



RESOLUTION TITLE: TO APPROVE THE CONVEYANCE OF PROPERTY PURSUANT TO §G.S. 160A-269

WHEREAS, Gaston County owns a ten acre tract of land, located at West Davidson Avenue in Gastonia, PID 137140 and 137134 (formerly the Rhyne Elementary School); and,

WHEREAS, North Carolina General Statute §160A-269 authorizes a County to convey real property by upset bid, after receipt of an offer for the property; and,

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$10,000, submitted by Fairview Baptist Church; and,

WHEREAS, Fairview Baptist Church has paid the required five percent (5%) deposit on the offer.

NOW THEREFORE BE IT RESOLVED, by the Gaston County Board of Commissioners that:

1. The property formerly known as the Rhyne Elementary School as described above is declared surplus and subject to sale pursuant the North Carolina General Statutes.
2. The Clerk to the Board shall cause a notice of the proposed sale to be published as set forth by the statute.
3. Persons wishing 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 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk shall open the bids, if any, and the highest 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.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	Brown	Frale	Grant	Hovis	Keigher	Philbeck	Warley	Vote
2017-167	07/25/2017	TP	BH	A	A	A	A	A	A	A	U

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4. If a qualifying higher bid is received, the Clerk 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.
5. Qualifying higher bids shall be accompanied by a deposit as required by the statute.
6. The terms of the final sale are that:
 - a. the Board 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,
 - b. the buyer must pay cash at the time of closing.
 - c. the deed given by the County to the property shall convey a title in a non-warranty form.
7. The County 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.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 17-252

Board of Commissioners - County Attorney - To Approve the Sale of Surplus Property - PID 137140 and 137134 (Former Rhyne Elementary School) Pursuant to Upset Bid Procedures Set Forth in G.S. 160A-269

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

None

BUDGET ORDINANCE IMPACT

None

BACKGROUND

The Board of Education is in the process of completing a new elementary school to replace Rhyne Elementary School which was torn down. The ten acre site is now surplus property and the attached resolution will authorize the sale of the property pursuant to N.C. General Statute upset bid process. An offer of \$10,000 has been made by Fairview Baptist Church to purchase the property.

POLICY IMPACT

N/A

ATTACHMENTS

Resolution

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I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

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2017-167	07/25/2017	TP	BH	A	A	A	A	A	A	A	U

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