

Resolution #22-0544  
Withdrawn

**RESOLUTION APPROVING THE SALE OF CITY-OWNED LAND BY PRIVATE SALE TO THE ARTS BASED SCHOOL SUPPORTING ORGANIZATION**

**WHEREAS**, The Arts Based School was founded over 20 years ago as a public charter school and currently serves over 500 students in grades K-8; and

**WHEREAS**, in recent years, the school has seen its waitlist for new students grow to 400-500. To meet this growing demand, the school's leadership has engaged in discussions with Winston-Salem/Forsyth County Schools about leasing space in the former Diggs Elementary School, which is located on Mock Street in the Happy Hill neighborhood; and

**WHEREAS**, the Winston-Salem/Forsyth County School Board recently approved a one-year lease with The Arts Based School for use of 14,000 square feet in the former Diggs Elementary School to start a second elementary school. The Arts Based School will open the new school in August 2022 with grades K-1; and

**WHEREAS**, The Arts Based School is seeking to expand the campus of its new school to eventually establish a middle school; and

**WHEREAS**, as part of The Arts Based School's focus on serving this underserved area of the community, they plan to partner with Winston-Salem State University and the UNC School of the Arts to provide an enriched arts-based educational experience. Both chancellors are supportive of The Arts Based School's plan; and

**WHEREAS**, to provide for their future expansion in the Happy Hill community, The Arts Based School's leadership is interested in acquiring 8.91 acres of City-owned land (PIN# 6834-59-5540) located west of the former Diggs Elementary School. The tract totals 8.91 acres and is zoned for multi-family residential development; and

**WHEREAS**, under G.S. 160A-279, the City can sell land to a non-profit organization if the use serves a public purpose. The provision of educational programs is one of the public purposes identified in G.S. 160D-1311; and

**WHEREAS**, because a charter school cannot purchase real property, any such purchase would be made through The Arts Based School Supporting Organization, a 501(c)(3) non-profit organization; and

**WHEREAS**, City staff propose to sell the 8.91 acres of City-owned land, identified as PIN# 6834-59-5540, for \$1 through a private sale to The Arts Based School Supporting Organization, as authorized in G.S. 160A-279 and G.S. 160D-1311.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Winston-Salem, upon the recommendation of the Finance Committee, hereby approve the sale of 8.91 acres of City-owned land, identified as PIN# 6834-59-5540, for \$1 by private sale to The Arts Based School Supporting Organization, as authorized under G.S. 160A-279 and G.S. 160D-1311.

**BE IT FURTHER RESOLVED** that the City shall retain a deed restriction on the property for 30 years to ensure the property is being used to carry out the public purpose established in the purchase agreement. At the end of the 30-year term, the City will release the deed restriction assuming the terms of the agreement have been met.

**BE IT FURTHER RESOLVED** that the purchase agreement will require any tenant of the facility built by The Arts Based School Supporting Organization to comply with the public purpose established in the agreement.

**BE IT FURTHER RESOLVED** that the Mayor and City Council authorize the City Manager to execute the documents required to complete the sale to The Arts Based School

Supporting Organization, with the City Attorney approving such agreements as to form and legality.