

Introduced by: Finance Director  
Drafted by: Finance Director  
Introduced on: 02/20/2020  
Public Hearing Date: 03/05/2020  
Adopted on: 03/05/2020

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2020-14**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY AND ESTABLISHING INTENTION TO SURPLUS AND SELL SAID PROPERTY BY FINDING THAT A PUBLIC NEED DOES NOT EXIST FOR THE PROPERTY AND AUTHORIZING THE PROPERTY FOR IMMEDIATE DISPOSAL (P&Z Case 20-003) PLANNING AND ZONING RESOLUTION NO. FY2020-04.**

**WHEREAS,** the Kodiak Island Borough has acquired property described as the Fractional W ½ E ½ NE ¼ SE ¼ SE ¼; W ½ NE ¼ SE ¼ SE ¼ and Fractional NW ¼ SE ¼ SE ¼ of Protracted Section 14, T31S R29W Seward Meridian; TL 1404 AMOOK ISLAND and property described as the SE ¼ NE ¼ SE ¼ Within Section 30, T30S, R29W Seward Meridian, LARSEN BAY as a result of the tax foreclosure procedure; and

**WHEREAS,** AS 29.45.460 Disposition and sale of foreclosed property states in part:

(a) The municipality shall determine by ordinance whether foreclosed property deeded to the municipality shall be retained for a public purpose. The ordinance must contain the legal description of the property, the address or a general description of the property sufficient to provide the public with notice of its location, and the name of the last record owner of the property as the name appears on the assessment rolls.

(b) Tax-foreclosed property conveyed to a municipality by tax foreclosure and not required for a public purpose may be sold. Before the sale of tax-foreclosed property held for a public purpose, the municipality, by ordinance, shall determine that a public need does not exist. The ordinance must contain the information required under (a) of this section.; and

**WHEREAS,** the Kodiak Island Borough Planning and Zoning Commission has reviewed these tax foreclosed property as required by KIBC 18.10.030 and has made a formal recommendation by resolution no. FY2020-04 on the parcels disposition by recommending that this property should NOT be retained for a public purpose; and

**WHEREAS,** the Kodiak Island Borough Manager has appointed the Finance Director to oversee land sale with the vacant resource manager position: and

45 **WHEREAS**, the Kodiak Island Borough Finance Director has reviewed the Commission's  
46 action, as required by KIBC 18.10.030; and

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48 **WHEREAS**, the Kodiak Island Borough Finance Director has recommended the tax-foreclosed  
49 properties described as the Fractional W ½ E ½ NE ¼ SE ¼ SE ¼; W ½ NE ¼ SE ¼ SE ¼ and  
50 Fractional NW ¼ SE ¼ SE ¼ of Protracted Section 14, T31S R29W Seward Meridian; TL 1404  
51 AMOOK ISLAND and property described as the SE ¼ NE ¼ SE ¼ Within Section 30, T30S, R29W  
52 Seward Meridian, LARSEN BAY are declared not to be of "public need" and be offered for  
53 immediate sale; and

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55 **WHEREAS**, more than ten (10) years have elapsed since the expiration of the redemption  
56 period for redemption of these two parcels, thus relieving the Borough of the requirement for the  
57 Clerk to send a notice of the public hearing to the last known address of the former record owner  
58 within five days of the first publication of notice of the hearing on this ordinance.

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

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63 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the  
64 Kodiak Island Borough Code of Ordinances.

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66 **Section 2:** That parcel identified by Kodiak Island Borough parcel number 18386, located at the  
67 Fractional W ½ E ½ NE ¼ SE ¼ SE ¼; W ½ NE ¼ SE ¼ SE ¼ and Fractional NW ¼ SE ¼ SE  
68 ¼ of Protracted Section 14, T31S R29W Seward Meridian; TL 1404 AMOOK ISLAND and  
69 formerly owned by the Estate of Willie Norell has been acquired by the Kodiak Island Borough by  
70 clerk's deed dated June 22, 2009, recorded as Document 2009-001136-0 in the Kodiak Recording  
71 District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been  
72 determined that a public need does not exist to retain this property for Borough purposes, and the  
73 property will be sold at the earliest opportunity to do so.

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75 **Section 3:** That parcel identified by Kodiak Island Borough parcel number 18205, located at the  
76 SE ¼ NE ¼ SE ¼ Within Section 30, T30S, R29W Seward Meridian, LARSEN BAY and formerly  
77 owned by Dorothy Beeching has been acquired by the Kodiak Island Borough by clerk's deed  
78 dated June 22, 2009, recorded as Document 2009-001136-0 in the Kodiak Recording District,  
79 State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been determined  
80 that a public need does not exist to retain this property for Borough purposes, and the property  
81 will be sold at the earliest opportunity to do so.

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83 **Section 4:** The finance director is directed to offer the property immediately by sealed bid auction  
84 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is  
85 accepted.

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87 **Section 5:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit  
88 based on the minimum bid amount shown in the bid packet. The remaining balance must be paid  
89 within thirty (30) days.

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**Section 6:** If the property remains unsold after being offered for sale by sealed bid, the property may be listed online for sale to any approved party for at least the minimum cost. Any parcel sold by this method will be considered sold when the Borough accepts an offer for the property.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS FIFTH DAY OF MARCH, 2020.**

KODIAK ISLAND BOROUGH

ATTEST:

  
Mayor William Roberts

  
Tara Welinsky, Clerk

**VOTES:**

Ayes: Dvorak, Kavanaugh, Schroeder, Turner  
Noes:  
Absent: Arndt, Skinner, Symmons