

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** December 2, 2013

**SUBJECT:** Resolution Declaring Personal Property as Surplus and Authorizing the Disposition of Personal Property by Private Sale to a Local Governmental Unit

**PRESENTER:** Major Frank Stout, Sheriff's Department

**ATTACHMENTS:** Resolution  
N.C.G.S. 160A-274  
Request from Town of Montreat, NC  
List of Proposed Surplus Property

#### **SUMMARY OF REQUEST:**

Henderson County has received a request from the Town of Montreat in North Carolina to purchase two (2) Golden Eagle radar units that are no longer in use by the Henderson County Sheriff's Department. The Sheriff's Public Information Officer, Major Frank Stout, negotiated a price of \$500 per radar unit for a total of \$1,000 for the two (2) radar units with the Chief of Police at the Montreat Police Department.

Attached for the Board's consideration and approval is a resolution declaring the radar units as surplus and authorizing the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274 (attached).

#### **BOARD ACTION REQUESTED:**

Staff requests that the Board consider approving the attached resolution declaring the attached list of Radar Units as surplus and authorizes the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274.

#### ***Suggested Motion:***

***I move that the Board approve the attached resolution declaring the list of Radar Units presented as surplus and authorizes the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274.***

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY  
BY PRIVATE SALE TO A LOCAL GOVERNMENT UNIT**

**WHEREAS**, Henderson County owns the Radar Units itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of declaring the Radar Units as surplus and selling via private sale to another local governmental unit as authorized by NCGS 160A-274; and

**WHEREAS**, it is the intent of the County to sell said surplus Radar Units.

**NOW THEREFORE BE IT RESOLVED**, by the Henderson County Board of Commissioners as follows:

1. The Radar Units itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Purchasing Agent is hereby authorized to dispose by private sale to another governmental unit, the surplus described above in the amount of \$1,000.00.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

**THIS** the 2nd day of December, 2013.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Charles Messer, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Teresa L. Wilson, Clerk to the Board**

**[OFFICIAL SEAL]**

**§ 160A-274. Sale, lease, exchange and joint use of governmental property.**

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)



## Montreat Police Department

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

11/21/2013

Jack Staggs  
Montreat Police Department  
P.O. Box 428  
Montreat, NC 28757

Major Frank Stout  
Henderson County Sheriff's Department

Dear Sir,

We are respectfully requesting to purchase two (2) Golden Eagle radar units at \$500.00 each from your agency. Currently we have Pro 1000 radar units which will be decommissioned in the near future. These units will be both a cost and performance asset to Montreat PD.

Thank you for your consideration,

Jack Staggs  
Chief of Police  
Montreat Police Department

**Exhibit B**

**List of Radar Units:**

<b><u>Radar</u></b>	<b><u>Serial #</u></b>	<b><u>Asset#</u></b>
<b>Golden Eagle</b>	<b>XE21710</b>	<b>14980</b>
<b>Golden Eagle</b>	<b>XE21681</b>	<b>14669</b>