

RESOLUTION NO.
RESOLUTION AUTHORIZING THE SALE OF PROPERTY BY UPSET BID METHOD

WHEREAS, the City of Greenville owns an approximate 0.68 acre parcel of property identified as Pitt County tax parcel 28934 located at 431 West Fifth Street; and

WHEREAS, a map identifying the approximate 0.68 acre portion of property is herein identified in ATTACHMENT A; and

WHEREAS, the City of Greenville has identified the said property as having no short term or long term use to the City; and

WHEREAS, North Carolina General Statute §160A-269 authorizes the City of Greenville to solicit the sale of property by upset bid; and

WHEREAS, the City of Greenville hereby wishes to solicit the sale of Pitt County tax parcel 28934, as herein identified in ATTACHMENT A; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville as follows:

1) The City Council authorizes the solicitation for the sale of the property described above, through the upset bid procedure of North Carolina General Statute §160A-269, at a minimum price of \$175,000.00.

2) The City shall cause a notice of the proposed solicitation for the sale to be published. The notice shall describe the property, the minimum price, terms under which the offer may be submitted, and shall state that the City will accept bids for a thirty-day period from the date of publication of notice.

3) Persons wishing to submit an offer shall submit a sealed bid to the City Clerk by the date included in the published notice of sale. At the conclusion of the thirty-day period, the City Clerk shall open the bids, if any, and the highest such bid equal to or above the minimum sale price will become the qualifying higher bid offer. If there is more than one bid in the highest amount, the first such bid received will become the qualifying higher bid offer. If no bid is received, the City Manager or designee shall be authorized to resolicit for the sale of the property through published notice for a period of thirty days beginning at the end of the previous thirty-day period.

4) The City Clerk shall cause notice of highest bid received to be published. Persons wishing to upset the offer that has been received shall submit a sealed bid to the City Clerk within ten days after the notice is published. At the conclusion of the ten-day period, the City Clerk shall review all bids received, if any, and the highest such bid will become the new offer if it is an upset bid made in an amount in compliance with N.C. Gen. Stat. § 160A-269. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

5) Each time a qualifying higher bid offer is received, a new notice of upset bid shall

be published by the City Clerk 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 City Council.

6) 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.

7) A qualifying higher bid must 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.

8) The terms of the final sale are that:

- The City Council must approve the final high offer before the sale is closed, which it may do within 30 days after the final upset bid period has passed, and
- The buyer must pay with cash at the time of closing, and
- Conveyance of the property will be by a Limited Warranty Deed for the property in fee simple, with the warranties limited to the term of the City's ownership of the property, conveying title to the property subject to restrictive covenants, easements and rights-of-way of public record, noncompliance with local, county, state or federal governmental laws, ordinances, or regulations relative to zoning, subdivision, occupancy, use, construction or the development of the property, if any, and to all matters and things which a current accurate survey may reveal or disclose.

9) The City of Greenville 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.

Adopted this 14th day of March, 2022.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

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ATTACHMENT A

