

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: MARCH 11, 2013 AGENDA ITEM NUMBER: 7

**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:

County Manager recommends rejection of the offer and consultation with the County Housing Department and non-profits such as Habitat for Humanity.

### SUMMARY OF INFORMATION:

See attached

ATTACHMENTS:  YES  NO

SIGNATURE: *J. Dudley Watts, Jr.* COUNTY MANAGER DATE: March 6, 2013

**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; 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 One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) 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 if 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 if 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 11<sup>th</sup> day of March 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:** W. Clinard

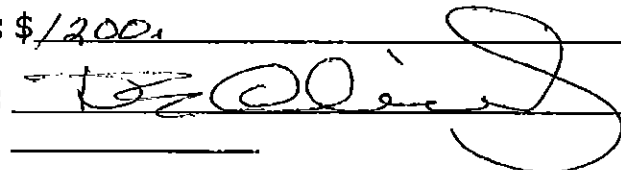
**Email Address:** woodyclinard@triad.rr.com

**Daytime Phone Number:** 924 2258

**Mailing Address:** 619 West End BV

**City/State/Zip:** 27101

**Bid Amount:** \$1200

**Signature:**  **Date:** 2/20/13

**Mail form to:**  
**Attn: Kirby Robinson**  
**Forsyth County Tax Administration**  
**PO Box 82**  
**Winston-Salem, NC 27102**