

Resolution #21-0676
2022 Resolution Book, Page 10

**RESOLUTION AUTHORIZING THE SALE OF A SURPLUS REMNANT LOT
TO THE WINDFIELD ASSOCIATION, INC. UNDER THE
UPSET BID PROCEDURE (N.C.G.S. 160A-269)**

WHEREAS, on June 14, 2021, the Winston-Salem/Forsyth County Utility Commission authorized the purchase of a lot at the intersection of Frye Bridge Road and Windfield Street; and

WHEREAS, the 0.480-acre lot is identified as Parcel 08-001-B-000-0032, ID Number 6801-03-33-5592; and

WHEREAS, the lot was purchased due to an encroachment of a driveway from the adjoining dechlorination facility lot; and

WHEREAS, this new lot which was recently purchased has now been subdivided into a 0.15 acre-parcel to be retained for consolidation with the dechlorination facility lot, and a 0.33-acre parcel that is no longer needed to support the adjoining facility; and

WHEREAS, the lots are further described in Plat Book 80, Page 13 of the Davidson County Registry; and

WHEREAS, it is proposed that this 0.33-acre unbuildable surplus remnant lot be sold to the Windfield Association, Inc., known as Windfield HOA, for \$500 based on the upset bid procedure; and

WHEREAS, this would eliminate the need for the Utilities Department to maintain the property in perpetuity and, at the same time, the lot would be a benefit to the adjoining Windfield HOA; and

WHEREAS, the Winston-Salem/Forsyth County Utility Commission and staff are supportive of this disposition of property; 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 the City Council of the City of Winston-Salem, upon the recommendation of the Finance Committee, hereby authorize the sale to the Windfield Association, Inc. of a 0.33-acre portion of the former lot described herein and further illustrated in Plat Book 80, Page 13 of the Davidson County Registry for a total amount of \$500, 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 Windfield Association, Inc., 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.

BE IT FURTHER RESOLVED that the proceeds of the sale will go to the Water/Sewer Fund.

BE IT FURTHER RESOLVED that additional funds are hereby authorized to cover any necessary closing expenses, and the appropriate City officials are authorized to execute instruments required to complete the sale herein set forth.