

Introduced by: Mayor  
Date: 07/18/17  
Hearing: 08/01/17  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2017-20**

**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 July 17, 2017, 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. Pursuant to AS 29.45.470(b), after this ordinance is enacted the right of former record owners to repurchase this property to be retained ceases.

**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.

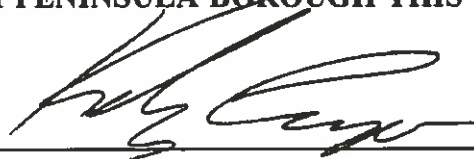
**SECTION 4.** In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which 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 28, 2017, 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.

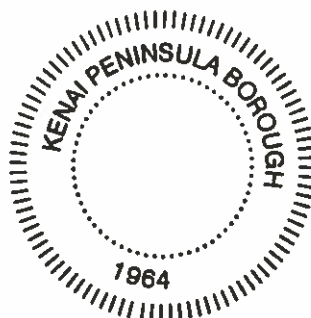
**SECTION 7.** That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2017.



Kelly Cooper, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk

Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Welles, Cooper

No: None

Absent: None

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

<b>Parcel (Map Linked)</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>	<b>Reason for Retention</b>	<b>Recommended Applicable Classification</b>
<u>01510009</u>	Lot 4, Block 4, Baranoff Terrace Subdivision, Plat No. 1556, Kenai Recording District	Nikiski	0.32	Metter, Roy	Less than 40,000 sf	Government
<u>01714022</u>	That portion of Government Lot 39, Section 14, T6N, R12W, Seward Meridian, Alaska, lying west of North Kenai Road, Kenai Recording District	Salamatof	0.73	Compton, Susynn & Snyder Burr & Snyder Gary	Less than 40,000 sf	Government
<u>01727006</u>	Lot 6, Lower Salamatof Lake Subdivision, Plat No. 1532, Kenai Recording District.	Salamatof	0.42	Carty, Velma C	Less than 40,000 sf. and Wetland	Government or Preservation
<u>02520037</u>	Lot 6A, Block 1, North Woods Subdivision, Resubdivision, Lot 6, Block 1, Plat No. 76-144, Kenai Recording District.	Nikiski	0.91	Kelley, Kaylen	Less than 40,000 sf	Government
<u>03902113</u>	Lot 24, Block 1, Bush Lanes Subdivision, Plat No. 1018, Kenai Recording District	Kenai	0.17	Delong, Junetta Lynn	Less than 40,000 sf	Government
<u>03904015</u>	Lot 20, Block 8, Black Gold Estates Subdivision, amended, Plat No. 1399, Kenai Recording District	Kenai	0.17	Castien, Charles	Less than 40,000 sf	Government
<u>03904012</u>	Lot 17, Block 8, Black Gold Estates Subdivision, amended, Plat No. 1399, Kenai Recording District	Kenai	0.17	Castien, Charles	Less than 40,000 sf	Government
<u>03905201</u>	Lot 1, Block 6, Black Gold Estates Subdivision, amended, Plat No. 1399, Kenai Recording District	Kenai	0.22	Ahlstrom, Carl F Estate of	Less than 40,000 sf	Government
<u>05518009</u>	Lot 1, Block 3, Kalifornsky Beach Industrial Park Subdivision, Plat No. 73-23, Kenai Recording District	Kalifornsky	0.96	Long, Paul R	Wetland	Preservation
<u>05525334</u>	Lot 29, Block 9, Castaway Cove Sub amended, Plat No. 84-140, Kenai Recording District	Kalifornsky	0.05	Cogburn Family Limited Partnership	Less than 40,000 sf	Preservation
<u>05525335</u>	Lot 30, Block 9, Castaway Cove Sub amended, Plat No. 84-140, Kenai Recording District	Kalifornsky	0.08	Cogburn Family Limited Partnership	Less than 40,000 sf	Preservation

<b>Parcel (Map Linked)</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>	<b>Reason for Retention</b>	<b>Recommended Applicable Classification</b>
05766038	Tract D-2, M. L. Stewart Homestead King Country Addition Replat, Plat No. 91-63, Kenai Recording District	Kalifornsky	14.06	Donald, Nicolena; Stewart, Nikishka; Donald, David	Wetland and caribou crossing	Preservation

Parcel (Map Linked)	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
06315056	A parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and Government Lot 6 in Section 22, T5N, R9W, Seward Meridian, which is bounded by the North-South Section Line common to Sections 22 and 23 and Lot 19 in Block 3 of Pine Bluff Subdivision, Plat No. 85-144 and Lot 18A and Tract A-1 of Pine Bluff Subdivision No. Two, Plat No. 88-78 and a portion of Fields Road and also being a portion of V. Enberg Property shown in Survey Plat K-1439 and a portion of Tract E as shown on Pine Bluff Subdivision No Two, Plat No. 88-78 and referenced as Note 4 on said plat: Excepting therefrom the following described parcel described in Book 49 of Deeds at Page 261 and more particularly described as follows: A parcel of land located within the NE $\frac{1}{4}$ of Section 22, T5N, R9W, Seward Meridian Kenai Recording District, Third Judicial District, State of Alaska, more particularly described by metes and bounds as: Beginning at a point on the East Section line of Section 22, from which the corner of Sections 14, 15, 22 and 23, T5N, R9W, S.M. Bears N 0°02'30" W, 1,193.39 ft., said point being the true point of beginning; thence West 269.80 ft.; thence along a curve to the left, with an arc distance of 58.56 ft., having a radius of 27.30 ft. [37.30 ft.] and a delta angle of 90°; thence South 69.90 ft.; thence along a curve to the left, with an arc distance of 58.56 ft. having a radius of 37.30 ft., and a delta angle of 90°; thence East 269.80 ft.; thence N 0°02'30" W, 144.50 ft. to the point of beginning.	Sterling	0.83	Enberg, Alice I	Dedicate for Right-of-Way. The configuration of this parcel is 40ft. wide and follows the alignment of an existing road which provides connectivity for dedicated portions of Fields Road. Fields Road to the south provides access to the Kenai River and is alternative ingress/egress to Betty Lou Drive. Note this strip of land is shown as a 40' R/W on Pine Bluff Subdivision, Plat No. 85-144, Kenai Recording District.	Utility / Transportation
06345110	Lot 15, Block 7, Sterling Heights Subdivision, Plat No. 935, Kenai Recording District	Sterling	0.26	M & E Investments, Inc.	Less than 40,000 sf	Government

Parcel (Map Linked)	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
16345111	Lot 14, Block 7, Sterling Heights Subdivision, Plat No. 935, Kenai Recording District	Sterling	0.26	M & E Investments, Inc.	Less than 40,000 sf	Government
16345112	Lot 13, Block 7, Sterling Heights Subdivision, Plat No. 935, Kenai Recording District	Sterling	0.26	M & E Investments, Inc.	Less than 40,000 sf	Government
16544044	Lot 44, Block 14, Gregory Subdivision Addition No. 6, Plat No. 74-54, Kenai Recording District	Sterling	0.31	Anderson, Skeg	Less than 40,000 sf	Government
16544045	Lot 45, Block 14, Gregory Subdivision Addition No. 6, Plat No. 74-54, Kenai Recording District	Sterling	0.31	Anderson, Skeg	Less than 40,000 sf	Government
16544043	Lot 43, Block 14, Gregory Subdivision Addition No. 6, Plat No. 74-54, Kenai Recording District	Sterling	0.31	Anderson, Skeg	Less than 40,000 sf	Government
16544050	Lot 50, Block 14, Gregory Subdivision Addition No. 6, Plat No. 74-54, Kenai Recording District	Sterling	0.31	Locke, Bradley J & Mary H	Less than 40,000 sf	Government
13505139	Lot 2, Block 5, Caribou Island Subdivision, amended, Plat No. 37, Seward Recording District	Skilak Lake	0.57	Melchert, William L to the estate of	Less than 40,000 sf	Government
14419006	Lot 33, Block 8, Camelot By The Sea Subdivision, Plat No. 76, Seward Recording District	Bear Creek	0.59	Thorne, Anne & Baughman Kim	Less than 40,000 sf	Government
14421041	Lot 18, Block 7, Camelot By The Sea Subdivision, Plat No. 76, Seward Recording District	Bear Creek	0.46	Faro, Gail Y	Less than 40,000 sf	Government
15723102	SW¼NE¼, Section 13, T1S, R14W, Seward Meridian, Alaska, lying west of the Sterling Highway, Homer Recording District	Nimilchik	0.6	Sorton, Walter E & Bertha L	Dedicate for Right-of-Way	Utility / Transportation
15912021	Tract 28, Happy Creek Homesites Subdivision, Plat No. 62-711, Homer Recording District	Happy Valley	5	Landis, Ingrid H	Wetland	Preservation
15923045	Tract 36, Happy Valley 5 Acre Homesites, Plat No. 62-629, Homer Recording District	Happy Valley	5	Bottimore, Mark D & Erik K	Wetland	Preservation
15924015	Tract 65, Happy Valley 5 Acre Homesites, Plat No. 62-629, Homer Recording District	Happy Valley	5	Jigliotti, Family Trust	Wetland	Preservation
15930118	Tract B, Cooper Subdivision, River Addition, Plat No. 97-42, Homer Recording District	Nimilchik	31.59	Cooper, David F	Wetland	Preservation
16914009	NE¼SE¼SE¼NE¼ lying south of Old Sterling Highway, Homer Recording District	Anchor Point	0.07	Cowen, Robert M	Less than 40,000 sf	Government

Parcel (Map Linked)	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
9551723	That portion of the SW¼SW¼, Section 11, T2S, R12W, Seward Meridian, Alaska, lying south of seismograph right-of-way and north of Boley Avenue and east of Odman Street, Homer Recording District	Nimlichik	0.79	Fodor, Charles	Less than 40,000 sf	Government



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

<b>Parcel (Map Linked)</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<a href="#">01206036</a>	Lot 16, Block 14, Aurora Heights Subdivision, Blocks 5, 6, 7, 8, 12, 13, & 14, Plat No. 1510, Kenai Recording District	Nikiski	0.17	Rabon, Dale
<a href="#">01321547</a>	Lot 7, Block 7, Don's Place Subdivision, amended, Plat No. 83-44, Kenai Recording District	Nikiski	0.92	Hamersley, Bryan T
<a href="#">01324042</a>	Lot 13, Block 2, Wik Lake Terrace Subdivision, Addition No. 1, Plat No. 85-121, Kenai Recording District	Nikiski	1.53	Aase-Bolanos, Donald M
<a href="#">01324043</a>	Lot 14, Block 2, Wik Lake Terrace Subdivision, Addition No. 1, Plat No. 85-121, Kenai Recording District	Nikiski	1.23	Aase-Bolanos, Donald M
<a href="#">01369003</a>	Lot 3, Moose Run Estates Subdivision, Plat No. 84-51, Kenai Recording District	Nikiski	1.04	Mapes, Jean K
<a href="#">01524010</a>	Lot 18, Spruce Haven Estates Subdivision, Plat No. 75-59, Kenai Recording District	Nikiski	4.34	Dingman, L Kay
<a href="#">01717010</a>	Government Lot 113, Section 14, T6N, R12W, Seward Meridian, Alaska, Kenai Recording District	Salamatof	1.9	McCurdy, Charlene as custodian for Brewer Casey
<a href="#">02525014</a>	Lot 97, Gray Cliff Subdivision, Plat No. 82-80, Kenai Recording District	Point Possession	9.32	Stewart, Nikishka Lea
<a href="#">03902114</a>	Lot 25 Block 1, Bush Lanes Subdivision, Plat No. 1018, Kenai Recording District	Kenai	0.17	Delong, Junetta Lynn
<a href="#">05518009</a>	Lot 1, Block 3, Kalifonsky Beach Industrial Park Subdivision, Plat No. 73-23, Kenai Recording District	Kalifornsky	0.96	Long, Paul R
<a href="#">05542234</a>	Lot 6, J and P Subdivision Aurora Addition, Plat No. 2001-21, Kenai Recording District	Kalifornsky	0.92	Gibbs, James E & Patricia
<a href="#">05542233</a>	Lot 5, J and P Subdivision Aurora Addition, Plat No. 2001-21, Kenai Recording District	Kalifornsky	0.92	Gibbs, James, E & Patricia
<a href="#">05814048</a>	Lot 3B, Soldotna East Moline Addition, Plat No. 2001-25, Kenai Recording District	Sterling	4.47	Mudrick, April M
<a href="#">05915042</a>	Lot 2, Block 1, Hayward Hill Subdivision, Plat No. 78-23, Kenai Recording District	Soldotna	0.42	Ruiz, Alfredo & Romana
<a href="#">05915041</a>	Lot 1, Block 1, Hayward Hill Subdivision, Plat No. 78-23, Kenai Recording District	Soldotna	0.34	Ruiz, Alfredo & Romana
<a href="#">06301766</a>	Lot 3, Block 4, Sterling Crystal Estates Subdivision, Plat No. 86-40, Kenai Recording District	Sterling	1.01	Layfield, Alan R
<a href="#">06301767</a>	Lot 4, Block 4, Sterling Crystal Estates Subdivision, Plat No. 86-40, Kenai Recording District	Sterling	1.01	Layfield, Alan R
<a href="#">06301752</a>	Lot 12, Block 1, Sterling Crystal Estates Subdivision, Plat No. 86-40, Kenai Recording District	Sterling	1.25	Roller, Joanne
<a href="#">06387039</a>	Lot 8, Brittell Subdivision 1999 Addition, Plat No. 99-93, Kenai Recording District	Sterling	0.92	Earll, Leith E & Kimberly J
<a href="#">06532018</a>	Lot 10, Moose Range Estates Subdivision, Plat No. 81-45, Kenai Recording District	Sterling	2.62	Westphal, Dorothy M
<a href="#">06610246</a>	Lot 6, Chaloux Subdivision, Plat No. 2008-40, Kenai Recording District	Funny River	4.37	Scribner, Rupert
<a href="#">06643019</a>	Lot 8, Block 1, Poage Subdivision No. 1, Plat No. 79-161, Kenai Recording District	Funny River	2.07	Obrien, Michael E & Holly J
<a href="#">06644401</a>	Lot 1A, Block E, Lupine Subdivision No. 2, Plat No. 84-296, Kenai Recording District	Funny River	1.08	Simpson, Deborah A

<b>Parcel (Map Linked)</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<a href="#">06647006</a>	Lot 6, Salmon Berry Acres Subdivision, Plat No. 82-85, Kenai Recording District	Funny River	2.07	Brennan, Richard G
<a href="#">13301008</a>	Government Lot 8, Section 9, T3N, R12W, Seward Meridian, Alaska, Kenai Recording District	Cohoe	4.27	Cooper, David F & Metrokin, Britton Lee
<a href="#">13307306</a>	Lot 6, East Cohoe Subdivision, Plat No. 84-238, Kenai Recording District	Cohoe	1.2	Carpmail, Shelly J
<a href="#">13340004</a>	Lot 4, Block 1, Beaver Brook Estates Subdivision, Plat No. 78-29, Kenai Recording District	Kasilof	2.19	Smyth, Sharon Croskey
<a href="#">13340028</a>	Lot 2A, Beaver Brook Estates No. 2, Plat No. 2000-3, Kenai Recording District	Kasilof	3.24	Smyth, Sharon Croskey
<a href="#">15706316</a>	Lot 21, Block 1, Ninilchik River Estates Subdivision, amended, Plat No. 86-12, Homer Recording District	Ninilchik	1.33	Bock, Vanessa Maria
<a href="#">15920099</a>	Tract 2, Anchor Mill Subdivision, Plat No. 2004-75, Homer Recording District	Happy Valley	16.23	Sinvestco LLC
<a href="#">15920098</a>	Tract 1, Anchor Mill Subdivision, Plat No. 2004-75, Homer Recording District	Happy Valley	36.28	Sinvestco LLC
<a href="#">15930117</a>	Tract A, Cooper Subdivision, River Addition, Plat No. 97-42, Homer Recording District	Ninilchik	24.84	Cooper, David F
<a href="#">15938006</a>	Lot 3, Echo Acres Subdivision, Plat No. 72-581, Homer Recording District	Happy Valley	9.52	Hursh, Ted E
<a href="#">16527012</a>	Tract 3, North Fork Acres Subdivision No. 2, Plat No. 74-485, Homer Recording District	Anchor Point	9.13	Monahan, Stella; Saathoff, Karen; Saathoff, Dennis; Monahan, Harold
<a href="#">16528005</a>	Lot 7, Mocking Bird Hill Subdivision, as shown on Plat No. 79-40, Homer Recording District	Anchor Point	5.6	Stacy, David G
<a href="#">16527015</a>	Tract 12, North Fork Acres Subdivision No. 2, Plat No. 74-485, Homer Recording District	Anchor Point	9.26	Monahan, Stella; Saathoff, Karen; Saathoff, Dennis; Monahan, Harold
<a href="#">16538005</a>	Tract 5, Terrace View Subdivision, Plat No. 74-2194, Homer Recording District	Nikolaevsk	9.24	Mumey, Joel, dba Quality Services Inc.
<a href="#">16561046</a>	Lot 16, Old Pioneer Subdivision, Plat No. 82-66, Homer Recording District	Anchor Point	5.07	Lockyer, Christopher & Cortez Shawn
<a href="#">16561092</a>	Lot 2-A1, Old Pioneer Subdivision No. 4, Plat No. 85-63, Homer Recording District	Anchor Point	1.78	Sturgis, Shirley
<a href="#">16564016</a>	Lot 19, Nikolaevsk Village Subdivision No. 4, Plat No. 80-33, Homer Recording District	Nikolaevsk	3.59	Nelson, Josh
<a href="#">16566004</a>	Lot 3, Nahodka Village Subdivision, Plat No. 80-58, Homer Recording District	Nikolaevsk	0.68	Reutov, Eosifv & Anna
<a href="#">16577017</a>	Lot 17, Kluchevaya Village Subdivision, amended, Plat No. 91-59, Homer Recording District	Nikolaevsk	1	Reutov, Alexander
<a href="#">17125307</a>	Lot 3, Kachemak Bay Ranchos Subdivision, Plat No. 72-452, Homer Recording District	Diamond Ridge	9.16	Betts, Ivy L
<a href="#">17125308</a>	Lot 2, Kachemak Bay Ranchos Subdivision, Plat No. 72-452, Homer Recording District	Diamond Ridge	9.57	Betts, Ivy L
<a href="#">18551457</a>	Tract A, Goodman Subdivision, Plat No. 2013-12, Homer Recording District	Ninilchik	9.02	Scribner, Rupert

<b>Parcel (Map Linked)</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<u>18901712</u>	Tract D, Alaska State Land Survey No. 93-72, Plat No. 94-24, Seward Recording District	Johnstone Bay	3.56	Meador, April
<u>18927003</u>	Tract C, Alaska State Land Survey No. 77-174, Plat No. 79-4, Seward Recording District	Day Harbor	5	Verdin, Delphia
<u>18927004</u>	Tract D, Alaska State Land Survey No. 77-174, Plat No. 79-4, Seward Recording District	Day Harbor	5	Verdin, Delphia
<u>22125013</u>	That portion of U.S. Survey No. 4685, excluding Tuxedni View Subdivision, Plat No. 82-14, Iliamna Recording District	Tuxedni Bay	84.49	Kroll, Caroline L & Provencio Jeremy M
<u>22125011</u>	Lot 3, Tuxedni View Subdivision, Plat No. 82-14, Iliamna Recording District	Tuxedni Bay	4.25	Kroll, Caroline L & Provencio Jeremy M