

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. FY2021-04**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN 2014 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 2014 as a result of tax foreclosure procedures, property described as:

A parcel located at Sunny Cove Spruce Island, Kodiak, AK, formerly owned by **Marjorie Anderson** which is identified as KIB Parcel **PID 17166**, and by its LEGAL DESCRIPTION: LOT THIRTY-SIX (36) SUNNY COVE SUBDIVISION, according to Plat No. 81-2, located in the Kodiak Recording District, Third Judicial District, State of Alaska, as a result of the tax foreclosure procedure; and

A parcel located at Elderberry Street Old Harbor, AK, formerly owned by **Alfred Hansen, Jr.** which is identified as KIB Parcel **PID 19779**, and by its LEGAL DESCRIPTION: LOT SEVEN (7) BLOCK NINE (9) TRACT E OLD HARBOR TOWNSITE USS 4793, according to Plat No. 84-53, 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 should NOT be retained for a public purpose; and

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

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

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53 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed  
54 properties described as LOT THIRTY-SIX (36) SUNNY COVE SUBDIVISION, according to Plat  
55 No. 81-2, located in the Kodiak Recording District, Third Judicial District, State of Alaska, LOT  
56 SEVEN (7) BLOCK NINE (9) TRACT E OLD HARBOR TOWNSITE USS 4793, according to Plat  
57 No. 84-53, located in the Kodiak Recording District, Third Judicial District, State of Alaska are  
58 declared not to be of "public need" and be offered for immediate sale; and

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60 **WHEREAS,** less than ten (10) years have elapsed since the expiration of the redemption period  
61 of these parcels, thus the Borough is required to send a notice of the public hearing to the last  
62 known address of the former record owner within five days of the first publication of notice of the  
63 hearing on this ordinance.

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

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

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71 **Section 2:** That the parcel located at Sunny Cove Spruce Island, Kodiak, AK, and identified by  
72 number 17166; Legal Description: LOT THIRTY-SIX (36) SUNNY COVE SUBDIVISION,  
73 according to Plat No. 81-2, located in the Kodiak Recording District, Third Judicial District, State  
74 of Alaska and formerly owned by Marjorie Anderson has been acquired by the Kodiak Island  
75 Borough by clerk's deed for delinquent property tax accounts for the year 2012 dated October 29,  
76 2014, recorded as Document 2014-001709-0 in the Kodiak Recording District, State of Alaska,  
77 Third Judicial District, pursuant to tax foreclosure, and it has been determined that a public need  
78 does not exist to retain this property for Borough purposes, and the property will be sold at the  
79 earliest opportunity to do so.

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81 **Section 3:** That the parcel located at Elderberry Street Old Harbor, AK, and identified by number  
82 19779; Legal Description: LOT SEVEN (7) BLOCK NINE (9) TRACT E OLD HARBOR  
83 TOWNSITE USS 4793, according to Plat No. 84-53, located in the Kodiak Recording District,  
84 Third Judicial District, State of Alaska and formerly owned by Alfred Hansen Jr. has been acquired  
85 by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for the year  
86 2012 dated October 29, 2014, recorded as Document 2014-001709-0 in the Kodiak Recording  
87 District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been  
88 determined that a public need does not exist to retain this property for Borough purposes, and the  
89 property will be sold at the earliest opportunity to do so.

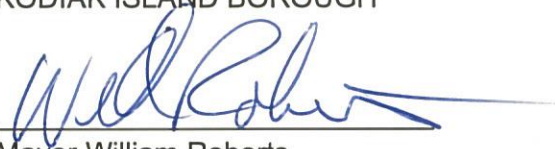
91 **Section 4:** The finance director is directed to offer the property immediately by sealed bid auction  
92 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is  
93 accepted.


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95 **Section 5:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit  
96 based on the minimum bid amount shown in the bid packet. The remaining balance must be paid  
97 within thirty (30) days. The Assembly may, by resolution, provide for additional sale procedures  
98 and terms.

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

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104 **Section 7:** This ordinance shall become effective as provided in KIBC 1.10.040.

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

109  
110 KODIAK ISLAND BOROUGH  
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114 Mayor William Roberts

ATTEST:  
  
Alise L. Rice, Borough Clerk

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116 **VOTES:**  
117 Ayes: Kavanaugh, Schroeder, Skinner, Arndt and Dvorak  
118 Noes:

