

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. FY2021-05**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN 2017 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 2017 as a result of tax foreclosure procedures, property described as:

A parcel located at Sunny Cove Spruce Island, Kodiak, AK, formerly owned by **Edwina Mae Anderson** which is identified as **KIB Parcel PID 17159**, and by its LEGAL DESCRIPTION: LOT TWENTY-NINE (29) SUNNY COVE SUBDIVISION, a portion of UNITED STATES SURVEY NO 1671, 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 547 Carrol Way, Kodiak, AK, formerly owned by **Charles F. Lorenson**. which is identified as **KIB Parcel PID 22636**, and by its LEGAL DESCRIPTION: LOT ELEVEN "A" (11A), BLOCK THREE (3), UNITED STATE SURVEY NO. 3100, according to Plat No. 2009-9, 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

45 by resolution no. FY2020-04 on the parcel's disposition by recommending that this property
46 should NOT be retained for a public purpose; and
47

48 **WHEREAS,** the Kodiak Island Borough Manager has appointed the Finance Director to
49 oversee land sale with the vacant resource manager position: and
50

51 **WHEREAS,** the Kodiak Island Borough Finance Director has reviewed the Commission's
52 action, as required by KIBC 18.10.030; and
53

54 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
55 properties described as LOT TWENTY-NINE (29) SUNNY COVE SUBDIVISION, a portion of
56 UNITED STATES SURVEY NO 1671, according to Plat No. 81-2, located in the Kodiak Recording
57 District, Third Judicial District, State of Alaska, LOT ELEVEN "A" (11A), BLOCK THREE (3),
58 UNITED STATE SURVEY NO. 3100, according to Plat No. 2009-9, located in the Kodiak
59 Recording District, Third Judicial District, State of Alaska, are declared not to be of "public need"
60 and be offered for immediate sale; and
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62 **WHEREAS,** less than ten (10) years have elapsed since the expiration of the redemption period
63 for these parcels, thus the Borough is required to send a notice of the public hearing to the last
64 known address of the former record owner within five days of the first publication of notice of the
65 hearing on this ordinance.
66

67 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
68 **BOROUGH THAT:**
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70 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the
71 Kodiak Island Borough Code of Ordinances.
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73 **Section 2:** That the parcel located at Sunny Cove, Spruce Island, Kodiak, AK, and identified by
74 number 17159; Legal Description: LOT TWENTY-NINE (29) SUNNY COVE SUBDIVISION, a
75 portion of UNITED STATES SURVEY NO. 1671, according to Plat No. 81-2, located in the Kodiak
76 Recording District, Third Judicial District, State of Alaska and formerly owned by Alfred Hansen
77 Jr. has been acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax
78 accounts for the year 2014 dated August 8, 2017, recorded as Document 2017-001269-0 in the
79 Kodiak Recording District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and
80 it has been determined that a public need does not exist to retain this property for Borough
81 purposes, and the property will be sold at the earliest opportunity to do so.
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83 **Section 3:** That the parcel located at 547 Carroll Way, Kodiak, AK, and identified by number
84 22636; Legal Description: LOT ELEVEN "A" (11A), BLOCK THREE (3), UNITED STATE
85 SURVEY NO. 3100, according to Plat No. 2009-9, located in the Kodiak Recording District, Third
86 Judicial District, State of Alaska and formerly owned by Charles F. Lorensen has been acquired
87 by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for the year
88 2014 dated August 8, 2017, recorded as Document 2017-001269-0 in the Kodiak Recording
89 District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been

90 determined that a public need does not exist to retain this property for Borough purposes, and the
91 property will be sold at the earliest opportunity to do so.

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

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

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

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106 **Section 7:** This ordinance shall become effective as provided in KIBC 1.10.040.
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108
109 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
110 **THIS SIXTH DAY OF AUGUST, 2020.**
111

112 KODIAK ISLAND BOROUGH

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114 

115
116 Mayor William Roberts

113 ATTEST:

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115 

116 Alise L. Rice, Borough Clerk

117
118 **VOTES:**

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

120 Noes:



