

Introduced by: Mayor
Date: 06/01/99
Hearing: 07/13/99
Action: Enacted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 99-32**

**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 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;

WHEREAS, the Planning Commission conducted a public hearing during their regularly scheduled May 10, 1999 meeting and recommended enactment of the proposed ordinance by unanimous consent;

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:

Parcel Number	Legal Description	Last Owner of Record	Reason For Retention	Applicable Classification
014-060-24-8	Lot 12, Block 2, Galen Gray Subdivision, Plat No. KN-899, Kenai Recording District, containing 0.31 acres more or less.	Counsellors Investment Co.	Less than 40,000 square feet	Government
015-030-19-0	Lot 6, Block 1, Miller Subdivision No. 2, Plat No. K-1527, Kenai Recording District, containing 0.28 acres more or less.	Boles, Benny & Pamela	Less than 40,000 square feet	Government
015-060-19-7	Lot 5, Block 1, Forelands Acres Subdivision, Plat No. KN1481, Kenai Recording District, containing 0.44 acres more or less.	Day & Adams	Less than 40,000 square feet	Government
015-070-09-7	Lot 9, Block 1, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.62 acres more or less.	Hendrickson, Charmain R.	Less than 40,000 square feet	Government
015-090-19-4	Lot 12, Block 3, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.30 acres more or less.	Lewis, Brian G.	Less than 40,000 square feet	Government
015-090-20-2	Lot 13, Block 3, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.30 acres more or less.	Lewis, Brian G.	Less than 40,000 square feet	Government
055-253-04-1	Lot 26, Block 6, Castaway Cove Subdivision, Amended Plat No. 84-140, Kenai Recording District, containing 0.07 acres more or less.	Bellamy, David & Camilla	High Environmental quality per KPB Ord. 87-48, KPBCoastal Mgt. Program and located in floodplain and hazard prone area per KPB 21.06	Preservation

Parcel Number	Legal Description	Last Owner of Record	Reason For Retention	Applicable Classification
055-255-01-2	Lot 25, Block 4, Castaway Cove Subdivision, Amended Plat No. 84-140, Kenai Recording District, containing 0.08 acres more or less	Lake Otis Partners	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
055-651-01-2	Tract A, Richard Williams Subdivision No. 1 Replat, Amended Plat No. 84-38, Kenai Recording District, containing 21.76 acres more or less.	Williams, Heather & Holly	Tract is not readily developable. Part of larger Kenai River wetland complex.	Preservation
057-092-20-7	Lot 22, Rainbow Subdivision, Plat No. K-1453, Kenai Recording District, containing .23 acres more or less.	Rose, Gary L.	Under 40,000 square feet	Government
057-370-16-5	Lot 16, Block 7, Irons Subdivision, of Block 7 and Lot 8 of Block 9, Plat No. 72-5, Kenai Recording District, containing 0.28 acres more or less.	Parker, Marie L.	Under 40,000 square feet	Government
063-130-11-6	Lot 18, Panoramic Park Subdivision, Plat No. K-1189, Kenai Recording District, containing 0.58 acres more or less.	Reinders, Phillis	Under 40,000 square feet	Government
065-340-45-7	Lot 53, Dow Island Subdivision, Plat No. 72-76, Kenai Recording District, containing 1.12 acres more or less.	Jenkins, Delma	Flood Zone A. Old river channel. Parcel submerged during 1995 flood.	Preservation
135-041-29-1	Lot 12, Block 7, Caribou Island Subdivision, Amended Plat No. 37, Seward Recording District, containing 0.45 acres more or less.	Schenker, Richard & Wendy	Under 40,000 square feet	Government
135-052-03-3	Lot 3, Block 1, Caribou Island Subdivision, Amended Plat No. 37, Seward Recording District, containing 0.69 acres more or less.	Duncan, Virginia	Under 40,000 square feet	Government

Parcel Number	Legal Description	Last Owner of Record	Reason For Retention	Applicable Classification
144-040-13-6	Portion NE1/4NE1/4 Section 27, T1N, R1W, S.M., Alaska, containing 1.0 acres more or less.	Corbin, Ethel	FEMA mapped flood plain, requested by Bear Creek Fire Service Area for a water supply point.	Preservation or Government
144-210-42-4	Lot 17, Block 7, Camelot by the Sea Subdivision, Plat No. 76, Seward Recording District, containing 0.46 acres more or less.	Deaver, Velma	Under 40,000 square feet	Government
159-120-09-6	Tract 8, Happy Creek Homesites Subdivision, Plat No. 62-711, Homer Recording District, containing 5.0 acres more or less.	Comiskey, Vivian A.	Wetland, access very difficult to develop	Preservation
169-102-32-4	That portion of the W1/2E1/2, Section 10, T5S, R15W, S.M., lying South of Jensen Anchor River Tracts Subdivision, Plat No. 84-121 and North of Norwegian Woods Subdivision, Plat No. 78-91, Homer Recording District, containing 3.50 acres more or less.	RSB Investments	Streambed	Preservation

SECTION 2. That the following real property, is approved by the Kenai Peninsula Borough Finance Department as 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
013-214-16-8	NK21	Lot 4, Block 3, Don's Place Subdivision, Plat No. 83-44, Kenai Recording District, containing 0.92 acres more or less.	Bennett, Jean M., Trustee
055-170-11-2	NK19	Lot 6-B, Lot 6, Block 3, College Village Subdivision, Plat No. 79-3, Kenai Recording District, containing 1.0 acres more or less.	Gabriel, Gregory & Edithanne
058-260-36-5	KR17	Lot 1, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
058-260-37-3	KR17	Lot 2, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
058-260-38-1	KR17	Lot 3, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
058-260-39-9	KR17	Lot 4, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.99 acres more or less.	Bloodworth, Harold G.

PARCEL NO.	BASE MAP	LEGAL DESCRIPTION	LAST OWNER OF RECORD
058-260-42-3	KR17	Lot 7, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
058-260-43-1	KR17	Lot 8, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
058-260-44-9	KR17	Lot 9, Mayoni Subdivision No. 6, Plat No. 85-114, Kenai Recording District, containing 0.92 acres more or less.	Bloodworth, Harold G.
063-880-44-7	KR10	Lot 1-A-2, Raymond Alvin McNutt Subdivision No. 2, Hawkinson Addition, Plat No. 88-81, Kenai Recording District, containing 3.56 acres more or less.	Young, Richard & Kathy
133-022-19-4	KS08	Tract D, Peter Madsen Subdivision, Plat No. 76-1, Kenai Recording District, containing 4.84 acres more or less.	Juliussen, Michael
137-330-11-4	KS15	Lot 2, Block 3, Whispering Spruce Subdivision, Plat No. 84-20, Kenai Recording District, containing 0.93 acres more or less.	Fletcher, Harold & Beatrice
157-190-34-9	NL23	Lot 7, Block 3, My View Subdivision, Plat No. 73-857, Homer Recording District, containing 0.95 acres more or less.	Grimm, Byron & Denise
159-190-23-0	NL63	Lot 8, Block 2, Bishop Subdivision, Plat No. 86-83, Homer Recording District, containing 1.48 acres more or less.	Bustamante, Phyllis (Bishop)
159-190-24-8	NL63	Lot 7, Block 2, Bishop Subdivision, Plat No. 86-83, Homer Recording District, containing 1.48 acres more or less.	Bustamante, Phyllis (Bishop)
159-190-25-5	NL63	Lot 6, Block 2, Bishop Subdivision, Plat No. 86-83, Homer Recording District, containing 1.57 acres more or less.	Bustamante, Phyllis (Bishop)
159-190-26-3	NL63	Lot 5, Block 2, Bishop Subdivision, Plat No. HM86-83, Homer Recording District containing 1.72 acres more or less.	Bustamante, Phyllis (Bishop)
165-030-08-1	AR03	Government Lots 1,2,3,4 and S1/2N1/2, and N1/2S1/2, Section 2, T4S, R14W and Government Lot 1, Section 3, T4S, R14W, S.M., Alaska, containing 526.28 acres more or less.	Alsop, Delbert
165-610-79-1	AR29	Tract 2-B, Gibbons Tracts Subdivision, Unit 2, Plat No. HM85-40, Homer Recording District, containing 2.09 acres more or less.	McNamara, Sandra J.
165-650-79-7	AR27	Lot 45-A, Nikolaevsk Village Subdivision No. 11, Plat No. 90-23, Homer Recording District, containing 0.96 acres more or less.	Fefelov, Stepanida & Nikolai, Nick
172-271-01-7	AR39	Lot 1, Block 2-C, Mountain Glacier Estates, Part 5, Plat No. 83-22, Homer Recording District, contains 2.41 acres more or less.	Steven, Loretta M. Jay Carey, Bankruptcy Trustee
185-210-28-3	AR21	Tract A, Alaska State Land Survey 73-5, Plat No. 74-153, Homer Recording District, containing 4.69 acres more or less.	Marvin Air
185-280-12-0	NL27	Tract 3, Brandywine Acres Subdivision, Plat No. 76-114, Homer Recording District, containing 3.58 acres more or less.	Boguilikak, James
191-350-18-0	SL02	Lot 2, Block 13, Barabara Heights Subdivision, Plat No. 79-6, Seldovia Recording District, containing 3.58 acres more or less.	Ollestad, Christopher
193-194-02-4	NONE	Lot 5, Block 5, Petrof View Subdivision, Plat No. 83-24, ASLS 83-67, Seward Recording District, containing 4.37 acres more or less.	Medlock, James & Joanne

PARCEL NO.	BASE MAP	LEGAL DESCRIPTION	LAST OWNER OF RECORD
193-264-11-6	NONE	Tract B, Alaska State Land Survey 77-183, Plat No. 80-61, Homer Recording District, containing 3.04 acres more or less.	Arnbrister, Jonas
211-280-44-1	NONE	Lot 3, Block 8, Three Mile Creek Subdivision, Plat No. 72-7, Anchorage Recording District, containing 3.40 acres more or less.	Colclasure, Arlen & Carol & Glea

- SECTION 3.** 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 Sections 1 and 2 of this ordinance. The notice shall be mailed within five (5) days after the first publication of the introduction of this ordinance and shall be sufficient if mailed to the real property record 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 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 owner at the owner's 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.
- C. A copy of the notice of sale shall be sent by certified mail to the record owner at the time of the tax foreclosure. The mailed notice shall include advice to the record owner of his right to repurchase the property. The notice of sale shall be published in a newspaper(s) of general circulation in the borough no less than 30 days before the date of the sale and posted within that time in at least 3 public places in the borough.

SECTION 4. That the Assembly authorizes the Borough to conduct an outcry auction of the tax foreclosed real property to be held on September 11, 1999 commencing at 9:00 a.m. in the Assembly Chambers, 144 N. Binkley, Soldotna, Alaska.

SECTION 5. The successful bidder shall be required to make a minimum downpayment of ten (10%) prior to the close of auction. The balance must be paid in full not later than 5:00 p.m., September 24, 1999. All payments will be made with cash, personal check, cashiers check, or money order. In the event the balance is not paid in full by the end of this period, the down payment will be forfeited and the parcel will be added to the Borough's parcel inventory for later disposition.

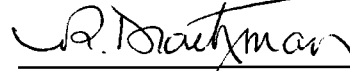
SECTION 6. That the Borough will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation which will convey any and

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 owners, or their assigns or heirs, at any time before the sale.

SECTION 7. That the Mayor is hereby authorized to sell the real property designated as foreclosed parcels 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 parcels, certified by the Borough Finance Director, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances and any and all plat requirements and covenants.

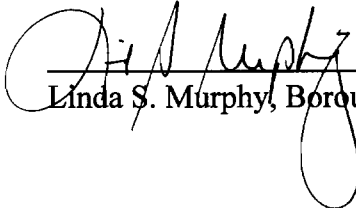
SECTION 8. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 13TH DAY OF JULY, 1999.



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

