

Introduced by: Mayor
Date: 06/04/19
Hearing: 06/18/19
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-13**

**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 per AS 29.45.460(c); and

WHEREAS, it is the administration's intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on June 10, 2019, 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 KP 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, pursuant to KP 5.12.320

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.

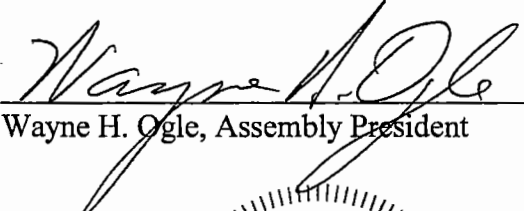
SECTION 5. That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

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 Sections 2 through 6 of this ordinance shall take effect immediately upon enactment.

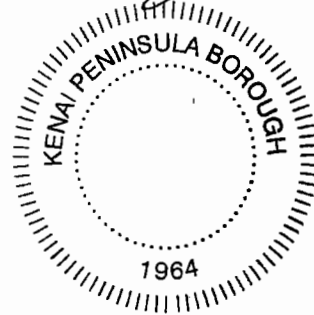
SECTION 8. That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

EXHIBIT A
PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE

PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD	REASON FOR RETENTION	RECOMMENDED APPLICABLE CLASSIFICATION
03505020	T 10N R 2W SEC 33 SEWARD MERIDIAN SW 0000012 HOPE TOWNSITE ALASKA SURVEY NO 1485 BLK 19	Hope	3.45	Folinsbee Marjory C	Coastal inundation zone	Preservation
06557012	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 12	Sterling	0.04	Siewert Warren O Estate of	Less than 40,000 sf	Government
06557013	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 13	Sterling	0.04	Siewert Warren O Estate of	Less than 40,000 sf	Government
15933001	T 3S R 14W SEC 7 SEWARD MERIDIAN HM 0750065 HAPPY VALLEY VISTA SUB LOT 1	Happy Valley	0.29	Kelly William & Mary Ann	Less than 40,000 sf	Government
16511101	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-B BLK 2	Nikolaevsk	9.04	Laventhol & Horwath	Wetland	Preservation
16511102	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-A BLK 2	Nikolaevsk	9.04	Laventhol & Horwath	Wetland	Preservation
16511103	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-C BLK 2	Nikolaevsk	9.04	Laventhol & Horwath	Wetland	Preservation
16511104	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-D BLK 2	Nikolaevsk	9.04	Laventhol & Horwath	Wetland	Preservation
16527012	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 3	Anchor Point	9.13	Monahan Harold E & Stella M & Saathoff Dennis J & Karen J	Wetland	
19120020	T 9S R 16W SEC 35 SEWARD MERIDIAN SL 0710062 US SURVEY NO 4901 ALASKA TOWNSITE OF ENGLISH BAY LOT 2 BLK 2 TRACT A	Nanwalek	0.25	Tanape Herman	Teacher housing for KPB School District	Government

**EXHIBIT B
PROPERTIES TO BE SOLD BY OUTCRY AUCTION**

PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
01205036	T 7N R 12W SEC 1 SEWARD MERIDIAN KN 0001510 AURORA HEIGHTS SUB BLOCKS 5 6 7 8 12 13 & 14 LOT 12 BLK 6	Nikiski	0.17	Mason David
01309125	T 7N R 11W SEC 3 SEWARD MERIDIAN KN 0001524 LAKE VILLAGE SUB LOT 6 BLK 4	Nikiski	2.47	Schmidt Ronald R
01366010	T 7N R 11W SEC 17 SEWARD MERIDIAN KN 0820121 MARANATHA SUB NO 2 LOT 9 BLK 2	Nikiski	1.95	Wik Jason
01423030	T 7N R 12W SEC 14 SEWARD MERIDIAN KN 0850088 WOODED SHORES SUB NO 3 LOT 13 BLK 2	Nikiski	1.38	Rapp Stephen
01508009	T 7N R 12W SEC 26 SEWARD MERIDIAN KN 0001556 BARANOFF TERRACE SUB LOT 12 BLK 4	Nikiski	0.47	Webb Marc D & Maria R
01728005	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 5 BLK 1	Salamatof	0.43	Lofstedt Kimi & Dale Harold
01728006	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 6 BLK 1	Salamatof	0.43	Lofstedt Kimi & Dale Harold
01728019	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 4 BLK 1 N1/2 THEREOF	Salamatof	0.22	Lofstedt Kimi & Dale Harold
02514413	T 6N R 10W SEC 32 SEWARD MERIDIAN KN 0850185 STRAWBERRY ACRES SUB TRACT 15	Strawberry Road	28.51	Wilson Emil
02539020	T 9N R 9W SEC 11 SEWARD MERIDIAN KN 0820080 GRAY CLIFF SUB LOT 335	Point Possession	1.51	Cox Barry Allen Jr
02543206	T 9N R 8W SEC 6 SEWARD MERIDIAN KN 0840065 MOOSE POINT SUB LOT 29	Point Possession	12.80	Oldham Donna L
04905006	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 1	Kenai	2.38	Pool Billy D
04905011	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 2 & 3	Kenai	4.44	Pool Billy D
06301811	T 5N R 9W SEC 4 SEWARD MERIDIAN KN 0860050 INGLEBROOK SUB LOT 11 BLK 1	Sterling	0.93	Matthews Mary Ann & Del
06305003	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000858 HANDLEY SUB NO 1 LOT 3	Sterling	0.52	Aronold William P & Samon
06329311	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0980047 LAKE VIEW TERRACE #3 PHASE 2 LOT 10	Sterling	0.92	Backstrom Robert Raymond

PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
06345212	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000935 STERLING HEIGHTS SUB LOT 13 BLK 6	Sterling	0.26	Backstrom Dennis R & Mary A
06358063	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0850225 MARRIOTT SUB NO 4 LOT C1-A	Sterling	0.97	Worden Michael
06610211	T 5N R 8W SEC 19 SEWARD MERIDIAN KN 0760166 LAST FRONTIER ACRES SUB LOT 4	Funny River	8.60	Lankfort Keith
06644308	T 5N R 9W SEC 25 SEWARD MERIDIAN KN 0840296 LUPINE SUB NO 2 LOT 4B BLK A	Funny River	1.09	Battershall Steven Allen
06648050	T 5N R 9W SEC 24 SEWARD MERIDIAN KN 0830239 RIVER BRIDGE ESTATES SUB LOT 1 BLK 1	Funny River	0.94	Hanson David B & Susan L
13104532	T 4N R 11W SEC 12 SEWARD MERIDIAN KN 0860111 ALEXANDER W WILSON HOMESTEAD SUB WILSON HEIGHTS ADDN TRACT A1	Kalifornsky	7.87	Clark Geoffrey & Kelly & Gatchell Beverly
13112042	T 4N R 12W SEC 36 SEWARD MERIDIAN KN 0830166 KASILOF ALASKA SUB AMENDED LOT 4 BLK 1	Kalifornsky	3.78	Hatten Jerry L
13303238	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB EAST 1/2 TRACT C	Kalifornsky	4.61	West Lesley A
13303239	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB TRACT D	Kalifornsky	8.82	West Lesley A
13340037	T 3N R 11W SEC 18 SEWARD MERIDIAN KN 2013043 BEAVER BROOK ESTATES #4 LOT B5 BLK 3	Kasilof	3.21	Knapp Andrew F
13902005	T 1N R 12W SEC 6 SEWARD MERIDIAN HM 0770080 UDELHOVEN SUB TRACT 1	Clam Gulch	2.67	Odd Diane
13910124	T 1N R 13W SEC 27 SEWARD MERIDIAN HM 0850015 COREA BEND SUB LOT 9	Ninilchik	1.43	James Jon Lowell
13916009	T 1N R 12W SEC 18 SEWARD MERIDIAN HM 0770038 WEDGEWOOD TERRACE SUB LOT 1 BLK 1	Ninilchik	2.27	Osmar Tim D & Osmar Tawny L
14420034	T 1N R 1W SEC 23 SEWARD MERIDIAN SW 0000076 CAMELOT BY THE SEA SUB LOT 13 BLK 11	Seward / Bear Creek	0.53	Smith Warren E
15721002	T 1S R 13W SEC 5 SEWARD MERIDIAN HM 0770046 ILIAMNA MEADOWS SUB LOT 39	Ninilchik	2.84	Terry Patricia
15916002	T 3S R 14W SEC 17 SEWARD MERIDIAN HM 0630666 HAPPY ACRE HOMESITES SUB TRACT 13	Happy Valley	2.50	Isgrigg Mark

PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
15920206	T 3S R 14W SEC 29 SEWARD MERIDIAN HM 2002057 STARISKI MEADOWS THREE TRACT 44-B	Happy Valley	5.32	Langell James Paul
15924045	T 3S R 14W SEC 21 SEWARD MERIDIAN HM 0620629 HAPPY VALLEY 5 ACRE HOMESITES TRACT 100	Happy Valley	5.00	Furbush Dorothy B
15947031	T 2S R 14W SEC 20 SEWARD MERIDIAN HM 0770051 GLEN EYRIE SUB LOT 18 BLK 1	Happy Valley	0.65	James Jon Lowell
16527017	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 24	Anchor Point	8.55	Schmitz Theodore R
17214007	T 5S R 12W SEC 27 SEWARD MERIDIAN HM 0721216 KACHEMAK WILDERNESS ACRES SUB TRACT 7	Fritz Creek	4.78	Scott Brandi S
17316050	T 6S R 14W SEC 22 SEWARD MERIDIAN HM E1/2 GOVT LOT 1	Homer	5.80	Gsc Llc
17909001	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27A	Homer	0.60	Meredith Candis
17909002	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27D	Homer	0.58	Meredith Candis
17931005	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 10 BLK 1	Homer	0.22	Weldon Robert & Eidson Sherron Fay
18528014	T 2S R 13W SEC 6 SEWARD MERIDIAN HM 0760114 BRANDYWINE ACRES 1976 RESUB OF LTS 1 & 2 TRACT 1	Ninilchik	12.84	Frazier Elliot R & Angela R
18901515	T 3S R 4E SEC 1 SEWARD MERIDIAN SW 0890012 ALASKA STATE LAND SURVEY 85-65	Johnstone Bay	2.49	Stefanski John P
19134007	T 8S R 14W SEC 22 SEWARD MERIDIAN SL 0790006 BARABARA HEIGHTS SUB LOT 1 BLK 14	Seldovia	3.14	Torgramsen Karl, Paul W, Sig Sr, Charles, & Kuntz Emma