

Introduced by: Mayor
Date: July 17, 1990
Hearing: August 21, 1990
Action: ENACTED
Vote: 12 Yes, 2 No

KENAI PENINSULA BOROUGH
ORDINANCE 90-50

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 KPB 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, Service Areas 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 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 No.</u>	<u>Legal Description</u>	<u>Last Record Owner</u>
015-020-12	That portion of Sec. 34, T7N, R12W, S.M., Kenai Recording District, State of Alaska, described as: Commencing at the East 1/16 corner of Secs. 27 and 34, run S0 06'30"E along the East 1/16 line for 2121.16 feet to the northwest corner of Miller Subdivision; thence N88 54'30"E along north line of said subdivision and along the projection of same for 806.73 feet to the point of beginning; thence N88 54'30"E for 300 feet; thence N01 05'30"W for 150 feet; thence S88 54'30"W for 300 feet; thence S01 05'30"E for 150 feet to the point of beginning.	Miller and Knox
015-030-05	Lot 5, Block 3 Miller Subdivision No. 2, Kenai Recording District	Palm Christian Church
066-270-27	Lot 13, Block 1 King Rapids Subdivision, Kenai Recording District	Scharff, Gerald & Kris
133-140-28	Lot 5, Block 5 Kasilof Townsite, Kenai Recording District	Odom, Michael
133-140-29	Lot 6, Block 5 Kasilof Townsite, Kenai Recording District	Odom, Michael

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Last Record Owner</u>
135-041-29	Lot 12, Block 7 Caribou Island Subdivision, Seward Recording District	Caribou Island Corp.
135-042-28	Lot 16, Block 6 Caribou Island Subdivision, Seward Recording District	Caribou Island Corp.
137-110-04	Lot 10, Block 5 Clam Gulch Park Subdivision, Kenai Recording District	Smith, Donald F.
159-060-29	Tract A Solar Subdivision, Homer Recording District	Peninsula Charters
159-060-30	Tract B Solar Subdivision, Homer Recording District	Peninsula Charters
159-160-05	Lot 36 Happy Acre Homesites, Homer Recording District	Bogynska, Shirley
159-230-43	Lot 38 Happy Acre Homesites, Homer Recording District	Keopke, Howard
165-111-39	E1/2 Lot 4, Block 2 Stina Creek Subdivision, Homer Recording District	Brenner, Anne N.
165-300-04	Tract 20, North Fork Acres Subdivision No. 3, Homer Recording District	Martin, Edward & Mary
174-090-01	Lot 1, Block 3 Paradise Heights Subdivision, Homer Recording District	Spencer Development
191-310-01	Lot 6, Block 12 Barabara Heights Subdivision, Seldovia Recording District	Juliussen, Sigould
193-262-09	Alaska State Land Survey No. 76-48, Homer Recording District	Davis, Kermit C.

Section 2. 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 3. That the Assembly authorizes the borough to conduct an outcry auction land sale to be held on September 29, 1990, commencing at 9:00 A.M. at Soldotna High School Auditorium, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

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 by other means of publication in 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 redeemed 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.

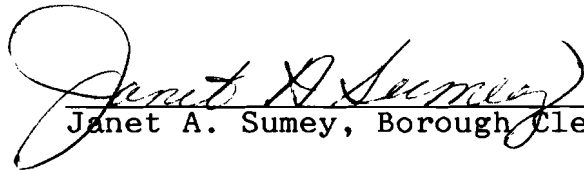
All properties on the list of "for sale lands" are to be sold subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21st DAY OF August, 1990.

ATTEST:


James W. Skogstad, Assembly President


Janet A. Sumey, Borough Clerk