

CITY OF HIGH POINT

AGENDA ITEM



Title: Sale of City Owned Property – 2425 Martin Luther King Jr. Drive

From: JoAnne Carlyle, City Attorney

Meeting Date: October 1, 2018

Public Hearing: N/A

Advertising Date:

Advertised By:

Attachments: Resolution

Purpose/Background:

Pogg Enterprises, LLC, owner of 2423 E. Martin Luther King Jr. Drive has offered a bid of \$2,000 for a remnant of City owned land located at 2425 Martin Luther King Jr. Drive. This surplus land was acquired in 2005 from the North Carolina Department of Transportation (NCDOT) and was left over from a roadway project. The City has no need for the land. Pogg Enterprises is the adjoining land owner and would like to use the parcel as part of their adjoining parcel of land.

Budget Impact:

The City will receive \$2,000.00 from the sale of this parcel of property.

Recommendation:

City Council is requested to adopt a resolution authorizing the sale of the property located at 2425 Martin Luther King Jr. Drive through the upset bid procedure of N.C.G.S. 160A-269A and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269A.

**RESOLUTION OF HIGH POINT CITY COUNCIL
AUTHORIZING UPSET BID PROCESS FOR CITY PROPERTY
LOCATED AT 2425 MARTIN LUTHER KING JR. BLVD.**

WHEREAS, The City of High Point (“City”) owns a narrow vacant strip of land on the corner of Martin Luther King Jr. Drive and Avondale Street consisting or 3,951 square feet (.09 ac.) identified as Parcel No. 0182095, 2425 Martin Luther King Drive, High Point, North Carolina (“Property”); and

WHEREAS, North Carolina Statute § 160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, The City has received an offer to purchase the Property described above, in the amount of \$2,000.00, submitted by Pogg Enterprises, LLC; and

WHEREAS, Pogg Enterprises, LLC has paid the required five percent (5%) deposit on their offer;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of High Point, North Carolina:

1. Authorizes sale of the Property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property, the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day notice period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier’s check, or certified check.

The city will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that

- the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed; and
- the buyer must pay with cash at the time of closing.

8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate city officials are authorized to execute the instruments necessary to convey the property to Pogg Enterprises, LLC.

Adopted this the 1st day of October 2018.

Jay W. Wagner, Mayor

Lisa B. Vierling, High Point City Clerk

