

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

**BRIEFING
DRAFT**

MEETING DATE: September 20, 2018 AGENDA ITEM NUMBER: 13

SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER BY T-MOBILE SOUTH LLC TO ENTER INTO A LONG-TERM LEASE OF COUNTY-CITY OWNED PROPERTY LOCATED ON A PORTION OF LOT 308, BLOCK 2254 ON LAKE BLVD FOR THE LOCATION AND CONSTRUCTION OF A COMMUNICATIONS FACILITY AND RELATED ANTENNA EQUIPMENT BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE (GENERAL SERVICES DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER BY T-MOBILE SOUTH LLC TO ENTER INTO A LONG-TERM LEASE OF COUNTY-CITY OWNED PROPERTY LOCATED ON A PORTION OF LOT 308, BLOCK 2254 ON LAKE BLVD FOR THE LOCATION AND CONSTRUCTION OF A COMMUNICATIONS FACILITY AND RELATED ANTENNA EQUIPMENT BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE (GENERAL SERVICES DEPARTMENT)

WHEREAS, Forsyth County received and proposes to accept an offer from T-Mobile South LLC for Forsyth County and the City of Winston-Salem to enter into a lease with a one-year Option Term and a five-year Term, with five additional five-year renewal periods for construction, operation, maintenance, and location of a communications facility and related antenna equipment on a County-City owned tower, located on a portion of Lot 308, Block 2254 on Lake Blvd, for an amount of \$100.00 for the Option and an annual rental rate of \$41,000.00 with a 3% annual escalation; and

WHEREAS, the above-described property will not be needed by Forsyth County for County purposes during the term of the proposed lease; and

WHEREAS, the provisions of N.C.G.S. 160A-272, require that leases for terms longer than ten years be treated as a sale of property and be executed by following any of the procedures authorized for sale of real property; and

WHEREAS, the negotiated offer, advertisement, and upset bids procedure, outlined in N.C.G.S. 160A-269 is the best procedure to follow for sale of real property in this matter; and

WHEREAS, pursuant to the provisions of N.C.G.S. 160A-269, Forsyth County must require the offeror to deposit five percent (5%) of the bid amount with the Clerk to the Board and the County is required to publish a notice of the offer for an increased/upset bid before accepting any offer.

THEREFORE BE IT RESOLVED by the Forsyth County Board of Commissioners, pursuant to the provisions of N.C.G.S. 153A-176 and 160A-269, that Forsyth County has received an offer as described above and the Board proposes to accept the said offer or any qualifying increased/upset bid received as provided by law, and to sell the property to the highest bidder.

BE IT FURTHER RESOLVED that the Clerk to the Board is hereby authorized and required to collect a deposit of five percent (5%) of the bid amount, and any qualifying increased/upset bid under the applicable statute.

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to publish a notice of the said offer as required by N.C.G.S. 160A-269 and to re-advertise the offer at any qualifying increased/upset bid received until no further qualifying increased/upset bids are received, at which time the Board of Commissioners may accept the final offer and sell the property to the highest bidder.

BE IT FURTHER RESOLVED that Forsyth County may at any time reject any and all offers.

Adopted this the 20th day of September 2018.

**NOTICE OF OFFER
TO ENTER INTO A LONG-TERM LEASE OF PROPERTY
OWNED BY FORSYTH COUNTY & THE CITY OF WINSTON-SALEM
AND REQUEST FOR INCREASED/UPSET BIDS**

Forsyth County hereby publishes notice, pursuant to the provisions of N.C.G.S. 160A-269, of an offer in the amount of \$100.00 in the Option Term and an annual rental amount of \$41,000.00 with a 3% annual escalation to enter into a long term lease with a one-year Option Term, five-year initial Term, with five additional five-year renewal periods, from T-Mobile South LLC, which Forsyth County intends to accept, for property owned by Forsyth County & the City of Winston-Salem located in Winston-Salem, NC and further identified as Lot 308, Block 2254 on Lake Blvd.

The terms of the said offer to lease the property are annual rental payments throughout the term of the proposed lease. Notice is hereby given that within ten (10) days of the date of publication of this notice, any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. Any qualifying increased/upset bidder will be required to deposit five percent (5%) of the total increased bid with the Clerk to the Board, located at the County Manager's Office, Forsyth County Government Center, 201 N. Chestnut St., Winston-Salem, NC, and the Clerk shall re-advertise the offer at the increased bid amount. This procedure will be repeated until no further qualifying upset bids are received, at which time the Forsyth County Board of Commissioners may accept the final offer and lease the above-described property to the highest bidder.

The Forsyth County Board of Commissioners may at any time reject any and all offers.

This 20th day of September 2018.

FORSYTH COUNTY

By: _____
Ashleigh M. Sloop
Clerk to the Board