

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Dept. of Law
For Reading: October 28, 2008

CLERK'S OFFICE

APPROVED

Date: 12-2-08 ANCHORAGE, ALASKA
AO NO. 2008-120

1 **AN ORDINANCE APPROVING DE-ANNEXATION OF PROPERTIES TO UPPER**
2 **O'MALLEY LIMITED ROAD SERVICE AREA (LRSA), PURSUANT TO ALASKA**
3 **STATUTES 29.35.450(c)(4), AND AMENDING THE BOUNDARIES OF THE LRSA**
4 **IN ANCHORAGE MUNICIPAL CODE SECTION 27.30.700 ACCORDINGLY,**
5 **EFFECTIVE JANUARY 1, 2009.**

6
7 **WHEREAS**, the Upper O'Malley Limited Road Service Area was created by
8 Anchorage Ordinance 79-234; and

9
10 **WHEREAS**, amendments to Alaska Statutes 29.35.450(c)(4) in 2007 provide for
11 parcels to be removed from an existing service area, without the necessity of a vote,
12 where the service area does not provide access to the those parcels; and

13
14 **WHEREAS**, the 3 properties proposed for de-annexation, attached hereto as Exhibit
15 A, are accessed by Hillside Drive, a state maintained road, not through Upper
16 O'Malley LRSA; and

17
18 **WHEREAS**, it is appropriate to remove these properties from the financial
19 requirements of the LRSA; now, therefore,

20
21 **THE ANCHORAGE ASSEMBLY ORDAINS:**

22
23 **Section 1.** The 3 properties specifically described on Exhibit A are removed from
24 the Upper O'Malley Limited Road Service Area.

25
26 **Section 2.** The boundaries of Upper O'Malley Limited Road Service area in
27 Anchorage Municipal Code section 27.30.700 are amended to remove the
28 properties.

29
30 **Section 3.** This ordinance shall be effective on January 1, 2009.

31
32 **PASSED AND APPROVED** by the Anchorage Municipal Assembly this 2nd day of
33 December, 2008.

34
35
36 
Chair of the Assembly

37 **ATTEST:**
38 
39 Municipal Clerk
40

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

Title: AO 2008-120 DE-ANNEXING CERTAIN PARCELS IN THE PANORAMA TERRACE AND HILLSIDE HEIGHTS SUBDIVISIONS FROM THE UPPER O'MALLEY LRSA AND AMEND THE UPPER O'MALLEY LRSA BOUNDARIES IN ANCHORAGE MUNICIPAL CODE SECTION 27.30.700, EFFECTIVE UPON ADOPTION OF THIS ORDINANCE.

Sponsor: Mayor
Preparing Agency: Maintenance and Operations Department
Others Impacted: N/A

Mill Levy Changes: No changes in maximum mill levy are anticipated. Decreases in Expenditures and Revenues based on Upper O'Malley LRSA maximum 2.00 mill levy will occur. Assumption is that general annual assessed valuation and general operating budget increases will be five percent (5%) per budget period.

Budget Period:	BP2009	BP2010	BP2011	BP2012	BP2013
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Operating Expenditures: Expressed in Thousand Dollars

1000 Personnel Services	-	-	-	-	-
2000 Supplies	(2.20)	(2.31)	(2.43)	(2.55)	(2.68)
3000 Contribution to Others	-	-	-	-	-
4000 Debt Service	-	-	-	-	-
5000 Capital Outlay	-	-	-	-	-

Total Direct Costs: Expressed in Thousand Dollars

(2.20)	(2.31)	(2.43)	(2.55)	(2.68)
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Add: 6000 Charge from Others

-	-	-	-	-
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Less: 7000 Charge to Others

-	-	-	-	-
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Function Cost: Expressed in Thousand Dollars

(2.20)	(2.31)	(2.43)	(2.55)	(2.68)
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Revenues: Expressed in Thousand Dollars

(2.20)	(2.31)	(2.43)	(2.55)	(2.68)
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Capital:	None	None	None	None	None
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Positions:	None	None	None	None	None
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PUBLIC SECTOR ECONOMIC EFFECTS:

No substantial public sector economic effects anticipated. Public sector estimated economic effects based on the maximum 2.00 mill levy are less than loss of (\$2,680) in budget year 2009 or any of the next four budget years. (Estimated 2009 Assessed Valuation of Annexed Properties within the Subdivision will be \$1,094,700. Upper O'Malley LRSA maximum mill levy is 2.00 mills. Maximum lost tax revenues will be (\$2,680) for Budget Year 2009).

PRIVATE SECTOR ECONOMIC EFFECTS:

No substantial private sector economic effects anticipated. Private sector estimated economic effects are less than (\$2,680) in budget year 2009 or any of the next four years. If approved, affected private property owners within the affected subdivisions will pay a reduce tax up to (\$200) of property taxes per \$100,000 assessed value annually for Upper O'Malley LRSA annual road maintenance service costs.

Prepared by: Gerald A. Pineau, Senior Administrative Officer, Resource Management Division

Recommended by: Alan J. Czajkowski, Director, Maintenance & Operations Department



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 750-2008

Meeting Date: October 28, 2008

FROM: Mayor

SUBJECT: AN ORDINANCE APPROVING DE-ANNEXATION OF PROPERTIES FROM UPPER O'MALLEY LIMITED ROAD SERVICE AREA (LRSA), PURSUANT TO ALASKA STATUTES 29.35.450(c)(4), AND AMENDING THE BOUNDARIES OF THE LRSA IN ANCHORAGE MUNICIPAL CODE SECTION 27.30.700 ACCORDINGLY, EFFECTIVE JANUARY 1, 2009.

This Ordinance de-annexes certain properties from the Upper O'Malley LRSA pursuant to AS 29.35.450(c)(4) and amends the boundaries of the LRSA in Anchorage Municipal Code section 27.30.700 without requiring the vote of the affected property owners. The current maximum mill rate is set at 2.00 mills in a calendar year. Exhibit A to the Ordinance identifies the affected properties.

The Upper O'Malley LRSA Board of Supervisors, after holding a public noticed meeting, requested the Assembly to de-annex certain affected properties with access using Birch Road, a State of Alaska maintained road. The board has discussed the de-annexation with affected property owners informing them of the board's decision. See attached Upper O'Malley LRSA Map depicting de-annexation area E.

The 25th Legislature approved House Bill 185, effective September 4, 2007, relating to certain municipal service areas that provide road service. If the only access to the subdivision or parcel or provide access to the subdivision or parcel is by a road maintained by the service area, an ordinance does not require the majority vote of the affected service area voters or the affected de-annexing property voters. See attached HOUSE BILL 185 TEXT amendment to AS 29.35.450(c)(4), attached hereto.

In order to provide ample opportunity for the affected property owners to participate in the Assembly public hearing process, the Administration respectfully requests introduction of the ordinance on October 28, 2008, with a public hearing set on December 2, 2008. During the interim period, the Administration will inform the affected property owners by certified mail, providing a copy of the memorandum and ordinance, explaining the public hearing process, the affect on their property taxes and the road maintenance services they will not receive from the LRSA. These property owners have previously petitioned to be removed from the LRSA, but the LRSA voters did not approve the previous de-annexation ballot proposition.

THE ADMINISTRATION RECOMMENDS THAT AN ORDINANCE APPROVING DE-ANNEXATION OF PROPERTIES FROM UPPER O'MALLEY LIMITED ROAD SERVICE AREA (LRSA), PURSUANT TO ALASKA STATUTES 29.35.450(c)(4), AND AMENDING THE BOUNDARIES OF THE LRSA IN ANCHORAGE MUNICIPAL CODE SECTION 27.30.700 ACCORDINGLY, EFFECTIVE JANUARY 1, 2009.

Prepared by:	Gerald A. Pineau, Sr. Adm. Officer, Resource Management Division
Recommended by:	Alan J. Czajkowski, Director, Maintenance & Operations Dept.
Fund certification:	Sharon Weddleton, CFO
Concur:	Michael K. Abbott, Municipal Manager
Respectfully submitted:	Mark Begich, Mayor

Exhibit A
Properties to De-Annex from Upper O'Malley LRSA

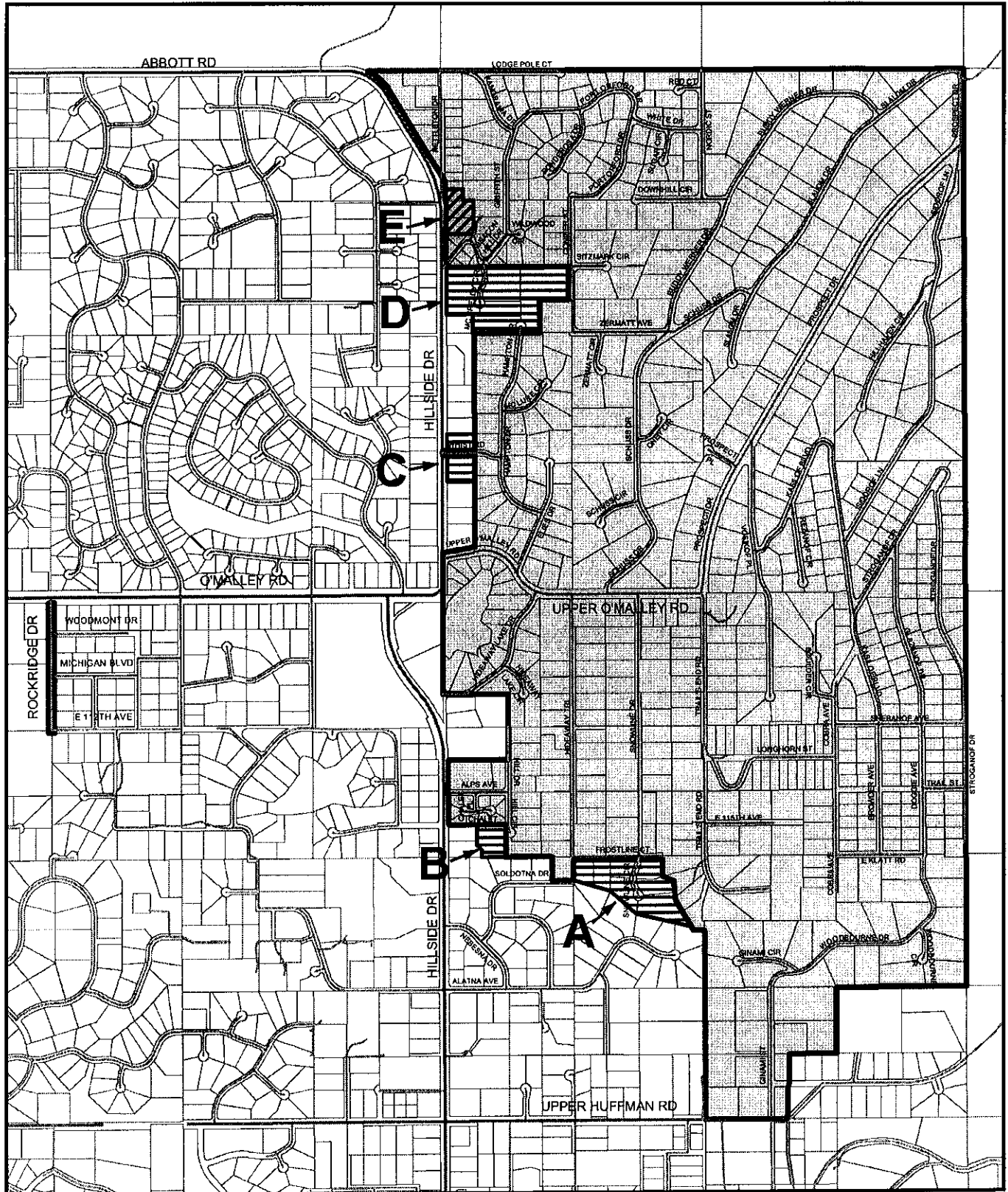
Panorama Terrace Subdivision, Lot 1A, Block 1
Hillside Heights Subdivision, Lot 1 and Lot 3

Upper O'Malley Limited Road Service Area



Proposed Annexation to Upper O'Malley LRSA

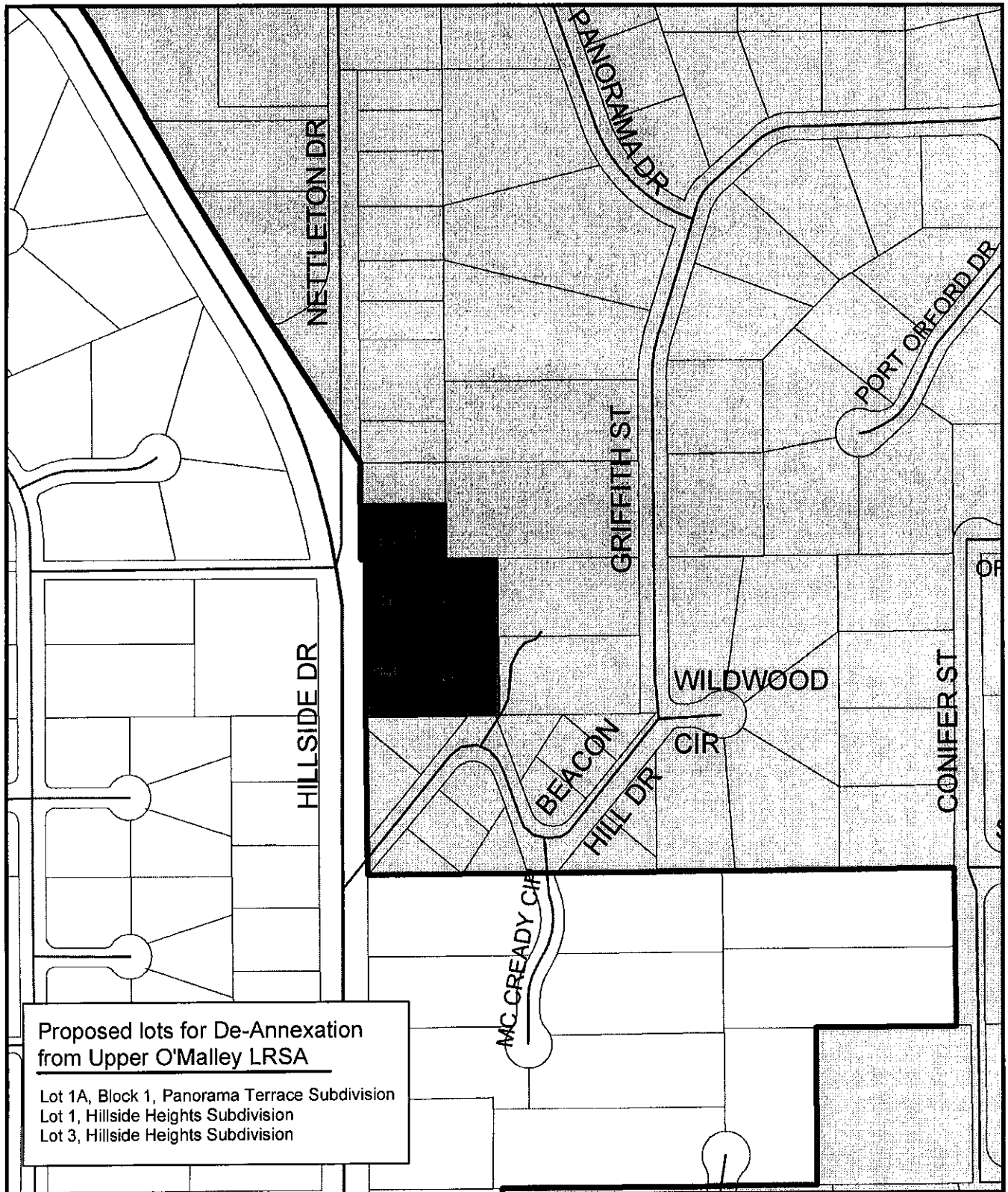
Proposed De-Annexation from Upper O'Malley LRSA



Upper O'Malley Limited Road Service Area

- Proposed De-Annexation from Upper O'Malley LRSA (area E)
▨ Existing Upper O'Malley LRSA

'9531' Address House Number



HOUSE BILL 185 TEXT

Section 1. AS 29.35.450 (c) is amended to read:

(c) If voters reside within a service area that provides road, fire protection, parks and recreation services, abolishment of the service area is subject to approval of the majority of the voters residing in the service area who vote on the question. A service area that provides road, fire protection, or parks and recreation in which voters reside may not be abolished and replaced by a larger service area unless that proposal is approved, separately, by a majority of the voters who vote on the question residing in the existing service area and a majority of the voters who voted on the question residing in the area proposed to be included within the new service area but outside of the existing service area. A service area that provides road, fire protection or parks and recreation services in which voters reside may not be altered or combined with another service area unless the proposal is approved, separately, by a majority of the voters who vote on the question and who reside in each of the service areas or in the area outside of service areas that is affected by the proposal. ***This subsection does not apply***

(1) to a proposed change to a service area that provides fire protection services that would result in the increasing the number of parcels of land in the service area or successor service area if the increase is not more than six percent and would add not more than 1,000 residents:

(2) in a second class borough to abolishment of a road service area or consolidation of two service areas if

(A) taxes have not been levied in the service area for road maintenance or construction during the last 12 months and there is no balance in any account available to pay for these road services for the service area;

(B) during the last 12 months, the service area board has not met with a quorum present and in accordance with law; or

(C) there are no road maintenance contracts in effect for the service area or the existing road maintenance contracts fail to provide for minimum road standards required by law that are necessary to protect the borough from civil liability;

(3) to require approval by the voters residing in a subdivision proposed to be added to a road service area if roads maintained by the service area provide the only access to the subdivision or provide access to the subdivision that is required by the subdivision plat or by other regulation or ordinance;

(4) to a change in the boundaries of a road service area to a subdivision or a parcel that does not rely on the use of roads maintained by the service area for the subdivision's or parcel's only access or for access that is required by the subdivision plat or by other regulation or ordinance.

Content ID: 007006

Type: Ordinance - AO

Title: An Ordinance Approving De-Annexation of Properties from Upper O'Malley LRSA, Pursuant to AS 28.35.450(c)(4), and Amending AMC Section 29.30.700 Accordingly, Effective January 1, 2009 de-Annexation of Properties to Upper O'Malley LRSA, Pursuant to AS 29.34.450(c)(3), and Amending the Boundaries of the LRSA in AMC Section 27.30.700 Accordingly, Effective January 1, 2009

Author: pineaug

Initiating Dept: StreetMaint

Date Prepared: 10/21/08 8:40 AM

Director Name: Alan J. Czajkowski

Assembly Meeting Date: 10/28/08

Public Hearing Date: 12/2/08

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	10/24/08 3:04 PM	Exit	Heather Handyside	Public	007006
MuniMgrCoord_SubWorkflow	10/24/08 3:04 PM	Approve	Heather Handyside	Public	007006
MuniManager_SubWorkflow	10/24/08 3:03 PM	Approve	Heather Handyside	Public	007006
Legal_SubWorkflow	10/24/08 1:54 PM	Approve	Rhonda Westover	Public	007006
Finance_SubWorkflow	10/24/08 12:38 PM	Approve	Sharon Weddleton	Public	007006
OMB_SubWorkflow	10/24/08 11:22 AM	Approve	Wanda Phillips	Public	007006
StreetMaint_SubWorkflow	10/24/08 11:05 AM	Approve	Maury Robinson	Public	007006
AllOrdinanceWorkflow	10/24/08 9:44 AM	Checkin	Gerald Pineau	Public	007006
OMB_SubWorkflow	10/24/08 9:30 AM	Reject	Wanda Phillips	Public	007006
StreetMaint_SubWorkflow	10/23/08 11:10 AM	Approve	Maury Robinson	Public	007006
AllOrdinanceWorkflow	10/23/08 8:03 AM	Checkin	Gerald Pineau	Public	007006
OMB_SubWorkflow	10/22/08 4:25 PM	Reject	Wanda Phillips	Public	007006
StreetMaint_SubWorkflow	10/22/08 10:18 AM	Approve	Alan Czajkowski	Public	007006
AllOrdinanceWorkflow	10/22/08 10:07 AM	Checkin	Gerald Pineau	Public	007006
OMB_SubWorkflow	10/22/08 9:37 AM	Reject	Wanda Phillips	Public	007006
StreetMaint_SubWorkflow	10/21/08 9:41 AM	Approve	Alan Czajkowski	Public	007006
AllOrdinanceWorkflow	10/21/08 9:22 AM	Checkin	Gerald Pineau	Public	007006
StreetMaint_SubWorkflow	10/21/08 8:55 AM	Reject	Bea Johnson	Public	007006
AllOrdinanceWorkflow	10/21/08 8:53 AM	Checkin	Gerald Pineau	Public	007006

CONSENT AGENDA - INTRODUCTION

Ad den den