

# CITY OF HIGH POINT

## AGENDA ITEM



### **Title: Resolution Sale of City Owned Property – 229 Near Fisher Avenue**

**From:** JoAnne Carlyle, City Attorney

**Meeting Date:** Monday, February 15, 2021

**Public Hearing:** Not Required

**Advertising Date:**

**Advertised By:**

**Attachments:** Resolution  
Map

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### **Purpose/Background:**

Paul D. Weipart and wife, Janet E Brown, the adjoining property owners, have offered a bid of \$1,500 for City owned lot located at 229 Near Fisher Avenue, Parcel No.188762. The property is approximately 2059 square feet (0.04) acre) in size. The City has owned the property since 1968. There has been no use by the City since then. The buyer owns the property next door and plans to use as supplemental property to that lot.

### **Budget Impact:**

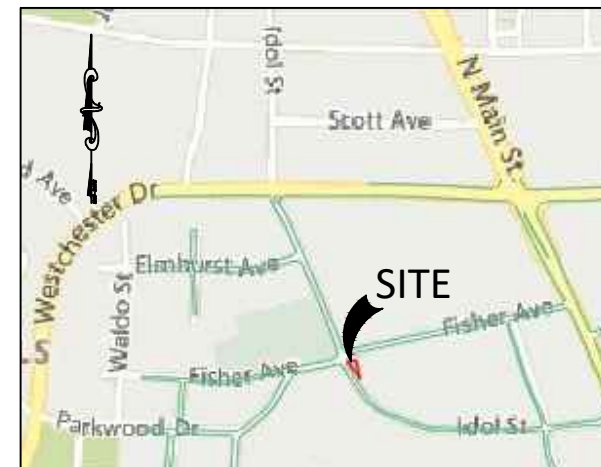
None

### **Recommendation:**

Council is requested to adopt a resolution accepting the offer of \$1,500.00 and authorizing the sale of the property through the upset bid procedure of N.C.G.S. 160A-269, and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.



VICINITY MAP  
N.T.S.



### LEGEND

 = PROPERTY BEING SOLD:  
229-NEAR FISHER AVENUE

#### OWNER INFORMATION:

TM: 219-04-33  
CITY OF HIGH POINT  
DB 2397 PG 677  
GUILFORD REID NO. 188762

THE INFORMATION ON THIS MAP WAS  
PREPARED USING DATA FROM THE  
CITY OF HIGH POINT GIS SYSTEM

CITY OF HIGH POINT  
NORTH CAROLINA  
ENGINEERING SERVICES DEPARTMENT

SALE OF PROPERTY OWNED BY  
CITY OF HIGH POINT  
229-NEAR FISHER AVENUE

SCALE: N.T.S.

BY: JKF

PROJECT: 2567

DATE: JANUARY 2021

**RESOLUTION OF HIGH POINT CITY COUNCIL  
AUTHORIZING UPSET BID PROCESS FOR CITY PROPERTY  
LOCATED AT 229 NEAR FISHER AVENUE, HIGH POINT, NC**

**WHEREAS**, The City of High Point (“City”) owns a lot consisting of approximately 2059 square feet (0.04 acre) in size identified as Parcel No. 188762, 229 Near Fisher Avenue, 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**, Paul D Weipert and wife, Janet E. Brown have paid the amount of \$75.00, 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 Paul D. Weipert and wife, Janet E. Brown.

Adopted this the 15th day of February, 2021.

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Mayor Jay W. Wagner

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Lisa B. Vierling,  
High Point City Clerk