

Introduced by:	Mayor
Substitute Introduced:	08/04/09
O2009-39 (Mayor)	See Original for Prior History
Hearing:	08/04/09
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-39
(MAYOR) SUBSTITUTE**

**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 deeded to the Borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, the real property listed in this ordinance has been certified by the finance department as foreclosed parcels; 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 noted; and

WHEREAS, the Planning Commission conducted a public hearing on July 20, 2009, 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:

PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE

PARCEL NO.	LEGAL DESCRIPTION & GENERAL LOCATION	LAST OWNER OF RECORD	REASON FOR RETENTION	APPLICABLE CLASSIFICATION
012-040-17	Lot 18, Block 9, AURORA HEIGHTS S/D, filed under Plat No. K-1467, Kenai Recording District: Nikiski	Gnagy, Elizabeth C	Less than 40,000 s.f.	Government
012-080-46	Lot 6B, Block 11, AURORA HEIGHTS S/D, Addition to Block 11 & Replat Lot 7, Block 11, filed under Plat No. 78-197, Kenai Recording District: Nikiski	Johnson, Duaine E	Less than 40,000 s.f.	Government
012-150-04	Lot 4, Block 1, T' AIR DEL MAR S/D, filed under Plat No. K-1661, Kenai Recording District: Nikiski	Cheeks, Willie Austin	Less than 40,000 s.f.	Government
012-150-05	Lot 5, Block 1, T' AIR DEL MAR S/D, filed under Plat No. K-1661, Kenai Recording District: Nikiski	Cheeks, Willie Austin	Less than 40,000 s.f.	Government
014-070-05	Lot 1, Block 4, GALEN GRAY S/D, filed under Plat No. K-899, Kenai Recording District: Nikiski	Johnson, Hubert & Jennie Lee	Less than 40,000 s.f.	Government
049-180-19	Lot 17, Block 3, HIGHLANDS S/D, filed under Plat No. K-1542, Kenai Recording District: Kenai	Carsner, William	Less than 40,000 s.f.	Government
057-270-09	Lot 9, Block 1, BIG EDDY S/D, Part 2, filed under Plat No. K-1674, Kenai Recording District: Ridgeway	Levine, Estrada, & Moore	Less than 40,000 s.f.	Government
065-041-12	Lot 9, GATTEN S/D, filed under Plat No. K-995, Kenai Recording District: Sterling	Harper, Donald L	Less than 40,000 s.f.	Government
133-140-08	Lot 7, Block 2, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District: Kasilof	Quan, La Lay Woo	Less than 40,000 s.f.	Government

PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE				
PARCEL NO.	LEGAL DESCRIPTION & GENERAL LOCATION	LAST OWNER OF RECORD	REASON FOR RETENTION	APPLICABLE CLASSIFICATION
133-140-09	Lot 6, Block 2, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District: Kasilof	Quan, La Lay Woo	Less than 40,000 s.f.	Government

SECTION 2. It is hereby determined that a public need for the real properties listed below does not exist and the properties may be sold by Outcry Auction or by substandard lot sale procedures as provided by separate ordinance.

PROPERTIES TO BE SOLD BY SUBSTANDARD LOT SALE PROCEDURES				
PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
057-481-01	Lot 62, HODGSON S/D, filed under Plat No. K-1382, Kenai Recording District	Ridgeway	0.17	Graham, Bud
057-481-27	Lot 63, HODGSON S/D, filed under Plat No. K-1382, Kenai Recording District	Ridgeway	0.17	+ Graham, Bud
133-130-15	Lot 4, Block 7, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District	Kasilof	0.26	Quan, La Lay Woo
133-140-11	Lot 4, Block 2, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District. Excepting portion conveyed to State (Bk 44/Pg 153) and corrected (Bk 45/Pg 46)	Kasilof	0.18	Quan, La Lay Woo
133-140-12	Lot 3, Block 2, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District. Excepting portion conveyed to State (Bk 44/Pg 153) and corrected (Bk 45/Pg 46)	Kasilof	0.15	Quan, La Lay Woo

PROPERTIES TO BE SOLD BY SUBSTANDARD LOT SALE PROCEDURES				
PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
133-140-13	Lot 2, Block 2, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District. Excepting portion conveyed to State (Bk 44/Pg 153) and corrected (Bk 45/Pg 46)	Kasilof	0.15	Quan, La Lay Woo
133-150-09	Lot 8, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District	Kasilof	0.26	Quan, La Lay Woo
133-150-10	Lot 7, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District	Kasilof	0.26	Quan, La Lay Woo
133-150-11	Lot 6, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District	Kasilof	0.26	Quan, La Lay Woo

PROPERTIES TO BE SOLD BY OUTCRY AUCTION				
PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
012-141-18	Lot 6, Block 3, ROBINSON GLEN S/D, filed under Plat No. 83-266, Kenai Recording District	Nikiski	1.02	Casseday, Terry J
012-220-09	Lot 7, Block 2, FIELD S/D No. 1, filed under Plat No. K-1529, Kenai Recording District	Nikiski	2.02	Preblich, Evalyn L
012-360-37	Lot 4, Block 3, LAKE HILLS S/D, filed under Plat No. 78-120, Kenai Recording District	Nikiski	1.74	Hodgins, Mark
013-091-19	Lot 1, Block 3, LAKE VILLAGE S/D, filed under Plat No. K-1524, Kenai Recording District	Nikiski	1.57	Hodgins, Mark

PROPERTIES TO BE SOLD BY OUTCRY AUCTION

PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
014-281-15	That portion of Gov't Lot 1 and the NE ¼ SE ¼ lying Northeasterly of the Miller Loop Road ROW, T07N, R12W, SEC 23, Kenai Recording District	Nikiski	7.10	Winters, Della Catherine
015-200-23	Lot 2A, McCAUGHEY TRACT 2, Block 4 S/D, filed under Plat No. 81-133, Kenai Recording District	Nikiski	2.27	Perkins, Winnie
043-130-23	Lot 2, WHITE BIRCH S/D, filed under Plat No. K-1520, Kenai Recording District	Kenai	0.27	Jacob, Ronald
063-370-27	Lot 10A, WHISPERING MEADOWS S/D PART TWO, Resubdivision of Lot 10 Block 1, filed under Plat No. 79-80, Kenai Recording District	Sterling	0.95	Persinger, Pat I & Rosemary
*065-440-43 *065-440-44 *065-440-45	Lots 43, 44, 45 Block 14, GREGORY S/D, Addn No. 6, filed under Plat No. 74-54, Kenai Recording District *to be sold as one parcel	Sterling	0.93 (each lot is 0.31)	Anderson, Skeg
137-271-16	Lot 44, NORTH RIDGE ESTATES S/D, filed under Plat No. 86-133, Kenai Recording District	Kasilof	1.53	Cox, Jeffrey
159-561-13	Lot 6-3, WOLVERINE FLATS S/D, 1985 S/D of Tract 6 & 10, And Survey of Tracts 2, 7, 11, 12, 13, 15 and 16, filed under Plat No. 86-25, Homer Recording District	Ninilchik	2.05	Namenson, David M
159-230-41	Tract 40, HAPPY VALLEY 5 ACRE HOMESITES, filed under Plat No. 62-629, Homer Recording District	Happy Valley	5.0	Hall, Forrest D
159-230-47	Tract 33, HAPPY VALLEY 5 ACRE HOMESITES, filed under Plat No. 62-629, Homer Recording District	Happy Valley	5.0	Johnson, Galen M

PROPERTIES TO BE SOLD BY OUTCRY AUCTION				
PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
159-230-57	Tract 57, HAPPY VALLEY 5 ACRE HOMESITES, filed under Plat No. 62-629, Homer Recording District	Happy Valley	5.0	Hall, Forrest D
159-240-31	Tract 95, HAPPY VALLEY 5 ACRE HOMESITES, filed under Plat No. 62-629, Homer Recording District	Happy Valley	5.0	Ocean View Enterprises Inc
165-360-08	Tract 8, KING ACRES, filed under Plat No. 74-2192, Homer Recording District	Nikolaevsk	9.55	Clay, Walter D & Dylan J
165-360-16	Tract 16, KING ACRES, filed under Plat No. 74-2192, Homer Recording District	Nikolaevsk	10.0	Clay, Walter D & Dylan J
165-360-17	Tract 17, KING ACRES, filed under Plat No. 74-2192, Homer Recording District	Nikolaevsk	9.55	Clay, Walter D & Dylan J
165-400-01	Tract 33, BIRCH HAVEN ESTATES, filed under Plat No. 74-2193, Homer Recording District	Anchor Point	7.97	Taylor, Robert L
165-490-17	Lot 18, CHAKOK EAST UNIT 1, filed under Plat No. 77-73, Homer Recording District	Nikolaevsk	2.68	Mitchell, Thomas & Nadine
165-490-18	Lot 17, CHAKOK EAST UNIT 1, filed under Plat No. 77-73, Homer Recording District	Nikolaevsk	4.58	Mitchell, Thomas & Nadine
169-290-33	Lot 51, SILVER KING CAMP, filed under Plat No. 83-51, Homer Recording District	Anchor Point	0.08	Flagg, Ernest B & Myong Cha
171-010-19	S ½ of the NE ¼, SEC 5, T5S, R14W, Homer Recording District	Anchor Point	80.0	Amberg, Fred Et Al
172-210-17	Lot 10, Block 4, TIMBERLINE S/D, filed under Plat No. 78-17, Homer Recording District	Fritz Creek	1.68	Fica, Thomas C & Jody Ann

PROPERTIES TO BE SOLD BY OUTCRY AUCTION				
PARCEL NO.	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST OWNER OF RECORD
173-641-15	Tract 4, ROBERTSON S/D, filed under Plat No. 77-42, Homer Recording District	Diamond Ridge	9.07	Knox, Kerry & Witt, Robert Jr
185-121-15	Alaska State Land Survey No. 91-13, filed under Plat No. 92-10, Homer Recording District	Fox River	4.96	Bomke, Marshel Lee & Michael P
185-521-05	SE ¼ SE ¼, SEC 15, T2S, R12W, Homer Recording District. Excepting subsurface estate.	Ninilchik	36.10	Johansen, Stanley D
191-340-11	Lot 6, Block 14, BARABARA HEIGHTS S/D, filed under Plat No. 79-6, Seldovia Recording District	Seldovia	3.23	McClure, Ann Marie (Jewell)

SECTION 3. A. Notice of hearing of this ordinance shall be sent by certified mail to the former owners of record of the real properties subject to this ordinance. The notice shall be mailed within five 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. The notice shall include advice to the record owner of the right to repurchase the property.

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 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 listed in Section 2 and designated for outcry auction to be held on October 24, 2009, in the Soldotna High School Auditorium, Soldotna, Alaska, to cause a public notice to be published in a newspaper of general circulation in the Borough not less than 30 days before the date of the sale and posted within that time in at least three public places in the borough.

SECTION 5. That all properties sold pursuant to this ordinance shall be paid for in full by cash at closing, and a ten percent down payment shall be required at the time a purchase agreement is entered. All survey, platting, closing, recording and other costs shall be borne by the purchaser.

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.

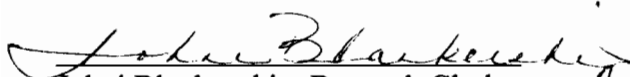
SECTION 7. That the Mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction or as otherwise provided for in this ordinance. 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 its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF AUGUST, 2009.


Milli Martin, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin

No: None

Absent: None