

Introduced by: Mayor  
Date: 05/02/23  
Hearing: 05/16/23  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-10**

**AN ORDINANCE AUTHORIZING THE SALE OF SUBSTANDARD-SIZED LOTS  
OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX  
FORECLOSURE AND PREVIOUSLY RETAINED FOR A PUBLIC PURPOSE**

- WHEREAS,** substandard-sized lots have been obtained by the Kenai Peninsula Borough (“Borough”) through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes and retained for public purpose by prior ordinances; and
- WHEREAS,** AS 29.45.460(b) specifically permits a municipality to sell retained properties if the municipality, by ordinance, determines that a public need does not exist; and
- WHEREAS,** some tax-foreclosed parcels that are substandard in size and retained for a public purpose meet the criteria to warrant special substandard lot sale procedures; and
- WHEREAS,** the public purpose for retention can be resolved by sale resulting in the creation of lots through platting actions to more closely conform to the Borough's subdivision code; and
- WHEREAS,** the creation of lots that more closely conform to the Borough’s subdivision code will further promote the purposes of the Borough subdivision code as set forth in KPB 20.10.010; and
- WHEREAS,** parcels authorized for sale under this ordinance will only be made available to adjacent fee property owners with the ability to combine lots by platting action; and
- WHEREAS,** the retained substandard properties being proposed for sale have been held by the Borough for a period of 10 or more years and are therefore eligible for disposal pursuant to AS 29.450-.470; and
- WHEREAS,** the Planning Commission conducted a public hearing at its meeting on May 8, 2023, and recommended approval by unanimous consent.

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

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

<b>PARCEL ID</b>	<b>ACRES</b>	<b>ABBREVIATED LEGAL</b>	<b>GENERAL AREA</b>	<b>PRIOR OWNER</b>	<b>RESERVE</b>
012-040-14	0.19	KN0001467 T07N R12W S01 AURORA HEIGHTS SUB AMENDED LOT 15 BLOCK 9	Nikiski	Davis, Warren and Dorothy	\$3,900.00
012-050-42	0.17	KN0001510 T07N R12W S01 AURORA HEIGHTS SUB BLOCKS 5 6 7 8 12 13 & 14 LOT 18 BLOCK 6	Nikiski	Vidlar, Victor	\$3,600.00
012-261-29	0.17	T 7N R 12W SEC 1 SEWARD MERIDIAN KN 0001320 AURORA HEIGHTS SUB LOT 9 BLK 16	Nikiski	Purcell, Bethany R.	\$3,600.00
014-060-24	0.31	KN0000899 T07N R12W S15 GALEN GRAY SUB LOT 12 BLOCK 2	Nikiski	Counsellors Investment Co.	\$3,400.00
015-030-01	0.47	KN0001527 T07N R12W S34 MILLER SUB NO 2 LOT 1 BLOCK 3	North Kenai	Jones, J. Lloyd and Edna M.	\$1,700.00
015-030-19	0.28	KN0001527 T07N R12W S34 MILLER SUB NO 2 LOT 6 BLOCK 1	North Kenai	Boles, Benny and Pamela	\$2,200.00
015-060-19	0.44	KN0001481 T07N R12W S27 FORELANDS ACRES SUB LOT 5 BLOCK 1	North Kenai	Day, Adams	\$5,400.00
015-070-09	0.62	KN0001556 T07N R12W S26 BARANOFF TERRACE SUB LOT 9 BLOCK 1	North Kenai	Hendrickso n, Chairman R.	\$9,900.00

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015-130-18	0.28	T 7N R 12W SEC 25 SEWARD MERIDIAN KN 0001606 SPRUCEWOOD MANOR SUB LOT 8 BLK 3	North Kenai	Hanley, Bethany R.	\$2,200.00
017-030-04	0.28	KN0000803 T06N R12W S02 KENAI DEVELOPMENT CORP SUB LOT 10 BLOCK 7	North Kenai	Anderson, Paul	\$1,200.00
039-032-07	0.17	KN0001399 T06N R12W S25 BLACK GOLD ESTATES SUB AMENDED LOT 14 BLOCK 2	Kenai	Ballinger, Charles M. and Adele L.	\$7,100.00
039-033-17	0.17	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB AMENDED LOT 17 BLK 3	Kenai	Bayford, Eddie	\$7,100.00
039-034-04	0.165	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB AMENDED LOT 4 BLK 4	Kenai	Dahl Homes, Inc.	\$2,600.00
039-034-24	0.17	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB AMENDED LOT 24 BLK 4	Kenai	Dahl Homes, Inc.	\$2,600.00
039-034-25	0.17	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB AMENDED LOT 25 BLK 4	Kenai	Dahl Homes, Inc.	\$2,600.00
039-034-26	0.17	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB	Kenai	Dahl Homes, Inc.	\$2,600.00

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		AMENDED LOT 26 BLK 4			
039-034-29	0.17	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001399 BLACK GOLD ESTATES SUB AMENDED LOT 20 BLK 4	Kenai	Dow, Ruth L.	\$2,600.00
039-103-30	0.34	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001355 MOMMSENS SUB REPLAT ADDN NO 1 & 2 LOT 14 BLK 11 ADDN NO 2	Kenai	Johnson, JC and Blanche	\$15,500.00
039-131-16	0.26	T 6N R 12W SEC 25 SEWARD MERIDIAN KN 0001355 MOMMSENS SUB REPLAT ADDN NO 1 & 2 LOT 2 BLK 3 ADDN NO 2	Kenai	Batnell Joel O and Corrine A, Thompson Harrold D and Carol H, Snyder Ken D and Charlotta A	\$5,600.00
049-160-71	0.42	T 5N R 11W SEC 4 SEWARD MERIDIAN KN PTN GL 3 LYING EAST OF LT 3 BAILEY EST AMD & WEST OF INLET VIEW SUB & NORTH OF INLET VIEW SUB 1ST REVISION & AS SHOWN ON BAILEY EST AMD PLAT 97-33	Kenai	McKeever TA and Springer, ED	\$20,300.00
063-130-11	0.58	KN0001189 T05N R09W S17 PANORAMIC PARK SUB LOT 18	Sterling	Reinders, Phillis	\$20,200.00
065-211-10	0.32	T 5N R 8W SEC 17 SEWARD MERIDIAN KN 0720039 GREGORY SUB	Sterling	Stillman, George and Annie	\$22,500.00

<b>PARCEL ID</b>	<b>ACRES</b>	<b>ABBREVIATED LEGAL</b>	<b>GENERAL AREA</b>	<b>PRIOR OWNER</b>	<b>RESERVE</b>
		ADDN NO 5 LOT 10 BLK 4			
065-570-16	0.04	KN0820081 T05N R08W S07 THE GREAT ALASKA FISH CAMP LOT 16	Sterling	Miller, Ted and Cheryl A	\$7,000.00
065-570-17	0.03	KN0820081 T05N R08W S07 THE GREAT ALASKA FISH CAMP LOT 17	Sterling	Miller, Ted and Cheryl A	\$7,000.00
133-150-09	0.26	T 3N R 11W SEC 30 SEWARD MERIDIAN KN 0000000 US SURVEY 3564 TOWNSITE OF KASILOF LOT 8 BLK 13 KNU03564	Kasilof	Quan, La Lay Woo	\$4,800.00
133-150-10	0.26	T 3N R 11W SEC 30 SEWARD MERIDIAN KN 0000000 US SURVEY 3564 TOWNSITE OF KASILOF LOT 7 BLK 13 KNU03564	Kasilof	Quan, La Lay Woo	\$1,900.00
133-150-11	0.26	T 3N R 11W SEC 30 SEWARD MERIDIAN KN 0000000 US SURVEY 3564 TOWNSITE OF KASILOF LOT 6 BLK 13 KNU03564	Kasilof	Quan, La Lay Woo	\$1,900.00
135-041-29	0.45	SW0000037 T04N R07W S25 CARIBOU ISLAND SUB AMENDED LOT 12 BLOCK 7	Caribou Island	Schenker, Richard and Wendy	\$4,400.00
157-075-03	0.1	HM0650055 T01S R14W S34 NINILCHIK TOWNSITE OF USS 3036 A & B LOT 06 BLOCK 03	Ninilchik	Oskolkoff, Simeon S.	\$3,700.00

PARCEL ID	ACRES	ABBREVIATED LEGAL	GENERAL AREA	PRIOR OWNER	RESERVE
157-076-02	0.14	T 1S R 14W SEC 34 SEWARD MERIDIAN HM 0650055 NINILCHIK TOWNSITE OF USS 3036 A & B LOT 7 BLK 4 (US SURVEY 3036B)	Ninilchik	Crawford, Theodore M.	\$4,900.00
157-076-03	0.13	T 1S R 14W SEC 34 SEWARD MERIDIAN HM 0650055 NINILCHIK TOWNSITE OF USS 3036 A & B LOT 6 BLK 4 (US SURVEY 3036B)	Ninilchik	Crawford, Theodore M.	\$4,800.00
169-292-32	0.067	T 5S R 15W SEC 4 SEWARD MERIDIAN HM 0850045 SILVER KING CAMP UNIT III LOT 32	Anchor Point	Flagg, Earnest	\$7,700.00

**SECTION 2.** That the sale of authorized parcels will only be made to eligible buyers. An eligible buyer is defined as: a landowner(s) who owns in fee property adjoining a substandard-sized sale parcel, and who will combine the substandard-sized sale parcel with the adjoining parcel(s) by recorded plat prior to closing of the sale as a condition of the sale. Pursuant to KPB 17.10.120(A), the Assembly deems these terms to be appropriate.

**SECTION 3.** That the Assembly hereby determines that a public need for the real property listed in Section 1 does not exist and the properties should be made available for sale, provided that any property sold is combined with adjoining property owned in fee by the buyer by plat under KPB Chapter 20 prior to closing each sale.

**SECTION 4.** That the Mayor, or Mayor's designee, will establish a list of eligible bidders, based on current tax roll records, and deliver the notice of sale to eligible bidders by certified mail at least 60 days in advance of the bid opening. Eligible bidders not on the established list may be added to the list of eligible bidders by presenting satisfactory evidence to the Land Management Division of qualifying ownership of an adjacent property.

- SECTION 5.** That the sale of the real property will be by sealed bid to the highest eligible bidder, as defined above, at or above the minimum bid. Sealed bids will be received by the Borough from August 1, 2023, to August 31, 2023, with the sealed bid opening taking place on or before September 7, 2023.
- SECTION 6.** That the Administration is authorized to remove any or all of the proposed land sale offerings for any reason, at any time prior to the date of the sealed bid opening.
- SECTION 7.** That all properties sold pursuant to this ordinance will be paid for in full by cash at closing, and no Borough financing will be offered. A 10 percent down payment will be required at the time of the Borough's acceptance of the winning bid. All survey, platting, closing, title insurance, recording, and any other costs related to the closing or transfer of a sale parcel will be the responsibility of the buyer.
- SECTION 8.** That the Borough will execute and deliver to the buyer of any sale parcels listed in Section 1, a quitclaim deed without warranty or representation, conveying any and all interest the Borough may have in the real property, subject to and reserving therefrom, any and all subsurface mineral interests, if any, and the right to the future development or extraction of those mineral interests. All real property sold is subject to any and all restrictions of record, zoning ordinances, covenants and any and all platting requirements and covenants.
- SECTION 9.** That the sale of Parcel 049-160-71 will be conditioned on the dedication of that portion of Lawton Drive lying South of the North property boundary as part of the required platting action.
- SECTION 10.** That any properties not sold through the sealed bid sale will be offered for sale in a second over-the-counter sale on a first-come basis to the eligible bidders defined in Section 2 of this ordinance at the Land Management Division office located at 144 Binkley Street in Soldotna, at the minimum bid amount referenced in Section 1. The over-the-counter sale (if necessary) will begin on October 2, 2023, and end on October 20, 2023. All properties listed in Section 1 not sold by the close of the over-the-counter sale will be returned to the land bank for continued management.
- SECTION 11.** That this ordinance provides for an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of facts 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 borough 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. Continued public interests are preserved through platting actions required as a condition of the sale of the proposed parcels.

**SECTION 12.** That this ordinance provides for an exception to KPB 17.10.090, Notice of disposition. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. “Special circumstances or conditions exist”.
  - a. The purpose of KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land. Advertising this sale to the general public will not serve a useful purpose, as only eligible buyers will be authorized to participate in the sale. All eligible buyers as set forth in this ordinance will receive direct notice through certified mail per assessing records.
  - b. Conveyance of the KPB parcels in this manner is authorized by borough code KPB 17.10.100(A) and (F).
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. This exception to the notice requirement is not necessary to preserve a substantial property right, and the assembly hereby authorizes exception to that finding requirement. For this disposal, the notice requirement is impractical, and compliance is not in the best interests of the borough due to the delay and unnecessary expense it would cause.
3. “That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area”.

- a. The proposed disposition is advertised by publication of the ordinance in newspapers of general circulation and on the borough’s web page. Notice of the proposed disposition is also published by the Planning Commission agenda, and a public hearing is held at the Planning Commission level. Additional notice is not necessary to comply with the intent of KPB 17.10 or to protect the public welfare.

**SECTION 13.** That the Mayor is authorized to sign any documents necessary to effectuate this ordinance.

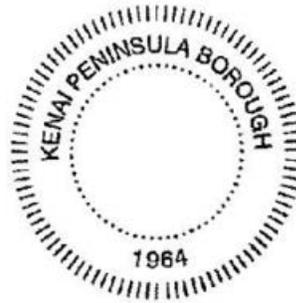
**SECTION 14.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MAY, 2023.**

  
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Brent Johnson, Assembly President

ATTEST:

  
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Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson  
No: None  
Absent: Derkevorkian