

Resolution # 19-0434

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**RESOLUTION AUTHORIZING THE SALE OF TWO CITY-OWNED VACANT LOTS
ON EAST FIFTEENTH STREET UNDER THE UPSET BID PROCEDURE
(N.C.G.S. 160A-269)**

WHEREAS, the City is the owner of two vacant lots at 1201 and 1203 East Fifteenth Street, further identified in attached Exhibit A, Forsyth County Tax Map, which lots are surplus to the City's needs; and

WHEREAS, the City has received an offer to purchase these two vacant lots and advertise the lots for upset bids all in accordance with N.C.G.S. 160A-269; and

WHEREAS, New Bethlehem Holiness Apostolic Church, 1217 East Fifteenth Street, Winston-Salem, NC 27105, has submitted an offer of \$350 for 1201 East Fifteenth Street and \$400 for 1203 East Fifteenth Street; and

WHEREAS, the two lots are adjacent to the existing church property and would be an addition to the church campus; and

WHEREAS, the two lots are unbuildable, have been owned by the City since the early 1990s, and the sale would relieve the City of future maintenance of the lots; 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 two lots identified in Exhibit A to New Bethlehem Holiness Apostolic Church in the amount of \$350 for 1201 East Fifteenth Street and \$400 for 1203 East Fifteenth Street under the provisions of N.C.G.S. 160A-269; that the City Secretary

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 New Bethlehem Holiness Apostolic Church, 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.