

**RESOLUTION AUTHORIZING THE SALE OF A PORTION OF A LOT
LOCATED AT 3336 OLD SALISBURY ROAD UNDER THE
UPSET BID PROCEDURE (N.C.G.S. 160A-269)**

WHEREAS, the City owns a lot at the entrance to the Old Salisbury Road Construction and Demolition Landfill located at 3336 Old Salisbury Road; and

WHEREAS, the lot is composed of 2.39 acres and is further identified as Tax PIN 6822-40-3512; and

WHEREAS, Andreasville, LLC (Andreasville), 7947 Forsythia Circle, Clemmons, North Carolina 27012 has proposed to purchase the southern portion of the lot, containing approximately 1.10 acres, for incorporation into a planned 20,000 square foot retail building site; and

WHEREAS, Andreasville has offered \$150,000 for this portion of the lot and to advertise the lot for upset bids in accordance with N.C.G.S. 160A-269; and

WHEREAS, all required buffering, landscaping, and fencing at the landfill will be maintained, and the entrance to the landfill will not be encumbered; and

WHEREAS, the sale is contingent upon successful execution of an agreement documenting the buyer's commitment to install plantings and fencing, and acknowledgement of the presence of a landfill as a neighboring use; and

WHEREAS, the Winston-Salem/Forsyth County Utility Commission and staff are supportive of this request; 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, hereby authorize the sale of the southern portion of Tax PIN 6822-40-3512, containing approximately 1.10 acres as further illustrated in the attached map, to Andreasville, LLC, in the amount of \$150,000, subject to a future survey, 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 that in the event 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 Andreasville, LLC, or its assigns, as stated herein.

BE IT FURTHER RESOLVED that 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 Solid Waste Fund.