1 **CITY OF HOMER** 2 HOMER, ALASKA 3 City Clerk 4 **RESOLUTION 15-017** 5 6 A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE 7 ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF 8 SPECIAL ASSESSMENTS AND ESTABLISHING DELINOUENCY. 9 PENALTY, AND INTEREST PROVISIONS FOR THE HOMER 10 NATURAL GAS SPECIAL ASSESSMENT DISTRICT. 11 12 WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts. the Homer City Council initiated a Homer Natural Gas Special Assessment District on July 23, 13 2012 via Resolution 12-069 assessing all parcels equally that benefited from the natural gas 14 15 distribution system; and 16 17 WHEREAS, Public hearings were held on January 14 and 28, 2013 to hear objections to 18 the formation of such district; and 19 20 WHEREAS, The objection deadline for written protests was January 25, 2013 and Owners of real property that would bear 50 percent or more of the assessed cost of the 21 improvement did not file timely written objections to the improvement plan with the City 22 23 Clerk; and 24 WHEREAS, Ordinance 13-02 was adopted by the Council on February 11, 2013 creating 25 the Homer Natural Gas Special Assessment District; and 26 27 28 WHEREAS, The Homer Natural Gas Special Assessment District was completed by 29 Enstar; and 30 31 WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and public hearings were scheduled for March 9 and 32 33 16, 2015; and 34 35 WHEREAS, All record property owners within the district were mailed notice of their right to object, the website link to the final assessment roll, and notice of the March 9th and 36 37 16th public hearings; and 38 WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and 39 corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the 40 official assessment roll for the Homer Natural Gas Special Assessment District and the Mayor 41 and Clerk shall be directed to sign same. 42

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NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on July 1, 2015, all assessments in the Homer Natural Gas Special Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall have added a penalty of ten percent (10%) which penalty and principal amount of the assessment shall both draw interest at a rate of three percent (3%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property; and

BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered whereby the assessment may be paid in ten (10) equal yearly installments plus interest of four percent (4%) on the unpaid balance of the assessment. The first such installment shall be due and payable without interest on or before 5:00 p.m. July 1, 2015 and each installment thereafter shall be due on or before July 1st of each year, plus interest on the unpaid balance of the assessment. If any annual installment payment is not received when due, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principal (including the annual installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until paid. Should default occur, the City will institute civil action for foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action shall be added and incorporated into the assessed amount due plus interest and penalties, and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property.

PASSED AND ADOPTED by the Homer City Council on this 23rd day of March, 2015.

CITY OF HOMER

ATTEST:

ÝÓ JÓHNSON, MMC, CITY CLERK

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Fiscal Note: Total project costs are \$12,359,388; 3,788 assessments = \$3,262.77 per parcel.