

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 0 Absent,
1 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-28**

**AN ORDINANCE CORRECTING ORDINANCE 2019-13 BY RE-AUTHORIZING
RETENTION OR SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE
KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS,
AND THEREBY PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY
DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-13**

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, Ordinance 2019-13, authorizing the sale or retention of certain real property, was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and

WHEREAS, notice of hearing on Ordinance 2019-13 was not sent by certified mail to the former owners of record of this parcel as required by state statute; and

WHEREAS, this ordinance enables the administration to correct that notice deficiency by providing time for borough staff to timely send the notice by certified mail of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended approval by unanimous consent;

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

SECTION 1. That the real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with the listed recommended applicable classification, pursuant to KPB 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 KPB 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. 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 and posted in at least three public places in the borough pursuant to code notice requirements.

SECTION 5. 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 6. 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 7. The land management division will retain proof, available upon request, that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real properties which are subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 8. That Sections 2 through 9 of this ordinance shall take effect immediately upon enactment.

SECTION 9. 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 22ND DAY OF OCTOBER, 2019.

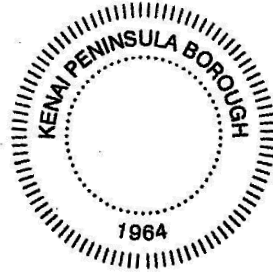


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



- Yes: Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper
- No: None
- Absent: None
- Abstention: Blakeley

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 | Preservation |
| 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 |
| 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 |
| 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 |

| Parcel No. | Legal Description | General Location | Acres | Last Owner of Record |
|-------------------|--|-------------------------|--------------|--|
| 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 |
| 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 |
| 13902005 | T 1N R 12W SEC 6 SEWARD MERIDIAN HM 0770080 UDELHOVEN SUB TRACT 1 | Clam Gulch | 2.67 | ODD DIANE |
| 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 |
| 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 |
| 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 |