

1 IN THE SENATE

BY SENATOR ROBISON

2 SENATE BILL NO. ~~48~~

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act Entitled: "An Act amending Chapter 2, Title 49, ACILA
7 1949, as amended by Chapter 75 SLA 1949 and
8 Chapter 21 SLA 1951, by adding thereto
9 Article 3, and authorizing public utility
10 districts to create street and sewer imp-
11 rovement districts; to levy and collect
12 special assessments; creating a lien and
13 providing for foreclosure of same."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15 ~~Section 1. 49-2-41. PUBLIC UTILITY STREET AND SEWER IMPROVE-~~
16 ~~MENT, ASSESSMENT, IMPROVEMENT DISTRICTS.~~ Public Utility Districts
17 are authorized and empowered by resolution of their Boards of
18 Directors to create and maintain street and sewer improvement dis-
19 tricts, and establish, change and revise the boundaries thereof
20 from time to time; to erect, build, establish, lay out, alter,
21 open, improve and repair streets, sewers, avenues, sidewalks,
22 alleys, bridges, squares and other public highways and places
23 within the public utility district, and to drain, sprinkle and
24 light the same; to remove all obstructions therefrom; to establish
25 the grades thereof; to grade, plank, pave, macadamize, gravel and
26 curb the same, in whole or in part, and to construct gutters, cul-
27 verta, sidewalks and crosswalks therein, or upon any part thereof,
28 and to levy, apportion, assess and collect the cost or any part
29 thereof against and from the property within such street and

SB #48 as amended

After Line 14 insert "Article 3"

Line 15 delete everything in caps and insert "STREET AND SEWER IMPROVEMENT DISTRICTS"

Line 16 delete everything in caps and change words of the title to read "AUTHORITY TO CREATE AND ASSESS"

1 sewer improvement district; to determine what work shall be done
2 or improvements made at the expense, in whole or in part, of the
3 owners of the adjoining, contiguous or proximate property, or non-
4 contiguous and other properties within such improvement districts
5 specially benefited thereby, and to provide for the manner of
6 making, apportioning and collecting assessments therefor.

7 Section 2, 49-2-42. SPECIAL ASSESSMENTS. The Public Utility
8 Districts shall have the power to provide by resolution for doing
9 any or all work thereupon therein authorized by this Act, and for
10 the payment of the costs and expenses thereof by the levy and
11 collection of special assessments therefor upon the property to
12 be benefited thereby. That is to say, the expense or cost of any
13 work or improvements upon the streets, sewers, avenues, waterworks
14 or public ways of such public utility district shall be assessed
15 upon the lots and lands fronting thereon, and adjoining, contig-
16 uous, proximate and non-contiguous in the improvement district
17 proximate or specially benefited thereby; each lot being separately
18 assessed for the full debt thereof in proportion to the benefits
19 upon the property to be benefited, sufficient to cover the total
20 expense of the work.

21 Section 3, 49-2-43. PLANS, ESTIMATES AND NOTICE THEREOF.
22 PLAT OF IMPROVEMENT DISTRICT: OBJECTIONS AND REVISION OF PLAN TO
23 MEET SAME. The Board of Directors of the Public Utility District
24 planning to make a local improvement or improvements at the ex-
25 pense, in whole or in part, of the owners of the property to be
26 benefited, must prepare plans for the work and estimates of the
27 cost of same, and then, before proceeding with the work, publish
28 a notice of said fact at least once a week for two consecutive
29 weeks in some newspaper published or distributed within the limits

1 of the public utility district and determined by the Board of
2 Directors to best give notice in the area.

3 The said notice must state the nature, extent and approx-
4 imate cost of said improvement or improvements, and give the
5 boundary of the district to which the cost of same will be as-
6 sessed, and must also contain a date, not less than sixty days
7 from the beginning of said publication, on or before which time
8 or times the owners of the property affected may file their ob-
9 jection to the work.

10 In addition to publication as aforesaid, such notice shall be
11 posted within three public places within the district for a period
12 of not less than sixty days prior to the date on or before which
13 time objections must be filed, one of which notices shall be
14 posted at the front door of any United States Post Office within
15 such district, if there is a United States Post Office within the
16 district.

17 The Board of Directors must cause a plat of the improvement
18 district to be made showing thereon the boundaries of the proposed
19 improvement district with the various lots, tracts and parcels of
20 land that will be included therein and affected thereby, together
21 with a list of said various lots, tracts and parcels of land and
22 a statement of the estimated cost of said improvement that will be
23 assessed against each such lot, tract or parcel. Five days or
24 more after the termination of the sixty day period above described,
25 the Board of Directors may proceed with the proposed improvement,
26 unless objection be filed either severally or by petition, by the
27 owners of property bearing fifty per cent (50%) or more of the
28 estimated cost of said improvement or improvements. In case ob-
29 jections are so made by the owners of property bearing fifty per

1 cent of the estimated cost of said improvement or improvements,
2 the proposed improvements shall not be proceeded with unless the
3 Board of Directors shall first revise the plans to meet the objec-
4 tions raised, and, upon said revision being made in the plans,
5 the Board of Directors shall, if it determines to proceed with
6 the proposed improvement or improvements under such revised plan,
7 readvertise the proposed improvements and be subjected to the
8 same limitation as required in the first instance; and so on until
9 the objections have been reduced to less than fifty per cent here-
10 in referred to.

11 SECTION 4. 49-2-44. LUMP SUM OR INSTALLMENT PAYMENT. The
12 Board of Directors of the Public Utility District ordering the
13 making of a local improvement at the expense, in whole or in part,
14 of the owners of the property benefited, may ordain whether pay-
15 ment is to be made in one lump sum or by installments, and levy
16 assessment upon the property benefited for its part, or the whole
17 of the cost, as the case may be. Provided, however, that a lump
18 sum or installment shall not exceed twenty-five per cent (25%) of
19 the assessed valuation of the property affected.

20 Section 5. 49-2-45. ASSESSMENT LIEN: PRIORITIES : PAYMENT :
21 DELINQUENCY. Such assessment shall be a lien upon the property
22 assessed from the time when the assessment is levied, which lien
23 shall be paramount and superior to any other lien heretofore or
24 thereafter created, whether by mortgage or otherwise, except a
25 lien for prior assessment and for general taxes, and shall be
26 payable at such time, and when delinquent, shall bear such in-
27 terest and penalty as the Directors may by resolution prescribe.

28 Section 6. 49-2-46. TIME FOR OBJECTIONS TO ASSESSMENT. The
29 regularity or validity of said assessment may not in any manner

1 be contested or questioned by any proceeding whatsoever by any
2 person not filing objections to such assessment roll prior to the
3 same being confirmed.

4 Section 7. 49-2-47. REVIEW OF DECISION ON OBJECTIONS. The
5 decision of the Board of Directors upon any objection may be re-
6 viewed by the District Court in the manner prescribed by law.

7 Section 8. 49-2-48. ENFORCEMENT OF ASSESSMENT : SALE : FORE-
8 CLOSURE OF LIEN. Any Public Utility District may sell benefited
9 property upon which assessments are not paid, or may enforce the
10 lien for such assessment by civil action in like manner and with
11 like effect as actions for the foreclosure of mortgages on real
12 property, with like periods for redemption as in real property
13 mortgage foreclosure actions.

14 Section 9. 49-2-49. BOARD OF DIRECTORS TO PRESCRIBE METHOD
15 BY WHICH ACT TO BE PUT IN OPERATION. Public Utility Districts
16 shall by resolution/^{or ordinance} of the Board of Directors prescribe the method
17 by which this Act shall be put into operation.

18 Section 10. 49-2-50. RE-ASSESSMENTS. The provisions of the
19 Act may be by resolution or ordinance of the Board of Directors
20 extended to re-assessments.

21 Section 11. 49-2-51. SUBSEQUENT SALE TO MEET UNPAID INSTALL-
22 MENTS. Where property is assessed in installments, the sale of the
23 property to pay any particular installment shall not prevent a sub-
24 sequent sale to pay any unpaid installment when the same shall be-
25 come due, but such subsequent installment shall be collected in
26 the manner provided by resolution or ordinance.

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