

Introduced by: McCloud .
Date: Aug. 3, 1982
Hearing: Sept. 7, 1982
Vote: 8 YES; 5 NO DEF AT INTRO/REC
Action: AUG. 17, 1982 SET FOR 9/21
Final Action: Sept. 21, 1982 Enacted
KENAI PENINSULA BOROUGH 10 Yes; 5 No

ORDINANCE 82-64

AMENDING SECTION 2.12.080 OF THE BOROUGH CODE OF ORDINANCES TO AUTHORIZE AN ALLOWANCE TO ASSEMBLYMEMBERS FOR USE OF THE PERSONAL AUTOMOBILE ON BOROUGH BUSINESS.

WHEREAS, Assemblymembers are required to make many short-run trips in conjunction with their public business; and

WHEREAS, these trips are generally not accounted for and the individual reimbursed; and

WHEREAS, Assemblymembers now receive \$.45 cents per mile for all business trips recorded, but cannot recover any reimbursement or expense allowance for use of the automobile on Borough business although not in connection with an authorized business trip;

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

Section 1. That Section 2.12.080 of the Borough Code of ordinances is amended to read:

Section 2.12.080. Compensation - Per Diem and Travel Expenses. A. For travel involved in attending scheduled meetings of the Assembly or in attending meetings as a member of a special committee, Assembly members shall receive reimbursement for per diem and travel expenses on the same basis as Borough employees.

B. Assembly members shall receive an allowance of \$150 per month for use of the personal automobile on Borough business, and shall be reimbursed for mileage recorded on authorized Borough business trips at the rate of \$.45 per mile.

Section 2. That this ordinance takes effect on the date of its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 21 DAY OF September, 1982.


John S. Davis, Assembly President

ATTEST:


Borough Clerk

Introduced by: Mayor
Date: Aug. 3, 1982
Hearing: Sept. 7, 1982
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 82-65

DEFINING THE ESTATE IN REAL PROPERTY SUBJECT TO REAL PROPERTY TAXATION AND PROVIDING THAT SUBSURFACE MINERAL RIGHTS OWNED BY A THIRD PARTY SHALL NOT BE FORECLOSED IN AN ACTION AGAINST OR FORECLOSED AGAINST THE OWNER OF THE SURFACE ESTATE.

WHEREAS, A.S. 29.53 provides for the taxation of interests in real property; and

WHEREAS, interests in real property include both the ownership of the surface estate and the ownership of subsurface mineral rights, and these interests may be owned by separate parties; and

WHEREAS, A.S. 29.53 and A. S. 29.78.010(13) do not provide a clear statutory scheme for the taxation and foreclosure of only those subsurface interests in real property owned by the person assessed; and

WHEREAS, interests in subsurface mineral rights are often owned by persons other than the owner of the surface estate and the surface estate owner cannot be taxed for such interests; and

WHEREAS, the taking of title to subsurface mineral rights owned by a third party cannot be done by tax foreclosure proceedings instituted against the owner of only the surface estate for failure to pay real property taxes; and

WHEREAS, the Borough Code does not clearly provide that only rights to the surface estate will be taken by tax foreclosure proceedings instituted against a person who does not own subsurface mineral rights; and

WHEREAS, the ambiguity of the Borough Code in this respect has clouded titles to certain subsurface mineral rights owned by third parties and may cloud other titles in the future; and

WHEREAS, the Borough has never included the value of subsurface mineral rights in the assessed value of real property;

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

Section 1. That Section 5.12.010 of the Borough Code is amended by adding a new subsection, to be numbered 5.12.010 B, which reads:

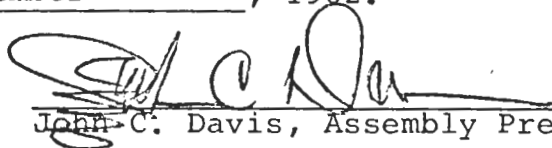
"B. Real property taxes shall be assessed and levied against the owner of the surface estate without regard to the value of subsurface mineral rights. Separate ownership of unexploited subsurface mineral rights may be established either by the granting of an express conveyance of such subsurface rights or by the reservation from conveyance of such subsurface rights by deed or other instrument of conveyance".

Section 2. That Chapter 29.53 of the Borough Code is amended by adding a new section, to be numbered 5.12.270 which reads:

"5.12.270. Foreclosure proceedings are instituted against the surface estate and real property interests subject to tax foreclosure shall include each and every interest in the surface estate, together with any subsurface rights owned by the owner of the surface estate and of any secured party in the surface estate".

Section 3. That this Ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH on this 7th day of September, 1982.


John C. Davis, Assembly President

ATTEST:


FRANCES BRYMER, Borough Clerk