

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 25, 2013 AGENDA ITEM NUMBER: 13

SUBJECT: RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER BY NEW CINGULAR WIRELESS PCS, 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 PURSUANT TO THE NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE (INTERAGENCY COMMUNICATIONS DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Otto, Jr.* DATE: November 20, 2013
COUNTY MANAGER

**RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER BY
NEW CINGULAR WIRELESS PCS, 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 PURSUANT TO THE NEGOTIATED
OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE
(INTERAGENCY COMMUNICATIONS DEPARTMENT)**

WHEREAS, Forsyth County has received and proposes to accept an offer from New Cingular Wireless PCS, LLC for Forsyth County and Winston-Salem to enter into a five year lease, with four additional renewal terms of five years each, for the 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, in consideration of rent of \$25,000 per year, with a 3% annual increase during the lease, and in further consideration of fees outlined in the agreement, subject to advertisement for increased /upset bids; and

WHEREAS, the Forsyth County Board of Commissioners has determined that the property, which is the subject of this Resolution, will not be needed by Forsyth County 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.

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 increased/upset bids before accepting any offer.

NOW, 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 lease the property to the highest bidder.

BE IT FURTHER RESOLVED that the Forsyth County Board of Commissioners hereby determines that the portion of real property, which is the subject of this Resolution, will not be needed by Forsyth County during the term of the proposed lease.

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 readvertise the offer at any 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 lease the property to the highest bidder.

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

Adopted this 25th day of November 2013.

**NOTICE OF
RESOLUTION AUTHORIZING PUBLICATION OF AN OFFER BY
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