

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 14, 2013 AGENDA ITEM NUMBER: 8

**SUBJECT: RESOLUTION AUTHORIZING EXTENSION OF THE AGREEMENT FOR PURCHASE AND SALE OF COUNTY OWNED REAL PROPERTY FOR A HISTORIC RENOVATION PROJECT (11 W. THIRD STREET-"OLD COURTHOUSE")**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

### SUMMARY OF INFORMATION:

See attached

ATTACHMENTS:  YES  NO

SIGNATURE: *J. Wesley Watts, Jr.* DATE: October 9, 2013  
COUNTY MANAGER

**RESOLUTION AUTHORIZING EXTENSION OF THE AGREEMENT FOR  
PURCHASE AND SALE OF COUNTY OWNED REAL PROPERTY  
FOR A HISTORIC RENOVATION PROJECT  
(11 W. THIRD STREET-"OLD COURTHOUSE")**

**WHEREAS**, Forsyth County owns real property located at 11 W. Third Street in Winston-Salem, N.C., commonly referred to as the "Old Courthouse" and further identified as Tax Block 6084, Lot 152, for which the County has no use and wishes to sell to the highest bidder for a historic renovation project; and

**WHEREAS**, Forsyth County has received an offer, the County Manager has negotiated certain terms of the offer, and the Board of Commissioners proposes to accept the said negotiated offer in the amount of Seven Hundred Thousand and 00/100 dollars (\$700,000.00) made by Clachan Properties, L.L.C. to purchase the above described real property "As Is" for a historic renovation project, subject to advertisement and increased/upset bids; and

**WHEREAS**, the Clerk to the Board has published a notice of the offer for increased/upset bids and no increased or upset bids were received; and

**WHEREAS**, pursuant to the provisions of N.C.G.S. 160A-269, the offeror has paid the County a deposit of five percent (5%) of its bid, or \$35,000; and the County Manager also negotiated the exclusion of the time capsule currently buried on the premises from the sale and the payment by Clachan Properties of any advertising costs incurred by the County if the Company does not complete the purchase of the property; and

**WHEREAS**, in addition to the purchase price, the said offer by Clachan Properties (Buyer) also includes contingency provisions relating to historic certification, landmark designation and multifamily zoning, an Inspection and Due Diligence Period, terms relating to the return of the deposit, costs, closing, and other related purchase and sale provisions; and

**WHEREAS**, under the terms of the Agreement, if the historic certification, landmark designation and/or the multifamily zoning have not been approved by the end of the Due Diligence Examination Period, the contract may be extended in the discretion of the Buyer for up to seven (7) months at the end of which, if the contingencies are still not approved, the Buyer has the right to extend the contract for two (2) sixty (60) day periods by paying additional non-refundable consideration of \$5,000 per 60-day period; and

**WHEREAS**, due to delays in obtaining the necessary approvals, the Buyer has exercised its discretion to extend the contract term for seven months and has paid an additional \$10,000 to extend the contract for two additional 60-day periods, which

exhausts all rights to extend the contract without further authorization by the Board of County Commissioners; and

**WHEREAS**, due to further delays in obtaining the approval by the National Park Service of a historic certification, the Buyer is seeking two additional sixty (60) day extensions by paying \$5,000 per 60-day period; and

**WHEREAS**, the County Manager recommends approval of the two additional 60-day extension periods; and

**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 for a historic renovation project by the negotiated offer, advertisement, and upset bids procedure and has received and negotiated terms of an offer as described above and after advertisement of said offer, no increased or upset bids were received, and the Board of Commissioners proposes to accept the said negotiated offer by Clachan Properties, L.L.C.

**BE IT FURTHER RESOLVED** that the Forsyth County Board of Commissioners hereby authorizes the County Manager and Clerk to the Board to execute necessary documents to extend the contract with Clachan Properties, L.L.C. for two additional sixty (60) day periods at a cost to the said Buyer of \$5,000 per sixty day period.

**BE IT FURTHER RESOLVED** that Forsyth County may at any time reject any and all offers.

Adopted this the 14<sup>th</sup> day of October 2013.