

1 Introduced by: Mayor At Request Of The Manager

2 Drafted by: Finance Department

3 Introduced on: 12/03/2020

4 Public Hearing Date: 12/17/2020

5 Adopted on: 12/17/2020

6 **KODIAK ISLAND BOROUGH**
7 **ORDINANCE NO. FY2021-24**
8

9 **AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING**
10 **THE DISPOSITION OF A TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED**
11 **MORE THAN 10 YEARS AGO AND ESTABLISHING INTENTION TO BY FINDING THAT THE**
12 **PROPERTIES ARE SUBMERGED BY WATER AND HAVE NO ASSESSED VALUE**
13 **THEREFORE WILL BE RETAINED BY THE BOROUGH.**
14

15 **WHEREAS,** the Kodiak Island Borough acquired property, by clerk's deed in 2006 as a result
16 of tax foreclosure procedures, described as:

17
18 A parcel located at Karluk, AK, formerly owned by Lydia Malutin, which is identified as KIB Parcel
19 PID 19846, and by its LEGAL DESCRIPTION: LOT SIX (6), TRACT "D", OF THE ALASKA
20 NATIVE LAND CLAIMS SETTLEMENT ACT (ANCSA) SECTION 14(C), TRACTS AT KARLUK,
21 ALASKA, according to Plat No. 2000-3, located in the Kodiak Recording District, Third Judicial
22 District, State of Alaska, EXCEPTING THEREFROM the subsurface estate, and all rights,
23 privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate
24 pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1602,
25 1613 (h)(3).; and
26

27 **WHEREAS,** the Kodiak Island Borough acquired property, by clerk's deed in 2008 as a result
28 of tax foreclosure procedures, described as:

29
30 A parcel located at Karluk River, formerly owned by Security National Alaska, which is identified
31 as KIB Parcel PID 17034, and by its LEGAL DESCRIPTION: UNITED STATES SURVEY
32 NUMBER 82, according to the original Plat thereof, located in the Kodiak Recording District, Third
33 Judicial District, State of Alaska; and
34

35 **WHEREAS,** the foreclosed properties are both submerged by water and have no assessed
36 value, the properties will be retained by the Borough because no value exists to offer at auction.
37

38 **WHEREAS,** the Kodiak Island Borough Planning and Zoning Commission has reviewed this
39 tax foreclosed property as required by KIBC 18.10.030 and has made a formal recommendation
40 by Resolution No. FY2020-04 on the parcel's disposition by recommending that this property
41 should NOT be retained for a public purpose; and
42

43 **WHEREAS,** the Kodiak Island Borough Finance Director has reviewed the Commission's
44 action, as required by KIBC 18.10.030; and
45

46 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
47 properties described as: LOT SIX (6), TRACT "D", OF THE ALASKA NATIVE LAND CLAIMS
48 SETTLEMENT ACT (ANCSA) SECTION 14(C), TRACTS AT KARLUK, ALASKA, according to
49 Plat No. 2000-3, located in the Kodiak Recording District, Third Judicial District, State of Alaska,
50 and UNITED STATES SURVEY NUMBER 82, according to the original Plat thereof, located in
51 the Kodiak Recording District, Third Judicial District, State of Alaska are declared not to be of
52 "public need" and the property be held by the Kodiak Island Borough because the properties are
53 submerged by water and have no assessed value therefore the parcels will not be sold; and
54

55 **WHEREAS,** more than ten (10) years have elapsed since the expiration of the redemption
56 period of these parcels, thus the Borough is not required to send a notice of the public hearing
57 to the last known address of the former record owner within five days of the first publication of
58 notice of the hearing on this ordinance.
59

60 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
61 **BOROUGH that:**
62

63 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the
64 Kodiak Island Borough Code of Ordinances.
65

66 **Section 2:** That the parcel located at Karluk, AK, which is identified as KIB Parcel PID 19846,
67 and by its LEGAL DESCRIPTION: LOT SIX (6), TRACT "D", OF THE ALASKA
68 NATIVE LAND CLAIMS SETTLEMENT ACT (ANCSA) SECTION 14(C), TRACTS
69 AT KARLUK, ALASKA, according to Plat No. 2000-3, located in the Kodiak
70 Recording District, Third Judicial District, State of Alaska, EXCEPTING
71 THEREFROM the subsurface estate, and all rights, privileges, immunities and
72 appurtenances, of whatsoever nature, accruing unto said estate pursuant to the
73 Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1602, 1613
74 (h)(3).as a result of the tax foreclosure procedure; and formerly owned by Lydia
75 Malutin, has been acquired by the Kodiak Island Borough by clerk's deed for
76 delinquent property tax accounts for the year 2006 dated June 29, 2010, recorded
77 as Document 2010-001188-0 in the Kodiak Recording District, State of Alaska,
78 Third Judicial District, pursuant to tax foreclosure, and it has been determined the
79 borough will retain this property because the property is submerged by water and
80 the property has no assessed value.
81

82 **Section 3:** That the parcel located at Karluk River, which is identified as KIB Parcel PID
83 17034, and by its LEGAL DESCRIPTION: UNITED STATES SURVEY NUMBER
84 82, according to the original Plat thereof, located in the Kodiak Recording District,
85 Third Judicial District, State of Alaska, and formerly owned by Security National
86 Alaska has been acquired by the Kodiak Island Borough by clerk's deed for
87 delinquent property tax accounts for the year 2008 dated July 6, 2010, recorded
88 as Document 2010-001222-0 in the Kodiak Recording District, State of Alaska,
89 Third Judicial District, pursuant to tax foreclosure, and it has been determined the

borough will retain this property because the property is submerged by water and the property has no assessed value.

Section 4: This ordinance shall become effective as provided in KIBC 1.10.040.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SEVENTEENTH DAY OF DECEMBER, 2020.**

KODIAK ISLAND BOROUGH



Mayor William Roberts

ATTEST:



Atise L. Rice, Borough Clerk

VOTES:

Ayes: Kavanaugh, Smith, Symmons, Turner, Williams, Arndt, and Dvorak.

Noes:

