

1
2 **Version 2**

Introduced by: Borough Manager thru the Mayor
Drafted by: Finance Director
Introduced on:02/17/22
Public Hearing Date:03/03/22
Adopted on:03/03/22

3
4
5
6 **KODIAK ISLAND BOROUGH**
7 **ORDINANCE NO. FY2022-11**

8
9 **AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DETERMINING**
10 **THE DISPOSITION OF TAX FORECLOSED PROPERTY ACQUIRED BY CLERK'S DEED IN**
11 **2019 AND ESTABLISHING INTENTION TO SURPLUS AND SELL SAID PROPERTY BY**
12 **FINDING THAT A PUBLIC NEED DOES NOT EXIST FOR THE PROPERTY AND**
13 **AUTHORIZING THE PROPERTY FOR DISPOSAL (P&Z Case 22-008) PLANNING AND**
14 **ZONING RESOLUTION NO. FY2022-01.**

15
16 **WHEREAS,** the Kodiak Island Borough acquired by clerk's deed as a result of tax foreclosure
17 procedures for tax year 2019, property described as:

18
19 A parcel located at 3300 Mill Bay Road, Kodiak, AK, formerly owned by **James S Pearson** which
20 is identified as KIB Parcel **PID 16328**, and by its LEGAL DESCRIPTION: LOT "E" ONE "B" TWO
21 (E-1B2) OF THE RESUBDIVISION OF TRACT "E" UNITED STATES SURVEY NO. 3218,
22 according to Plat No. 76-24, located in the Kodiak Recording District, Third Judicial District, State
23 of Alaska, as a result of the tax foreclosure procedure; and

24
25 A parcel located at NHN Karluk, AK, formerly owned by **Dale Reames**, which is identified as KIB
26 Parcel **PID 17038**, and by its LEGAL DESCRIPTION: UNITED STATES SURVEY NO. 153,
27 according to Plat thereof, located in the Kodiak Recording District, Third Judicial District, State of
28 Alaska, as a result of the tax foreclosure procedure; and

29
30 A parcel located at NHN Shearwater Bay, AK, formerly owned by **Iona F Nies** which is identified
31 as KIB Parcel **PID 19471**, and by its LEGAL DESCRIPTION: TRACT "G", ALASKA STATE LAND
32 SURVEY NO 2002-14, according to Plat No. 2004-13, located in the Kodiak Recording District,
33 Third Judicial District, State of Alaska, as a result of the tax foreclosure procedure; and

34
35 A parcel located at Elderberry Street Old Harbor, AK, formerly owned by **Martin Inga Sr** which is
36 identified as KIB **PID 19777**, and by its LEGAL DESCRIPTION: LOT FIVE (5), BLOCK NINE (9),
37 according to Plat No. 84-53, a vacation and replat of Tract "F", and a subdivision of a portion of
38 Tract "E", OLD HARBOR TOWNSITE, UNITED STATES SURVEY NO. 4793, located in the
39 Kodiak Recording District, Third Judicial District, State of Alaska, as a result of tax foreclosure
40 procedure; and

41
42 **WHEREAS,** AS 29.45.460 Disposition and sale of foreclosed property states in part:

43 (a) The municipality shall determine by ordinance whether foreclosed property deeded to the
44 municipality shall be retained for a public purpose. The ordinance must contain the legal
45 description of the property, the address, or a general description of the property sufficient to

46 provide the public with notice of its location, and the name of the last record owner of the property
47 as the name appears on the assessment rolls.

48
49 (b) Tax-foreclosed property conveyed to a municipality by tax foreclosure and not required for a
50 public purpose may be sold. Before the sale of tax-foreclosed property held for a public purpose,
51 the municipality, by ordinance, shall determine that a public need does not exist. The ordinance
52 must contain the information required under (a) of this section; and

53
54 **WHEREAS,** the Kodiak Island Borough Planning and Zoning Commission has reviewed this
55 tax foreclosed property as required by KIBC 18.10.030 and has made a formal recommendation
56 by Resolution No. FY2022-01 on the parcel's disposition by recommending that this property
57 should NOT be retained for a public purpose; and

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

61
62 **WHEREAS,** the Kodiak Island Borough Finance Director has reviewed the Commission's
63 action, as required by KIBC 18.10.030; and

64
65 **WHEREAS,** the Kodiak Island Borough Finance Director has recommended the tax-foreclosed
66 properties described as LOT "E" ONE "B" TWO (E-1B2) OF THE RESUBDIVISION OF TRACT
67 "E" UNITED STATES SURVEY NO. 3218, according to Plat No. 76-24, located in the Kodiak
68 Recording District, Third Judicial District, State of Alaska, UNITED STATES SURVEY NO. 153,
69 according to plat thereof, located in the Kodiak Recording District, Third Judicial District, State of
70 Alaska, TRACT "G", ALASKA STATE LAND SURVEY NO 2002-14, according to Plat No. 2004-
71 13, located in the Kodiak Recording District, Third Judicial District, State of Alaska, and LOT FIVE
72 (5), BLOCK NINE (9), according to Plat No. 84-53, a vacation and replat of Tract "F", and a
73 subdivision of a portion of Tract "E", OLD HARBOR TOWNSITE, UNITED STATES SURVEY NO.
74 4793, located in the Kodiak Recording District, Third Judicial District, State of Alaska, are declared
75 not to be of "public need" and be offered for sale; and

76
77 **WHEREAS,** less than ten (10) years have elapsed since the expiration of the redemption period
78 of these parcels, thus the Borough is required to send a notice of the public hearing to the last
79 known address of the former record owner within five days of the first publication of notice of the
80 hearing on this ordinance.

81
82 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
83 **BOROUGH THAT:**

84
85 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the
86 Kodiak Island Borough Code of Ordinances.

87
88 **Section 2:** That the parcel located at 3300 Mill Bay Road, Kodiak, AK, and identified by number
89 16328; Legal Description: LOT "E" ONE "B" TWO (E-1B2) OF THE
90 RESUBDIVISION OF TRACT "E" UNITED STATES SURVEY NO. 3218, according
91 to Plat No. 76-24, located in the Kodiak Recording District, Third Judicial District,

92 State of Alaska and formerly owned by James S Pearson has been acquired by the
93 Kodiak Island Borough by clerk's deed for delinquent property tax accounts for the
94 year 2019 dated September 13, 2021, recorded as Document 2021-001860-0 in the
95 Kodiak Recording District, State of Alaska, Third Judicial District, pursuant to tax
96 foreclosure, and it has been determined that a public need does not exist to retain
97 this property for Borough purposes, and the property will be sold at the earliest
98 opportunity to do so.
99

100 **Section 3:** That the parcel located at NHN Karluk, AK, and identified by number 17038; Legal
101 Description: UNITED STATES SURVEY NO. 153, according to Plat thereof, located
102 in the Kodiak Recording District, Third Judicial District, State of Alaska and formerly
103 owned by Dale Reames. has been acquired by the Kodiak Island Borough by clerk's
104 deed for delinquent property tax accounts for the year 2019 dated September 13,
105 2021, recorded as Document 2021-001860-0 in the Kodiak Recording District, State
106 of Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been
107 determined that a public need does not exist to retain this property for Borough
108 purposes, and the property will be sold at the earliest opportunity to do so.
109

110 **Section 4:** That the parcel located at NHN Shearwater Bay, AK, and identified by number 19471;
111 Legal Description: TRACT "G", ALASKA STATE LAND SURVEY NO 2002-14,
112 according to Plat No. 2004-13, located in the Kodiak Recording District, Third
113 Judicial District, State of Alaska and formerly owned by Iona F Nies. has been
114 acquired by the Kodiak Island Borough by clerk's deed for delinquent property tax
115 accounts for the year 2019 dated September 13, 2021, recorded as Document 2021-
116 001860-0 in the Kodiak Recording District, State of Alaska, Third Judicial District,
117 pursuant to tax foreclosure, and it has been determined that a public need does not
118 exist to retain this property for Borough purposes, and the property will be sold at
119 the earliest opportunity to do so.
120

121 **Section 5:** That the parcel located at Elderberry Street, Old Harbor, AK, and identified by number
122 19777; Legal Description: LOT FIVE (5), BLOCK NINE (9), according to Plat No. 84-
123 53, a vacation and replat of Tract "F", and a subdivision of a portion of Tract "E",
124 OLD HARBOR TOWNSITE, UNITED STATES SURVEY NO. 4793, located in the
125 Kodiak Recording District, Third Judicial District, State of Alaska and formerly owned
126 by Martin Inga Sr. has been acquired by the Kodiak Island Borough by clerk's deed
127 for delinquent property tax accounts for the year 2019 dated September 13, 2021,
128 recorded as Document 2021-001860-0 in the Kodiak Recording District, State of
129 Alaska, Third Judicial District, pursuant to tax foreclosure, and it has been
130 determined that a public need does not exist to retain this property for Borough
131 purposes, and the property will be sold at the earliest opportunity to do so.
132

133 **Section 6:** The finance director is directed to offer the property by sealed bid auction and the
134 highest bidder will take ownership. The parcel shall be considered sold when the
135 bid is accepted.
136

137 **Section 7:** The terms to be approved by the assembly are: Bidder is to enclose a 10% deposit
138 based on the minimum bid amount shown in the bid packet. The remaining balance
139 must be paid within thirty (30) days. The Assembly may, by resolution, provide for
140 additional sale procedures and terms.

142 **Section 8:** If the property remains unsold after being offered for sale by sealed bid, the property
143 may be listed online for sale to any approved party for at least the minimum cost.
144 Any parcel sold by this method will be considered sold when the Borough accepts
145 an offer for the property.

147 **Section 9:** This ordinance shall become effective as provided in KIBC 1.10.040.

148
149 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
150 **THIS THIRD DAY OF MARCH, 2022.**

152 KODIAK ISLAND BOROUGH

153
154 
155 _____
156 William Roberts, Mayor

ATTEST:



Lina Cruz, Acting Borough Clerk

158 **VOTES:**

159 Ayes: Turner, Arndt, Delgado, Griffin, and Smiley

160 Noes: