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**CITY OF HOMER
HOMER, ALASKA**

City Manager, City Attorney

ORDINANCE 11-49(S)

AN ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING HOMER CITY CODE CHAPTER 15.10, OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT, TO CREATE A DIFFERENTIAL PROPERTY TAX ZONE TO LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES PROVIDED IN THE DISTRICT.

WHEREAS, The City may by ordinance establish, alter, and abolish differential tax zones to provide and levy property taxes for services not provided generally in the City, or a different level of service than that provided generally in the City; and

WHEREAS, The City by Ordinance 06-53(S) established a differential tax zone known as the Ocean Drive Loop Special Service District ("District") for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District that are not provided elsewhere in the City; and

WHEREAS, Ordinance 06-53(S) provided for the formation of an association of property owners to receive and expend taxes levied in the District for the purpose of operating and maintaining the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion Control Improvement District; and

WHEREAS, When no association of property owners formed as contemplated by Ordinance 06-53(S), the Council enacted Ordinance 10-19, finding that it would be in the best interest of the City to allow the owners of property in the District to determine among themselves what collective arrangements, if any, to make for funding the operation of the seawall, and abolishing the District; and

WHEREAS, Some property owners in the Ocean Drive Loop Bluff Erosion Control Improvement District continue to assert that the City is responsible for maintaining the seawall, and have induced the Army Corps of Engineers to require the City to repair damage to the seawall under the terms of the permit the Corps issued to the City for the seawall; and

WHEREAS, Until the issue of the City's obligations under the Corps permit can be resolved, it is necessary for the City to have a source of funds to pay costs of repairing the seawall; and

WHEREAS, For the purpose of providing funds required to pay the cost of repairs to the seawall, it is in the best interest of the City to immediately establish a new differential tax zone known as the Ocean Drive Loop Special Service District for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District of a special kind and greater level of service than those provided generally in the City.

47 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

48
49 Section 1. Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District,
50 is adopted to read as follows:

51 Chapter 15.10

52
53 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT

54
55 Sections:

56
57 15.10.005 Definitions

58 15.10.010 Ocean Drive Loop Special Service District established

59 15.10.020 Property tax levy

60 15.10.030 Payment in lieu of taxes

61 15.10.040 Administration

62 15.10.050 Services authorized

63 15.10.060 Excess tax revenue

64
65 15.10.005 Definitions. As used in this chapter:

66
67 "*Improvement District*" means the Ocean Drive Loop Bluff Erosion Control
68 Improvement District previously established by the City as a local improvement district to
69 construct an erosion control seawall.

70
71 "*Operate*" and "*Operation*" with respect to the Seawall includes operation, maintenance,
72 repair, reconstruction, improvement, insurance, administration and other related or similar
73 activities conducted in the course of making and keeping the Seawall operational for its intended
74 erosion control purpose for the benefit of the properties in the Improvement District.

75
76 "*Seawall*" means the erosion control seawall constructed in the Improvement District.

77
78 "*Special Service District*" means the Ocean Drive Loop Special Service District
79 established under this chapter.

80
81 15.10.010 Ocean Drive Loop Special Service District established. a. There is established
82 a special service district within the City designated as the "Ocean Drive Loop Special Service
83 District" for the purpose of providing special services to the properties in the Ocean Drive Loop
84 Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the
85 City.

86 b. The Special Service District consists of the properties in the Homer Recording
87 District that are described as follows:

88
89 Oscar Munson Subdivision Lot 34

90
91 Oscar Munson Subdivision Lot 35

92

- 93 Oscar Munson Subdivision Lot 36
- 94
- 95 Oscar Munson Subdivision Lot 37
- 96
- 97 Oscar Munson Subdivision Lot 38
- 98
- 99 Oscar Munson Subdivision Lot 39
- 100
- 101 Oscar Munson Subdivision Lot 40
- 102
- 103 Oscar Munson Subdivision Lot 41
- 104
- 105 Oscar Munson Subdivision Lot 42
- 106
- 107 Oscar Munson Subdivision Lot 43
- 108
- 109 Oscar Munson Subdivision Lot 44
- 110
- 111 Oscar Munson Subdivision No. 18 Lot 45B
- 112
- 113 Oscar Munson Subdivision No. 18 Lot 45A
- 114
- 115 Tamian Subdivision Lot 1
- 116
- 117 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28,
118 and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64
119 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet;
120 thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance
121 of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the
122 point of beginning.
- 123
- 124 Seabreeze Subdivision Lot 5
- 125
- 126 Lake St ROW south of Ocean Drive Loop
- 127
- 128 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar
129 Munson Subdivision
- 130

131 15.10.020 Property tax levy. a. The Special Service District shall be funded by a property
132 tax levied on the properties in the Special Service District. The City Council shall annually set
133 the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real
134 property taxes levied by the City.

135 b. Any property tax levied for the purpose of funding the Special Service District shall be
136 excluded from the calculation of the mill rate contingency set forth in Section 9.16.020 for
137 purpose of determining whether the City's sales tax levy shall remain in effect.
138

139 15.10.030 Payment in lieu of taxes. In lieu of paying taxes on tax exempt property owned
140 by the City in the Special Service District, the City will annually appropriate money to the
141 district or perform in-kind services for the district equivalent in value to the amount of taxes that
142 would be levied on the City property if it were taxable.
143

144 15.10.040 Administration. The administration of this chapter is a function of the
145 Department of Administration.
146

147 15.10.050 Services Authorized. Revenue collected by the City under this chapter may be
148 appropriated and expended for the limited purpose of funding Operation of the Seawall for the
149 benefit of all properties in the Improvement District.
150

151 15.10.060 Excess tax revenue. If at any time the City Council determines Special Service
152 District tax revenues exceed the needs of the Special Service District, the City Council may
153 authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in
154 proportion to amounts paid in by such taxpayers.
155

156 Section 2. This Ordinance is of a permanent and general character and shall be included
157 in the City Code.
158

159 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of
160 January, 2012.
161

162 CITY OF HOMER

163
164 
165
166 JAMES C. HORNADAY, MAYOR
167



168 ATTEST:

172 
173
174 JO JOHNSON, CMC, CITY CLERK
175

174 YES: 5

175 NO: 1

176 ABSTAIN: 0

177 ABSENT: 0

178
179 First Reading: 12/19/11

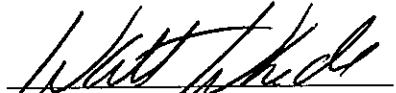
180 Public Hearing: 1/23/12

181 Second Reading: 1/23/12

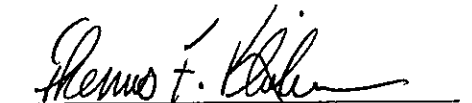
182 Effective Date: 1/24/12
183

184 Reviewed and approved as to form:

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192


Walt E. Wrede, City Manager

Date: 1/25/12


Thomas F. Klinkner, City Attorney

Date: 1-27-12