

FORSYTH COUNTY
BOARD OF COMMISSIONERS

BRIEFING
DRAFT

MEETING DATE: JUNE 27, 2019 AGENDA ITEM NUMBER: 18

**SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE
COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT,
AND UPSET BIDS PROCEDURE
(121 N. CHURCH STREET)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER TO PURCHASE
COUNTY OWNED REAL PROPERTY BY NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BIDS PROCEDURE
(121 N. CHURCH STREET)**

WHEREAS Forsyth County owns approximately 2.63 acres of real property located at 121 N. Church Street, Winston-Salem, N.C., further identified as parcel identifiers 6835-36-0134.00, 6835-26-9049.00, 6835-26-9125.00, and 6835-25-9994.00;

WHEREAS on January 3, 1995, the County leased 1.428 acres of real property located at 121 N. Church Street, further identified as a portion of parcel identifiers 6835-36-0134.00, 6835-26-9049.00, 6835-26-9125.00, and 6835-25-9994.00 to the City of Winston-Salem, as further described in Exhibit A, which is attached hereto and incorporated herein by reference, for the purpose of constructing a parking garage;

WHEREAS the original lease agreement has since been assigned to WFC Property, LLC, a Delaware limited liability company, with Square Deal Investment Management, Inc., an Oklahoma corporation, as its Manager;

WHEREAS Square Deal Investment Management, Inc., has offered to purchase the real property described in Exhibit A for a Purchase Price of \$1,150,000; and

WHEREAS as further conditions of the sale, Square Deal Investment Management, Inc., will grant the County a permanent easement to park on the ground floor of the parking garage and grant the County's encroachment request for the construction of its new parking garage onto a portion of the subject property at no cost to 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 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 Square Deal Investment Management, Inc., and any subsequent qualifying increased/upset bid;

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, subject to the terms and conditions described above, and to re-advertise the offer at any qualifying 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; and

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

Adopted this the 27th day of June 2019.

EXHIBIT A

Description of Land

All that certain tract or parcel of land lying and being situated in the City of Winston-Salem, Forsyth County, North Carolina, and being more particularly described as follows:

TO FIND THE POINT AND PLACE OF BEGINNING, begin at the intersection of the northern right-of-way line of First Street (50-foot public right-of-way) and the western right-of-way line of Chestnut Street (50-foot public right-of-way); running thence N. 6° 8' 46" W. 126.1 feet along the westerly boundary line of Chestnut Street to a point being the POINT OF BEGINNING; thence leaving said right-of-way line of Chestnut Street with a new line S. 83° 27' 55" W. 299.26 feet to a point in the eastern right-of-way line of Church Street (60-foot public right-of-way); thence with the eastern right-of-way line of Church Street N. 6° 26' 41" W. a total of 222.0 feet to a point (passing existing iron pins at 91.03 feet and 170.17 feet, respectively); thence leaving said eastern right-of-way line of Church Street with a new line N. 83° 27' 55" E. 50.78 feet to a point; thence S. 6° 32' 5" E. 17.33 feet to a point; thence N. 83° 27' 55" E. 249.27 feet to a point located in the western right-of-way line of Chestnut Street (50-foot public right-of-way); thence with said western right-of-way line of Chestnut Street, S. 6° 13' 6" E. 204.67 feet to a point, the place of BEGINNING. The aforesaid description is taken from a survey entitled "Forsyth County - Old Jail Site", prepared by Buddy L. Barbee, NCRLS., Beeson Engineering Inc., dated August 9, 1994, last revised December 5, 1994, reference to which hereby is made for a more particular description of the above described property.