

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 350

State and Local Government Committee Substitute Adopted 4/15/99

Short Title: Charlotte Property Disposition.

(Local)

Sponsors:

Referred to:

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH RESPECT TO EXECUTION OF DEEDS AND THE DISPOSITION OF REAL PROPERTY BY PRIVATE SALE OR SUBJECT TO RESTRICTIONS OR BOTH.

The General Assembly of North Carolina enacts:

Section 1. Section 9.22 of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws as amended by Chapter 216, Session Laws of 1967, Chapter 92 of the Session Laws of 1983, and Chapter 343 of the Session Laws of 1985, and as rewritten by Chapter 170 of the 1995 Session Laws, reads as rewritten:

"Section 9.22. Real Property. (a) The City Council shall have the power at all times to sell any real property belonging to the city after having advertised the same once a week for four (4) consecutive weeks in a newspaper published in Mecklenburg County following the procedure prescribed by the general laws of the State of North Carolina in the foreclosure of mortgages or deeds of trust under the power of sale therein contained; provided, that before any bid shall be deemed accepted or any sale made, or any title passed by virtue of said sale, such sale shall be confirmed by the City Council and said Council may, in its discretion, refuse confirmation, and when so authorized, a deed for said real estate may be executed by the Mayor or the Mayor's designee and attested by the City Clerk, Clerk or Deputy City Clerk, with the corporate seal of the city attached;

1 provided, however, this Section shall not apply to plots in the cemetery except as to the
2 manner of execution of the deed. In the sale of real estate, the city is authorized to
3 execute deeds in the usual form and containing full covenants of warranty.

4 (b) The City Council is hereby authorized to sell, convey, transfer, or assign any or
5 all right, title and interest in or to real property owned by the City of Charlotte to other
6 governmental units at private sale, when in the judgment of the City, such real property is
7 no longer needed or suitable for the purposes of the City, or when such sale is deemed to
8 be in the public interest.

9 (c) The City may convey interests in real property owned by it by private
10 negotiation or sale, with respect to parcels of property having a fair market value of ten
11 thousand dollars (\$10,000) or less, and Article 12 of Chapter 160A of the General
12 Statutes shall not apply to such dispositions. The City Manager is authorized and
13 empowered to approve such dispositions.

14 (d) The City may, in addition to other authorized means, convey real property
15 owned by it to persons of low or moderate income for residential purposes using the
16 negotiated offer, advertisement, and upset bid process and requirements established by
17 G.S. 160A-269, provided, however, the City may lower the bid deposit requirement to an
18 amount not less than one percent (1%) of an offeror's bid.

19 (e) When the City Council determines that a sale or disposition of property will
20 advance or further any Council adopted economic development, transportation, urban
21 revitalization, community development, or land-use plan or policy, the City may, in
22 addition to other authorized means, sell, exchange, or transfer the fee or any lesser
23 interest in real property, either by public sale or by negotiated private sale. The City may
24 attach to the transfer and to the interest conveyed such covenants, conditions, or
25 restrictions (or a combination of them) the City deems necessary to further such adopted
26 policies or plans. The consideration received by the City, if any, for such conveyance
27 may reflect the restricted use of the property resulting from such covenants, conditions,
28 or restrictions. An interest in property pursuant to this subsection may be conveyed only
29 pursuant to resolution of the City Council authorizing the conveyance. Notice of the
30 proposed transaction shall be given at least 10 days prior to adoption of the resolution by
31 publication in a newspaper of general circulation, generally describing:

32 (1) The property involved;

33 (2) The nature of the interest to be conveyed; and

34 (3) All of the material terms of the proposed transaction, including any
35 covenants, conditions, or restrictions which may be applicable.

36 The notice shall give the time and place of the Council meeting where the proposed
37 transaction will be considered and shall announce the Council's intention to authorize the
38 proposed transaction. Notwithstanding the foregoing, the city may not sell the land or
39 buildings located at 100 Paul Buck Boulevard by private sale."

40 Section 2. This act is effective when it becomes law.