

Introduced	Mayor
Date:	6/03/97
Hearing:	7/15/97
Action:	Enacted as Amended
Vote:	6 Yes, 3 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-38**

**AN ORDINANCE AUTHORIZING RETENTION OR SALE OF CERTAIN REAL  
PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX  
FORECLOSURE PROCEEDINGS**

**WHEREAS,** certain real property has been obtained by the Borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

**WHEREAS,** said real property has been deeded to the Borough through tax foreclosure proceedings; and

**WHEREAS,** all of the said real property has been held by the Borough for at least two years following transfer to the Borough; and

**WHEREAS,** these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough Administrative Departments, Service Areas and the Kenai Peninsula Borough Planning Commission; and

**WHEREAS,** the administration recommends certain parcels be retained for the public purpose;

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

**SECTION 1.** That the following real property is approved, accepted and hereby designated as foreclosed parcels retained for public purpose with a recommended applicable classification:

<b>Parcel Number</b>	<b>Legal Description</b>	<b>Last Owner of Record</b>	<b>Reason For Retention</b>	<b>Applicable Classification</b>
025-240-06-0	Lot 128, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 7.30 acres more or less.	Fidler, Mark R.	KPB is beneficiary of Deed of Trust	Rural
025-270-16-6	Lot 157, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 5.05 acres more or less.	Wright, Thomas W.	KPB is beneficiary of Deed of Trust	Rural

<b>Parcel Number</b>	<b>Legal Description</b>	<b>Last Owner of Record</b>	<b>Reason For Retention</b>	<b>Applicable Classification</b>
025-380-02-3	Lot 318, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 1.68 acres more or less.	Gomez, Georgianne	KPB is beneficiary of Deed of Trust	Rural
025-390-15-4	Lot 330, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 1.59 acres more or less.	Carter, Brandon & Betty	KPB is beneficiary of Deed of Trust	Rural
025-390-19-6	Lot 334, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 1.51 acres more or less.	Townsend, Lawrence	KPB is beneficiary of Deed of Trust	Rural
025-434-17-6	Lot 48, Moose Point Subdivision, Plat No. KN84-65, Kenai Recording District, containing 7.01 acres more or less.	Dickenson, Shawn & Walter	KPB is beneficiary of Deed of Trust	Rural
025-434-18-4	Lot 47, Moose Point Subdivision, Plat No. KN84-65, Kenai Recording District, containing 9.24 acres more or less.	Billingslea, Bradley B. & Margaret E.	KPB is beneficiary of Deed of Trust	Rural
025-450-07-3	Lot 284, Moose Point Subdivision, Plat No. KN84-65, Kenai Recording District, containing 30.94 acres more or less.	Loomis, Glenn A. & Judith A.	KPB is beneficiary of Deed of Trust	Rural
025-455-16-3	Lot 352, Moose Point Subdivision, Plat No. KN84-65, Kenai Recording District, containing 10.29 acres more or less.	Green, Glenn	KPB is beneficiary of Deed of Trust	Rural
055-255-45-9	Lot 18, Block 6, Castaway Cove Subdivision Amended, Plat No. KN84-140, Kenai Recording District, containing .08 acres more or less.	Stromdahl, Jay , Darrell & Jean	High Environmental quality per KPB Ord. 87-48, KPB Coastal Mngt. Program and located in floodplain and hazard prone area per KPB 21.06	Preservation
131-510-03-4	Tract B, Mountain Vista Estates Blocks 1 thru 3 & Tracts B thru D, Plat No. KN78-163, Kenai Recording District, containing 13.80 acres more or less.	Boles, Benny & Pamela	Wetland Adjacent to Slikok Creek, an anadromous stream	Preservation

<b>Parcel Number</b>	<b>Legal Description</b>	<b>Last Owner of Record</b>	<b>Reason For Retention</b>	<b>Applicable Classification</b>
144-160-35-5	Lot 2, Block 2, Camelot by the Sea Subdivision, Plat No. SW76, Seward Recording District, containing .69 acres more or less.	Galecki, Roger Lee	FEMA mapped flood plain; requested by Bear Creek Fire Service Area for water storage	Government
165-111-19-6	Lot 3, Block 3, Stina Creek Subdivision, Plat No. HM73-148, Homer Recording District, containing 37.07 acres more or less.	Pierce, Greg	Wetland	Preservation
165-270-07-5	Tract 10, North Fork Acres Subdivision No. 2, Plat No. HM74-485, Homer Recording District, containing 9.57 acres more or less.	Hartman, Leroy & June	Wetland	Preservation
165-270-08-3	Tract 27, North Fork Acres Subdivision No. 2, Plat No. HM74-485, Homer Recording District, containing 9.57 acres more or less.	Hartman, Leroy & June	Wetland	Preservation
165-270-09-1	Tract 26, North Fork Acres Subdivision No. 2, Plat No. HM74-485, Homer Recording District, containing 8.73 acres more or less.	Hartman, Leroy & June	Wetland	Preservation
165-270-16-6	Tract 25, North Fork Acres Subdivision No. 2, Plat No. HM74-485, Homer Recording District, containing 8.55 acres more or less.	Hartman, Leroy & June	Wetland	Preservation
165-520-08-1	Lot 4, Block 1, Cottonwood East Subdivision, Plat No. HM78-20, Homer Recording District, containing 2.36 acres more or less.	Mitchell, John F.	Wetland	Preservation
172-103-03-8	Lot 19, World View Subdivision, Plat No. HM64-75, Homer Recording District, containing 1.10 acres more or less.	Colclasure, Arlen & Carol	Steep slopes/bluff	Preservation

Parcel Number	Legal Description	Last Owner of Record	Reason For Retention	Applicable Classification
172-103-06-1	Lot 14, World View Subdivision, Plat No. HM64-75, Homer Recording District, containing 1.10 acres more or less.	Colclasure, Arlen & Carol	Steep slopes/bluff	Preservation
185-211-03-4	Tract B, Voznesenka Subdivision, Plat No. HM85-31, Homer Recording District, containing 2.31 acres more or less.	Polushkin, Arteny et al.	Steep slopes/bluff	Preservation
185-211-05-9	Tract A, Voznesenka Subdivision, Plat No. HM85-31, Homer Recording District, containing 20.65 acres more or less.	Polushkin, Arteny et al.	Steep slopes/bluff	Preservation
189-070-01-4	Lot 1, U.S.S. 3570, Section 8, T2S, R1E, S.M., Alaska, Seward Recording District, containing 3.15 acres more or less.	Alaska Yacht Club	Right of Entry to Dept. of Interior, BLM in Deed	Recreation

**SECTION 2.** That the following real property, certified by the Kenai Peninsula Borough Finance Director as parcels available for sale, is hereby accepted, approved and designated as foreclosed parcels for sale as it is determined that a public need for said real property does not exist:

PARCEL NO.	BASE MAP	LEGAL DESCRIPTION	LAST OWNER OF RECORD
012-141-21-4	NK20	Lot 9, Block 3, Robinson Glen Subdivision, Plat No. KN83-266, Kenai Recording District, containing .99 acres more or less.	Jondahl, Arnold E. estate
012-250-31-2	NK20	Lot 7, Drew Subdivision No. 2, Plat No. KN1590, Kenai Recording District, containing .46 acres more or less.	Fitzgerald, George & Phoebe
012-250-32-0	NK20	Lot 8, Drew Subdivision No. 2, Plat No. KN1590, Kenai Recording District, containing .46 acres more or less.	Fitzgerald, George & Phoebe
013-041-26-4	NK16	Tract 2, Block 2, Lafleur's Lagniappe Subdivision, Plat No. KN76-56, Kenai Recording District, containing 2.62 acres more or less.	Mansfield, Earl Sr. & Sheila
013-340-48-4	NK25	Lot 7, Douglas Lake Subdivision No. 3, Plat No. KN86-115, Kenai Recording District, containing .92 acres more or less.	Lewis, Bernie C. & Joetta
013-340-49-2	NK25	Lot 6, Douglas Lake Subdivision No. 3, Plat No. KN86-115, Kenai Recording District, containing 1.13 acres more or less.	Lewis, Bernie C. & Joetta
014-060-24-8	NK20	Lot 12, Block 2, Galen Gray Subdivision, Plat No. KN899, Kenai Recording District, containing .31 acres more or less.	Counsellors Investment Co.
014-180-23-6	NK20	Lot 4, Ross Subdivision, Plat No. KN1680, Kenai Recording District, containing 4.39 acres more or less.	Opland, Elizabeth
015-030-19-0	NK26	Lot 6, Block 1, Miller Subdivision No. 2, Plat No. KN1527, Kenai Recording District, containing .28 acres more or less.	Boles, Benny & Pamela

PARCEL NO.	BASE MAP	LEGAL DESCRIPTION	LAST OWNER OF RECORD
015-060-19-7	NK26	Lot 5, Block 1, Forelands Acres Subdivision, Plat No. KN1481, Kenai Recording District, containing .44 acres more or less.	Day & Adams
025-420-03-5	NK05	Lot 348, Gray Cliff Subdivision, Plat No. KN82-80, Kenai Recording District, containing 21.59 acres more or less.	Alsop, Delbert L. & Nancy
066-102-12-0 (was 06610076-9)	KR14	Lot 5, Last Frontier Acres Subdivision, Plat No. 76-166, Kenai Recording District, containing 8.34 acres more or less.	McShea, Roger
066-320-13-6	KR14	Lot 13, Block 2, Browns Lakeview Subdivision, Plat No. KN77-71, containing .77 acres more or less.	Renfrew, Wythe Lee
066-444-52-2	KR15	Lot 7A, Block H, Lupine Subdivision No. 2, Plat No. KN84-296, Kenai Recording District, containing 1.05 acres more or less.	Johnson, Mary E.
131-480-46-9	KS04	Lot B-3, Char Subdivision Wallace Addition, Plat No. KN88-30, Kenai Recording District, containing 2.00 acres more or less.	Lacava, Mike
135-251-05-6	KS21	Lot 5, Block 1, Moose Range Meadows South Subdivision Block 1 and 2, Plat No. KN84-93, Kenai Recording District, excepting therefrom the subsurface estate as described in the patent to the Salamatof Native Association, Inc. , containing 1.06 acres more or less.	Sather, John E. DBA Sather Construction
137-331-24-5	KS15	Lot 8, Block 5, Whispering Spruce Subdivision, Plat No. KN84-20, Kenai Recording District, containing 2.41 acres more or less.	Kommer, Russell & Larson Vance
144-200-08-6	SW76	Lot 22, Block 8, Camelot by the Sea Subdivision, Plat No. SW76, Seward Recording District, containing .33 acres more or less.	Homestead, Bruce J.
157-030-52-9	NL10	Lot 1, Block 1, Grandview Estate Subdivision, Plat No. HM75-31, Homer Recording District, containing 8.58 acres more or less	Marascola, Dennis Sunset Electric
157-130-26-1	NL22	A parcel of land located in Section 31, T1S, R13W, S.M., Alaska and more particularly described as follows: Commencing at a point 879.74 feet North and 33 feet West of the section corner common to Sections 36 & 31; thence North 208.71 feet; thence East 260.89 feet, thence South 208.71 feet, thence West 260.89 feet to the P.O.B, Homer Recording District, containing 1.25 acres more or less.	Ederington, Craig S.
159-190-36-2	NL63	Lot 5, Block 1, Bishop Subdivision, Plat No. HM86-83, Homer Recording District containing 4.77 acres more or less.	Bishop, G. Jr. & Bustamante, Phyllis
159-240-40-7	NL62	Tract 105, Happy Valley Homesites, Plat No. HM62-629, Homer Recording District, containing 5.00 acres more or less.	Terraccino, Patrick
159-500-09-9	NL40	Lot 4, Block 4, Happy Valley Country Homes Subdivision, Unit 2, Plat No. HM78-39, Homer Recording District, containing 4.18 acres more or less.	Boyle, Tina M.
165-280-12-4	AR27	Lot 17-A, North Fork Acres Subdivision No. 4, Plat No. HM82-68, Homer Recording District, containing .67 acres more or less.	Hill, Virginia B. et al
169-141-41-3	AR64	Lot 1, Lake Country Estate Subdivision, Plat No. HM85-98, Homer Recording District, containing 8.42 acres more or less.	Caston, John
185-496-04-9	NL20	The surface estate in and to that portion of the NW¼NE¼ of Section 4, T2S, R12W, S.M., Alaska, Homer Recording District, lying north of the Seismograph right-of-way, containing .38 acres more or less.	Arneson, Wendell Scott
191-180-22-3	SL01	S½ Tract C, Frank Raby 1971 Addition, Plat No. SL72-60, Seldovia Recording District, containing .21 acres more or less.	Ollestad, Margaret

PARCEL NO.	BASE MAP	LEGAL DESCRIPTION	LAST OWNER OF RECORD
191-290-25-3	None	Lot 25, Block 12, Barabara Heights Subdivision, Plat No. SL79-06, Seldovia Recording District, excepting therefrom the subsurface estate, containing 3.01 acres more or less.	Moonin, Martin
191-320-07-6	None	Lot 19, Block 11, Barabara Heights Subdivision, Plat No. SL79-06, Seldovia Recording District, excepting therefrom the subsurface estate, containing 3.03 acres more or less.	Moonin, Barbara Estate
191-350-10-7	None	Lot 3, Block 11, Barabara Heights Subdivision, Plat No. SL79-06, Seldovia Recording District, excepting therefrom the subsurface estate, containing 3.02 acres more or less.	Moonin, Jean
191-390-11-1	None	Lot 19, Block 17, Barabara Heights Subdivision, Plat No. SL79-06, Seldovia Recording District, excepting therefrom the subsurface estate, containing 3.08 acres more or less.	Ogle, Leonard Custodian of Dawn L. Ogle
211-280-52-4	None	Lot 2, Block 10, Three Mile Creek Subdivision Amended, Plat No. AN72-08, Anchorage Recording District, containing 3.13 acres more or less.	Nikander, Shane

- SECTION 3.** A. Notice of hearing of this ordinance shall be sent by certified mail to the former record of 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 real property owner at the last address of record.
- B. In the event that any of the parcels 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 of owner of the real 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 of owner at his last address of record. Upon presentation of a proper claim, the Borough shall remit the excess to the former record of 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 Assembly authorizes the Borough to conduct an outcry auction of the tax foreclosed real property to be held on September 13, 1997 commencing at 9:00 a.m. in the Assembly Chambers, 144 N. 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 5.** That the Borough will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation which will convey any and all interest the Borough might have in the real 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 rights, 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 property 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 property listed for sale may be repurchased by the record of owners, or their assigns or heirs, at any time before the sale.

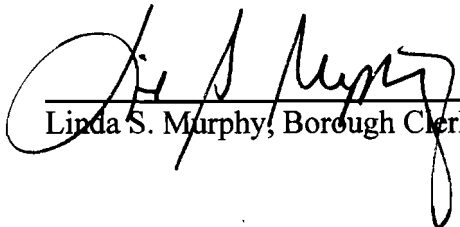
**SECTION 6.** That the Mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgement amount for taxes, plus penalties, interest and other related costs as shown in the list of parcels, certified by the Borough Finance Director, for cash at a public outcry auction. All Real property to be sold subject to any and all restrictions of record, zoning ordinances and any and all plat requirements and covenants.

**SECTION 7.** This ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15<sup>TH</sup> DAY OF JULY, 1997.**

  
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Jack E. Brown, Assembly President

ATTEST:

  
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Linda S. Murphy, Borough Clerk