

CITY OF WASILLA

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COUNCIL MEMORANDUM NO. 90-56

FROM: Finance Director

DATE: July 25, 1990

SUBJECT: A section by section explanation of Ordinance Serial No. 90-22.

Section III Establishes policy for all Gas LID's on handling payments of money to the City other than assessments.


1. Free Main Allowance - A flat rate per customer who hooks up to the gas from owners within the LID.
2. Outside Customers - Required to pay a pro/rata share of construction costs from owners outside the LID.
3. Deposit Return - After 10 years amounts not already refunded through numbers 1 and 2 are returned to the City.

Section IV Amends 2.60.130 to match AS 29.46.120(b)

Section IV Repeals 2.60.090(A) as being unnecessary to the types of LID's the City does; renumbers remaining sub-sections.

Section V Repeals 2.60.060 as being in conflict with Title 29, per our bond attorney.

Attached are excerpts from the code affected.


Erling P. Nelson, CMC
Finance Director

2.60.130 Limitations on Suits and Actions. No special assessment procedure shall be contested in any civil action, unless commenced within thirty (30) days after the confirmation of the special assessment roll for the assessment. If no such action be so commenced, the procedure shall be conclusively presumed to have been regular and complete. (Ord. W78-0-1 §13 1978, Ord. 82-7)

2.60.090 Allocation of Other Non-Sewer Improvement Costs.

A. Amount of Assessment. Each separate parcel of property within a special assessment district for parks, recreation areas and open spaces, changes in channels of streams or watercourses, or bridges, culverts, bulkheads, embankments or dikes for streams or watercourses, fallout, or disaster shelters, sprinkling, oiling, drainage, snow removal and other miscellaneous improvements or services shall be assessed in an amount not to exceed its proportionate share of two-thirds (2/3) of the cost of the improvement, except those cases in which the Council determines that the municipality will not participate in the cost of the improvements. In such a case where the improvement district is to pay one hundred percent (100%) of the cost of the improvement, the municipality may authorize a district initiated by the owners of property which will bear at least seventy-five percent (75%) of the estimated cost of the improvement sought by the petition and such petitioners request and agree to pay their proportionate share of one hundred percent (100%) of the cost of the improvement for the purchase of such property necessary for the improvement requested by their petition. However, nothing in this Section is intended to relieve the City of the responsibility to participate to its proportionate share in the costs of any assessed improvements when the municipality owns benefited property within the boundaries of the assessment district.

2.60.060 Calculation of Improvement Costs.

A. Assessed Project Costs. The project costs assessed against benefited parcels shall be the lesser amount of:

1. Construction contract costs plus twenty percent (20%) for noncontract costs including but not limited to engineering and design, surveys, soil investigations, right-of-way negotiations, inspection and contract supervision, and interest costs: plus actual property acquisition costs, or

2. The last approved estimate plus ten percent (10%).

B. Calculation of Construction Contract Costs. For the purpose of this Section, construction contract costs shall be defined as the costs paid by the municipality to the contractor except that when improvement districts are constructed by municipal construction personnel, construction contract costs shall be those costs accumulated by personnel actually performing the work in the

improvement district and their on-site supervisors along with the equipment and supplies used to complete the work.

C. Definition of Last Approved Estimate. For the purpose of this Section, "last approved estimate means an estimate of assessed project costs made by the municipality and approved by owners of property which will bear more than fifty percent (50%) of the cost of improvement. In the event more than one such cost estimate is made, the amount contained in the cost estimate which was approved last in period of time shall be deemed to be the last approved estimate.

D. Previously Constructed Work. The total assessed project costs for any assessment district where credit for salvageable work is to be given as provided in §.080(J) shall include the costs of all such previously constructed improvements. All references in § .060 through §.090 to costs and estimates of any kind shall be understood to include all costs previously expended for salvageable improvements relative to property within the assessment district.
(Ord. W78-0-1 §6 1978)