

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

MEETING DATE: DECEMBER 15, 2014 AGENDA ITEM NUMBER: 8

**SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE  
COUNTY OWNED REAL PROPERTY BY 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: *J. Dudley Watts, Jr.* DATE: December 10, 2014  
COUNTY MANAGER

**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 15<sup>th</sup> day of December 2014.