

Introduced by:	Mayor
Date:	05/17/22
Hearing:	06/07/22
Action:	Enacted
Vote:	6 Yes, 0 No, 3 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-14**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
PARCELS OF BOROUGH-OWNED LAND BY LIVE OUTCRY AUCTION
FOLLOWED BY A SUBSEQUENT ONLINE-ONLY AUCTION LAND SALE**

WHEREAS, the Kenai Peninsula Borough (“Borough”) has fee simple title to or management authority of the real property listed in Section 1 of this ordinance; and

WHEREAS, the listed Borough-owned or Borough-managed real property has been appropriately classified pursuant to KPB 17.10.080; and

WHEREAS, authorization of an outcry auction sale provides a competitive market process, followed by a subsequent online-only auction sale intended to keep the properties on the market over a longer term; and

WHEREAS, since the parcels referenced as KPB Parcel Identification Number (PIN) 017-120-06, 119-070-02, 119-070-01, and 131-070-32 require a completed record of survey prior to closing, this ordinance will authorize an extended due diligence period for review, approval and recording of the record of survey prior to finalizing any potential sale transactions resulting from the sale of these parcels; and

WHEREAS, due to remaining uncertainty in planning live events, allowing for an alternate live auction date is appropriate; and

WHEREAS, the Planning Commission at its regularly scheduled meeting of May 23, 2022, recommended approval as amended by unanimous consent;

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

SECTION 1. That the parcels listed below are authorized for sale at a minimum of the fair market value as determined through consultation with the Borough Assessing Department.

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	RESERVE
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637	5.48	\$180,000
025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	11.08	\$25,000
035-030-74	Hope	LOT 11 OF DISCOVERY PARK SUBDIVISION, AS SHOWN ON PLAT NO. 2010-11, RECORDS OF THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	2.26	\$110,000
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	0.34	\$23,000

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	RESERVE
055-035-29	Soldotna	LOT 7, BLOCK 4 WIDGEON WOODS PHASE 2, ACCORDING TO PLAT NO. 2012-32, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	1.24	\$85,000
055-010-16	Soldotna	THE S½SW¼SE¼ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA	20	\$350,000
065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA	3.31	\$220,000
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	1.23	\$23,000
119-070-02	Cooper Landing	LOT 15 OF US SURVEY 3306 IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 3 WEST, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT ON JANUARY 24, 1955, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.6	\$125,000

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	RESERVE
119-070-01	Cooper Landing	LOT 14A OF US SURVEY 3306 IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 3 WEST, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT ON JANUARY 24, 1955, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.46	\$125,000
125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	0.87	\$40,000
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	.88	\$40,000
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA	10.03	\$222,000
135-053-35	Caribou Island	LOT 6A, BLOCK 4, CARIBOU ISLAND SUBDIVISION KPB2020 REPLAT, AS SHOWN ON PLAT NO. 2020-9, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.18	\$8,000
165-250-58	Anchor point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	1.05	\$15,000

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	RESERVE
193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	8.77	\$125,000
211-280-11	Beluga	TRACT D, BLOCK 4 OF THREE MILE CREEK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 72-7, ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	6.76	\$25,000
211-280-13	Beluga	TRACT B, BLOCK 4 OF THREE MILE CREEK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 72-7, ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	8.33	\$30,000

SECTION 2. That the method of disposal shall be by outcry public auction pursuant to KPB 17.10.100(B) followed by an online-only auction sale. The date of the outcry public auction sale shall be August 13, 2022. The auction shall be held at Soldotna High School or other such advertised location. A subsequent online-only auction will be conducted for those not sold as part of the live auction. The online-only auction will remain open for a minimum of two weeks beginning not later than December 31, 2022.

SECTION 3. That the administration is authorized to remove any or all of the proposed land sale offerings for any reason, including real estate market conditions, at any time prior to the date of the initial auction and secondary online-only auction

SECTION 4. That in the event the administration is unable to proceed with the live outcry auction on the designated date due to unforeseen events, the administration shall be authorized to reschedule the outcry auction and subsequent secondary online-only

auction land sale 45 to 90 days later than the date designated in this ordinance. In the event the dates designated in Section 2 are cancelled and an alternative date is rescheduled, then such sale date and location shall be re-advertised for at least 30 days prior to the sale, consistent with the original advertisement.

SECTION 5. That all parcels will be conveyed by quitclaim deed. Title insurance in the form of a lenders policy of title insurance must be obtained for all Borough-financed sales. All title insurance and closing fees are the buyer's expense. Title insurance must show the condition of title and no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall also be verified by the buyer prior to closing. In the event a title report showing an acceptable condition of title cannot be obtained by seller, then either the buyer or the Borough may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For Borough-financed sales, buyers must execute a release authorizing the Borough to obtain a credit report on the said buyers.

SECTION 6. That the parcel listed below is a tax-foreclosed property retained for public purpose under KPB Ordinance 2004-15 as a substandard lot (less than 40,000sf.). That in accordance with provisions of A.S. 29.45.460, the assembly finds that a public need no longer exists. The subject parcel has been enlarged by combining multiple small lots through survey plat No 2020-9 Kenai Recording District, curing the substandard size issue. As this parcel has been retained by the Borough in excess of 10 years, marketable or clear title to the subject parcel should now be available and properties can be marketed for sale.

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	LAST OWNER OF RECORD
135-053-35	Caribou Island	LOT 6A, BLOCK 4, CARIBOU ISLAND SUBDIVISION KPB2020 REPLAT, AS SHOWN ON PLAT NO. 2020-9, SEWARD RECORDING DISTRICT, STATE OF ALASKA	Pylant, Fritzi

SECTION 7. That the parcel listed below is a tax foreclosed property retained for public purpose. In accordance with provisions of A.S. 29.45.460, the assembly finds that a public need no longer exists. Due to parcel 057-530-15 being substandard in size, though similar and consistent to adjacent properties, the subject parcel should be presented for sale with special attention to the lot size and potential for an engineered septic treatment system. As the parcel has been retained by the Borough in excess of 10 years, marketable or clear title to the subject parcel is now available and the parcel can be marketed for sale.

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	LAST OWNER OF RECORD
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA	Paul D. Waln Sheryl E. Waln

SECTION 8. That the sale of the parcels listed below are subject to and contingent upon the completion of a record of survey. As a result, the legal descriptions and acreage information for the subject parcels may be updated prior to sale. All marketing materials used for the subject parcels will contain the most current information available at the time of printing. Prior to finalizing any contemplated sale, the buyer shall have the opportunity to inspect the record of survey information.

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637	5.48
119-070-02	Cooper Landing	LOT 15 OF US SURVEY 3306 IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 3 WEST, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT ON JANUARY 24, 1955, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.6

KPB PIN	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES
119-070-01	Cooper Landing	LOT 14A OF US SURVEY 3306 IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 3 WEST, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT ON JANUARY 24, 1955, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.46
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA	10.03

SECTION 9. That fee simple Patents shall be received from the State of Alaska for those properties currently under management authority prior to the date of the land sale auction. In the event the fee patents are not received, those parcels will be withdrawn from the 2022 land sale and be returned to the land bank.

SECTION 10. That upon successful sale at auction, buyer/bidder will enter into an agreement to acquire the subject parcel, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, shall be deposited with the Borough or its designee and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the Borough shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.


SECTION 12. That auction records will contain first and second position bid amounts for each property. In the event the first position buyer is unable to perform, the property will be offered for sale to the second position bidder for the amount of the second position bid, provided that the second position bid amount is in excess of the established reserve. If the second position bidder is not interested or unable to perform, and the second position bid is in excess of the established reserve, the second position bid amount will become the stated reserve price in the subsequent secondary online only auction. Auction records for the secondary online-only auction will contain first and second position bid amounts for each property. In the event the first position buyer is unable to perform, the property will be offered for sale to the second position bidder for the amount of the second position bid, provided that the second position bid amount is in excess of the established reserve. If the second position bidder is not interested or unable to perform, the parcel will be returned to the land bank.

SECTION 13. That the assembly authorizes the use of seller financing as a payment option for purchasers for those lands authorized for sale under this Ordinance. Terms of the seller financing shall be as defined in KPB 17.10.120.

SECTION 15. That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 16. That this ordinance shall be effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JUNE, 2022.

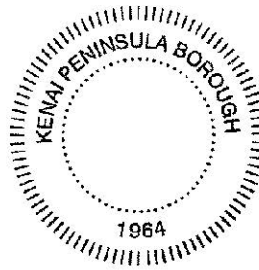


Brent Johnson, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: Chesley, Cox, Derkevorkian