

Introduced by: Finance Director
Drafted by: Finance Director
Introduced on: 07/16/2020
Public Hearing Date: 08/06/2020
Adopted on: 08/06/2020

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2021-03**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN 2013 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 acquired, by clerk's deed in 2013, property located at Shuyak Island, Kodiak, AK described as: **Hardy Hofstad, Etal (Hardy Hofstad / Ragnor Dahl / Charles Sword) PID 17239** LEGAL DESCRIPTION: UNITED STATES SURVEY NUMBER 1699, according to the official Plat thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska, 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 this tax foreclosed property as required by KIBC 18.10.030 and has made a formal recommendation

36 by resolution no. FY2020-04 on the parcel's disposition by recommending that this property
37 should NOT be retained for a public purpose; and

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

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

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45 **WHEREAS**, the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
46 properties described as UNITED STATES SURVEY NUMBER 1699, according to the official Plat
47 thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska is declared
48 not to be of "public need" and be offered for immediate sale; and

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50 **WHEREAS**, less than ten (10) years have elapsed since the expiration of the redemption period
51 of this parcel, thus the Borough is required to send a notice of the public hearing to the last known
52 address of the former record owner within five days of the first publication of notice of the hearing
53 on this ordinance.

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

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

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61 **Section 2:** That the parcel located Shuyak Island, Kodiak, AK and identified by number 17239;
62 Legal Description: UNITED STATES SURVEY NUMBER 1699, according to the official Plat
63 thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska and
64 formerly owned by Hardy Hofstad, Etal (Hardy Hofstad / Ragnor Dahl / Charles Sword) has been
65 acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for
66 the year 2010 dated January 31, 2013, recorded as Document 2013-000336-0 in the Kodiak
67 Recording District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has
68 been determined that a public need does not exist to retain this property for Borough purposes,
69 and the property will be sold at the earliest opportunity to do so.

71 **Section 3:** The finance director is directed to offer the property immediately by sealed bid auction
72 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is
73 accepted.

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75 **Section 4:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit
76 based on the minimum bid amount shown in the bid packet. The remaining balance must be paid
77 within thirty (30) days. The Assembly may, by resolution, provide for additional sale procedures
78 and terms.

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80 **Section 5:** If the property remains unsold after being offered for sale by sealed bid, the property
81 may be listed online for sale to any approved party for at least the minimum cost. Any parcel sold
82 by this method will be considered sold when the Borough accepts an offer for the property.

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84 **Section 6:** This ordinance shall become effective as provided in KIBC 1.10.040.

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86 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
87 **THIS SIXTH DAY OF AUGUST, 2020.**

88

89 KODIAK ISLAND BOROUGH

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93 Mayor William Roberts

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ATTEST:

95

VOTES:

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Ayes: Arndt, Dvorak, Kavanaugh, Schroeder, and Skinner

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Noes:


Alise L. Rice, Borough Clerk

