

Introduced by: Mayor  
 Date: 05/18/04  
 Hearing: 06/15/04  
 Action: Enacted as Amended  
 Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
 ORDINANCE 2004-15**

**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 the public purpose; and

**WHEREAS,** the Planning Commission conducted a public hearing on May 24, 2004 and recommended enactment of this 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:

<b>Parcels to be Retained for a Public Purpose</b>				
<b>PARCEL NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>LAST OWNER OF RECORD</b>	<b>Reason For Retention</b>	<b>Applicable Classification</b>
012-050-42	Lot 18, Block 6, Aurora Heights Subdivision Blocks 5,6, 7, 8, 12,13 & 14, Plat No. 1510, Kenai Recording District, containing 0.17 acres ±	Victor Vidlar	Less than 40,000 s/f	Government
015-030-08	Lot 7, Block 2, Miller S/D No. 2, Plat No. 1527, Kenai Recording District, containing 0.46 acres ±	Richard Richter	Less than 40,000 s.f.	Government

<b>Parcels to be Retained for a Public Purpose</b>				
<b>PARCEL NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>LAST OWNER OF RECORD</b>	<b>Reason For Retention</b>	<b>Applicable Classification</b>
039-032-07	Lot 14, Block 2, Black Gold Estates S/D Amended, Plat No. 1399, Kenai Recording District, containing 0.17 acres ±	Charles M. and Adele L. Ballinger	Less than 40,000 s.f.	Government
055-252-06	Lot 17, Block 3, Castaway Cove S/D Amended, Plat No. 84-140, Kenai Recording District, containing 0.06 acres ±	Virginia M. Supko	Kenai River Habitat	Preservation
055-252-07	Lot 18, Block 3, Castaway Cove S/D Amended, Plat No. 84-140, Kenai Recording District, containing 0.06 acres ±	Virginia M. Supko	Kenai River Habitat	Preservation
057-481-02	Lot 61, Hodgson S/D, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±	Reynolds L. & Lynn A. Christensen	Less than 40,000 s.f.	Government
057-481-03	Lot 60, Hodgson S/D, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±	Reynolds L. & Lynn A. Christensen	Less than 40,000 s.f.	Government
058-100-10	Lot 26, Block 2, Mackey Lakes S/D Addn. No. 1, Part 2, Plat No. 1759, Kenai Recording District, containing 0.30 acres ±	Bud and Dorothy Waitz	Less than 40,000 s.f.	Government
063-630-26	Lot 8, Block 2, Sleepy Hollow S/D, Plat No. 78-79, Kenai Recording District, containing 2.35 acres ±	J.H. Company	Wet/high water table	Preservation
065-570-16	Lot 16, The Great Alaska Fish Camp S/D, Plat No. 82-81, Kenai Recording District, containing 0.04 acres ±	Ted and Cheryl A. Miller	Less than 40,000 s.f.	Government
065-570-17	Lot 17, The Great Alaska Fish Camp S/D, Plat No. 82-81, Kenai Recording District, containing 0.03 acres ±	Ted and Cheryl A. Miller	Less than 40,000 s.f.	Government
135-053-21	Lot 4, Block 4, Caribou Island S/D Amended, Plat No. 37, Seward Recording District, containing 0.61 acres ±	Fritzi M. Phlant	Less than 40,000 s.f.	Government
135-053-22	Lot 5, Block 4, Caribou Island S/D Amended, Plat No. 37, Seward Recording District, containing 0.61 acres ±	Fritzi M. Phlant	Less than 40,000 s.f.	Government
135-053-23	Lot 6, Block 4, Caribou Island S/D Amended, Plat No. 37, Seward Recording District, containing 0.50 acres ±	Fritzi M. Phlant	Less than 40,000 s.f.	Government
135-053-24	Lot 7, Block 4, Caribou Island S/D Amended, Plat No. 37, Seward Recording District, containing 0.67 acres ±	Fritzi M. Phlant	Less than 40,000 s.f.	Government
169-132-29	That portion of the E ½ SE ¼ SE ¼ SE ¼ Section 13, T5S, R15W lying Southwest of the Sterling Highway	Brian D. Lowe	Adjacent to borough land	Government

Parcels to be Retained for a Public Purpose				
PARCEL NO.	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Reason For Retention	Applicable Classification
174-061-06	HM0830093 T06S R13W S02 Tract A Kachemak Vista Subdivision	Douglas A & Sandra L. Start	Steep Slope	Preservation

**SECTION 2.** That the real property listed in Attachment A has been certified by the finance department as foreclosed parcels.

**SECTION 3.** It is hereby determined that a public need for said real property in Attachment A does not exist.

**SECTION 4.**

A. Notice of hearing of this ordinance shall be sent by certified mail to the former owners of record 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 former real property owner at his/her 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 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 his/her 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 5.** That the Assembly authorizes the Borough to conduct an outcry auction of the tax foreclosed real property to be held on October 2, 2004, 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 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

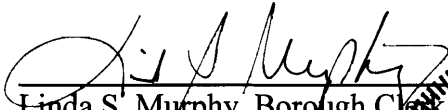
taxes, plus penalties, interest and other related costs as shown in the list of parcels, certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

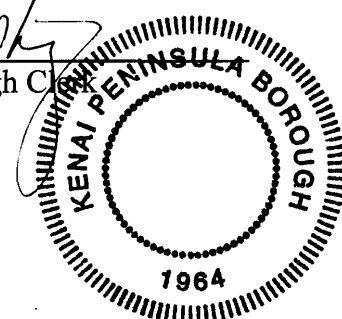
**SECTION 8.** This ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF JUNE, 2004.**

  
Pete Sprague, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk



## ATTACHMENT A

ASSESSOR PARCEL#	ACRES	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Foreclosure Year
01203018	15.00	KN T08N R12W S35 GOVT LOTS 23 24 29 & 30 PORTION LYING SOUTHERLY OF SHELL RD	Holmes Ingra Frances; Dudley Roy; Dudley Mrs. Herbert C; W C Cox & Company; Dudley Herbert William; Dudley Alfred George; & Dudley Edward Ross	1999
01203021	16.15	KN T08N R12W S35 GOVT LOTS 25 26 & 27 & PORTIONS GOVT LOTS 23 24 & 29 LYING NORTH & EAST OF SHELL RD	Holmes Ingra Frances; Dudley Roy; Dudley Mrs. Herbert C; W C Cox & Company; Dudley Herbert William; Dudley Alfred George; & Dudley Edward Ross	1999
01213101	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 1	Kenai Growth Fund	1998
01213102	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 2	Kenai Growth Fund	1998
01213103	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 3	Kenai Growth Fund	1998
01213104	0.92	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 4	Kenai Growth Fund	1998
01213105	0.93	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 5	Kenai Growth Fund	1998
01213107	0.93	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 7	Kenai Growth Fund	1998
01213108	0.93	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 8	Kenai Growth Fund	1998
01213109	0.93	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 9	Kenai Growth Fund	1998
01213110	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 10	Kenai Growth Fund	1998
01213111	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 11	Kenai Growth Fund	1998
01213112	0.91	KN0850054 T07N R12W S02 WIK BLUFF SUB EAST ADDN LOT 12	Kenai Growth Fund	1998
01232011	1.10	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 12 BLOCK 1	Mertz Carl W & Enid L Trustees	1997

## ATTACHMENT A

ASSESSOR PARCEL#	ACRES	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Foreclosure Year
01232012	1.04	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 13 BLOCK 1	Mertz Carl W & Enid L Trustees	1997
01232013	0.95	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 14 BLOCK 1	Mertz Carl W & Enid L Trustees	1997
01232014	0.92	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 15 BLOCK 1	Mertz Carl W & Enid L Trustees	1997
01232015	1.22	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 16 BLOCK 1	Bauer Randall E	1999
01232018	0.98	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 19 BLOCK 1	Bauer Randall E	2000
01232028	1.25	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 2 BLOCK 2	Bauer Randall E	2000
01232029	1.23	KN0780131 T07N R12W S03 POINT LOOKOUT SUB ADDN NO 3 LOT 1 BLOCK 2	Bauer Randall E	1999
01320065	1.35	KN0780014 T07N R11W S06 RECTOR SUB LOT 1 BLOCK 4	Boanerges Ventures	1989
01321532	0.92	KN0830044 T07N R11W S06 DON'S PLACE SUB AMENDED LOT 33 BLOCK 1	Elstad R J	1999
01324034	0.92	KN0850121 T07N R11W S05 WIK LAKE TERRACE SUB ADDN NO 1 LOT 5 BLOCK 2	Traxinger Paul V	1997
01340008	1.81	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 7 BLOCK 2	Battley Kenneth, Trustee	1999
01340021	1.04	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 9 BLOCK 4	Battley Kenneth, Trustee	1999
01340024	1.17	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 23 BLOCK 1	Battley Kenneth, Trustee	1999
01340029	1.21	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 18 BLOCK 1	Battley Kenneth, Trustee	1999
01340030	1.57	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 17 BLOCK 1	Battley Kenneth, Trustee	1999
01340031	1.79	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 16 BLOCK 1	Battley Kenneth, Trustee	1999
01340032	1.11	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 15 BLOCK 1	Battley Kenneth, Trustee	1999
01340037	0.93	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 10 BLOCK 1	Battley Kenneth, Trustee	1999

## ATTACHMENT A

ASSESSOR PARCEL#	ACRES	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Foreclosure Year
01340038	0.92	KN0770168 T07N R11W S02 DANIELS LAKE EAST SUB UNIT 1 LOT 9 BLOCK 1	Battley Kenneth, Trustee	1999
039-123-22	0.34	Lot 7, Block 3, Mommsens S/D Replat of Addn. No. 1 & 2, Plat No. 1355, Kenai Recording District, containing 0.34 acres ±	Laura Jean Heininger	2000
043-100-23	0.23	Lot 8, Wesbet S/D, Plat No. 84-187, Kenai Recording District, containing 0.23 acres ±	Robert M. Humphrey	2000
05522205	1.03	KN0760142 T05N R11W S20 KENAI RIVER BRIDGE SUB RESUB LOT 1 BLK 6 LOT 1-B BLOCK 6	Hildebrandt Phillip A & Ladawna L	2000
05809007	1.26	KN0001759 T05N R10W S15 MACKEY LAKES SUB ADDN NO 1 PART 2 LOT 18 BLOCK 4	Waitz Bud	2000
06301723	0.93	KN0860040 T05N R09W S05 STERLING CRYSTAL ESTATES SUB LOT 4 BLOCK 3	Magness Clarence R	1999
06349006	1.03	KN0760155 T05N R09W S11 STERLING HEIGHTS SUB ADDN NO 1 LOT 5 BLOCK 2	Ecker, Anthony J	2001
06363007	1.47	KN0780079 T05N R09W S30 SLEEPY HOLLOW SUB LOT 1 BLOCK 3	Key Financial Services, Inc. (USAD)	1995
13327006	2.32	KN0730077 T03N R12W S15 COHOE SHORES SUB LOT 3 BLOCK 2	Hill Richard W	2000
13327038	2.06	KN0730077 T03N R12W S15 COHOE SHORES SUB LOT 6 BLOCK 7	Hill Richard W	2000
13732309	1.00	KN0880026 T02N R11W S07 WHISPERING WIND SUB LOT 10 BLOCK 2	Guscette Robin	2000
14708006	0.21	SW0000010 T01S R01W S04 SEWARD TOWNSITE BAYVIEW ADDN LOT 15 BLOCK 2 LOT 16 BLOCK 2	Morgan Robert A & Charlotte L & Hatch Neil & Hatch Stuart	2000
15923030	5.00	HM0620629 T03S R14W S21 TRACT 30 HAPPY VALLEY 5 ACRE HOMESITES	Davenport Doris L & Clark Noel D Sr, Co- Trustees	1999
15923031	5.00	HM0620629 T03S R14W S21 TRACT 31 HAPPY VALLEY 5 ACRE HOMESITES	Davenport Doris L & Clark Noel D Sr, Co- Trustees	1999
15923046	5.00	HM0620629 T03S R14W S21 TRACT 35 HAPPY VALLEY 5 ACRE HOMESITES	Davenport Doris L & Clark Noel D Sr, Co- Trustees	1999
15931006	2.13	HM0750049 T03S R15W S36 J BOOTH RECREATIONAL SUB PLAT OF PARCELS A-1 A-2 B-1 B-2 C-1 D-1 & D-2 LOT D-2	Smith William D	1997

## ATTACHMENT A

ASSESSOR PARCEL#	ACRES	LEGAL DESCRIPTION	LAST OWNER OF RECORD	Foreclosure Year
15931011	2.46	HM0760067 T03S R15W S36 J BOOTH RECREATIONAL SUB PARCEL C-1A & C-1B LOT C-1B	Smith William D	1995
15944024	2.61	HM0760107 T02S R14W S32 SEACLIFF SUB UNIT 2 LOT 1 BLOCK 2	Haga James M & Chris	2000
16540001	7.97	HM0742193 T04S R14W S30 TRACT 33 BIRCH HAVEN ESTATES SUB	Taylor Robert L	1999
16913301	1.30	HM T05S R15W S13 THAT PORTION OF THE E1/2 SE1/4 SE1/4 SE1/4 LYING NORTHEAST OF STERLING HWY	Lowe Brian D	2000
17102101	4.00	HM T05S R14W S18 THAT PORTION OF THE WEST 165' OF LOT 4 LYING N OF HWY	Lowe Brian D	2000
17132019	9.55	HM0742196 T05S R14W S08 TRACT 19 SALMON HEIGHTS SUB	Mastrodicasa Nicholas R	1996
17132020	8.84	HM0742196 T05S R14W S08 TRACT 20 SALMON HEIGHTS SUB	Mastrodicasa Nicholas R	1996
17406106	21.85	HM0830093 T06S R13W S02 TRACT A KACHEMAK VISTA SUB	Stark Douglas A & Sandra L	1999
18908101	4.21	SW0920008 T02S R03E S28 TRACT A ALASKA STATE LAND SURVEY 90-111 (ADL 218519)	Kirk David	2000
18908215	4.13	SW0910011 T02S R03E S28 TRACT A ALASKA STATE LAND SURVEY 90-99 (ADL 218503)	Kirk David	1999
19139012	3.08	SL0790006 T08S R14W S22 BARABARA HEIGHTS SUB LOT 18 BLOCK 17	Larson Jay H & Tanya A	1999