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

by resolution no. FY2020-04 on the parcel's disposition by recommending that this property 36 37 should NOT be retained for a public purpose; and 38 WHEREAS, the Kodiak Island Borough Manager has appointed the Finance Director to oversee 39 40 land sale with the vacant resource manager position: and 41 42 WHEREAS, the Kodiak Island Borough Finance Director has reviewed the Commission's 43 action, as required by KIBC 18.10.030; and 44 WHEREAS, the Kodiak Island Borough Finance Director has recommended the tax-foreclosed 45 properties described as UNITED STATES SURVEY NUMBER 1699, according to the official Plat 46 47 thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska is declared not to be of "public need" and be offered for immediate sale; and 48 49 WHEREAS, less than ten (10) years have elapsed since the expiration of the redemption period 50 of this parcel, thus the Borough is required to send a notice of the public hearing to the last known 51 52 address of the former record owner within five days of the first publication of notice of the hearing 53 on this ordinance. 54 NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND 55 56 **BOROUGH THAT:** 57 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. 60 Section 2: That the parcel located Shuyak Island, Kodiak, AK and identified by number 17239; 61 Legal Description: UNITED STATES SURVEY NUMBER 1699, according to the official Plat 62 63 thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska and formerly owned by Hardy Hofstad, Etal (Hardy Hofstad / Ragnor Dahl / Charles Sword) has been 64 acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for 65 the year 2010 dated January 31, 2013, recorded as Document 2013-000336-0 in the Kodiak 66 67 Recording District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been determined that a public need does not exist to retain this property for Borough purposes, 68 69 and the property will be sold at the earliest opportunity to do so. 70

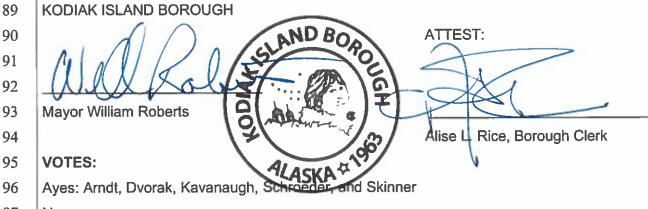
Section 3: The finance director is directed to offer the property immediately by sealed bid auction
and the highest bidder will take ownership. The parcel shall be considered sold when the bid is
accepted.

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

Section 5: 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.

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

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



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