

CLERK'S OFFICE

APPROVED

2-14-06

Submitted by: Chair of the Assembly at the
request of the Municipal Clerk

Prepared by: Dept. of Law

For reading: January 31, 2006

ANCHORAGE, ALASKA

AO 2006 - 24

1 AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS RESIDING IN THE
2 BIRCH TREE/ELMORE LIMITED ROAD SERVICE AREA (LRSA) AT THE REGULAR
3 MUNICIPAL ELECTION ON APRIL 4, 2006, A BALLOT PROPOSITION TO EXTEND THE
4 BIRCH TREE/ELMORE LIMITED ROAD SERVICE AREA (LRSA) FOR AN ADDITIONAL
5 THREE YEARS, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION
6 27.30.290 RETROACTIVE TO JANUARY 1, 2006.

7
8
9 WHEREAS, the Birch Tree/Elmore Limited Road Service Area (LRSA) was created by
10 Anchorage Ordinance 81-117; and

11
12 WHEREAS, the Birch Tree/Elmore Limited Road Service Area was not extended in accordance
13 with Anchorage Municipal Code section 27.30.290 and, as a result, terminated on December 31,
14 2005; and

15
16 WHEREAS, a showing of interest in extending the Birch Tree/Elmore LRSA has been made by
17 the residents of the LRSA; and

18
19 WHEREAS, the Birch Tree/Elmore LRSA Board of Supervisors recommends the extension of the
20 LRSA for three additional years; now therefore,

21
22 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

23
24 **Section 1.** Notwithstanding Anchorage Municipal Code section 27.10.015C., section 27.30.290
25 is amended to read as follows:

26
27 **Section 27.30.290 Birch Tree/Elmore Limited Road Service Area**

28
29 A. There is a limited road service area within the municipality known as the Birch
30 Tree/Elmore Limited Road Service Area to provide limited road maintenance and
31 repair to the area described on the map located in Section 27.30.700.

32
33 B. Limited road maintenance and repair within the service area shall commence on
34 January 2, 1982, and shall end on June 1, 2006 [DECEMBER 31, 2005], unless
35 the service area is extended by an affirmative vote in the area affected at the
36 regular election of April 2006 [2005]. The mill rate for the service area shall not
37 exceed 1.5 mills in any calendar year.

38
39 (AO No. 81-117; AO No. 82-112; AO No. 82-113; AO No. 84-87; AO No. 84-160; AO
40 No. 86-134, 1-1-87; AO No. 87-48; AO No. 90-59; AO No. 93-15; AO No. 93-48; AO
41 No. 94-47, § 4, 5-3-94; AO No. 96-1, § 2, 4-30-96; AO 99-33, § 3, 5-4-99; AO No. 2002-
42 5(S), § 2, 1-29-02)

43

1 **Section 2.** Section 1 of this ordinance shall become effective immediately, retroactive to
2 January 1, 2006. In the event voters within the Birch Tree/Elmore Limited Road Service Area fail
3 to extend the service area after June 1, 2006 and, after all limited road service area financial
4 obligations are paid, including services provided in 2006 prior to termination, any remaining
5 service area taxes collected shall be returned, on a prorated basis, to service area property owners
6 as of the date of the termination of the service area.

7
8 **Section 3.** Pursuant to Anchorage Municipal Charter 9.01(a), a ballot proposition in
9 substantially the following form shall be submitted to the qualified voters residing in the Birch
10 Tree/Elmore LRSA at the regular Municipal election April 4, 2006:

11
12
13 **Proposition** _____

14
15 APPROVING THE EXTENSION OF THE BIRCH TREE/ELMORE LIMITED
16 ROAD SERVICE AREA FOR THREE ADDITIONAL YEARS.

17
18 Shall the Birch Tree/Elmore Limited Road Service Area be extended for three
19 additional years until December 31, 2008?

20
21 Yes [] No []

22
23
24 **Section 4.** Anchorage Municipal Code section 27.30.290 is hereby amended as follows:

25
26 **Section 27.30.290 Birch Tree/Elmore Limited Road Service Area**

27
28 A. There is a limited road service area within the municipality known as the Birch
29 Tree/Elmore Limited Road Service Area to provide limited road maintenance and
30 repair to the area described on the map located in Section 27.30.700.

31
32 B. Limited road maintenance and repair within the service area shall commence on
33 January 2, 1982, and shall end on December 31, 2008 [JUNE 1, 2006], unless the
34 service area is extended by an affirmative vote in the area affected at the regular
35 election of April 2008 [2006]. The mill rate for the service area shall not exceed
36 1.5 mills in any calendar year.

37
38 (AO No. 81-117; AO No. 82-112; AO No. 82-113; AO No. 84-87; AO No. 84-160; AO
39 No. 86-134, 1-1-87; AO No. 87-48; AO No. 90-59; AO No. 93-15; AO No. 93-48; AO
40 No. 94-47, § 4, 5-3-94; AO No. 96-1, § 2, 4-30-96; AO 99-33, § 3, 5-4-99; AO No. 2002-
41 5(S), § 2, 1-29-02; AO No. 2006- , 2-14-06)

42
43 **Section 5.** Section 4 of this ordinance, and the ballot proposition contained in Section 3 shall
44 become effective upon certification of the regular election on the proposition called for by this
45 ordinance, but only if the proposition is approved by the majority of the qualified voters voting on
46 the proposition.

47
48

1 PASSED AND APPROVED by the Anchorage Assembly this 14~~th~~ day of
2 February, 2006.
3
4

5
6 Anna L Fairclough
7 Chair
8

9 ATTEST:
10
11
12

13 Berlan E. Muent
14 Municipal Clerk
15
16