

ducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the Commission, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this Territory's account in the unemployment trust fund, as provided in subsection (b) of this Section.

Emergency
clause.

Section 3. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 24, 1951.

CHAPTER 99

AN ACT

[H. B. 99]

Relating to local improvements and assessments in cities of the first class by providing for reassessment therefor, by adding a new section to Article 5, Chapter 1, Title 16, A.C.L.A., 1949, to be known as 16-1-89(a).

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

Section 1. That a new section, namely 16-1-89 (a), is hereby added to Article 5, Chapter 1, Title 16, A.C.L.A., 1949, which section shall read as follows:

16-1-89 (a). Whenever an assessment such as is provided for in 16-1-81, A.C.L.A., 1949, or for any local improvement which has been or may hereafter be made by a city, has been or shall

hereafter be set aside, annulled, declared or rendered void, or its enforcement refused by any court of the Territory, or the United States, or the United States District Court for the Territory of Alaska, whether directly or by virtue of any decision of such court, the council may, by ordinance or resolution, make a new assessment or reassessment upon the lots, blocks or parcels of land which have been benefited by such improvement not to exceed, however, two-thirds of the cost thereof. Such reassessment shall be based upon the special and peculiar benefit of such improvement to the respective parcels of land assessed at the time of its original making; provided that no reassessment shall be authorized for improvements made prior to the effective date of this Act, and for which a levy of assessment has been attempted to be made, where such reassessment shall exceed seventy-five per centum (75%) of the amount of the void or invalid assessment which had been attempted to be made.

Reassessment
limit.

Factors for
reassessment.

75 percent
maximum.

The proceedings required by law and this article to be had prior to the making of the original assessment shall not be required to be taken or had within the intent of this section in connection with such reassessment. Such reassessment shall be made and shall become a charge upon the property upon which the same is laid, notwithstanding the omission, failure, or neglect of any officer, body, or person to comply with the provisions of this article connected with or relating to such improvement and assessment, and notwithstanding the proceedings of the council or any person connected with the work may have been irregular or defec-

Reassessment
to be charge
upon property.

tive, whether such irregularity be jurisdictional or otherwise.

The council shall, by resolution, declare the property that will be benefited by the improvement for which the reassessment is made, and shall direct the City Engineer or any other designated city official to prepare a preliminary assessment upon the property included therein within a time to be fixed by said resolution. Upon the passage of such resolution the City Engineer, or other designated municipal official shall as soon thereafter as such reassessment is prepared give notice by three successive publications in a newspaper of general circulation published in the City or by posting such notice in three public places in said city, giving the date of passage of the resolution directing the making of the same and the time at which the council will hear and consider objections to said assessment by parties aggrieved thereby and to point out errors and inequalities, if any exist, and submit such reasons for amendments and corrections as they may have. Such hearing shall be conducted as provided for in 16-1-85, A.C.L.A., 1949. In addition to the published or posted notice above provided for the municipal clerk shall send a written notice by mail to each owner of a tract against which an assessment is proposed to be made, which notice shall state the amount of the assessment against such particular tract and the time fixed by the council for hearing objections. Such notice shall be mailed at least fifteen days before the time of such hearing.

Preliminary
assessment.

Public notice.

Written notice
to tract
owners.

The council shall have power to adjourn such hearing from time to time and shall have the

power in its discretion, to revise and correct, or to set aside and order the remaking of such assessment and shall pass an ordinance or resolution approving and confirming such reassessment, as corrected and remade by it, and such decisions shall be a final determination of the regularity, validity, and correctness of the reassessment, except as herein otherwise provided, and except that the decision of the council or other legislative body upon any objection made at the hearing may be reviewed by the District Court in the manner prescribed by law if the complaint is filed in said District Court within thirty (30) days from the termination of said hearing and certification of the assessment roll by the Mayor.

Authority of
city council.

After the reassessment has thus been completed, the City Council shall follow the provisions of 16-1-86 to 16-1-88 ACLA 1949 inclusive as to determining delinquencies, penalties, interest and as to giving notice to property owners assessed.

Such reassessment when completed shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected.

How enforced

All sums paid upon the former assessment shall be credited to the property on account of which the same were paid, as of the date of such payment and the reassessment shall to that extent be deemed satisfied. No interest or penalties shall be charged by virtue of the fact that the original assessment was not pursued to completion.

Credit for
prior payments.

Time limit
for re-assess-
ment.

No city shall have jurisdiction to proceed with any reassessment unless the ordinance or resolution ordering the same shall be passed by the council of such city within one year from and after the time the original assessment for any such improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part, held void or its enforcement denied, directly or indirectly, by the courts.

Policy and
intent.

It is hereby declared to be the true intent and meaning of this section to make the costs and expenses of all local improvements actually made or proposed to be made in the attempted exercise of the power conferred upon municipalities under this article, chargeable against the real estate benefited or to be benefited by such improvements by making a reassessment which shall be equitably proportioned to each lot, or piece or parcel of land thereby benefited according to the amount of actual benefits derived or to be derived from said improvement, notwithstanding that the proceedings of the city council or other officers or agents of the city, or other persons connected therewith may have been irregular, illegal or defective, or not in full conformity with the requirements of this statute, namely, Article 5, Chapter 1, Title 16, A.C.L.A., 1949, Section 81 to 89 inclusive where said prior proceedings were had in good faith.

Approved March 24, 1951.