

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL RESOLUTION
OF PROPOSED ACCEPTANCE OF NEGOTIATED OFFER**

WHEREAS, the City of Hendersonville owns certain personal property, being one modular building located at 632 Sugarloaf Rd, Hendersonville, North Carolina, together with: (1) all kitchen appliances located within such modular building as of the Closing Date, and (2) all furniture located within such modular building as of the Closing Date, and expressly excluding any interest in the underlying real property, land, or site improvements, the foregoing modular building hereinafter referred to as the “Personal Property”; and,

WHEREAS, City Council previously approved declaring this property surplus and to sell via internet auction via Resolution # 25-42. The City Manager declared the furniture within the unit as surplus and approved including it within this sale as identified in Exhibit C. The unit was made available for internet auction after via GovDeals after it had been advertised in the newspaper 30 days prior. The high bid amount came to \$31,000.00; and,

WHEREAS, this amount was not accepted by City Leadership, however, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and,

WHEREAS, pursuant to the Offer, Modular MastermindZ LLC (“Buyer”), is offering to purchase the Property for the sum of Fifty thousand dollars and no/100 (\$50,000.00), subject to the terms and conditions contained within the Offer; and,

WHEREAS, subject to the terms below, the Hendersonville City Council wishes to issue a proposed acceptance of the Offer; and,

NOW THEREFORE, the Hendersonville City Council resolves that:

1. The Council authorized the sale of the Personal Property described above and proposes to accept the Offer pursuant to the procedures of 160A-269.
2. The Buyer is required to deposit with the City Clerk a sum equal to 5 % of the offer, or \$2,500.00. The Clerk will cause a notice to be published in a newspaper of record advising that upset bids will be accepted within 10 days of the date of publication, which bid shall increase the proposed sales price by at least an amount equal to 10% of the first \$1,000.00 of the purchase price and 5% of the excess. Such upset bids shall be made to the City Clerk and accompanied by a deposit equal to 5% of the new purchase price, at which time the Clerk shall then publish a new notice advising that further upset bids, increased in the same minimum amount may be accepted within 10 days from the date of publication.
3. Each bidder submitting an upset bid shall be bound by the same terms and conditions as contained in the Offer. Each bidder shall therefore be required to sign an offer in the form of the Offer attached hereto as Exhibit A, with the only differences being (1) a revised purchase price; and (2) modification of the terms of the upset bid procedure described in the Offer to reflect the terms of this Resolution.
4. When there are no further bidders, the high bid shall be reported to the Council by the Clerk.

5. Closing shall occur within 30 days of the issuance of a final acceptance by the Council.
6. The City reserves the right to withdraw the property from sale at any time before the issuance of a final acceptance and the right at any time to reject all bids.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 26th day of November, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney