

Resolution #22-0022
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**RESOLUTION AUTHORIZING THE SALE OF A CITY-OWNED
VACANT LOT ON BETHANIA STATION ROAD UNDER THE
UPSET BID PROCEDURE (N.C.G.S. 160A-269)**

WHEREAS, the City of Winston-Salem owns a vacant lot at 3900 Bethania Station Road which is surplus to the City's needs; and

WHEREAS, the lot is in a floodplain and has limited utility; and

WHEREAS, the lot contains 1.42 acres and is identified as Tax PIN 6818-70-2228. DCWS Commercial, LLC (DCWS), 8042 Quail Creek Drive, Colfax, NC 27235 has offered to purchase the lot for the tax value amount of \$23,300 in accordance with N.C.G.S. 160A-269; and

WHEREAS, this price is believed to be reasonable for the lot with limited utility; and

WHEREAS, DCWS owns the adjoining property and has plans to incorporate this City-owned lot with their existing lot; and

WHEREAS, no warranty of merchantability, fitness for a particular purpose, or condition is made by the City relating to the sale of the property and the property is purchased "As Is/Where Is And With All Faults."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Winston-Salem, upon the recommendation of the Finance Committee, that the City Council hereby authorizes sale of the lot identified as Tax PIN 6818-70-2228 to DCWS Commercial, LLC, in the amount of \$23,300 under the provisions of N.C.G.S. 160A-269; that the City Clerk shall cause a notice of proposed sale, containing a general description of the property, amount and terms of the offer, and a notice that within ten days any person may raise the bid by not less than ten percent of the first \$1,000 and five percent of the remainder, be

published, without further authorization of the City Council, shall re-advertise the offer at the increased bid; and this procedure shall be repeated until no further qualifying bids are received, at which time the City Council may accept the offer and sell the property to the highest bidder or reject any and all offers.

BE IT FURTHER RESOLVED, in the event that no raised bid is received, the offer set forth above is hereby accepted and the appropriate City officials are hereby authorized to execute instruments required to complete the conveyance to DCWS Commercial, LLC, or its assigns, as stated herein.

BE IT FURTHER RESOLVED, the purchase of the property is voided and the refund of the earnest money or bid deposit is authorized if it is requested by the buyer within the due diligence period as specified in the Offer to Purchase Contract or the Bid Purchase of City Property Offer.