

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. FY2021-08**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN 2019 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 110 Bancroft Dr, Kodiak AK, formerly owned by the **James Clifford Cole Trust**, which is identified as **KIB Parcel PID 16297**, and by its LEGAL DESCRIPTION: LOT TWENTY-SIX "A" (26A) of the subdivision of LOTS TWENTY-FIVE (25) and TWENTY-SIX (26) of UNITED STATES SURVEY NO 3098, according to Plat No 74-17, 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 Cape Karluk (Southwest End), Kodiak, AK, formerly owned by **Kimberly Edman**, which is identified as **KIB Parcel PID 17276**, and by its LEGAL DESCRIPTION: UNITED STATES SURVEY. 1891, according to the official Bureau of Land Management Survey thereof, located in the Kodiak Recording District, Third Judicial District, State of Alaska, (Cape Karluk) as a result of the tax foreclosure procedure; and

A parcel located at Ugak Bay, Kodiak, AK, formerly owned by **Dale Stratton**, which is identified as **KIB Parcel PID 19384**, and by its LEGAL DESCRIPTION: ALASKA STATE LAND SURVEY NO. 92-100, according to Plat 93-7, located in the Kodiak Recording District, Third Judicial District, State of Alaska (Santa Flavia), as a result of the tax foreclosure procedure; and

A parcel located at NHN Kiliuda Bay, AK, formerly owned by **John Patrick Wick**, which is identified as **KIB Parcel PID 19449**, and by its LEGAL DESCRIPTION: TRACT "B" OF ALASKA STATE LAND SURVEY NO. 90-51, according to Plat 90-55, located in the Kodiak Recording District, Third Judicial District, State of Alaska (Boulder Bay), as a result of the tax foreclosure procedure; and

A parcel located at NHN Kiliuda Bay, AK, formerly owned by **John Wick**, which is identified as **KIB Parcel PID 19391**, and by its LEGAL DESCRIPTION: TRACT "A" OF ALASKA STATE LAND

45 SURVEY NO. 90-51, according to Plat 90-55, located in the Kodiak Recording District, Third
46 Judicial District, State of Alaska (Boulder Bay), as a result of the tax foreclosure procedure; and
47

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

49 (a) The municipality shall determine by ordinance whether foreclosed property deeded to the
50 municipality shall be retained for a public purpose. The ordinance must contain the legal
51 description of the property, the address or a general description of the property sufficient to
52 provide the public with notice of its location, and the name of the last record owner of the property
53 as the name appears on the assessment rolls.
54

55 (b) Tax-foreclosed property conveyed to a municipality by tax foreclosure and not required for a
56 public purpose may be sold. Before the sale of tax-foreclosed property held for a public purpose,
57 the municipality, by ordinance, shall determine that a public need does not exist. The ordinance
58 must contain the information required under (a) of this section.; and
59

60 **WHEREAS,** the Kodiak Island Borough Planning and Zoning Commission has reviewed this
61 tax foreclosed property as required by KIBC 18.10.030 and has made a formal recommendation
62 by resolution no. FY2020-04 on the parcel's disposition by recommending that this property
63 should NOT be retained for a public purpose; and
64

65 **WHEREAS,** the Kodiak Island Borough Manager has appointed the Finance Director to
66 oversee land sale with the vacant resource manager position: and
67

68 **WHEREAS,** the Kodiak Island Borough Finance Director has reviewed the Commission's
69 action, as required by KIBC 18.10.030; and
70

71 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
72 properties described as LOT TWENTY-SIX "A" (26A) of the subdivision of LOTS TWENTY-FIVE
73 (25) and TWENTY-SIX (26) of UNITED STATES SURVEY NO 3098, according to Plat No 74-17,
74 located in the Kodiak Recording District, Third Judicial District, State of Alaska, UNITED STATES
75 SURVEY. 1891, according to the official Bureau of Land Management Survey thereof, located in
76 the Kodiak Recording District, Third Judicial District, State of Alaska, (Cape Karluk), ALASKA
77 STATE LAND SURVEY NO. 92-100, according to Plat 93-7, located in the Kodiak Recording
78 District, Third Judicial District, State of Alaska (Santa Flavia), TRACT "B" OF ALASKA STATE
79 LAND SURVEY NO. 90-51, according to Plat 90-55, located in the Kodiak Recording District,
80 Third Judicial District, State of Alaska (Boulder Bay), and TRACT "A" OF ALASKA STATE LAND
81 SURVEY NO. 90-51, according to Plat 90-55, located in the Kodiak Recording District, Third
82 Judicial District, State of Alaska (Boulder Bay) are declared not to be of "public need" and be
83 offered for immediate sale; and
84

85 **WHEREAS,** less than ten (10) years have elapsed since the expiration of the redemption period
86 of these parcels, thus the Borough is required to send a notice of the public hearing to the last
87 known address of the former record owner within five days of the first publication of notice of the
88 hearing on this ordinance.
89

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

92
93 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the
94 Kodiak Island Borough Code of Ordinances.

95
96 **Section 2:** That the parcel located at 110 Bancroft Drive Kodiak, AK and identified by number
97 16297; Legal Description: LOT TWENTY-SIX "A" (26A) of the subdivision of LOTS TWENTY-
98 FIVE (25) and TWENTY-SIX (26) of UNITED STATES SURVEY NO 3098, according to Plat No
99 74-17, located in the Kodiak Recording District, Third Judicial District, State of Alaska and formerly
100 owned by the James Clifford Cole Trust has been acquired by the Kodiak Island Borough by
101 clerk's deed for delinquent property tax accounts for the year 2016 dated April 26, 2019, recorded
102 as Document 2019-000899-0 in the Kodiak Recording District, State of Alaska, Third Judicial
103 District, pursuant to tax foreclosure, and it has been determined that a public need does not exist
104 to retain this property for Borough purposes, and the property will be sold at the earliest
105 opportunity to do so.

106
107 **Section 3:** That the parcel located at Cape Karluk (Southwest End), Kodiak, AK, and identified
108 by number 17276; Legal Description: UNITED STATES SURVEY. 1891, according to the official
109 Bureau of Land Management Survey thereof, located in the Kodiak Recording District, Third
110 Judicial District, State of Alaska. (Cape Karluk), located in the Kodiak Recording District, Third
111 Judicial District, State of Alaska and formerly owned by Kimberly Edman has been acquired by
112 the Kodiak Island Borough by clerk's deed for delinquent property tax accounts for the year 2016
113 dated April 26, 2019, recorded as Document 2019-000899-0 in the Kodiak Recording District,
114 State of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been determined
115 that a public need does not exist to retain this property for Borough purposes, and the property
116 will be sold at the earliest opportunity to do so.

117
118 **Section 4:** That the parcel located at Ugak Bay, Kodiak, AK and identified by number 19384;
119 Legal Description: ALASKA STATE LAND SURVEY NO. 92-100, according to Plat 93-7, located
120 in the Kodiak Recording District, Third Judicial District, State of Alaska (Santa Flavia) and formerly
121 owned by Dale Stratton has been acquired by the Kodiak Island Borough by clerk's deed for
122 delinquent property tax accounts for the year 2016 dated April 26, 2019, recorded as Document
123 2019-000899-0 in the Kodiak Recording District, State of Alaska, Third Judicial District, pursuant
124 to tax foreclosure, and it has been determined that a public need does not exist to retain this
125 property for Borough purposes, and the property will be sold at the earliest opportunity to do so.

126
127 **Section 5:** That the parcel located at NHN Kiliuda Bay, AK and identified by number 19449; Legal
128 Description: TRACT "B" OF ALASKA STATE LAND SURVEY NO. 90-51, according to Plat 90-
129 55, located in the Kodiak Recording District, Third Judicial District, State of Alaska (Boulder Bay)
130 and formerly owned by John Patrick Wick has been acquired by the Kodiak Island Borough by
131 clerk's deed for delinquent property tax accounts for the year 2016 dated April 26, 2019, recorded
132 as Document 2019-000899-0 in the Kodiak Recording District, State of Alaska, Third Judicial
133 District, pursuant to tax foreclosure, and it has been determined that a public need does not exist

134 to retain this property for Borough purposes, and the property will be sold at the earliest
135 opportunity to do so.

136
137 **Section 6:** That the parcel located at NHN Kiliuda Bay, AK and identified by number 19391; Legal
138 Description: TRACT "A" OF ALASKA STATE LAND SURVEY NO. 90-51, according to Plat 90-
139 55, located in the Kodiak Recording District, Third Judicial District, State of Alaska (Boulder Bay)
140 and formerly owned by John Wick has been acquired by the Kodiak Island Borough by clerk's
141 deed for delinquent property tax accounts for the year 2016 dated April 26, 2019, recorded as
142 Document 2019-000899-0 in the Kodiak Recording District, State of Alaska, Third Judicial District,
143 pursuant to tax foreclosure, and it has been determined that a public need does not exist to retain
144 this property for Borough purposes, and the property will be sold at the earliest opportunity to do
145 so.

146
147 **Section 7:** The finance director is directed to offer the property immediately by sealed bid auction
148 and the highest bidder will take ownership. The parcel shall be considered sold when the bid is
149 accepted.


150
151 **Section 8:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit
152 based on the minimum bid amount shown in the bid packet. The remaining balance must be paid
153 within thirty (30) days. The Assembly may, by resolution, provide for additional sale procedures
154 and terms.

155
156 **Section 9:** If the property remains unsold after being offered for sale by sealed bid, the property
157 may be listed online for sale to any approved party for at least the minimum cost. Any parcel sold
158 by this method will be considered sold when the Borough accepts an offer for the property.


159
160 **Section 10:** This ordinance shall become effective as provided in KIBC 1.10.040.

161
162
163 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
164 **THIS SIXTH DAY OF AUGUST, 2020.**

165
166 KODIAK ISLAND BOROUGH

167
168 
169
170 Mayor William Roberts

ATTEST:


171 Alise L. Rice, Borough Clerk

172 **VOTES:**

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

174 Noes:

