

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2021-07**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY 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.

WHEREAS, the Kodiak Island Borough has acquired property described as: LOT FOUR (4), BLOCK ONE (1), ALEUTIAN HOMES, INC. SUBDIVISION, according to under Plat No. 74-9, located in the Kodiak Recording District, Third Judicial District, State of Alaska, as a result of the tax foreclosure procedure. This parcel PID 14379 was previously owned by Ada L. and Susan K. Panamarioff, located at 810 Hillside Drive, Kodiak, Alaska 99615; and

WHEREAS, the Kodiak Island Borough Planning and Zoning Commission has reviewed this tax foreclosed property as required by KIBC 18.10.030 under P&Z Case no. 20-003, and has made a formal recommendation by, P&Z Resolution no. FY 2020-04, that this property should be reserved for the future public use by the City of Kodiak; and

WHEREAS, the City of Kodiak was offered the property Pursuant to Alaska State Statute Sec 29.45.450 on March 28, 2018 for the delinquent Taxes due; and

WHEREAS, the City of Kodiak was given until April 30, 2018 to inquire and purchase the property for delinquent taxes due described as, LOT FOUR (4), BLOCK ONE (1), ALEUTIAN HOMES, INC. SUBDIVISION, according to under Plat No. 74-9, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

WHEREAS, the City of Kodiak did contact the Finance Department about the above referenced property but was not interested in paying the delinquent property taxes due in order to acquire the property from the Kodiak Island Borough; and

WHEREAS, in accordance with KIBC 18.10.030, the Borough Manger, after considering the recommendation from the Planning Commission in P&Z Resolution 2020-04 and the City of Kodiak's response to the offer of the parcel for public purposes, recommends that the Assembly declare that the parcel is not needed for a public purpose and authorize disposal of the parcel by sealed bid auction; and

WHEREAS, AS 29.45.460 Disposition and sale of foreclosed property states in part:

46 (a) The municipality shall determine by ordinance whether foreclosed property deeded to the
47 municipality shall be retained for a public purpose. The ordinance must contain the legal
48 description of the property, the address or a general description of the property sufficient to
49 provide the public with notice of its location, and the name of the last record owner of the property
50 as the name appears on the assessment rolls.

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

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

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60 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
61 properties described as LOT FOUR (4), BLOCK ONE (1), ALEUTIAN HONES, INC.
62 SUBDIVISION, according to under Plat No. 74-9, located in the Kodiak Recording District, Third
63 Judicial District, State of Alaska are declared not to be of "public need" and be offered for
64 immediate sale; and

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

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

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

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77 **Section 2:** That parcel located at 810 Hillside Drive Kodiak, AK, and identified by number 14279;
78 Legal Description: LOT FOUR (4), BLOCK ONE (1), ALEUTIAN HOMES, INC. SUBDIVISION,
79 according to under Plat No. 74-9 , located in the Kodiak Recording District, Third Judicial District,
80 State of Alaska and formerly owned by Ada L. and Susan K. Panamarioff, has been acquired by
81 the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for the year 2015
82 dated February 12, 2018, recorded as Document 2018-000359-0 in the Kodiak Recording District,
83 State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been determined
84 that a public need does not exist to retain this property for Borough purposes, and the property
85 will be sold at the earliest opportunity to do so in accordance with this ordinance.

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87 **Section 3:** The finance director is directed to offer the property immediately by sealed bid auction
88 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is
89 accepted.
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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 receives an offer for the property if that offer is accepted.

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.**

KODIAK ISLAND BOROUGH



Mayor William Roberts

ATTEST:



Alise L. Rice, Borough Clerk

VOTES:

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

