

Introduced by:	Mayor
Date:	06/05/12
Hearing:	07/03/12
Action:	Enacted as Amended
Vote:	7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2012-23**

**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, cities, and the Kenai Peninsula Borough Planning Commission; and

**WHEREAS,** the administration recommends certain parcels be retained for the public purpose noted; and

**WHEREAS,** notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real properties which are subject to this ordinance; and

**WHEREAS,** the notice was mailed within five (5) days of the first publication of the hearing on this ordinance and is sufficient if mailed to the last record real property owner as the name appears on the borough assessment records; and

**WHEREAS,** Parcel 012-220-09 was acquired by Clerk's Deed in 2004 and has been included in three foreclosure sales without being sold and the accrued taxes, penalties, and interest now exceed the assessed value of the parcel; and

**WHEREAS,** the best interest of the borough would be served by allowing Parcel 012-220-09 to be sold for less than the full amount owed to return it to private ownership and place it on the tax rolls again; and

**WHEREAS,** the Planning Commission conducted a public hearing on June 11, 2012 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 as shown in Exhibit A is approved, accepted and hereby designated as foreclosed parcels retained for public purpose with a recommended applicable classification, pursuant to KPB 5.12.310.
- SECTION 2.** It is hereby determined that a public need for the real properties listed in Exhibit B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction.
- SECTION 3.** That except as provided below in Section 7 for Parcel 012-220-09, 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. 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 4.** 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 Director of Finance 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 Mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 13, 2012, in the Soldotna High School Auditorium, 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 and posted within that time in at least three public places in the borough.
- SECTION 6.** That the Mayor 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 authorized to offer Parcel 012-220-09, as shown on Exhibit B, for sale at a minimum bid of \$5,500. In the event that said property sells for less than the full amount of taxes, penalties, interest and other related costs due to the property on the date of sale, the Mayor is authorized to carry out such financial procedures that are necessary and prudent to dispose of any account shortfall or liability specific to said parcel.

**SECTION 8.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JULY, 2012.**

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Gary Knopp, Assembly President

ATTEST:

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Johni Blankenship, Borough Clerk

Yes: Haggerty , McClure, Murphy, Pierce, Smalley, Smith, Knopp  
No: None  
Absent: Johnson, Tauriainen

**EXHIBIT A**  
**PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE**

<b>Parcel</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>	<b>Reason for Retention</b>	<b>Recommended Applicable Classification</b>
01316213	Lake and Reserved Use Area, Georgine Lake Subdivision Add'n No. 1, as shown on Plat No. 75-81, Kenai Recording District	Nikiski	6.87	Steib Georgine	Plat note #2 was intended to reserve all open space area for lot owners. This parcel provides access to a water body leading to a larger lake (Bear Lake) for recreational purposes.	Government
03903404	Lot 4, Block 4, Black Gold Estates Subdivision Amended, as shown on Plat No. 1399, Kenai Recording District	Kenai	0.17	Gonzalez Ismael	Less than 40,000 s.f.	Government
03903424	Lot 24, Block 4, Black Gold Estates Subdivision Amended, as shown on Plat No. 1399, Kenai Recording District	Kenai	0.17	Dahl Homes Inc	Less than 40,000 s.f.	Government
03903425	Lot 25, Block 4, Black Gold Estates Subdivision Amended, as shown on Plat No. 1399, Kenai Recording District	Kenai	0.17	Dahl Homes Inc	Less than 40,000 s.f.	Government
03903426	Lot 26, Block 4, Black Gold Estates Subdivision Amended, as shown on Plat No. 1399, Kenai Recording District	Kenai	0.17	Dahl Homes Inc	Less than 40,000 s.f.	Government
03910330	Lot 14, Block 11, Replat of Mommsens Subdivision Addition No. 1 & 2, Addition No. 2, as shown on Plat No. 1355, Kenai Recording District.	Kenai	0.34	Johnson J C & Blanche	Less than 40,000 s.f.	Government

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03913116	Lot 2, Block 3, Replat of Mommsens Subdivision Addition No. 1 & 2, Addition No. 2, as shown on Plat No. 1355, Kenai Recording District.	Kenai	0.26	Barnell Joel O & Corrine A, Thompson Harold D & Carol H, Snyder Ken D & Charlotta A	Less than 40,000 s.f.	Government
04916071	That portion of Government Lot 3, Section 4, T5N, R11W, S.M., Alaska lying east of Lot 3, Bailey Estates Amended as shown on Plat No. 97-33, Kenai Recording District, and west of Inlet View Subdivision as shown on Plat No. 1434, Kenai Recording District and lying north of Inlet View Subdivision First Revision as shown on Plat No. 1515, Kenai Recording District	Kenai	0.33	McKeever T A & Springer E D	Less than 40,000 s.f.	Government
05753015	Lot 1, Block 2-A, Irons Subdivision Block 2-A, and a Portion of Block 3-A, Amended, as shown on Plat No. 75-4, Kenai Recording District	Ridgeway	0.34	Waln Paul D & Sheryl E	Less than 40,000 s.f.	Government
13132031	Lot 13, Journeys End Subdivision No. 4, as shown on Plat No. 76-24, Kenai Recording District	Kalifornsky	0.90	Henry Delbert Leroy & Norma Louise	Less than 40,000 s.f.	Government
13132032	Lot 37, Journeys End Subdivision No. 4, as shown on Plat No. 76-24, Kenai Recording District	Kalifornsky	0.90	Henry Delbert Leroy & Norma Louise	Less than 40,000 s.f.	Government
13315009	Lot 8, Block 13, U.S. Survey 3564 Townsite of Kasilof, as shown on Plat No. 3564, Kenai Recording District	Kasilof	0.26	Quan La Lay Woo	Less than 40,000 s.f.	Government

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13315010	Lot 7, Block 13, U.S. Survey 3564 Townsite of Kasilof, as shown on Plat No. 3564, Kenai Recording District	Kasilof	0.26	Quan La Lay Woo	Less than 40,000 s.f.	Government
13315011	Lot 6, Block 13, U.S. Survey 3564 Townsite of Kasilof, as shown on Plat No. 3564, Kenai Recording District	Kasilof	0.26	Quan La Lay Woo	Less than 40,000 s.f.	Government
15912018	Tract 32, Happy Creek Homesites Subdivision, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Tagala Florence E & Esequel M	Wetland	Preservation
16539032	Tract 32, Birch Haven Estates Subdivision, as shown on Plat No. 74-2193, Homer Recording District	Anchor Point	7.97	Sellers Richard V	Wetland	Preservation
16540001	Tract 33, Birch Haven Estates Subdivision, as shown on Plat No. 74-2193, Homer Recording District	Anchor Point	7.97	Taylor Robert L	Wetland	Preservation
16929232	Lot 32, Silver King Camp Unit III, as shown on Plat No. 85-45, Homer Recording District	Anchor Point	0.07	Flagg Earnest	Less than 40,000 s.f.	Government
18921307	Lot 7, Block 3, Martin Subdivision No. 1, as shown on Plat No. 30, Seward Recording District	Lowell Point	0.32	Brown Nathaniel	Less than 40,000 s.f.	Government

**EXHIBIT B**  
**PROPERTIES TO BE SOLD BY OUTCRY AUCTION**

<b>Parcel</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
01205039	Lot 15, Block 6, Aurora Heights Sub Blocks 5, 6, 7, 8, 12, 13, and 14, as shown on Plat No. 1510, Kenai Recording District	Nikiski	0.17	Betz David Alexander
01210019	Lot 1, Block 4, Nikishka Subdivision No. 5, as shown on Plat No. 1437, Kenai Recording District	Nikiski	1.17	Smith Thomas & Riley Marvin
01213132	Lot 2, Wik Bluff Subdivision, as shown on Plat No. 82-54, Kenai Recording District	Nikiski	4.51	Andrews Johnney C
01222009	Lot 7, Block 2, Field Subdivision No 1, as shown on Plat No. 529, Kenai Recording District	Nikiski	2.02	Preblich Evalyn L
01314118	Lot 3, Block 2, Agate Beach Subdivision Amended, as shown on Plat No. 84-202, Kenai Recording District	Nikiski	1.01	Laplante Glenn & Melissa
01321430	Lot 7, Block 5, Don's Place Subdivision Amended, as shown on Plat No. 83-44, Kenai Recording District	Nikiski	0.92	Andrews Johnney C
01321547	Lot 7, Block 7, Don's Place Subdivision Amended, as shown on Plat No. 83-44, Kenai Recording District	Nikiski	0.92	Andrews Johnney C
01360008	Lot 1, Block 1, Snowland Estates, Subdivision Part 2, as shown on Plat No. 81-94, Kenai Recording District	Nikiski	0.96	Voss Robert J
01431022	Lot 9, Block 4, Miller's Hide-Away Subdivision Amended, as shown on Plat No. 2003-1, Kenai Recording District	Nikiski	2.23	Gonzalez Ismael
01517302	Lot 2, Far West Subdivision, as shown on Plat No. 80-106, Kenai Recording District	Nikiski	1.91	Aguirre Jay S
01524066	Tract F-3, Northwood Acres Subdivision Arctic Storm Addition, as shown on Plat No. 2002-92, Kenai Recording District	Nikiski	1.05	Szwed Ethan A
01714012	Government Lot 31, Section 14, T6N, R12W, S.M., Alaska	Salamatof	2.00	Herring Edward Barnes & Cooke William
01726037	E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 14, T6N, R12W, S.M., Alaska	Salamatof	20.00	Neve James K, Danny, Adam

<b>Parcel</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
01732807	Tract 34, Konovalof Lake Subdivision Amended, as shown on Plat No. 86-203, Kenai Recording District	Nikiski	36.94	Sacaloff Paul
04307003	That portion of Government Lot 57 beginning at the southwest corner of said lot, thence north 128 feet, thence east 320 feet, thence south 128 feet, thence west 320 feet to the point of beginning, Section 31, T6N, R11W, S.M., Alaska	Kenai	0.97	Neve James K, Danny, Adam
05522116	Lot 9, Block 2, Kenai River Bridge Subdivision Amended, as shown on Plat No. 75-28, Kenai Recording District	Kalifornsky	2.85	Hill James R & Erline
05542101	Lot 1, J & P Subdivision, as shown on Plat No. 82-96, Kenai Recording District	Kalifornsky	1.48	Gibbs James E & Patricia
06301701	Lot 1, Block 2, Sterling Crystal Estates Subdivision, as shown on Plat No. 86-40, Kenai Recording District	Sterling	1.03	Markwith Paul C
06301725	Lot 7, Block 3, Sterling Crystal Estates Subdivision, as shown on Plat No. 86-40, Kenai Recording District	Sterling	1.01	Nebraska T California
06301726	Lot 9, Block 3, Sterling Crystal Estates Subdivision, as shown on Plat No. 86-40, Kenai Recording District	Sterling	0.95	Nebraska T California
06301733	Lot 8, Block 3, Sterling Crystal Estates Subdivision, as shown on Plat No. 86-40, Kenai Recording District	Sterling	0.92	Kahn Edwin
06301804	Lot 4, Block 1, Inglebrook Subdivision, as shown on Plat No. 86-50, Kenai Recording District	Sterling	0.93	Matthews Del
06301805	Lot 5, Block 1, Inglebrook Subdivision, as shown on Plat No. 86-50, Kenai Recording District	Sterling	1.18	Matthews Del
06301807	Lot 7, Block 1, Inglebrook Subdivision, as shown on Plat No. 86-50, Kenai Recording District	Sterling	0.92	Matthews Del
06301808	Lot 8, Block 1, Inglebrook Subdivision, as shown on Plat No. 86-50, Kenai Recording District	Sterling	0.92	Matthews Del



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06370003	Lot 2, Block 2, Sprucewood Terrace Subdivision, as shown on Plat No. 79-19, Kenai Recording District	Sterling	1.53	Passe Bruce E
06388013	Lot 15, Block Two, Naff Subdivision Part Two, as shown on Plat No. 84-275, Kenai Recording District	Sterling	0.93	Daiker Gary
06644358	Lot 8A, Block C, Lupine Subdivision No. 2, as shown on Plat No. 84-296, Kenai Recording District	Funny River	1.08	Hill Mike S & Angela E
13353063	Tract 5, Tri Estates Sub 1986 Addition, as shown on Plat No. 86-64, Kenai Recording District	Cohoe	4.03	Wardas John
13725051	Tract D3, Cohoe Industrial Park Subdivision Butler Addition, as shown on Plat No. 86-220, Kenai Recording District	Cohoe	1.06	Perpetuality Inc
13725052	Tract D2, Cohoe Industrial Park Sub Butler Addition, as shown on Plat No. 86-220, Kenai Recording District	Cohoe	1.06	Perpetuality Inc
13725053	Tract D1, Cohoe Industrial Park Sub Butler Addition, as shown on Plat No. 86-220, Kenai Recording District	Cohoe	5.50	Perpetuality Inc
13727148	Lot 23, North Ridge Estates Subdivision as shown on Plat No. 86-133, Kenai Recording District	Cohoe	1.02	Mackey Jason & Lisa L
13918002	Lot 4, Block 1, Clammers Haven Subdivision Addition No 2, as shown on Plat No. 78-26, Homer Recording District	Clam Gulch	4.54	Andrews Richard B & Klug Daniel J
15706218	N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, T1S, R14W, S.M., Alaska	Ninilchik	1.25	German William A
15912013	Tract 4, Happy Creek Homesites Subdivision, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Low Beatrice A
15912014	Tract 3, Happy Creek Homesites Subdivision, as shown on Plat No. 62-711, Homer Recording District	Happy Valley	5.00	Low Beatrice A
15931006	Parcel 2-D, J. Booth Recreational Subdivision Plat of Parcels A-1, A-2, B-1, B-2, C-1, D-1, & D-2, as shown on Plat No. 75-49, Homer Recording District	Happy Valley	2.13	Smith William D Estate of

<b>Parcel</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
15946010	Lot 4, Block 3, Sportsmans Glen Subdivision Unit 2, as shown on Plat No. 81-49, Homer Recording District	Happy Valley	5.21	Crego Frank Erwin & Weeks Wayne
16525037	Lot 14, Block 3, Williams North Fork Subdivision 1976 Addition, as shown on Plat No. 76-86, Homer Recording District	Anchor Point	1.09	Walters Tracy & Tomberlin Joey
16908311	Lot 11, Block 1, Anchor Estates Subdivision No 2, as shown on Plat No. 83-77, Homer Recording District	Anchor Point	1.05	Arrington Timothy
17102420	Lot 2, Sterling Acres Sub Unit 1, as shown on Plat No. 86-70, Homer Recording District	Anchor Point	2.03	Allen Christopher M
17102421	Lot 3, Sterling Acres Unit 1 Subdivision, as shown on Plat No. 86-70, Homer Recording District	Anchor Point	3.85	Allen Christopher M
17363001	Lot 1, Block 6, Diamond Cape Unit 2 Subdivision, as shown on Plat No. 77-79, Homer Recording District	Diamond Ridge	1.56	Ransom Anita E & Warnick Forrest James
19139005	Lot 20, Block 19, Barabara Heights Subdivision, as shown on Plat No. 79-6, Seldovia Recording District	Seldovia	3.14	Moonin Tianna Lee