

NONCODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 06/07/22
Public Hearing: 06/21/22
Amended: 06/21/22
Adopted: 06/21/22

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-069**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PROVIDING FOR THE SALE OF CERTAIN BOROUGH-WIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAX YEARS 2015 AND PRIOR, AND SPECIAL ASSESSMENT FOR 2016 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.

WHEREAS, the Borough proposes a sale of properties acquired through foreclosure for taxes and special assessments for which the Borough has held Clerk's Deed for more than two years and which are not needed for a public purpose; and

WHEREAS, those properties listed in the attached Exhibit A have been transferred by court order to the Borough due to delinquent real property taxes for the years 2015 and prior, special assessments for 2016 and prior; and

WHEREAS, those properties listed in Exhibit A have not been repurchased by the former record owner or any party allowed by law to acquire their interest.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a noncode ordinance.

Section 2. Properties for sale. The foreclosed properties authorized for sale by this ordinance are described in Exhibit A.

Section 3. Procedures. The following procedures are established for the sale of certain real property acquired through tax and special assessment foreclosure.

(A) Approval of sale. The Assembly approves the sale of real properties described in attached Exhibit A, by sealed bid submitted to the Manager, by outcry auction if the properties do not receive a responsive sealed bid, or by subsequent over-the-counter sales on a first-come, first-served basis until sold or the 10-year repurchase rights expire. Sealed bids shall be opened on October 25, 2022. Successful bidders will be announced on Saturday, October 29, 2022, at the Dorothy Swanda Jones Building, 350 East Dahlia Avenue, Palmer, Alaska, followed immediately by the outcry auction at the same location.

(B) Minimum sale price. The Manager shall publish a list of properties for sale to include the minimum bid price for each property, in accordance with AS 29.45.470(a) (1-4). The minimum bid price shall not be less than the sum of:

(1) the full amount applicable under the judgement and decree plus interest as specified therein from the date of entry of the judgement of foreclosure to the date of repurchase; and

(2) delinquent taxes and special assessments assessed and levied against the property as though it had continued in private ownership; and

(3) penalties and interest associated with such delinquent taxes and special assessments; and

(4) costs of foreclosure, management, maintenance, and sale incurred by the Borough applicable to the property. The costs of sale may include:

- (a) title reports, review, and due diligence; and
- (b) notice letters and schedule of fees; and
- (c) newspaper display advertisements; and
- (d) property inspections, photographs, and posting notices; and

- (e) personnel costs associated with the sale including custodial, security, and facility costs; and

- (f) deed preparation and recording fee.

(C) Conditions of sale. Property profiles and packets containing bid information will be available for review at the Dorothy Swanda Jones Building during regular Borough business hours September 30, 2022, through October 28, 2022. Sealed bids will be accepted during regular Borough business hours beginning September 30, 2022, and ending October 24, 2022 at 2 p.m. Outcry bid cards may be purchased during regular borough business hours beginning September 30, 2022, and ending October 28, 2022 at 12 noon.

(D) Properties that do not sell may be offered in subsequent over-the-counter tax and special assessment foreclosure sales on a

first-come, first-served basis until sold or the 10-year repurchase rights expire.

(E) Terms of sale. All sales shall be on the following terms:

(1) A bid deposit in the form of a certified check, cashier's check, or money order in an amount based on the bid price as stated in the brochure.

(2) The successful bidder shall sign a promissory note for the balance due, to be paid by certified check, cashier's check, or money order not later than three Borough business days after the date of the tax and LID foreclosure sale. After the payment in full has been received, the Manager shall execute a Tax and LID Foreclosure Sale Deed in favor of the purchaser.

(3) A bidder shall forfeit the down payment to the Borough if a property is offered to the bidder and the bidder fails to fully comply with the terms and conditions of the sale. In the event of forfeiture, the property will be offered to the next highest bidder.

(4) All successful bidders or their agents are required to be present on Saturday, October 29, 2022, before 9 a.m., to accept the property and sign the promissory note. Low or nonresponsive bids will be returned to the unsuccessful bidders on the day of the sale or may be picked up at the Borough offices during Borough business hours after the sale date.

(5) The date and time each bid is received shall be date & time stamped. In the event of a tie bid, the bid received first will be the successful bid.

(F) Outcry auction. Those properties not receiving a sealed bid will be offered at outcry auction immediately following the signing of the promissory notes for the sealed bids.

(1) All outcry bidders must purchase a bid card.

(2) Bid cards may be purchased for \$350.

(G) Qualification of bidders. A bidder shall meet the qualifications of MSB 23.10.090.


(H) Authority of the Manager. The Assembly directs the Manager to publish such sale procedures, as he shall deem advisable. All bidders must comply with said procedures to be considered responsive bidders. The Manager shall have the sole discretion to determine if a bidder has complied with bid and sale procedures. The Manager is hereby authorized to sell the properties described in Exhibit A, to disburse the funds received as required by Alaska Statute 29.45.480, and if in the best interest of the Borough, reserve the right to withdraw any property from the sale.

Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day
of June, 2022.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE B. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, and Sumner