

1 IN THE HOUSE

BY MR. WIRTH
BY REQUEST

2 HOUSE BILL NO. 190

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act relating to assessing cost of im-
7 provements; computation and apportionment
8 of costs of improvement; and payment of
9 assessments; amending Section 16-1-81, ACLA
10 1949; Section 16-1-84, ACLA 1949 and
11 Section 16-1-86, ACLA 1949,"

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

13 Section 1, Section 16-1-81, ACLA 1949, is hereby amended to
14 read as follows:

15 Sec. 16-1-81. IMPROVEMENTS FOR WHICH ASSESSMENT AUTHOR-
16 IZED: PROPERTY BENEFITED: AMOUNT OF ASSESSMENT: OWNERS' RE-
17 QUEST FOR IMPROVEMENT. (1) Subject to the provisions of sub-
18 section (2) herein, the ~~the~~/council may assess against
19 the real property specially benefited by such improvements
20 all or any part ~~TWO-THIRDS~~/of the cost of the improvements,
21 together with interest not to exceed six percent per annum,
22 of laying out, grading, constructing or repairing any street,
23 alley, ~~OR~~/sidewalk, ~~CONSTRUCTING OR REPAIRING ANY~~
24 dower or drain, of acquiring and constructing parks or play
25 grounds or in making changes in channels of streams or water
26 courses or constructing, erecting, strengthening or repairing,
27 bulkheads, embankments or dikes for such streams or water
28 courses. Such costs and interest shall be assessed against
29 the real property specially benefited in proportion to the
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1 benefits so received by each tract of land. Provided, how-
2 ever § 7: (a) that no such assessment of two thirds or less
3 of the cost and interest shall be levied for any improvement
4 unless such improvement be in writing and requested of the,
5 city council, by the owners of at least one half, in value,
6 of the property to be so specially benefited by such improve-
7 ment § 7, and (b) that no such assessment in excess of
8 two thirds of the cost and interest shall be levied for any
9 improvement unless such improvement be in writing and re-
10 quested of the city council by the owners of at least two-
11 thirds, in value, of the property to be so specially bene-
12 fited by such improvement.

13 (2) The assessment of the cost of such improve-
14 ment, as provided in subsection (1) herein, shall not exceed
15 two thirds of such cost unless the written request for the
16 improvement clearly states what proportion of such cost and
17 interest in excess of two thirds of the total thereof should
18 be assessed against the property specially benefited. The
19 expense so assessed may include the cost to the city of
20 acquiring premises for such improvements.

21 Sec. 2. Section 16-1-84, ACLA 1949, is hereby amended to read
22 as follows:

23 Sec. 16-1-84. COMPUTATION AND APPORTIONMENT OF COSTS
24 OF IMPROVEMENT: ASSESSMENT ROLL: NOTICE OF HEARING OF OBJECT-
25 IONS. When it has been decided to make such improvement and
26 to levy such assessment, correct account shall be kept of all
27 the expenses of such improvement, and, as soon as the latter
28 shall be completed, the city council shall apportion such
29 percentage of the cost, including interest, as was so

1 previously determined upon and shall assess the same against
2 the various tracts of real estate in proportion to the benefit
3 received by each. Such assessment roll shall contain a brief
4 description or designation of each tract of property, the name
5 of the owner or reputed owner thereof, and the amount of the
6 assessment. When the same is complete the council shall fix
7 a time at which to hear objections to such assessments. The
8 municipal clerk shall then send a written notice by mail to
9 each owner of a tract against which an assessment is made,
10 which notice shall state the amount of the assessment against
11 such particular tract and the time fixed by the council for
12 hearing objections. Such notice shall be mailed at least
13 fifteen days before the time of such hearing.

14 Sec. 3. Section 16-1-86, AOLA 1949, is hereby amended to
15 read as follows:

16 Sec. 16-1-86. PAYMENT OF ASSESSMENT: TIME OF: DELIN-
17 QUENCY: INTEREST AND PENALTY. After the assessment has thus
18 been completed the city council shall by resolution fix a
19 time within which the same shall be paid and at which the as-
20 sessments shall become delinquent, which time shall not be
21 less than sixty days subsequent to such resolution. Any such
22 assessment which shall not be paid before delinquency shall
23 draw interest at the rate of twelve percent per annum, and
24 the council may by resolution fixing the time of delinquency
25 also provide that after delinquency a penalty not in excess
26 of ten percent may be added to the delinquent assessment,
27 which penalty shall also draw interest at the rate of twelve
28 percent per annum 7.7, provided that the city council may
29 spread the total assessment to be collected in regular yearly

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instalments over a period not to exceed ten years.