

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: February 2, 2010

**Action Agenda
Item No.** 4-9

SUBJECT: Exercise County's Statutory Right of First Refusal to Purchase Board of Education Property

DEPARTMENT: County Attorney

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

- (A) Letter and Plat from Orange County Board of Education Attorney
- (B) Resolution

INFORMATION CONTACT:

John Roberts, 245-2318

PURPOSE: To exercise the County's Right of First Refusal to purchase real property owned by the Orange County Board of Education.

BACKGROUND: On January 22, 2010 the County Attorney received the letter provide at Attachment A indicating that the Orange County Board of Education desires to sell four lots of property, also shown in Attachment A, ranging in size from one to two plus acres. North Carolina General Statute §115C-518(a) requires that the Orange County Board of Commissioners be offered the property and refuse to purchase the property before the Board of Education can sell the property to another buyer. The property is zoned R-1 and as such would be of limited use to Orange County.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board adopt the Resolution declining to purchase the referenced property from the Orange County Board of Education and authorize the Chair to sign the resolution.

Attachment A

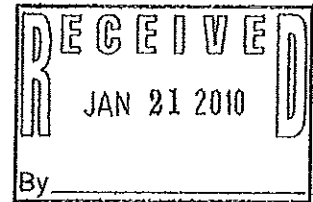
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ALEXANDER H. GRAHAM (1890-1977)
LUCIUS M. CHESHIRE (1925-2003)

January 20, 2010

Mr. John Roberts
Orange County Attorney
P.O. Box 8181
Hillsborough, NC 27278

Re: Orange County Board of Education

Dear Mr. Roberts:

I represent the Orange County Board of Education. The Board has indicated its desire to sell four lots located on Miller Road shown as Lots A1, A2, A3 and A4, as shown in Plat Book 79, Page 146 of the Orange County Registry; for your reference I am enclosing a copy of that plat. They purchased the property and subdivided these lots in the 1990's anticipating they would be used by the Orange High School Vocational Education program for building houses on site as they had been doing for many years. However, changes in the program and the course of study make it highly unlikely they will ever be used for this purpose. I have prepared a Resolution of their intent to sell these lots I expect they will adopt at their February 1 meeting. Under North Carolina General Statutes §115C-518(a) they are required to offer the real property to the County Commissioners at fair market value or at a negotiated price. We had a market analysis performed by Scott Dorsett in November and he determined the probable sales price of the lots if sold to a single buyer "as is" without constructing the road that would be necessary to market the lots individually to be \$160,000.00.

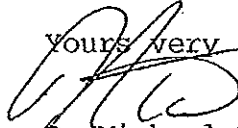
Could you please see if the County Commissioners have any desire to purchase this property? If so, we can determine how to proceed from that point, either by negotiation or by securing a formal appraisal. If, as I anticipate, they have no interest in these lots, can you ask for formal action that will satisfy the requirements of the above statute so the Board of Education can market this property to the public?

I appreciate your attention to this matter and welcome any questions you may have.

Mr. John Roberts
January 20, 2010
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With best regards, I am,

Yours very truly,

A handwritten signature in black ink, appearing to read 'D. Michael Parker', written over a horizontal line.

D. Michael Parker

DMP/mp

cc: Mr. G. Patrick Rhodes, Superintendent

ORANGE COUNTY BOARD OF COMMISSIONERS**RESOLUTION EXERCISING ORANGE COUNTY'S RIGHT****OF FIRST REFUSAL AND DECLINING TO PURCHASE****BOARD OF EDUCATION PROPERTY**

WHEREAS, the Orange County Board of Education has declared certain real property located on Miller Road and described more specifically as lots A1, A2, A3, and A4 as shown on a plat recorded in Plat Book 79 at Page 146 to be surplus; and

WHEREAS, North Carolina General Statute §115C-518(a) requires the Board of Education to offer such surplus real property for sale to the Orange County Board of Commissioners before it may sell such surplus real property to any other prospective buyer; and

WHEREAS, prior to the sale of such surplus real property to any prospective buyer the Orange County Board of Commissioners must first decline to purchase said real property; and

WHEREAS, said real property is zoned R-1 and is of limited use to the Orange County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Commissioners declines to exercise its option to purchase said real property and releases the Board of Education to sell said real property to such purchasers as may be found.

This the 2nd day of February 2010.

Valerie Foushee, Chair
Orange County Board of Commissioners

Attest:

Clerk to the Board of Commissioners