1 CITY OF HOMER 2 HOMER, ALASKA 3 Lord 4 **ORDINANCE 23-13** 5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA 6 7 UPDATING THE ASSESSMENT OWED FROM LOT 10-A-3, 8 BUNNELL'S SUBDIVISION NO. 17 2018 REPLAT KPB TAX PARCEL 9 NO. 175-133-52 AND AMENDING THE FY23 CAPITAL BUDGET BY 10 APPROPRIATING \$15,423.52 FROM THE HOMER ACCELERATED 11 ROADS AND TRAILS (HART) ROADS FUND TO PAY THE REMAINDER 12 OF THIS ASSESSMENT. 13 14 WHEREAS, In 2004 property owners began a special assessment district to construct 15 and pave Spruceview Road; and 16 17 WHEREAS, This effort was successful and the road project was completed and a final assessment roll approved by the City Council on October 13,2008 with a total of \$47/foot due 18 19 from each property; and 20 21 WHEREAS, The Hansen's owned a parcel that was not at the time adjacent to Spruceview however they had engaged in conversations with City staff to be included in the 22 assessment district with a partial and deferred assessment so they could gain access to a 23 portion of their property at some indeterminate point in the future; and 24 25 WHEREAS, Memorandum 08-142 from City staff relating to this parcel (11-A) states: 26 27 Since Lot 11A is separated from Spruceview Avenue by a dedicated park, no assessment for Lot 11A should be levied at this time. If in the future access is provided across the park property to any 28 29 portion of Lot 11A, an assessment would be due based on frontage of the lot being served.; and 30 31 WHEREAS The City Council approved but did not set a timeline or other criteria for this "deferred assessment" in 2008 or at any point in the future beyond what is recorded in this 32 33 memorandum; and 34 35 WHEREAS, In 2018 this property was subdivided into three parcels adjacent to 36 Spruceview Rd. through a quitclaim deed from the City and negotiations for preserved lands to protect Woodard Creek; and 37 38 39 WHEREAS, None of the 2008 assessment has been paid to date and it is the final

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remaining assessment due in this district; and

42 WHEREAS, One of these three lots is now in a position to access Spruceview with 29.95 43 feet of road frontage; and 44 45 WHEREAS, The middle lot with 211.39 feet of road frontage is park-dedicated and now owned by the City of Homer; and 46 47 48 WHEREAS, The corner lot has 99.43 feet of road frontage on Spruceview but is only accessed via Bartlett at this time and has not accessed Spruceview nearly 15 years after the 49 50 assessment roll was finalized; and 51 52 WHEREAS, It is in the City's best interest to close out this assessment district in the fairest and most equitable manner based on the known history and written record associated 53 with what was once Lot 11-A. 54 55 56 NOW THEREFORE, THE CITY OF HOMER ORDAINS: 57 58 Section 1. The assessment from lot 10-A-3, Bunnell's Subdivision No. 17 2018 Replat is 59 hereby adjusted to reflect \$47 per foot based on the 29.95 feet of frontage of the lot being served. 60 61 62 Section 2. The FY23 Capital budget is hereby amended by appropriating \$15,423.52 from the HART Road Fund to pay off the remaining 328.16' of frontage from this assessment as 63 follows: 64 65 66 Fund Description Amount 160 67 HART Roads \$15,423.52 68 69 Section 3. This is a general ordinance of a permanent nature, it amends the budget, and it shall not be codified. 70 71 72 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of February, 2023. 73 74 CITY OF HOMER 75 76 77 78 KEN CASTNER, MAYOR 79 ATTEST: 80 81 82 83

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- 84 YES: **6** 85 NO: **9**
- 86 ABSENT: Ø 87 ABSTAIN: Ø

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- 89 First Reading: 2\13\2023 90 Public Hearing: 2\27\2023
- 91 Second Reading: 2/27/2023
- 92 Effective Date: 2/18/2013