

Introduced by: Mayor
 Date: 07/07/09
 Hearing: 08/04/09
 Action: Amended by Substitute
 Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
 ORDINANCE 2009-40**

**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**

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, the Planning Commission conducted a public hearing at its regularly scheduled meeting of July 20, 2009 and recommended _____.

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:

Parcel No.	Ordinance	Purpose of Retention	Area	Acres	Assessed Value
014-060-24	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.					

Parcel No.	Ordinance	Purpose of Retention	Area	Acres	Assessed Value
015-030-19	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.					
015-060-19	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.					
015-070-09	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.					
015-090-19	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.					
015-090-20	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.					
057-092-20	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.					
057-481-01	2009-39	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Graham, Bud					
Lot 62, Hodgson Subdivision, filed under Plat No. K-1382, Kenai Recording District: Ridgeway					
057-481-02	2004-15	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Reynolds, L. & Lynn A.					
Lot 61, Hodgson Subdivision, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±					

Parcel No.	Ordinance	Purpose of Retention	Area	Acres	Assessed Value
057-481-03	2004-15	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Reynolds, L. & Lynn A.					
Lot 60, Hodgson Subdivision, Plat No. 1382, Kenai Recording District, containing 0.17 acres ±					
057-481-27	2009-39	Substandard lot	Soldotna	0.17	\$6,400
Last Record Owner: Graham, Bud					
Lot 63, Hodgson Subdivision, filed under Plat No. K-1382, Kenai Recording District: Ridgeway					
058-100-10	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 ±					
063-130-11	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.					
135-041-29	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.					
144-210-42	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.					
157-075-03	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. 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 3. 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 4. 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 5. 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 6. That the borough will execute and deliver to the buyer of any sale parcels 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 7. 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 4 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, and any properties not sold shall be returned to the land bank.

SECTION 8. 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 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.

SECTION 9. The mayor is authorized to sign any documents necessary to effectuate the intents and purposes of this ordinance.

SECTION 10. This ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2009.**

Milli Martin, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent: