

RESOLUTION NO. 2023.09

RESOLUTION OF THE ROANOKE RAPIDS CITY COUNCIL AUTHORIZING DISPOSAL OF REAL PROPERTY PURSUANT TO N.C. GENERAL STATUTE 160A-269

WHEREAS, the City of Roanoke Rapids is the owner of real property located within the Carolina Crossroads Music & Entertainment District, Roanoke Rapids, Halifax County, North Carolina.

WHEREAS, the property consisting of one lot is published for sale by the City described as follows:

Parcel ID 1205489, Hwy. 125, Carolina Crossroads Music & Entertainment District, Lot 1.

WHEREAS, N.C. General 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, for the amount of \$1,500,000, submitted by Wellman & White, PLLC, and/or assigns;

NOW, THEREFORE, BE IT RESOLVED by the Roanoke Rapids City Council that:

Section 1. The City Council authorizes sale of the property described above through the upset bid procedure set forth in N.C. General Statute 160A-269.

Section 2. The City Clerk shall cause notice of the proposed sale to be published upon payment of the statutorily required five percent (5%) deposit for the property in their offer. The notice shall describe the property and the amount of the offer, and shall state the terms established by this resolution under which the offer may be upset.

Section 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.

Section 4. If a qualifying higher bid is received, the City Clerk shall cause a 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 high bid shall be reported to the City Council.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 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.

Section 7. The terms of the final sale are that:

- a. The City Council must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and
- b. The buyer must pay with cash, cashier's check or certified funds at the time of closing.

Section 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.

Section 9. If no qualifying upset bid is received after the initial public notice, the offer set forth the above is hereby accepted. The appropriate City officials are authorized to execute the instruments necessary to convey the property to Wellman & White, PLLC, their successors and/or assigns.

ADOPTED this 6th day of June, 2023.

Emery G. Doughtie, Mayor

ATTEST:

Traci V. Storey, City Clerk