

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: JUNE 10, 2013 AGENDA ITEM NUMBER: 11

SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE AND REJECTING ALL OTHER OFFERS (830 CROWDER STREET)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Andrew Clatto, Jr.* DATE: June 5, 2013
COUNTY MANAGER

**RESOLUTION AUTHORIZING PUBLICATION OF
AN OFFER TO PURCHASE COUNTY OWNED REAL PROPERTY
BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS
PROCEDURE AND REJECTING ALL OTHER OFFERS
(830 CROWDER STREET)**

WHEREAS, as a result of a property tax foreclosure proceeding, Forsyth County currently owns property located at 830 Crowder Street, Winston-Salem, N. C. and further identified as Tax Block 0965, Lot 106, PIN: 6834-92-4443.00, for which the County has no use and wishes to sell to the highest bidder; and

WHEREAS, on March 22, 2006 Forsyth County received a bid in the amount of \$1,400.00 and collected a bid deposit of 5% from Mr. Carl Perry, Jr. to purchase the above-described property at public auction; and on April 10, 2006 the Board of County Commissioners adopted a resolution accepting said bid; however, Mr. Perry failed to follow through with the purchase of the said property despite efforts of the staff to contact him and complete the sale of the property, therefore his deposit was refunded; and

WHEREAS, Forsyth County later received and proposed to accept an offer in the amount of Four Hundred and 00/100 Dollars (\$400.00) made by Ted E. Dungee to purchase the above described real property, subject to advertisement and increased/upset bids; however, after the Board of County Commissioners adopted a resolution accepting said offer, Mr. Dungee failed to follow through with the purchase of the said property despite efforts of the staff to contact him and complete the sale of the property; and

WHEREAS, Forsyth County has now received and proposes to accept an offer in the amount of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) made by Mr. D.E. Clinard 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, Forsyth County must require the offerors to deposit five percent (5%) of their 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 the 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 that the Forsyth County Board of Commissioners has already rejected the bid received from Carl Perry and hereby rejects the offer received from Ted E. Dungee in the amount of \$400.00, since he has failed to comply with said offer and purchase of the property; and the Board hereby instructs the Clerk to the Board to return Mr. Dungee's bid deposit on this property;

BE IT FURTHER RESOLVED 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 D.E. Clinard and any subsequent 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 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 at any 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 FURTHER RESOLVED that Forsyth County may at any time reject any and all offers.

Adopted this the 10th day of June 2013.

Forsyth County, North Carolina Tax Administration

Bid for County Surplus Property

Fill out the form below and mail to the address noted to submit a bid to the Forsyth County Tax Administration Office for this property.

Block/Lot: 0965 106

PIN: 6834-92-4443.00

Description: 830 Crowder ST

Full Name: Dr. Clunard White


Email Address: woodyclunard@triad.rr.com

Daytime Phone Number: 919-2258

Mailing Address: 614 West End Dr

City/State/Zip: WS NC 27101-1137

Bid Amount: \$3,500.

Signature:  **Date:** 3/15/13

Mail form to:

Attn: Kirby Robinson

Forsyth County Tax Administration

PO Box 82

Winston-Salem, NC 27102