

Introduced by: Mayor
 Date: 03/07/17
 Hearing: 03/21/17
 Action: Enacted as Amended
 Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
 ORDINANCE 2017-04**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
 PARCELS OF BOROUGH LAND BY SEALED BID FOLLOWED
 BY AN OVER-THE-COUNTER SALE**

WHEREAS, the borough has clear title to the land listed in Section 1 of this ordinance; and

WHEREAS, the land has been appropriately classified pursuant to KPB 17.10.080; and

WHEREAS, authorization of a sealed bid sale provides a competitive market process, followed by an over-the-counter sale to keep the properties on the market over a longer term; and

WHEREAS, appropriate market exposure is key to a successful land sale and an economical means for the borough to achieve such exposure is to offer a one and 1.5 percent finder's fee, with a \$300 minimum, to qualified finders; and

WHEREAS, Parcel No. 01404004 contains improvements which may reasonably require additional time for prospective buyers to complete due diligence and to evaluate their findings; and

WHEREAS, the Planning Commission at its regularly scheduled meeting of March 13, 2017, recommended approval by unanimous consent;

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

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

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	MINIMUM BID
014-040-01	Nikiski	Lot 5, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District	1.03	\$28,700
014-040-04	Nikiski	Lot 2, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District	0.76	\$21,500

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	MINIMUM BID
017-150-30	North Kenai	Government Lot 65, Section 14, T6N, R12W, Seward Meridian, Alaska. Subject to right-of-ways per Book 253, Page 621, Kenai Recording District	2.5 Gross 1.8 Net	\$6,100
017-190-31	North Kenai	Government Lot 82, Section 23, T6N, R12W, Seward Meridian, Alaska. Subject to right-of-ways per Book 253, Page 621, Kenai Recording District	2.5 Gross 2.0 Net	\$10,000
025-250-02	Gray Cliff	Lot 47, Gray Cliff Subdivision, as shown on Plat No. 82-80, Kenai Recording District	5.33	\$10,700
025-250-03	Gray Cliff	Lot 46, Gray Cliff Subdivision, as shown on Plat No. 82-80, Kenai Recording District	5.42	\$10,700
025-300-02	Gray Cliff	Lot 197, Gray Cliff Subdivision, as shown on Plat No. 82-80, Kenai Recording District	22.43	\$15,600
055-035-17	Ciechanski	Lot 4, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.15	\$33,000
055-035-18	Ciechanski	Lot 5, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.15	\$33,000
055-035-30	Ciechanski	Lot 8, Block 4, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.32	\$36,000
055-035-31	Ciechanski	Lot 9, Block 4, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.32	\$36,000
055-035-32	Ciechanski	Lot 10, Block 4, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.32	\$36,000
055-035-33	Ciechanski	Lot 11, Block 4, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.20	\$32,000
055-035-35	Ciechanski	Lot 13, Block 4, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.20	\$30,000
119-071-11	Cooper Landing	Lot 26, Birch and Grouse Ridge Subdivision, as shown on Plat No. 2004-14, Seward Recording District	2.78	\$90,200
131-060-33	Kalifornsky	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$150,000

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	MINIMUM BID
131-060-34	Kalifornsky	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$150,000
131-060-36	Kalifornsky	Lot 12, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.60	\$150,000
133-031-41	Kalifornsky	Lot 1, Van Gogh Subdivision, as shown on Plat No. 2017-2, Kenai Recording District	1.254	\$16,800
133-031-42	Kalifornsky	Lot 2, Van Gogh Subdivision, as shown on Plat No. 2017-2, Kenai Recording District	1.752	\$19,800
171-031-12	Anchor Point	N½SW¼SE¼NE¼ and that portion SE¼SW¼NE¼, Section 30, T5S, R14W, Seward Meridian, Alaska lying north of the Old Sterling Highway right-of-way	8.00±	\$23,000

SECTION 2. The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F) followed by an over-the-counter sale pursuant to KPB 17.10.100(H). The date of the sealed bid opening shall be May 15, 2017. Bids shall be accepted at the Kenai Peninsula Borough, Planning Department, Front Counter, located at 144 N. Binkley Street – 2nd Floor, Soldotna, Alaska 99669, by no later than 2:00 pm, May 12, 2017. The over-the-counter sale shall begin October 2, 2017 and end January 30, 2018.

SECTION 3. All parcels will be conveyed by quitclaim deed. Either title insurance or another similar report must be obtained for all borough-financed sales, at the buyer's expense, showing the condition of title and that there are no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall also be verified by the buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the buyer or the borough may elect to terminate the purchase contract, 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 Buyers.

SECTION 4. The terms of the sale for Parcel No. 01404004 shall provide up to 180 days from the signing of the purchase agreement to closing for the purpose of buyer's due diligence inspection and that the buyer may withdraw their offer without penalty during that period.

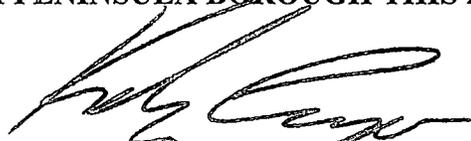
SECTION 5. Upon entering into an agreement to acquire the land, a down payment of ten percent of the sale price, or \$1,500.00, whichever is greater, shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the borough shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

SECTION 6. A 1.5 percent Finder's Fee will be paid by the borough to qualified Finders with a \$300 minimum fee. At a minimum a qualified Finder shall be a duly licensed real estate sales person authorized to perform such services under Alaska law. Successful bids less than \$20,000 will qualify for the \$300 minimum fee. This fee will be based on the bid amount of the successful bidder. Applications for Finders will be received through the bid process. The borough will not contract directly with individual Finders. The Finder's Fee is applicable to sealed bid and over-the-counter sales authorized by this ordinance.

SECTION 7. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 8. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF MARCH, 2017.

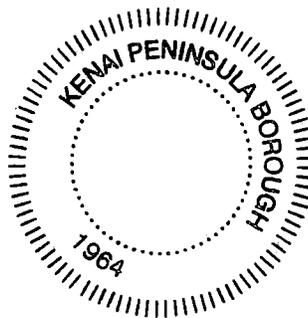


Kelly Cooper, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Welles, Cooper
No: None
Absent: None