

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

WHEREAS, the City of Hendersonville owns certain property described as 328 N Overlook Terrace, Hendersonville, NC 28739, being all of lot 15 of the Overlook Subdivision as shown on the plat thereof recorded in Plat Cabinet B, at Slide 375A, in the Office of the Register of Deeds for Henderson County, having a tax parcel ID of 956805773, and having been acquired by the City of Hendersonville in Deed Book 773 at Page 879 of the Henderson County Register of Deeds Office (“Property”); and

WHEREAS, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

WHEREAS, 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, Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Keith M. Maxwell Living Trust; and Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Cynthia E. Maxwell Living Trust , (“Buyers”), are offering to purchase the Property for the sum of \$10,000, 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.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Hendersonville resolves that:

1. The Council declares the Property surplus 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 \$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 7th day of April, 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney