

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. FY2021-06**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN 2018 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 2018 as a result of tax foreclosure procedures, property described as:

A parcel located at 39422 Chiniak Hwy, Chiniak, AK, formerly owned by **Joseph David Henderson and Sara Anne Henderson**, which is identified as **KIB Parcel PID 18222**, and by its LEGAL DESCRIPTION: LOT FOUR (4), UNITED STATES SURVEY NO. 3472, according to the original Plat thereof, 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 Chiniak Hwy, Chiniak, AK, formerly owned by **Joseph David Henderson and Sara Anne Henderson**, which is identified as **KIB Parcel PID 23306**, and by its LEGAL DESCRIPTION: LOT ELEVEN (11), UNITED STATES SURVEY NO.3472, according to the original Plat thereof, 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 Uyak Bay, Larsen Bay, AK, formerly owned by **Joan Denise Lucas**, which is identified as **KIB Parcel PID 18204**, and by its LEGAL DESCRIPTION: THE EASTERLY FIVE HUNDRED TWENTY-FIVE (525) FEET OF GOVERNMENT LOT FIVE (5) WITHIN SECTION 30, TOWNSHIP 30 SOUTH, RANGE 29 WEST, SEWARD MERIDIAN, according to the original Plat thereof, 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 Karluk, AK, formerly owned by **Lydia Tania-Bird Malutin**, which is identified as **KIB Parcel PID 19806**, and by its LEGAL DESCRIPTION: LOT ONE (1), BLOCK ONE (1), KARLUK SUBDIVISION, according to under Plat No. 78-16, 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

46 description of the property, the address or a general description of the property sufficient to
47 provide the public with notice of its location, and the name of the last record owner of the property
48 as the name appears on the assessment rolls.

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

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

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

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

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66 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
67 properties described as, LOT FOUR (4), UNITED STATES SURVEY NO. 3472, according to the
68 original Plat thereof, located in the Kodiak Recording District, Third Judicial District, State of
69 Alaska, LOT ELEVEN (11), UNITED STATES SURVEY NO.3472, according to the original Plat
70 thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska, THE
71 EASTERLY FIVE HUNDRED TWENTY-FIVE (525) FEET OF GOVERNMENT LOT FIVE (5)
72 WITHIN SECTION 30, TOWNSHIP 30 SOUTH, RANGE 29 WEST, SEWARD MERIDIAN,
73 according to the original Plat thereof, located in the Kodiak Recording District, Third Judicial
74 District, State of Alaska, and LOT ONE (1), BLOCK ONE (1), KARLUK SUBDIVISION, according
75 to under Plat No. 78-16, located in the Kodiak Recording District, Third Judicial District, State of
76 Alaska are declared not to be of "public need" and be offered for immediate sale; and

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

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

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

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89 **Section 2:** That the parcel located at 39422 Chiniak Hwy Chiniak, AK and identified by number
90 18222; Legal Description: LOT FOUR (4), UNITED STATES SURVEY NO. 3472, according to

91 the original Plat thereof, located in the Kodiak Recording District, Third Judicial District, State of
92 Alaska and formerly owned by Joseph David Henderson and Sara Anne Henderson has been
93 acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for
94 the year 2015 dated February 12, 2018, recorded as Document 2018-000359-0 in the Kodiak
95 Recording District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has
96 been determined that a public need does not exist to retain this property for Borough purposes,
97 and the property will be sold at the earliest opportunity to do so.
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99 **Section 3:** That the parcel located at Chiniak Hwy, Chiniak, AK, and identified by number 23306;
100 Legal Description: LOT ELEVEN (11), UNITED STATES SURVEY NO.3472, according to the
101 original Plat thereof, located in the Kodiak Recording District, Third Judicial District, State of
102 Alaska and formerly owned by Joseph David Henderson and Sara Anne Henderson has been
103 acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for
104 the year 2015 dated February 12, 2018, recorded as Document 2018-000359-0 in the Kodiak
105 Recording District, State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has
106 been determined that a public need does not exist to retain this property for Borough purposes,
107 and the property will be sold at the earliest opportunity to do so.
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109 **Section 4:** That the parcel located at Uyak Bay, Larsen Bay, AK, and identified by number 18204;
110 Legal Description: THE EASTERLY FIVE HUNDRED TWENTY-FIVE (525) FEET OF
111 GOVERNMENT LOT FIVE (5) WITHIN SECTION 30, TOWNSHIP 30 SOUTH, RANGE 29
112 WEST, SEWARD MERIDIAN, according to the original Plat thereof, located in the Kodiak
113 Recording District, Third Judicial District, State of Alaska and formerly owned by Joan Denise
114 Lucas has been acquired by the Kodiak Island Borough by clerk's deed for delinquent property
115 tax accounts for the year 2015 dated February 12, 2018, recorded as Document 2018-000359-0
116 in the Kodiak Recording District, State of Alaska, Third Judicial District, pursuant to tax
117 foreclosure, and it has been determined that a public need does not exist to retain this property
118 for Borough purposes, and the property will be sold at the earliest opportunity to do so.
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120 **Section 5:** That the parcel located at Karluk, AK, and identified by number 19806; Legal
121 Description: LOT ONE (1), BLOCK ONE (1), KARLUK SUBDIVISION, according to under Plat
122 No. 78-16 , located in the Kodiak Recording District, Third Judicial District, State of Alaska and
123 formerly owned by Malutin, Lydia Tania-Bird has been acquired by the Kodiak Island Borough by
124 clerk's deed for delinquent property tax accounts for the year 2015 dated February 12, 2018,
125 recorded as Document 2018-000359-0 in the Kodiak Recording District, State of Alaska, Third
126 Judicial District, pursuant to tax foreclosure, and it has been determined that a public need does
127 not exist to retain this property for Borough purposes, and the property will be sold at the earliest
128 opportunity to do so.
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130 **Section 6:** The finance director is directed to offer the property immediately by sealed bid auction
131 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is
132 accepted.
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134 **Section 7:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit
135 based on the minimum bid amount shown in the bid packet. The remaining balance must be paid

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within thirty (30) days. The Assembly may, by resolution, provide for additional sale procedures and terms.

Section 8: 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 9: 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.**

KODIAK ISLAND BOROUGH



Mayor William Roberts

ATTEST:



Alise L. Rice, Borough Clerk

VOTES:

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

