

RESOLUTION AUTHORIZING THE USE OF THE UPSET BID PROCESS FOR THE SALE OF CERTAIN REAL PROPERTY

WHEREAS, Union County owns two parcels of real property adjacent to Lancaster Avenue in Monroe, one parcel being approximately 13.59 acres and the other parcel being approximately 11.71 acres, as such parcels may be more specifically identified by Union County Tax Map #09279044 and #09279043, hereinafter referred to jointly as the “Property”; and

WHEREAS, the pursuant to N.C.G.S. § 153A-176 and § 160A-269, Union County is authorized to dispose of real property by upset bid after receipt of an offer for the property; and

WHEREAS, Union County has received an offer to purchase the Property in the amount of Four Hundred Five Thousand Dollars (\$405,000), submitted by Ingram Walters (“Offeror”); and

WHEREAS, Offeror has paid the required five percent (5%) deposit on its offer; and

WHEREAS, the Union County Board of Commissioners desires to reaffirm the declaration of the Property as surplus and dispose of the Property utilizing the offer, advertisement, and upset bid process as set forth in N.C.G.S. § 160A-269, in accordance with the terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners (the “Board”) as follows:

1. The Board hereby reaffirms the declaration of the Property as surplus.
2. The Board proposes to consider acceptance of Offeror’s offer and authorizes sale of the Property through the upset bid procedure of N.C.G.S. § 160A-269; provided that final acceptance of the final high offer shall be subject to approval by the Board. The Board reserves the right to withdraw the Property from sale at any time before the final high bid is accepted and further reserves the right to reject all bids at any time.
3. The Clerk to the Board shall cause a notice of the proposed sale to be published. Such notice shall include a general description of the Property, the amount and terms of the offer, and a statement that within ten (10) days any person may raise the bid in accordance with the procedure outlined in this Resolution.
4. Persons desiring to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board within ten (10) days after the notice of sale is published. Bids shall be submitted no later than 5:00 p.m. on the last day of the 10-day period, and the Clerk shall date-stamp bids upon receipt. The mailing and physical address of the Clerk to the Board is as follows:

Mrs. Lynn West, Clerk to the Board

500 N. Main Street, Room 914
Monroe, NC 28112

The envelope containing the bid shall be clearly marked "Sealed Bid for Property Located at Tax Parcels #09279044 and #09279043." It shall be the specific responsibility of the bidder to deliver his or her bid to the Clerk to the Board at the appointed place and prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including delivery by United States Mail or other carrier, will disqualify the bid.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. 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 County 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. If the Board agrees to sell the Property, the County will return the deposit of the final high bidder at closing. If, after acceptance by the Board of the final high bid, the final high bidder fails to close the sale in accordance with the terms of this Resolution and any purchase agreement, then in such event the bid deposit of the high bidder shall be forfeited.
6. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such qualifying 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. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day 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 Board of Commissioners. The Board shall determine whether or not to accept the final high bid not later than ninety (90) days after the final upset bid period has passed.
7. Bidders shall not attach any conditions to their bids. Any conditions attached to bids received for purchase of the Subject Property shall render the bid non-responsive, and such bid shall not be considered by the Board.
8. The buyer must pay with cash at the time of closing.
9. Title to the Subject Property shall be transferred to the buyer by Special Warranty Deed.

Adopted this the 6th day of December, 2021.

Chairman
Union County Board of Commissioners