

Introduced by: Mayor
 Date: 04/19/94
 Hearing: 05/17/94
 Action: Enacted as Amended
 Vote: Unanimous

**KENAI PENINSULA BOROUGH
 ORDINANCE 94-19**

**AUTHORIZING THE SALE 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, 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

WHEREAS, the administration recommends that no properties be retained;

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

SECTION 1. That the following real properties, certified by the Kenai Peninsula Borough Finance Director as lands available for sale, are hereby accepted, approved and designated as foreclosed lands for sale as it is determined that a public need for said real properties does not exist:

Parcel No.	Base Map	Legal Description	Last Owner of Record
012-060-24	NK 20	Lot 4 Block 14 Aurora Heights Subdivision, 00.17 acres more or less, plat #K-1510, Kenai Recording District	Devault, Clyde & Eckert, Gregory
012-131-03	NK 20	Lot 3 Wik Bluff Subdivision East Addn. 00.91 acres more or less, plat #85-54, Kenai Recording District	Kenai Growth Fund
012-131-33	NK 20	Lot 1 Wik Bluff Subdivision, 13.61 acres more or less, plat #82-54, Kenai Recording District	Kenai Growth Fund

Parcel No.	Base Map	Legal Description	Last Owner of Record
012-131-34	NK 20	Lot 5 Wik Bluff Subdivision, 03.13 acres more or less, Plat #82-54, Kenai Recording District	Kenai Growth Fund
012-200-14	NK 20	Tract 7 Sleeper Subdivision No. 4, 01.96 acres more or less, plat #79-146, Kenai Recording District	Larry Gallagher
013-043-01	NK 16	That portion of lots 10 & 11 lying West of Kenai Spur Highway, Section 26, Township 8 North, Range 11 West, Seward Meridian, Alaska, 01.00 acres more or less, Kenai Recording District	Jerry Andrews
013-141-15	NK 17	Lot 4 Block 2 Agate Beach Sub. Amended 01.00 acres more or less, plat #84-202, Kenai Recording District	Brice Nesbitt
013-141-21	NK 17	Lot 7 Block 2 Agate Beach Sub. Amended 01.28 acres more or less, plat #84-202, Kenai Recording District	Kevin Steele
013-214-51	NK 21	Lot 8 Block 4 Don's Place Sub. Addn. 1, 01.26 acres more or less, plat #83-236, Kenai Recording District	Thomas Thompson
013-215-55	NK 21	Lot 3 Block 8 Don's Place Sub. Amended, 00.92 acres more or less, plat #83-44, Kenai Recording District	Milton & Jodi Stough
013-216-16	NK 21	Lot 4 Speedy Hills Subdivision, 02.42 acres more or less, plat #84-167, Kenai Recording District	Earl Holland
014-190-32	NK 26	Lot 6 Wheeler Subdivision, 01.51 acres more or less, plat #76-113, Kenai Recording District	Johnny Wheeler
014-190-36	NK 26	Lot 5 Wheeler Subdivision, 01.51 acres more or less, plat #76-113, Kenai Recording District	Johnny Wheeler
014-230-26	NK 20	Lot 9 Block 2 Wooded Shores Sub. No. 3, 01.23 acres more or less, plat #85-88, Kenai Recording District	Mildred Miles
015-060-19	NK 26	Lot 5 Block 1 Forelands Acres Subdivision, 00.44 acres more or less, plat #K-1481, Kenai Recording District	Day & Adams
015-090-10	NK 26	Lot 9 Block 2 Baranoff Terrace Subdivision, 00.35 acres more or less, plat #K-1556, Kenai Recording District	John Vaughn
025-144-02	KR 04	Tract 10 Strawberry Acres Subdivision, 20.06 acres more or less, plat #85-185, Kenai Recording District	Janice Brandt
055-251-21	KR 18	Lot 18 Block 2 Castaway Cove Subdivision Amended, 00.11 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-251-22	KR 18	Lot 17 Block 2 Castaway Cove Subdivision Amended, 00.10 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-251-23	KR 18	Lot 16 Block 2 Castaway Cove Subdivision Amended, 00.20 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-251-24	KR 18	Lot 15 Block 2 Castaway Cove Subdivision Amended, 00.16 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-253-12	KR 18	Lot 34 Block 6 Castaway Cove Subdivision Amended, 00.08 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-253-41	KR 18	Lot 36 Block 9 Castaway Cove Subdivision Amended, 00.10 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-254-04	KR 18	Lot 20 Block 7 Castaway Cove Subdivision Amended, 00.06 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove

Parcel No.	Base Map	Legal Description	Last Owner of Record
055-254-05	KR 18	Lot 19 Block 7 Castaway Cove Subdivision Amended, 00.05 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-254-06	KR 18	Lot 18 Block 7 Castaway Cove Subdivision Amended, 00.05 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-254-31	KR 18	Lot 1 Block 9 Castaway Cove Subdivision Amended, 00.06 acres more or less, plat #84-140, Kenai Recording District	Castaway Cove
055-256-30	KR 18	Lot 3 Block 6 Castaway Cove Subdivision Amended, 00.08 Acres more or less, plat #84-140, Kenai Recording District	Bluebird Investments
058-060-03	KR 08	Lot 35 Block 4 Mackey Lakes Sub. Addn. No. 1, 00.53 acres more or less, plat #k-1681, Kenai Recording District	Larry Nichols
063-760-30	KR 09	Lot 1A-1 Moose Range Homestead Sub. No. 6, 02.09 acres more or less, plat #84-207, Kenai Recording District	Louis Forstner
063-760-31	KR 09	Lot 1A-2 Moose Range Homestead Sub. No. 6, 04.13 acres more or less, plat #84-207, Kenai Recording District	Louis Forstner
065-163-41	KR 13	Lot 4 Block 2 The Heather Subdivision, 00.94 acres more or less, plat #84-313, Kenai Recording District	James J. McEvoy
065-310-32	KR 11	Lot 2 Block 12 Gregory Sub. Addn. No. 5, 00.33 acres more or less, plat #72-39, Kenai Recording District	Andrew Hess
065-500-11	KR 13	Lot 7 Block 7 Green Acres Sub. Addn. No. 3, 00.91 acres more or less, plat #78-145, Kenai Recording District	Snowshoe Trading
065-500-45	KR 13	Lot 17 Block 1 Sterling Hills Subdivision, 00.96 acres more or less, plat #79-175, Kenai Recording District	Thomas Bowers
065-500-47	KR 13	Lot 9 Block 2 Sterling Hills Subdivision, 00.96 acres more or less, plat #79-175, Kenai Recording District	Thomas Bowers
066-431-03	KR 14	Lot 3 Poage Subdivision No. 3, 00.92 acres more or less, plat #86-52, Kenai Recording District	Greg Manis
133-022-02	KS 08	Lot 3 Star Struck Subdivision, 04.89 acres more or less, plat #82-105, Kenai Recording District	Lee, John
135-031-22	NONE	Lot 22 Block 8 Caribou Island Subdivision, 00.49 acres more or less, plat #65-86, Seward Recording District	Mikky Sabo
137-330-34	KS 15	Lot 4 Block 2 Whispering Spruce Sub., 00.93 acres more or less, plat #84-20, Kenai Recording District	Richard Grossl
137-330-50	KS 15	Lot 5 Block 2 Whispering Spruce Sub., 00.93 acres more or less, plat #84-20, Kenai Recording District	Georgia Middleswart
157-030-40	NL 23	North 55' of South 693' of South 1/2 Southeast 1/4, Section 23, Township 1 South, Range 14 West, East of the Sterling Highway, 02.80 acres more or less, Homer Recording District	Arvid Goracke
159-120-32	NL 41	Tract 18 Happy Creek Homesites, 05.00 acres more or less, plat #62-711, Homer Recording District	Leroy & Oma Hartman
159-120-46	NL 41	Tract 35 Happy Creek Homesites, 05.00 acres more or less, plat #62-711, Homer Recording District	Leroy & Oma Hartman
159-120-48	NL 41	Tract 34 Happy Creek Homesites, 05.00 acres more or less, plat #62-711, Homer Recording District	Leroy & Oma Hartman

Parcel No.	Base Map	Legal Description	Last Owner of Record
159-120-49	NL 41	Tract 63 Happy Creek Homesites, 05.00 acres more or less, plat #62-711, Homer Recording District	Leroy & Oma Hartman
159-120-51	NL 41	Tract 62 Happy Creek Homesites, 05.00 acres more or less, plat #62-711, Homer Recording District	Leroy & Oma Hartman
159-240-40	NL 62	Tract 105 Happy Valley 5 Acre Homesites, 05.00 acres more or less, plat #62-629, Homer Recording District	Patrick Terraccino
159-240-46	NL 62	Tract 99 Happy Valley 5 Acre Homesites, 05.00 acres more or less, plat #62-629, Homer Recording District	Jack L. Ward
165-100-17	AR 02	Tract 2 Wonderland Subdivision, 09.77 acres more or less, plat #73-983, Homer Recording District	Doug & Peggy Gabby
165-111-17	AR 03	Lot 3 Block 4 Stina Creek Subdivision, 37.66 acres more or less, plat #73-148, Homer Recording District	Patricia Phillips
165-270-05	AR 27	Tract 2 North Fork Acres Sub. No. 2, 09.13 acres more or less, plat #74-485, Homer Recording District	Loella M. Hunt
165-270-06	AR 27	Tract 7 North Fork Acres Sub. No. 2, 09.57 acres more or less, plat #74-485, Homer Recording District	Loella Hunt
165-270-07	AR 27	Tract 10 North Fork Acres Sub. No. 2, 09.57 acres more or less, plat #74-485, Homer Recording District	Leroy & June Hartman
165-270-08	AR 27	Tract 27 North Fork Acres Sub. No. 2, 09.57 acres more or less, plat #74-485, Homer Recording District	Leroy & June Hartman
165-270-09	AR 27	Tract 26 North Fork Acres Sub. No. 2, 08.73 acres more or less, plat #74-485, Homer Recording District	Leroy & June Hartman
165-270-16	AR 27	Tract 25 North Fork Acres Sub. No. 2, 08.55 acres more or less, plat #74-485, Homer Recording District	Leroy & June Hartman
165-270-22	AR 27	Tract 21 North Fork Acres Sub. No. 2, 09.26 acres more or less, plat #74-485, Homer Recording District	Leroy & June Hartman
165-300-04	AR 27	Tract 20 North Fork Acres Sub. No. 3, 08.84 acres more or less, plat #74-486, Homer Recording District	Edward & Mary Martin
165-610-43	AR 29	Lot 13 Old Pioneer Subdivision, 04.60 acres more or less, plat #82-66, Homer Recording District	Wilkening, Rusty & Wilson, Billie Lu
165-610-71	AR 29	Lot 21-B Old Pioneer Subdivision No. 7, 02.31 acres more or less, plat #85-23, Homer Recording District	Donald Loos
171-470-01	AR 33	Lot 11-A Anchor River Ranchos Unit 2, 09.56 acres more or less, plat #81-89, Homer Recording District	Noel & Maria Uri
172-104-06	AR 59	Lot 6 World View Subdivision, 01.10 acres more or less, plat #64-75, Homer Recording District	William Farmer
172-104-07	AR 59	Lot 7 World View Subdivision, 01.10 acres more or less, plat #64-75, Homer Recording District	William Farmer
185-509-30	NL 30	Northeast 1/4 Northeast 1/4 Section 1, Township 2 South, Range 12 West, Seward Meridian, Alaska lying North of Seismograph ROWS excluding street, 04.25 acres more or less, Homer Recording District	Emily Cooper

Parcel No.	Base Map	Legal Description	Last Owner of Record
185-509-31	NL 30	Northeast 1/4 Northeast 1/4 Section 1, Township 2 South, Range 12 West, Seward Meridian, Alaska lying between seismograph ROWS & Richardson St. & Steik Ave. & Risoff St., 24.00 acres more or less, Homer Recording District	Emily Cooper
185-509-32	NL 30	Northeast 1/4 Northeast 1/4 Section 1, Township 2 South, Range 12 West, Seward Meridian, Alaska lying South of Most Southly Seismograph ROW excluding streets, 06.00 acres more or less, Homer Recording District	Emily Cooper
189-070-01	NONE	Lot 1, U.S. Survey 3570, 03.15 acres more or less, Seward Recording District	Alaska Yacht Club

SECTION 2. A. Notice of hearing of this ordinance shall be sent by certified mail to the former record owners of the real properties which are subject to this ordinance. The 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 lands are sold for more than the amount of taxes, penalties, interest, and other related costs, the Borough Finance Director shall provide the written notice to the former record owner of the property 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 Saturday, August 13, 1994, commencing at 2:00 p.m. in the Assembly Chambers, 144 North Binkley, Soldotna, Alaska, 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.

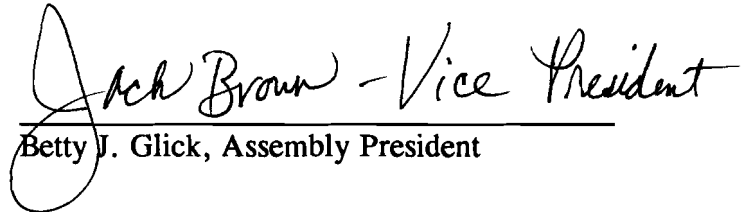
SECTION 4. That the Borough will execute and deliver to the buyer of any of the sale lands a tax foreclosure deed without warranty or representation which will convey any and all interest the Borough might have in the property. Prospective buyers shall be put on notice by this ordinance and by other 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 or heirs, at any time before the sale.

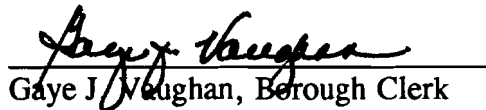
SECTION 5. That the Mayor is hereby authorized to sell those properties designated as foreclosed lands for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as shown in the list of lands, certified by the Borough Finance Director, for cash at a public outcry auction. All properties 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 shall take effect at 12:01 a.m. of the day following enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17th DAY OF MAY 1994.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk