

Introduced by: Mayor
Date: 06/16/15
Hearing: 07/28/15
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2015-17**

**AN ORDINANCE AUTHORIZING RETENTION OR SALE OF CERTAIN REAL
PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX
FORECLOSURE PROCEEDINGS**

WHEREAS, certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the administration recommends certain parcels be retained for the public purpose noted; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance; and

WHEREAS, notice has been mailed within five (5) days of the first publication of the hearing on this ordinance and is sufficient if mailed to the former real property owner(s) as the name(s) appear on the borough assessment records; and

WHEREAS, the Planning Commission conducted a public hearing on June 8, 2015, and recommended approval by unanimous consent;

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

SECTION 1. That the following real property as shown in Exhibit A is designated as foreclosed parcels retained for a public purpose with a recommended applicable classification, pursuant to KPB 5.12.310.

SECTION 2. It is hereby determined that a public need for the real properties listed in Exhibit B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction.

- SECTION 3.** That the mayor is hereby authorized to sell the real property designated as foreclosed parcels 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. All 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.** In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.
- SECTION 5.** That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 24, 2015, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted within that time in at least three public places in the borough.
- SECTION 6.** That the mayor will execute and deliver to the buyer of any of the sale parcels 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 any of the properties 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 any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.
- SECTION 7.** That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 28TH DAY OF JULY, 2015.

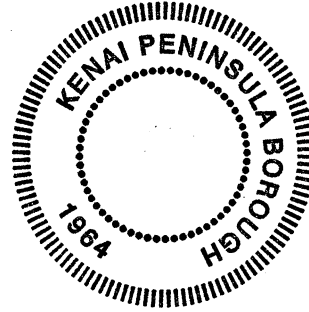
Dale L Bagley

Dale Bagley, Assembly President

ATTEST:

John Blankenship

John Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley
No: None
Absent: None

**EXHIBIT A
PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE**

Parcel	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
15912019	Tract 30, Happy Creek Homesites, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Ward, Jack L.	Wetland	Preservation
15912046	Tract 35, Happy Creek Homesites, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Miller, David R.	Wetland	Preservation
15912049	Tract 63, Happy Creek Homesites, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Miller, David R.	Wetland	Preservation
15912051	Tract 62, Happy Creek Homesites, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Miller, David R.	Wetland	Preservation
15912063	Tract 49, Happy Creek Homesites, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Simmons, Gerald A. JR.	Wetland	Preservation

Parcel	Legal Description	General Location	Acres	Last Owner of Record
06044141	Lot 2, Halcyon Subdivision Robin Addition Phase Two, as shown on Plat No. 2008-134, Kenai Recording District	Soldotna	1.35	Mcjimsey, Alan
06301752	Lot 12, Block 1, Sterling Crystal Estates, as shown on Plat No. 86-40, Kenai Recording District	Sterling	1.25	Roller, Joanne
06301758	Lot 6, Block 1, Sterling Crystal Estates, as shown on Plat No. 86-40, Kenai Recording District	Sterling	1.02	Rhodes, Eric L
06333024	Lot 11-A, Grandview Subdivision, ReSubdivision Lots 11 & 12, as shown on Plat No. 82-35, Kenai Recording District	Sterling	2.07	Thorpe, Wayne C
06374025	Lot 7, Block 4, Forstner Subdivision No. 3, as shown on Plat No. 81-34, Kenai Recording District	Sterling	2.31	Mezmer, Laszlo
06382006	Lot 6, Block 1, Carmichael Subdivision, as shown on Plat No. 83-111, Kenai Recording District	Sterling	1.53	Brazington, Marvin C Jr
06386022	Lot 5, Hilltop View Subdivision, as shown on Plat No. 84-258, Kenai Recording District	Sterling	1.31	Brunner, Robert W
06610117	Lot 22, Donald Subdivision, as shown on Plat No. 84-224, Kenai Recording District	Funny River	1.00	Caffyn, William Arthur
06643126	Lot 26, Poage Subdivision No. 3, as shown on Plat No. 86-52, Kenai Recording District	Funny River	1.22	Whitehead, Timothy A
13150022	Lot 2, Block 2, Lazy M Subdivision, Green Addition, as shown on Plat No. 84-104, Kenai Recording District	Kalifornsky	1.01	Long, Clark F & Mitzie
13303126	SE¼SE¼, Section 6, T3N, R11W, Seward Meridian, Alaska	Kalifornsky	40.00	Smyth Sharon Croskey
13303238	East ½ Tract C, O'rouke Subdivision, as shown on Plat No. 76-44, Kenai Recording District	Kalifornsky	4.61	West, Steven D & Lesley A
13303239	Tract D, O'rouke Subdivision, as shown on Plat No. 76-44, Kenai Recording District	Kalifornsky	8.82	West, Steven D & Lesley A
13340004	Lot 4, Block 1, Beaver Brook Estates Subdivision, as shown on Plat No. 78-29, Kenai Recording District	Kasilof	2.19	Smyth Sharon Croskey
13340028	Lot 2A, Beaver Brook Estates #2, as shown on Plat No. 2000-3, Kenai Recording District	Kasilof	3.24	Smyth Sharon Croskey
13733014	Lot 8, Block 3, Whispering Spruce Subdivision, as shown on Plat No. 84-20, Kenai Recording District	Cohoe	0.93	Milligan, Jewel D
13733015	Lot 10, Block 3, Whispering Spruce Subdivision, as shown on Plat No. 84-20, Kenai Recording District	Cohoe	0.93	Milligan, Jewel D
14420029	Lot 8, Block 10, Camelot By The Sea Subdivision, as shown on Plat No. 76, Seward Recording District	Bear Creek	0.89	Kalmaer, Stacy Lee
15703023	NE¼SE¼, Section 23, T1S, R14W, Seward Meridian, Alaska	Ninilchik	40.00	Gibbs James E & Patricia E
15703024	NW¼SW¼, Section 24, T1S, R14W, Seward Meridian, Alaska	Ninilchik	40.00	Gibbs James E & Patricia E
15706419	Lot 31, Ninilchik River Estates Subdivision, Forrest Park Addition Amended, as shown on Plat No. 2000-54, Homer Recording District	Ninilchik	1.12	Garrison, Forrest Rees
15706429	Lot 41, Ninilchik River Estates Subdivision, Forrest Park Addition Amended, as shown on Plat No. 2000-54, Homer Recording District	Ninilchik	2.22	Garrison, Lori F
15914210	Lot 10, Hawk's Beach Subdivision, as shown on Plat No. 86-105, Homer Recording District	Happy Valley	1.48	Letts, Gene

Parcel	Legal Description	General Location	Acres	Last Owner of Record
15955003	Commencing at the west ¼ corner of Section 3, T2S, R14W, Seward Meridian, Alaska, thence south 144 feet; thence east to the highway right-of-way; thence northeasterly along highway right-of-way to the ¼ section line; thence west to the point of beginning.	Ninilchik	0.37	Stevens, Matthew
15961020	Lot 3, Block 3, Handler's Hill Subdivision, as shown on Plat No. 84-45, Homer Recording District	Ninilchik	1.50	Ciranny, Don & Hanlon, Judy
16509018	Lot 6, Denali Timbers, as shown on Plat No. 83-139, Homer Recording District	Anchor Point	2.39	West, George V & Armstrong, Leroy
16509020	Lot 8, Denali Timbers, as shown on Plat No. 83-139, Homer Recording District	Anchor Point	3.13	West, George V & Armstrong, Leroy
16511108	Lot 4, Block 1, Stina Creek Subdivision, as shown on Plat No. 73-148, Homer Recording District	Nikolaevsk	37.63	Pollman, Reinard
16511113	Lot 1 Block 3, Stina Creek Subdivision, as shown on Plat No. 73-148, Homer Recording District	Nikolaevsk	38.24	Pollman, Reinard
16511116	Lot 4 Block 4, Stina Creek Subdivision, as shown on Plat No. 73-148, Homer Recording District	Nikolaevsk	37.07	Pollman, Reinard
16520328	Lot 13, Hawkeye Too, as shown on Plat No. 92-41, Homer Recording District	Nikolaevsk	10.01	Pollman, Reinard
16520329	Lot 12, Hawkeye Too, as shown on Plat No. 92-41, Homer Recording District	Nikolaevsk	12.21	Pollman, Reinard
16520330	Lot 11, Hawkeye Too, as shown on Plat No. 92-41, Homer Recording District	Nikolaevsk	15.17	Pollman, Reinard
16527010	Tract 11, North Fork Acres No. 2, as shown on Plat No. 74-485, Homer Recording District	Anchor Point	9.57	Monahan Stella, Saathoff Karen, Saathoff Dennis, Monahan Harold
16527011	Tract 6, North Fork Acres No. 2, as shown on Plat No. 74-485, Homer Recording District	Anchor Point	9.57	Monahan Stella, Saathoff Karen, Saathoff Dennis, Monahan Harold
16527012	Tract 3, North Fork Acres No. 2, as shown on Plat No. 74-485, Homer Recording District	Anchor Point	9.13	Monahan Stella, Saathoff Karen, Saathoff Dennis, Monahan Harold
16527015	Tract 12, North Fork Acres No. 2, as shown on Plat No. 74-485, Homer Recording District	Anchor Point	9.26	Monahan Stella, Saathoff Karen, Saathoff Dennis, Monahan Harold
16539009	Tract 9, Birch Haven Estates, as shown on Plat No. 74-2193, Homer Recording District	Anchor Point	9.24	Yoshitomi, Bonnie and Reed, Curtis
16548084	Lot 34, Evergreen Meadows Subdivision, as shown on Plat No. 2002-39, Homer Recording District	Anchor Point	22.29	Baum, Barbara A
16919010	Lot 6, Block 1, Beaver Lodge Estates, as shown on Plat No. 77-16, Homer Recording District	Anchor Point	2.83	Elmquist, Katharine A
17125232	NW¼W½ of Lot 39, Kachemak Bay Ranchos, as shown on Plat No. 72-452, Homer Recording District	Diamond Ridge	2.21	Pettyjohn and Pestinger A Partnership
17210403	Lot 3, World View Subdivision, as shown on Plat No. 64-75, Homer Recording District	Fritz Creek	1.10	Johnstone, Julia Mary

Parcel	Legal Description	General Location	Acres	Last Owner of Record
17210711	Lot 11, Block 3, Eagleaerie Wilderness Park Unit 1, as shown on Plat No. 99-13, Homer Recording District	Fritz Creek	3.00	Corbell, Lee O & Karen L
17245029	Lot 3, Block 2, Rolling Meadows, as shown on Plat No. 2002-89, Homer Recording District	Fritz Creek	4.59	Olson, Chris
17730285	Lot 27-C, A.A. Mattox, Replat of Lot 27, as shown on Plat No. 81-81, Homer Recording District	Homer	0.31	Cooper, Mark And Sandy
18520031	Tract G, Alaska State Land Survey 74-31, as shown on Plat No. 77-20, Homer Recording District	Fox River	2.23	Mumm, George Tyone
18550425	SW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ , Section 36, T1S, R12W, Seward Meridian, Alaska. Excepting right-of-ways per Plat Waiver Resolution No. 91-23, recorded as Plat No. 91-60W, Homer Recording District	Ninilchik	9.03	Konrad, George estate of and Reid, Elliott N Sr
18551814	NE ¹ / ₄ SE ¹ / ₄ , Section 10, T2S, R12W, Seward Meridian, Alaska, lying between the seismograph right-of-way lines and Arneson Avenue.	Ninilchik	0.70	Franey, Daniel Seth & Kienast, Amanda Jane
18901239	Tract A, Alaska State Land Survey 91-263, as shown on Plat No. 94-23, Seward Recording District	Johnstone Bay	1.03	Hoffman, Sue A
19119018	Lot 3, Block 10, English Bay Townsite, as shown on U.S. Survey No. 4901, Seldovia Recording District	Nanwalek	0.33	Moonin, Charles And Virginia
19120017	Lot 5, Block 2, English Bay Townsite, as shown on U.S. Survey 4901, Seldovia Recording District	Nanwalek	0.27	Moonin, Frank & Ukatish, Helen
19120020	Lot 2, Block 2, English Bay Townsite, as shown on U.S. Survey 4901, Seldovia Recording District	Nanwalek	0.25	Tanape, Herman
19120030	Lot 4, Block 1, English Bay Townsite, as shown on U.S. Survey 4901, Seldovia Recording District	Nanwalek	0.34	Evans, Vincent
19122031	Lot 9, Block 2, Tract A, Port Graham Townsite, as shown on U.S. Survey No. 4899, Seldovia Recording District	Port Graham	0.27	Anahonak, Dennis
19123021	Lot 3, Block 4, Tract B, Port Graham Townsite, as shown on U.S. Survey No. 4899, Seldovia Recording District, and that portion of U. S. Survey No. 510 per Quticclaim Deed recorded in Book 29, Page 946, Seldovia Recording District	Port Graham	0.48	Norman, Gordon
19135019	Lot 3, Block 13, Barabara Heights Subdivision, as shown on Plat No. 79-6, Seldovia Recording District	Seldovia Village	3.41	Ollestad, Max Matthew