

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Charlotte (“City”) owns a certain tract or parcel of real property containing 130.000 acres shown on Map Book 26, Page 227 of the Mecklenburg County Registry, and having Tax Parcel Number 113-291-02; and

WHEREAS, North Carolina General Statute §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property is made; and

WHEREAS, Crescent River District, LLC, has made an offer to purchase a portion of the above identified real property containing approximately 0.857 acres, including a temporary grading easement, both of which are more particularly described on Exhibit A, for future right of way improvements (hereafter, the “Property”); and

WHEREAS, Crescent River District, LLC, has paid the required five percent (5%) deposit on the offer.

THEREFORE, THE CITY OF CHARLOTTE CITY COUNCIL RESOLVES THAT:

1. The City of Charlotte City Council (“City Council”) authorizes the sale of the Property described above through the upset bid procedure of the North Carolina General Statute §160A-269.
2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the Property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a qualifying increased bid to the office of the City Clerk within ten (10) days after the notice of sale is published.
4. If a qualifying increased bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until the 10 day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying increased bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying increased bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, certified check, or other immediately available funds. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. At closing, the City will return the deposit of the final high bidder or credit the amount thereof toward the purchase price.
7. The terms of the final sale are that;
 - a. The offer that the City Council intends to accept, subject to the upset bid procedures provided by statute, is \$22,125.00. Any upset bids shall be based upon the total amount proposed to be accepted by the City Council. The final high bidder shall, before closing and at its expense, cause to be made a mutually acceptable survey of the Property.
 - b. Upon acceptance of the final high bid by the City Council, the high bidder shall have sixty (60) days from said approval to conduct title examinations and such environmental studies and examinations as Buyer deems necessary.
 - c. The City must approve the final high offer before the sale is closed, which it will consider, unless the Property is withdrawn from sale, within 30 days after the final upset bid period has passed.
 - d. The buyer must pay with cash, or other good funds, at the time of closing.
8. The City reserves the right to withdraw the Property from sale at any time before the final high bid is accepted, and the right to reject at any time all bids.
9. If there are no further qualifying upset bids, the City Council may accept the offer and sale the Property to the highest bidder.

Adopted this ____ day of _____ 2021.

EXHIBIT A

FEE SIMPLE AREA

COMMENCING at NGS Monument 'Horton', having North Carolina Grid Coordinates of N:530,272.85 and E:1,411,689.07; THENCE South 88 degrees 42 minutes 33 seconds West, a ground distance of 4,813.69 feet to the POINT OF BEGINNING; said point being an existing #4 rebar along the southerly line of Crescent River District, LLC (now or formerly) as described in Deed Book 32152, page 282 of the Mecklenburg County Registry; THENCE with the southerly line of the aforementioned Crescent River District, LLC North 81 degrees 47 minutes 00 seconds East, a distance of 47.05 feet to a calculated point at the centerline of Dixie River Road, an apparent 60-foot public right of way, and marking the southeasternmost corner of the aforementioned Crescent River District, LLC; THENCE along the centerline of Dixie River Road the following four (4) courses and distances: 1) [L1] South 42 degrees 25 minutes 02 seconds West, a distance of 101.34 feet to a calculated point; 2) THENCE [L2] South 46 degrees 04 minutes 23 seconds West, a distance of 203.67 feet to a calculated point; 3) THENCE [L3] South 47 degrees 02 minutes 46 seconds West, a distance of 257.09 feet to a calculated point; 4) THENCE South 46 degrees 07 minutes 10 seconds West, a distance of 412.06 feet to a calculated point within the centerline of Dixie River Road; THENCE leaving said centerline and with a new line the following five (5) courses and distances: 1) [L6] North 43 degrees 23 minutes 38 seconds West, a distance of 27.49 feet to a new right of way monument; 2) THENCE [L7] North 45 degrees 53 minutes 37 seconds East, a distance of 202.23 feet to a new right of way monument; 3) THENCE [L8] North 43 degrees 48 minutes 31 seconds East, a distance of 427.56 feet to a new right of way monument; 4) THENCE [L9] North 45 degrees 55 minutes 57 seconds East, a distance of 150.01 feet to a right of way monument; 5) THENCE [L10] North 46 degrees 20 minutes 52 seconds East, a distance of 134.42 feet to a right of way monument along the southerly line of the aforementioned Crescent River District, LLC; THENCE with said line North 81 degrees 47 minutes 00 seconds East, a distance of 26.58 feet to an existing #4 rebar and POINT OF BEGINNING, having an area of 0.857 Acres, all as shown on survey plat entitled "Dixie River Road Right of Way Dedication Plat," dated 1/5/2021 by Seth F. Martin, PLS of LDSI, Inc.

TEMPORARY GRADING EASEMENT AREA

COMMENCING at NGS Monument 'Horton', having North Carolina Grid Coordinates of N:530,272.85 and E:1,411,689.07; THENCE South 88 degrees 42 minutes 33 seconds West, a ground distance of 4,813.69 feet to an existing #4 rebar along the southerly line of Crescent River District, LLC (now or formerly) as described in Deed Book 32152, page 282 of the Mecklenburg County Registry; THENCE with the southerly line of the

aforementioned Crescent River District, LLC South 81 degrees 47 minutes 00 seconds West, a distance of 26.58 feet to a new right of way monument, being the POINT OF BEGINNING; THENCE leaving the line of the aforementioned Crescent River District, LLC with a new temporary grading easement line the following twenty-one (21) courses and distances: 1) [L10] South 46 degrees 20 minutes 52 seconds West, a distance of 134.42 feet to a new right of way monument; 2) THENCE [L9] South 45 degrees 55 minutes 57 seconds West, a distance of 150.01 feet to a new right of way monument; 3) THENCE [L8] South 43 degrees 48 minutes 31 seconds West, a distance of 427.56 feet to a new right of way monument; 4) THENCE [L7] South 45 degrees 53 minutes 37 seconds West, a distance of 172.66 feet to a calculated point; 5) THENCE [E1] North 28 degrees 06 minutes 25 seconds East, a distance of 52.38 feet to a calculated point; 6) THENCE [E2] North 45 degrees 53 minutes 37 seconds East, a distance of 122.50 feet to a calculated point; 7) THENCE [E3] North 43 degrees 48 minutes 31 seconds East, a distance of 151.69 feet to a calculated point; 8) THENCE [E4] North 18 degrees 36 minutes 49 seconds West, a distance of 8.86 feet to a calculated point; 9) THENCE [E5] South 45 degrees 46 minutes 10 seconds West, a distance of 7.10 feet to a calculated point; 10) THENCE [E6] North 18 degrees 36 minutes 49 seconds West, a distance of 4.62 feet to a calculated point; 11) THENCE [E7] North 48 degrees 23 minutes 58 seconds East, a distance of 6.96 feet to a calculated point; 12) THENCE [E8] North 18 degrees 36 minutes 49 seconds West, a distance of 13.97 feet to a calculated point; 13) THENCE [E9] North 46 degrees 39 minutes 14 seconds East, a distance of 14.39 feet to a calculated point; 14) THENCE [E10] North 19 degrees 38 minutes 46 seconds West, a distance of 7.73 feet to a calculated point; 15) THENCE [E11] North 47 degrees 26 minutes 12 seconds East, a distance of 4.66 feet to a calculated point; 16) THENCE [E12] South 17 degrees 10 minutes 26 seconds East, a distance of 7.80 feet to a calculated point; 17) THENCE [E13] North 46 degrees 37 minutes 13 seconds East, a distance of 141.32 feet to a calculated point; 18) THENCE [E14] North 46 degrees 36 minutes 42 seconds East, a distance of 150.00 feet to a calculated point; 19) THENCE [E15] North 46 degrees 36 minutes 41 seconds East, a distance of 151.67 feet to a calculated point; 20) THENCE [E16] North 81 degrees 25 minutes 14 seconds East, a distance of 9.88 feet to a calculated point; 21) THENCE [E17] North 45 degrees 05 minutes 30 seconds East, a distance of 50.35 feet to a calculated point along the southerly line of the aforementioned Crescent River District, LLC; THENCE with said line North 81 degrees 47 minutes 00 seconds East, a distance of 35.40 feet to the POINT OF BEGINNING, having an area of 0.474 Acres, all as shown on survey plat entitled "Dixie River Road Right of Way Dedication Plat," dated 1/5/2021 by Seth F. Martin, PLS of LDSI, Inc.