

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: 5 December 2016

SUBJECT: Offer to purchase property (former "Sixth Avenue Clubhouse" property)

ATTACHMENT(S): Offer to purchase property; supporting documents

PRESENTER: Charles Russell Burrell

SUMMARY OF REQUEST:

Leon Elliston offered to purchase two parcels of real estate owned by the County. The property is the former "Sixth Avenue Clubhouse" property, and is described in correspondence from Dr. Elliston attached to (and a part of) the offer as:

[B]oth lot[s] 1011743 (714 Sixth Avenue W) and lot #0114591.

The offer price is \$172,000.00. The offer, and a map showing the two parcels is attached.

If the Board provisionally accepts this offer, it is subject to advertisement in the *Hendersonville Lightning* as a legal notice, and further subject to ten-day period after such publication for upset bids by other interested potential purchasers. (Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners at addresses shown on GIS.)

If an upset bid is received, a new advertisement is placed, and the process continues until the bidding ends. Once done, or if no upset bids are received, the matter comes back before this board for a final decision on the sale. Any approval given today is only to begin the process. Final Board of Commissioners' determination of whether to approve the offer (either this offer, if no upset bids are received, or the final upset bid is one or more is received) will occur, if approval of this process is given today, on a later agenda. Any sale would be subject to the conditions contained in the offer (attached).

County staff will be present and prepared if requested to give further information on this matter.

PROPOSED BOARD ACTION:

If the Board is so inclined, the following motion is suggested:

I move that the Board provisionally accept the offer of Leon Elliston to purchase the parcels described in this agenda item, subject to the procedures required by this Board for real property sales and subject to the conditions stated in this agenda item.

**NORTH CAROLINA
COUNTY OF HENDERSON**

**INITIAL OFFER TO PURCHASE
TAX FORECLOSED PROPERTY**

THE REAL PROPERTY DESCRIBED in Attachment A (hereafter, "the real property"), having been foreclosed and bid in by Henderson County for non-payment of *ad valorem* real property taxes, the undersigned hereby offers(s) to purchase the real property from the County for the sum of One hundred and seventy Two Thousand Dollars (\$ 172,000.00) cash plus the execution of a Release releasing Henderson County, its officers, employees, insurers, and assigns from any liability associated with the tax collection process, the advertisement and/or sale of tax lien or tax certificate process, the foreclosure process, and the sale processes associated with the below described property, both the cash and signing of the release being in consideration of the purchase of the property.

IT IS UNDERSTOOD AND AGREED that the County must advertise the real property for upset bid (pursuant to N.C. Gen.Stat. §160A-269), and that any quitclaim deed to the purchaser will convey only such interest, if any, as the County may have in the real property by virtue of unpaid taxes and the foreclosure for non-payment thereof, and there will be no refund of the purchase price in the event of a failure of title. The undersigned is/are aware that there may have been procedural irregularities in the foreclosure and subsequent sale of said real property, and are aware that Henderson County has advised me to obtain legal counsel to perform a title search for the said property. The undersigned further understand(s) that there may be other irregularities not yet discovered and agree to accept the property (if this offer is approved by the Henderson County Board of Commissioners) subject to such irregularities, whether known or unknown. The undersigned further understands that Henderson County does not, and will not, make any warranties as to the property, its title, or its fitness for any particular use or purpose.

The undersigned understand(s) that the Board of Commissioners may reject this Offer to Purchase at any time, even after a proposed acceptance and advertisement for upset bids.

The real property is described on Attachment A hereto, which is incorporated herein by reference. And the real property includes property foreclosed in the name of _____, described in such foreclosure as

If the Board of Commissioners offers proposed acceptance of this Offer to Purchase, the undersigned will deposit with the Clerk to the Board of Commissioners a bid deposit in the amount of \$ 8,600.00 Dollars (\$ 8,600.00), said bid deposit being five percent (5%) of the cash price portion of the consideration of the purchase or \$150.00, whichever is greater. To defray the cost of advertising, the undersigned will also pay in advance to the Clerk to the Board the actual cost of advertising this Offer to Purchase for upset bids in *The Lightning* newspaper.

This the 15th day of November, 2016.

W Leon Elliston (Seal)
Signature

W LEON ELLISTON
Printed Name:

Signature (Seal)

Printed Name:

Address:

Sworn to and subscribed before me this the 17th day of November, 2016.

Jessica J. Warren My Commission Expires: 02/20/18 (Seal)
Notary Public

November 15, 2016

Steve Wyatt
County Manager

Dear Mr. Wyatt:

Thank you for your very helpful guidance regarding my placing an offer for county owned real estate. I am hereby making an offer to purchase both lot # 1011743 (714 Sixth Avenue W) and lot #0114591 for \$172,000.

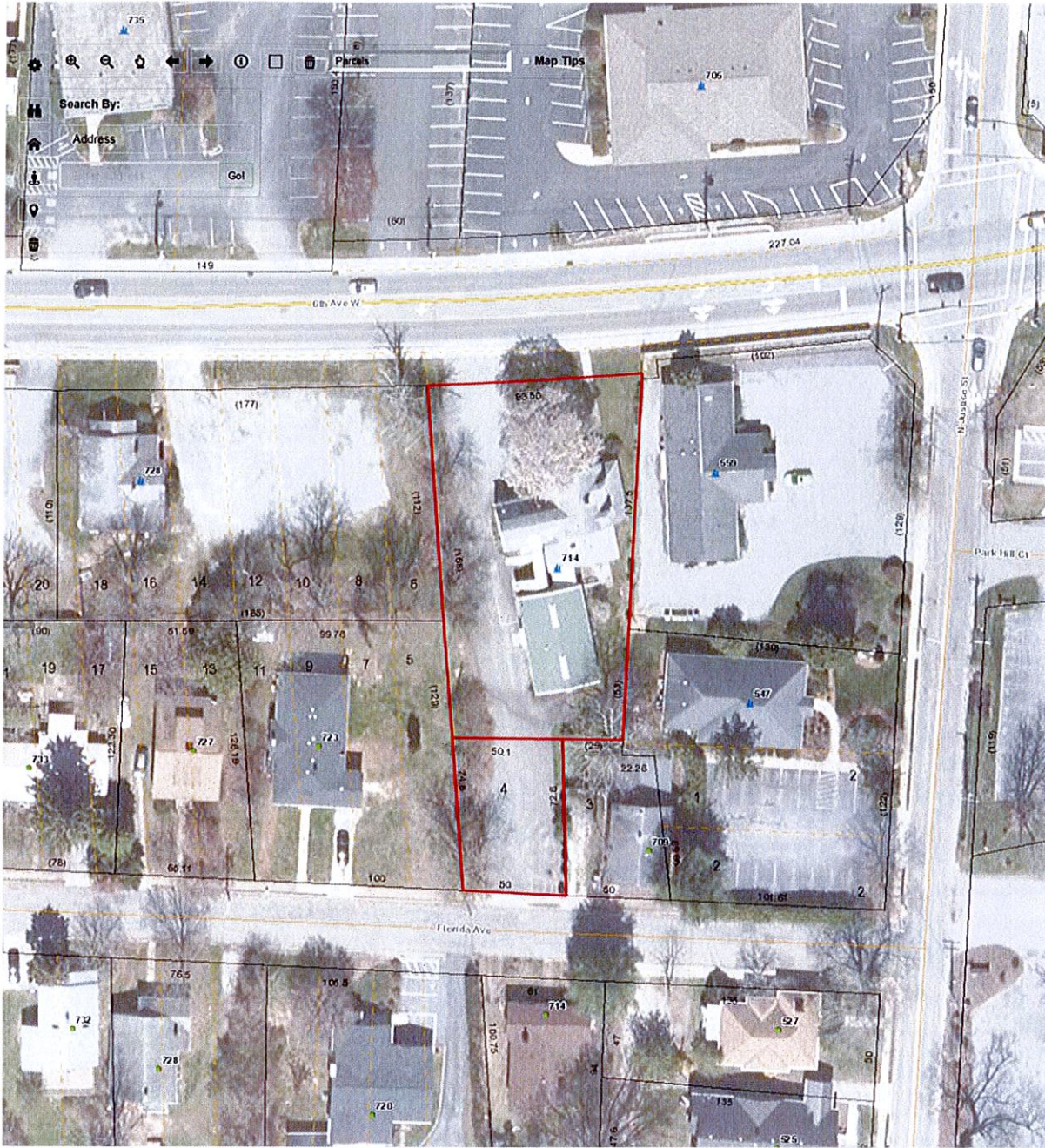
If you or Mr. Burrell or any of the County Commissioners have any questions for me, please let me know.

You may contact me on my Cell: 828-273-2484 or email: Elliston_1@hotmail.com.

Thank you very much for your consideration.

Sincerely,

Leon Elliston



"Sixth Avenue Clubhouse" property is outlined in red, above, and is bounded on the north by Sixth Avenue West, and on the south by Florida Avenue.