

2014-4

LEE COUNTY

Committed Today for a Better Tomorrow

**RESOLUTION ACCEPTING OFFER FOR SALE OF SURPLUS PROPERTY LOCATED ON
STROUD STREET, LOT 1 – 10 BLK E, TO
CAMERON AND DARLENE FRANCIS**

WHEREAS, the County of Lee and City of Sanford own certain property located on Stroud Street, Lot 1-10 Block E of Gunter Forest, Sanford, N.C., as shown on a deed recorded in Deed Book 1335, Page 818 in the office of the Register of Deeds for Lee County, to which the record thereof, reference is hereby made for more complete description; and,

WHEREAS, North Carolina General Statutes §§ 153A-176 and 160A-269 permit the county and city to sell property by upset bid, after receipt of an offer to purchase the property; and,

WHEREAS, the County received an original offer submitted by Cameron and Darlene Francis (“Offerors”), to purchase the property described above in the amount of \$2,700.00; and,

WHEREAS, Offerors paid to the County Clerk the required 5 percent (5%) deposit on their offer; and,

WHEREAS, the Lee County Board of Commissioners accepts the offer of \$2,700.00 or any higher, upsetting offer, subject to the upset bid procedure and subject to approval and acceptance by the City of Sanford.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Board of Commissioners as follows:

1. The Lee County Board of Commissioners authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall contain a general description of the property, the amount and terms of the first upset bid offer, and a notice that within 10 days 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 plus advertising costs.
3. Persons wishing to upset the first upset bid offer that has been received shall submit a sealed bid with their offer to the County Attorney’s Office and make a deposit of 5 percent (5%) of their offer within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the County Attorney shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

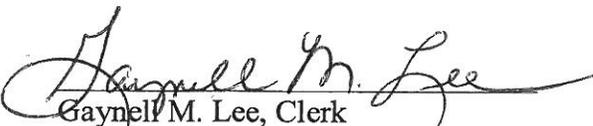
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
5. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid in addition to advertising costs; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are as follows:
 - a. The buyer must pay with cash, cashier's check or certified check at the time of closing.
9. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
10. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted by the County. Because the property that is the subject of this offer is owned jointly by the County of Lee and the City of Sanford, final approval of the offer is contingent upon approval and acceptance of the offer by the City of Sanford. The appropriate County officials are hereby authorized to execute any necessary instruments to convey said property.

Dated this the 17th day of March 2014.



Charles T. Parks, Chairman
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk
Lee County Board of Commissioners