

Submitted by: ASSEMBLY CHAIR COFFEY

Prepared by: Assembly Counsel

For reading: June 26, 2007

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: 6-26-07

AR NO. 2007-164

NOTICE TO AMEND SOMETHING-----

PREVIOUSLY ADOPTED PASSED 7-24-07; SEE AR 2007-164(S)

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SCHEDULING A
PUBLIC HEARING ON AN APPEAL UNDER AMC 12.35.010, ON KAPP, LLC
APPLICATION FOR DETERIORATED PROPERTY TAX EXEMPTION INVOLVING
REDEVELOPMENT OF THE KNIK ARM POWER PLANT.**

WHEREAS, Alaska Statute 29.45.050 and Anchorage Municipal Code chapter 12.35 provide that real property determined to be "deteriorated" may be eligible to receive a partial or total property tax exemption for up to 10 years and a tax deferral for up to 5 years; and

WHEREAS, the Municipality of Anchorage, Chief Fiscal Officer received an application on behalf of KAPP, LCC for a redevelopment project involving the renovation of the Knik Arm Power Plant; and

WHEREAS, the Chief Fiscal Officer in review of the application has determined that the project specific data contained in the application is preliminary and conceptual in nature, and as such is considered unreliable for analytical purposes; and

WHEREAS, the Chief Fiscal Officer's determination dated June 8, 2007, finds that without project financial data in a more final state, it is not possible to verify with any degree of certainty that the project needs special tax treatment or that community benefits are commensurate with the tax exemption and deferral being requested; and

WHEREAS, the Municipal Attorney's summary of legal requirements under Anchorage Municipal Code chapter 12.35 dated June 8, 2007, provides that the Chief Fiscal Officer must first determine the data and representations made by the applicant to be concrete and reliable; and

WHEREAS, the Chief Fiscal Officer has determined that concept plans and preliminary estimates do not meet the standard of concrete and reliable; and

WHEREAS, Anchorage Municipal Code subsection 12.35.010C provides that the applicant may place the matter before the Assembly on appeal, and under subsection 12.35.010D, the Assembly has the option of accepting the appeal and conducting a public hearing; and

1 WHEREAS, applicant has requested public hearing before the Assembly on
2 July 24, 2007 to appeal the determinations of the Chief Fiscal Officer on this
3 application;

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5 NOW, THEREFORE, the Anchorage Assembly resolves:
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7 **Section 1.** Public hearing on this appeal will be heard by the Assembly on July
8 24, 2007, provided that applicant shall submit the appeal to the Municipal Clerk,
9 with a copy to the Municipal Attorney's Office by close of business on Tuesday,
10 July 3, 2007, along with any briefing and written presentation to be heard by the
11 Assembly.

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13 **Section 2.** This is an appeal of a municipal decision to the assembly and upon
14 passage of this resolution accepting the appeal for public hearing, neither
15 appellant nor its representatives shall engage in *ex parte* contact with Assembly
16 members on the merits of this appeal.

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18 **Section 3.** In the sole discretion of the Municipal Attorney upon receipt of
19 appellant's appeal, briefing, and written presentation materials, the Municipal
20 Attorney's Office may respond to the appeal.

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22 PASSED AND APPROVED by the Anchorage Assembly this 26th day of
23 June, 2007.

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Chair

ATTEST:

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Brian S. Jensen
Municipal Clerk