



## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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**DAVID R. CAREY**  
**BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Milli Martin, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:**  David R. Carey, Borough Mayor

**FROM:**  Max J. Best, Planning Director

**DATE:** July 23, 2009

**SUBJECT:** Ordinance 2009-40: Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Retained for a Public Purpose

The Planning Commission reviewed the subject ordinance during their regularly scheduled July 20, 2009 meeting. A motion to recommend enactment of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

**AGENDA ITEM F. PUBLIC HEARINGS**

- 6. Ordinance 2009-40: Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Retained for a Public Purpose

Memorandum reviewed by Marcus Mueller

PC Meeting: 7/20/09

A proposed amendment to the tax foreclosure ordinance 2009-39 would transfer nine substandard lots from the retention list in Section 1 to the sale list in Section 2 and would further authorize those lots to be sold through substandard lot sale procedures. If that amendment is passed it becomes necessary to amend this substandard lot sale ordinance to include those nine parcels and to differentiate them by the terms provided by Ordinance 2009-39, which include provisions for notice, excess proceeds, and setting the minimum bid on the lots to taxes, penalty, interest, and costs as required by statute.

In order to manage these amendments, a substitute ordinance is presented for your consideration.

This substitute would:

- 1) amend the title;
- 2) add a new 5<sup>th</sup> Whereas to provide an explanation of the circumstances for inclusion of the amended Ordinance 2009-39 parcels;
- 3) amend Section 1 to exclude two parcels from Ordinance 2009-39 that were proposed for a public purpose designation but now are not to be retained for public purpose but instead sold pursuant to a new Section 2;
- 4) add a new Section 2 listing the nine parcels from Ordinance 2009-39 and include an estimated minimum bid amount of tax, penalty, interest, and costs due to each parcel;
- 5) renumber the remaining sections;
- 6) amend the renumbered Section 8 to address procedures for unsold parcels from the Ordinance 2009-39 list; and
- 7) add a new Section 10 to reference specific applicable provisions of Ordinance 2009-39 which includes notice to the last owner of record, excess proceeds, and the terms of sale for the 2009-39 parcels.

Consideration of these amendments by substitution is greatly appreciated.

END OF MEMORANDUM

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Gross moved, seconded by Commissioner Isham to recommend enactment of Ordinance 2009-40.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON ABSENT
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN ABSENT	11 YES 2 ABSENT

**AGENDA ITEM F. PUBLIC HEARINGS**

- 7. Ordinance 2009-41: Authorizing the Modification of Deed Restrictions on Two Parcels of Land in Cooper Landing that were Sold to the Cooper Landing Senior Citizen Corporation, Inc. for Senior Housing Purposes