

Town of Lake Santeetlah

Special Called Meeting Minutes

January 3, 2019

Mayor Jim Hager called the meeting to order at 10:00AM. Council Members Bob Wehr, Keith Predmore were present. Town Clerk Emily Hooper and Town Technician Eric Hayes were present. Councilmember Patrick O'Donovan was available by phone. Councilmember Mary Williams and Town Administrator Kim Matheson was not available.

The first order of business was the approval of the agenda. Councilman Keith Predmore made a motion to approve. Councilman Bob Wehr seconded. All others approved. The motion carried.

New Business:

#1 Approval of Amended Resolution for Sale of Real Property on Santeetlah Trail: The Town of Lake Santeetlah has accepted bids on parcels (1-5) on Santeetlah Trail for several months. Three of those parcels have completed the bid process. Full payment has been received for two of the parcels (4 &5). In the Statute there is no requirement or time frame specified in which a bidder would be required to submit full payment. The Town Council has proposed a draft which includes an added paragraph granting a 30 day time frame to submit full payment after the bidding process is complete and the purchase is approved. Both the Initial offer to purchase form and Resolution have been updated. The initial offer to purchase form also had a clause stating: Closing shall occur within 30 days of completion of the upset bid period required by North Carolina General Statute S 160A-269. Mayor Jim Hager explained that the Statute does not require a 30 completion period therefore this sentence should be removed. Attorney Ellen Davis made minor grammatical changes to the documents (The changes to the Resolution and Initial Offer to Purchase form are highlighted in yellow for reference and are attached to these minutes). Councilmember Predmore made a motion to approve the Resolution and Initial Offer to Purchase Form as amended. Councilmember Wehr seconded. All others approved. The motion carried. The updated documents will be posted on the website.

Announcements

Mayor Jim Hager announced that the next Council Meeting would be held Monday January 14, 2019 at 10:00AM at Town Hall.

Councilmember Wehr submitted an official resignation letter that will become effective as of midnight January 3, 2019.

With no further business at this time Councilman Predmore made a motion to adjourn, Councilman Wehr seconded. All others approved. The motion carried. Mayor Hager adjourned the meeting at 10:09AM.

Jim Hager, Mayor

Emily Hooper, Town Clerk

Initial Bid Offer to Purchase Santeetlah Trail Property for any Parcel 1 through 5

_____ as Buyer, hereby offers to purchase from the Town of Lake Santeetlah, as Seller, the following described tract of real property:

That strip of real property located between the 1817 contour elevation line of Lake Santeetlah and Lot _____ Section _____ being that acre track as shown on the attached survey and being located in the Town of Lake Santeetlah, Graham County, North Carolina. Said real property is a portion of those lands described in deed recorded at Deed Book 188, Page 799, Graham County Registry.

The bid is: _____.

The Town shall pay for the initial publication, deed preparation and the recording fee to the Register of Deeds. The upset bidder shall pay for subsequent publication notices.

WHEREAS, All bidders are hereby notified that each of the above referenced lots is subject to a lis pendens filed against each lot and said lis pendens gives notice of a pending lawsuit that could impact title to said properties. The lawsuit is filed in Graham County Superior Court bearing File Number 18-CVS-71. A copy of the complaint is attached hereto. Potential and successful bidders should review all Pleadings to assess the importance of the claim and adjust any offers accordingly. This can be done at the Graham County Courthouse. Any prospective bidders should consult with legal counsel as to the effect of a lis pendens on these properties.

WHEREAS, the Town would maintain a permanent and perpetual easement across existing Santeetlah Trail for maintenance of road, water and sewer and other utilities;

WHEREAS, upon acceptance by the Town Council of the high bidder on parcels 4 or 5, the Town, if necessary, will deed a three-foot strip of Town-owned property along Santeetlah Trail to connect the high bidder's property with the purchased parcel. The purpose of the three-foot strip is to comply with Brookfield's Shoreline Management Plan which requires continuous ownership to the 1817 contour line;

WHEREAS, the three-foot strip only applies to Santeetlah Trail. The final survey including the three-foot strip will be at the expense of the purchaser.

WHEREAS, the 3 foot strip will connect to the Southeast corner of parcel 4 and to the Northeast corner of parcel 5;

WHEREAS, the high bidder on parcel 4 takes subject to an encroachment by a structure on lot 4 section 1B as noted on survey;

WHEREAS, the high bidder shall submit full payment within 30 days of the bid being accepted by the Town Council. Should the high bidder fail to pay the full amount within the 30 days, the bidder shall forfeit his/her deposit.

WHEREAS, bidders on all parcels on Santeetlah Trail are encouraged to verify compliance with Brookfield Hydro that the purchase of these properties will allow them to have a dock on Lake Santeetlah before making any offer to purchase;

WHEREAS, The Buyer understands that this transaction is subject to the provisions of North Carolina General Statute 160A-269.

WHEREAS, The Buyer understands that the conveyance from the Seller to the Buyer shall be by quitclaim deed and the Seller will make no warranty as to the title or condition of the real property.

WHEREAS, Upon acceptance of the Bid by the Town of Lake Santeetlah, the Deed shall be made to the above listed Buyer.

This _____ day of _____, 2019

Buyer(s)

STATE OF NORTH CAROLINA

AMENDED RESOLUTION FOR
SALE OF REAL PROPERTY

COUNTY OF GRAHAM

WHEREAS, the Council for the Town of Lake Santeetlah desires to adopt a Resolution authorizing and directing the disposal of certain real property in accordance with statutory requirements set forth in North Carolina General Statute 160A-269;

WHEREAS, the Town owns land between privately owned property on Santeetlah Trail which abuts the 1817 contour line of the Lake;

WHEREAS, the Town has determined that the sale of Town owned property would be beneficial to the Town by increasing the tax base of the Town and would generate funds to increase Town Reserves;

WHEREAS, Brookfield Hydro has generated new requirements that lake front property owners must abut the 1817 contour line, otherwise the property owner shall lose dock rights;

WHEREAS, the Town Council has determined that the sale of these properties could allow property owners abutting Town owned property to have access to 1817 Contour Line of Lake Santeetlah;

WHEREAS, the Town offers the portions of said real property as shown on the survey attached hereto at a minimum sale price as follows:

Parcel	Appraised Value	Minimum Value	Town Expenses	Minimum Sale Price
2	\$106,500.00	\$15,975.00	\$1,890.00	17,865.00
3	\$165,500.00	\$24,825.00	\$1,890.00	26,715.00
4	\$77,000.00	\$11,550.00	\$1,890.00	13,440.00
5	\$102,000.00	\$15,300.00	\$1,890.00	17,190.00
1	\$35,000.00	\$5,250.00	\$1,890.00	7,140.00

WHEREAS, the Town would maintain a permanent and perpetual easement across existing Santeetlah Trail for maintenance of road, water and sewer and other utilities;

WHEREAS, the Town shall make available the survey dated October 19, 2017 of said property prepared by Terry James for inspection at Town Hall, 16 Marina Drive, Lake Santeetlah, NC 28771;

WHEREAS, the Town shall make available the appraisal report dated November 9, 2017 prepared by Brian Farley for inspection at Town Hall, 16 Marina Drive, Lake Santeetlah, NC 28771;

WHEREAS, upon acceptance by the Town Council of the high bidder on parcels 4 or 5, the Town, if necessary, will deed a three-foot strip of Town-owned property along Santeetlah Trail to connect the high bidder's property with the purchased parcel. The purpose of the three-foot strip is to comply with Brookfield's Shoreline Management Plan which requires continuous ownership to the 1817 contour line;

WHEREAS, the three-foot strip only applies to Santeetlah Trail. The final survey including the three-foot strip will be at the expense of the purchaser.

WHEREAS, the 3 foot strip will connect to the Southeast corner of parcel 4 and to the Northeast corner of parcel 5;

WHEREAS, the high bidder on parcel 4 takes subject to an encroachment by a structure on lot 4 section 1B as noted on survey;

WHEREAS, bidders on all parcels on Santeetlah Trail are encouraged to verify compliance with Brookfield Hydro that the purchase of these properties will allow them to have a dock on Lake Santeetlah before making any offer to purchase;

WHEREAS, All bidders are hereby notified that the above referenced lots are subject to a lis pendens filed against the lots and said lis pendens gives notice of a pending lawsuit that could impact title to said properties. The lawsuit is filed in Graham County Superior Court bearing file number 18 CVS 71. A copy of the complaint is attached hereto. Potential and successful bidders should review all Pleadings to assess the importance of the claim and adjust any offers accordingly. This can be done at the Graham County Courthouse. Any prospective bidders should consult with legal counsel as to the effect of a lis pendens on these properties.

WHEREAS, the Town solicits offers to purchase said real property and that upon the receipt of an offer, the Town shall publish that it has received such offer;

WHEREAS, the Council shall require the offeror to deposit five percent (5%) of said offer with the Town Clerk and that the Town shall publish notice of said offer with said notice containing a general description of the property, the amount of the offer and that within ten (10) days any person may raise the bid by not less than ten percent (10%) of the first \$ 1,000.00 and five percent (5%) of the remainder;

WHEREAS, the Town shall pay for first publication notice, deed preparation and the recording fee to the Register of Deeds. The upset bidder shall pay for subsequent publications.

WHEREAS, the high bidder shall submit full payment within 30 days of the bid being accepted by the Town Council. Should the high bidder fail to pay the full amount within the 30 days, the bidder shall forfeit his/her deposit.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Santeetlah that this Resolution be adopted and that the Town commence receiving offers for said parcels of real property and that the terms of said sales shall be pursuant to the statutory requirements set forth in North Carolina General Statute 160A-269 and that said real property shall be sold on an "as is" and "where is" basis and the Town makes no guarantee and assumes no responsibility for the title thereto.

ADOPTED AND PASSED by _____ vote of the Council for the Town of Lake
unanimous or other
Santeetlah, North Carolina, at a Special Called meeting held the 3rd of January 2019.

TOWN OF LAKE SANTEETLAH

By: _____
JIM HAGER, Mayor

ATTEST:

EMILY HOOPER, Town Clerk
