

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 0 Absent,
1 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-27**

AN ORDINANCE REPEALING ORDINANCE 2019-12 AND AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A PUBLIC PURPOSE, AND PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-12

WHEREAS, tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, the parcel was retained for a public purpose under Ordinance 2013-25 as a substandard size lot; and

WHEREAS, the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and

WHEREAS, it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and

WHEREAS, the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and

WHEREAS, the administration recommends including this parcel in the next tax foreclosure auction; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the parcel subject to this ordinance per AS 29.45.460(c); and

WHEREAS, Ordinance 2019-12, authorizing the sale of this parcel was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and

WHEREAS, notice of hearing on Ordinance 2019-12 was mistakenly not sent by certified mail to the former owners of record of this parcel as required by state statute; and

WHEREAS, this ordinance enables the administration to correct the notice deficiency by providing time for borough staff to send the notice of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended approval by unanimous consent;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Ordinance 2019-12 is hereby repealed and replaced by this ordinance.

SECTION 2. It is hereby determined that a public need for the real property described below does not exist and it is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

PARCEL	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST RECORD OWNER
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recording District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

SECTION 3. That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and approves the public notice that was published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted in at least three public places in the borough in accordance with code notice requirements.

SECTION 5. That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in

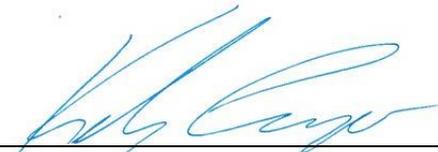
the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

SECTION 6. The land management division will retain proof that is available upon request that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real property subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 7. That, in order to restore the last record owner’s right to repurchase, the real property listed for sale may be repurchased by the record owner, or assigns or heirs, at any time before the sale.

SECTION 8. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF OCTOBER, 2019.

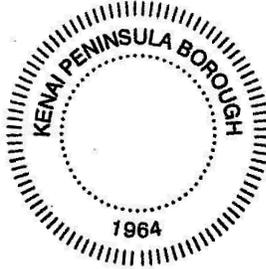


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



- Yes: Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper
- No: None
- Absent: None
- Abstention: Blakeley