



Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Max Best, Planning Director 

DATE: April 25, 2018

RE: Ordinance 2018-18; An ordinance authorizing the negotiated sale of two tax foreclosed retained parcels to the last record owners at an amount equal to taxes, fees, penalties, and interest.

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled April 23, 2018 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2018-18, an ordinance authorizing the negotiated sale of two tax foreclosed retained parcels to the last record owners at an amount equal to taxes, fees, penalties, and interest.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular meeting of April 23, 2018, recommended approval of the ordinance by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARINGS

- 1. Ordinance 2018-18; An ordinance authorizing the negotiated sale of two tax foreclosed retained parcels to the last record owners at an amount equal to taxes, fees, penalties, and interest.

Memorandum given by Marcus Mueller

PC MEETING: April 23, 2018

Ordinance 2017-20 authorized the sale or retention of certain tax foreclosed properties in accordance with state statutes.

Two former record owners have since come forward in an effort to repurchase foreclosed properties which were retained for a public purpose pursuant to AS 29.45.460. However, upon retention the right of repurchase by the property owner terminates pursuant to AS 29.45.470(b). The former record owners have petitioned the administration and their cases have been reviewed.

The administration recommends offering to sell these properties back to the former owners of record at an amount equal to what was due plus the current year's estimated taxes. The result will be to address the tax issue and to return the properties to their prior ownership status. AS 29.45.460(b) authorizes the sale of tax foreclosed parcels no longer needed for a public purpose as long as certain criteria is met. This ordinance satisfies this statutory requirement which applies to retained tax foreclosed property under A.S. 29.45 by providing a determination that a public need does not exist to hold the properties.

The previous owners of the Ninilchik property were the Cooper's. They wrote a letter which was included in the packet explaining that this property was a family heritage parcel. They lost the property to tax foreclosure due to family circumstances with the property being in estate. The Coopers have a keen family interest in bringing that property back into their ownership. This ordinance would allow them to do that.

The Kenai parcel is a parcel that was adjacent to the last record owners' house. By Borough standards, it was considered a substandard lot but when they looked at it closer they discovered that it wasn't considered a substandard lot. It was an error that it was placed on the retained list.

Consideration of this ordinance is appreciated.

END OF MEMORANDUM

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Carluccio to recommend adoption of Ordinance 2018-18, authorizing the negotiated sale of two tax foreclosed retained parcels to the last record owners at an amount equal to taxes, fees, penalties, and interest.

Commissioner Ecklund asked if the borough code was being changed with this being done by ordinance. She understood that an ordinance was typically a change to the borough code. Mr. Mueller replied this was a non-code ordinance. He stated that the code sets up for within land authorizations in that land sales are always done by ordinance.

VOTE: The motion passed by unanimous consent.

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| BENTZ YES | CARLUCCIO YES | ECKLUND YES | ERNST YES | FIKES YES | FOSTER YES | ISHAM YES |
| LOCKWOOD ABSENT | MARTIN YES | MORGAN YES | RUFFNER YES | VENUTI YES | WHITNEY YES | 12 YES 1 ABSENT |

AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18) - None