

Introduced by: Mayor
Date: 08/05/03
Shortened Hearing: 08/19/03
Action: Enacted as Amended
Vote: 6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-34**

**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, 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 public purpose; and

WHEREAS, the Planning Commission conducted a public hearing on August 11, 2003 and recommended enactment 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:

Parcels to be Retained for a Public Purpose				
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Reason For Retention	Applicable Classification
015-030-01-8	Lot 1 Blk 3 Miller Sub No 2 KN 1527, .47 acres	Jones, J Lloyd & Edna M	Less than 40,000 s.f.	Government
015-030-09-1	Lot 6 Blk 2 Miller Sub No 2 KN 1527, .30 acres	Jones, J Lloyd & Edna M	Less than 40,000 s.f.	Government
015-030-12-5	Lot 1 Blk 2 Miller Sub No 2 KN 1527, .30 acres	Jones, J Lloyd & Edna M	Less than 40,000 s.f.	Government
017-030-04-0 f/k/a 017-053-04-2	Lot 10 Blk 7 Kenai Development Corp Sub KN 803, .28 acres	Anderson, Paul	Less than 40,000 s.f.	Government

Parcels to be Retained for a Public Purpose				
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Reason For Retention	Applicable Classification
063-064-06-7	Lot 1 Blk 1 Sumpter Sub KN 525 Exc that por as per W/D 374 @ 088, .48 acres	Woods, Gary L & Angela R	Less than 40,000 s.f.	Government

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:

Parcels to be Sold at Outcry Auction		
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD
012-131-01-7	Lot 1 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-02-5	Lot 2 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-03-3	Lot 3 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-04-1	Lot 4 Wik Bluff Sub East Addn KN 85-54, .92 acres	Kenai Growth Fund
012-131-05-8	Lot 5 Wik Bluff Sub East Addn KN 85-54, .93 acres	Kenai Growth Fund
012-131-07-4	Lot 7 Wik Bluff Sub East Addn KN 85-54, .93 acres	Kenai Growth Fund
012-131-08-2	Lot 8 Wik Bluff Sub East Addn KN 85-54, .93 acres	Kenai Growth Fund
012-131-09-0	Lot 9 Wik Bluff Sub East Addn KN 85-54, .93 acres	Kenai Growth Fund
012-131-10-8	Lot 10 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-11-6	Lot 11 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-12-4	Lot 12 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-13-2	Lot 13 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-14-0	Lot 14 Wik Bluff Sub East Addn KN 85-54, .91 acres	Kenai Growth Fund
012-131-27-2	Tract A-1 Wik Bluff Sub East Addn KN 85-54, 1.01 acres	Kenai Growth Fund
012-131-33-0	Lot 1 Wik Bluff Sub KN 82-54, 13.61 acres	Kenai Growth Fund
012-131-34-8	Lot 5 Wik Bluff Sub KN 82-54, 3.13 acres	Kenai Growth Fund
012-302-01-4	Lot 1 Blk 2 Aurora Heights Sub KN 1320, .17 acres	Crouch, Dale P
012-320-11-5	Lot 12 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, 1.10 acres	Mertz Carl W & Enid L Trustees
Parcels to be Sold at Outcry Auction		
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD
012-320-12-3	Lot 13 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, 1.04 acres	Mertz Carl W & Enid L Trustees
012-320-13-1	Lot 14 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, .95 acres	Mertz Carl W & Enid L Trustees
012-320-14-9	Lot 15 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, .92 acres	Mertz Carl W & Enid L Trustees
012-320-20-6	Lot 6 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, 1.63 acres	Mertz Carl W & Enid L Trustees
012-320-21-4	Lot 7 Blk 1 Point Lookout Sub Addn No 3 KN 78-131, 1.24 acres	Mertz Carl W & Enid L Trustees
013-070-09-9	Lot 9 Wik Lake Sub KN 1350, 1.0 acres	King, Alice Roberts & Leonard N

Parcels to be Sold at Outcry Auction		
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD
013-070-10-7	Lot 8 Wik Lake Sub KN 1350, 1.0 acres	King, Alice Roberts & Leonard N
013-070-12-3	Lot 6 Wik Lake Sub KN 1350, 2.5 acres	King, Alice Roberts & Leonard N
013-141-30-4	Agate Beach Sub Amended Blk 3 Greenbelt KN 84-202, 4.97 acres	Kubek, Michele Holly
013-200-65-4	Lot 1 Blk 4 Rector Sub KN 78-14, 1.35 acres	Boanerges Ventures
013-240-34-6	Lot 5 Blk 2 Wik Lake Terrace Sub Addn No 1 KN 85-121, .92 acres	Traxinger, Paul V
013-550-37-1	Lot 5 Wes Warren Sub Jessica Addn KN 91-8, 1.03 acres	Darien, Eli & Elizabeth
015-030-08-3	Lot 7 Blk 2 Miller Sub No 2 KN 1527, .46 acres	Richter, Richard
017-140-33-6	Govt Lot 46 T06N R12W S14 KN, 2.0 acres	Hall, Shirley D (Hansen) & Suchocki, Joseph P
025-370-02-4	Lot 305 Gray Cliff Sub KN 82-80, 1.60 acres	Epperson, Glen A & Tammy
063-490-06-4	Lot 5 Blk 2 Sterling Heights Sub Addn No 1 KN 76-155, 1.03 acres	Ecker, Anthony J
063-550-12-3	Lot 8 Blk 2 Homewood Sub KN 77-81, 2.07 acres	Simons, George WM & Emily
063-630-07-3	Lot 1 Blk 3 Sleepy Hollow Sub KN 78-79, 1.47 acres	Key Financial Services, Inc.
063-630-26-3	Lot 8 Blk 2 Sleepy Hollow Sub KN 78-79, 2.35 acres	J H Company
065-550-30-3	Lot 2 Blk 5 Otter Creek Sub KN 80-41, 1.03 acres	Congdon, Arthur R
133-350-41-3	Lot 19-A Old Kasilof Sub Vincent Addn KN 84-272, .91 acres	Knapp, Gerald Boyd
137-160-07-3	Lot 1 Blk 1 Self Sub KN 72-70, 5.10 acres	Carlson, Jerry
147-160-04-8	Lot 4, 5, 6 Blk 3 Original Townsite of Seward Laubner Addn SW 2, .21 acres	Goresen, Martin & Betty A
148-050-03-2	Lot 29 Blk 27 Original Townsite of Seward SW 1, .07 acres	Goresen, Martin L & Betty A
148-050-04-0	Lot 30, 31, 32 Blk 27 Original Townsite of Seward SW 1, .21 acres	Goresen, Martin L & Betty A
159-230-04-4	Tract 13 Happy Valley 5 Acre Homesites HM 62-629, 5.0 acres	Haubrich, Aurthur R
159-310-06-9	Lot D-2 J Booth Recreational Sub Plat of Parcels A-1 A-2 B-1 B-2 C-1 D-1 & D-2 HM 75-49, 2.13 acres	Smith, William D
159-310-11-9	Lot C-1B J Booth Recreational Sub Parcel C-1A & C-1B HM 76-67, 2.46 acres	Smith, William D
159-430-07-3	Lot 6A Blk 1 Deep Creek Estates Sub HM 76-84, 1.03 acres	Kvasnikoff, Eric
165-170-06-9	Lot 16 Spruce Acres Sub HM 6045, 1.22 acres	Merritt, Dwayne M & Cox, Louise I
165-250-63-0	Com at sec cor 25 36 & 30 31 W 53.5' to POB th N 90 Deg W 380' th N 300' th S 51 Deg 20 Min E 500' to POB T04S	Lamborn, David G
f/k/a 165-163-25-4	R15W S25 HM, 1.30 acres	
165-390-31-1	Tract 31 Birch Haven Estates Sub HM 74-2193, 9.39 acres	Green, Kenneth L
165-520-04-0	Lot 1 Blk 3 Cottonwood East Sub HM 78-20, 2.60 acres	Johnson, Dorothy C & Thomas James H & Sally G
165-520-05-7	Lot 2 Blk 3 Cottonwood East Sub HM 78-20, .74 acres	Johnson, Dorothy C & Thomas James H & Sally G
165-640-04-6	Lot 4 Nikolaevsk Village Sub No 4 HM 80-33, 15.25 acres	Fefelov, Stepanida
169-180-10-6	Lot 1 Blk 6 Aldergate Sub HM 76-66, 6.04 acres	Cirinna, John P & Cheryl L

Parcels to be Sold at Outcry Auction		
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD
169-200-04-5	Lot 2 Blk 1 Christians Corners Sub 1977 Addn HM 77-56, 3.67 acres	Jeppesen, Christian E
171-320-19-5	Tract 19 Salmon Heights Sub HM 74-2196, 9.55 acres	Mastrodicasa, Nicholas R
171-320-20-3	Tract 20 Salmon Heights Sub HM 74-2196, 8.84 acres	Mastrodicasa, Nicholas R
185-290-02-0	Lot 6 Blk 2 Stanleys Meadow Sub 77 Addn HM 77-22, 1.52 acres	Barrett, Jeffery L & Linda L
191-380-12-0	Lot 3 Blk 17 Barabara Heights Sub SL 79-6, 2.86 acres	Saracoff, John & Nicolet, Louise

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 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 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 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 that 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 October 4, 2003 commencing at 12:00 p.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.

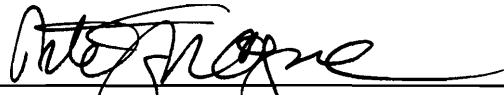
SECTION 5. That the borough will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by 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 owners, or their assigns or heirs, at any time before the sale.

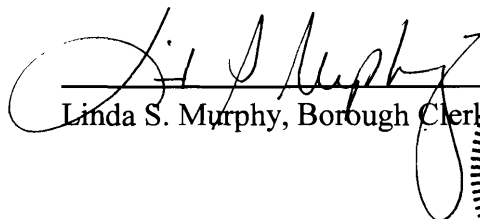
SECTION 6. That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest, and other related costs as shown in the list of parcels, certified by the Borough Finance Director, for cash at a public outcry auction. All real property shall 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 its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF AUGUST, 2003.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

