

Introduced by: Borough Manager  
Requested By: Lands Committee  
Drafted by: Resource Management Officer  
Introduced on: 05/04/2017  
Public Hearing Date: 05/18/2017  
Postponed to: 08/17/2017  
Adopted on:08/17/2017

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2017-30**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING SECTIONS OF KODIAK ISLAND BOROUGH CODE TITLE 18 BOROUGH REAL PROPERTY, CHAPTER 18.20 REAL PROPERTY DISPOSAL – IN GENERAL, TO ADDRESS CERTAIN PAYMENT AND NOTICE REQUIREMENTS**

**WHEREAS**, the Kodiak Island Borough Lands Committee has reviewed KIBC Title 18 with the intent to improve the land sale notice and sale process; and

**WHEREAS**, the Borough Lands Committee has discussed the potential language changes recommended below as amendments to the Kodiak Island Borough Code of Ordinances over the course of several meetings in September through December of 2016; and

**WHEREAS**, the Borough Lands Committee has also reviewed KIBC Chapter 18.30 and has recommended specific language changes to ensure that both KIBC Chapters 18.20 and 18.30 are consistent; and

**WHEREAS**, the Borough Lands Committee has concluded its review and editing of proposed changes to KIBC Title 18 and hereby recommends the following amendments to the Kodiak Island Borough Code of Ordinances; and

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

**Section 1:** This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

**Section 2:** That KIBC Chapter 18.20 is hereby amended by amending section 18.20.080 to read:

**18.20.080 Deposit costs and Payment.**

A. The applicant may be required, upon 30 days' written notice, to deposit with the borough an amount equal to the estimated costs of processing an application for the disposal of borough land, including but not limited to costs of survey, appraisal, and advertising of the area subject to the application. If the applicant fails to make the deposit, the application shall be canceled. If the applicant does not accept a disposal contract within 30 days after receiving an offer thereof, all deposit money spent or encumbered for survey, appraisal, or advertising shall be forfeited, and the balance, if any, shall be returned to the applicant. If the real property that is the subject of a cost deposit is conveyed to another, the latter shall be required to pay the actual costs of application processing, survey, appraisal, and advertising, and the original deposit shall be returned to the

49 depositor. Where the applicant becomes the purchaser, the full amount of any deposit by the  
50 applicant shall be credited to payments due under the contract. All survey, appraisal, and  
51 advertising shall be performed only under the authorization of the borough, and any such work  
52 performed without such authorization will not be accepted.  
53

54 B. The manager may establish an application processing fee schedule for applications having  
55 similar circumstances.  
56

57 C. At the time of sale or auction, the purchaser shall pay to the borough not less than 10  
58 percent of the minimum appraised value established for the sale parcel. The difference  
59 between the 10 percent minimum appraised value and 10 percent of the total price bid for  
60 the parcel shall be paid to the borough at the time the purchase contract is executed. The  
61 balance of the purchase price shall be paid, and its payment secured, in accordance with  
62 the terms of the sale approved by the assembly.  
63

64 **Section 3:** That section 18.20.090 of the Kodiak Island Borough Code of Ordinances is hereby  
65 amended to read as follows:  
66

67 **18.20.140 Public notice.**

68 Notice of disposal of borough land by competitive bidding or proposals, or at public auction,  
69 shall, at a minimum, be published in a newspaper of general circulation within the borough once  
70 each week for two successive weeks, not less than 20 days prior to the date of the auction or  
71 opening of bids or proposals, and shall be posted in at least three public places within the  
72 borough, one of which shall be in the community nearest to the subject borough land, for at  
73 least 30 days prior to the disposal. Additional notice may be given by any means determined to  
74 be reasonable by the manager or the assembly. The notice must contain a brief description of  
75 the land, its size and general location, the proposed use, term, minimum offer, limitations, and  
76 special considerations, if any, and time and place set for the auction or bid opening. The land  
77 status file of the parcel will be available to the public upon request. All prospective  
78 parties are strongly urged to personally examine the parcel prior to the sale. There is no  
79 representation or warranty concerning the condition of the property, the presence or  
80 absence of any environmental pollution, or the suitability of the property for any  
81 particular use.  
82

83 **Effective Date:** This ordinance takes effect upon adoption.  
84

85 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
86 **THIS SEVENTEENTH DAY OF AUGUST, 2017.**  
87

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:



Nova M. Javier, MMC, Clerk

88 **VOTES:**

89 Ayes: Crow, LeDoux, Skinner, Symmons, Townsend, Vandaele

90 Absent: Smiley  
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