withheld 296.75	
d Control number 052853 CH1C/SX3	Dept. 217200	Employer use only A	761
c Employer's name, address, and ZIP code FIRST STUDENT MANAGEMENT LLC 600 VINE STREET STE 1200 CINCINNATI OH 45202			
b Employer's FEIN		a Employer's EIN	
7 Social security tips		8 Allocated tips	
9		10 Dependent care benefits	
11 Nonqualified plans		12a	
14 Other		12b	
12c		12c	
12d		12d	
13 Stat emp. [Ret. plan] [3rd party sick pay]		13 Stat emp. [Ret. plan] [3rd party sick pay]	
e/f Employee's name, address and ZIP code JOHN ULRICH 1233 COOKWAY HOMER AK 99603-0000			
15 State AK		16 State wages, tips, etc.	
17 State income tax		18 Local wages, tips, etc.	
19 Local income tax		20 Locality name	

5 Medicare wages and tips 20465.70		6 Medicare tax withheld 296.75	
d Control number 052853 CH1C/SX3	Dept. 217200	Employer use only A	761
c Employer's name, address, and ZIP code FIRST STUDENT MANAGEMENT LLC 600 VINE STREET STE 1200 CINCINNATI OH 45202			
b E.		a Employer's EIN	
7 Social security tips		8 Allocated tips	
9		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
14 Other		12b	
12c		12c	
12d		12d	
13 Stat emp. [Ret. plan] [3rd party sick pay]		13 Stat emp. [Ret. plan] [3rd party sick pay]	
e/f Employee's name, address and ZIP code JOHN ULRICH 1233 COOKWAY HOMER AK 99603-0000			
15 State AK		16 State wages, tips, etc.	
17 State income tax		18 Local wages, tips, etc.	
19 Local income tax		20 Locality name	

FOLD AND REACH HERE

AK State Reference Copy  
**W-2** Wage and Tax Statement  
 Copy 2 to be filed with employee's State Income Tax Return  
 OMB No. 1545-0008

Federal Filing Copy  
**W-2** Wage and Tax Statement  
 Copy B to be filed with employee's Federal Income Tax Return  
 OMB No. 1545-0008

## Jo Johnson

---

**From:** Renee Krause  
**Sent:** Monday, March 09, 2015 1:16 PM  
**To:** Jo Johnson  
**Subject:** Letter of Objection

**Importance:** High

John & Mary Ellen Ulrich #17913110

Mailed a letter of objection on Friday, March 6<sup>th</sup> and Mrs. Ulrich wrote the wrong parcel number in her letter and requested a correction of that information.

*Sincerely,*

*Renee Krause*  
Deputy City Clerk I  
City of Homer  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
Ph. 907-235-8121 ext 2224  
Fax 907-235-3143  
[rkrause@ci.homer.ak.us](mailto:rkrause@ci.homer.ak.us)

*All Correspondence sent from this email address can possibly be available for public inspection.*

*Please note some correspondence is confidential in nature and if you have received this in error please contact the sender as soon as possible so we can correct the contact information we have on file.*

*"The Secret of Change is to Focus All of Your Energy Not on Fighting the Old, But Building the New" - Socrates*

Sarah Vondersaar  
1740 Saltwater Dr.  
Homer, AK 99603

MAR - 9 2015

March 4, 2015



Dear Ms. Johnson,

I recently moved to Homer to take care of my father, Frank Vondersaar, who passed away in September of brain cancer. I have been trying to manage his property without the titles or deeds, due to the probate process being unfinished at this time.

I live on a very small social security check each month, due to a visual impairment disability. The cost of living in Alaska is much higher than the state from which I receive my check. At this time I do not have the \$3,237.14 that the Homer Natural Gas Special Assessment District roll has requested. Therefore, I am writing to request a forgiveness or deferement. Thank you for your time.

Sincerely,

Sarah Vondersaar



Assessment objection

MAR 06 2015 PM 01:11

TO: City of Homer

March 6, 2015

Let this letter be notification to the City of Homer, that I object to the (\$3,237.14) assessment on my property for Natural Gas. (Parcel #17511307)

I know this objection will do no good, but must state I can't imagine this being easy payment for most of Homer residents. I, myself, am on a very limited income, am 70 years old + disabled. This will be very difficult for me to pay. Even payments over a 10 year period will put a strain on my finances, as every dollar counts. I especially think it unfair for people who don't even want Natural Gas.

Naomi M Conroy  
P.O. Box 436  
Homer Ak. 99603

(907) 235-6478



## Jo Johnson

---

**From:** Anne or Robert Haynes <wildrose@xyz.net>  
**Sent:** Thursday, March 05, 2015 11:36 AM  
**To:** Department Clerk  
**Subject:** Homer Natural Gas assesment

City of Homer  
491 E. Poiner Ave  
Homer, AK 99603

Attention Jo Johnson, MMC, City Clerk

Concerning the Homer Natural Gas Assesment

We have recieved 3 seperate assesment notices. First let me advise you that we have sold the property in Bayview Subdivision, parcel # 17401003, to our grandson so that one needs to be redirected to;

Alex Haynes  
5075 Spruce Circle  
Homer, AK 99603

I have 2 other notices for parcel#17701006 which is just one lot owned by Robert and Anne Haynes since 1968

We want to object to being assesed for natural gas to this property. We are both in our 80's, on a fixed income and will not be able, physically or financially to retrofit our old house (built in the 50's) or outbuildings for natural gas.

We are currently in Arizona for some medical procedures and will not be in Homer for the meetings to object in person.

Please consider this our formal request for abjection to the assesment roll.

If we need to discuss this please feel free to call me at 907-399-4111

Thank you for your attention

Anne Haynes  
5040 East Hill Road  
Homer, Ak 99603  
[wildrose@xyz.net](mailto:wildrose@xyz.net)





February 19, 2015

Homer City Clerk,

I just received my natural gas assessment district notices. I own two properties. One on Rogers Loop, parcel ID 17316071, which probably will benefit greatly by having natural gas available.

However, the other property, ID 17505712, which is in the Fairview Subdivision, I have no use for natural gas. I don't intend to hook up to it, and I feel it's not right I should pay for it if I can't use it. I have geothermal heat and all electric in the house. If someone buys the property when I die and wants to get a gas cook stove and hot water heater (which are the only things they would need gas for) and hook up then, they can pay the assessment.

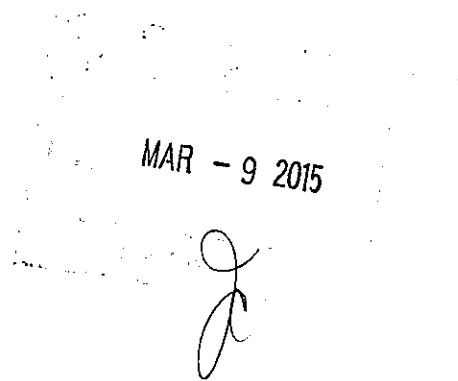
I'm on social security which doesn't extend to even me being able to pay my house payment, so my son is doing that, and I can't ask him to do more. I am 80 years old and still working part time and it doesn't look like I can quit any time soon and still be able to eat and pay my bills. I sure can't pay an assessment on this house on something I can't use. I hope to be able to scrape up enough from somewhere to pay the one on Rogers Loop (PFD?), if I don't sell it soon.

Sincerely,

Joan Evans



Tani and Mark Nauman  
P O Box 216  
Camino, CA 95709



March 3, 2015

**RE: Homer Natural Gas Special Assessment**

Parcel ID 17359440

Dear City Clerk,

Thank you for the certified notice of the special assessment. By sending it certified, I was ensured to receive the notice.

We were unaware of the upcoming special assessment. According to the notice received, our assessment obligation would equate to \$3,237.14. We do not have these funds to pay this assessment.

We purchased the property in 2005. During the downturn to the economy we lost everything. We have managed to scrape together the property tax money to keep our property in good standing. We have had the property for sale for the past 4 years and have not even had a nibble. Since we are trying to sell the property, we have been diligent in keeping the property tax assessment up to date.

I certainly understand that current residents would benefit by having natural gas available to them. However, we will never be able to build on the property as we had once envisioned. We respectfully ask that this assessment be deferred to a future owner who will benefit from the gas line when the property eventually sells and the new owner constructs a home.

Please take our request in to consideration as this is a very tough time for us.

Respectfully,

Mark A. Nauman

Tani L. Nauman

Tani and Mark Nauman  
P O Box 216  
Camino, CA 95709

MAR - 4 2015



March 3, 2015

**RE: Homer Natural Gas Special Assessment**

Parcel ID 17359440

Dear City Clerk,

Thank you for the certified notice of the special assessment. By sending it certified, I was ensured to receive the notice.

We were unaware of the upcoming special assessment. According to the notice received, our assessment obligation would equate to \$3,237.14. We do not have these funds to pay this assessment.

We purchased the property in 2005. During the downturn to the economy we lost everything. We have managed to scrape together the property tax money to keep our property in good standing. We have had the property for sale for the past 4 years and have not even had a nibble. Since we are trying to sell the property, we have been diligent in keeping the property tax assessment up to date.

I certainly understand that current residents would benefit by having natural gas available to them. However, we will never be able to build on the property as we had once envisioned. We respectfully ask that this assessment be deferred to a future owner who will benefit from the gas line when the property eventually sells and the new owner constructs a home.

Please take our request in to consideration as this is a very tough time for us.

Respectfully,

Mark A. Nauman

Tani L. Nauman

Tani and Mark Nauman  
P O Box 216  
Camino, CA 95709

March 3, 2015

**RE: Homer Natural Gas Special Assessment**

Parcel ID 17359440

Dear City Clerk,

Thank you for the certified notice of the special assessment. By sending it certified, I was ensured to receive the notice.

We were unaware of the upcoming special assessment. According to the notice received, our assessment obligation would equate to \$3,237.14. We do not have these funds to pay this assessment.

We purchased the property in 2005. During the downturn to the economy we lost everything. We have managed to scrape together the property tax money to keep our property in good standing. We have had the property for sale for the past 4 years and have not even had a nibble. Since we are trying to sell the property, we have been diligent in keeping the property tax assessment up to date.

I certainly understand that current residents would benefit by having natural gas available to them. However, we will never be able to build on the property as we had once envisioned. We respectfully ask that this assessment be deferred to a future owner who will benefit from the gas line when the property eventually sells and the new owner constructs a home.

Please take our request in to consideration as this is a very tough time for us.

Respectfully,

Mark A. Nauman  
Tani L. Nauman



CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17511304	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0594561 HOMER ENTERPRISES INC SUB LOT 5 BLK 3	\$3,237.14
17511303	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0594561 HOMER ENTERPRISES INC SUB LOT 6 BLK 3	\$3,237.14
17511302	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0594561 HOMER ENTERPRISES INC SUB LOT 7 BLK 3	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

MAR - 9 2015

*City Clerk*



*I object to this assessment - I am retired  
and only using one lot 17511303 -  
Would like to pay for that lot only -*

*DIXIE L HART*

*This is too much money is there a  
grant available.*

*I am gone till  
end of the month  
Brother has cancer -  
I am going to need  
a special hearing*

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130





# OTHER OBJECTIONS



To: City of Homer  
491 East Pioneer ave  
Homer AK 99603

From: Pat W Miller  
2220 North Star st. #1  
Anchorage AK 99503

MAR 11 2015



REF: Homer natural gas assessment

This letter to notify City of Homer that I object to the assessment at this time of the following lots

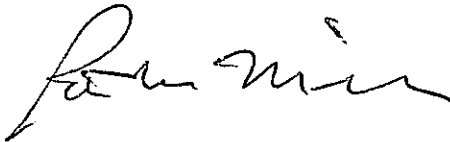
parcel ID 17524169 lot 7  
parcel ID 17524160 lot 16

. the future of these parcels as building lots is dubious.. and no permit to build is likely to ever to be issued...as

these lots can only be accessed from from roads that will never be built ...cost of development has been beyond what market will bear .....no prospect of improvement in the future.. ( as a side note,... the entire subdivision should be reconsidered... ??????  
different land use ...?????  
perhaps the city has a need for large undeveloped parcel on west end...? )))

request ..... defer or drop these assessments

Pat W Miller



3/8/15

CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17524179	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 38	\$3,237.14
17524169	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 7	\$3,237.14
17524160	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 16	\$3,237.14
17510007	T 6S R 13W SEC 19 SEWARD MERIDIAN HM PORTION SE1/4 SE1/4 NW1/4	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

*Request exemption or deferral*

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130



Engaging and Connecting our Community with the Arts

WJ

355 W Pioneer Ave, Homer AK 99603 | hcoa@homerart.org | fax: 907.235.4308 | tel: 907.235.4288

Parcels 17515215 & 17515224

March 10, 2015

Dear Mayor Wythe and Members of the City Council,

In the year 2000, fifteen years ago, Mary Epperson made a decision to donate the Etude Music Studio and property to Homer Council on the Arts upon her death. Her hope was to move into the HCOA Building before repairs were necessary on the Etude building. At the time, HCOA was planning a remodel, which would have provided a space for Mary to continue her work. An unfortunate circumstance of vandalism prevented HCOA from moving forward with the remodel. Mary always allowed HCOA to use her property for parking.

In 2010, because the HCOA remodel had not happened, Mary changed her mind and decided to gift her building to Wally and Carol Comfort for them to repair and maintain the Etude property. Carol Comfort had been teaching in the Etude building for many years already. The Comforts did not accept the gift because the building was beyond reasonable repair. Shortly thereafter, Carol Comfort moved her teaching space from Etude to Homer Council on the Arts and Mary's health forced her to retire. The Etude building sat vacant. Mary and Jack Epperson with their son Dean prepared a Quit Claim Deed and signed the property over to HCOA on December 28, 2012.

HCOA had the Etude building inspected and was informed that the building was beyond repair. With grant funding from the Rasmuson Foundation and the Homer Foundation, HCOA razed the building in August of 2014. And the lot is now used entirely for parking.

The original intention of Mary Epperson was to blend her property with that of Homer Council on the Arts and have the HCOA building be the physical location for the continuation of musical instruction.

HCOA has no intention of putting a building on the old Etude site. The lot size and location of Woodard Creek makes it suitable for a parking site but not practical for another building. HCOA plans to remove the culvert under the parking lot, to daylight Woodard Creek. A bridge would be placed over the creek on the Etude side in order to access the back parking lot. Access to natural gas is not an asset to the second HCOA (Etude) property lot.

With the HCOA building upgrade and renovation project on the City of Homer CIP list, and a funding request submitted to CAPSIS for phase one of the project (conversion to natural gas), the funds for a second assessment would be put to better use converting the HCOA building to natural gas.

Homer Council on the Arts requests that the City makes an exception to the current appraisal rule and considers the two parcels that HCOA now owns to be assessed as a single assessment for natural gas. Thank you for your consideration.

Sincerely,

Gail Edgerly  
Executive Director



Writes objection to assessment roll - for Homer Natural Gas

City & go Johnson M McCarty Clerk

own a lot on the corner of Rockwell and East End Road & Meadow Wood Place Sub. amended lot 3 Block 2 including lot 4 now.

This is not a lot that is useable for building and was purchased to extend the sewer line from it to the Triton Court lot

across East end road. The 70% slope that extends the width of the lot and extends and terminates at a creek at the base

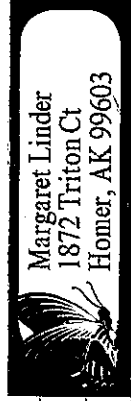
of the property combined with the easements for East End Road and Rockwell

Road make this lot undevelopable. I am

51

requesting that you remove this lot from the Homer Natural Gas assessment roll.

Sincerely Margaret Linder



907-235-5432

Enclosure from Karefront Realty expresses their opinion of value and usability.

17932003

MAR 10 2015 AM 10:57 *Re*

To:

Jo Johnson MMC City Clerk  
Homer City Hall  
Homer, Alaska

I am writing this as an addendum to the handwritten letter I delivered to your office on March 6, 2015 concerning the vacant lot located on the West corner of East End Road and Rochelle Road (Meadow Wood Place Subdivision, amended lot 3 block 2 excluding Dot Row). This lot was bought solely to provide utilities to the lot across East End Road that we built our home on.

My daughter and I attended the City Council meeting last night, March 8, 2015. It was at that time that I became aware that apparently if We (the community) had not protested the assessment at some time in the past we would be denied our requests for relief. This became apparent after several people were asked if they had made a complaint previously.

I am 80 years old and my husband is 85. My husband has been suffering with dementia for several years now and it has been all I can do to tend to his care. I have not even had the time or energy to go through our mail for anything other than urgent bills for several years. It has only been recently that my we have had to have my husband admitted to a nursing home in Seward.

My daughter has been helping me deal with the mountains of paperwork necessary to try and get my husband covered by medicaid and to get other legal matters under control.

We own 2 lots that have assessments against them for the gas line. You have a copy of my letter dated 3-3-15 and delivered to your office 3-6-15 stating that the vacant lot that we bought approx. 30 years ago is not a viable building lot and a Broker's Opinion supporting this statement.

I did not understand that I would be assessed for an unimproved lot that was undevelopable. After attending last night's meeting I am concerned that you will deny my request for relief on the vacant lot because I did not file a request previously.

In order to get my husband to qualify for medicaid so we could get him into a qualified nursing home, medicaid made us spend most of our savings. I can barely afford the assessment on our home and can certainly not afford the assessment on the vacant lot.

I have tried to sell the lot in the past and was unable to do so as it is <sup>*NPT*</sup> a viable building lot and the neighbor who shares the lot line was not interested in buying it.

Please remove the vacant lot from the assessment roll, leaving only the lot that actually includes our home on the assessment roll.

Sincerely,

Margaret A Linder

1872 Triton Court  
Homer, Alaska 99603

*235-5432*



# **WAVEFRONT REALTY**

---

***41455 Crested Crane Street, Homer, AK 99603***

***907-235-6511***

**September 8, 2013**

## **Brokers Opinion of Value**

**Lot #17932003**

**Subject Property:** An unimproved lot on the southwest corner of Rochelle Avenue and East End Road consisting of approximately .25 acre. Easements contained on this property are water and sewer on north and east side, and electric line easement on north side. East End Road easement is approximately 10 feet south of the road.

The lot itself slopes quickly into a gully south of the East End easement, making what usable area remaining very small and just a few feet from the next lot. Structure on the next lot is up against subject's lot line, allowing very few feet from a possible structure on subject lot.

Wetlands maps show that the whole usable area of subject lot is drainage, making the lot subject to winter and spring runoff from adjoining areas and the abutting highway. All this makes the lot very undesirable for building a single family home.

The neighborhood is a subdivision of small starter-homes approximately 2 miles from Homer city center, yet within the city limits. Most of these homes were built in the '70s and early '80s, and many are used as rentals.

Only about .10-acre of the subject lot is available for a building site. Even if a small home were built, it would be subject yearly for several months to the active runoff from the road, as well as being in the dark gully with little sunlight. Because of its drainage designation a permit might be needed to build. The highest and best use would be to market it to the neighbor at an attractive price to enhance that value. The usable portion could be used for gardening, a shed, or extended lawn area.

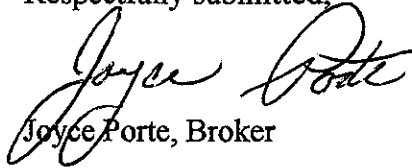
Two similar sized lots have been sold within the past 9 months. These .25-acre lots are all level with views of Kachemak Bay and the mountains, and they are located right in town close to all the town offers, such as school, banks, post office, and shopping. These sold for \$37,500 each.

Several lots of similar size are offered at \$11,000 and \$15,000. These lots will need some access roads lengthened and utilities extended, and also need permits because of their wetlands designation. These lots are less than a mile closer to town. A .25-acre lot in town on Fairview Avenue, which is totally usable, is offered at \$30,000.

**Broker Opinion of Value:** Based on the highest and best use of the lot, I would give it a value of \$15,000. This is based on the other lots close by that are totally usable but need some improvement plus permits. Since less than half the subject lot is usable for any purpose, half the sold price of the two in town would be \$18,750, and adjusting for the view amenity, also brings the value down to \$15,000.

This is a broker's opinion only and not an appraisal. It reflects the values of land at the time of this writing. Values could fluctuate up or down depending on market conditions and the economy as a whole.

Respectfully submitted,



Joyce Porte, Broker

March 9, 2015

City of Homer  
Office of City Clerk

Attn: Jo Johnson, MMC, City Clerk

Ref: Parcel No. 17409027

Please accept this written objection to the assessment of \$3270.14 on my above referenced parcel number for the Homer natural gas line.

The property assessed is undeveloped with no plans for building. I should not have to pay for a service of no benefit to me. My residence is outside of the city where natural gas has not been offered.

Respectfully,



Deborah L. Purington  
PO Box 2985  
Homer, AK 99603



MAR 10 2015

March 3, 2015

MAR 09 2015

To Whom it Concerns,

The biggest mistake I have  
ever made was to buy a house  
 in Homer. I don't want your  
 stinking gas nor does my 4  
 vacant lots. You have me living  
 in your God Awful disc park  
 and now you expect me to pay  
 \$15,000 + dollars for something I  
 don't need or want. Take your  
 gas + " " .

1737035  
 1737036  
 1737037  
 1737038  
 1737039

Kim Kopper



MAR 10 2015 AM 10:48

WJ

Augustine Services LLC  
P.O. Box 4  
Seldovia, Alaska 99663

March 9, 2015

City of Homer  
491 East Pioneer Ave  
Homer, Alaska 99603

RE: Notice of Assessment: Homer Natural Gas Special Assessment District

TO WHOM IT MAY CONCERN:

We have a large shop building located on Parcel ID 17923009 and Legal Description:  
T 6S R 13W SEC 21 SEWARD MERIDIAN HM 004029 BAYVIEW SUB JOHNSON ADDN LOT 10

Our Shop encompasses almost the whole lot and even though we are not utilizing the gas line we would pay the assessment on it.

However, the other two lots listed below, are totally bear and only provide parking for our Shop. We don't feel we should be charged for the gas line assessment on these two lots because we could never use them.

Parcel ID 17920104 and Legal Description:  
T 6S R 13W SEC 21 SEWARD MARIDIAN HM 0000839 BAY VIEW SUB LOT 118

Parcel ID 17920103 and Legal Description:  
T 6S R 13W SEC 21 SEWARD MARIDIAN HM 0000839 BAY VIEW SUB LOT 117

Thank you for your consideration of our request.

Russell Geagel  
Augustine Services LLC





17710742

March 9, 2015

MAR 10 2015

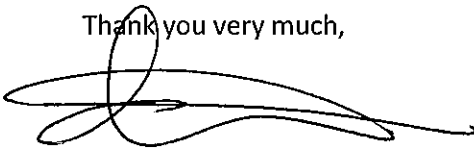


To Whom It May Concern,

We are writing in regard to the double assessment we received for our property at 423 Grubstake Ave for the gas line. I understand the old property owner had our lot set up as two lots instead of the one that it was when we purchased it in 2014. We do not feel we should have to pay for two assessments for his mistake of not combining the two lots. If you were to come by our home and look we have a playhouse on the one old lot and do not plan on changing that for a long time.

We would like to be reassessed and only have to pay for one assessment. If you have any questions please feel free to contact us.

Thank you very much,



Ian and Joy Overson

423 Grubstake Ave

Homer, Ak 99603

907-435-7619 Ian

907-435-7618 Joy



## Jo Johnson

---

**From:** kbstark@pacbell.net  
**Sent:** Monday, March 09, 2015 8:01 PM  
**To:** Department Clerk  
**Subject:** Written Objection: Homer Gas Assessment

March 9, 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, AK 99603

RE: OBJECTION: Homer Natural Gas - Special Assessment District -  
Parcel ID: 17724015 - on Bayview Avenue in Kapingen-Hilbish Subdivision

I have just received the natural gas assessment notification for property owned by the Thompson Family Preservation Trust in Homer. As Executive Trustee of the Trust, I am objecting to the special assessment made for gas in the amount of \$3237.14.

This is an infrequent vacation home, visited once every 2-3 years for a short period of time. Why should I be expected to pay for a service for which there is no need?

Please consider this my written objection to this assessment and waive all (or at least most) of the amount of \$3237.14 against this property.

Thank you,  
Bonnie M Stark for the Thompson Family Preservation Trust

---

I am using the Free version of [SPAMfighter](#).  
SPAMfighter has removed 4155 of my spam emails to date.

Do you have a [slow PC](#)? Try a free scan!



March 9, 2015

Natural gas special assessment objection

Our reason: Undeveloped rural areas, parcels, or subdivisions which have no homes or businesses, and no city utilities also in moderate wetland according to city planning map.

Parcel Number: 17324102

T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 2

Parcel Number: 17324103

T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 3

Also we would like a deferment on:

Parcel Number: 17324104

T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 4

Our reason: We will not be hooking up to natural gas on the above property as long as we own the property.



John J Earls

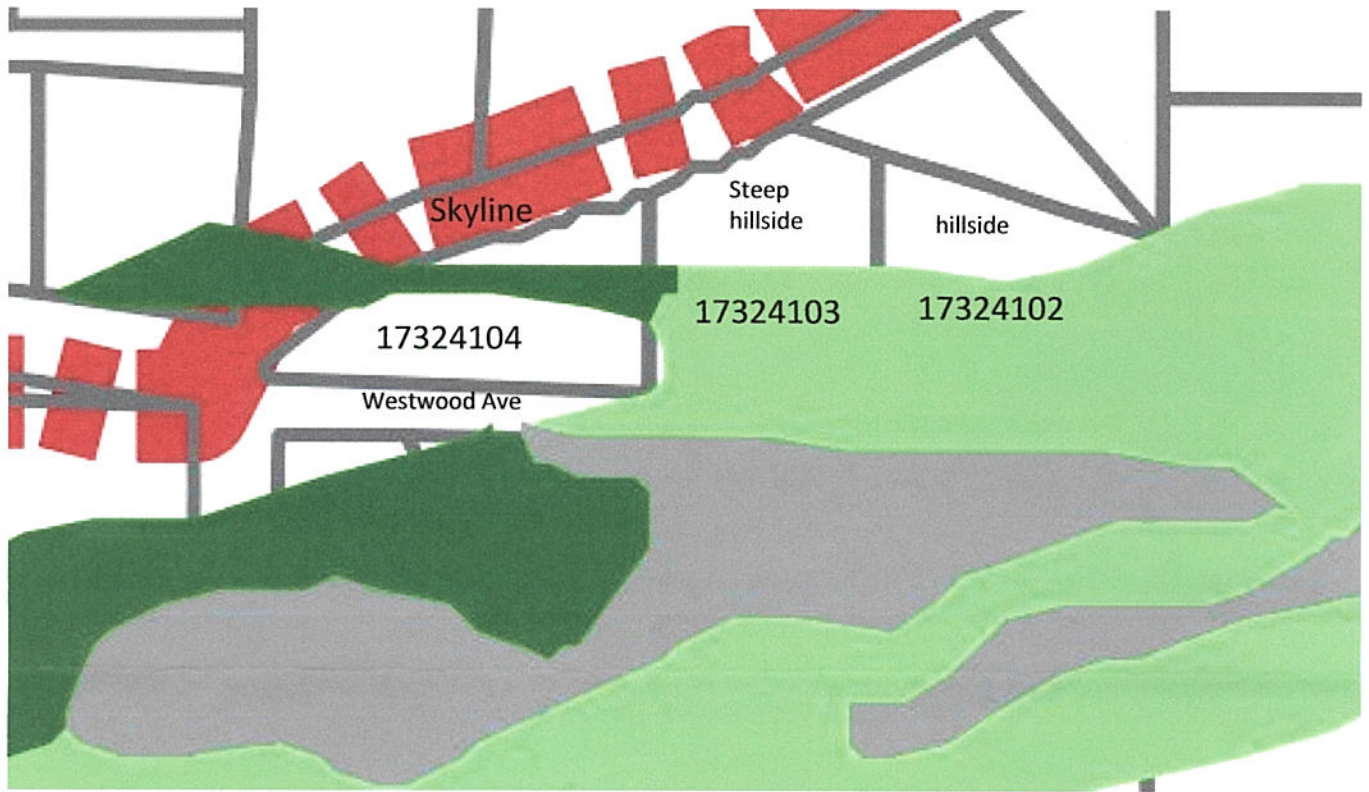


Jo A Earls

John & Jo Earls  
950 Westwood Ave  
Homer, Alaska 99603

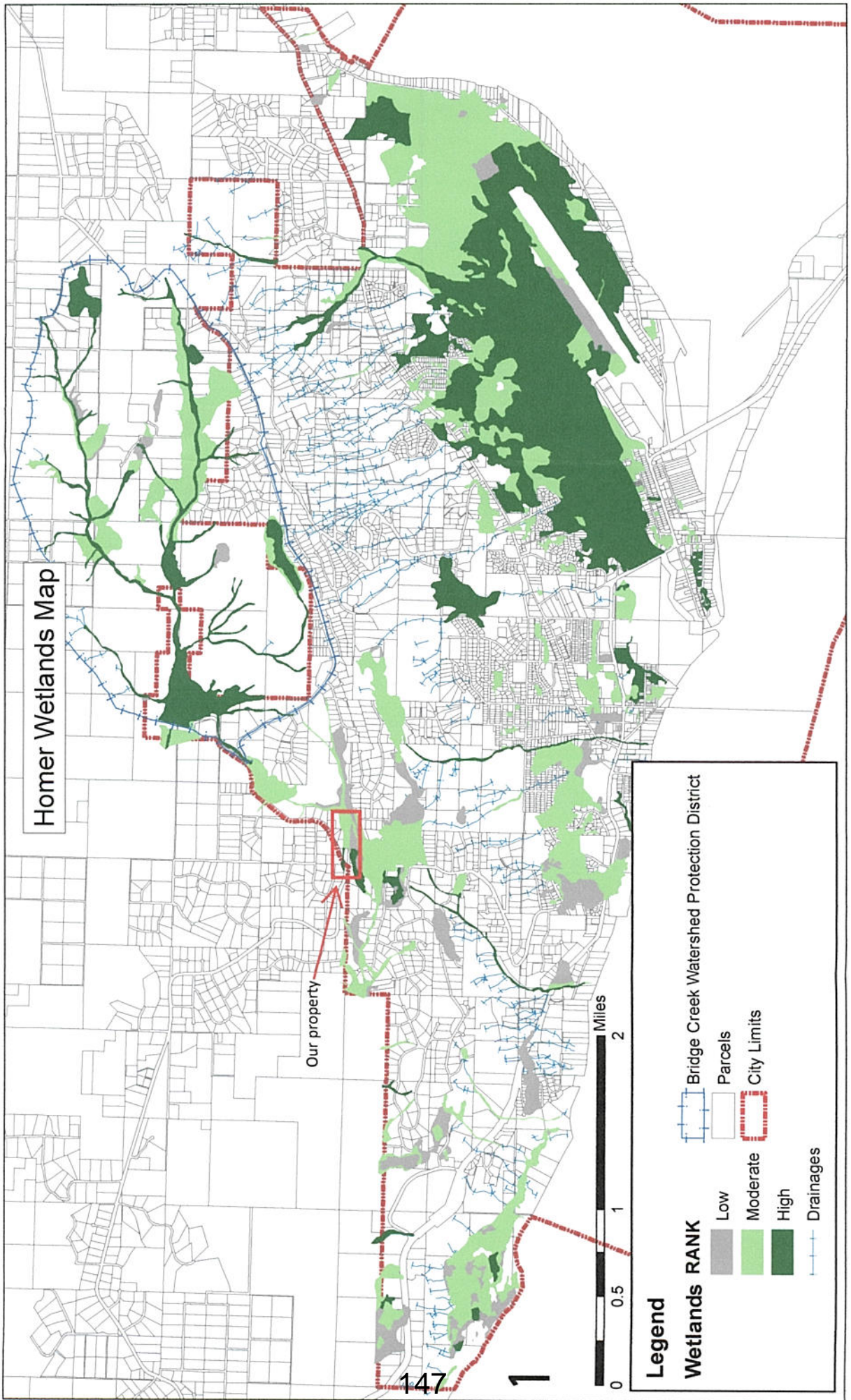
907-235-5518

# Homer Wetlands Map





# Homer Wetlands Map



Our property

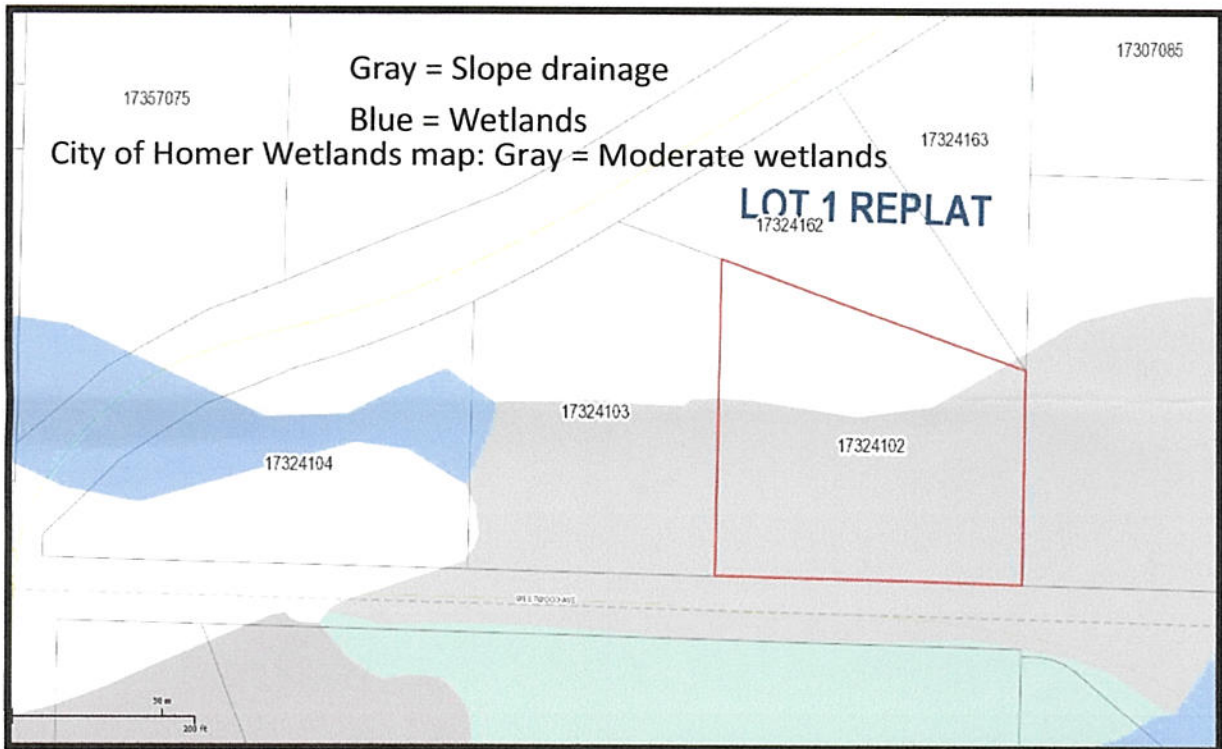
Miles  
0 0.5 1 2

**Legend**

	Low		Bridge Creek Watershed Protection District
	Moderate		Parcels
	High		City Limits
	Drainages		

# Kenai Peninsula Borough Property Report - 17324102

Sat Feb 21 2015 12:26:08 PM



Parcel Number: 17324102  
 Address:  
 Owner: EARLS JOHN J & JO A  
 950 WESTWOOD AVE  
 HOMER, AK 99603



Tax Area: 20 - HOMER CITY  
 Usage Code: 100 Residential Vacant  
 Acreage: 1.87  
 Land Value: \$~~XXXXXX~~  
 Improvement Value: \$0  
 Assessed Value: \$~~XXXXXX~~  
 Taxable Value: \$~~XXXXXX~~

*DISCLAIMER: The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.*

Legal Description: T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES  
 SUB AMENDED LOT 2

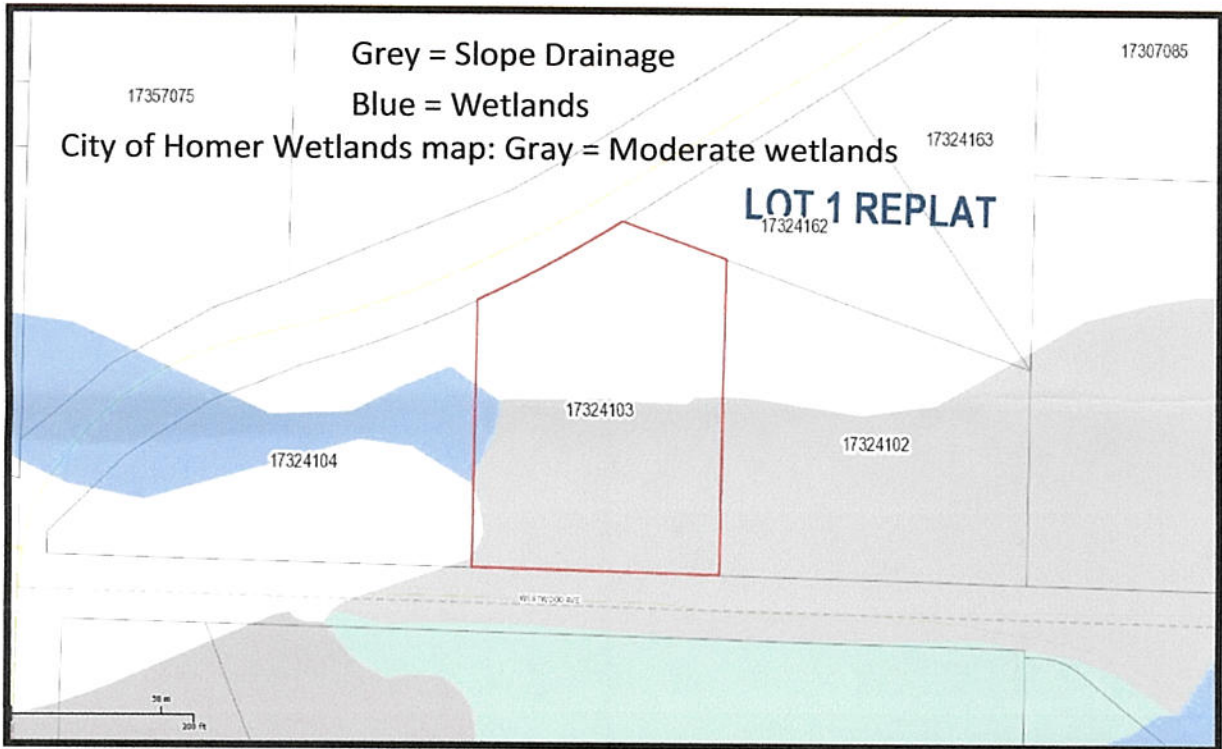
Number of Structures: 1

Structure #	Year Built	Square Ft	Structure Type
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# Kenai Peninsula Borough Property Report - 17324103

Sat Feb 21 2015 12:27:12 PM



Parcel Number: 17324103  
 Address:  
 Owner: EARLS JOHN J & JO A  
 950 WESTWOOD AVE  
 HOMER, AK 99603



Tax Area: 20 - HOMER CITY  
 Usage Code: 100 Residential Vacant  
 Acreage: 1.81  
 Land Value: \$ [REDACTED]  
 Improvement Value: \$0  
 Assessed Value: \$ [REDACTED]  
 Taxable Value: \$ [REDACTED]

*DISCLAIMER: The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.*

Legal Description: T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 3

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Number of Structures: 1

Structure #	Year Built	Square Ft	Structure Type
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City of Homer  
Office of City Clerk  
491 East Pioneer Ave  
Homer AK 99603

March 4, 2015

LD 17730212

Roger N. Lauster  
3989 Ben Walter Ln  
Homer AK 99603

Dear Jo Johnson

MAR - 9 2015

J

The 3,237.14 dollar final assessment is close to three times greater than the original assessment presented.

Did the City of Homer Alaska Receive Bids for the construction of this project? Who had oversight & was responsible for the construction & installing the Gas line? Why were excessive charges accepted? No Gas line runs past my property

Please Reading objections @ meetings.

I object to the seemingly lax oversight of individuals who appear to have lacked the ability to manage this project

Thank you  
Roger N. Lauster



**Jo Johnson**

---

**From:** Debra Leisek <debra@bayrealtyalaska.com>  
**Sent:** Monday, March 09, 2015 10:15 AM  
**To:** Jo Johnson  
**Subject:** Pending Gas Assessmentq

**To:**  
*Jo Johnson*, MMC  
City Clerk  
City of Homer  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
907~235~3130

Regarding the pending *Gas Assessment* for GLACIER VIEW SUB NO 1 SUPPLEMENT AL PLAT LOT 8 BLK 6  
Tax number 17720301

I request my parking lot at 349 E Pioneer Ave be considered for removal from the pending Natural Gas assessment. I will never be able to use this for another building unless the parking codes change.

I totally support the City of Homer and the assessments for Natural Gas. I feel this has been a very good and positive step forward for our city. I am paying for 6 of them and wouldn't contest any of them except for the parking lot. I would even be happy with a deferred assessment should things ever change and the lot was used for a building then take the assessment

Whatever the decision I do think that overall bringing Natural Gas to our town was a very good decision. It is saving money for heating fuel and the air quality.

Thank you for your consideration.

Debra K Leisek  
Broker  
Bay Realty  
907-235-6183



4 March 2015

MAR - 9 2015



To whom it may concern.

I am writing in protest over the natural gas line assessment. We own 5 lots at the end of a cul-de-sac and do not need or want to hook up to natural gas. The city could very easily just end this line somewhere down the road from us to the last customer that wants the gas.

The lots I am referring too are Parcel ID #17937039

#17937037

#17937036

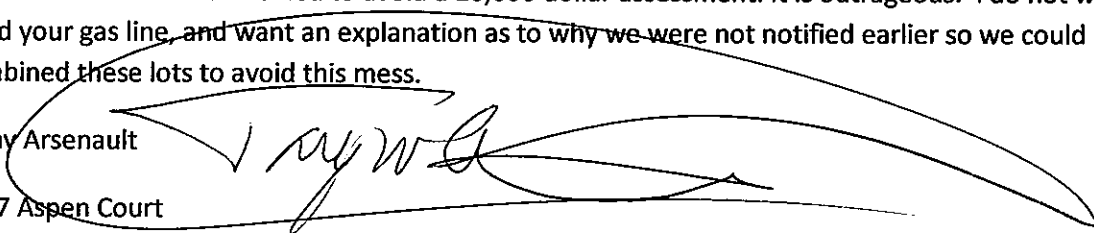
#17937035

and #17937038 all in the Bear Creek Subdivision on Aspen Court.

I feel we were not given a sufficient time frame to combine these 5 lots into 1 or 2 lots. I feel the city should have sent out a letter to people like us who own multiple lots and explained this situation so the lots could have been combined to avoid a 16,000 dollar assessment. It is outrageous. I do not want or need your gas line, and want an explanation as to why we were not notified earlier so we could have combined these lots to avoid this mess.

Tony Arsenault

2277 Aspen Court







PO Box 2217  
Homer, Alaska 99603  
March 6, 2015

MAR - 9 2015



Dear City Council Members:

Concerning the natural gas assessment, paying \$3,237.14 for a service that I did not ask for and am not going to use is quite an affront and a gross inconsideration for a senior on fixed income. I am paying for my neighbors' service, and getting nothing in return but a mangled piece of property that I had to personally rehabilitate. This hardly seems fair or just.

I had addressed the Council concerning this via several letters to the Mayor. At that time I suggested following the decision of Kachemak City: that if one is not going to use the natural gas service, that the fee be waived until the time the property was sold, at which time the new buyer would be responsible. This plan should be supported by the Homer City Council, as it is more fair and equitable.

The ruling of the Council on the assessment should be considered unlawful. I regret writing this letter will make any difference in the outcome.

Sincerely,



Jo Going  
410 Paintbrush Ct.

g3119100

10/10/2015 10:10:10 AM 10/10/2015 10:10:10 AM 10/10/2015 10:10:10 AM 10/10/2015 10:10:10 AM 10/10/2015 10:10:10 AM



17524155

Attention Homer City Council

Lot 32 of the Bidarka Creek subdivision as described by the Corps of Engineers (copy enclosed below), formally called the Sillion Walli estate.

This is my written objections: In 1982 the estate listed above was approved by the Kenai Peninsula Borough and at that time assessment for water and sewer was paid by the property owners and since that time the City of Homer has refused to let the property owners do anything with this property. I want to see the city planner to get a permit to do some work on the property and he said "He would tear down anything I did on the property." For 30 years the city of Homer has this assessment money with no benefits for the property owners and I do not feel that I should pay this assessment \$3,237.<sup>14</sup> for another 30 years.

Property owner Sub lot 32

D. J. Lewis



**DEPARTMENT OF THE ARMY**  
**ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**805 FRONTAGE ROAD, SUITE 200C**  
**KENAI, ALASKA 99611-7755**

REPLY TO  
ATTENTION OF:

August 7, 2012

Regulatory Division  
POA-2012-298

Mr. Dick Lewis  
P.O. Box 2836  
Homer, AK 99603

Dear Mr. Lewis:

This is in response to your May 1, 2012, request for a jurisdictional determination for a 0.37-acre parcel of land further described as Lot 32 north of Eric Lane. It has been assigned file number POA-2012-298, Bidarka Creek, which should be referred to in all future correspondence with us. The project site is located within Section 24, T. 6 S., R. 14 W., Seward Meridian; Latitude 59.6468° N., Longitude 151.5760° W.; Lillian Walli Estate Subdivision, Lot 32; in Homer, Alaska; Kenai Peninsula parcel number 175-241-55.

Based on our review of the information you furnished and available to us and our June 14, 2012, site visit, we have determined the above property contains waters of the U.S., including wetlands, under the Corps' regulatory jurisdiction. Specifically, there are: 1,468 square feet (0.034 acre) of wetlands and 180 linear feet of stream channel below the ordinary high water mark on the site. These waters of the U.S. are shown on the enclosed drawing prepared by Jen Martin and dated August 7, 2012. A copy of the Approved Jurisdictional Determination form is available at <http://www.poa.usace.army.mil/reg/ApprovedJDs.htm> under the above file number.

This approved jurisdictional determination is valid for five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed is a Notification of Administrative Appeal Options and Process and Request for Appeal form (see section titled "Approved Jurisdictional Determination").

Therefore, DA authorization is required if you propose to place dredged and/or fill material into waters of the U.S., including wetlands. Enclosed is an application for your use. You can refer to the sample drawings on our website at <http://www.poa.usace.army.mil/reg/PermitApp.htm>.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

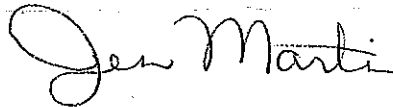
Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb

and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me via email at [jen.l.martin@usace.army.mil](mailto:jen.l.martin@usace.army.mil), by mail at the address above, by phone at (907) 283-3519, or by FAX at (907) 283-3981, if you have questions. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,



Jen Martin  
Regulatory Specialist

Enclosures

CF:

- ADEC: [brenda.krauss@alaska.gov](mailto:brenda.krauss@alaska.gov)
- ADF&G-DH (Kenai R. Center): [OHMPKRC@borough.kenai.ak.us](mailto:OHMPKRC@borough.kenai.ak.us)
- ADNR-DMLW: [christina.bohner@alaska.gov](mailto:christina.bohner@alaska.gov)
- ADNR-DMLW: [michael.walton@alaska.gov](mailto:michael.walton@alaska.gov)
- ADNR-DMLW: [dnr.scro.dcom.cor@alaska.gov](mailto:dnr.scro.dcom.cor@alaska.gov)
- SHPO-ADNR OHA: [oha.revcomp@alaska.gov](mailto:oha.revcomp@alaska.gov)
- EPA: [A00ARU.R10@epamail.epa.gov](mailto:A00ARU.R10@epamail.epa.gov)
- NMFS, Anchorage: [HCD.Anchorage@noaa.gov](mailto:HCD.Anchorage@noaa.gov)
- USFWS, Kenai: [R7\\_Kenai\\_Fish\\_Comment@fws.gov](mailto:R7_Kenai_Fish_Comment@fws.gov)
- Kenai Peninsula Borough: [KRCFrontdesk@borough.kenai.ak.us](mailto:KRCFrontdesk@borough.kenai.ak.us)
- City of Homer: [dharness@ci.homer.ak.us](mailto:dharness@ci.homer.ak.us)

*Wb GPS done*

*2/02/2/8*

*Accounting to do from*

*8/7/2012*

*done to info*

Applicant: Dick Lewis		File Number: POA-2012-632	Date: August 14, 2012
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**THIS REQUEST FOR APPEAL FORM MUST BE RECEIVED BY: October 15, 2012**

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or, (c) not modify the permit, having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION (JD):** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the Preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

In order for a Request For Appeal to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the Notice of Appeal Process. It is not necessary to submit a Request For Appeal form to the Division office if you do not object to the decision.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**Jen Martin, Regulatory Specialist**  
Alaska District Corps of Engineers  
Kenai Regulatory Field Office (CEPOA-RD-S-K)  
805 Frontage Road, Suite 200C  
Kenai, Alaska 99611-7755  
(907) 283-3519

If you only have questions regarding the appeal process you may also contact:

Commander  
USAED, Pacific Ocean Division  
ATTN: CEPOD-PDC/Thom Litche  
Building 525  
Fort Shafter, HI 96858-5440

**To submit this form, mail to the address above**

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:





March 9th, 2015

City of Homer

Re: 2395 East End Rd, Natural Gas Assesement

To Whom it may Concern,

This letter is to submit in writing my objection to the natural gas line special assessment of my property at 2395 East End Rd.

I respectfully request that you defer payment directly to Enstar, as agreed upon in the attached document. In exchange for an easement on our property, Enstar agreed to pay my portion of the assessment - \$3237.14.

Please let me know if I need to provide any further documentation.

Thank you,



Angela Agosta Head

2395 East End Rd

Homer, AK 99603

907-299-6404



ENSTAR Natural Gas Company  
401 E. International Airport Road  
Anchorage, AK 99519-0288  
(907) 277-5551

August 22, 2013

Angela Agosta  
2395 East End Road  
Homer, Alaska 99603-0939

Re: Request for Natural Gas Easement  
Lot 2A Cooper Subdivision, Greer 1988 Subdivision of Lot 2 Block 1

Dear Ms. Agosta:

ENSTAR Natural Gas Company is responding to the request to provide natural gas service to residents and businesses in the City of Homer. In order to provide service to the City of Homer, ENSTAR requires a natural gas distribution easement, as described on the enclosed easement document.

For granting ENSTAR this easement, ENSTAR agrees to waive the \$1,295 service line fee and pay the Homer Service Assessment District Fee (related to the natural gas line) to be assessed in the fall of 2014 or 2015 for the described lot. The \$300 meter fee will be your responsibility when you sign up for service.

Please contact me at your earliest convenience to discuss the necessary easement.

If you agree to grant ENSTAR an easement, please sign, notarize, and return the enclosed easement, or call for any questions at (907) 334-7753.

Sincerely,

Jennifer Diederich  
Right-of-Way & Permit Agent  
ENSTAR Natural Gas Company

Tom Arminski  
Manager, Right-of-Way & Permitting  
ENSTAR Natural Gas Company

Enclosures as stated

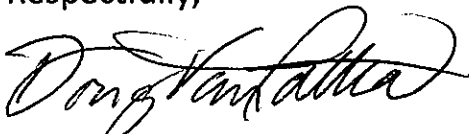
March 10, 2015

This Natural Gas Special Assessment District was flawed from its inception. There is absolutely no way a homeowner, whose gas meter with a capacity to flow a small fraction of the "millions and millions" of btu's of a large business, is receiving the same benefit from the construction of the gas distribution line. However, the homeowner is being charged the same amount which is very disproportional to benefit.

If there is an adjustment to the assessment, property owners should be assessed a fee that is commensurate with their use and benefit. Currently, those that can afford the most; large businesses, hotels and motels, and apartment complexes are being subsidized by the rest of us.

If condo owners are assessed on a per lot versus a per unit basis, I have a strong objection to paying any portion of an increased assessment on my properties: 17372014, 17372013, 17410010, and 17410009.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas Van Patten". The signature is fluid and cursive, with a large initial "D" and "V".

Douglas Van Patten



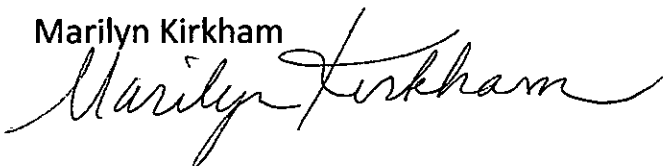
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If there is an adjustment to the assessment, property owners should be assessed a fee that is commensurate with their use and benefit. Currently, those that can afford the most; large businesses, hotels and motels, and apartment complexes are being subsidized by the rest of us.

If condo owners are assessed on a per lot versus a per unit basis, I have a strong objection to paying any portion of an increased assessment on my property: 17906211

Respectfully,

Marilyn Kirkham  




**Jo Johnson**

---

**From:** kbstark@pacbell.net  
**Sent:** Monday, March 09, 2015 7:22 PM  
**To:** Department Clerk  
**Subject:** Written Objection - Homer Natural Gas Assessment

March 9, 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, AK 99603

RE: OBJECTION: Homer Natural Gas - Special Assessment District -  
Parcel ID: 17405008 - on Mission Road in High Cliffs Subdivision

I have just received the natural gas assessment notification for property I own in Homer. If I were a resident there full time and could take advantage of the service offered, I would understand getting charged for it. As it is, I am being charged for something I can't even begin to make use of.

This property, at least according to any maps I could find, does not currently have a gas line available. Also, there is neither water nor sewer available according to available maps. Only in the last few years has the city maintained the gravel road to the end of Mission Road.

Three years ago, my husband and I contacted a local contractor to explore the possibility of building on the site as the lot itself is quite steep. At that time, it was nearly cost prohibitive to build.

Please consider this my written objection to this assessment and waive the amount of \$3237.14 against this undeveloped acreage.

Thank you,  
Bonnie M Stark  
(nee Thompson)

---

I am using the Free version of SPAMfighter.  
SPAMfighter has removed 4155 of my spam emails to date.

Do you have a slow PC? Try a free scan!





**Cheryl G Ford**

P O Box 1074  
Kaneohe, HI 96744

17524133

MAR - 9 2015



**Date:** March 2, 2015

**To:** City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603

**Attn:** City Clerk's Office

**Ref:** Homer Natural Gas Special Assessment District

**This letter is to notify the City of Homer that I object to being assessed at this time for the following lot: T6S R 14W SEC 24 Seward Meridian HM 0880016 Lillian Wallis Estate, Sub Lot 62.**

**This lot is not saleable or useable for a living structure until the road, Robert Ave. is built. Although the lot borders West Hill Road, it cannot be accessed from West Hill Road. It is my understanding that I could not put a driveway from the lot connecting to West Hill Road because it is a main connector road from the hilltop areas.**

**I have already spent a lot of dollars on sewer and water assessments that apparently will be repeated if the road improvements become a reality.**

**Thank you for your attention to this matter.**

**Sincerely,**

**Cheryl G Ford**



CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17524133	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 62	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

## Jo Johnson

---

**From:** kbstark@pacbell.net  
**Sent:** Monday, March 09, 2015 7:48 PM  
**To:** Department Clerk  
**Subject:** Written Objection: Homer Gas Assessment

March 9, 2015

City of Homer  
Office of the City Clerk  
491 East Pioneer Avenue  
Homer, AK 99603

RE: OBJECTION: Homer Natural Gas - Special Assessment District -  
Parcel ID: 17405003 - on Mission Road in High Cliffs Subdivision

I have just received the natural gas assessment notification for property owned by the estate of Jacquelyn Lee Cox in Homer. As Personal Representative of the estate, I am objecting to the special assessment made for gas in the amount of \$3237.14.

The site is virtually unbuildable in that the property is in a ravine that takes up most of the acreage. This property, at least according to any maps I could find, does not currently have a gas line available. There is neither water nor sewer available according to available maps. Only in the last few years has the city maintained the gravel road to the end of Mission Road.

Why should I be expected to pay for a service for which there is no need? Since there is no home there and no other basic services available (save electricity), there certainly is no need for gas services there.

Please consider this my written objection to this assessment and waive the amount of \$3237.14 against this undeveloped acreage.

Thank you,  
Bonnie M Stark for the Estate of Jacquelyn Lee Cox

---

I am using the Free version of [SPAMfighter](#).  
SPAMfighter has removed 4155 of my spam emails to date.

Do you have a [slow PC](#)? Try a free scan!



## Jo Johnson

---

**From:** Gee Denton <geezmail7@gmail.com>  
**Sent:** Monday, March 09, 2015 6:25 PM  
**To:** Department Clerk  
**Subject:** Gas Assessment Objection

*From: Gee (Glenda) L. Denton  
2405 Judy Rebecca Ct.  
Baycrest Subdivision  
Homer, Ak 99603*

*Date: March 9, 2015*

*Subject: Objection to the Homer Natural Gas Special Assessment District Tax*

*Dear Ms. Johnson,*

*Consider this letter as my formal objection to the Assessment of \$6,474.28. This would be for the lot where my home is and my empty lot adjacent to that.*

*If you will kindly recall in the Homer News there have been three articles written to date of our devastation. It has been a chain of events beginning April 3, 2014 and has been on going for the year until the present time. It was on this date and in spring break-up where our lives were changed. This is Alaska and we know in April that there are road restrictions on most roads in our area due to break up issues and it seems that it should have been known of the possible issues caused by contractors and sub contractors.*

*There have been many attempts to resolve the issues and in the long process we have attained much information from Mike McCarthy who is a licensed geologist and John Bishop who is an engineer. Much to our dismay with efforts to correspond with City Manager Walt Wrede we have been pretty much ignored.*

*We have been the full circle of referrals. Mr. Wrede in particular in response to letters and photos sent an email stating your information was forwarded to Enstar.*

*Enstar would not return calls and made it know to us that they took their order from the City of Homer..... and on it has gone.*

*Our properties are damaged and no one in their right mind would even consider purchasing them which leaves us in a pretty much hopeless state of resolve and financially no way to move on.*

*To install a gas line on a fragile bluff seems negligent at best. To add to that clear cutting of all trees both east to west and in my particular case a wide clear cut north to south. Damages caused by this have left a couple of us with many thousands of dollars out of pocket. Mud slides and pilings and tons of rock hauled in a wheel barrow down a muddy hill for an entire summer through fall of 2014. Waiting for what is next. Waking in the wee hours of the morning to horrific cracking sounds and flying out of a dead sleep to see if my house has fallen down the bluff.*

*It is my understanding that there has been a packet submitted by Mr. McCarthy to*

*the powers that be in Juneau. He has kindly spent hundreds of hours on our behalf and gone beyond what anyone could imagine. He has met with Mr. Wrede, Mr. Yoder and other people in places in this city that should care and be responsible for decisions that devastate lives. He has had meetings with the DOT. and researched the same issues we see here in Homer as were in Oso, Washington where not only homes were destroyed but lives lost. I pray that is not what it takes before something is done here in Homer.*

*It seems one more harsh blow to expect one to have to come up with another 6,500.00. I never had intention of spending thousands of dollars to convert to natural gas in the first place much less did I anticipate the loss of my life investment.*

*I would hope that with all this and more you would kindly consider the assessment dropped. The gas line assessment would add nothing to the value of a property that at this point is not even saleable.*

*Thank you kindly for allowing me to express my objections and a few of the reasons why.*

*Sincerely,  
Gee Denton*

Office of City Clerk  
491 East Pioneer Ave.  
Homer, Alaska 99603

MAR - 9 2015



ATTENTION:  
Jo Johnson (Public Hearing )

Dear Mam:

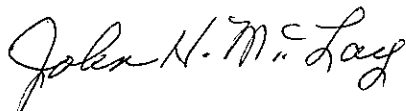
As per our phone conversation I am putting my objection in writing for the up coming meeting.

I just received the gas assessment for Parcel #17405055. This is in error because the gas line does not touch or go by in front of or near my property.

Jakes Little Fireweed Rd. is private road and Val McLay, Jeanette McLay, and me John "Jake" H. McLay refused the gasline access up our road, therefore exempting us from assessment.

I appreciate your attention to this.

Sincerely Yours,



John H. McLay of the  
McLay Living Trust





Bernard H & Donna L Gareau  
1037 Barnett Place  
PO Box 3526  
Homer, AK 99603-3526  
(907) 235-3888

March 6, 2015

Office of the City Clerk  
City of Homer  
491 East Pioneer Ave  
Homer, AK 99603

In Re: Homer Natural Gas Special Assessment

To whom it may concern:

We were in opposition to the original plan to install natural gas service. Our original objections centered on the costs and proposed assessments to property owners. With the subsequent decision to proceed by the city we attempted to approach the situation in a pragmatic fashion based on majority rule.

We had been planning to install a gas furnace in our home. Pursuant that, we attempted to contact Enstar. They had closed their Homer office. We called Anchorage and were told to complete an application and mail it in. We completed the application and mailed it to Anchorage as we were directed by the Enstar marketing representative. A month passed and we heard nothing. We called Enstar and we were directed to Soldotna where we were informed that our application was not processed because we failed to specify the BTU's required for our proposed furnace. We asked why we weren't contacted about the missing information. We were told that was not their practice.

We contacted the local heating contractor and received the needed information. We also found out that gas utilities have preset meter ranges and average appliance demand tables they can use, but Enstar chooses not to use them. We called back Enstar and gave them the information on the proposed furnace, and verified what the contractor had told us about average demand tables, but Enstar told us it was not their practice to use those tables.

The lady at Enstar then told us it would cost \$1,335.50 to run the gas line to the house and that we had to pay that before being put on the schedule and that they couldn't give us a date for the work until May, and that date would not be specific but subject to other demands on the contractor.

At this point we have no confidence that we should entrust our business to a company like Enstar. I am led to believe that it would be cheaper in the long run to convert to gas, but when I asked Enstar for assistance in calculating the payback period, they declined to offer any help and could not even direct me to any available payback models. Does this sound like a company that wants to sell their service?

Our proposal is that everyone who is connected to the gas line should pay an assessment based on their gas consumption. Little users pay less than big users. Those who choose not to connect would not pay any assessment. If this was the case Enstar would only be reimbursed based on their success in servicing the public. This alternative might result in Enstar acting more like a service than a traditional utility in order to encourage people to sign up for service. We realize it is too late in the process for such a change but the current assessment in effect rewards Enstar's monopolistic behavior. At this point we would rather spend extra money heating with oil or propane than pay \$4,000 in assessments and fees for a utility that considers itself a monopoly and acts that way. If the city expects land owners to pay the assessment the city should be more proactive in demanding service to its citizens from this awful utility.

Sincerely;



Bernard & Donna Gareau



17710317

MAR 06 2015 PM 03:43 BK

To Whom it concerns:

I am protesting the manatory assessment fee for the natural gas line installation.

Those of us that did not connect to it and will not connect to the gas line, should not be forced to subsidize the people who wanted the gas line.

This assessment should not require payment until the property owner decides to use the natural gas.

I feel that those of us that will not benefit from the gas line are being robbed.

Thank You:

Bob Robinson



February 26th, 2015  
Re: Natural Gas Special Assessment  
Concerning parcel ID: 17729029LH04

MAR - 6 2015

Dear City of Homer,

I believe that this assessment is not intended for us nor should we be billed for it, as the legal description excludes our property from the assessment:

The legal description per the assessment states "T 6S R 13W Sec 20 Seward Meridian HM portion of NE1/4 SE1/4 Lying E of Lake St. & N of Lampert Loop, **EXCLUDING BELUGA LAKE AKA BLOCK 600 OF HOMER AIRPORT**"

our property is part of block 600 of the Homer Airport, and is thus excluded.

If we are mistaken about this definition of the assessment, then we strongly believe that we should not be assessed this charge for the following reasons:

- 1) We are not owners of this parcel, we only lease this parcel on a year to year basis from the State of Alaska Department of Transportation and Public Facilities.
- 2) Furthermore, we were notified a couple of years ago by the State of Alaska DOTPF that this parcel was part of the airport master plan and was slated for development of an access ramp into Beluga Lake. At that time, the DOTPF shortened our lease renewal period in anticipation of this development, consequently we are on a year to year lease of this property and expect to have to relinquish it once that phase of the airport master plan is initiated.
- 3) We do not have water or sewer connection to this property, without water and sewer, natural gas is largely superfluous and we would not be able to take advantage of this improvement.
- 4) We are not permitted living activities at this property, the lease is limited to that of a business office and aircraft access. As a leased business office restricted from habitation, natural gas will not be useful nor will it be connected at this property.
- 5) If we are assessed this improvement, we would ask that you arraigne to extend and guarantee our lease for at least 25 years from DOTPF.

Sincerely,

Clifford Gill  
President  
Airborne Scientific Inc.  
5000 W 120th Place  
Overland Park, KS 66209  
(913) 620-7780



Francine Sayer  
PO Box 10  
Homer, AK 99603  
907 299-6848  
March 3, 2015

MAR - 6 2015



To Whom It May Concern:

I am writing to oppose the Homer Natural Gas Special assessment for Parcel ID's 1793309 + 1793308. These two lots are a divided lot. They should have never been subdivided into two lots. They are essentially one lot + should only have one assessment.

Thank you for your consideration

Francine Sayer  
FRANCINE SAYER





MAR - 6 2015



3 March 2015

Office of the City Clerk  
491 East Pioneer Avenue  
Homer, AK 99603

Dear City Clerk:

I am a trustee for the trust that owns Parcel 17401015 described as T 6S R 13W SEC 8 SEWARD MERIDIAN HM 0730748 BAYVIEW GARDENS SUB LOT 01 BLK 02.

This parcel should be exempted from the Homer Natural Gas Special Assessment District.

This parcel is a non-benefitting lot.

It has no dwellings on it. It has no city utilities. It has severe constraints for development – it is small, oddly shaped, and has a steep road embankment on one side.

It is adjacent to my son Malcolm Gaylord's home at 920 Willow Drive, Homer, AK. I purchased it because he wanted more land around his home, but he could not afford it. Someday, I plan to sell or gift it to him.

Sincerely,



Beverley Nikora, Trustee  
Leo & Beverley Nikora Trust  
119 Mission Hills Drive  
Rancho Mirage, CA 92270



**From:** Carolyn Vanzant <cnvanzant@gmail.com>  
**Sent:** Friday, March 06, 2015 2:31 PM  
**To:** Department Clerk  
**Cc:** Vanzant Carolyn  
**Subject:** Objection to the Homer Natural Gas Special Assessment District tax  
**Attachments:** SKMBT\_C55015022608530.pdf

Dear Ms. Johnson,

Since I am not available to participate in person and due to an unfortunate chain of events that has damaged our neighborhood, please consider this correspondence an official objection to the Homer Natural Gas Special Assessment District tax levied against our property in the Baycrest Subdivision.

As I'm sure you are aware, on September 22, 2014, I wrote a letter to former city manager, Walt Wrede, about the damage that has occurred to our home as well as our subdivision after our neighborhood was clear cut by Enstar in April of 2014. The only correspondence we received from the City, is that it was forwarded to Enstar.

Mike McCarthy who is a soil geologist, did an extensive assessment of our neighborhood and reported his concerns and recommendations to the City on 1/13/15.

To date, nothing proactive has been done to help mitigate our situation in the Baycrest Subdivision and we have incurred a tremendous amount of expense out of pocket in an attempt to prevent our home from potentially sliding off of the bluff while the catalyst issues continue to further erode our neighborhood and we continue to incur the cost.

We are asking to be exempt from this tax levy, since our property has damage that has occurred from what appears to be an unfortunate man-made chain of events that involves the City of Homer, Department of Transportation and Enstar.

I am also asking for an update on what the City of Homer will be doing to make our neighborhood safe and whole again, other than the post newspaper article activity last Fall of clearing our ditches, while our streets were scraped down to clay. Meanwhile, no rock has been laid down for years and water continues to be directed towards our fragile neighborhood.

I look forward to hearing how "The City That Works," will help us and our neighbors keep from being the next Oso, Washington in

this desperate situation.

Sincerely,

Carolyn Vanzant

## Jo Johnson

---

**From:** Mandy Bernard <mandy@kachemaklandtrust.org>  
**Sent:** Friday, March 06, 2015 5:00 PM  
**To:** Jo Johnson  
**Cc:** Marie McCarty; Rick Ciine  
**Subject:** Natural Gas Assessment

Dear Jo Johnson,

Kachemak Heritage Land Trust, a 501(c)(3) nonprofit based in Homer, recently received two natural gas assessments for parcel #s 17719231 and 17501017 totaling \$3237.14 each.

Parcel 17719231 is 3.47 acres of land that is home to Poopdeck Platt's former cabin (now currently the office of KHLT), and open space that is being developed into parkland with help from the National Park Service Rivers, Trails and Conservation Assistance Program. Is there a reduced or deferred rate for nonprofit organizations?

Parcel 17501017 is 30 acres of undeveloped land that was donated to KHLT in 2004, with the option for KHLT to retain the parcel as-is or sell to a new owner with deed restrictions or a conservation easement in place to protect a portion of the property. The property already has a "conservation area" designated on the recorded deed. Since 2004, KHLT has worked to determine potential access to this property, without success--an engineer determined in 2008 that it is not economically feasible for the property to have developed access from the Sterling Highway due to steep slopes. KHLT feels that this property meets the City of Homer's exclusions put forth in Resolution 12-076, and object to this assessment, based on the following:

BE IT FURTHER RESOLVED that the Council hereby adopts the following set of exclusion criteria:

- Undeveloped rural areas, parcels, or subdivisions which have no developed road access, no homes or businesses, and no city utilities.

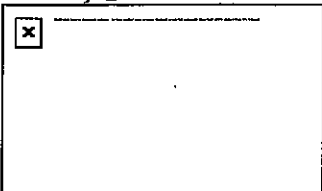
and

- Lots that have sever constraints for development such as steep slope, tideland, or other physical reasons.

Please note our formal objection to the assessment for parcel 17501017, and advise us of potential deferment or exclusions for 17719231 based on our nonprofit status and undergoing efforts for conversion into parkland. Thank you,

--

**Mandy Bernard**  
**Conservation Director**  
Kachemak Heritage Land Trust  
315 Klondike Ave.  
Homer, AK 99603  
(907) 235-5263  
[mandy@kachemaklandtrust.org](mailto:mandy@kachemaklandtrust.org)





17369014

Office of the City Clerk  
491 East Pioneer Avenue  
Homer, Alaska 99603

MAR - 6 2015

February 25, 2015

Dear Municipal Clerk:

I am responding to your recent Special Assessment letter dated February 17, 2015.

This letter is my written objection to this assessment for my property located in the Eagle View subdivision. This property has no buildings on it nor do I intend to build on it in the future. I am attempting to sell it through a Homer real estate agent.

I live in Sylvan Lake, Michigan year round. I did not approve the construction of the gas line nor will I ever use it. It is a gross inequality to assess the same financial responsibility on property owners that are not utilizing this service as on those owners that are using and benefitting from it.

This assessment, to be fairly carried out, should be applied to the residents that utilize this service. This can be easily done by noting which properties have monthly gas bills. The exact distribution could be done in a variety of ways, including allocating the assessment on a pro rata basis over a period of years (ten, fifteen, etc.).

It is important that this assessment be allocated in a fair and equitable manner. For those residents choosing not to use natural gas, there should be no assessment until such time as this service is utilized.

Thank you for the opportunity to respond to this assessment and for your consideration.

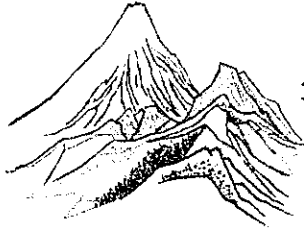
Best Regards,

Gregory E. Peterson  
2165 Garland  
Sylvan Lake, MI 48320





kj



Alpine Alaska Investments LLC  
1213 Ocean Drive Ste 8 Homer Alaska 99603

Office 907-235-6723 Fax 907-235-6726

[AlpineAlaskarentals@gmail.com](mailto:AlpineAlaskarentals@gmail.com)

March 05, 2015

Dear city of Homer,

I am writing to voice my objections to the gas line assessments' being levied, on parcels: 17923001, 17923002 and 17923003. These parcels are located at 1213 Ocean Drive.

Lot 17923002 and 17923003 has a retail/office building and asphalt parking lot covering the majority of the surface area. The adjoining lot 17923001 serves as the parking are for the office building.

We do have a gas line stubbed to the building.

When we first became aware of the assessment per lot and the closing date to sign up we attempted to re-plot our three lots into one. At that time it was less than 30 days and the survey industry was unable to do a re-plot in such a short time frame.

We are requesting a single assessment for our 1213 Ocean Drive retail/office building.

We would be willing to re-plot to one lot if that would make a difference.

Thank you for your consideration on this matter.

Sincerely,

Daniel Layland

907-399-1279

Alpine Alaska Investments LLC



March 4, 2015

MAR 04 2015 AM 11:26



To the City Council and office of the City Clerk of Homer,

**Objection to the Homer Natural Gas Special Assessment District, Statement of Assessment**

**Regarding:**

Government Lot 26, West of Kachemak Drive KPB Parcel No. 17908027  
and associated parcel

Government Lot 26, East of Kachemak Drive KPB Parcel No. 17908028

We wish to request that the City of Homer correct the assessment on lots which had been legally one single parcel prior to the construction of Kachemak Dr. Our lots, 26 W and 26 E, were one such single lot before the road was built. Following the construction of Kachemak Dr., Lot 26 W has remained unimproved, all buildings and use occurring solely on Lot 26 E. By assessing both lots, we believe the city to be creating a "double assessment", in essence, which places undo financial hardship on property owners who involuntarily had their lot split.

We request that the city consider the precedent set by the deferred water and sewer assessments as recorded in RESOLUTION 06-74 on June 26, 2006. In this resolution, the city granted a deferred assessment to seven parcels along Kachemak drive. Stating that the deferred assessment intended to alleviate undo financial hardship on property owners, the lots were granted a deferral with the following understanding:

"Should construction take place on any of these parcels, that includes or requires water and/or sewer connection then the payment of the deferred assessment would be required..."

A copy of the full resolution has been attached to this letter.

We believe that this same deferral ought to apply to the present Natural Gas Special Assessment. Like sewer and water, natural gas is a public utility. We request that only Lot 26 E receive an assessment for the recent natural gas construction. Lot 26 W, being the unimproved lot, should receive a deferral of assessment. **If a deferred assessment was granted in the case of water and sewer, we argue that the same should be granted in the case of natural gas.**

Sincerely,

Colin and Cheryl Tolman  
Owners of Lots 26 E and W  
P.O. Box 1373  
Homer, AK, 99603  
(603) 831-3956



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 06-74**

1 A RESOLUTION OF THE HOMER CITY COUNCIL  
2 CLARIFYING THE INTENT OF RESOLUTION 05-93,  
3 AUTHORIZING HOMER ACCELERATED WATER AND SEWER  
4 PROGRAM DEFERRED WATER AND/OR SEWER  
5 ASSESSMENTS FOR LOTS THAT WERE SPLIT AS A RESULT  
6 OF THE CONSTRUCTION OF KACHEMAK DRIVE.  
7

8 WHEREAS, Resolution 05-93 was submitted by Councilmember Novak in response to  
9 concerns of the property owners as to double assessments, so to speak, with regard to the split lots  
10 on Kachemak Drive; and  
11

12 WHEREAS, The real estate community, title companies and buyers and sellers have had  
13 numerous concerns with regard to the intent of Resolution 05-93; and  
14

15 WHEREAS, It is in the best interest of the City, property owners and the assessment district  
16 to clarify the intent of Resolution 05-93 and to better spell out that intent.  
17

18 NOW, THEREFORE, BE IT RESOLVED NOW, THEREFORE, BE IT RESOLVED, that  
19 the Homer City Council hereby clarifies the intent of Resolution 05-93, authorizing Homer  
20 Accelerated Water and Sewer Program deferred water and or sewer assessments for lots that were  
21 split as a result of the construction of Kachemak Drive, as follows:  
22

23 1. Parcels being considered are the following:  
24

25 Government Lot 2, South Portion KPB Parcel No. 179-360-0500 Phase I (In error in  
26 Resolution 05-93 this was listed as KPB Parcel No. 179-360-0200)

27 Government Lot 15, West of Kachemak Drive KPB Parcel No. 179-080-1300 Phase II

28 Government Lot 16, West of Kachemak Drive KPB Parcel No. 179-080-1900 Phase II

29 Government Lot 17, West of Kachemak Drive KPB Parcel No. 179-080-2100 Phase II

30 Government Lot 26, West of Kachemak Drive KPB Parcel No. 179-080-2700 Phase II

31 Government Lot 32, West of Kachemak Drive KPB Parcel No. 179-080-3900 Phase II

32 Government Lot 38, West of Kachemak Drive KPB Parcel No. 179-100-0400 Phase II  
33

34 2. The deferred assessments for these six parcels is to alleviate undo financial hardship to the  
35 property owners of the split lots with regard to water and sewer assessments, since these originally  
36 were considered, legally, one parcel; and  
37

38 3. Should construction take place on any of these parcels, that includes or requires water  
39 and/or sewer connection then the payment of the deferred assessment would be required; and  
40

41 4. Should any one of these, above listed, parcels be sold separate from its associated parcel,  
42 making the above listed portion of that parcel a separate parcel in entirety; then the payment of the  
43 deferred assessment would be required (See number 5.); and

48 4. continued: Associated parcels are as listed below.  
49

- 50 Government Lot 2, North of Kachemak Drive, 179-360-2400 Phase I
- 51 Government Lot 15, East of Kachemak Drive KPB Parcel No. 179-080-1400 Phase II
- 52 Government Lot 16, East of Kachemak Drive KPB Parcel No. 179-080-2000 Phase II
- 53 Government Lot 17, East of Kachemak Drive KPB Parcel No. 179-080-2200 Phase II
- 54 Government Lot 26, East of Kachemak Drive KPB Parcel No. 179-080-2800 Phase II
- 55 Government Lot 32, East of Kachemak Drive KPB Parcel No. 179-080-4000 Phase II
- 56 Government Lot 38, East of Kachemak Drive KPB Parcel No. 179-100-0500 Phase II
- 57

58 5. If the property owner sells the entire split lot (both sides of Kachemak Drive) then the  
59 deferred assessment status would pass on to the new owner with all the stipulations of this  
60 Resolution; and  
61

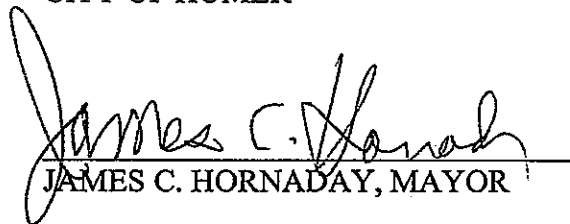
62 BE IT FURTHER RESOLVED, that the attached document regarding these deferred  
63 assessments shall be recorded in the Homer Recording District; and  
64

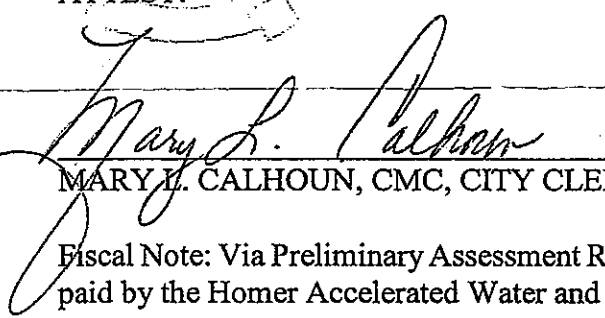
65 BE IT FURTHER RESOLVED, that these deferments shall be reflected in the Preliminary  
66 and Final Assessment Rolls.  
67

68 PASSED and ADOPTED by the Homer City Council on this 26th day of June, 2006.  
69

70  
71  
72  
73  
74  
75 ATTEST:

CITY OF HOMER

  
JAMES C. HORNADAY, MAYOR

76  
77  
78  
79   
80 MARY L. CALHOUN, CMC, CITY CLERK  
81

82 Fiscal Note: Via Preliminary Assessment Roll: 1 parcel at 31,019.22, 6 parcels at \$28,586.80. To be  
83 paid by the Homer Accelerated Water and Sewer Program.  
84



MAR - 5 2015

March 5, 2015

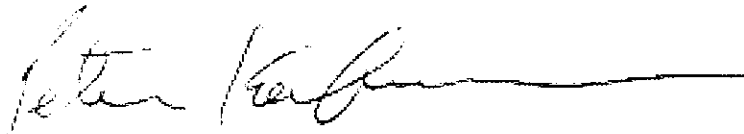
  
Peter Kaufmann, Wendy Erd  
PO Box 736 Homer Alaska, 99603  
907-235-8891  
[peterkaufmann@magicthrees.com](mailto:peterkaufmann@magicthrees.com)

Jo Johnson  
City Clerk  
Homer Alaska  
Re: Gas line assessment

To whom it may concern:

Regarding the gas line assessment for Parcel 17529030 T6S R 14 W Seward Meridian HM 0780010 Mountain Park Subdivision Lot 1 Block 3 of which we are owners. gas line was not run to this property. It was ended at the far edge of both adjoining lots. This was the decision of the installing contractor. There is no gas line access for this lot. There can be no assessment for services that are not available to a property. Therefor I request that the assessment for this lot be dropped.

Thank you,  
Peter Kaufmann







lj

March 4, 2015

City of Homer

Jo Johnson-City Clerk

Re: Formal Notice of Objection – Inequalities in the Assessment Roll

REF: KPB Parcel # 179-193-01 Lot 1 Bayview

To whom it may concern:

We have held this property in excess of 20 years and have been paying taxes on it all that time. We recently we had a buyer for the property however, the Army Corps of Engineers won't allow development in accordance with the allowed use as described in the zoning for this property. The cost of the mitigation they require is more than what the property is worth.

It is not likely we will ever be able to get natural gas to this property or develop it or use it for the same reason and we plan to strongly appeal the tax assessed valuation for this property as well.

It is not fair to be assessed or taxed for something that is not useable. The assessment is an unnecessary burden on us as property owners especially when there are other properties in the City that have also been deemed as un-useable that have avoided the assessment as per the City's definition of un-useable.

We formally object to the natural gas assessment due to the fact that this property has been deemed not useable by the City of Homer and The Army Corps of Engineers.

We ask for further consideration and waiver of the assessment and will pursue this matter further with our attorney.

Regards,



Karen R. Berg-Forrester

Manager - Forrester Joint Venture

P.O. Box 371

Homer, Ak. 99603



March 3, 2015

WJ

Dear Homer City Clerk:

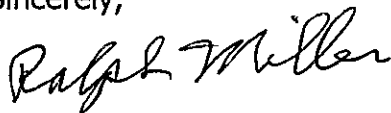
Re: Homer Natural Gas Special Assessment District

Written Objection Data 3/4/2015

We of the Miller Family Revocable Living Trust, have objection to the assessment as stated on our adjoining lot at 2035 Mary Allen Ave, Parcel#17411127. This unimproved lot contains our water source, on which we have the DNR water rights. There will never be any building or gas hook up on this lot. A map is enclosed showing this property adjoining the location of our home at 5195 Hopkins Way, Parcel#17411108. We have no objection to the assessment on this portion, and have made arrangements to pay on receipt of billing. Please Expedite this request to waive the assessment on Parcel #17411127, as an inequality assessment on per property status, with no benefit or improvement.

Thank You,

Sincerely,



Ralph Miller

Miller Family Revocable Living Trust: Dated 2-23-1995

POBX 316

Homer, AK 99603

Ph. 907-235-8819



SLAVIN DR.



HOPKINS WAY

MARY ALLEN AVE.

House lot, No Objection

Vacant Lot,  
Objection on this lot,  
17411127

LE FIREWEED LN





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

February 17, 2015

Dear Property Owner:

## ***Homer Natural Gas Special Assessment District***

Construction has been completed and final costs have been tallied for the Homer Natural Gas Special Assessment District. The total cost to construct the project was **\$12,359,388**. As the owner of one or more parcels benefitting from this improvement, this is your notification that assessments have been determined in the amount of **\$3,237.14** per parcel.

The assessment roll is available at the City Clerk's office or may be viewed on the City's website at: [www.cityofhomer-ak.gov/naturalgas/roll](http://www.cityofhomer-ak.gov/naturalgas/roll)

The Homer City Council has set **March 9 and 16, 2015 at 6:00 p.m.** as the time to hear objections to the assessment roll. After the meetings the Council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published. When the assessment roll is corrected, the Council shall confirm the assessment roll by resolution.

If you are unable to attend the meetings, written objections and or comments must be received prior to the meetings. **Written objections must be received by Monday, March 16, 2015 at 5:00 p.m. at the City Clerk's office.**

After the City Council confirms the final assessment roll you will be notified of your assessment and payment options.

If I can answer any questions for you about the meetings or assessment, please feel free to call me at 235-3130.

Sincerely,

Jo Johnson, MMC, City Clerk

Enc. Public Hearing Notice  
Notice of Assessment

## CITY OF HOMER



## NOTICE OF PUBLIC HEARING

### HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

The Homer City Council will hear objections to the assessment roll for Homer Natural Gas Special Assessment District during City Council meetings on **March 9 and 16, 2015 at 6:00 p.m.** The meetings will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

All owners of record are welcome to attend and give testimony concerning errors or inequalities on their assessment(s). **Written objections or comments must be received prior to March 16, 2015 at 5:00 p.m. at the City Clerk's office.**

Please take note, State Law provides that, "the validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation."

After the public hearings the City Council shall correct errors and inequalities in the roll and confirm the roll at the March 23, 2015 regular meeting. Time and method of payment shall then be fixed by resolution; payments may not be required sooner than sixty days after billing and may be paid in full or by other available terms.

Notice of hearings and assessment roll was mailed to owners of record on February 18, 2015. Questions concerning the assessment roll or hearings may be directed to the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, phone (907) 235-3130, fax (907) 235-3143, email [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us).

Dated this 17<sup>th</sup> day of February, 2015

A handwritten signature in cursive script, appearing to read "Jo Johnson".

Jo Johnson, MMC, City Clerk

Publish: Homer Tribune: March 4, 2015  
Homer News: March 12, 2015

Account No. 175-0375-5227

CITY OF HOMER  
PROPERTY OWNER'S  
**STATEMENT OF ASSESSMENT**  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17411127	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0810055 SCENIC VIEW MARY A ALLEN 1981 SUB PARCEL A-4 TRACT A LOT 31-A	\$3,237.14
17411108	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 30	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

## Kenai Peninsula Borough

generated on 2/26/2015 3:03:46 PM EST

**Parcel**

Parcel Number	Tax Account	Parcel Address	Certified Total Value	Data as of	Assess Year
17411108		5195 HOPKINS WAY, HOMER	\$239,500	5/25/2014	2014

---

**Owner Information**

<b>Owner Name</b>	MILLER FAMILY REVOCABLE LIVING TRUST
<b>Owner Address</b>	PO BOX 316 HOMER AK 99603-0316
<b>Transfer Date</b>	10/31/2001
<b>Document #</b>	0
<b>Deed Book/Page</b>	322 472

---

**Location / Description**

<b>Taxing Unit</b>	20	<b>Base MAP</b>	AR70
<b>Deeded Acreage</b>	1.0000	<b>Legal Desc.</b>	T 6S R 13W SEC 10 Seward Meridian HM 0000587 SCENIC VIEW SUB LOT 30

---

**Parcel Type**

<b>Property Class Code</b>	110 Residential Units Single
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**Assessment Information**

<b>Certified Land Value</b>	\$40,000
<b>Certified Imp. Value</b>	\$199,500
<b>Certified Total Value</b>	\$239,500
<b>Prior Land Value</b>	\$40,000
<b>Prior Imp. Value</b>	\$195,900



## Kenai Peninsula Borough

generated on 2/26/2015 3:04:53 PM EST

## Parcel

Parcel Number	Tax Account	Parcel Address	Certified Total Value	Data as of	Assess Year
17411127		2035 MARY ALLEN AVE, HOMER	\$43,800	5/25/2014	2014

## Owner Information

Owner Name	MILLER FAMILY REVOCABLE LIVING TRUST
Owner Address	PO BOX 316 HOMER AK 99603-0316
Transfer Date	10/31/2001
Document #	0
Deed Book/Page	322 471

## Location / Description

Taxing Unit	20	Base MAP	AR70
Deeded Acreage	1.2600	Legal Desc.	T 6S R 13W SEC 10 Seward Meridian HM 0810055 SCENIC VIEW MARY A ALLEN 1981 SUB PARCEL A-4 TRACT A LOT 31-A

## Parcel Type

Property Class Code	100 Residential Vacant
---------------------	------------------------

## Assessment Information

Certified Land Value	\$43,800
Certified Imp. Value	\$0
Certified Total Value	\$43,800
Prior Land Value	\$43,800
Prior Imp. Value	\$0



CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Wj

Parcel ID	Legal	Assessment
17726024	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0760026 KAPINGEN SUB UNIT 3 LOT 9 BLK 4	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

I filed a written objection to the assessment.  
Being 85 I see <sup>with the city of Homer</sup> no reason to change  
every thing in my house - to help the  
City to pay for natural gas going passed  
my house.


How does the city of Homer figure that  
I will benefit from something I  
won't be using ?? And that is  
costing \$3,237.14.

Latoria B. Lealons  
266 E. Bayview Ave  
Homer, AK 99603

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

235-8611



MAR - 2 2015  


**About two years ago the City of Homer residents approved an LID for natural gas service to the City. It stated 84% of the residents approved the LID. What the City failed to mention is it intended to count non-returned ballots as a non-object. I highly doubt the LID would have been approved if this information was known. This is the 1<sup>st</sup> non-transparent move by the City (misinformation, or in this case the lack of information). The 2<sup>nd</sup> non-transparent move by the City was in the Notice (actually lack of information) sent to probable affected owners of the LID. The City, again, failed to inform the property owners of the various means possible to lessen the owners obligation in regards to the LID. When questioned, the City Manager and Assistant Planner confirmed that indeed NO notification was included in any notices to the public, and an extremely short window was possible to those who knew of these possibilities. I am highly disappointed in the lack of respect the City demonstrated towards it's residents, especially since the City's primary responsibility is the welfare of it's residents. I own 6 contiguous lots that have been used as ONE for the last 19 years, there are NO plans to EVER use these properties for anything other than one business. Had I been informed that I had options and could exercise those options within a reasonable amount of time, I would have done so. I respectfully request that I be allowed to exercise the option of vacating lot lines on my 6 lots and have the Natural Gas Assessment Role amended to 1 assessment. I believe my request is a reasonable request, citing the City's lack of proper information and given to it's residents to adequately make an informed decision and the nearly no window of time to exercise any options. Thank you for your time.**

**August VanDyke  
Scruggs Automotive  
1180 Ocean Drive  
Homer, Ak 99603**



Jay + Kathleen Kennelty  
73908 Pennock St

We object to the assessment roll.  
We did not have the line installed  
we do not want it

Kathleen D. Kennelty  
JKennelty

KPB#17730290

MAR - 2 2015







MAR - 2 2015

February 28, 2015

Dear Homer City Council,

I am objecting to the gas line assessment of my two lots along Fairview Avenue in the Lillian Walli Subdivision – Parcel IDs 17524141 and 17524140.

Currently, there is no road and no access to the lots and I cannot receive a permit to develop the lots.

I ask that the assessment be deferred until such time as I can acquire a permit to build. An SAD has been approved by the lot owners along Fairview Ave. but it is up to the Council to agree to let the project go forward and the road built so we may develop our lots.

Precedent was set in 2006 regarding a deferment of the water main assessment for the same properties in the Walli Subdivision along Fairview.

I ask that you follow this precedent and at the same time pass a resolution agreeing to let us build Fairview Avenue.

Sincerely,

Fran Durner

CITY OF HOMER  
PROPERTY OWNER'S  
**STATEMENT OF ASSESSMENT**  
**HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT**

Parcel ID	Legal	Assessment
17524141	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 47	\$3,237.14
17524140	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 48	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

Tracey Knutson  
P.O. Box 3504  
Home, Alaska 99603  
Fax: 907-235-2028  
PH: 907-360-6172

MAR - 2 2015

City of Homer, Office of the City Clerk (Attn: Jo Johnson, MMC, City Clerk)  
491 East Pioneer Avenue  
Homer, Alaska 99603

Friday, February 27, 2015

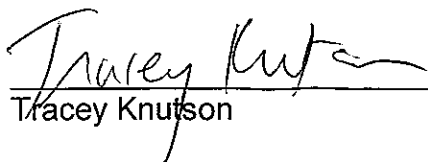
Re: Parcel ID 17501069, Bidarka Heights Unit 3 Knutson

Ms. Johnson:

I have received the February 17, 2015 Letters from your office related to related to the Natural Gas Special Assessment. As you may recall – I called you to speak to you about the fact that I am being assessed a double amount because this property was originally 2 parcels that were re-platted into a single piece of property. You explained that I had missed some kind of cut-off date from last fall (2014) that would have allowed this to be considered a single piece of property. ***I am appealing this double assessment, which is patently unfair.***

To begin with, the property has been re-platted into a single plot. We are building a single family residence on the land right now and no further structures will ever be built up there. There is ONE gas line that has been put onto the property. I have owned the property since fall of 2013 and was never informed that some type of time sensitive date was coming up related to the natural gas assessment. We re-platted that property at significant expense to avoid just such an additional cost by Homer Electric. Now the City is trying to double my gas line assessment when only one residence will be put up there. We are a normal family with limited income and this is patently unfair and excessive. I do not mind paying our fair share for the assessment, but paying double because of some technical date that we were never notified of seems really unfair. This is a huge additional expense that is not justified in light of the fact that there will ever only be the one home on the property. ***Please*** reconsider this double assessment and reduce it to the 3217.14 per parcel that should apply to this single family property.

Thank you for your courtesy in responding to my phone call and for your consideration of this letter.

  
Tracey Knutson



## Jo Johnson

---

**From:** Rebecca Paul <RPaul2@KPBSD.k12.ak.us>  
**Sent:** Monday, March 02, 2015 4:33 PM  
**To:** Jo Johnson  
**Subject:** Natural gas assessment

Dear City of Homer,

I am writing in opposition to the proposed assessment in the amount of \$3237.14 for Homer Natural Gas development on my parcel #17731004.

I have several reasons for my position on this issue. One, is that I am a single property owner of this parcel. I am at this time, unable to install or utilize the benefits of natural gas as I simply cannot afford the conversion. This steep amount will guarantee that I will never be able to see the benefits of such. Two, I have a limited income. The amount, of which I will reap no reward, severely impacts my ability to pay mortgage and maintain living expenses. Three, now why are we paying for this when Enstar is clearly in a position to gain a huge profit margin in the long run on this project? I am gasping with despair as to how I can pay this amount as it seems a donation to what I have been told to believe will increase my property values!? I know that I am in good company with these concerns.

I ask that the Council review this assessment once again. I stand firm in my opposition to the amount assessed on my property.

Thank you.

Rebecca Paul



**Jo Johnson**

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17359501 & 17359502

**From:** Dave Maxwell <dmaxwell@ideafamilies.org>  
**Sent:** Saturday, February 28, 2015 4:36 PM  
**To:** Department Clerk  
**Subject:** Homer Natural Gas Assessments

Jo Johnson and Homer City Council:

We maintain a small rental house in Homer with an additional piece of property on which the garage is located. That means we will owe almost \$6500 in a couple of months.

We wonder for such a steep bill why we have been informed of the cost on such short notice?

Also, what are we being charged for? You speak of the total cost of the project being \$12,359,388, yet so far as I know the gas line has not been extended into the residential areas, only to Homer city limits. Will there be additional costs to get the line actually installed into the residential neighborhoods? What more will we have to pay in the future?

When will the the City Council finalize the assessment roll?

Thank you,

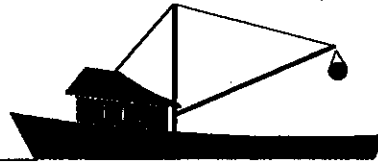
Noel Maxwell





ly

5201 Gjosund Dr Homer, AK 99603



1742 1038

Feb 21, 2015

Office of the City Clerk  
491 East Pioneer Ave,  
Homer, AK 99603

Dear Homer City Council,

I have been objecting to the City of Homer's plans to include our lot on the City natural gas assessment list from the beginning. I've discussed the design problems associated with the stub line that would serve our lot with the Enstar engineers and also with city officials. They understood the problems and the stub line was not constructed.

I appealed the assessment by filing a letter on April 23 of 2013, and it was my understanding that the matter was resolved. You can imagine my surprise when I received your letter nearly two years later.

If the city actually builds a stub line to my lot at the bottom of Gjosund Dr, I suppose I would have to pay the assessment. Until then, my lot should be in the same category of all the other lots that are not on the Homer City gas network. That is no City service, no bill from the City.

Regards,

  
Bill and Jane Wiebe

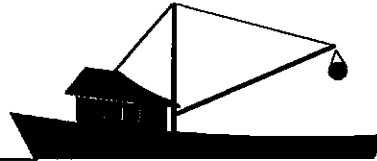
CITY OF HOMER  
PROPERTY OWNER'S  
STATEMENT OF ASSESSMENT  
HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Parcel ID	Legal	Assessment
17421038	T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0900040 GJOSUND TRACTS THREE SUB TRACT B1	\$3,237.14

If the property has more than one owner, each owner listed on the Kenai Peninsula Borough tax roll will receive this notice. The amount listed above is the assessment due per property, not per individual property owner.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130

5201 Gjosund Dr Homer, AK 99603



Feb 21, 2015

Office of the City Clerk  
491 East Pioneer Ave,  
Homer, AK 99603

FEB 26 2015

Dear Homer City Council,

I have been objecting to the City of Homer's plans to include our lot on the City natural gas assessment list from the beginning. I've discussed the design problems associated with the stub line that would serve our lot with the Enstar engineers and also with city officials. They understood the problems and the stub line was not constructed.

I appealed the assessment by filing a letter on April 23 of 2013, and it was my understanding that the matter was resolved. You can imagine my surprise when I received your letter nearly two years later.

If the city actually builds a stub line to my lot at the bottom of Gjosund Dr, I suppose I would have to pay the assessment. Until then, my lot should be in the same category of all the other lots that are not on the Homer City gas network. That is no City service, no bill from the City.

Regards,

Bill and Jane Wiebe



FEB 25 2015



February 23, 2015

City of Homer  
Office of the City Clerk  
491 E. Pioneer Ave.  
Homer, Alaska, 99603

To Whom It May Concern:

Pursuant to your February 17, 2015 letter regarding the Homer Natural Gas Special Assessment District we, Joseph D. and Jere C. Owens object to the assessment for Parcel ID 17420207. This objection is based on the fact that the gas line does not come to our property. The main was not extended along Davis St. nor was it projected from Kachamak Drive.

Please remove our property from the assessment roll.

Thank you,



Joseph Owens



Jere Owens



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

Ms. Jere Owens  
Mr. Joseph Owens  
3705 Arctic Blvd.  
Anchorage, Alaska 99503

March 6, 2015

Re: Homer Natural Gas Special Assessment  
Parcel #17420207

Please find enclosed a copy of the first amendment to the agreement between the City of Homer and Enstar Natural Gas Company and a copy of Exhibit B that shows your parcel as referenced was included in the project.

If you have any additional questions or concerns please feel free to contact our office.

Sincerely,

Renee Krause  
Deputy City Clerk I  
[rkrause@ci.homer.ak.us](mailto:rkrause@ci.homer.ak.us)

## Jo Johnson

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**From:** info@cityofhomer-ak.gov on behalf of City of Homer Alaska <info@ci.homer.ak.us>  
**Sent:** Wednesday, February 25, 2015 3:11 PM  
**To:** Jo Johnson  
**Subject:** City of Homer Alaska Website submission: Contact the City

<p>

You may view the completed form here:

<http://www.cityofhomer-ak.gov/node/9717/submission/1596> Details:

Topic: Homer Natural Gas Special Assissment District

Details: Objections/comments: 1. Why are all properties assessed the same instead of an assessed value basis? My property is a vacant lot with no gas benefit in the foreseeable future 2. Why not charge when a hookup is actually made. Will there be additional hookup charges? 3. What will be the payment options? 4. Will this raise the assessed value of the property? Phil Bentley/parcel ID# 17411307

--Contact Information--

First Name: Philip

Last Name: Bentley

Email address: [phlbentley@msn.com](mailto:phlbentley@msn.com)

Phone number: 520-991-6597

</p>





## Jo Johnson

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**From:** Melissa Frommer <frommerm001@gmail.com>  
**Sent:** Thursday, February 26, 2015 2:35 PM  
**To:** Jo Johnson  
**Subject:** Special assessment

My name is Melissa Frommer my address is 75-5863 Kuakini Hwy 332 Kailua Kona. The parcel # 17701041 I'm unable to attend the meeting as I live in Hawaii. I would like to put in my objection for this assessment. I'm not interested in making any more improvements on the property as I'm not planning on living there and do not want to pay for something I'm not going to use. Thank you. Melissa

Sent from my iPhone



Jo Johnson

FEB 23 2015

**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Friday, February 20, 2015 1:06 PM  
**To:** Jo Johnson  
**Subject:** Formal objection to assessments for natural gas line distribution system



Ms. Johnson:

I object to being assessed \$3237.14 for each of the following parcels: 17710201, 17710203, 17710204, 17710205, 17710208, 17710217, 17710218, 17710603. AS 29.46.060(a) requires that the governing body assess the authorized percentage of the cost (of the natural gas line) against property in the district included in the improvement plan **in proportion to the benefit received**. The fourth whereas clause of Resolution 12-069 states as follows: "The Council finds that the natural gas distribution system will benefit equally all parcels of real property in the City that will receive access to natural gas service through the construction of the natural gas distribution system, and that all parcels so benefitted should be assessed equally for the cost of the natural gas distribution system." This finding is patently false. Small vacant parcels clearly do not benefit as much from access to natural gas as large parcels containing large commercial structures with large heating demands. The owners of properties containing large fuel-guzzling structures such as South Peninsula Hospital, Lands End Resort, Safeway, Homer City Hall etc. should pay a larger proportion of the gas line installation costs than the owners of small vacant parcels. In October of 2012, former City Manager Walt Wrede said property owners with multiple lots will get hammered with multiple assessments. He also indicated that the effect of providing access to natural gas on property assessments would be negligible. I already have 4 heating options for my residence i.e., wood, electric, oil, and propane, and don't need another. All of my other parcels are vacant and I have no intention to hook up any of my parcels to natural gas. Therefore, having access to natural gas does not benefit any of my parcels and even if there were some benefit, it would certainly be far less than the \$3237.14 assessment. I hereby request that the Homer City Council delete all of my parcels from the illegally formed Homer Natural Gas Special Assessment District.

Frank Griswold



**Jo Johnson**

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**From:** Brent petersen <blpdgp@gmail.com>  
**Sent:** Thursday, February 19, 2015 8:46 PM  
**To:** Jo Johnson  
**Subject:** Gas line

Hello I object to this and do not wish to pay this.

Construction has been completed and final costs have been tallied for the Homer Natural Gas Special Assessment District. The total cost to construct the project was **\$12,359,388**. As the owner of one or more parcels benefitting from this improvement, this is your notification that assessments have been determined in the amount of **\$3,237.14** per parcel.

Regards from land owner PARCEL 17305433

Brent L Petersen



February 9, 2015

City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603

FEB 11 2015



Dear Mayor and City Council Members,

I am writing today to object to the inclusion of my property, KPB # 17928053, in the Homer Natural Gas Special Assessment District (SAD). The basis of my objection is that my property does not directly benefit from the improvement, since it has no direct frontage along a road containing a natural gas main.

### **Background**

I previously submitted comments to both the City Manager and the City Council outlining my objections to the SAD in October and December 2012.

In 2013 and 2014, when the construction of the gas line was underway, I also spoke several times with City and Enstar personnel regarding an objection I had on a particular section of the route along Spruce Lane, just north of my cabin. The basis of that objection was 1) the known instability of the land around the waterbody it would have to cross (Palmer Creek) and 2) the fact that nearly 600' of gas line would be constructed that would serve no additional lots. That is, if that particular section were removed, the same lots could still be adequately served from other sections of the gas line.

At that same time, I also shared an idea for a more appropriately located section of the gas line in this area within an already cleared right of way, Alder Lane. Extending the line further south along Alder Lane, past the intersection with Spruce Lane, would avoid the troublesome section along Spruce Lane, serve both my lot and the one below me, and would co-locate the line within an existing utility easement that currently contains a City sewer main and underground electric lines.

Perhaps due in part to my many visits with the City and Enstar over the construction phase of the gas line project, it appears that my suggestions were partially accomplished. The section north of my property along Spruce Lane was not built. But, the section west of my property on Alder Lane, the section I suggested would be a better location than Spruce Lane, was also not constructed.

The final construction layout, therefore, does not have any portion of the natural gas line along my property.

### **Exclusion Qualification**

On July 23, 2012, the Council passed Resolution 12-076 which very plainly states that "...only properties that directly benefit from the improvement with frontage along streets containing mains will be included in the assessment district and be assessed."



In the Natural Gas Special Assessment District Improvement Plan, published on September 24, 2012, the City further clarifies the intent of Resolution 12-076, which was to establish "...criteria to assist in determining which properties would *not be served directly by gas mains constructed through the assessment district*...and therefore exempted from the assessment district." [added emphasis]

The Improvement Plan continues on to define parcels in the SAD as "...all lots or parcels that are directly benefitted by the proposed improvement. Directly benefitted is defined as properties that have frontage on a road which contains a gas main."

And if there was any lingering doubt as to which lots were to be included (or excluded) from the SAD, the Improvement Plan lays it out again: "Lots with direct frontage on the mains are included in the assessment district."

This clearly **excludes** my property, since it **does not** have frontage along a street containing a main.

### Conclusion

When the preliminary assessment roll was provided to the public in 2012, along with Resolution 12-076, it appeared that my parcel would directly benefit from the gas line, with 600' of frontage along the right-of-way to the north. However, since the final construction map has become available, it now appears that the changes made in the interim are so significant as to qualify my parcel for an exclusion from the SAD entirely.

I have included copies of the materials I have previously provided to the Council and City and Enstar personnel over the past few years, and maps showing the planned (2012) and actual (2015) routes of the gas line in my area. I trust that these items will demonstrate how the project changed from one that would benefit my parcel, to one that clearly does not.

Based on the information provided above and enclosed within, I ask that my property be removed from the SAD assessment roll. Thank you for your attention to this matter.

Sincerely,



Dorothy Melambianakis

299-2265

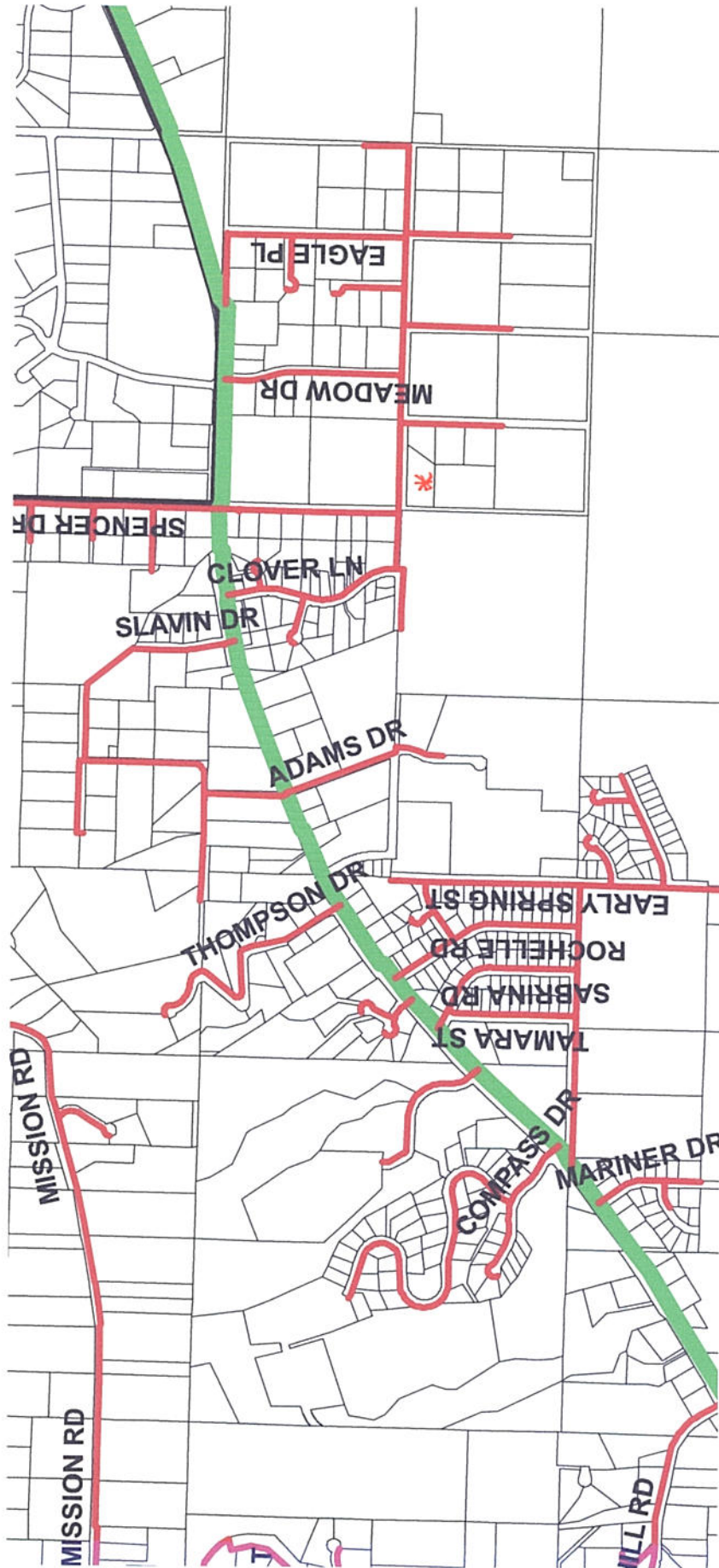
PO Box 2253, Homer, AK 99603

[dorothy.melambianakis@gmail.com](mailto:dorothy.melambianakis@gmail.com)

Enclosures



2013/2014 Construction Map (planned routes)









Dorothy Melambianakis <dorothy.melambianakis@gmail.com>

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## comment on natural gas distribution plan

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Dorothy Melambianakis <dorothy.melambianakis@gmail.com>

Sun, Oct 28, 2012 at 10:35 PM

To: citymanager@cityofhomer-ak.gov, naturalgas@ci.homer.ak.us  
Cc: kkoester@ci.homer.ak.us

October 28, 2012

Walt Wrede, City Manager  
City of Homer  
491 East Pioneer Avenue  
Homer, AK 99603

Hi Mr. Wrede,

I am writing to express my concern about the proposed HSAD for natural gas distribution in Homer. While not opposed to the availability of this fuel source due the environmental benefits it holds over traditional energy sources like diesel and coal, I am not happy with the way the proposed distribution plan is being prepared. I think there are too many unanswered questions to be moving forward at the pace currently proposed. Not all homeowners have had enough information until now to even begin to make an informed decision, however the City seems to be moving forward at a rapid pace as if everyone had already agreed to this project – we have not.

Some questions:

- Will our assessed property value, therefore taxes, go up – not only due to the LID assessment, but because of higher assessed values of being adjacent to a natural gas hook-up?
- What was the rationale of having each lot owner pay the same amount versus paying proportional to their lot frontage (and higher potential for subdividing in the future)? Are non-interested private landowners subsidizing primary users like the hospital, schools, and high-energy-using private businesses?
- What if we have suggestions to the proposed layout of the distribution system? I see a spot on the map where several hundred feet of line are proposed to be constructed but do not serve any additional lots.
- How will the environmental concerns of construction be handled? Will the construction project be subject to NEPA? Public notice for permits?
- I am really concerned with part of the proposed construction, due to local knowledge of the terrain. How do I register that concern, and can the construction map be altered?
- Should the City be investing its organizing powers and money into bringing running water, sewer and electric –basic unities – to residents before supplementary fuel sources?

The gas pipeline to Homer was one project. A massive distribution construction endeavor is a very different project. It should be analyzed on its own merits, and not simply ride the wave of progress towards natural gas in Homer. Many options for planning a natural gas transportation network seem not to have been considered. Despite actions that may have been taken during city staff and/or council planning sessions, to the average homeowner, news of the immediate and significant financial effects due to this planned distribution system seems sudden and thin. A few meetings, a pamphlet, and a cumbersome website should not have been the extent of resident outreach these past several months. I feel like there was a lot of planning going on, and these recent meetings are just to "fill us in", rather than work with us to find an orderly and cost effective way to incorporate NG into Homer.

Alternative options to consider:

- Public vote on the issue. Although not required for city LIDs, this would demonstrate support or non-support of the proposed distribution plan, which the City should respect. Does the public even get to vote for the debt obligation the City proposed to take on for this project?
- 2- 5 separate LID, encompassing areas of the city that may have vastly differing needs for natural gas (i.e., "hubs" like the hospital, schools and City; CBD; rural residential; west hill; east hill; etc.) Let the "opt-out" vote be counted along those regional lines, rather than a winner take all approach of a city-wide LID.
- Ensure that the City takes every opportunity to make sure that those that wish to "opt out" are given a simple process. I was encouraged in the public meeting trifold brochure to see that the City planned to mail forms to homeowners, as well as to make them available at meetings and online. I would suggest, as taking one step further, to make these forms postage-paid postcards, to make it even easier, and to increase opportunities to opt out as much as practical.

Thanks for taking the time to understand my concerns. I do appreciate the City undertaking the work to make sure our residents can have this option. I also understand the importance of construction timelines and getting it done while the weather permits. However, please do not let this supersede time for public involvement, and time for better plans to be developed.

Sincerely,

Dorothy Melambianakis  
299-2265  
[dorothy.melambianakis@gmail.com](mailto:dorothy.melambianakis@gmail.com)



December 18, 2012

Dear Mayor and City Council Members,

I am writing today to express my objection to the proposed Homer Natural Gas Special Assessment District (HSAD), which is scheduled to be discussed at the January City Council meetings. I will be out of town for the entire month of January, but wanted to bring my concerns to your attention and for your consideration as you debate this important topic. While I am not opposed to the availability of this fuel source due the environmental benefits it holds over traditional energy sources like diesel and coal, I am not happy with the way the proposed distribution plan is being prepared. I think there are too many unanswered questions and unexplored options to be moving forward at the scope and pace currently proposed.

First, I would like to commend the City staff, in particular Katie Koester and Walt Wrede, for their time in making sure that citizen questions are answered promptly and completely both via individual emails and public forums. I would also like to thank the City for bringing this potential project to the public for consideration, and for being willing to think big and to invest the time to offer this opportunity to residents.

However, despite the best intentions and actions of the City, I have many concerns with the project as proposed, in particular:

- HSAD size and scope
- Natural gas supply concerns
- Lack of information regarding conversion rates
- Environmental disruption and damage

#### HSAD size and scope

While I understand the desire to avoid a situation similar to the way water and sewer lines were developed in Homer, I don't think it is wise to go to the opposite end of the spectrum and require entire city to move forward in lock-step for this project, especially for an elective utility that is not essential for life and health.

Alternative plans, such as several separate or phased SADs, encompassing areas of the city that have similar needs for natural gas (i.e., "hubs" like the hospital, schools and City; CBD; rural residential; west hill; east hill; etc.), have not been as fully fleshed out as the all-or-nothing approach. The logistics of the SAD process in Homer also stacks the deck against certain neighborhoods wishing to opt-out, as their registered disapprovals are all but certain to be the

minority to those in favor and those who do not reply at all. I think it would be a good idea to let the “opt-out” vote be counted along neighborhood lines, rather than a winner take all approach of a city-wide SAD.

#### Natural gas supply concerns

Recent studies indicate that Cook Inlet natural gas supplies will be less than the expected demand in just a few years, right around the time the proposed HSAD will begin charging tax assessments to area property owners. Even with the new gas development being rushed in (by companies with dubious track records to boot) potential production resulting from this state subsidized exploration activity is not expected to relieve the supply deficit in time to prevent natural gas imports from becoming a necessity.

Will Homer residents be competing with long-term natural gas customers in Anchorage? Will natural gas still be a competitively priced fuel source when importation costs are factored in? Will the cost/benefit analysis for individual residents still apply the same as large consumers like the hospital? I understand that meetings are being planned to address these and other questions, but due to the timing, I don't think Homer residents are being given due process to weigh those answers before the deadline to opt-out of the HSAD plan.

More information is here: <http://www.chugachelectric.com/cook-inlet-natural-gas-supply>

#### Lack of information regarding conversion rates

Borough Assemblyman Bill Smith assembled an impressive case study spreadsheet to demonstrate the numerous ‘starting points’ for residences in Homer and the estimated time before a 100% return on investment for conversions, considering the estimated \$3,285 assessment. One thing that this spreadsheet does tell us is that there is not a definitive answer to the question that many residents have, which is “Will converting to natural gas save me money?” The answer, as it often is, is “It depends.” Lots that are assessed, but are undeveloped or use alternative and/or renewable resources are not considered. Investment properties are not considered. Condominium units are not considered. Too many variables are not considered.

It is also unclear as to whether the natural gas shortage, and the increased costs expected due to having to import supply deficits, was included in these case studies, or if it can even be forecasted at this point.

#### Environmental disruption and damage

The fast pace of the construction planned for this extensive distribution network is also a concern. As I have previously pointed out to City staff, I have noticed a section of the proposed



route on the map where several hundred feet of line are proposed to be constructed but does not serve any additional lots. Also, I am very concerned with portion of the proposed construction, due to local knowledge of the terrain. The City has been gracious in hearing and making note of my previous suggestions along these lines, but will there be an opportunity to comment further and a process to object if changes are not made to residents' satisfaction?

During the last public meeting on the topic, and through emails and conversations with City staff, we are being asked to wait and see for final proposed distribution maps, final assessment rolls, etc. I don't feel that there is enough information to make a decision, yet construction is being planned for only a few short months down the road and the decision must be made in just a few weeks. I understand the need to make the decision soon if a project of this magnitude is expected to begin this next construction season, but that is not reason enough to push this through.

In conclusion, the gas pipeline to Homer was one project. A massive distribution construction endeavor is a very different project. It should be analyzed on its own merits, and not simply ride the wave of progress towards natural gas in Homer. Many options for planning a natural gas transportation network seem not to have been considered. No doubt, those that stand to benefit from natural gas in Homer (hospital, schools, city) will hook up and realize those benefits as soon as they can. This alone should relieve the cost of living for everyday Homer residents by lowering taxes for city, borough, and hospital service area assessments. If additional benefits can be gained by hooking up one's home to the natural gas line that will be in Homer next year, I believe that individuals and neighborhoods can better make those decisions to move forward with development.

Thank you for considering these views.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dorothy Melambianakis', with a long horizontal flourish extending to the right.

Dorothy Melambianakis, Homer resident and property owner  
PO Box 3035, Homer, AK 99603  
(907) 299-2265  
dorothy.melambianakis@gmail.com

2013

## **In regards to the planned section of natural gas line along Spruce Lane between Alder Lane and Moon Lane :**

### **This area is bad to develop:**

Palmer Creek is in a different place than it is depicted on topo maps, City and Borough satellite imagery, and the 2003 aerial photography. Its bank condition is not recorded anywhere, but it has been changing a lot in the past 10 years, most notably by trenching down and eroding, overwhelming scouring in 2002, and a landslide in the fall of 2013.

The section of Spruce Lane from Alder Lane to Meadow Drive is undeveloped, un-cleared, and thick with brush, slash piles, stumps, and rough terrain. It would also require crossing a dynamic and eroding section of Palmer Creek.

### **This section is not needed:**

Existing planned gas lines, without this one, already provide gas to every parcel.

Loops (desired by the utility) can be developed on other existing routes, or with less invasive and shorter sections elsewhere.

### **Another route is better:**

The owner of the 40 acres at the SW corner of Alder Lane and Spruce Lane is most likely to develop lots along Alder Lane, from the NE corner of his property towards the SE.

The ROW south from the intersection of Alder Lane and Spruce Lane is already cleared.

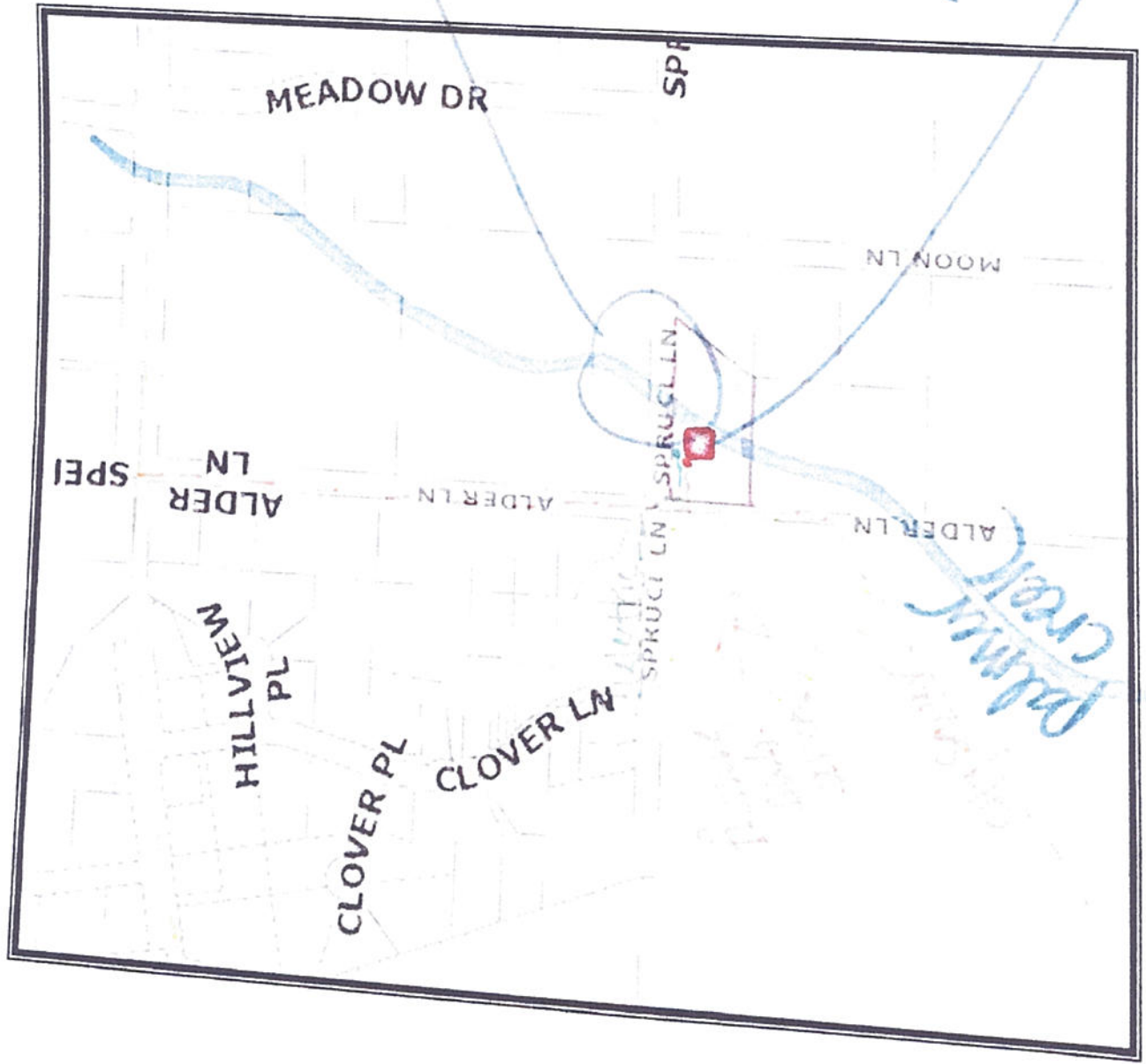
There is an existing utility easement along Alder Lane.

All of the utilities currently serving the lot at the SE corner of Alder and Spruce are along Alder Lane. Nothing is along Spruce Lane in this area. Making the 'frontage' for the gas line along Alder Lane would make more sense, and follow precedence.





2013 - my concerns w/ planned construction route



- undeveloped ROW
- poor soils
- unconsolidated bank mat'l
- history of erosion
- my house



