

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 26, 2015 AGENDA ITEM NUMBER: 8


SUBJECT: RESOLUTION ACCEPTING THE HIGHEST BID TO PURCHASE COUNTY OWNED REAL PROPERTY THROUGH NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE (GARDEN LOOP)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE:  DATE: January 21, 2015
COUNTY MANAGER

**RESOLUTION ACCEPTING THE HIGHEST BID TO
PURCHASE COUNTY OWNED REAL PROPERTY
THROUGH NEGOTIATED OFFER, ADVERTISEMENT,
AND UPSET BIDS PROCEDURE
(GARDEN LOOP)**

WHEREAS, Forsyth County received an offer in the total amount of One Thousand and 00/100 Dollars (\$1,000.00) from Ernest L. Frazier and Shirley A. Frazier to purchase County owned real property acquired through a property tax foreclosure, located on Garden Loop in Winston-Salem, N.C. and more particularly described as Tax Block 3415, Lot 062, and PIN 6807-81-4716.00 on the records of the Forsyth County Tax Registry; and

WHEREAS, by Resolution Authorizing Publication Of An Offer To Purchase County Owned Real Property By Negotiated Offer, Advertisement, And Upset Bids Procedure (Garden Loop) adopted by the Forsyth County Board of Commissioners at its December 15, 2014 meeting, a Notice Of Offer To Purchase Real Property Owned By Forsyth County And Request For Increased/Upset Bids was advertised as required by N.C.G.S. 160A-269 relating to the said offer in the amount of \$1,000.00 from Ernest L. Frazier and Shirley A. Frazier; and

WHEREAS, after due advertisement of the above Notice of Offer, no increased/upset bids have been received within the time allowed by law and County staff recommends acceptance of the current offer and the sale of the above-described property to the highest bidder in a manner consistent with the terms outlined in the said Notice of Offer;

NOW THEREFORE BE IT RESOLVED that the Forsyth County Board of Commissioners hereby accepts the offer of the highest bidder, Ernest L. Frazier and Shirley A. Frazier, in the amount of One Thousand and 00/100 Dollars (\$1,000.00) to purchase the County owned real property located on Garden Loop in Winston-Salem, N.C. and more particularly described as Tax Block 3415, Lot 062, and PIN 6807-81-4716.00 on the records of the Forsyth County Tax Registry.

BE IT FURTHER RESOLVED that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute the necessary documents to complete the sale of the above described property consistent with the terms outlined in the Notice of Offer, subject to a pre-audit certificate thereon by the Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 26th day of January 2015.

(for publication in the WS Journal Legal Section on December 26, 2014)

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

As authorized by a Resolution adopted by the Forsyth County Board of Commissioners on December 15, 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 property tax foreclosure proceedings. The offeror has already deposited five percent (5%) of the said bid with the Clerk to the Board.

Offer Received From:	Ernest L. and Shirley A. Frazier
Offer Amount:	\$1,000.00
Property Address:	Garden Loop
Tax Block/Lot:	Block 3415, Lot 062

The terms of the said offer to purchase are cash payment at closing in the full amount of the offer less the deposit made. 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 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 26th day of December 2014.

Forsyth County Board of Commissioners
Carla D. Holt, Clerk to the Board

RECEIVED

JAN 02 2015

COUNTY MANAGER'S/
COMMISSIONERS' OFFICE

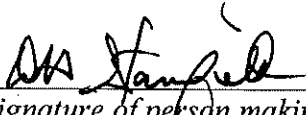
AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared D.H. Stanfield, who being duly sworn, deposes and says: that he is Controller of the Winston-Salem Journal, engaged in the publishing of a newspaper known as the Winston-Salem Journal, published, issued and entered as second class mail in the City of Winston-Salem, in said County and State: that he is authorized to make this affidavit and sworn statement: that the notice or other legal advertisement, a true copy of which is attached hereto, was published in the Winston-Salem Journal on the following dates:

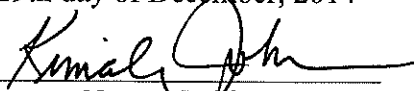
December 26, 2014

and that the said newspaper in which such notice, paper document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

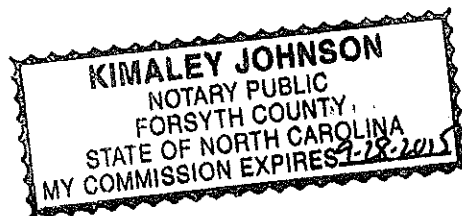
This 29th day of December, 2014


(signature of person making affidavit)

Sworn to and subscribed before me, this 29th day of December, 2014


Notary Public

My Commission expires: September 28, 2015



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

As authorized by a Resolution adopted by the Forsyth County Board of Commissioners on December 15, 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 property tax foreclosure proceedings. The offeror has already deposited five percent (5%) of the said bid with the Clerk to the Board.

Offer Received From:	Offer Amount:
Property Address:	Tax Block/Lot:
Ernest L. & Shirley A. Frazier	\$1,000.00
Garden Loop	3415/062

The terms of the said offer to purchase are cash payment at closing in the full amount of the offer less the deposit made. 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 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 26th day of December 2014.

Forsyth County Board of Commissioners
Carla D. Holt, Clerk to the Board

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

WHEREAS, as a result of a property tax foreclosure proceeding, Forsyth County currently owns real property located on Garden Loop in Winston-Salem, N. C. and further identified as Tax Block 3415, Lot 062, Parcel Identification Number 6807-81-4716.00 for which the County has no use and wishes to sell to the highest bidder; and

WHEREAS, Forsyth County received and proposes to accept an offer in the amount of One Thousand and 00/100 dollars (\$1,000.00) made by Ernest L. Frazier and Shirley A. Frazier 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 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 before accepting any offer.

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 bidders' offer is ultimately accepted by the Board of Commissioners and the bidders fail 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 the 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 qualifying 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 Ernest L. Frazier and Shirley A. Frazier and any qualifying increased/upset bid under the applicable statute.

BE IT FURTHER RESOLVED that the required five percent (5%) deposit shall be nonrefundable to offset the expense of the required advertisement of the offer in the event the bidders' offer is ultimately accepted by the Board of Commissioners and the bidders fail to follow through with the purchase 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 15th day of December 2014.

ADOPTED

DEC 15 2014

Forsyth County Board
of Commissioners



Forsyth County Government

Surplus Property

OFFER TO PURCHASE

I hereby submit a bid and offer to purchase certain real property owned by Forsyth County.

The property is identified as:

Parcel Identification Number: 6807-81-4716.00

Street Address: GARDEN LOOP (LOT)

My bid for the property listed above is \$ 1000.00 Attached is a certified check or money order in the amount of \$ 100.00 as a deposit of not less than 5% of my total bid (please make checks payable to Forsyth County). I understand that a receipt for my payment will be mailed to me within a week of the County receiving my payment.

If my bid is the highest bid after all qualifying upset bids are received and advertised for upset bids, I request the Forsyth County Board of Commissioners accept the offer and sell the property to me. I request Forsyth County prepare a deed for the property listed above in the following name(s) as Grantee(s):

ERNEST L FRAZIER AND SHIRLEY A FRAZIER

Upon notification that my offer has been accepted, I will pay the balance of the purchase price in full by certified check or money order payable to Forsyth County. I understand that I will be responsible for recording the deed and all expenses associated therewith. I further understand that should my bid be upset, my deposit will not be refunded until the successful completion of the entire bidding process. I further understand that should my bid be accepted and I fail to pay the balance of the purchase price in full, I will forfeit to Forsyth County the amount of any deposit I have paid on the property.

Name: ERNEST L FRAZIER

Address: 1595 RED COPPER CIRCLE

WINSTON-SALEM, N.C. 27106

Telephone: (336)-922-2157

Email: ELFRAZ@MINDSPRING.COM

Signature: Ernest L Frazier

Date: NOV 19, 2014

*** Please note that not all bids received will be accepted for advertisement. Should your bid not be accepted, you will receive written notification as soon as a decision has been reached. Please mail all bid forms and deposits to:

Forsyth County General Services
Attention: Kirby Robinson, Property Manager
201 N. Chestnut Street
Winston-Salem, NC 27101