

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. FY2021-09**

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 property, by clerk's deed in 2018 as a result of tax foreclosure procedures, described as:

A parcel located at 813 Thorsheim St. Kodiak, AK, formerly owned by **Ronald Eads**, which is identified as **KIB Parcel PID 14323**, and by its LEGAL DESCRIPTION: LOT FORTY-SEVEN (47), BLOCK ONE (1), ALEUTIAN HOMES INC. SUBDIVISION, according to Plat No. 74-9, 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 NHN Ugak Bay AK, formerly owned by **Charles Nellist**, which is identified as **KIB Parcel PID 19432**, and by its LEGAL DESCRIPTION: TRACT "E" OF ALASKA STATE LAND SURVEY 87-167, according to Plat No. 90-27, 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 oversee
48 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 FORTY-SEVEN (47), BLOCK ONE (1), ALEUTIAN HOMES INC.
55 SUBDIVISION, according to Plat No. 74-9, located in the Kodiak Recording District, Third Judicial
56 District, State of Alaska, and TRACT "E" OF ALASKA STATE LAND SURVEY 87-167, according
57 to Plat No. 90-27, located in the Kodiak Recording District, Third Judicial District, State of Alaska
58 are 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 813 Thorsheim St. Kodiak, AK, and identified by number
72 14323; Legal Description: LOT FORTY-SEVEN (47), BLOCK ONE (1), ALEUTIAN HOMES INC.
73 SUBDIVISION, according to Plat No. 74-9, located in the Kodiak Recording District, Third Judicial
74 District, State of Alaska, located in the Kodiak Recording District, Third Judicial District, State of
75 Alaska and formerly owned by Ronald Eads has been acquired by the Kodiak Island Borough by
76 clerk's deed for delinquent property tax accounts for the year 2017 dated October 4, 2019,
77 recorded as Document 2019-001681-0 in the Kodiak Recording District, State of Alaska, Third
78 Judicial District, pursuant to tax foreclosure, and it has been determined that a public need does
79 not exist to retain this property for Borough purposes, and the property will be sold at the earliest
80 opportunity to do so.

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82 **Section 3:** That the parcel located at NHN Ugak Bay, AK and identified by number 19432; Legal
83 Description: TRACT "E" OF ALASKA STATE LAND SURVEY 87-167, according to Plat No. 90-
84 27, located in the Kodiak Recording District, Third Judicial District, State of Alaska and formerly
85 owned by Charles Nellist has been acquired by the Kodiak Island Borough by clerk's deed for
86 delinquent property tax accounts for the year 2017 dated October 4, 2019, recorded as Document
87 2019-000899-0 in the Kodiak Recording District, State of Alaska, Third Judicial District, pursuant
88 to tax foreclosure, and it has been determined that a public need does not exist to retain this
89 property for Borough purposes, and the property will be sold at the earliest opportunity to do so.

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

Section 5: 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 6: 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 7: 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

ATTEST:


Mayor William Roberts


Alise L. Rice, Borough Clerk

VOTES:

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

Noes:

