REQUEST FOR BOARD ACTION

ITEM NO. _12_

DATE OF MEETING: October 12, 2015

REQUESTED BY: Randell Woodruff, County Manager

SHORT TITLE: Approval of a Policy for Sale of County Owned Land to the Public.

BACKGROUND: The Pender County Manager's Office has recently been contacted by two individuals about purchasing land that is owned by Pender County. Staff has consulted with other counties and come up with a policy for selling County owned land and requesting approval by the Board of Commissioners. The policy is attached for review.

SPECIFIC ACTION REQUESTED: To approve a policy for Pender County to sell land to the public.

Steps for Bidding on Unsolicited County Owned Property

Step 1: **Submit a written bid.**

- Bids should be delivered or sent to:

  Clerk to the Board of Commissioners
  PO Box 5
  Burgaw, NC 28457

  OR

  In Person: 805 S. Walker Street
  Burgaw, NC 28425

- Bids must include at least one of the following for the lot on which the bid is placed.

  Physical Address
  Parcel ID

  AND

  A 5% Deposit

Step 2: **Staff will work to determine if the bid is satisfactory before submitting to the Board of Commissioners for approval.**

Acceptable bids will be based on Assessed Tax Value.

Special consideration may be given to lower bids based on size, shape, and condition. In determining whether an offer that is less than the assessed tax value, the County Manager will consider cost incurred by Pender County when acquiring the property. Only when the County Manager determines a bid less than the assessed tax value is acceptable, will it go to the Board of Commissioners for consideration.

Step 3: **Bid Acceptance by the Board of Commissioners.**

- The Board will also pass a resolution authoring an Upset Bid Process to sell the property.
- The Board reserves the right to reject all bids or to withdraw the property from sale at any time.

Step 4: **Upset Bid Process**

- The Clerk to the Board publishes a Public Notice of Sale of County Property.

- Interested parties are given a period of ten days (upset period) to submit an upset or higher bid.
- If an upset bid is received, a new Public Notice of receipt of a higher bid is published of another ten day period for submission of upset bids.
- This process shall be repeated until no upset bids are received.
- The Board must approve the final highest offer before the sale is closed.

NOTE: § 160A-269. Negotiated offer, advertisement, and upset bids states that any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars ($1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers.

Step 5: **Transfer of Property**

- The County will prepare a deed to convey the property to the successful bidder.
- The successful bidder must pay the balance of their bid amount before transmittal of a deed for the property.

NOTE: The final purchaser will be responsible to cover the cost of legal fees, closing, surveying, and any property inspections.

WAVER: **ALL PROPERTY IS SOLD ON A "WHERE IS" AND "AS IS" BASIS. PENDER COUNTY MAKES NO REPRESENTATION OF WARRENTY, EXPRESS OR IMPLIED. IT IS THE BIDDER'S RESPONSIBILITY TO INVESTIGATE THE PROPERTY PRIOR TO BIDDING. PENDER COUNTY WILL NOT OVERTURN A SALE OR REFUND THE PURCHASE PRICE OR DEPOSIT BECAUSE A BIDDER DID NOT KNOW WHAT THEY WERE BIDDING ON NOR BECAUSE THE PROPERTY IS NOT SUITED TO THE BIDDER'S SPECIFIC NEEDS FOR SUCH PROPERTY.**

BIDDER

Signed: _____

Print: _____

Date: _____

CLERK

Signed: _____

Print: _____

Date: _____

DRAFT