

CITY OF PALMER, ALASKA

ORDINANCE NO. 597

AN ORDINANCE AMENDING SUBSECTION 3.08.020 A (FORM AND REQUIREMENTS FOR PETITION TO INITIATE SPECIAL ASSESSMENT DISTRICT), **AMENDING SUBSECTION 3.08.020 B (CITY MANAGER ACTION), AMENDING SUBSECTION 3.08.030 B (CITY MANAGER ACTION),** AMENDING SECTION 3.08.060 (AMOUNT ASSESSED), REPEALING SECTION 3.08.080 (ASSESSMENT AMOUNT DETERMINATION), AND ADOPTING SECTION 3.08.081 (ASSESSMENT AMOUNT DETERMINATION), OF CHAPTER 3.08 (SPECIAL ASSESSMENTS), OF THE PALMER MUNICIPAL CODE.

THE CITY OF PALMER, ALASKA, ORDAINS:

**Section 1.**Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

**Section 2.**Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3.**Subsection 3.08.020 A (under the Petition-Initiated District) is hereby amended to read as follows:

A. Form and Requirements. The petition shall be in a form prescribed by the city manager and shall include a description of the improvement sought by the petition. The original or copies of the petition shall be signed by all the owners of [~~properties which will bear at least fifty percent of the estimated cost of the improvement sought by the petition~~] **a majority of the parcels in the district; provided, however, pursuant to PMC Section 3.08.081 the method to determine the amount of the assessments need not be by the per-parcel method.** The petition, when signed, shall be filed with the city clerk. No property owner may withdraw his signature of approval for [~~three~~] six months after the petition has been filed with the city clerk unless authorized by council.

**Section 4.**Subsection 3.08.020 B is hereby amended to read as follows:

B. City Manager Action. Upon receipt by the city manager of the petition from the city clerk, the city manager shall make a survey and report to the council concerning the need for and the estimated cost of the district. The report shall contain a plan defining the district, outlining the properties to be assessed and showing the desirable extent of the proposed improvement. **In addition, the report shall include the number of parcels in the district and the following information for each parcel: front feet, square feet, square feet per 30-foot zone, and assessed value using the then most-current Matanuska-Susitna Borough assessed values (to include "work in progress" values) of land and improvements.** The district may be defined:

1. By a boundary description; or
2. By a designation of the properties to be assessed within the district by lot, block, and subdivision or;
3. If unsubdivided, by other appropriate designation, which designation may generally refer to streets, alleys, intersections and all other public properties and rights-of-way to be included within the district as "and included public streets, rights-of-way and properties."

The survey and report of the city manager may be made either before or at the time of a public hearing on the necessity for the proposed improvement.

**Section 5.** Subsection 3.08.030 B is hereby amended to read as follows:

B. City Manager Action. Upon receipt by the city manager of the petition from the city clerk, the city manager shall make a survey and report to the council concerning the need for and the estimated cost of the district. The report shall contain a plan defining the district, outlining the properties to be assessed and showing the desirable extent of the proposed improvement. **In addition, the report shall include the number of parcels in the district and the following information for each parcel: front feet, square feet, square feet per 30-foot zone, and assessed value using the then most-current Matanuska-Susitna Borough assessed values (to include "work in progress" values) of land and improvements.** The district may be defined:

1. By a boundary description; or
2. By a designation of the properties to be assessed within the district by lot, block, and subdivision or;
3. If unsubdivided, by other appropriate designation, which designation may generally refer to streets, alleys, intersections and all other public properties and rights-of-way to be included within the district as "and included public streets, rights-of-way and properties."

The survey and report of the city manager may be made either before or at the time of a public hearing on the necessity for the proposed improvement.

**Section 6.** Section 3.08.060 is hereby amended to read as follows:

The council may assess **up to** one hundred percent of any or all costs of a public improvement against each parcel of property benefited by the improvement. Unless a specific method of computation of the benefit to the property is expressly provided for ascertaining the amount to be assessed against the property benefited by a designated improvement, the council shall assess each parcel of property in a special assessment district in proportion to, and not to exceed, the value of the benefits received from the improvement.

**Section 7.** Section 3.08.080 is hereby repealed.

~~[A. Definitions. As used in this section, "street to be improved" includes any street, road, parkway, alley, curb and gutter, or sidewalk between intersections within the special assessment district. An "intersection" is that portion of property enclosed by the intersection of the street margin lines of intersecting streets. A "driveway" is that portion of a street, alley~~

or sidewalk requiring special or different construction because of the presence of an abutting driveway upon the benefited property. A "lot" means a parcel of land shown as an individual unit on the most recent plat of record. A "lot depth" means a mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines. "Corner lot" is a lot which abuts on two or more platted streets excluding alleys, public easement, walkways. "Assessment district" is that area as determined by resolution to be the benefiting property for the improvement. "Assessment method" is the method of spreading the benefits throughout the district as determined by resolution which shall be either zone or front foot for all improvement districts.]

[B. Assessment Method—Sewer, Water, and Storm Sewer Improvement.]

[1. A special assessment district shall include, unless otherwise provided by the resolution to proceed with the district, the property to be assessed for each improvement. Unless otherwise provided in the resolution to proceed with the district, the area specially benefited by an improvement shall include all the property between the intersections and abutting, adjacent, vicinal or proximate to the improvement within a distance of not less than ninety feet from the marginal line of the street. In the event any benefited property is unplatted or no reasonable centerline may be established, the distance from the margins back to the centerlines shall be the same distance as established in an adjacent subdivision, if practical.]

[2. The specifically benefited property shall be divided into zones paralleling the margins of the street and numbered first, second, third and fourth. The first zone shall include all property lying between the margins and lines parallel with and thirty feet from the margins. The second zone shall include all property lying between lines parallel with and thirty feet and sixty feet from the margins. The third zone shall include all property lying between lines parallel with and sixty feet and ninety feet from the margins. The fourth zone shall include all property, if any, lying between lines parallel with and ninety feet from the margins and the outer boundary of the district.]

[3. The rate of assessment per square foot for the improvement shall be determined on the basis that special benefits conferred on a square foot of land in zones first, second, third and fourth, respectively, are weighted in the same proportion as are the numbers, 9/9, 5/9, 4/9, 2/9, respectively. The rate shall be computed in the following manner:]

[a. The products of the number of square feet of property within zones first, second, third and fourth, respectively, and the numbers 9/9, 5/9, 4/9 and 2/9, respectively, shall be ascertained and their total sum taken, which total sum shall be divided into the costs of the improvement in order to determine the quotient.]

[b. The products of the resulting quotient and the numbers 9/9, 5/9, 4/9 and 2/9, respectively, shall be the respective rates of assessment per square foot for zones first, second, third and fourth, respectively.]

[c. The amount to be assessed against each parcel for the assessment of the improvement is computed by adding the products of the rates and the square footage of the respective zones within the parcel.]

[4. Upon application of the property owner, a sanitary sewer or water connection may be constructed to a property benefited by the improvement and the costs of the connection may be assessed against the property.]

[5. For sewer and water extensions, a rate per foot will be determined by taking the as built cost of the utility extension and dividing it by the applicable front footage of all

~~properties specifically benefited from the utility extension. This rate per foot will then be used to determine the assessment of each property by multiplying the rate per foot by the applicable front footage of each property.]~~

~~[C. Assessment Method for Street Improvements.]~~

~~[1. Calculation of Each Parcel's Assessment. For streets, a rate per foot will be determined by taking the as built cost of the street as determined by the city council and dividing it by the total adjusted front footage of all the adjacent properties on both sides of the street improved by the construction. This rate per foot will then be used to determine the assessment to each property by multiplying the rate per foot by the front footage of each property.]~~

~~[2. Adjusted Front Footage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment:]~~

~~[a. Front footage shall be measured at building setback on cul de sacs and sharply curved streets and irregularly shaped lots.]~~

~~[b. Where frontage curves so greatly as to give a general appearance of a corner lot, the lot shall be considered a corner lot and equivalent front footage as well as side footage where required, shall be determined on the basis of an irregularly shaped lot.]~~

~~[c. Corner lot footage shall be adjusted where such lot is bounded by two streets which are being improved as follows: the front footage basis shall be the full frontage on the longest side and one half the frontage on the shortest side.]~~

~~[3. Side Streets. When a cross street abuts the side lot line of the corner lots of the proposed improvement district and is no more than two lots deep, the cross street shall be reconstructed to the depth of the corner lot or centerline of alley. The cost for this cross street improvement shall be spread equally throughout the improvement district based on adjusted front foot.]~~

~~[4. When a cross street is over two lots deep and has lots which are both parallel and perpendicular or perpendicular only to the street, a separate improvement district for the street in its entirety shall be required.]~~

~~[5. When a street improvement district is for a collector street as designated by the city, the collector street improvement district will be established without regard to lot configuration. Abutting cross streets shall be constructed to fifty percent of its length or one hundred thirty feet, whichever is less and the cost spread equally throughout the district based on front foot.]~~

Section 8. Section 3.08.081 is hereby adopted, as follows:

**3.08.081 Assessment amount determination.**

**A. The council shall determine the method of assessment allocation for each special assessment district. Any determination made by the council with respect to the method of allocating costs is final.**

**B. The following methods of allocation of assessed costs among benefited properties are permitted:**

1. allocation of costs based on of the then most-current Matanuska-Susitna Borough assessed values (to include "work in progress" values) of land and improvements;
2. allocation of costs on a front-foot basis, including adjusted and unadjusted front-foot;
3. allocation of costs on a square-foot basis;
4. allocation of costs on a per-lot basis so that each lot is assessed the same amount;
5. allocation of costs on a zone square-foot basis;
6. allocation of costs on any other reasonable basis or combination of bases (including without limitation 1 through 5 above) which results in an assessment proportionate to the benefit received, to include, without limitation, allocation that takes into account different zoning districts and future use to which property is reasonably adaptable within a reasonably foreseeable time.


Section 9. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: November 13, 2002

Public Hearing &  
Second Reading: November 26, 2002

Adopted by the City Council of the City of Palmer, Alaska, this 26<sup>th</sup> day of November, 2002.

  
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JIM COOPER, Mayor

  
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THOMAS HEALY, City Clerk