

CHAPTER 55.

AN ACT

[H. B. 98]

Authorizing and directing the Territorial Board of Road Commissioners to cooperate with the Alaska Road Commission during the biennium of 1927-1928 in accordance with report submitted in House Document No. 514, 67th Congress, 4th Session, for the extension of the Nome-Shelton-Keewalik Highway tramway project.

Be it enacted by the Legislature of the Territory of Alaska:

Extension of
Nome-Shelton
tramway.

Section 1. That during the biennium of 1927-1928 the Territorial Board of Road Commissioners is hereby authorized and directed to cooperate with the Alaska Road Commission for the extension of the Nome-Shelton-Keewalik Highway tramway project, in accordance with and subject to the conditions set forth in House Document No. 514, 67th Congress, 4th Session.

Section 2. That the Territorial Board of Road Commissioners is authorized to allot, out of money appropriated for the construction of roads, trails and bridges at this Session of the Legislature, in the Second Division, such sums as may be required from time to time to meet the conditions set forth in House Document No. 514 referred to above.

Approved May 5, 1927.

CHAPTER 56.

AN ACT

[H. B. 87]

Authorizing cities of the first class to establish and build streets, sewers and public improvements; to levy and collect special assessments; to pay for same on property benefited thereby.

Be it enacted by the Legislature of the Territory of Alaska:

Additional
powers to cities
of first class.

Section 1. That cities of the first class by their Common Council by general or special ordinance, or

by general and special ordinance jointly, are authorized and empowered to create and maintain street and sewer improvement districts, and establish, change and revise the boundaries thereof from time to time; to erect, build, establish, lay out, alter, open, improve and repair streets, sewers, avenues, sidewalks, alleys, bridges, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and cross walks therein, or upon any part thereof, and to levy, apportion, assess and collect the cost or any part thereof against and from the property within such street and sewer improvement district; to determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining, contiguous or proximate property, or non-contiguous and other properties within such improvement districts specially benefited thereby, and to provide for the manner of making, apportioning and collecting assessments therefor.

Section 2. STREET IMPROVEMENTS, LOCAL ASSESSMENTS.

The city shall have the power to provide by ordinance for doing any or all work thereupon or therein authorized by this Act, and for the payment of the costs and expenses thereof by the levy and collection of special assessments therefor upon the property to be benefited thereby. That is to say, the expense or cost of any work or improvements upon the streets, sewers, avenues, or public ways of such city shall be assessed upon the lots and lands fronting thereon, and adjoining, contiguous, proximate and non-contiguous in the improvement district proximate or specially benefited thereby; each lot being separately assessed for the full debt thereof in proportion to the benefits upon the

Special assessments may be levied upon benefited property.

property to be benefited, sufficient to cover the total expense of the work.

Notice of contemplated work to be published.

Section 3. The Common Council or other legislative body of said city planning to make a local improvement or improvements at the expense in whole or in part, of the owners of the property benefited, must prepare plans for the work and estimates of the cost of same, and then before proceeding with the work publish a notice of said fact at least once a week for two consecutive weeks in some newspaper published within the corporate limits of said city.

The said notice must state the nature, extent and approximate cost of said improvement or improvements, and give the boundary of the district to which the cost of same will be assessed, and must also contain a date not less than sixty days from the beginning of said publication, on or before which time or times the owners of the property affected may file their objections to the work.

The Common Council must cause a plat of the improvement district to be made showing thereon the boundaries of the proposed improvement district with the various lots, tracts and parcels of land that will be included therein and affected thereby, together with a list of said various lots, tracts and parcels of land and a statement of the estimated cost of said improvement that will be assessed against each such lot, tract or parcel. Five days or more after the termination of the sixty day period above described, the Council may proceed with the proposed improvement unless objection be filed either severally or by petition, by the owners of property bearing fifty per cent or more of the estimated cost of said improvement or improvements. In case objections are so made by the owners of property bearing fifty per cent of the estimated cost of said improvement or improvements, the proposed improvement or improvements shall not be proceeded with unless the Council shall first revise the

plans to meet the objections raised, and, upon said revision being made in the plans, the Council shall, if it determines to proceed with the proposed improvement or improvements under such revised plan, re-advertise the proposed improvement and be subjected to the same limitation as required in the first instance; and so on until the objections have been reduced to less than fifty percent. herein referred to.

Section 4. The Common Council or other legislative body of such city ordering the making of a local improvement at the expense in whole or part, of the owners of the property benefited, may ordain whether payment is to be made in one sum or by installments, and levy assessment upon the property benefited for its part, or the whole of the cost as the case may be. Provided, however, that a lump sum or installment shall not exceed twenty-five percent. of the assessed valuation of the property affected.

Payment of
assessments,
how made.

Section 5. LIEN.—Such assessment shall be a lien upon the property assessed from the time when the assessment is levied, which lien shall be paramount and superior to any other lien heretofore or thereafter created, whether by mortgage or otherwise, except a lien for prior assessment and for general taxes, and shall be payable at such time, and when delinquent, shall bear such interest and penalty as the city may by ordinance prescribe.

Assessments to
be lien upon
property
affected.

Section 6. OBJECTIONS TO FINAL ASSESSMENT.

The regularity or validity of said assessment may not in any manner be contested or questioned by any proceeding whatsoever by any person not filing objections to such assessment roll prior to the same being confirmed.

Section 7. REVIEW.—The decision of the Common Council or other legislative body upon any objection may be reviewed by the District Court in the manner prescribed by law.

Section 8. CITY MAY SELL.—Any city of the first class may sell benefited property upon which assessments are not paid, or may enforce the lien for such assessment by civil action in like manner and with like effect as actions for the foreclosure of mortgages on real property, with like periods for redemption as in real property mortgage foreclosure actions.

Section 9. METHOD DETERMINED BY ORDINANCE.—Cities of the first class shall by ordinance prescribe the method by which this Act shall be put into operation, and any provision herein which may be made applicable to existing delinquent assessments may be extended by ordinance to them.

Section 10. RE-ASSESSMENTS.—The provisions of this Act may be by ordinance extended to re-assessments.

Section 11. RE-SALE FOR INSTALLMENT.—Where property is assessed in installments the sale of the property to pay any particular installment shall not prevent a subsequent sale to pay any unpaid installment when the same shall become due, but such subsequent installment shall be collected in the manner provided by ordinance.

Section 12. CONCURRENT METHOD.—This Act shall not prevent or be construed to prohibit the collection of street and sewer improvement assessments in any manner now or hereafter provided by charter or ordinance of any city, but any city may pursue the means now or hereafter provided by charter, or may, at its option, follow the provisions of this Act, and this Act shall not be construed as repealing any existing charter provision, but shall be a concurrent remedy.

Approved May 5, 1927.