

Introduced by:	Mayor
Substitute Introduced:	08/04/09
O2009-40 (Mayor):	See Original for Prior History
Hearing:	08/04/09
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2009-40  
(MAYOR) SUBSTITUTE**

**AN ORDINANCE AUTHORIZING THE SALE OF SUBSTANDARD-SIZED LOTS  
OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX  
FORECLOSURE PROCEEDINGS AND RETAINED FOR A PUBLIC PURPOSE OR  
AUTHORIZED FOR SALE BY ORDINANCE 2009-39**

**WHEREAS,** substandard-sized lots have been obtained by the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes and retained for public purpose; and

**WHEREAS,** the public purpose of creating lots which more closely conform to the borough's subdivision code is a superior public purpose to retaining vacant substandard-sized lots; and

**WHEREAS,** the public purpose of this ordinance will be promoted and protected by requiring the adjoining owners to replat, creating larger parcels, prior to closing of the sale; and

**WHEREAS,** A.S. 29.45.460(b) specifically anticipates that property once retained may be sold; and

**WHEREAS,** certain tax foreclosed parcels that are substandard in size and meet similar criteria to warrant special substandard lot sale procedures were directed by Ordinance 2009-39 to fall within the sale procedures of this ordinance; however, in doing so these parcels were excluded from retention and have been held for less than ten years; and

**WHEREAS,** the Planning Commission conducted a public hearing at its regularly scheduled meeting of 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 mayor is authorized to sell the following real property at a minimum of the estimated fair market value as established by the 2009 Assessors Tax Roll to eligible buyers, being landowners having property adjoining the real property with the stipulation that the purchaser would be required to combine the

substandard-sized property to be purchased with their property by plat prior to closing the sale:

<b>Parcel No.</b>	<b>Ordinance</b>	<b>Purpose of Retention</b>	<b>Area</b>	<b>Acres</b>	<b>Assessed Value</b>
<b>014-060-24</b>	99-32	Substandard lot	Nikiski	0.31	\$1,100
Last Record Owner: Counsellors Investment Co.					
Lot 12, Block 2, Galen Gray Subdivision, Plat No. KN-899, Kenai Recording District, containing 0.31 acres more or less.					
<b>015-030-19</b>	99-32	Substandard lot	Nikiski	0.28	\$600
Last Record Owner: Boles, Benny & Pamela					
Lot 6, Block 1, Miller Subdivision No. 2, Plat No. K-1527, Kenai Recording District, containing 0.28 acres more or less.					
<b>015-060-19</b>	99-32	Substandard lot	Nikiski	0.44	\$3,400
Last Record Owner: Day & Adams					
Lot 5, Block 1, Forelands Acres Subdivision, Plat No. KN1481, Kenai Recording District, containing 0.44 acres more or less.					
<b>015-070-09</b>	99-32	Substandard lot	Nikiski	0.62	\$4,000
Last Record Owner: Hendrickson, Charmain R.					
Lot 9, Block 1, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.62 acres more or less.					
<b>015-090-19</b>	99-32	Substandard lot	Nikiski	0.30	\$3,400
Last Record Owner: Lewis, Brian G					
Lot 12, Block 3, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.30 acres more or less.					
<b>015-090-20</b>	99-32	Substandard lot	Nikiski	0.30	\$3,400
Last Record Owner: Lewis, Brian G.					
Lot 13, Block 3, Baranoff Terrace Subdivision, Plat No. KN1556, Kenai Recording District, containing 0.30 acres more or less.					
<b>057-092-20</b>	99-32	Substandard lot	Soldotna	0.23	\$7,400
Last Record Owner: Rose, Gary L.					
Lot 22, Rainbow Subdivision, Plat No. K-1453, Kenai Recording District, containing 0.23 acres more or less.					
<b>057-481-02</b>	2004-15	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Christensen, Reynolds L. & Lynn A.					
Lot 61, Hodgson Subdivision, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±					
<b>057-481-03</b>	2004-15	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Christensen, Reynolds L. & Lynn A.					
Lot 60, Hodgson Subdivision, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±					

Parcel No.	Ordinance	Purpose of Retention	Area	Acres	Assessed Value
<b>058-100-10</b>	2004-15	Substandard lot	Soldotna	0.3	\$25,200
Last Record Owner: Waitz, Bud & Dorothy					
Lot 26, Block 2, Mackey Lakes Subdivision Addn. No. 1, Part 2, Plat No. 1759, Kenai Recording District, containing 0.30 acres ±					
<b>063-130-11</b>	99-32	Substandard lot	Soldotna	0.58	\$23,400
Last Record Owner: Reinders, Phillis					
Lot 18, Panoramic Park Subdivision, Plat No. K-1189, Kenai Recording District, containing 0.58 acres more or less.					
<b>135-041-29</b>	99-32	Substandard lot	Caribou Island	0.45	\$2,900
Last Record Owner: Schenker, Richard & Wendy					
Lot 12, Block 7, Caribou Island Subdivision, Plat No. 72-76, Seward Recording District, containing 0.45 acres more or less.					
<b>144-210-42</b>	99-32	Substandard lot	Seward	0.46	\$7,100
Last Record Owner: Velma, Deaver					
Lot 17, Block 7, Camelot by the Sea Subdivision, Plat No. 76, Seward Recording District, containing 0.46 acres more or less.					
<b>157-075-03</b>	91-41	Substandard lot	Ninilchik	0.10	\$5,300
Last Record Owner: Oskolkoff, Simeon S.					
Lot 6 Block 3 Townsite of Ninilchik, Plat No. 65-55, Homer Recording District					

**SECTION 2.** That the mayor is authorized to sell the following real property for an amount not less than the judgment amount for taxes, plus penalties, interest, and other related costs as certified by the finance department, to eligible buyers, being landowners having property adjoining the real property, with the stipulation that the purchaser would be required to combine the substandard-sized property to be purchased with their property by plat prior to closing the sale:

Parcel No.	Ordinance	Purpose of Retention	Area	Acres	Amount of Taxes, Penalties, Interest, and Costs as of date of sale (Projected Amount as of 11/30/2009 shown)
<b>057-481-01</b>	2009-39	N/A	Soldotna	0.17	\$818.98
Last Record Owner: Graham, Bud					
Lot 62, Hodgson Subdivision, filed under Plat No. K-1382, Kenai Recording District: Ridgeway					

<b>Parcel No.</b>	<b>Ordinance</b>	<b>Purpose of Retention</b>	<b>Area</b>	<b>Acres</b>	<b>Amount of Taxes, Penalties, Interest, and Costs as of date of sale (Projected Amount as of 11/30/2009 shown)</b>
<b>057-481-27</b>	2009-39	N/A	Soldotna	0.17	\$894.41
Last Record Owner: Graham, Bud					
Lot 63, Hodgson Subdivision, filed under Plat No. K-1382, Kenai Recording District: Ridgeway					
<b>133-130-15</b>	2009-39	Substandard lot	Kasilof	0.26	\$610.99
Last Record Owner: Quan, La Lay Woo					
Lot 4, Block 7, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District					
<b>133-140-11</b>	2009-39	N/A	Kasilof	0.18	\$707.49
Last Record Owner: Quan, La Lay Woo					
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)					
<b>133-140-12</b>	2009-39	N/A	Kasilof	0.15	\$694.17
Last Record Owner: Quan, La Lay Woo					
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)					
<b>133-140-13</b>	2009-39	N/A	Kasilof	0.15	\$694.17
Last Record Owner: Quan, La Lay Woo					
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)					
<b>133-150-09</b>	2009-39	N/A	Kasilof	0.26	\$603.89
Last Record Owner: Quan, La Lay Woo					
Lot 8, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District					
<b>133-150-10</b>	2009-39	N/A	Kasilof	0.23	\$603.89
Last Record Owner: Quan, La Lay Woo					
Lot 7, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District					
<b>133-150-11</b>	2009-39	N/A	Kasilof	0.23	\$603.89
Last Record Owner: Quan, La Lay Woo					
Lot 6, Block 13, KASILOF TOWNSITE, filed under U.S. Survey 3564, Kenai Recording District					

**SECTION 3.** It is hereby determined that a public need for said real property listed does not exist, provided that the property is combined with another property by plat under KPB Chapter 20 prior to closing each sale.

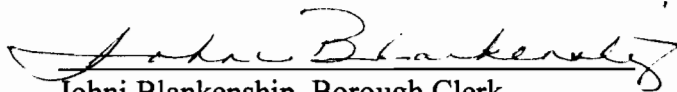
- SECTION 4.** That the sale of the real property shall be by sealed bid to the highest eligible bidder at or above the minimum bid. The date of the bid opening shall be November 30, 2009.
- SECTION 5.** The mayor shall establish a list of eligible bidders, being adjacent landowners, based on tax roll records and other relevant information, and deliver notice of sale to eligible bidders by certified mail at least 60 days in advance of the bid opening. Prospective buyers not on the established list may be added to the list of eligible bidders by presenting evidence to the land management division of ownership of qualifying adjacent property.
- SECTION 6.** That all properties sold pursuant to this ordinance shall be paid for in full by cash at closing; a 10 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 7.** That the borough will execute and deliver to the buyer of any sale parcels listed in Sections 1 and 2 above a quitclaim deed without warranty or representation which will convey any and all interest the borough might have in the real property. 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. The prospective buyers shall also be advised in writing that the borough reserves the right to withdraw any or all of the parcels listed for sale.
- SECTION 8.** That any properties not sold through the sealed bid procedure shall be offered for sale over-the-counter on a first come basis to the eligible bidders referenced in Section 5 of this ordinance at the land management division office in the borough building at 144 Binkley Street in Soldotna at the minimum bid amount. The over-the-counter sale shall expire on January 1, 2011. Any properties listed in Section 1 above not sold shall be returned to the land bank. Any properties listed in Section 2 above not sold shall be considered for retention for public purposes by ordinance.
- SECTION 9.** 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 that have been held for a period of less than ten years in accordance with AS 29.45.460(c) and (d). The notice shall be mailed within five days after 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.
- SECTION 10.** That the sale of parcels listed in Section 2 above are subject to Sections 3, 6, and 7 of Ordinance 2009-39.
- SECTION 11.** The mayor is authorized to sign any documents necessary to effectuate the intents and purposes of this ordinance.

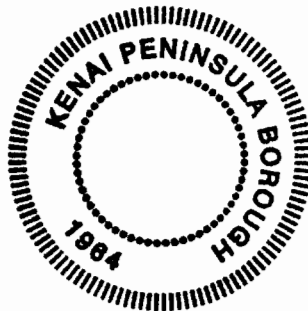
**SECTION 12.** This ordinance shall take effect immediately upon its enactment.

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

  
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Milli Martin, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk



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

No: None

Absent: None