

Introduced by: Mayor
Date: May 16, 1989
Hearing: June 20, 1989
Action: Enacted
Vote: Unanimous

KENAI PENINSULA BOROUGH
ORDINANCE 89-27 (SUBSTITUTE)

CLASSIFYING AND AUTHORIZING DISPOSAL OF CERTAIN LANDS OBTAINED BY
THE KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEDURES

WHEREAS, certain real properties have been obtained by the borough through tax foreclosure proceedings for delinquent payment of taxes on real property; and

WHEREAS, said properties have been deeded to the borough through tax foreclosure proceedings; and

WHEREAS, all of the said properties have been held by the borough for at least one year following sale to the borough; and

WHEREAS, the Kenai Peninsula Borough Code of Ordinances, Section 5.12.300 provides that all tax foreclosed properties shall be classified; and

WHEREAS, these properties have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough Departments and Divisions, Advisory Planning Commissions, and the Kenai Peninsula Borough Planning Commission and recommendations have been made as to the classification of said properties; and

WHEREAS, the mayor has presented a plan of classification; and

WHEREAS, AS 29.53.370 requires that the assembly shall determine whether foreclosed properties shall be retained by the borough for a public purpose;

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

Section 1. That the plan of classification submitted to the assembly by the mayor is approved and accepted, and the following real properties are hereby set aside as properties retained for a public purpose:

<u>Parcel #</u>	<u>Legal Description</u>	<u>Recommended Use</u>	<u>Owner of Record & Address</u>
012-080-44	Tract B Aurora Heights Addn To Block 11 & Replat Lot 7, Block 11, plat #78-197, within Sec. 1, T7N, R12W, S.M., Kenai Recording District, containing .19 acres, more or less.	Parking for Nikiski Fire Dept	Duane Johnson Box 445 Soldotna, AK 99669
063-064-05	Lot 2 Block 1 Sumpter Sub, plat #K-525, within Sec. 12, T5N, R9W, S.M., Kenai Recording District, containing .54 acres, more or less.	Future transfer site for solid waste container	Jeannette B. Bolton 3744 Mosswood Drive Lafayette, CA 94549
165-640-12	Lot 10 Nikolaevsk Village No. 4, plat #80-33 within Sec. 24, T4S, R14W, S.M., Homer Recording District, containing 4.80 acres, more or less.	Future transfer site for solid waste container	Anany & Agripina Kojin Box 1886 Homer, AK 99603
165-640-13	Lot 9 Nikolaevsk Village No. 4, plat #80-33 within Sec. 24, T4S, R14W, S.M., Homer Recording District, containing 3.50 acres, more or less.	Future transfer site for solid waste container	Anany & Agripina Kojin Box 1886 Homer, AK 99603

Prior owners of these retained real properties have no further claim to these lands from the date of adoption of this ordinance.

Section 2. That the following list of real properties submitted by the mayor in his plan of classification, and certified by the Kenai Peninsula Borough Finance Director as lands available for sale, is hereby accepted and approved in classifying these properties as "for sale lands", as it is determined that a public need for the said real properties does not exist.

<u>Parcel #</u>	<u>Legal Description</u>	<u>Owner of Record & Address</u>
012-040-36	Lot 6A, Block 11 Aurora Heights Sub. Replat Lots 5 & 6, plat #77-35, within Sec. 1, T7N, R12W, S.M., Kenai Recording District, containing .19 acres, more or less.	Dwaine E. Johnson Box 445 Soldotna, AK 99669
012-040-37	Lot 5A, Block 11 Aurora Heights Sub. Replat Lots 5 & 6, plat #77-35, within Sec. 1, T7N, R12W, S.M., Kenai Recording District, containing .19 acres, more or less.	Dwaine E. Johnson Box 445 Soldotna, AK 99669
014-230-10	Lot 5, Block 1 Wooded Shores Sub Part One, plat #76-122, within Sec. 14, T7N, R12W, S.M., Kenai Recording District, containing 1.35 acres, more or less.	Clark J. Tuttle Box 8282 NRB Nikishka, AK 99635
055-050-15	Lot 9, Block 2 Ravenwood Sub Addn No. 1, plat #72-10, within Sec. 24, T5N, R11W, S.M., Kenai Recording District, containing .46 acres, more or less.	Waren L. Cline Box 806 Valdez, AK 99686
055-122-15	Lot 15, Block Two Panoramic View Sub, plat #K-1419, within Sec. 24, T5N, R11W, S.M., Kenai Recording District, containing .50 acres, more or less.	Investment Portfolios Inc 1605 Lytle Street Bend, OR 97701

055-180-31	Lot 6, Block 4 Kalifonsky Beach Industrial Park, plat #73-23, within Sec. 29, T5N, R11W, S.M., Kenai Recording District, containing .96 acres, more or less.	Nicky K. & Janice Y. Len 98-920 Iho Place Apt. E Aiea, HI 96801
055-180-32	Lot 5, Block 4 Kalifonsky Beach Industrial Park, plat #73-23, within Sec. 29, T5N, R11W, S.M., Kenai Recording District, containing .96 acres, more or less.	Janice Y. Len 98-920 Iho Place Apt. E Aiea, HI 96801
055-420-31	Lot 12, Block 1 River Hills Phase I Amended, plat #82-69, within Sec. 23, T5N, R11W, S.M., Kenai Recording District, containing 1.04 acres, more or less.	E. Alan Ferguson Box 2829 Soldotna, AK 99669
065-041-26	Lot 24 Gatten Sub, plat #K-995 Book III Page 199, within Sec. 7, T5N, R8W, S.M.. Kenai Recording District, containing .31 acres, more or less.	George A. Gladden 1349 Oak Abilene, TX 79602
066-310-19	Lot 4, Block 4 Riverbend Ridge Sub Part 5, plat #78-126, within Sec. 24, T5N, R9W, S.M., Kenai Recording District, containing 1.42 acres, more or less.	James R. Hailey 3520 E. Fairmont Phoenix, AZ 85018

135-210-07	W1/2NE1/4NE1/4SE1/4 Sec. 32, T5N, R10W, S.M., Kenai Recording District, containing 5.00 acres, more or less.	Jack W. Morrow Box 1765X SRA Anchorage, AK 99502
144-190-03	Lot 30, Block 8 Camelot By The Sea Sub., plat #76, within Sec. 23, T1N, R1W, S.M., Seward Recording District, containing .69 acres, more or less.	Robert L. McLean General Delivery Seward, AK 99664
159-160-05	Tract 36 Happy Acre Homesites, plat #63-666, within Sec. 17, T3S, R14W, S.M., Homer Recording District, containing 5.00 acres, more or less.	Shirley Bogynska 10914 N. Vancouver Portland, OR 97217
159-230-43	Tract 38 Happy Valley 5 Acre Homesites, plat #62-629 Book 27 Page 86, within Sec. 21, T3S, R14W, S.M., Homer Recording District, containing 5.00 acres, more or less.	Howard Keopke Rt. 2 Box 115 Miller, MI 65707
165-350-04	Tract 9 Chakok Acres Sub, plat #74-699, within Sec. 9, T4S, R14W, S.M., Homer Recording District, containing 9.78 acres, more or less.	Gordon & Glenna Tucker Box 363 Anchor Point, AK 99556
169-210-38	(Formerly the parcel was identified as #171-022-07) Portion of S1/2S1/2SW1/4, Sec. 19, T5S, R14W, S.M. Homer Recording District, containing 5.00 acres, more or less.	Archie Doyle Sims General Delivery Homer, AK 99603

173-021-04	N1/2N1/2NE1/4NE1/4 Sec. 5, T6S, R14W, S.M., Homer Recording District, containing 8.60 acres, more or less.	Herbert A. Dominquez Box 10-1723 Anchorage, AK 99511
189-270-01	Tract A Alaska State Land Survey No. 77-174, plat #79-4, within Sec. 33, T1S, R2E, S.M., Seward Recording District, containing 3.28 acres, more or less.	Velda Callender 6605 McGill Way Anchorage, AK 99502
191-290-25	Lot 25, Block 12 Barabara Heights Sub, plat #79-6, within Sec. 21, T8S, R14W, S.M., Seldovia Recording District, containing 3.01 acres, more or less.	Martin Moonin 234 N. Park #1 Anchorage, AK 99504
191-320-07	Lot 19, Block 11 Barabara Heights Sub, plat #79-6, within Sec. 21, T8S, R14W, S.M., Seldovia Recording District, containing 3.03 acres, more or less.	Barbara Moonin 234 N. Park #1 Anchorage, AK 99504

Section 3. A. The borough clerk shall send a copy of the published notice of hearing of this ordinance by certified mail to the former record owners of the real properties which are subject to this ordinance. This notice shall be mailed within five (5) days of the first publication of the hearing on this ordinance and shall be sufficient if mailed to the property owner at the last address of record.

B. In the event that any of the "for sale lands" are sold for more than the amount of taxes, penalties, interest, and other related costs, the borough finance director shall provide the former record owner of the property written notice 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 last address of record. Upon presentation of a proper claim, the borough shall

remit the excess to the former record owner. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

Section 4. That the borough will execute and deliver to the buyer of any of the sale lands a tax foreclosure deed without warranty or representation which will convey any and all interest the borough might have in the property. Prospective buyers shall be put on notice by this ordinance and the public notice of the sale that the borough does not vouch for its right, 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 properties 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 properties listed for sale may be repurchased by the record owners, or their assigns, at any time before the sale.

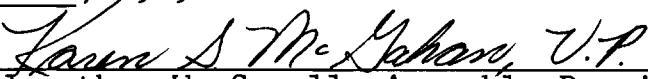
Section 5. That the mayor is hereby authorized to sell said "for sale lands" for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as shown in the list of lands certified by the borough finance director, for cash at a public outcry auction. The auction will be held on July 15, 1989, commencing at 9:00 A.M. at Soldotna High School Auditorium. A public notice of this auction shall be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

All properties on the list of "for sale lands" are to be sold subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

Section 6. This ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
20th DAY OF June, 1989.

ATTEST:


Jonathan W. Sewall, Assembly President


Borough Clerk