

Introduced by:	Mayor
Date:	08/23/22
Hearing:	09/20/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-40**

**AN ORDINANCE AMENDING KPB 14.31.130 RELATING TO NOTICE OF
ASSESSMENTS FOR ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICTS
TO ENSURE CODE COMPATIBILITY WITH SOFTWARE CONSTRAINTS**

WHEREAS, current Kenai Peninsula Borough Code (KPB) 14.31.130(A) provides that within 15 days after the enactment of an ordinance under KPB 14.31.130 levying a special assessment, the finance director shall mail a statement to the owner of record of each property assessed; and

WHEREAS, due to software constraints in calculating the levy related to the special assessment the system is not able to auto-generate the required statement to property owners within 15 days of the enactment, which results in the finance department manually inputting necessary levy information to mail the required statement to the owner of record of each property assessed; and

WHEREAS, this ordinance amends KPB code to provide that the required statement will be mailed on the first day of the month following enactment of the ordinance of assessment for a newly formed road improvement assessment district;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 14.31.130(A) is amended as follows:

2.33.020. – Notice of assessment.

- A. [WITHIN 15 DAYS AFTER] On the first day of the month following the adoption of an ordinance levying an assessment under KPB 14.31.110, the finance director shall mail an assessment statement to the record owner of each assessed parcel. The statement shall describe the parcel, state the date of mailing of the statement, the amount of the total allocated assessment, the assessment lien amount, the times for payment of the assessment, the rate of interest on unpaid installments, the penalty and rate of interest on delinquent installments, and notice of the deferral of principal option described in KPB 14.31.145. The statement shall include notice that it is the final determination of the assessment and that the property owner has 30 days from the date of mailing of the notice to appeal the assessment to the superior court. The statement shall also include notice that if a benefited

parcel is subdivided following assessment of costs under this chapter, the property owner shall be required to pay off the remaining balance of the assessment, or prepay estimated costs if the final assessment has not been determined, prior to approval of the final plat pursuant to KPB 20.60.030.

- B. Within five days after the assessment statements are mailed, the finance director shall publish a notice that such assessments have been mailed and that the assessment roll is on file in the office of the borough clerk.
- C. After adoption of an ordinance levying a special assessment under KPB 14.31.110, the borough clerk shall file in the office of the district recorder an appropriate notice of assessment lien on all assessed parcels.

SECTION 2. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None