

Introduced by: Mayor
Date: December 5, 1978
Hearing: January 2, 1979
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 78-68

AMENDING THE PROCEDURES FOR THE SALE OF TAX FORECLOSED LANDS.

WHEREAS, the Borough forecloses from time to time upon lands subject to delinquent real property taxes and other charges; and

WHEREAS, the Borough from time to time sells certain of these tax foreclosed lands; and

WHEREAS, it is desirable that the provisions for the sale of Borough tax foreclosed lands be revised to reflect changes in administrative practice and in pertinent state statutes;

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

Section 1. That Section 5.12.340 of the Borough Code of ordinances is hereby amended to read as follows:

5.12.340 Tax Liens--Sale Lands--Disposition of Proceeds.
[AFTER DEDUCTING THE EXPENSES OF FORECLOSURE AND SALE, ALL REVENUES FROM THE SALE OF TAX FORECLOSED LAND SHALL GO TO THE GENERAL FUND EXCEPT THAT IN CITIES WHERE A TAX IS LEVIED FOR MUNICIPAL PURPOSES, THE NET REVENUE AFTER PENALTY, FROM PROPERTY SOLD IN THE CITIES SHALL BE DIVIDED BETWEEN THE CITY AND THE BOROUGH IN THE RATIO THAT THE MILLAGE RATE FOR MUNICIPAL PURPOSES BEARS TO THAT FOR BOROUGH PURPOSES.]

A. Upon satisfactory identification, the former record owner or holder of a mortgage, deed of trust or other security instrument of property acquired by the Borough through foreclosure proceedings may at any time before the sale, or contract for sale, of tax foreclosed property

repurchase that property for the full amount due to the Borough and any city under the judgment and decree of foreclosure plus accrued interest, and associated costs.

B. After enactment of an ordinance providing for the retention of one or more parcels of tax foreclosed property by the Borough for a public purpose, all rights of repurchase of the property cease.

C. If the Borough or a city sells any parcel situated within a city levying a real property tax for municipal purposes, then the proceeds of the Borough and city real property taxes, penalties, interests and costs shall be divided between the Borough and the city in proportion to their respective tax rates.

D. The Borough shall retain from the proceeds of the sale of each parcel tax foreclosed land only that amount attributable to delinquent Borough taxes accrued through the date of sale, together with all applicable penalties, interests and costs, including the costs of sale.

E. All proceeds received by the Borough from the sale of each parcel of tax foreclosed land which are in excess of the amounts of real property taxes, penalties, interest and applicable costs accruing through the date of sale shall be held by the Borough on behalf of the former record owner for six (6) months from the date of sale.

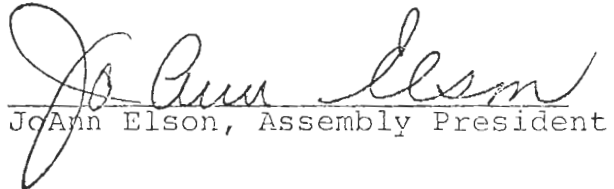
F. The former record owner of tax foreclosed real property which has been held by the Borough for less than ten (10) years after the close of the redemption period, which has never been designated for retention of public purpose, and which is sold by the Borough at a tax foreclosure sale shall be entitled to that portion of the proceeds of the sale which exceeds all sums due to the Borough and city. If the proceeds of the sale of the tax foreclosed property sold by the Borough exceeds the sums due to the Borough and city, the Borough shall provide the former record owner of the property with written notice advising him of the amount of the excess and the manner in which a claim for the balance of the proceeds may be submitted. This notice shall be mailed to the former owner at his or her last address of record.

G. Upon presentation of a proper claim, the Borough shall remit the excess proceeds to the former record owner.

Any claim for the excess proceeds filed after six (6) months from the date of sale of the property is forever barred and the amount of excess proceeds shall be transferred to the General Fund of the Borough.

Section 2. That this ordinance takes effect immediately upon adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 2nd DAY OF January, 1979.


JoAnn Elson, Assembly President

ATTEST:


Borough Clerk

