

Introduced by: Mayor
 Date: 02/06/24
 Hearing: 02/27/24
 Action: Enacted
 Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH
 ORDINANCE 2024-03**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS OF KENAI
 PENINSULA BOROUGH-OWNED LAND BY OUTCRY AUCTION FOLLOWED BY A
 SECONDARY ONLINE AUCTION**

WHEREAS, the Kenai Peninsula Borough (“KPB”) has title to the lands listed in Section 1 of this ordinance; and

WHEREAS, these parcels are surplus to the needs of KPB; and

WHEREAS, parcels 01310252 and 05534018 were acquired by KPB for road projects that are no longer needed, and parcel 13910041 was acquired by KPB as part of the establishment of the Western Emergency Service Area (“WESA”) and is no longer needed; and

WHEREAS, other parcels on this list were acquired through tax foreclosure and retained for public purposes; and

WHEREAS, AS 29.45.460(b) specifically anticipates that tax foreclosed properties retained by KPB may later be sold; and

WHEREAS, the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting of February 12, 2024, and recommended approval 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 reserve amounts listed.

PARCEL ID	ACRES	LEGAL	GENERAL AREA	RESERVE
01205042	0.17	LOT 18, BLOCK 6 OF BLOCKS 5, 6, 7, 8, 12, 13, & 14, AURORA HEIGHTS SUBDIVISION, FILED UNDER PLAT NO. K-1510, KENAI RECORDING	Nikiski	\$3,600.00

		DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
01226129	0.17	LOT 16, BLOCK 9, AURORA HEIGHTS PRELIMINARY SUBDIVISION PLAN, FILED UNDER PLAT NO. K-1320, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$3,600.00
01310252	0.83	THAT PORTION OF U.S. GOVERNMENT LOT 9, IN SECTION 17, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, LYING EASTERLY OF THE ROADWAY EASEMENT GRANTED TO THE STATE OF ALASKA AND RECORDED JULY 28, 1971 AS BOOK 41, PAGE 25, LOCATED IN THE KENAI RECORDING DISTRICT, STATE OF ALASKA	Nikiski	\$8,500.00
01406024	0.31	LOT 12, BLOCK 2, GALEN GRAY SUBDIVISION, ACCORDING TO PLAT KN-899, LOCATED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$3,400.00
01507009	0.62	LOT 9, BLOCK 1, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$9,400.00
01510009	0.32	LOT 4, BLOCK 4, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,200.00

01512006	0.28	LOT 6, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01512007	0.28	LOT 7, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01513018	0.28	LOT 8, BLOCK 3 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01703004	0.28	LOT 10, BLOCK 7, KENAI DEVELOPMENT CORPORATION SUBDIVISION, ACCORDING TO PAT NO. K-803, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$1,200.00
03904012	0.17	LOT 17, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$5,000.00
03904015	0.17	LOT 20, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$5,000.00

05534018	0.57	LOT 1, BLOCK 3, BELUGA BAY ESTATES SUBDIVISION, PART 2, ACCORDING TO PLAT 77-155, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$65,000.00
06313011	0.58	LOT 18, PANORAMIC PARK SUBDIVISION, ACCORDING TO PLAT K-1189, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$20,200.00
06544050	0.31	LOT 50, BLOCK 14, GREGORY SUBDIVISION NO. 6, ACCORDING TO PLAT NO. 74-54, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$13,700.00
06557012	0.04	LOT 12, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557013	0.04	LOT 13, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557016	0.04	LOT 16, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557017	0.03	LOT 17, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
11902021	0.73	LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING	Cooper Landing	\$260,000.00

		DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
12503115	0.57	THAT CERTAIN PORTION OF LOT 26 LYING NORTHEASTERLY OF BEAR CREEK OF THE PLAT OF WOODROW ALASKA FILED JUNE 17, 1916 UNDER PLAT NO. VIII IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$38,800.00
13504129	0.45	LOT 12, BLOCK 7, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	\$5,000.00
13505139	0.57	LOT 2, BLOCK 5, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	\$5,000.00
13910041	1.01	LOT 1, COOPER-ENGLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 97-9, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Ninilchik	\$100,000.00
14419006	0.59	LOT 33, BLOCK 8, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$15,000.00
14421041	0.46	LOT 18, BLOCK 7, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$13,000.00

16929232	0.07	LOT 32, SILVER KING CAMP UNIT III, FILED UNDER PLAT NO. 85-45, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Anchor Point	\$7,700.00
19118023	0.28	THE NORTH 1/2 OF TRACT C, FRANK RABY 1971 ADDITION, ACCORDING TO PLAT 72-60, SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seldovia	\$15,700.00

SECTION 2. That the parcels listed below were obtained by KPB through prior tax foreclosure actions and retained for public purpose. In accordance with provisions of AS 29.45.460, the assembly finds that a public need no longer exists for these parcels.

PARCEL ID	ACRES	ABBREVIATED LEGAL	GENERAL AREA	PRIOR OWNER
01205042	0.17	LOT 18, BLOCK 6 OF BLOCKS 5, 6, 7, 8, 12, 13, & 14, AURORA HEIGHTS SUBDIVISION, FILED UNDER PLAT NO. K-1510, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Victor Vidlar
01226129	0.17	LOT 16, BLOCK 9, AURORA HEIGHTS PRELIMINARY SUBDIVISION PLAN, FILED UNDER PLAT NO. K-1320, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Bethany R. Purcell
01406024	0.31	LOT 12, BLOCK 2, GALEN GRAY SUBDIVISION, ACCORDING TO PLAT KN-899, LOCATED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL	Nikiski	Counsellors Investment Co.

		DISTRICT, STATE OF ALASKA.		
01507009	0.62	LOT 9, BLOCK 1, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Charmain R. Hendrickson
01510009	0.32	LOT 4, BLOCK 4, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Roy Metler
01512006	0.28	LOT 6, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Roy Metler
01512007	0.28	LOT 7, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	M & H Enterprises Inc.
01513018	0.28	LOT 8, BLOCK 3 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Bethany R. Hanley
01703004	0.28	LOT 10, BLOCK 7, KENAI DEVELOPMENT CORPORATION SUBDIVISION,	Kenai	Paul Anderson

		ACCORDING TO PAT NO. K-803, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
03904012	0.17	LOT 17, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	Charles Castien
03904015	0.17	LOT 20, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	Charles Castien
06313011	0.58	LOT 18, PANORAMIC PARK SUBDIVISION, ACCORDING TO PLAT K-1189, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Phillis Reinders
06544050	0.31	LOT 50, BLOCK 14, GREGORY SUBDIVISION NO. 6, ACCORDING TO PLAT NO. 74-54, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Bradley J. and Mary H. Locke
06557012	0.04	LOT 12, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL	Sterling	Estate of Siewert O. Warren

		DISTRICT, STATE OF ALASKA.		
06557013	0.04	LOT 13, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Estate of Warren O. Siewert
06557016	0.04	LOT 16, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Ted and Cheryl A. Miller
06557017	0.04	LOT 17, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Ted and Cheryl A. Miller
11902021	0.73	LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Cooper Landing	Dorothy and Charles Graves
12503115	0.57	THAT CERTAIN PORTION OF LOT 26 LYING NORTHEASTERLY OF BEAR CREEK OF THE PLAT OF WOODROW ALASKA FILED JUNE 17, 1916 UNDER PLAT NO. VIII IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Big Five Corporation
13504129	0.45	LOT 12, BLOCK 7, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD	Caribou Island	Richard and Wendy Schenker

		JUDICIAL DISTRICT, STATE OF ALASKA.		
13505139	0.57	LOT 2, BLOCK 5, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	The Estate of William L. Melchert
14419006	0.59	LOT 33, BLOCK 8, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Anne Thorne and Kim Baughman
14421041	0.46	LOT 18, BLOCK 7, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Gail Y. Faro
16929232	0.07	LOT 32, SILVER KING CAMP UNIT III, FILED UNDER PLAT NO. 85- 45, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Anchor Point	Earnest Flagg
19118023	0.28	THE NORTH 1/2 OF TRACT C, FRANK RABY 1971 ADDITION, ACCORDING TO PLAT 72-60, SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seldovia	Adam Cleghorn

SECTION 3. That the parcel below, having been acquired by WESA, has been identified as being surplus to the needs of WESA. All net sale proceeds resulting from the sale of the parcel shall be deposited into WESA account 209.37225.

PARCEL ID	ACRES	ABBREVIATED LEGAL	GENERAL AREA
13910041	1.01	LOT 1, COOPER-ENGLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 97-9, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Ninilchik

SECTION 4. That the assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of fact pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
 - a. KPB 17.10.080(A) states classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides KPB management of such lands and implementation action to provide for the identified uses. This ordinance serves to set the management plan for the identified properties.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - a. The preservation of a substantial property right is not applicable to this case; the considerations under this ordinance as to the management of the land are substantially similar to classification thereby being a practical manner of complying with the intent of classification.

3. The granting of the exception will not be detrimental to the public or injurious to other property in the area.
 - a. The parcels are deemed surplus and appropriate to return to market.

SECTION 5. That the method of disposal will be by outcry public auction pursuant to KPBB 17.10.100(B) followed by an online land sale auction. The date of the outcry public auction sale will be May 11, 2024. The auction will be held at Soldotna High School or other such advertised location. A secondary online-only land sale auction will be conducted for those parcels not sold as part of the outcry auction. The secondary auction is to run a minimum of two weeks beginning not later than August 12, 2024.

SECTION 6. That the Mayor 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/or secondary online-only land sale auction.

SECTION 7. That in the event the administration is unable to proceed with the outcry auction on the designated date, the administration will reschedule the outcry auction and subsequent secondary online land sale auction 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 must be re-advertised for at least 30 days prior to the sale, consistent with the original advertisement.

SECTION 8. That all parcels must be conveyed by quitclaim deed. Title insurance in the form of a lender's policy of title insurance must be obtained for all KPBB-financed sales. All title insurance and closing fees are at 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 must 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 KPBB may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For KPBB-financed sales, buyers must execute a release authorizing KPBB to obtain a credit report on the said buyers.

SECTION 9. That upon successful sale at auction, buyer/bidder will enter into an agreement to acquire subject parcel, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, must be deposited with KPBB or its designee and the applicable terms and provisions of KPBB 17.10.120 and KPBB 17.10.130 will apply, except that KPBB will retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

SECTION 10. 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 KPБ's land bank.

SECTION 11. 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 will be in accord with KPБ 17.10.120.

SECTION 12. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 13. That this ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS FEBRUARY DAY OF 27TH 2024.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: Ecklund

Absent: None