AN ORDINANCE EXTENDING ASSESSMENT DISTRICT 1 SD97 AS A SPECIAL ASSESSMENT DISTRICT FOR SERVICES WITHIN THE AREA OF DOWNTOWN ANCHORAGE ESTABLISHED BY ANCHORAGE ORDINANCE 97-51 MORE SPECIFICALLY SHOWN ON THE SPECIAL ASSESSMENT DISTRICT 1 SD97 MAP ATTACHED TO THIS ORDINANCE; AUTHORIZING SAID DISTRICT TO CONTINUE TO PROVIDE SPECIFIED SAFE AND CLEAN SERVICES AND ESTABLISHING THE BASIS AND METHOD OF ASSESSING, ALLOCATING AND APPORTIONING THE COSTS OF SERVICES AND THE RULES AND PROCEDURES FOR ASSESSMENT CALCULATIONS, BILLINGS, PENALTIES, INTEREST, COSTS, APPLICATION OF PAYMENTS AND ENFORCEMENT OF ASSESSMENTS AND DETERMINING TO PROCEED.

WHEREAS, in accordance with Anchorage Municipal Charter Section 9.02, the Anchorage Assembly provided for the creation of assessment districts for public services by Anchorage Ordinance 96-77(S-1) Am., amended by Anchorage Ordinance 96-112 (together herein the "Enabling Ordinance"); and

WHEREAS, a property owners' petition for the continuation/extension of special services Assessment District 1SD97, was duly filed with the Municipal Clerk on the 2nd day of May, 2000; and

WHEREAS, in compliance with Anchorage Municipal Code section 19.20.030 the Mayor has made a report on said petition to the Municipal Assembly with a recommendation that the Assembly approve the continuation of the Downtown Improvement District 1SD97; and

WHEREAS, the Assembly has duly noticed and held a public hearing on the advisability of extending Assessment District 1SD97 and has duly considered and evaluated the evidence and testimony received, including the petition, the Mayor's report and other evidence and information, on the aggregate basis of which the Assembly has made the findings, determinations and conclusions contained in this preamble; and

WHEREAS, the property owners who would bear more than fifty-percent (50%) of the estimated cost of the service have petitioned for and approved extending Assessment District 1SD97 with assessments within Assessment District 1SD97 Map appended to and incorporated herein as a part of this ordinance (herein the "Map"); and

WHEREAS, the purpose of continuing Assessment District 1SD97 is to provide and finance special public services desired and requested by the property owners which are either not generally provided or provided at different levels by the Municipality; and

WHEREAS, the intended purpose of the proposed services for Assessment District 1SD97 is to increase cleanliness, occupancy rates, investment values and lease income, to decrease crime and to generally stimulate economic development and improve the quality of life in the Assessment District area of Downtown Anchorage; and
WHEREAS, the services requested by the property owners and proposed to be financed and provided by Assessment District 1SD97 are public services authorized for service assessment districts under Anchorage Municipal Code section 19.10.020A.2.; and

WHEREAS, the proposed services for Assessment District 1SD97 are enhanced or supplemental public services or new public services not provided by the Municipality generally; and

WHEREAS, neither the proposed services nor Assessment District 1SD97 itself will operate unilaterally or by implication as a substitute for or to reduce or eliminate the nature and extent of services otherwise provided or which may be provided by the Municipality now or in the future; and

WHEREAS, the area within which the proposed services for Assessment District 1SD97 are to be furnished conforms to the zoning district requirements of Anchorage Municipal Code section 19.10.020A.2.; and

WHEREAS, the Assembly finds Assessment District 1SD97 and its proposed services to be reasonably necessary, convenient and in the public interest of the property assessed and its owners; and

WHEREAS, the annual, aggregate assessable cost of the services to be provided by Assessment District 1SD97 are proposed to be as set forth in this ordinance as annual assessments based on the prior year's annual assessment roll; and

WHEREAS, the Assembly finds and concludes that property owners within the geographic boundaries of Assessment District 1SD97 will be specially benefited, either directly or indirectly or both, in proportion to the costs of services assessed and levied against each property utilizing the proposed cost allocation formula with an assessment cap; and

WHEREAS, the Assembly finds and concludes that both the proposed cost apportionment to be fair, just, reasonable and proportional to the benefits to be received by each property owner assessed within the Assessment District 1SD97; and

WHEREAS, the petition process utilized by the property owners has been fair, just, reasonable and in compliance with Anchorage Municipal Code chapter 19.20; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Subject to the other provisions of this ordinance, the Assessment District 1SD97, to be hereafter also known as the Downtown Improvement District, an assessment district for services within the Municipality, is hereby extended and continued until lawfully terminated.

Section 2. The Municipality shall proceed with furnishing the authorized public services within Assessment District 1SD97 in accordance with Anchorage Municipal Code Title 19 and this ordinance.

Section 3. Assessment District 1SD97 shall be comprised of the property within the geographic area outlined on the attached Map incorporated herein by reference.
Section 4. The services authorized to be provided within Assessment District 1SD97 are those public services authorized by Anchorage Municipal Code section 19.10.020A.2. of the Enabling Ordinance or any amendment thereof, provided however, that in accordance with Anchorage Municipal Code section 19.10.020B. and C., such services shall only be enhanced or supplemental public services or new public services not generally provided by the Municipality and said services shall not operate unilaterally or by implication as a substitute for or to reduce or eliminate the nature or extent of services otherwise provided by the Municipality now or in the future. Subject to the conditions of this ordinance, Assessment District 1SD97's presently authorized services are:

(a) Maintenance, repair and upkeep of public capital improvements located in the area of Assessment District 1SD97;

(b) Maintenance, snow removal, dust suppression, cleaning, beautification, and decoration of public parks, places and pedestrian and vehicular rights-of-way;

(c) Visitor and tourism services;

(d) Security services, but not including law enforcement services;

(e) Promotion of Assessment District 1SD97 and public events within said assessment district; and

(f) Other closely similar public services which promote the vitality, stability and improvement of the assessment district.

Section 5. The annual, aggregate assessable cost of services provided in Assessment District 1SD97 per year shall not exceed and shall be assessed annually against assessable property within the geographical boundaries of Assessment District 1SD97 based on the assessed valuation thereof in the prior year as follows:

Each assessable parcel within the Assessment District 1SD97 shall be assessed at a mill rate not to exceed 1.5 mills of assessed value ($1.50 per $1,000 of assessed value) up to and including $10,000,000 plus $100 per $1,000,000 of assessed value in excess of $10,000,000;

provided, however, that not less than every five years (at the end of every fifth (5th) calendar year and beginning with year end 2005), the assessment formula and/or the assessment mill rate shall be reviewed and may be revised or amended upon approval of property owners bearing more than fifty percent (50%) of the estimated assessable costs of the services.

Section 6. Property within the geographic area of Assessment District 1SD97 owned by governments, churches, non-profit religious, charitable or educational organizations which are exempt from property taxes shall also be exempt from Assessment District 1SD97 assessments. In addition, the owners of qualified, owner-occupied, single-family residences which have applied for exemption from Assessment District 1SD97 assessment shall also be exempt from such assessment.
Section 7. The Assessment Roll for assessing the cost of the services provided to the properties benefited in Assessment District 1SD97 shall be prepared in accordance with Anchorage Municipal Code Title 19, this ordinance and any amendments thereof. Said Assessment Roll shall include and establish the aggregate, annual assessment to be levied against each assessable parcel of property each calendar year based on the assessed valuation of the prior year. Notwithstanding Anchorage Municipal Code section 19.20.240, annual assessments shall be due and payable on and delinquent after a date each year to be determined by the Chief Fiscal Officer, commencing in the year 2000, provided however no payment shall be required before sixty (60) days after Assembly confirmation of the Assessment Roll. Notwithstanding any contrary provisions of Anchorage Municipal Code Title 19, penalties, interest, costs, application of payments and enforcement of these assessments shall be the same as provided for real property taxes in Anchorage Municipal Code Chapter 12.15. Anchorage Municipal Code sections 19.20.240, 19.20.260, 19.20.265, and 19.20.280 shall not apply to Assessment District 1SD97.

Section 8. As a condition of the Assembly approving this ordinance and the extension of Assessment District 1SD97, during the 10th calendar year after passage of this ordinance, property owners within the Assessment District area shall be petitioned with the option of terminating or re-authorizing Assessment District 1SD97 and a report of the results of said petition and an ordinance for termination or re-authorization shall be presented to the Assembly for action.

Section 9. This Ordinance and/or such other documents as may be necessary and appropriate, shall be recorded in the Office of the Recorder for the Anchorage Recording District, Third Judicial District, State of Alaska and shall be sufficient to create a lien on property assessed in favor of the Municipality to secure the payment of the assessment.

Section 10. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of ____, 2000.

Chair of the Assembly

ATTEST

Municipal Clerk

Insert the following as indicated:
1. simultaneous option of either continuing or dissolving

2. continuance or dissolution
**MUNICIPALITY OF ANCHORAGE**
**MUNICIPAL CLERK'S OFFICE**

**AGENDA DOCUMENT CONTROL SHEET**

1. **SUBJECT OF AGENDA DOCUMENT**
   - Ordinance extending assessment district 1SD97
   - Date Prepared: 5/23/00
   - Indicate Documents Attached: AO

2. **DEPARTMENT NAME**
   - Department of Law
   - Initials: MLH
   - Director's Name: Mary K. Hughes, Municipal Attorney
   - Phone Number: 343-4534

3. **THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY**
   - William A. Greene
   - Date: 3/12/00

4. **COORDINATED WITH AND REVIEWED BY**
   - Mayor: Initials, Initials, Initials
   - Municipal Clerk: Initials, Initials, Initials
   - Municipal Attorney: Initials, Initials, Initials
   - Employee Relations: Initials, Initials, Initials
   - Municipal Manager: Initials, Initials, Initials
     - Cultural & Recreational Services
     - Fire
     - Health & Human Services
     - Merrill Field Airport
     - Municipal Light & Power
   - Office of Management & Budget
   - Police
   - Port of Anchorage
   - Public Works
   - Solid Waste Services
   - Public Transportation
   - Water & Wastewater Utility
   - Executive Manager
     - Community Planning & Development
     - Finance, Chief Fiscal Officer
     - Heritage Land Bank
     - Management Information Systems
     - Property & Facility Management
     - Purchasing
     - Other

5. **SPECIAL INSTRUCTIONS/COMMENTS**
   - Addendum
   - 7B.13. Introduction

6. **ASSEMBLY HEARING DATE REQUESTED**
   - 5/3/00

7. **PUBLIC HEARING DATE REQUESTED**
   - 6/18/00