

Resolution Authorizing Upset Bid Process

WHEREAS, the County of Ashe owns certain property described herein below:

LAND DESCRIPTION TRACT (Tract One)

Survey for the County of Ashe to be conveyed to Peter Okrepky and Wanda Okrepky

Being a tract of land located in Chestnut Hill Township, Ashe County, North Carolina and being more particularly described as follows;

BEGINNING on an existing ½" rebar, said rebar being the southwestern corner of Lot 55 and the southeastern corner of Lot 56 of the Hidden Mountain Subdivision (Pb 5, pg 29), thence running with the southeastern line of the said Lot 55, North 33 degrees 25 minutes 43 seconds East, 192.84 feet to a 38" red oak (said oak is located South 00 degrees 22 minutes 50 seconds East, 1.40 feet from an existing ½" rebar), thence continuing with a division line of the County of Ashe property South 11 degrees 06 minutes 05 seconds East, 50.00 feet to a new ½" rebar, South 30 degrees 26 minutes 46 seconds West, 180.34 feet to a new ½" rebar, North 29 degrees 18 minutes 52 seconds West, 50.00 feet, to the point of BEGINNING, containing 0.167 acres, area by coordinate computations. According to a survey by Billy W. Barr, PLS L-3174, P. O. Box 1013, Jefferson, NC, 28640, 336-846-8577, dated 7-27-20, job no. 200720-55. Bearings are relative to Plat Book 5, page 59, Ashe County Registry.

The above-described tract shall be combined with Lot 55 of the Hidden Mountain Subdivision Plat book 5, page 29, Ashe County Registry.

For source of title see Deed Book 175, page 1594, Ashe County Registry.

LAND DESCRIPTION TRACT (Tract Two)

Survey for the County of Ashe to be conveyed to Peter Okrepky and Wanda Okrepky

Being a tract of land located in Chestnut Hill Township, Ashe County, North Carolina and being more particularly described as follows;

BEGINNING on an existing ½" rebar, said rebar being the southwestern corner of Lot 56 and the southeastern corner of Lot 57 of the Hidden Mountain Subdivision (Pb 5, pg 29), thence running with the southeastern line of the said Lot 56, North 22 degrees 56 minutes 00 seconds East, 95.90 feet to an existing ½" rebar, thence continuing with a division line of the County of Ashe property South 29 degrees 18 minutes 52 seconds East, 50.00 feet to a new ½" rebar, South 16 degrees 58 minutes 50 seconds West, 80.22 feet to a new ½" rebar, North 50 degrees 12 minutes 46 seconds West, 50.00 feet, to the point of BEGINNING, containing 0.085 acres, area by coordinate computations. According to a survey by Billy W. Barr, PLS L-3174, P. O. Box 1013, Jefferson, NC, 28640, 336-846-8577, dated 7-27-20, job no. 200720-56. Bearings are relative to Plat Book 5, page 59, Ashe County Registry.

The above-described tract shall be combined with Lot 56 of the Hidden Mountain Subdivision Plat book 5, page 29, Ashe County Registry.

For source of title see Deed Book 175, page 1594, Ashe County Registry.

**LAND DESCRIPTION TRACT
(Tract Three)**

Survey for the County of Ashe to be conveyed to Peter Okrepky and Wanda Okrepky

Being a tract of land located in Chestnut Hill Township, Ashe County, North Carolina and being more particularly described as follows;

BEGINNING on an existing ½" rebar, said rebar being the southwestern corner of Lot 57 and the southeastern corner of Lot 58 of the Hidden Mountain Subdivision (Pb 5, pg 29), thence running with the southeastern line of the said Lot 57, North 11 degrees 57 minutes 55 seconds East, 119.12 feet to an existing ½" conduit pipe, North 01 degrees 05 minutes 23 seconds West, 119.24 feet to an existing ½" rebar, thence continuing with a division line of the County of Ashe property South 50 degrees 12 minutes 46 seconds East, 50.00 feet to a new ½" rebar, South 16 degrees 37 minutes 40 seconds West, 212.65 feet to the point of BEGINNING, containing 0.075 acres, area by coordinate computations. According to a survey by Billy W. Barr, PLS L-3174, P. O. Box 1013, Jefferson, NC, 28640, 336-846-8577, dated 7-27-20, job no. 200720-57. Bearings are relative to Plat Book 5, page 59, Ashe County Registry.

The above-described tract shall be combined with Lot 57 of the Hidden Mountain Subdivision Plat book 5, page 29, Ashe County Registry.

For source of title see Deed Book 175, page 1594, Ashe County Registry.; and

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

WHEREAS, the County of Ashe has received an offer to purchase the property described above, in the amount of \$5,000, submitted by Peter and Wanda Okrepky; and

WHEREAS, Peter and Wanda Okrepky paid the required five percent (5%) deposit on his offer;

THEREFORE, THE ASHE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Ashe County Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

2. The county clerk (Ann J. Clark) 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 sealed bid with their offer to the office of the county clerk (Ann J. Clark) within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the county clerk (Ann J. Clark) shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the county clerk (Ann J. Clark) shall cause a new notice of upset bid to be published, and shall continue to do so until a 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 Ashe County Board of Commissioners.

5. A qualifying higher 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 higher 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, or certified check. The County 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. The County will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that

- the Ashe County Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
- the buyer must pay with cash at the time of closing.

8. The County 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 no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate county officials are authorized to execute the instruments necessary to convey the property to Peter and Wanda Okrepky.

Duly adopted by the Ashe County Board of Commissioners on September 8, 2020.

Todd McNeill, Chairman
Ashe County Board of Commissioners

ATTEST:

Ann J. Clark, MMC, NCMCC
Clerk to the Board