

RESOLUTION NO. 89

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PALMER, ALASKA

IMPROVEMENT DISTRICT NO. 3

A RESOLUTION DETERMINING THE NECESSITY FOR SIDEWALK AND STREET IMPROVEMENTS AND PROVIDING A METHOD OF ASSESSMENT ON PROPERTY SPECIALLY BENEFITED AND CAUSING AN ASSESSMENT TO BE LEVIED THEREON.

BE IT RESOLVED by the City Council of the City of Palmer:

1. That, pursuant to the provisions of ACLA 1949, Section 16-1-81, the owners of more than one-half in value of the property to be specially benefited by the improvement described as portions of Valley Street from Eklutna Avenue to Wasilla Highway, have in writing requested of the City Council of the City of Palmer that the improvements hereinafter described be made.

2. The requested improvements consist of laying out, grading, constructing and paving the sidewalk space, approximately six (6) feet in width, contiguous to the sidewalk space previously paved by the Bureau of Public Roads in the current year, in front of the following properties: Lot 1, 2, 3, 4, 5, and 6 of Block 10, Lots 1, 2, 3, 4, 5 and 6 of Block 13, and the South 62 feet of the North 196.56 feet of the Park Reserve; all said properties being located in the Alaska Rural Rehabilitation Subdivision No. 1 within the City of Palmer.

3. The property owners who have in writing requested the improvement consist of property owners owning property within and between the termini of said improvement abutting upon, adjacent, vicinal or proximate to the street proposed to be improved to a distance back from the marginal lines thereof to the centerline of the blocks facing or abutting thereon; provided, that in any case such distance back shall be at least ninety feet. All property included within such limits of such local improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to area and distance back from the marginal line of the street improved. The owners of the described property have signed the petition as follows:

RESOLUTION NO. 89 (con't)

<u>Total Assessed Value of the Property Specially Benefited:</u>	<u>Value Represented by Signatures on the Petition by the Owners of Property Specially Benefited</u>	<u>Percentage of Value</u>
--	--	------------------------------------

4. The Council hereby makes the following Findings of Fact in this matter:

- (a) That the requested improvements are necessary and should be made.
- (b) That the written request is signed by all the owners of at least one-half in value of the property specially benefited by such improvement.
- (c) That all facts set out in Paragraphs 1, 2, and 3 of this Resolution are true.

5. The City Council, having hereby determined that the requested improvements are necessary, and that the property specially benefited by the improvements is in accord with the intent and meaning of ACLA 1949, Section 16-1-81 et seq., as amended, hereby orders that two-thirds (2/3) of the total cost of constructing the requested improvements herein mentioned be assessed and levied against the real property specially benefited in proportion to the amounts of such benefits received by each tract of said property in accordance with the following:

Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against such separate lot, tract, parcel of land or other property within said district, be divided into subdivisions or zones paralleling the margin of the street or public way improved, said subdivisions to be numbered respectively first, second, third, fourth and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivisions shall include all lands within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet respectively from said margins. The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with



RESOLUTION NO. 89 (con't)

and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district.

The rate of assessment per square foot for improvements between intersections in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers 45, 25, 20, 10 and 5, respectively, and shall be ascertained in the following manner:

The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, and the numbers 45, 25, 20, 10, and 5, respectively, shall be ascertained and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The products of the resultant quotient and the numbers 45, 25, 20, 10, and 5, respectively, shall be the separate rate of assessment per square foot for subdivisions first, second, third, fourth and fifth, respectively. The total assessment is thus ascertained against each separate lot, tract, parcel of land or other property within such district for the improvement other than that included within the intersections.

For improvements within the intersections, the area to be specially benefited shall include all the property, except streets and alleys, from the intersection to be improved to a distance back from the marginal lines thereof to the centerline of the blocks abutting thereon. Provided that in any case such distance back shall be at least ninety (90) feet. Intersections shall be construed to mean that portion of property enclosed by the intersection of the street margin lines of intersecting streets.

The rate of assessment per square foot for intersection improvements shall be computed by dividing the cost of the improvement within the intersection by the area to be benefited. The assessment shall be computed on the basis that the benefits are equal throughout the area.

The total assessment for each lot, tract or parcel of land shall be determined by adding the assessment for the improvement between intersections and the assessment for improvement within the intersection. The total assessment thus determined shall be entered upon assessment roll as the amount to be levied and assessed against each separate lot, tract, parcel of land or other property.



RESOLUTION NO. 89 (con't)

6. The Mayor is hereby directed to proceed with the improvements above authorized and described, and to keep correct accounts of all expenses of said improvements, so that proper assessments may be levied and collected.

7. When the requested improvements shall have been completed, the City Council shall apportion such percentage of the cost in accordance with and in proportion to the amount of benefits received by each tract of each property as previously determined, and an assessment roll shall be prepared which shall contain a brief description or designation of each tract of property, the name of the owner or reputed owner thereof, and the amount of the assessments. Thereupon the City Council shall fix a time to hear objections to such assessments. The Municipal Clerk shall then send a written notice by mail to each owner of the tract of land against which an assessment is made, which notice shall state the amount of the assessment against such particular tract and shall state the time fixed by the Council for hearing objections. Such notice shall be mailed by the Municipal Clerk at least fifteen (15) days before the time of such hearing.

8. At the time of such hearing all persons concerned shall have a right to present their objections if any they have to the assessment or any part thereof and to point out errors and inequalities if any exist and submit such reasons for amendments and corrections as they may have, and such hearing may be continued from time to time as the Council shall decide. After the Council have heard all objections and suggestions they shall correct all errors, if any, which they find to exist in the assessment roll as originally made, and when the same is finally settled the Mayor shall sign the assessment roll certifying that it is the assessment roll as finally settled by the City Council.

Publication of this Resolution shall be made by posting a copy thereof on the City Hall bulletin board for a period of ten days following the passage and approval.

PASSED AND APPROVED by the City Council of the City of Palmer, Alaska,
the 14th day of October, 1958

KENNETH W. LYNN, MAYOR
CITY OF PALMER

ATTEST:

Emilie St. Pierre
EMILIE ST. PIERRE, CITY CLERK
CITY OF PALMER

