

**ORDINANCE NO. 5904, As Amended**

**AN ORDINANCE AMENDING FGC SEC. 58-39 REGARDING THE  
METHOD FOR PROPERTY OWNER APPROVAL OF LOCAL  
IMPROVEMENT DISTRICTS**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF  
FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** That Fairbanks General Code Section 58-39 is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**Sec. 58-39. Plans; resolution; publication of notice; filing of objections; plats; revision; readvertising.**


(a) The city council, planning to make local public improvements at the expense, in whole or in part, of the owners of the property benefited, shall have plans prepared for the work and estimates of the cost of the work, and then before proceeding with the work, shall be by resolution determine the necessity of and method of payment for such local public improvements; shall publish a notice at least once a week for two consecutive weeks in some newspaper published within the corporate limits; and shall provide the owner of each lot, tract or parcel affected by the proposed improvement notification, in writing, of the proposal by certified mail.

(b) The published notice shall state the nature, extent and approximate cost of such improvements, and list the lots, tracts or parcels, on which the cost will be assessed and their owners or reputed owners and a statement of the estimated cost of the improvement that will be assessed against each such lot, tract or parcel, and shall also contain a date not less than 30 days from the beginning of such publication, on or before which time the owners of the property affected may file their objection to **or approval of the proposed local public improvement work.** The written notice shall be similar in content; excepting however, only the specific lot, tract or parcel owned by the addressee and associated estimated assessment shall be stipulated.

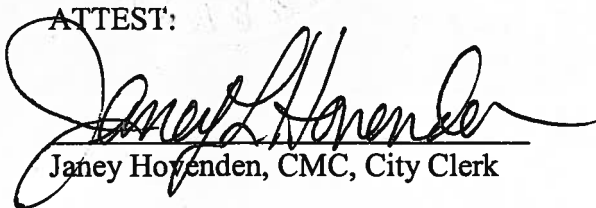
(c) A plat shall be made and filed with the city clerk before such publication showing the extent of the proposed improvement with the various lots, tracts and parcels of land that will be affected, together with a list of such various lots, tracts and parcels of land and their owners or reputed owners and a statement of the estimated cost of the improvement that will be assessed against each such lot, tract or parcel. Five days or more after the termination of the 30-day period described in subsection (b) of this section, the city council may proceed with the proposed **local public improvement only if it is approved by the owners of**

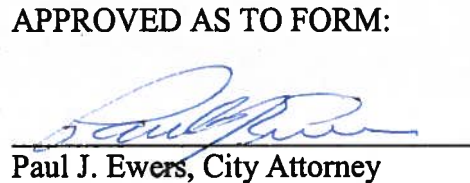
~~property who would bear more than unless objection is filed in writing with the city clerk, either severally or by petition, by owners of property bearing 50 percent or more of the estimated assessed cost of the improvements. The approval or rejection of the property owners must be in writing in a form designated by the City Clerk. In case objections are so made by the owners of property bearing 50 percent of the estimated assessed cost of the improvement or improvements, the proposed improvement or improvements shall not be proceeded with unless~~ **If the local public improvement is not approved by the owners of property who would bear more than 50 percent of the assessed cost of the improvements,** the city council ~~may~~ shall first revise the plans to meet the objections raised; and upon such revision being made in the plans, the city council shall, if it determines to proceed with the proposed improvements under such revised plan, readvertise the proposed improvement and be subject to the same limitation as required in the first instance except that the notice period shall be 15 days, ~~and may repeat such procedure until the objections have been reduced to less than 50 percent referred to in this section.~~

**Section 2.** That the effective date of this Ordinance shall be the 10th day of November 2012.

  
Jerry Cleworth, City Mayor

AYES: Matherly, Hilling, Walley, Staley, Gatewood, Eberhart  
NAYS: None  
ABSENT: None  
ADOPTED: November 5, 2012

ATTEST:  
  
Janey Hoyenden, CMC, City Clerk

APPROVED AS TO FORM:  
  
Paul J. Ewers, City Attorney