

CITY OF HOMER, ALASKA
ORDINANCE NO. 91-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
REGARDING ORDINANCE NO. 90-28, CLARIFYING THE AMENDMENT OF
CHAPTER 9.08, ENFORCEMENT OF LOCAL IMPROVEMENT DISTRICT
ASSESSMENTS, AND AMENDING SECTIONS 18.02.065 AND 18.12.055
RELATING TO FORECLOSED PROPERTY AND RECOVERY OF COSTS

WHEREAS, on September 10, 1990, the Homer City Council
enacted Ordinance No. 90-28, provisions of which revised Title 9
of the Homer City Code pertaining to the enforcement of liens;
and,

WHEREAS, Section 4 of enacted Ordinance No. 90-28
incorrectly presented an amendment to § 9.08.040 a.l. of the Homer
City Code and, as written, Section 4 unintentionally had the
implied effect of deleting the remainder of Chapter 9.08 as well
as those portions of § 9.08.040 not appearing in the ordinance;
and,

WHEREAS, Section 14 of enacted Ordinance No. 90-28
amended the language of § 18.02.065 and the amendments may cause
confusion as to interpretation and require clarification; and,

WHEREAS, during the process of codifying Ordinance
No. 90-28 the revisor called these errors to the attention of the
City Clerk and this ordinance is presented to correct the
deficiencies in Ordinance No. 90-28; and,

WHEREAS, in 1990 the Alaska Legislature amended
AS 29.45.470 and AS 29.45.480 relating to property foreclosed
upon by a municipality; and,

WHEREAS, the Legislature has provided that when
foreclosed property is repurchased by the owner of record, in
addition to other recoverable costs, the City may recover costs
incurred by the City in maintaining and managing the property
when those costs exceed amounts received by the City for use of
the property;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 4. of Ordinance No. 90-28 as enacted
by the Homer City Council on September 10, 1990, is hereby
repealed.

City of Homer
Clerks Office

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Section 2. Section 9.08.040 a.1. of the Homer City Code is hereby amended to read as follows:

9.08.040 Foreclosure list. a. The City shall:

1. Annually, present a petition for judgment and a certified copy of the foreclosure list for ~~the/prior~~ ~~year/s~~ delinquent assessments in the Superior Court for judgment. Improvement districts may be foreclosed individually, or more than one district may be combined in a single petition.

Section 3. Chapter 9.08 of the Homer City Code is hereby retitled as "Enforcement of Local Improvement District Assessments".

Section 4. Section 18.02.065 of the Homer City Code is hereby amended to read as follows:

18.02.065 Foreclosed property subject to repurchase by record owner. a. Foreclosed property conveyed to the City may be repurchased by the record owner at the time of ~~tax~~ foreclosure of property acquired by the City, or his assigns, if such repurchase occurs before the sale or contract of sale of the property by the City. ~~The/owner/may/repurchase the/property~~ The City shall sell the property for the full amount applicable to the property under the judgment and decree, with plus:

1. interest at the rate of fifteen percent a year from the date of entry of judgment of foreclosure to the date of repurchase/;

2. delinquent taxes and assessments levied as though it had continued in private ownership//and;

3. the costs of foreclosure and sale incurred by the City/; and

4. costs of maintaining and managing the property incurred by the City including insurance, repairs, association dues and management fees, that exceed amounts received by the City for the use of the property.

b. After adoption of an ordinance providing for the retention of foreclosed property by the City for a public purpose pursuant to ~~sub~~section 18.06.042, the right of the former record owner to repurchase the property ceases.

Section 5. Subsection b. of section 18.12.055 of the Homer City Code is hereby amended to read as follows:

18.12.055 Proceeds of sale of foreclosed properties.

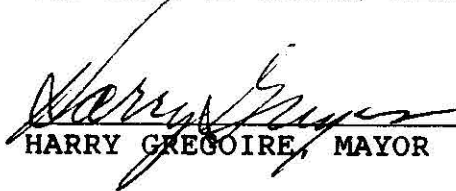
b. If foreclosed real property that has been held by the City for less than ten years after the close of the redemption period and never designated to be retained for a public purpose pursuant to § 18.06.042 is sold at a

foreclosure sale, the former record owner is entitled to the portion of the proceeds of the sale that exceeds the amount of unpaid taxes and assessments, the amount equal to taxes and assessments that would have been levied after foreclosure if the property had continued in private ownership, penalty, interest, and costs to the Kenai Peninsula Borough and City of foreclosing and selling the property/, and costs to the Borough and City of maintaining and managing the property that exceed amounts received by the Borough and City for use of the property.

Section 6. This is a general ordinance of a permanent nature and the provisions of Section 1 through Section 5 as contained herein shall be codified for inclusion in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 25th day of February, 1991.

THE CITY OF HOMER, ALASKA


HARRY GREGOIRE, MAYOR

AYES: 6
NOES: 0-
ABSENT: 0-
ABSTAIN: 0-

ATTEST:

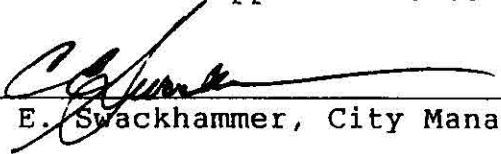

Mary L. Shannon
City Clerk

(City Seal)


No fiscal note required.

First Reading: 01/28/91
Public Hearing: 02/11/91
Second Reading: 02/25/91
Effective Date: 02/26/91

Reviewed and approved as to form and content:


C. E. Swackhammer, City Manager


Gordon J. Tans, Perkins Coie