

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 9, 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 (444 WEST 25th STREET)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.* DATE: September 5, 2013
COUNTY MANAGER

**RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE
COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BIDS PROCEDURE
(444 WEST 25th STREET)**

WHEREAS, as a result of a property tax foreclosure proceeding, Forsyth County currently owns property located at 444 West 25th Street, Winston-Salem, N.C. and further identified as Tax Block 1446, Lot 052, PIN: 6826-95-5405.00, 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 Two Thousand and 00/100 Dollars (\$2,000.00) made by Mr. Kenneth David Yontz 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 by the Forsyth County Board of Commissioners that pursuant to the provisions of N.C.G.S. 153A-176 and 160A-269, 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 Kenneth David Yontz 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 9th day of September 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: 1446 052

PIN: 6826-95-5405.00

Description: 444 W Twenty Fifth ST

Full Name: Kenneth David Yontz

Email Address: Kdyontz@gmail.com

Daytime Phone Number: 336-588-9869

Mailing Address: 1210 Fiddleys Ln.

City/State/Zip: Walnut Cove N.C. 27052

Bid Amount: \$ Two Thousand (\$2000⁰⁰)

Signature: Kenneth D. Yontz **Date:** 7-31-13

Mail form to:

Attn: Kirby Robinson

Forsyth County Tax Administration

PO Box 82

Winston-Salem, NC 27102

**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 September 9, 2013, 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 respective 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>
Kenneth D. Yontz	\$2,000.00	444 West 25 th Street	1446/052/6826-95-5405.00

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 _____ day of September 2013.

FORSYTH COUNTY

By: _____
Carla D. Holt
Clerk to the Board