

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-70**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING HOMER CITY CODE CHAPTER 15.10.010 TO INCLUDE
9 OSCAR MUNSON SUBDIVISION LOT 34 IN THE OCEAN DRIVE LOOP
10 SPECIAL SERVICE DISTRICT.

11
12 WHEREAS, The City Council by Ordinance 11-49(S) created the Ocean Drive Loop
13 Special Service District (“District”) for the purpose of funding the operation and maintenance
14 of the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion Control
15 Improvement District and said District was codified in HCC 15.10.010; and

16
17 WHEREAS, Oscar Munson Subdivision Lot 34 was, by Ordinance 12-29, excluded from
18 the Ocean Drive Loop Special Service because

- 19 • The owners of Lot 34, at the time the Special Service District was created, represented
20 to the City that they had been operating and maintaining the part of the seawall that
21 fronted their property, at their own expense; and
22 • The owners had further represented to the Army Corps of Engineers and the City that
23 they intended to continue to do so; and
24 • The owners had applied for Army Corps of Engineers for transfer of the permit issued to
25 the City for operation and maintenance of the Seawall, to the owners, for that portion
26 of the Seawall that fronted Lot 34; and

27
28 WHEREAS, The Corps denied this transfer leaving the owners of Lot 34 unable to
29 complete their own armor rock revetment; and

30
31 WHEREAS, The owners of Lot 34 did acquire armor rock for their project and said armor
32 rock was placed on the beach in front of Lot 34, but was not placed in a designed revetment;
33 and

34
35 WHEREAS, The City issued a change order, in the amount of \$3,000, to the contractor
36 who constructed the Armor Rock Revetment Project in 2021, for the purpose of integration the
37 rock in front of Lot 34 into the design cross-section of the Armor Rock Revetment; and

38
39 WHEREAS, Costs of the construction of the Armor Rock Revetment are being
40 apportioned to the properties fronting the seawall, including Lot 34; and

43 WHEREAS, On-going maintenance of the Armor Rock Revetment is expected, such as
44 repositioning rocks back into place as the shift from time to time; and

45
46 WHEREAS, costs of the on-going maintenance of the Armor Rock Revetment should be
47 borne by the benefitting properties, including Lot 34; and

48
49 WHEREAS, The City Council adopted Ordinance 20-71, authorizing a credit to the future
50 special assessment levied upon Lot 34 *“equal to the value of the armor rock and materials*
51 *purchased by the owners of Lot 34, not to exceed \$36,000...”*; and

52
53 WHEREAS, Ordinance 20-71 stipulated that *“[t]he City Manager will take measures to*
54 *place armor rock in front of Lot 34, from the armor rock stockpile acquired by the property*
55 *owners...”*; and

56
57 WHEREAS, The rock in the armor rock stockpile owned by the owners of Lot 34 was
58 larger than the rock specified in the Technical Specifications for the Armor Rock Revetment
59 Project; and

60
61 WHEREAS, It was not possible to fit all the rock from the armor rock stockpile into the
62 design cross section for the Armor Rock Revetment Project, so some rock from the armor rock
63 stockpile was repositioned into adjacent sections of the seawall; and

64
65 WHEREAS, The City has been able to document the value of the armor rock and
66 materials purchased by the owners of Lot 34 at \$23,682.25; and

67
68 WHEREAS, The City Council adopted a Final Assessment Roll, accepting a credit to the
69 assessment for Lot 34, in the amount of \$23,682.25.

70
71 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

72
73 Section 1. Homer City Code Chapter 15.10.010(b), Ocean Drive Loop Special Service
74 District, is hereby amended to add *“Oscar Munson Subdivision Lot 34”* to the list of properties
75 within Special Service District as follows:

76
77 15.10.010 Ocean Drive Loop Special Service District established.

78
79 a. There is established a special service district within the City designated as the “Ocean Drive
80 Loop Special Service District” for the purpose of providing special services to the properties in
81 the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District that are not
82 provided elsewhere in the City.

83

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

86

87 **Oscar Munson Subdivision Lot 34**

88

89 Oscar Munson Subdivision Lot 35

90

91 Oscar Munson Subdivision Lot 36

92

93 Oscar Munson Subdivision Lot 37

94

95 Oscar Munson Subdivision Lot 38

96

97 Oscar Munson Subdivision Lot 39

98

99 Oscar Munson Subdivision Lot 40

100

101 Oscar Munson Subdivision Lot 41

102

103 Oscar Munson Subdivision Lot 42

104

105 Oscar Munson Subdivision Lot 43

106

107 Oscar Munson Subdivision Lot 44

108

109 Oscar Munson Subdivision No. 18 Lot 45B

110

111 Oscar Munson Subdivision No. 18 Lot 45A

112

113 Tamian Subdivision Lot 1

114

115 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28, and 29; thence N
116 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64 degrees 10 minutes E a distance
117 of 50.00 feet; thence E a distance of 35.00 feet; thence N 0 degrees 05 minutes W a distance of
118 450.00 feet; thence W a distance of 125.00 feet; thence S 0 degrees 05 minutes E a distance of
119 450.00 feet to the point of beginning.

120

121 Seabreeze Subdivision Lot 5

122

123 Lake St ROW south of Ocean Drive Loop

124

125 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar Munson
126 Subdivision.

127

128 Section 2. The ordinance is of a permanent nature and shall be codified.

129

130 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of January, 2022.

131

132

CITY OF HOMER

133

134



135

KEN CASTNER, MAYOR

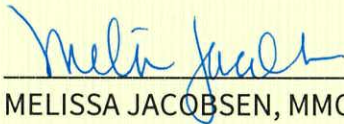
136

137

138 ATTEST:

139

140



141

MELISSA JACOBSEN, MMC, CITY CLERK

142

143

144

YES: 6

145

NO: 0

146

ABSTAIN: 0

147

ABSENT: 6

148

149

First Reading: 12.13.21

150

Public Reading: ~~10.22~~ 1.10.22

151

Second Reading: 1.10.22

152

Effective Date: 1.11.22

