

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: FEBRUARY 10, 2014 AGENDA ITEM NUMBER: 6

**SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE
COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT,
AND UPSET BIDS PROCEDURE
(POLK AVENUE)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley White, Jr.* DATE: February 4, 2014
COUNTY MANAGER

**RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE
COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BIDS PROCEDURE
(POLK AVENUE)**

WHEREAS, as a result of a property tax foreclosure proceeding, Forsyth County currently owns vacant property located on Polk Avenue, Winston-Salem, N.C. and further identified as Tax Block 2095, Lot 032, PIN: 6808-94-4380.00, for which the County has no use and wishes to sell to the highest bidder; and

WHEREAS, Forsyth County has received and proposes to accept an offer in the amount of five hundred and 00/100 dollars (\$500.00) made by Ted E. Dungee to purchase the above-described real property subject to advertisement and increased/upset bids; and

WHEREAS, pursuant to the provisions of N.C.G.S. 160A-269, when an offer is made and the Board of County Commissioners proposes to accept it, the Board must require the offeror to deposit five percent (5%) of his bid with the Clerk to the Board and the County is required to publish a notice of the offer for increased/upset bids; and

WHEREAS, based on the past experience of bidders failing to follow through with the purchase of property, the Forsyth County Attorney recommends that the Forsyth County Board of Commissioners make the required five percent (5%) deposit a nonrefundable payment to offset the expense of the required advertisement of the offer in the event the bidder's offer is ultimately accepted by the Board of Commissioners and the bidder fails to follow through with the purchase through no fault of the County;

NOW, THEREFORE, BE IT RESOLVED by the Forsyth County Board of Commissioners, pursuant to the provisions of N.C.G.S. 153A-176 and 160A-269, that Forsyth County plans to sell the above-described real property by negotiated offer, advertisement, and upset bids procedure and has received an offer as described above and the Board proposes to accept the said offer or any valid increased/upset bid received as provided by law, and to sell the property to the highest bidder.

BE IT FURTHER RESOLVED that the Clerk to the Board is hereby authorized and required to collect a deposit of five percent (5%) of the bid amount of Ted E. Dungee and any subsequent qualifying increased/upset bid under the applicable statute, which deposit shall be nonrefundable in the event the bidder's offer is ultimately accepted by the Board of Commissioners and the bidder fails to follow through with the purchase of the property through no fault of the County.

BE IT STILL FURTHER RESOLVED that the County Manager is hereby authorized to publish a notice of the said offer as required by N.C.G.S. 160A-269 and to re-advertise the offer of any subsequent qualifying increased/upset bid received until no further qualifying increased/upset bids are received, at which time the Board of Commissioners may accept the final offer and sell the property to the highest bidder.

BE IT STILL FURTHER RESOLVED that the Forsyth County Board of Commissioners may at any time reject any and all offers.

Adopted this the 10th day of February 2014.

**NOTICE OF OFFER
TO PURCHASE REAL PROPERTY
OWNED BY FORSYTH COUNTY
AND REQUEST FOR INCREASED/UPSET BIDS**

As authorized by Resolution adopted by the Forsyth County Board of Commissioners on February 10, 2014, Forsyth County hereby publishes notice, pursuant to the provisions of N.C.G.S. 160A-269, of an offer summarized below, to purchase real property owned by Forsyth County as a result of a property tax foreclosure proceeding. The offeror has already made a deposit in the amount of five percent (5%) of the bid with the Clerk to the Board, which deposit shall be nonrefundable in the event the bidder's offer is ultimately accepted by the Board of Commissioners and the bidder fails to follow through with the purchase of the property through no fault of the County.

<u>Offer Received From:</u>	<u>Offer Amount:</u>	<u>Property Address:</u>	<u>Tax Block/Lot/PIN:</u>
Ted E. Dungee	\$500.00	Polk Avenue (vacant land)	2095/032/6808-94-4380.00

The terms of the said offer to purchase are cash payment at closing in the full amount of the offer. Notice is hereby given that within ten (10) days of the date of publication of this notice, any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. Any qualifying increased/upset bidder will be required to deposit with the Clerk to the Board five percent (5%) of the total increased bid, which deposit shall be nonrefundable in the event the bidder's offer is ultimately accepted by the Board of Commissioners and the bidder fails to follow through with the purchase of the property through no fault of the County, and the Clerk shall re-advertise the offer at the increased bid amount. This procedure will be repeated until no further qualifying upset bids are received, at which time the Forsyth County Board of Commissioners may accept the final offer and sell the above described property to the highest bidder.

The Forsyth County Board of Commissioners may at any time reject any and all offers.

This 10th day of February 2014.

FORSYTH COUNTY

By: _____
Carla D. Holt
Clerk to the Board