

Introduced by:	Mayor, Bagley, Hibbert
Substitute Introduced	03/05/19
O2019-03 (Mayor)	See Original Ordinance for Prior History
Hearing:	03/05/19
Action:	Postponed as Amended to 04/02/19
Vote:	8 Yes, 0 No, 1 Absent
Date:	04/02/19
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Abstention, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-03
(MAYOR, BAGLEY, HIBBERT) SUBSTITUTE**

**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 1.5 percent finder's fee, with a \$300 minimum, to qualified finders; and

WHEREAS, the planning commission reviewed the ordinance at its regularly scheduled meeting of February 4, 2019 and reviewed the substitute ordinance at its meeting of March 25, 2019, and recommended enactment of the substitute ordinance by majority 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 & 02	Nikiski	Lots 4 and 5, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. K-1560, Kenai Recording District	1.93+/-	\$32,500

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	MINIMUM BID
014-050-01	Nikiski	Lot 16, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. K-1560, Kenai Recording District excepting therefrom that portion as per State ROW permit ADL 26473	2.95+/-	\$48,600
017-130-14	North Kenai	SE¼SW¼SE¼, Section 23, T6N, R12W, Seward Meridian, Alaska, lying east of the North Kenai Road right-of-way	6.20+/-	\$120,000
017-130-25	North Kenai	Government Lot 13, Section 23, T6N, R12W, Seward Meridian, Alaska	4.68+/-	\$150,000
055-035-14	Ciechanski	Lot 1, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2+/-	\$32,500
055-035-15	Ciechanski	Lot 2, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2+/-	\$33,000
055-050-20 055-050-23	Ciechanski	Lot 4 Block 3 Ravenwood Sub No 1, Plat# 72-10, AND Lot 4A Block 3 Ravenwood Sub No 2, Plat # 81-42 Kenai Recording District	0.92+/-	\$15,000
131-060-33	Kalifornsky	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59+/-	\$110,000
131-060-34	Kalifornsky	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59+/-	\$110,000
131-060-36	Kalifornsky	Lot 12, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.60+/-	\$110,000
131-170-04	Tote Road	NE¼NW¼, Section 27, T4N, R11W, Seward Meridian, Alaska	40+/-	\$120,000

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 sale shall be May 15, 2019. Bids shall be accepted at the Kenai Peninsula Borough, Planning Department located at 144 N. Binkley Street, Soldotna, Alaska 99669, by no later than 2:00 pm, May 15, 2019. The over-the-counter sale shall begin October 1, 2019 and end January 31, 2020.

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 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 buyers.

SECTION 4. That the Quitclaim Deed for Parcel 131-170-04 shall contain a deed restriction, restricting the use of the parcel as follows: "SUBJECT TO deed restriction pursuant to KPB 17.10.130(D) effecting the East ½ of the property only. The portion of the property described as E1/2NE1/4NW1/4 Section 27, T4N, R11W, S.M. shall remain in its current natural and undeveloped condition on which no buildings, structures, facilities or other improvements shall be constructed and no earthen materials may be placed or removed. This restriction is for the purpose of protecting and maintaining habitat and open space values. The Kenai Peninsula Borough shall have the right to reenter and repossess the real property if any of the restrictions set forth herein are violated"

SECTION 5. That parcels listed below are tax foreclosed properties retained for public purpose under KPB ordinance 2007-21 as substandard lots. That in accordance with provisions of A.S. 29.45.460, these properties have been held by the municipality for more than 10-years following the redemption period and the Assembly finds that a public need no longer exists provided that the lots are combined to create a standard sized lot.

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	LAST OWNER OF RECORD
055-050-20	Ciechanski	Lot 4 Block 3 Ravenwood Sub No 1, Plat# 72-10, Kenai Recording District	Aho, Ron J. & Evdokia
055-050-23	Ciechanski	Lot 4A Block 3 Ravenwood Sub No 3, Plat # 81-42, Kenai Recording District	Aho, Ron J. & Evdokia

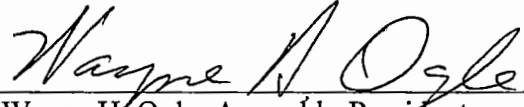
SECTION 6. Upon entering into an agreement to acquire the land, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the borough shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

SECTION 7. A 1.5 percent finder's fee will be paid by the borough to qualified finders with a \$300 minimum. 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 8. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

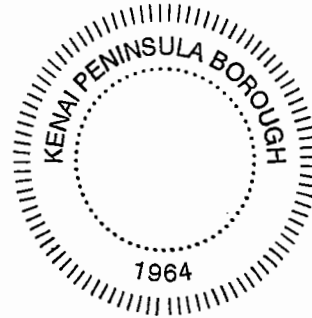
SECTION 9. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF APRIL, 2019.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



03/05/19 Vote on motion to postpone as amended to 04/02/19:

Yes: Bagley, Blakeley, Carpenter, Cooper, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: Dunne

04/02/19 Vote on motion to enact as amended:

Yes: Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Abstention: Bagley
Absent: None