

SUBJECT: Administrative report relating to the creation of and improvements to East Dilley Avenue Natural Gas Local Improvement District No. 623; and consideration of said creation.

AGENDA OF: September 21, 2021

ASSEMBLY ACTION:

Failed unanimously. 11-16-21 KBJ

MANAGER RECOMMENDATION: Introduce and set for public hearing on November 16, 2021.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: Michael Brown Digitally signed by Michael Brown
Date: 2021.09.01 13:20:52 -08'00'

Route To:	Department/Individual	Initials	Remarks
	Originator	MVE	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i> 9/13/21	<i>[Signature]</i>

ATTACHMENT(S): Fiscal Note: YES ☐ NO ☒
Ordinance Serial No. 21-095 (5 pp)
Exhibit A (1 p)
Map (1 p)
Ballot Tally (1 p)

SUMMARY STATEMENT:

A petition has been filed by the record owners of 98 percent in value of the property and signatures of 80 percent of property owners within the proposed East Dilley Avenue Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed East Dilley Avenue Natural Gas Local Improvement District is located in Assembly District #1.

As addressed in Section 8 of the manager's administrative report, (listed below) there is one property that does not conform to MSB 3.28.080(B).

MANAGER'S ADMINISTRATIVE REPORT

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:
SEE ORDINANCE SERIAL NO. 21-095

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:
The installation of natural gas distribution lines, per the highlighted portion of the attached map, makes available to the property owners within the East Dilley Avenue natural gas local improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the local improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:
The estimated cost of the installation by ENSTAR is \$34,962.00 if done during the 2021 construction season. It is estimated that administrative costs will amount to approximately \$2,983.00 and the delinquency reserve will be \$3,360.00. The estimated total cost of the improvement as of this date is \$41,305.00. It is recommended that the project be financed by a revolving loan from the local improvement district internal service fund, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2022 mill rate for the improvement district is 17.254 mills consisting of 9.942 mills (areawide) plus .432 mills (non-areawide) plus 3.430 mills (FSA#2) plus 3.450 mills (RSA#26).

Taxable Property Values for Real Property: \$811,500.00

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

Ownership type of properties: Total Number of Lots: 5
Private: 5
Bank: 0
Public: 0
MSB: 0
"Tax" status of properties: Number Current: 4
Number Delinquent: 1
Number in Foreclosure: 0
Number in Bankruptcy: 0
Population Estimate: 18
Estimated Area (Acres): 18.50

* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.

8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 1

9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

IMPROVEMENT PLAN (MSB 3.28.050B)

The improvement is the installation of approximately 1,030 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 5 properties within the East Dilley Avenue Natural Gas Local Improvement District as described in Ordinance Serial No. 21-095. The current ENSTAR tariff sets the cost of gas lines at \$25.87 per foot for a cost of \$26,646.00.

The improvement will be funded by a revolving loan from the local improvement district internal service fund. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$41,305.00. The estimated cost elements are installation costs of \$26,646.00, road bore \$8,316.00, delinquency reserve of \$3,360.00, and administrative costs of \$2,983.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting the MSB 3.28.080(B) criteria.

The estimated special assessment against the 5 lots is \$8,261.00 per lot.

LEGAL DESCRIPTION FOR
East Dilley Avenue LID#623

17N02E35A012

The South one-fifth (S-1/5) of the West one-half (W-1/2) of the Southeast one-quarter (SE-1/4) of the Northwest one-quarter (NW-1/4) of the Northeast one-quarter (NE-1/4) of Section 35, Township 17 North, Range 2 East, Seward Meridian, Palmer Recording District, Third Judicial District, State of Alaska, containing one (1) acre more or less;

17N02E35A014

The North one-half (N1/2) of the West one-half (W1/2) of the Northwest one-quarter (NW1/4) of the Southwest one-quarter (SW1/4) of the Northeast one-quarter (NE1/4) OF Section 35, Township 17 North, Range 2 East, Seward Meridian, Palmer Recording District, Third Judicial District, State of Alaska;

17N02E35A017

East one-half of the Northwest one-quarter of the Southwest one-quarter of the Northeast one-quarter (E1/2NW1/4SW1/4NE1/4), Section 35, Township 17 North, Range 2 East, Seward Meridian, Palmer Recording District, Third Judicial District, State of Alaska, containing 5.00 acres more or less.

SUBJECT TO: Reservations and easement of record; and
The North sixty (60') feet for road right-of-way and the South fifteen (15') feet of the North seventy-five (75') feet for public utilities easement;

17N02E35A018

W½ NE¼ SW¼ NE¼;

17N02E35A019

S½ SW¼ NW¼ NE¼.

THE ABOVE IS RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

BALLOT TALLY

LID NUMBER	623
LOCAL IMPROVEMENT NAME	East Dilley Avenue
LID TYPE	NATURAL GAS
LOAN AMOUNT	42,000.00
CONSTRUCTION COSTS	34,962.00
NUMBER OF LOTS	5
PER LOT COST (FULL AMOUNT)	8,261.00
ESTIMATED SEMI-ANNUAL PAYMENT	413.05
REFUNDABLE OR CONTRIBUTION IN AID	CIA

NUMBER OF BALLOTS MAILED	<u>5</u>	
NUMBER AND PERCENTAGE OF BALLOTS RETURNED MARKED "YES"	<u>2</u>	<u>(40%)</u>
NUMBER OF BALLOTS RETURNED MARKED "NO"	<u>1</u>	(20%)
NUMBER OF BALLOTS RETURNED UNMARKED, INCORRECT PAPERWORK AND/OR SIGNATURE OR NOT RETURNED	<u>2</u>	(40%)
TOTAL NUMBER AND PERCENTAGE OF BALLOTS RETURNED MARKED "NO", UNMARKED OR NOT RETURNED	<u>3</u>	<u>(60%)</u>

NUMBER OF BOROUGH OWNED LOTS	<u>0</u>	
NUMBER OF STATE OWNED LOTS	<u>0</u>	
NUMBER OF LOTS LESS THAN 4X1	<u>1</u>	
LETTERS NOT RECEIVED	<u>1</u>	(1 unclaimed)

COMMENTS:

As provided in MSB 3.28.062(B), the assembly may not proceed with the improvement unless ballots approving the local improvement district are timely filed by owners of property bearing more than 70 percent of the estimated cost of the improvement.

Administration recommends denial of Ordinance Serial No. 21-095.

OR 21-095
Im 21-185

This is a detailed plat map showing several land parcels labeled A9 through A23. The map includes the following features:

- Creek:** Bodenburg Creek flows from the bottom left towards the top center.
- Highway:** A yellow horizontal line across the middle represents the 60' ROW E&MT.
- Parcels:**
 - A9 (bottom left)
 - A12 (top right)
 - A13 (middle left)
 - A14 (middle left, below A13)
 - A15 (bottom left, below A13)
 - A16 (bottom left, below A15)
 - A17 (middle right, below A12)
 - A18 (middle right, below A17)
 - A19 (top left, above A13)
 - A20 (top left, below A19)
 - A21 (top left, below A20)
 - A22 (top left, below A21)
 - A23 (far right)
- Other Labels:** B17, B30, B31, .EY TRC, OLD GLENN HWY, S DILLEY CIR, STATE.

IM 21-185
OR 21-095