

NONCODE ORDINANCE

Sponsored By: Borough Manager

Introduced: 05/04/21

Public Hearing: 05/18/21

Adopted: 05/18/21

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 21-043**

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 2014 AND PRIOR, AND SPECIAL ASSESSMENT FOR 2015 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.

WHEREAS, the Matanuska-Susitna Borough proposes a sale of properties acquired through foreclosure for taxes 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 Matanuska-Susitna Borough due to delinquent real property taxes for the years 2014 and prior, special assessments for 2015 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 Borough 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 26, 2021. Successful bidders will be announced on Saturday, October 30, 2021, 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 Borough 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 postal card mailings; 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 October 1, 2021, through October 29, 2021. Sealed bids will be accepted during regular borough business hours beginning October 1, 2021, and ending October 25, 2021 at 2 p.m. Outcry bid cards may be purchased during regular borough business hours beginning October 1, 2021, and ending October 29, 2021 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 foreclosure sale. After the payment in full has been received, the Borough 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 30, 2021, at 9 a.m., to accept the property and sign the promissory note. Low or non-responsive 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 Borough Manager to publish such sale procedures, as he shall deem advisable. All bidders must comply with said procedures to be considered responsive bidders. The Borough Manager shall have the sole discretion to determine if a bidder has complied with bid and sale procedures. The Borough Manager is hereby authorized to sell the properties described in Exhibit A, to disburse the funds received as required by AS 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
18 day of May, 2021.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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