

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: DECEMBER 16, 2013 AGENDA ITEM NUMBER: 9

**SUBJECT: RESOLUTION DECLINING FIRST OPPORTUNITY TO OBTAIN REAL PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION
(.476 ACRE PORTION OF LAND LOCATED BETWEEN SR 4326 (RAMS DRIVE) AND SR 4325 (MARTIN LUTHER KING JR. DRIVE) – DIGGS PROPERTY)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE:  DATE: December 12, 2013
COUNTY MANAGER

**RESOLUTION DECLINING
FIRST OPPORTUNITY TO OBTAIN REAL PROPERTY
AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION
(.476 ACRE PORTION OF LAND LOCATED BETWEEN
SR 4326 (RAMS DRIVE) AND SR 4325 (MARTIN LUTHER KING JR. DRIVE) –
DIGGS PROPERTY)**

WHEREAS, the Winston-Salem/Forsyth County Board of Education has proposed to accept an offer by the North Carolina Department of Transportation to purchase .476 acres of land located between SR 4326 (Rams Drive) and SR 4325 (Martin Luther King Jr. Drive) including the portion of the building thereon owned by the Board of Education and to provide demolition of the said portion of the building for a purchase amount of \$954,660.00, which amount was later increased to \$974,758.00 during the upset bid process; and

WHEREAS, the Winston-Salem/Forsyth County Board of Education has determined that the portion of land and building identified herein are not necessary for public school purposes; and

WHEREAS, N.C.G.S. 115C-518 provides that the board of education, holding title to any real property which is no longer suitable or necessary for public school purposes and proposing to dispose of said property, shall afford the board of county commissioners for the county in which the property is located the first opportunity to obtain the property by offering the property to the board of county commissioners at a fair market price or at a price negotiated between the two boards; and

WHEREAS, if the board of county commissioners does not choose to obtain the property as offered, the board of education may dispose of the property as provided by law and the proceeds of the sale shall be either applied to reduce the county's bonded indebtedness for the school administrative unit or for capital outlay purposes; and

WHEREAS, the Forsyth County Board of Commissioners does not desire to purchase the above described real property from the Winston-Salem/Forsyth County Board of Education.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-518, the Forsyth County Board of Commissioners hereby declines the opportunity to purchase the above described real property as offered by the Winston-Salem/Forsyth County Board of Education.

Adopted this the 16th day of December 2013.



Winston-Salem/Forsyth County Schools
P.O. Box 2513
Winston-Salem, NC 27102-2513
(336) 727-2816 Fax (336) 727-2008
website: wsfcs.k12.nc.us

December 11, 2013

Mr. Dudley Watts
Forsyth County Manager
Forsyth County Government Center
201 North Chestnut Street
Winston-Salem, North Carolina 27101

RE: Disposition Diggs Property

Dear Mr. Watts:

At its meeting on November 12, 2013, the Winston-Salem/Forsyth Board of Education unanimously approved, subject to the right of Board of County Commissioners to be afforded the first opportunity of purchase, the sale of a 0.476 acre portion of land located between Rams Drive and Martin Luther King Drive, described in Deed book 865, Page 173, Forsyth County Registry. The initial offer from the North Carolina Department of Transportation was to purchase the property for Nine Hundred Fifty Four Thousand Six Hundred and Sixty Dollars and no/100 (\$954,660.00). The sale price includes demolishing a portion of the existing Diggs building (4 classrooms), which will make way for further expansion of Highway 52.

After the Board's Resolution passed on November 12, 2013, the subject property was advertised for upset bids. During the upset bid period, the North Carolina Department of Transportation increased its offer to purchase the property to Nine Hundred Seventy Four Thousand Seven Hundred and Fifty Eight Dollars and no/100 (\$974,758.00). The ten-day upset bid period is now closed.

Pursuant to N.C.G.S. § 115C-518(a) the Winston-Salem/Forsyth county board of Education respectfully request the Forsyth County Board of County Commissioners waive its first opportunity to obtain the subject property. A copy of the Winston-Salem/Forsyth county Board of Education Resolution is enclosed herewith. Should you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Sincerely yours,

Winston-Salem/Forsyth County Board of Education

Allison Tomberlin
General Counsel

Enclosure

cc: Beverly Emory, Superintendent
Darrell Walker, Assistant Superintendent for Operations

Board of Education

A. I. (Buddy) Collins
John Davenport, Jr.
Jane D. Goins (Chair)
Victor Johnson, Jr.
Irene May
Jeannie A. Metcalf
Elisabeth Motsinger
Marilyn A. Parker
Jill A. Tackabery

Dr. Beverly R. Emory
Superintendent

**RESOLUTION OF THE
WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION**

WHEREAS, the Winston-Salem/Forsyth County Board of Education owns real property located between SR 4326 (Rams Drive) and SR 4325 (Martin Luther King Jr. Drive), commonly known as the Diggs property.

WHEREAS, the North Carolina Department of Transportation has offered to purchase .476 acres of land on said property with the portion of the building thereon and to provide for demolishing said portion of the building, for \$954,660.00;

WHEREAS, the .476 acres of land, and the portion of the Diggs building thereon, are not necessary for public school purposes;

WHEREAS, the North Carolina Department of Transportation will use the .476 acres of land to further develop Highway 52;

WHEREAS, N.C.G.S. § 115C-518(a) requires the Board of Education provide to the Board of County Commissioners of Forsyth County a right of first refusal to purchase property before it can be sold.

THEREFORE, BE IT HEREBY RESOLVED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION as follows:

1. That the .476 acres identified for purchase by the NC Department of Transportation, and the portion of the Diggs building thereon, is not necessary for public school purposes;
2. That, pursuant to N.C.G.S. § 115C-518(a), it provide the Board of County Commissioners of Forsyth County a right of first refusal to purchase the property; and
3. That, subject to the approval of the Forsyth County Commissioners pursuant to N.C.G.S. § 115C-518(a), it accepts and agrees to the sale of property to the North Carolina Department of Transportation, or to any upset bidder who makes a higher offer pursuant to the procedures set out in N.C.G.S. § 160A-269.

Adopted by the Winston-Salem/Forsyth County Board of Education; this, the 12th day of November, 2013.

By: Jane D. Goins
Jane D. Goins, Chairperson

Attest: Beverly R. Emory
Beverly Emory, Superintendent

Draft Date: 11/07/13
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