

SCOMM

#23:40

Proofed 12-29

Corrected: Dec 30  
Output After 45  
w/ pg #s

CHAPTER 48. SPECIAL ASSESSMENTS

1  
2 \*\*\*\*Sec. 29.48.010. ASSESSMENT AND PROPOSAL. The governing body may assess  
3 against the property of a state or federal governmental unit and private  
4 real property benefited all or a portion of the cost of acquiring, installing  
5 or constructing capital improvements. The state shall pay an assessment  
6 levied, except as otherwise provided by law and subject to its right of  
7 protest under <sup>AS 29.48.020 (a)(8)</sup> ~~Sec. 15(a)(8) of this chapter~~. If a governmental unit other  
8 than the state benefited by an improvement refuses to pay the assessment, it  
9 shall be denied the benefit of the improvement. An improvement proposal may  
10 be initiated by

11 (1) petition to the governing body of the owners of one-half  
12 in value of the property to be benefited or

13 (2) the governing body.

14 Sec. 29.48.020. PROCEDURE. \*\*\*\*(a) The governing body may prescribe  
15 by ordinance the procedures relating to creating special assessment districts,  
16 making local improvements, levying and collecting assessments and financing  
17 of the improvements, including and subject to the following:

18 \*\*\*\* (1) a procedure for filing petitions;

19 (2) a survey and report by the borough or city executive  
20 concerning the need for, desirable extent of, and estimated cost of each  
21 proposed local improvement;

22 (3) a public hearing on the necessity for the local improve-  
23 ment;

24 \*\*\*\* (4) a resolution or ordinance of the governing body deter-  
25 mining to proceed or not to proceed with the proposed local improvement;

26 (5) a public hearing by the assembly or council on the  
27 special assessment roll for the local improvement;

28 \*\*\*\* (6) published notice of each public hearing required by this  
29 section and mailing notice to each ~~legal owner of record~~ <sup>owner</sup> of real property  
within the special assessment district;

1 \*\*\*\* (7) a resolution or ordinance confirming the special asses-  
2 sment roll for the local improvement;

3 (8) if protests as to the necessity of a local improvement  
4 are made by owners of property which will bear 50 percent or more of the  
5 estimated cost of the improvement, the assembly or council may not proceed  
6 with the improvement until the objections have been reduced to less than 50  
7 percent, except upon approval of not fewer than three-fourths of the ~~assembly~~  
8 ~~or council~~ governing body.

9 \*\*\*\* (b) To the extent that the governing body does not prescribe a  
10 procedure for special assessments as permitted by this section, the governing  
11 body shall comply with the special assessment procedures set out in (AS)  
12 29.48.030 - <sup>29.48.</sup> 100.

13 ~~\*\*\*\*~~ Sec. 29.48.030. CREATION OF DISTRICT. \*\*\*\* (a) When an improvement  
14 proposal has been filed with the municipal clerk and presented to the governing  
15 body, it shall find by resolution or ordinance whether (1) the improvement  
16 requested is necessary and should be made, and (2) if by petition, the  
17 request has sufficient and proper petitioners. The findings of the governing  
18 body are conclusive.

19 (b) If the governing body approves an improvement proposal with  
20 the necessary findings, it shall develop a proposed improvement plan including  
21 the cost estimate and the percentage of the improvement plan cost to be  
22 assessed against the property benefited. This plan is to be filed with the  
23 municipal clerk.

24 (c) The governing body shall set a time for public hearing on the  
25 improvement plan and the period for filing objections to the plan. The  
26 governing body shall publish a notice of the hearing and of the period  
27 during which objections may be filed at least once a week for four consecutive  
28 weeks in a newspaper of general circulation if distributed within the municipal  
29 mail to every record owner of property within the special assessment  
district.

1 \*\*\*\*Sec. 29.48.040. RECORD OWNER. The person in whose name property is  
2 listed on the municipal property tax roll as owner is conclusively presumed  
3 to be the legal owner of record. If the owner is unknown, the assessment  
4 roll may designate "unknown owner."

5 \*\*\*\*Sec. 29.48.050. OBJECTIONS AND REVISION. (a) Objections to the improvement<sup>nt</sup>  
6 plan may be filed during a period of 60 days after publication of notice.  
7 The governing body may by resolution or ordinance approve the plan and order  
8 the improvement subject to the limitation of (b) of this section.

9 (b) If objections are made in writing during the period set for  
10 objections by the owners of property bearing one-half or more of the estimated  
11 cost of the improvement, the governing body may not proceed with the improvement  
12 unless it revises the plan to meet the objections and the objections are  
13 reduced to less than 50 per cent. A revised plan shall be approved and  
14 adopted as an original plan in accordance with AS 29.48.030.

15 Sec. 29.48.060. ASSESSMENT ROLL. \*\*\*\*(a) At any time after project  
16 approval, the governing body shall assess the authorized percentage of the  
17 cost against property within the district in proportion to benefit received.

18 \*\*\*\* (b) The special assessment roll shall contain property descriptions,  
19 names of record owners and assessment amounts.

20 (c) The assembly or council shall fix a time to hear objections  
21 to the roll. The municipal clerk shall send an assessment and hearing  
22 notice by mail to each record owner of an assessed tract not less than 15  
23 days before the hearing.

24 \*\*\*\*Sec. 29.48.070. HEARING AND SETTLEMENT After the public hearing, the  
25 governing body shall correct errors and any inequalities in the roll. If an  
26 assessment is increased, a new hearing shall be set and notice mailed,  
27 except that a new hearing and notice is not required of all record owners of  
28 property subject to the increased assessment consent in writing to the  
29 increase. Objections to the increased assessment shall be limited to record

1 owners of property on which the assessment was increased. When the roll is  
2 corrected, it shall be confirmed by resolution or ordinance of the governing  
3 body.

4 Sec. 29.48.080. PAYMENT. \*\*\*\*(a) The governing body shall fix times  
5 of payment, penalty on delinquent payments and the rate of interest on the  
6 unpaid balance of the assessment. Payment may be in one sum or by install-  
7 ments. If payment is to be in one sum, payment may not be required sooner  
8 than 60 days after mailing of the assessment statement. The entire assess-  
9 ment may be prepaid without interest or penalty within 30 days after mailing  
10 of the assessment statement; and thereafter the assessment may be prepaid in  
11 whole or in part with interest to the payment date.

12 \*\*\*\* (b) Within 30 days after fixing the time of payment, the municipal  
13 clerk shall mail a statement to the owner of record of each property assessed.  
14 The statement designates the property, the assessment amount, method of  
15 payment, rate of interest on the unpaid balance of the assessment, the time  
16 of delinquency, and penalties on delinquent payments.

17 (c) Within five days after the statements are mailed, the clerk  
18 shall publish notice that the statements have been mailed.

19 (d) Assessments are liens upon the property assessed and are  
20 prior and paramount to all liens except municipal tax liens. They may be  
21 enforced as provided in AS 29.53.200-29.53.390 for enforcement of property  
22 tax liens.

23 Sec. 29.48.090. (Sec. 29.63.065.) EXEMPTION. (a) The real property  
24 owned and occupied by a resident 65 years of age or over, or the spouse,  
25 widow, widower, or minor heir of the original applicant, on which is located  
26 only his permanent abode which is a single-family residence, is exempt from  
27 (1) special sewer assessments levied by a home rule or general law municipality  
28 after September 2, 1975 and (2) special water assessments levied by a home  
29 rule or general law municipality after September 2, 1975. Only one exemption  
may be granted with respect to the same property, and, if

1 two or more persons are eligible for an exemption with respect to the same  
2 property, the parties shall decide between or among themselves which shall  
3 receive the benefit of the exemption. No real property may be exempted  
4 under this subsection which the municipality determines, after notice and  
5 hearing to the parties concerned, has been conveyed to the applicant primarily  
6 for the purpose of obtaining the exemption. The determination of the  
7 municipality is appealable under AS 44.62.560-44.62.570.

8 \*\*\*\* (b) No exemption may be granted under this section except upon  
9 written application for the exemption on a form prescribed by the state  
10 assessor for use by local assessors and in accordance with the following  
11 requirements:

12 \*\*\*\* (1) the claimant must file the initial application during  
13 the period of time between the date the assessment roll is confirmed and the  
14 time of payment fixed by the governing body. Within one year of the date  
15 the assessment roll is confirmed the governing body for good cause shown may  
16 waive the claimant's failure to make timely initial application for the  
17 exemption and authorize the assessor to accept the application as if timely  
18 filed.

19 (2) a claimant receiving the exemption must file with the  
20 department by March 15 of each subsequent year a separate application proving  
21 eligibility as of January 1 in order to retain the exemption. Within the  
22 same year the department for good cause shown may waive the claimant's  
23 failure to make timely application and approve the application as if timely  
24 filed.

25 (3) If an application is filed within the required time  
26 under this subsection and is approved by the assembly or council, the  
27 exemption shall be allowed in accordance with the provisions of this  
28 section. If a waiver under this subsection is granted and the application  
29 for exemption approved, the amount of any assessment, penalty or interest

1 which the claimant may have already paid on the assessment shall be refunded  
2 to him. The municipality may at any time require proof in the form considered  
3 necessary of the right and amount of an exemption claimed under this section.

4 (c) The state shall reimburse a home rule or general law municipality  
5 for the sewer and water assessment revenues which it would receive but for  
6 the operation of this section. Reimbursement under this subsection is a  
7 lien in favor of the state against the property exempted to the extent of  
8 the assessment against the property exempted. Upon recordation in the  
9 recording office of the district in which the property exempted is located  
10 the lien is prior and superior to other liens against the property except  
11 for general taxes or other special assessments and may be enforced by lien  
12 foreclosure as provided in AS 34.10.070-34.10.220. The lien becomes immediately  
13 due and payable

14 (1) upon sale or other transfer of the property except to a  
15 spouse, widow, widower, or minor heir; however, if the property is transferred  
16 to a minor heir the lien becomes due and payable on the date the minor heir  
17 reaches the age of 25 years; or

18 (2) when property exempted under (a)(1) or (2) of this  
19 section receives more than one sewer connection or more than one water  
20 connection; or

21 (3) when the claimant fails to prove eligibility under  
22 (b)(2) of this section.

23 (d) In this section

24 (1) "resident" means a person who for 12 consecutive months  
25 has maintained his permanent place of abode in the state;

26 (2) "real property" includes, but is not limited to, mobile  
27 homes, whether classified as real or personal property for municipal tax  
28 purposes.

29

1 (3) "minor heir" means a person who, at the time of transfer  
2 of the property, has not attained the age of 19 years or who, if he has not  
3 attained the age of 22 years, is a full-time student at an educational  
4 institution or a member of the armed forces of the United States.

5 Sec. 29.48.100. REASSESSMENT. (a) The assembly or council shall  
6 within one year correct any deficiency in a special assessment found by a  
7 court.

8 (b) Notice and hearing must conform to the initial assessment  
9 procedures.

10 (c) Payments on the initial assessment are credited to the property  
11 upon reassessment.

12 (d) The reassessment becomes a charge upon the property notwith-  
13 standing failure to comply with any provision of the assessment procedure.

14 \*\*\*\*Sec. 29.48.105. ALLOWABLE COSTS. (a) Whenever a special assessment  
15 district is created, there may be included in the assessments

16 (1) all of the cost of acquiring, installing, making or  
17 constructing the local improvement;

18 (2) the costs of all engineering and surveying to be done in  
19 connection with creating the district or improvement;

20 (3) the cost of mailing <sup>and</sup> publishing of notices;

21 (4) interest <sup>on</sup> ~~in~~ interim financing;

22 (5) the cost of legal services and other expenses incurred  
23 in the formation of the special assessment district;

24 (6) the cost of completing the improvement and financing the  
25 improvement, including the issuance of any bonds.

26 (b) The total amount of the assessment roll may not exceed actual  
27 costs but actual costs may include reasonable estimates of the costs to be  
28 incurred in connection with issuance of any bonds.

1       Sec. ~~29.48.110~~ 29.48.110. OBJECTION AND APPEAL. (a) The regularity or validity  
2 of an assessment may not be contested by a person who did not file with the  
3 municipal clerk a written objection to the assessment roll before its confir-  
4 mation.

5               (b) The decision of the assembly or council upon an objection may  
6 be appealed to the superior court within 30 days of the date of confirmation  
7 of the assessment roll.

8               (c) If no objection is filed or an appeal taken within the time  
9 provided in this section, the assessment procedure shall be considered  
10 regular and valid in all respects.

11       \*\*\*\*Sec. 29.48.115. INTERIM FINANCING. (a) The governing body may provide  
12 by resolution or ordinance for the issuance of notes in payment of the costs  
13 of any local improvement project, payable out of special assessments for the  
14 improvement. The notes shall bear interest at a rate or rates authorized by  
15 the resolution or ordinance and shall be redeemed either in cash or bonds  
16 for the improvement project.

17               (b) All notes issued against assessments shall be claims against  
18 the assessments which are prior and superior to a right, lien or claim of a  
19 surety upon the bond given to the municipality to secure the performance of  
20 its contract for a local improvement project to secure the payment of persons  
21 who have performed work or furnished materials under the contract.

22               (c) The municipal treasurer may accept notes against special  
23 assessments upon conditions prescribed by the governing body in payment of  
24               (1) assessments against which the notes were issued in order  
25 of priority;  
26               (2) judgments rendered against property owners who have  
27 become delinquent in the payment of assessments; and  
28               (3) certificates of purchase when property has been sold  
29 under ~~execution~~ <sup>X</sup> or at tax sale for failure to pay the assessments.

1       Sec. ~~29.48.120~~ 29.48.120.   SPECIAL ASSESSMENT BONDS.   (a) The assembly or  
2 council may by ordinance authorize the issuance and sale of special  
3 assessment bonds to pay all or part of the cost of an improvement in a  
4 special assessment district. The principal and interest of bonds issued  
5 shall be payable solely from the levy of special assessments against the  
6 property to be benefited. The assessments shall constitute a sinking fund  
7 for the payment of principal and interest on the bonds. The property  
8 benefited may be pledged by the assembly or council to secure a payment.

9               (b) Upon default in a payment due on a special assessment bond, a  
10 bondholder may enforce payment of principal and interest and costs of  
11 collection in a civil action in the same manner and with the same effect as  
12 actions for the foreclosure of mortgages on real property. Foreclosure  
13 shall be against all property on which assessments are in default. The  
14 period for redemption shall be the same as in the case of a mortgage  
15 foreclosure on real property.

16       \*\*\*\* (c) Before the governing body may issue special assessment bonds,  
17 it shall establish a guarantee fund and appropriate to the fund annually a  
18 sum adequate to cover any deficiency in meeting payments of principal and  
19 interest of bonds issued by reason of nonpayment of assessments when due.  
20 Money received from actions taken against property for nonpayment of  
21 assessments shall be credited to the guarantee fund.

✓ DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.010. ASSESSMENT AND PROPOSAL. The <sup>governing body</sup> ~~assembly or~~  
~~council~~ may assess against the property of a <sup>state or federal</sup> governmental unit  
and private real property benefited all or a <sup>1</sup> portion of the cost  
of acquiring, installing, or constructing [OR IMPROVING] capital  
improvements. The state shall pay an assessment levied, except  
as otherwise provided by law and subject to its right of protest  
under AS 29.48.020(a)(8). If a governmental unit other than the  
state benefited by an improvement [ASSESSMENT] refuses to pay the  
assessment, it shall be denied the benefit of the improvement.  
An improvement proposal may be initiated by

- (1) petition to the <sup>governing body</sup> ~~assembly or council~~ of the  
owners of one-half in value of the property to be benefited or
- (2) the <sup>governing body</sup> ~~assembly or council~~.

EXPLANATION: This is primarily a technical revision although  
the language is broadened to make it clear that all costs of  
capital improvements may be paid for by assessments.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.020. PROCEDURE. (a) The <sup>governing body</sup> ~~assembly or council~~ may prescribe by ordinance the procedures relating to creating special assessment districts, making local improvements, levying and collecting assessments and financing of the improvements [SPECIAL ASSESSMENT PROCEDURE FOR LOCAL IMPROVEMENTS], including and subject to the following:

- (1) a [THE] procedure for filing petitions;
- (2) no change;
- (3) no change'
- (4) a resolution or ordinance of the <sup>governing body</sup> ~~assembly or council~~ determining to proceed or not to proceed with the proposed local improvement;
- (5) no change;
- (6) published notice of each public hearing required by this section and mailing notice to each "[LEGAL OWNER OF] record owner of real property within the special assessment district;

(7) a resolution or ordinance confirming the special assessment roll for the local improvement;

(8) no change;

(b) To the extent that [IF] the <sup>governing body</sup> ~~assembly or council~~ does not prescribe a procedure for special assessments as permitted by this section, the <sup>governing body</sup> ~~assembly or council~~ shall comply with the special assessment procedures set out in AS 29.48.030-100.

EXPLANATION: This is primarily a technical revision except that those items required to be done by resolution under existing law may be done by ordinance.

Sec. 29.48.030. Creation of District. [DECISION AND NOTICE].

(a) When an improvement proposal has been filed with the municipal clerk and presented to the <sup>governing body</sup> ~~assembly or council~~, the <sup>i.</sup> ~~assembly or council~~ shall find by resolution or ordinance whether (1) the improvement requested [REQUEST] is necessary and should be made, and (2) if by petition, the request has sufficient and proper petitioners. The findings of the <sup>governing body</sup> ~~assembly or council~~ are conclusive.

(b) If the <sup>governing body</sup> ~~assembly or council~~ <sup>an improvement proposal</sup> ~~approves~~ with the necessary findings [PASSES A RESOLUTION APPROVING] ~~an improvement proposal~~, it shall develop a proposed improvement plan including the <sup>cost</sup> ~~estimate of total cost~~ <sup>and the percentage</sup> ~~and amount~~ of the improvement cost to be assessed against each property benefited. This plan is to be filed with the municipal clerk.

(c) The <sup>governing body</sup> ~~assembly or council~~ shall set a time for public hearing on the improvement plan and the period for filing objections to the plan. The <sup>governing body</sup> ~~assembly or council~~ shall publish a notice of the hearing and of the period during which objections may be filed at least once a week for four consecutive weeks in a newspaper of general circulation if distributed within the municipality and shall send notice by mail to every record owner of property within the special assessment district.

EXPLANATION: (b) changed to require an estimate of the amount to be assessed to each property rather than an estimate of the percentage of the total cost. (c) requires a period for filing of objections and notice of the period.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.<sup>40</sup>~~68~~.040. RECORD OWNER. The person in whose name property is listed on the municipal property tax roll as owner is conclusively presumed to be the legal owner of record. If the owner is unknown, the assessemnt roll may designate [BE MADE AGAINST] "unknown owner".

EXPLANATION: Technical clean-up. No substantive change.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.050. OBJECTIONS AND REVISION. (a) Objections to the improvement plan may be filed during a period of 60 days [NOT LESS THAN 30 NOR MORE THAN 60 DAYS] after publication of notice [ON A DATE SPECIFIED BY THE ASSEMBLY OR COUNCIL]. The <sup>governing body</sup> ~~assembly or council~~ may by resolution or ordinance approve the plan and order [PROCEED WITH] the improvement subject to the limitation of (b) of this section [IF THE OWNERS OF ONE-HALF IN VALUE OF THE PROPERTY TO BE BENEFITED DO NOT OBJECT IN WRITING].

(b) If objections are made in writing during the period set for objections by the owners of property bearing one-half <sup>governing body</sup> ~~assembly or council~~ or more of the estimated cost of the improvement, the ~~assembly or council~~ may not proceed with the improvement unless it revises the plan to meet the objections and the objections are reduced to less than 50 percent. A revised plan shall be approved and adopted as an original plan in accordance with AS 29.48.030.

EXPLANATION: Eliminates option of allowing objections for only 30 days in favor of a 60 day period. Requires objections by property owners under (b) to be in writing.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.060. ASSESSMENT ROLL. (a) At any time after project approval, the <sup>governing body</sup> ~~assembly or council~~ shall assess the authorized percentage of the cost against property within the district [TRACTS] in proportion to benefit received. [ASSESSMENTS MAY NOT EXCEED ACTUAL COSTS.]

(b) The special assessment roll shall contain [CONTAINS] property descriptions, names of record owners [OF RECORD] and assessment amounts.

(c) No change.

EXPLANATION: Technical clean-up only. The last line of (a) is deleted as redundant.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.070. HEARING AND SETTLEMENT. After the public hearing, the ~~assembly or council~~<sup>governing body</sup> shall correct errors and any inequalities in the roll. If an assessment is increased, a new hearing shall be set and notice mailed, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objections to the increased assessment shall be limited to record owners of property on which the assessment was increased. When the roll is corrected, it shall be confirmed by resolution or ordinance of the ~~assembly or council~~<sup>governing body</sup>. [THE CLERK SHALL SO CERTIFY].

EXPLANATION: Provides an opportunity for a new hearing if assessments are increased. Requires the governing body to confirm a new assessment roll.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.080. PAYMENT. (a) The <sup>governing body</sup> ~~assembly or council~~ shall fix times of payment, penalty on delinquent payments and the rate of interest on the unpaid balance of the assessment [INSTALLMENTS AND DELINQUENCY OF ASSESSMENTS. PAYMENT MAY NOT BE REQUIRED SOONER THAN 60 DAYS AFTER ASSESSMENT]. Payment may be in one sum or by instalments. [BUT A SUM OR INSTALLMENT MAY NOT EXCEED 25 PERCENT OF THE ASSESSED VALUE OF THE PROPERTY AFFECTED.] If payment is to be in one sum, payment may not be required sooner than 60 days after mailing of the assessment statement. The entire assessment may be prepaid without interest or penalty within 30 days after mailing of the assessment statement; and thereafter the assessment may be prepaid in whole or in part with interest to the payment date. [PENALTY AND INTEREST ARE THE SAME AS FOR REAL PROPERTY TAXES.]

(b) Within 30 days after fixing the time of payment, the municipal clerk shall mail a statement to the owner of record of each property assessed. The statement designates the property, the assessment amount, method of payment, rate of interest on the unpaid balance of the assessment, the time of delinquency, and penalties on delinquent payments.

(c) No change.

(d) No change.

EXPLANATION: Removed the limitation that a payment not exceed 25 percent of the value of property. Allows a period of 30 days for payment without interest.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.090. EXEMPTION. (a) No change.

(b) No exemption may be granted under this section except upon written application for the exemption on a form prescribed by the state assessor for use by local assessors and in accordance with the following requirements:

(1) the claimant must file the initial application during the period of time between the date the assessment roll is confirmed [CERTIFIED] and the time of payment fixed by the ~~assembly~~ <sup>governing body</sup> ~~or council~~. Within one year of the date the assessment roll is confirmed [CERTIFIED] the ~~assembly or council~~ <sup>governing body</sup> for good cause shown may waive the claimant's failure to make timely initial application for the exemption and authorize the assessor to accept the application as if timely filed.

The rest of the section is unchanged.

EXPLANATION: Change in (b)(1) to conform to the change in AS 29.48.070 providing that the assessment roll be confirmed by the governing body.

**DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE**  
**06 December 1980**

Sec. 29.48.105. ALLOWABLE COSTS. (a) Whenever a special assessment district is created, there may be included in the assessments

(1) all of the cost of acquiring, installing, making or constructing the local improvement;

(2) the costs of all engineering and surveying to be done in connection with creating the district or improvement;

(3) the cost of mailing and publishing of notices;

(4) interest on interim financing;

(5) the cost of legal services and other expenses incurred in the formation of the special assessment district;

(6) The cost of completing the improvement and financing the improvement, including the issuance of any bonds.

(b) The total amount of the assessment roll may not exceed actual costs but actual costs may include reasonable estimates of the costs to be incurred in connection with issuance of any bonds.

EXPLANATION: This is a new section clarifying which costs may be paid for through assessments.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.115. INTERIM FINANCING. (a) The <sup>governing body</sup> ~~assembly or council~~ may provide by resolution or ordinance for the issuance of notes in payment of the costs of any local improvement project, payable out of special assessments for the improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance and shall be redeemed either in cash or bonds for the improvement project.

(b) All notes issued against assessments shall be claims against the assessments which are prior and superior to a right, lien or claim of a surety upon the bond given to the municipality to secure the performance of its contract for a local improvement project or to secure the payment of persons who have performed work or furnished materials under the contract.

(c) The municipal treasurer may accept notes against special assessments upon conditions prescribed by the <sup>governing body</sup> ~~assembly or council~~ in payment of

(1) assessments against which the notes were issued in order of priority;

(2) judgments rendered against property owners who have become delinquent in the payment of the assessments; and

(3) certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments.

EXPLANATION: This new section has been added at the suggestion of bond counsel because no authorization now exists for interim financing.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE  
06 December 1980

Sec. 29.48.120. SPECIAL ASSESSMENT BONDS. (a) No change.

(b) No change.

(c) Before the <sup>governing body</sup> ~~assembly or council~~ may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover any deficiency in meeting payments of principal and interest of bonds issued by reason of nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund. [INTEREST ON THE GUARANTEE FUNDS SHALL BE A COST OF THE IMPROVEMENT DISTRICT.]

EXPLANATION: It is felt that the last line of (c) makes no sense. Interest ought to be a credit to the district, if anything.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

CHAPTER 48. SPECIAL ASSESSMENTS

~~(CHAPTER 63. SPECIAL ASSESSMENTS AND SERVICE AREAS)~~

~~ARTICLE 1. SPECIAL ASSESSMENTS~~

Sec. 29.48.010. (Sec. 29.63.010.) ASSESSMENT AND PROPOSAL. The assembly or council may assess against the property of a governmental unit and private real property benefited all or a portion of the cost of constructing or improving capital improvements. The state shall pay an assessment levied, except as otherwise provided by law and subject to its right of protest under Sec. 15(a)(8) of this chapter. If a governmental unit other than the state benefited by an assessment refuses to pay the assessment, it shall be denied the benefit of the improvement. An improvement proposal may be initiated by

- (1) petition to the assembly or council of the owners of one-half in value of the property to be benefited or
- (2) the assembly or council.

Sec. 29.48.020. (Sec. 29.63.015.) PROCEDURE. (a) The assembly or council may prescribe by ordinance the complete special assessment procedure for local improvements, including and subject to the following:

- (1) the procedure for filing petition;
- (2) a survey and report by the borough or city executive concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;
- (3) a public hearing on the necessity for the local improvement;
- (4) a resolution of the assembly or council ~~determining to proceed or not to proceed with the proposed local improvement;~~
- (5) a public hearing by the assembly or council on the special assessment roll for the local improvement;

1 (6) published notice of each public hearing required by this  
2 section and mailing notice to each legal owner of record of real property  
3 within the special assessment district;

4 (7) a resolution confirming the special assessment roll for  
5 the local improvement;

6 *this was o.k. at 8/28* (8) *Shawn here* if protests as to the necessity of a local improvement  
7 are made by owners of property which will bear 50 percent or more of the  
8 estimated cost of the improvement, the assembly or council may not proceed  
9 with the improvement until the objections have been reduced to less than 50  
10 percent, except upon approval of not fewer than three-fourths of the  
11 assembly or council.

12 (b) If the assembly or council does not prescribe a procedure for  
13 special assessments as permitted by this section, the assembly or council  
14 shall comply with the special assessment procedures set out in Secs. 20-70  
15 of this chapter.

16 Sec. 29.48.030. (Sec. 29.63.020.) ~~DECISION AND NOTICE.~~ (a) When an  
17 improvement proposal has been filed with the municipal clerk and presented  
18 to the assembly or council, the assembly or council shall find by resolution  
19 whether (1) the improvement request is necessary and should be made, and (2)  
20 the request has sufficient and proper petitioners. The findings of the  
21 assembly or council are conclusive.

22 *o.k.* (b) If the assembly or council passes a resolution approving an  
23 improvement proposal with the necessary findings, it shall develop a  
24 proposed improvement plan including the cost estimate and the percentage of  
25 the improvement plan cost to be assessed against the property benefited.  
26 This plan is to be filed with the municipal clerk.

27 *o.k.* (c) The assembly or council shall set a time for public hearing  
28 on the improvement plan. The assembly or council shall publish a notice at  
29 least once a week for four consecutive weeks in a newspaper of general

1 circulation if distributed within the municipality and shall send notice by  
2 mail to every record owner of property within the special assessment  
3 district.

4 Sec. 29.48.040. (Sec. 29.63.025.) ~~RECORD OWNER.~~ The person in whose  
5 name property is listed on the municipal property tax roll as owner is  
6 conclusively presumed to be the legal owner of record. If the owner is  
7 unknown, the assessment may be made against "unknown owner."

8 Sec. 29.48.050. (Sec. 29.63.030.) ~~OBJECTIONS AND REVISION.~~ (a)  
9 Objections to the improvement plan may be filed not less than 30 nor more  
10 than 60 days after publication of notice on a date specified by the assembly  
11 or council. The assembly or council may by resolution approve the plan and  
12 proceed with the improvement if the owners of one-half in value of the  
13 property to be benefited do not object in writing.

14 (b) If objections are made by the owners of property bearing  
15 one-half of the estimated cost of the improvement, the assembly or council  
16 may not proceed with the improvement unless it revises the plan to meet the  
17 objections and the objections are reduced to less than 50 per cent. A  
18 revised plan shall be approved and adopted as an original plan.

19 Sec. 29.48.060. (Sec. 29.63.040.) ~~ASSESSMENT ROLL.~~ (a) At any time  
20 after project approval, the assembly or council shall assess the authorized  
21 percentage of the cost against tracts in proportion to benefit received.  
22 Assessments may not exceed actual costs.

23 (b) ~~The special assessment roll contains property descriptions,~~  
24 ~~names of owners of record and assessment amounts.~~

25 *O.K.* (c) The assembly or council shall fix a time to hear objections  
26 to the roll. The municipal clerk shall send an assessment and hearing  
27 notice by mail to each record owner of an assessed tract not less than 15  
28 days before the hearing.

1       Sec. 29.48.070. (Sec. 29.63.050.) HEARING AND SETTLEMENT. After the  
2 public hearing, the assembly or council shall correct errors and any  
3 inequalities in the roll. When the roll is corrected, the clerk shall so  
4 certify.

5       Sec. 29.48.080. (Sec. 29.63.060.) PAYMENT. (a) The assembly or  
6 council shall fix times of payment, rate of interest on unpaid installments,  
7 and delinquency of assessments. Payment may not be required sooner than 60  
8 days after assessment. Payment may be in one sum or by installments, but a  
9 sum or installment may not exceed 25 percent of the assessed value of the  
10 property affected. Penalty and interest are the same as for real property  
11 taxes.

12       (b) Within 30 days after fixing the time of payment, the  
13 municipal clerk shall mail a statement to the owner of record of each  
14 property assessed. The statement designates the property, the assessment  
15 amount, the time of delinquency, and penalties.

16       (c) Within five days after the statements are mailed, the clerk  
17 shall publish notice that the statements have been mailed.

18       (d) Assessments are liens upon the property assessed and are  
19 prior and paramount to all liens except municipal tax liens. They may be  
20 enforced as provided in AS 29.53.200-29.53.390 for enforcement of property  
21 tax liens.

22       Sec. 29.48.090. (Sec. 29.63.065.) EXEMPTION. (a) The real property  
23 owned and occupied by a resident 65 years of age or over, or the spouse,  
24 widow, widower, or minor heir of the original applicant, on which is located  
25 only his permanent abode which is a single-family residence, is exempt from  
26 (1) special sewer assessments levied by a home rule or general law  
27 municipality after September 2, 1975 and (2) special water assessments  
28 levied by a home rule or general law municipality after September 2, 1975.  
29 Only one exemption may be granted with respect to the same property, and, if

1 two or more persons are eligible for an exemption with respect to the same  
2 property, the parties shall decide between or among themselves which shall  
3 receive the benefit of the exemption. No real property may be exempted  
4 under this subsection which the municipality determines, after notice and  
5 hearing to the parties concerned, has been conveyed to the applicant  
6 primarily for the purpose of obtaining the exemption. The determination of  
7 the municipality is appealable under AS 44.62.560-44.62.570.

8 (b) No exemption may be granted under this section except upon  
9 written application for the exemption on a form prescribed by the state  
10 assessor for use by local assessors and in accordance with the following  
11 requirements:

12 (1) the claimant must file the initial application during  
13 the period of time between the date the assessment roll is certified and the  
14 time of payment fixed by the assembly or council. Within one year of the  
15 date the assessment roll is certified the assembly or council for good cause  
16 shown may waive the claimant's failure to make timely initial application  
17 for the exemption and authorize the assessor to accept the application as if  
18 timely filed.

19 (2) a claimant receiving the exemption must file with the  
20 department by March 15 of each subsequent year a separate application proving  
21 eligibility as of January 1 in order to retain the exemption. Within the  
22 same year the department for good cause shown may waive the claimant's  
23 failure to make timely application and approve the application as if timely  
24 filed.

25 (3) if an application is filed within the required time  
26 under this subsection and is approved by the assembly or council, the  
27 exemption shall be allowed in accordance with the provisions of this  
28 section. If a waiver under this subsection is granted and the application  
29 for exemption approved, the amount of any assessment, penalty or interest

1 which the claimant may have already paid on the assessment shall be refunded  
2 to him. The municipality may at any time require proof in the form  
3 considered necessary of the right and amount of an exemption claimed under  
4 this section.

5 (c) The state shall reimburse a home rule or general law  
6 municipality for the sewer and water assessment revenues which it would  
7 receive but for the operation of this section. Reimbursement under this  
8 subsection is a lien in favor of the state against the property exempted to  
9 the extent of the assessment against the property exempted. Upon  
10 recordation in the recording office of the district in which the property  
11 exempted is located the lien is prior and superior to other liens against  
12 the property except for general taxes or other special assessments and may  
13 be enforced by lien foreclosure as provided in AS 34.10.070-34.10.220. The  
14 lien becomes immediately due and payable

15 (1) upon sale or other transfer of the property except to a  
16 spouse, widow, widower, or minor heir; however, if the property is  
17 transferred to a minor heir the lien becomes due and payable on the date the  
18 minor heir reaches the age of 25 years; or

19 (2) when property exempted under (a)(1) or (2) of this  
20 section receives more than one sewer connection or more than one water  
21 connection; or

22 (3) when the claimant fails to prove eligibility under  
23 (b)(2) of this section.

24 (d) In this section

25 (1) "resident" means a person who for 12 consecutive months  
26 has maintained his permanent place of abode in the state;

27 (2) "real property" includes, but is not limited to, mobile  
28 homes, whether classified as real or personal property for municipal tax  
29 purposes.

1 (3) "minor heir" means a person who, at the time of transfer  
2 of the property, has not attained the age of 19 years or who, if he has not  
3 attained the age of 22 years, is a full-time student at an educational  
4 institution or a member of the armed forces of the United States.

5 Sec. 29.48.100. (Sec. 29.63.070.) REASSESSMENT. (a) The assembly or  
6 council shall within one year correct any deficiency in a special assessment  
7 found by a court.

8 (b) Notice and hearing must conform to the initial assessment  
9 procedures.

10 (c) Payments on the initial assessment are credited to the  
11 property upon reassessment.

12 (d) The reassessment becomes a charge upon the property  
13 notwithstanding failure to comply with any provision of the assessment  
14 procedure.

15 Sec. 29.48.110. (Sec. 29.63.080.) OBJECTION AND APPEAL. (a) The  
16 regularity or validity of an assessment may not be contested by a person who  
17 did not file with the municipal clerk a written objection to the assessment  
18 roll before its confirmation.

19 (b) The decision of the assembly or council upon an objection may  
20 be appealed to the superior court within 30 days of the date of confirmation  
21 of the assessment roll.

22 (c) If no objection is filed or an appeal taken within the time  
23 provided in this section, the assessment procedure shall be considered  
24 regular and valid in all respects.

25 Sec. 29.48.120. (Sec. 29.63.085.) SPECIAL ASSESSMENT BONDS. (a) The  
26 assembly or council may by ordinance authorize the issuance and sale of  
27 special assessment bonds to pay all or part of the cost of an improvement in  
28 a special assessment district. The principal and interest of bonds issued  
29 shall be payable solely from the levy of special assessments against the

1 property to be benefited. The assessments shall constitute a sinking fund  
2 for the payment of principal and interest on the bonds. The property  
3 benefited may be pledged by the assembly or council to secure a payment.

4 (b) Upon default in a payment due on a special assessment bond, a  
5 bondholder may enforce payment of principal and interest and costs of  
6 collection in a civil action in the same manner and with the same effect as  
7 actions for the foreclosure of mortgages on real property. Foreclosure  
8 shall be against all property on which assessments are in default. The  
9 period for redemption shall be the same as in the case of a mortgage  
10 foreclosure on real property.

11 (c) Before the assembly or council may issue special assessment  
12 bonds, it shall establish a guarantee fund and appropriate to the fund  
13 annually a sum adequate to cover any deficiency in meeting payments of  
14 principal and interest of bonds issued by reason of nonpayment of  
15 assessments when due. Money received from actions taken against property for  
16 nonpayment of assessments shall be credited to the guarantee fund. Interest  
17 on the guarantee funds shall be a cost of the improvement district.

NOTES ↓

Article 1. Special Assessments

Section	Section
10. Assessment and proposal	60. Payment
15. Procedure	65. Exemption
20. Decision and notice	70. Reassessment
25. Record owner	75. <u>Allowable costs</u>
30. Objections and revision	80. <u>Objection and appeal</u>
40. Assessment roll	83. <u>Interim financing</u>
50. Hearing and settlement	85. <u>Special assessment bonds</u>

SEC. 29.63.010. ASSESSMENT AND PROPOSAL. The assembly or council may assess against the property of a governmental unit and private real property benefited all or a portion of the cost of acquiring, installing, making or constructing [OR IMPROVING] capital improvements. The state shall pay an assessment levied, except as otherwise provided by law and subject to its right of protest under § 15(a)(8) of this chapter. If a governmental unit other than the state benefited by an improvement [ASSESSMENT] refuses to pay the assessment, it shall be denied the benefit of the improvement. An improvement proposal may be initiated by

- (1) petition to the assembly or council of the owners of one-half in value of the property to be benefited or
- (2) the assembly or council.

SEC. 29.63.015. PROCEDURE. (a) The assembly or council may prescribe by ordinance the ~~complete~~ procedure relating to creating special assessment districts, making local improvements, levying and collecting assessments and financing of the improvements [SPECIAL ASSESSMENT PROCEDURE FOR LOCAL IMPROVEMENTS], including and subject to the following:

- (1) a [THE] procedure for filing petitions;
- (2) a survey and report by the borough or city executive concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;
- (3) a public hearing on the necessity for the local improvement;
- (4) a resolution or ordinance of the assembly or council determining to proceed or not to proceed with the proposed local improvement;

(5) a public hearing by the assembly or council on the special assessment roll for the local improvement;

(6) published notice of each public hearing required by this section and mailing notice to each [LEGAL OWNER OF] record owner of real property within the special assessment district;

(7) a resolution or ordinance confirming the special assessment roll for the local improvement;

(8) if protests as to the necessity of a local improvement are made by owners of property which will bear 50 per cent or more of the estimated cost of the improvement, the assembly or council may not proceed with the improvement until the objections have been reduced to less than 50 per cent, except upon approval of not fewer than three-fourths of the assembly or council.

(b) To the extent that [IF] the assembly or council does not prescribe a procedure for special assessments as permitted by this section, the assembly or council shall comply with the special assessment procedures set out in §§ ~~20-70~~ of this chapter.

20.

SEC. 29.63.020. Creation of District [DECISION AND NOTICE].

(a) When an improvement proposal has been filed with the municipal clerk and presented to the assembly or council, the assembly or council shall find by resolution or ordinance whether (1) the improvement requested [REQUEST] is necessary and should be made, and (2) if by petition, the request has sufficient and proper petitioners. The findings of the assembly or council are conclusive.

(b) If the assembly or council approves [PASSES A RESOLUTION APPROVING] an improvement proposal with the necessary findings, it shall develop a proposed improvement plan including the cost estimate and the ~~percentage~~ <sup>estimated amount of</sup> of the ~~the~~ <sup>the %</sup> improvement plan cost to be assessed against ~~the~~ <sup>EACH</sup> property benefited. This plan is to be filed with the municipal clerk.

(c) The assembly or council shall set a time for public hearing on and the period for filing objections to the improvement plan. The assembly or council shall publish a notice of the hearing and of the period during which objections may be filed at least once a week for four consecutive weeks in a newspaper of general circulation if distributed within the municipality and shall send notice by mail to every record owner of property within the special assessment district.

SEC. 29.63.025. RECORD OWNER. The person in whose name property is listed on the municipal property tax roll as owner is conclusively presumed to be the legal owner of record. If the owner is unknown, the assessment roll may designate [BE MADE AGAINST] "unknown owner."

SEC. 29.63.030. OBJECTIONS AND REVISION. (a) Objections to the improvement plan may be filed during a period of ~~not less than 30~~ <sup>60 fm 1st pub of notice. w/ 30 days</sup> [NOR MORE THAN 60] days [AFTER PUBLICATION OF NOTICE ON A DATE] <sup>obj?</sup> specified by the assembly or council. The assembly or council may by resolution or ordinance approve the plan and order [PROCEED WITH] the improvement subject to the limitation <sup>in</sup> of (b) of this section [IF THE OWNERS OF ONE-HALF IN VALUE OF THE PROPERTY TO BE BENEFITED DO NOT OBJECT IN WRITING].

(b) If objections are made in writing during the period set for objections by the owners of property bearing one-half or more of the ~~estimated~~ cost of the improvement, the assembly or council may not proceed with the improvement unless it revises the plan to meet the objections and the objections are reduced to less than 50 per cent. A revised plan shall be approved and adopted as an original plan in accordance with 020(b) and (c) of this chapter.

SEC. 29.63.040. ASSESSMENT ROLL. (a) At any time after project approval, the assembly or council shall assess the authorized percentage of the cost against property within the district [TRACTS] in proportion to benefit received. [ASSESSMENTS MAY NOT EXCEED ACTUAL COSTS.]

(b) The special assessment roll shall contain [CONTAINS] property descriptions, names of record owners [OF RECORD] and assessment amounts.

(c) The assembly or council shall fix a time to hear objections to the roll. The municipal clerk shall send an assessment and hearing notice by mail to each record owner of an assessed tract not less than 15 days before the hearing.

SEC. 29.63.050. HEARING AND SETTLEMENT. After the public hearing, the assembly or council shall correct errors and ~~any~~ inequalities in the roll. If any assessment is raised, a new hearing shall be set and notice mailed as for the original assessment roll except that a new hearing and notice is not required if all record owners of the property subject to the raised assessment consent in writing to the raise. Objections to the raised assessment shall be limited to record owners of property on which the assessment was raised. When the roll is corrected, it shall be confirmed by resolution or ordinance of the assembly or council. [THE CLERK SHALL SO CERTIFY.]

SEC. 29.63.060. PAYMENT. (a) The assembly or council shall fix times of payment, penalty ~~and interest on~~ delinquent payments ~~and if payable in installments~~ <sup>on</sup> ~~the~~ <sup>the</sup> rate of interest on the unpaid balance of the assessment, [INSTALLMENTS] [AND DELINQUENCY OF ASSESSMENTS]. PAYMENT MAY NOT BE REQUIRED SOONER THAN 60 DAYS AFTER ASSESSMENT. Payment may be in one sum or by installments. [BUT A SUM OR INSTALLMENT MAY NOT EXCEED 25 PER CENT OF THE ASSESSED VALUE OF THE PROPERTY AFFECTED.] If payment is to be in one sum, payment may not

be required sooner than 60 days after mailing of the assess-  
ment statement. ~~If payment is to be by installment,~~ the  
entire assessment may be prepaid without interest or pen-  
alty within 30 days after mailing of the assessment state-  
ment; and thereafter <sup>the assessment</sup> may be prepaid in whole or in part  
with interest to the ~~next installment~~ payment date. [PEN-  
ALTY AND INTEREST ARE THE SAME AS FOR REAL PROPERTY TAXES.]

(b) Within 30 days after fixing the time of payment, the municipal clerk shall mail a statement to the owner of record of each property assessed. The statement designates the property, the assessment amount, method of payment, rate of interest on the unpaid balance of the assessment ~~if~~  
~~payable in installments,~~ the time of delinquency, and penal-  
ties ~~and interest on delinquent payments.~~

(c) Within five days after the statements are mailed, the clerk shall publish notice that the statements have been mailed.

(d) Assessments are liens upon the property assessed and are prior and paramount to all liens except municipal tax liens. They may be enforced as provided in AS 29.53.200-29.53.390 for enforcement of property tax liens.

SEC. 29.63.065. EXEMPTION. (a) The real property owned and occupied by a resident 65 years of age or over, or the spouse, widow, widower, or minor heir of the original applicant, on which is located only his permanent abode which is a single-family residence, is exempt from (1) special sewer assessments levied by a home rule or general law municipality after September 2, 1975 and (2) special water assessments levied by a home rule or general law municipality after September 2, 1975. Only one exemption may be granted with respect to the same property, and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. No real property may be exempted under this subsection which the municipality determines, after

notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the municipality is appealable under AS 44.62.560 - 44.62.570.

(b) No exemption may be granted under this section except upon written application for the exemption on a form prescribed by the state assessor for use by local assessors and in accordance with the following requirements:

(1) the claimant must file the initial application during the period of time between the date the assessment roll is confirmed [CERTIFIED] and the time of payment fixed by the assembly or council. Within one year of the date the assessment roll is confirmed [CERTIFIED] the assembly or council for good cause shown may waive the claimant's failure to make timely initial application for the exemption and authorize the assessor to accept the application as if timely filed.

(2) a claimant receiving the exemption must file with the department by March 15 of each subsequent year a separate application proving eligibility as of January 1 in order to retain the exemption. Within the same year the department for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.

(3) if an application is filed within the required time under this subsection and is approved by the assembly or council, the exemption shall be allowed in accordance with the provisions of this section. If a waiver under this subsection is granted and the application for exemption approved, the amount of any assessment, penalty or interest which the claimant may have already paid on the assessment shall be refunded to him. The municipality may at any time require proof in the form considered necessary of the right and amount of an exemption claimed under this section.

(c) The state shall reimburse a home rule or general law municipality for the sewer and water assessment revenues which it would receive but for the operation of this section. Reimbursement under this subsection is a lien in favor of the state against the property exempted to the extent of the assessment against the property exempted. Upon recordation in the recording office of the district in which the property exempted is located the lien is prior and superior to other liens against the property except for general taxes or other special assessments and may be enforced by lien foreclosure as provided in AS 34.10.070 - 34.10.220. The lien becomes immediately due and payable

(1) upon sale or other transfer of the property except to a spouse, widow, widower, or minor heir; however, if the property is transferred to a minor heir the lien becomes due and payable on the date the minor heir reaches the age of 25 years; or

(2) when property exempted under (a)(1) or (2) of this section receives more than one sewer connection or more than one water connection; or

(3) when the claimant fails to prove eligibility under (b)(2) of this section.

(d) In this section

(1) "resident" means a person who for 12 consecutive months has maintained his permanent place of abode in the state;

(2) "real property" includes, but is not limited to, mobile homes, whether classified as real or personal property for municipal tax purposes.

(3) "minor heir" means a person who, at the time of transfer of the property, has not attained the age of 19 years or who, if he has not attained the age of 22 years, is a full-time student at an educational institution or a member of the armed forces of the United States.

SEC. 29.63.070. REASSESSMENT. (a) The assembly or council shall within one year correct any deficiency in a special assessment found by a court.

(b) Notice and hearing must conform to the initial assessment procedures.

(c) Payments on the initial assessment are credited to the property upon reassessment.

(d) The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure.

SEC. 29.63.075. ALLOWABLE COSTS. Whenever <sup>K</sup> special assessment district is created, there ~~shall~~ <sup>may</sup> be included in the cost and expense of the district

(1) all of the cost of acquiring, installing, making or constructing the local improvement;

(2) the costs and expenses of all engineering and surveying necessary to be done in connection with creating the district or with the improvement;

(3) the cost of all advertising, mailing, and publishing of all notices;

(4) interest on interim financing;

(5) the cost of legal services and any other expenses incurred for district or in the formation of the district, or in connection with making the improvement and in the financing the improvement, including the issuance of any bonds;

(6) the total amount of the assessment roll may not exceed actual costs but actual costs may include reasonable estimates of the costs to be incurred in connection with issuance of any bonds.

SEC. 29.63.080. OBJECTION AND APPEAL. (a) The regularity or validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation

de ↗

(b) The decision of the assembly or council upon an objection may be appealed to the superior court within 30 days of the date of confirmation of the assessment roll.

(c) If no objection is filed or an appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects.

SEC. 29.63.083. INTERIM FINANCING. (a) The assembly or council may provide by resolution or ordinance for the issuance of <sup>NOTES</sup>~~warrants~~ in payment of the costs and expenses of any local improvement project, payable out of the special assessments for such improvement. The <sup>notes</sup>~~warrants~~ shall bear interest at a rate or rates as authorized by the resolution or ordinance and shall be redeemed either in cash or by bonds for the same project.

(b) All <sup>notes</sup>~~warrants~~ issued against any assessments shall be claims and liens against those assessments prior and superior to any right, lien or claim of any surety upon the bond given to the borough or city by or for the contract to secure the performance of its contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or furnished provisions and supplies for the carrying on of the work.

(c) The municipal treasurer may accept <sup>NOTES</sup>~~warrants~~ against special assessments upon conditions as the assembly or council may prescribe in payment of

(1) assessments against which the <sup>NOTES</sup>~~warrants~~ were issued in due order of priority;

(2) judgments rendered against property owners who have become delinquent in the payment of such assessments;  
and

(3) certificates of purchase in cases where property of delinquent <sup>taxpayers</sup>~~has~~ <sup>or someone else</sup> ~~has~~ been sold under execution or at tax sale for failure to pay the assessments.

✓  
TASK  
TAK  
← BAD  
LANGUAGE

SEC. 29.63.085. SPECIAL ASSESSMENT BONDS. (a) The assembly or council may by ordinance authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of bonds issued shall be payable solely from the levy of special assessments against the property to be benefited. The assessments shall constitute a sinking fund for the payment of principal and interest on the bonds. The property benefited may be pledged by the assembly or council to secure a payment.

(b) Upon default in a payment due on a special assessment bond, a bondholder may enforce payment of principal and interest and costs of collection in a civil action in the same manner and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption shall be the same as in the case of a mortgage foreclosure on real property.

(c) Before the assembly or council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover any deficiency in meeting payments of principal and interest of bonds issued by reason of nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund. [INTEREST ON THE GUARANTEE FUNDS SHALL BE A COST OF THE IMPROVEMENT DISTRICT.]