

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 14, 2013 AGENDA ITEM NUMBER: 7


SUBJECT: RESOLUTION DECLINING FIRST OPPORTUNITY TO OBTAIN PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND REQUESTING THE PROCEEDS OF THE SALE BE APPLIED TO REDUCE THE COUNTY'S BONDED INDEBTEDNESS (0.015 ACRE PORTION OF THE SOUTHWEST CORNER OF THE EAST FORSYTH MIDDLE SCHOOL PROPERTY)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE:  COUNTY MANAGER DATE: October 9, 2013

**RESOLUTION DECLINING
FIRST OPPORTUNITY TO OBTAIN PROPERTY
AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION AND REQUESTING THE PROCEEDS OF THE SALE
BE APPLIED TO REDUCE THE COUNTY'S BONDED INDEBTEDNESS
(0.015 ACRE PORTION OF THE SOUTHWEST CORNER OF THE
EAST FORSYTH MIDDLE SCHOOL PROPERTY)**

WHEREAS, by resolution adopted on the 20th of August, 2013, the Winston-Salem/Forsyth County Board of Education proposes to accept an offer made by the North Carolina Department of Transportation to purchase a 0.015 acre portion of the southwest corner of the East Forsyth Middle School Property to further develop the eastern section of the Winston-Salem Northern Beltway, for the amount of \$250.00, subject to the first opportunity to obtain the property by the Forsyth County Board of Commissioners and further subject to compliance with the procedures prescribed by N.C. General Statutes, Chapter 160A, Article 12; and

WHEREAS, N.C.G.S. 115C-518 provides that the board of education, holding title to any real property which is no longer suitable or necessary for public school purposes, which proposes to dispose of said property, shall offer the property to the board of county commissioners for the county in which the property is located at a fair market price or at a price negotiated between the two boards; and

WHEREAS, N.C.G.S. 115C-518 further provides if the board of county commissioners does not choose to obtain the property as offered, the board of education may dispose of the property as provided by law and the proceeds shall be either applied to reduce the county's bonded indebtedness for the school administrative unit or for capital outlay purposes; and

WHEREAS, the Forsyth County Board of Commissioners does not desire to purchase the above described real property from the Winston-Salem/Forsyth County Board of Education; however, the Forsyth County Board of Commissioners does desire that the proceeds of the sale of the subject property be applied to reduce the County's bonded indebtedness;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-518, the Forsyth County Board of Commissioners hereby declines the opportunity to purchase the 0.015 acre portion of the southwest corner of the East Forsyth Middle School Property as offered by the Winston-Salem/Forsyth County Board of Education; and the Forsyth County Board of Commissioners hereby requests that the proceeds of the sale of the subject property be applied to reduce the County's bonded indebtedness.

Adopted this the 14th day of October 2013.



Winston-Salem/Forsyth County Schools
P.O. Box 2513
Winston-Salem, NC 27102-2513
(336) 727-2816 Fax (336) 727-2008
website: wsfcs.k12.nc.us

September 26, 2013

RECEIVED

SEP 27 2013

Mr. Dudley Watts
Forsyth County Manager
Forsyth County Government Center
201 North Chestnut Street
Winston Salem, North Carolina 27101

COUNTY MANAGER'S/
COMMISSIONERS' OFFICE

Re: **Sale of Property at East Forsyth Middle School**

Dear Mr. Watts:

At its meeting on August 20, 2013, the Winston-Salem/Forsyth County Board of Education approved, subject to the Forsyth County Commissioners right of first refusal pursuant to N.C.G.S. § 115C-518(a), the sale of 0.015 acres of land on the southwest corner of East Forsyth Middle School to the North Carolina Department of Transportation. The Board's Resolution is enclosed.

The Board of Education has determined that this portion of land is not necessary for public school purposes. The North Carolina Department of Transportation will use the 0.015 acres to further develop the eastern section of the Winston-Salem Northern Beltway. The NC DOT will pay the Board of Education \$250.00 for the 0.015 acres. This will leave 39.985 acres remaining with access to Bagley Drive and Aviary Court.

The Winston-Salem/Forsyth County Board of Education respectfully requests the Forsyth County Board of County Commissioners decline to exercise its right of first refusal to purchase the property.

Sincerely yours,
Winston-Salem/Forsyth County Board of Education

Allison C. Tomberlin
General Counsel

Enclosure

cc: Beverly Emory, Superintendent
Darrell Walker, Assistant Superintendent Operations

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Board of Education

A. L. (Buddy) Collins
John Davenport, Jr.
Jane D. Goins (Chair)
Victor Johnson, Jr.
Irene May
Jeannie A. Metcalf
Elisabeth Motsinger
Marilyn A. Parker
Jill A. Tackabery

Dr. Beverly R. Emory
Superintendent

WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION
Winston-Salem, NC

AGENDA TITLE: Sale to NC DOT of 0.015 Acres at East Forsyth Middle School

AGENDA TOPIC: Sale to NC DOT of 0.015 Acres at East Forsyth Middle School

BACKGROUND INFORMATION:

The North Carolina Department of Transportation, has offered to purchase 0.015 acres on the southwest corner of property owned by the Board of Education at East Forsyth Middle School. The parcel will be used for the eastern section of the Northern Beltway (future I-74). The NC DOT will pay the Board of Education \$250.00 for the 0.015 acres. This will leave 39.985 acres remaining with access to Bagley Drive and Aviary Court.

Pursuant to N.C.G.S. § 115C-518, the Board must first determine that the property is no longer suitable or necessary for public school purposes. N.C.G.S. § 115C-518(a) also requires the Board of Education provide to the Board of County Commissioners of Forsyth County a right of first refusal to purchase the property prior to conveyance to the NC DOT.

The attached Resolution authorizes the Board of Education to agree to the attached Summary Statement/Offer to Purchase Real Property subject to the County's right of first refusal pursuant to N.C.G.S. § 115C-518(a).

SUPERINTENDENT'S RECOMMENDATION:

That the Board of Education provides to the Board of County Commissioners the statutory right of first refusal to purchase the parcel of property located at East Forsyth Middle School, and, in the event the right is not exercised by the County, agree to the attached Summary Statement/Offer for the NC DOT to purchase the property.

Date: 08/08/13
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**RESOLUTION OF THE
WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION**

WHEREAS, the Winston-Salem/Forsyth County Board of Education owns real property on a 40 acre site commonly known as East Forsyth Middle School;

WHEREAS, the North Carolina Department of Transportation has offered to purchase 0.015 acres of the 40 acre plot;

WHEREAS, the 0.015 acre portion of land on the southwest corner of the East Forsyth Middle School property is not necessary for public school purposes;


WHEREAS, the North Carolina Department of Transportation will use the 0.015 acres of land to further develop the eastern section of the Winston-Salem Northern Beltway;

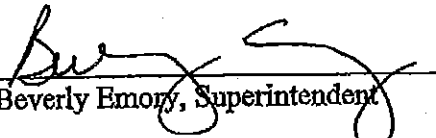
WHEREAS, N.C.G.S. § 115C-518(a) requires the Board of Education provide to the Board of County Commissioners of Forsyth County a right of first refusal to purchase property before it can be sold.

THEREFORE, BE IT HEREBY RESOLVED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION as follows:

1. That the 0.015 acres identified for purchase by the NC Department of Transportation is not necessary for public school purposes;
2. That, pursuant to N.C.G.S. § 115C-518(a), it provide the Board of County Commissioners of Forsyth County a right of first refusal to purchase the property; and
3. That, subject to the approval of the Forsyth County Commissioners pursuant to N.C.G.S. § 115C-518(a), it accepts and agree to the sale of property to the North Carolina Department of Transportation.

Adopted by the Winston-Salem/Forsyth County Board of Education; this, the 20th day of August, 2013.

By: 
Jane D. Goins, Chairperson

Attest: 
Beverly Emory, Superintendent

Draft Date: 08/08/13
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May 20, 2013

Winston-Salem/Forsyth County Board of Education
P.O. Box 2513
Winston-Salem, NC 27102

RE: TIP No.: U-2579B
WBS Element: 34839.2.10
County: Forsyth
Parcel No.: U-2579B 214
Description: Winston Salem Northern Beltway (Eastern Section) (Future I-74) from US 158 to I-40 Bus/US 421

Dear Property Owner(s):

As we discussed on the phone, American Acquisition Group, LLC, contracted by the North Carolina Department of Transportation (Department), is in the process of negotiating the acquisition of right of way for the project referenced above. We now have possession of an approved appraisal for your property. This package represents the Department's fair market value offer to you for the purchase of the property identified by the parcel number(s) above. This letter is intended to help you understand the need and purpose of each document contained in this package.

Enclosed please find the following documents:

Summary Statement / Offer to Purchase Letter: This is a standard Department of Transportation offer letter which provides a breakdown of the compensation for land and improvements to be acquired. The summary of values is based on the approved appraisal.

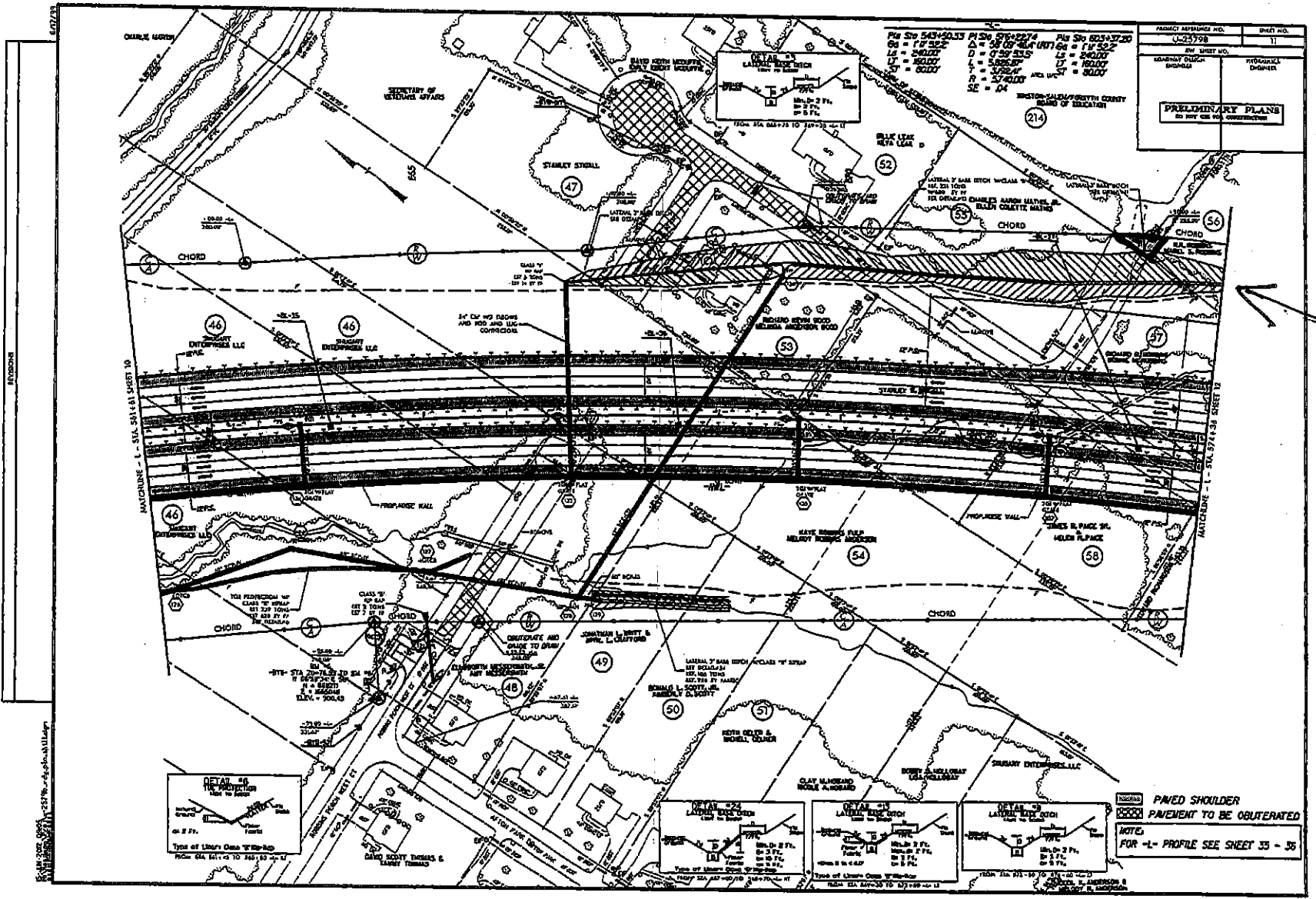
Parcel Map: The legal description describes the area to be acquired and is located on the enclosed instrument(s) of conveyance. The area is also shown on the enclosed right of way map(s) and parcel sketch.

Form W-9 / Taxpayer Identification Form: This form is to be used to record your taxpayer identification number prior to closing so that gross proceeds of the sale can be reported to the IRS in accordance with state procedures. For individuals, this number is your social security number.

I have attempted to explain the offer documents in the hopes that we can reach a settlement. Please call me toll free at 855-738-5411 or on my cell at 850-527-1479, if you have any questions or need clarification on anything we discussed.

Sincerely,
AMERICAN ACQUISITION GROUP, LLC.

Marsha Hayes, SR/WA
NC Real Estate Broker #271630
marsha_hayes@yahoo.com



**SUMMARY STATEMENT/OFFER TO PURCHASE REAL PROPERTY
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: Winston-Salem/Forsyth County Board of Education DATE: 5-20-13
P.O. Box 2513 TO: Lessee, if Applicable
Winston-Salem, NC 27102 N/A

TIP NO.: U-2579B WBS ELEMENT: 34839.2.10
 COUNTY Forsyth PARCEL NO.: U-2579B 214
 DESCRIPTION: Winston Salem Northern Beltway (Eastern Section) (Future 1-74) from US 158 to I-40 Bus/US 421

Dear Property Owner:

The following offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. Please retain this form as it contains pertinent income tax information.

Value of Part Taken (Includes Land, Improvements And Appurtenances Considered as Realty)	\$	<u>250.00</u>
Damages, if any, to Remainder	\$	<u>0.00</u>
Benefits, if any, to Remainder	\$	<u>0.00 minus</u>
TOTAL	\$	<u>250.00</u>

The total offer includes all interests other than leases involving Federal Agencies and Tenant owned Improvements.

(A) Description of the land and effects of the acquisition by easement and deed :

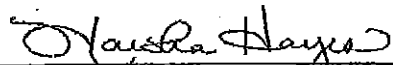
Subject property described in Deed Book 2276, page 1196, Forsyth County Registry, contains approximately 40.000 acres of which 0.015 acres is being acquired as right of way, leaving 39.985 acres remaining on the right with access to Bagley Dr. and Avlary Ct.

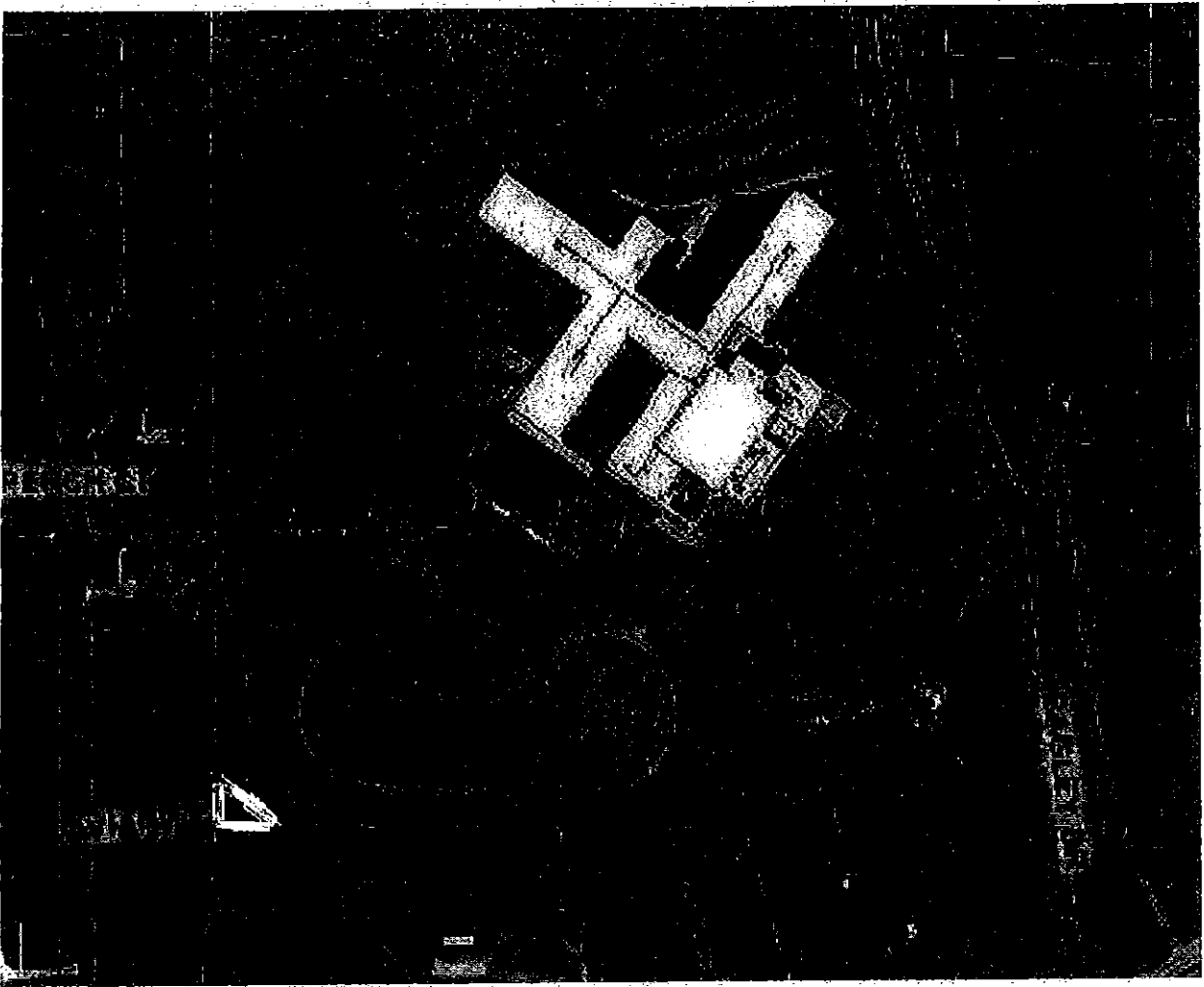
(B) The offer for Improvements considered as realty includes payment for the improvements and appurtenances described below. Should you desire to retain these improvements, you may repurchase them for a retention value with the stipulation that you remove them from the acquisition area at no expense to the Department.
 None

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant/buildable lot, as explained to you by the Right of Way Agent, the total offer would be: \$ N/A

I will be available at your convenience to discuss this matter further with you. My toll-free telephone number is 855-738-5411, in ChIPLEY, Florida.

The original of this form was handed/mailed, if out of state owner, to Darrell Walker, Asst. Superintendent of Operations on May 20, 20 13. Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

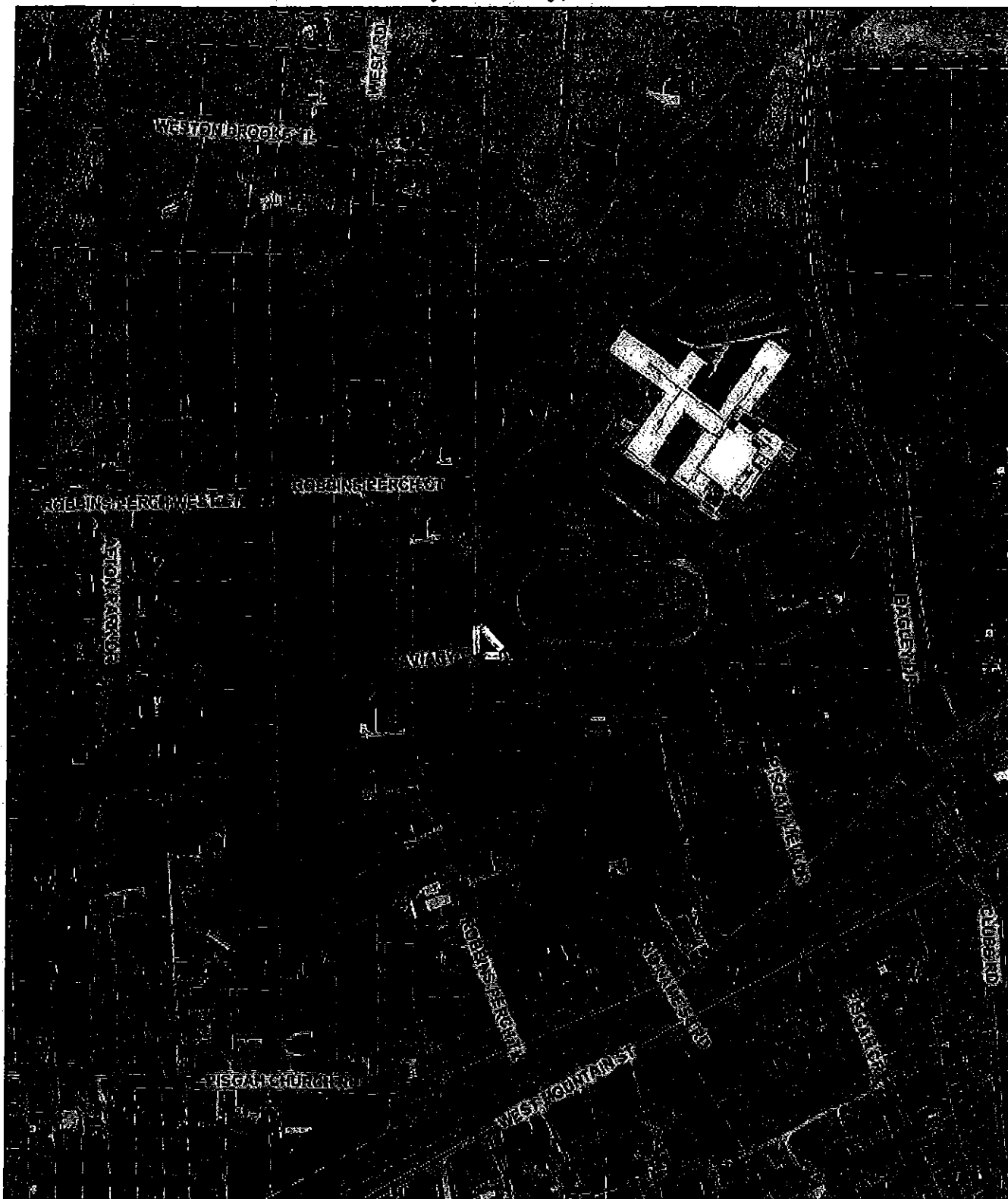
(Signed) 
 Right of Way Agent



East Forsyth Middle School

Sale to NCDOT 0.015 Acres for Northern Beltway9 Eastern Section) (Future I – 74)

Forsyth County, NC



Disclaimer: Forsyth County cannot guarantee the accuracy of this information, and the County hereby disclaims all warranties, including warranties as to the accuracy of this information.

Map Scale
1 inch = 404 feet