

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2019-10

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING FORECLOSURE PROCEEDINGS FOR DELINQUENT PROPERTY TAXES FOR TAX YEARS 2014-2018

WHEREAS, AS Chapter 29.45 and UCO Chapter 6.36 authorize the City of Unalaska to collect unpaid real property taxes through *in rem* foreclosure proceedings against all real property for which the property tax has not been paid in full; and

WHEREAS, in accordance with AS 29.45.330 and UCO 6.36.110, the City Clerk has prepared a foreclosure list identifying properties for which the tax has not been paid.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Attorney is hereby authorized to file a foreclosure action against all property identified in the attached foreclosure list; and
2. The City Clerk is hereby directed to certify and publish the foreclosure list and provide notice of commencement of the foreclosure action in accordance with AS 29.45.330 and UCO 6.36.110.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on March 12, 2019.



Frank Kelty  
Mayor

ATTEST:



Marjie Veeder  
City Clerk



City of Unalaska, Alaska  
**REAL PROPERTY TAX FORECLOSURE LIST**  
 2014-2018 Foreclosures

Parcel #	Owner of Record	Property Description	2014	2015	2016	2017	2018	2019	Tax Due	Penalty & Interest	Total Delinquency
04-03-528	Bayview Associates	Lot 4 Block 1 Ilulaq Subd	-	-	-	-	1,361.75	1,516.08	2,877.83	335.26	3,213.09
04-09-172	Carl's Commercial	Tract C Carl's Subdivision Addition #1, Plat 91-15	222.34	222.35	226.93	223.90	222.91	222.91	1,341.34	540.04	1,881.38
03-07-536	John Galaktionoff	Lot 3, New Town Subdivision	1,473.78	2,011.31	2,052.83	2,025.37	2,011.31	2,011.31	11,585.91	3,883.07	15,468.98
06-02-025	Larry D. Garrison Trust B	Lot 8, R. Moore Subdivision	-	-	-	-	358.06	358.06	716.12	94.24	810.36
06-02-030	Larry D. Garrison Trust B	Lot 7 R. Moore Subdivision	-	-	-	-	2,345.81	2,345.81	4,691.62	617.42	5,309.04
06-02-035	Larry D. Garrison Trust B	Lot 6 R. Moore Subdivision	-	-	-	-	847.78	847.78	1,695.56	223.13	1,918.69
06-09-135	Richard McConnell	Lot 2 Helgevold Subdivision	-	-	-	-	-	2,557.18	2,557.18	161.93	2,719.11
06-09-151	Richard McConnell	Lot 5 Creekside Estates Subdivision	-	-	-	-	-	2,774.32	2,774.32	175.69	2,950.01
06-09-152	Richard McConnell	Lot 6 Creekside Estates Subdivision	-	-	-	-	-	693.00	693.00	43.88	736.88
06-09-179	Juliann Tucker	Lot 3 ARC Addition 1	-	-	-	-	761.35	1,488.79	2,250.14	144.35	2,394.49
06-09-150	John Zirlott	Tract A-1 Creekside Estates Sub Amundson Addn #2	887.04	887.04	905.35	893.24	1,002.54	1,002.54	5,577.75	2,184.30	7,762.05

Interest is calculated through March 8, 2019. Additional interest at 15% per annum on the tax due accrues until paid in full.

Each property owner will be assessed a proportionate share of the costs of the foreclosure proceeding, including attorney fees, court costs and fees for recording, service and publication. The costs must be paid before the property may be removed from the foreclosure list.

This 2014-2018 Real Property Tax Foreclosure List is available for public inspection at the office of the City Clerk for the City of Unalaska, 43 Raven Way, P. O. Box 610, Unalaska, AK 99685.

**A Petition for Judgment and Decree has been presented to the Superior Court in Anchorage, Alaska.**

**I certify that I am the City Clerk for the City of Unalaska, Alaska, and that the foregoing Real Property Tax Foreclosure List 2014-2018 is true and correct to the best of my knowledge and belief.**

CITY OF UNALASKA

By: \_\_\_\_\_  
Marjie Veeder  
City Clerk

STATE OF ALASKA        )  
  ) ss.  
Municipality of Unalaska    )

SUBSCRIBED AND SWORN to before me on March \_\_\_\_\_, 2019, by Marjie Veeder, City Clerk for the City of Unalaska.

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Notary Public  
State of Alaska

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Marjie Veeder, City Clerk  
Through: Thomas Thomas, City Manager  
Date: March 12, 2019  
Re: Resolution 2019-10, authorizing foreclosure proceedings for delinquent property taxes for tax years 2014-2018

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**SUMMARY:** Unalaska City Code § 6.36.110 states that the City Clerk, with the assistance of the City Attorney, shall every other year present a petition for judgment and a foreclosure list in the Superior Court. Resolution 2019-10 authorizes the City Attorney to move forward with foreclosure proceedings.

**PREVIOUS COUNCIL ACTION:** Council has not previously acted on this foreclosure list.

**BACKGROUND:** Council has authorized foreclosure proceedings numerous times in the past, the last one in 2012. Previous lawsuits were dismissed in Superior Court because the property taxes were paid in full, or the property was redeemed by the owner during the redemption period.

**DISCUSSION:** On December 21, 2018, the City Clerk sent letters to property owners whose property taxes were past due, letting them know a foreclosure proceeding would commence in 2019; encouraging them to bring their taxes current; and explaining acceptable methods of payment.

Thereafter, the City Clerk was contacted by various property owners, several of whom paid their past due taxes, penalty and interest in full.

Final reminder letters were sent on February 12 to those property owners whose taxes remained unpaid, imposing a full payment deadline of March 5 in order to keep their property off the foreclosure list and explaining that the list would go to the City Council on March 12. After the final reminder, several more property owners paid their taxes in full.

As a result of these notices, the foreclosure list was narrowed to the properties before you tonight. Before this list goes to court and is published, it is my hope that additional property owners will pay in full so that their property may be removed from the list.

After the Superior Court awards judgment to the City, the properties go into a one-year redemption period. This allows the owners one year from the date of judgment to pay delinquent taxes, penalty, interest, and a share of the costs of foreclosure, thereby removing their property from the court's judgment of foreclosure. The costs associated

with foreclosure include attorney fees, court costs and the cost of recording, service and publication in the newspaper as required.

The owners will be allowed to retain occupancy of the property during the redemption period. Property that remains subject to the court's judgment of foreclosure after the redemption period expires is deeded to the City.

Code outlines specific requirements regarding the disposal of foreclosed property after it has been deeded to the City. Staff will work closely with the City Attorney to ensure that those requirements are met.

It is my intent to continue to work with the property owners to ensure all amounts due are paid and the foreclosure suit dismissed.

**ALTERNATIVES:** UCO § 6.36.110 requires that this process occur biennially (every other year). Note: there is a typographical error in the code and biennially is spelled biannually, which means twice per year.

**FINANCIAL IMPLICATIONS:** Foreclosure proceedings result in additional expenses, which are recovered through the foreclosure action. The City will see increased tax revenue when delinquent taxes, penalties, interest and fees are paid.

**LEGAL:** The City Clerk is working closely with the City Attorney on the foreclosure process.

**STAFF RECOMMENDATION:** Staff recommends adoption of Resolution 2019-10.

**PROPOSED MOTION:** I move to adopt Resolution 2019-10.

**CITY MANAGER'S COMMENTS:** We need to move forward with the foreclosures, and we will continue to work with property owners to bring their accounts current.