

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1688\***

Short Title: Burlington Charter/Real Property Sale/Lease. (Local)

Sponsors: Representatives Bordsen and Ingle (Primary Sponsors).

Referred to: Local Government I, if favorable, Finance.

May 13, 2010

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO AUTHORIZE THE CITY COUNCIL TO DISPOSE OF CITY-OWNED REAL PROPERTY BY PUBLIC OR PRIVATE SALE AND TO LEASE CITY-OWNED REAL PROPERTY FOR SUCH TERMS AND UNDER SUCH CONDITIONS AS DETERMINED BY THE CITY COUNCIL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4.161 of Article 2 of Subchapter E of Chapter IV of the Charter of the City of Burlington, being Chapter 119 of the 1961 Session Laws, reads as rewritten:

"Section 4.161. Sale of surplus and lease of real property.

(a) ~~Whenever the city owns any real estate which is not required for public purposes, said real estate may be sold by the city in the manner provided by this Section.~~ Public or Private Sale of Property. – Notwithstanding any other provision of general or local law, the city council may publicly or privately sell, lease, rent, exchange, or otherwise convey or cause to be publicly or privately sold, leased, rented, exchanged, or otherwise conveyed, for such consideration and upon such terms and conditions as determined by the city council, any real property or any interest in any real property belonging to the city.

(b) ~~When an offer is received for any such property, the city council may cause notice to be published in any newspaper of general circulation published in the city (or if there is no such newspaper, then in any newspaper of general circulation published in Alamance County), once each week for two successive weeks. Said notice shall set forth a general description of the property, the amount offered therefor, and a statement that unless said offer is raised within fifteen days following the first publication, by a bid exceeding the original offer by such percentage as the council may fix and set forth in said statement (not exceeding ten per centum on the first one thousand dollars (\$1,000.00), and five per centum thereafter), the council will, in its discretion, proceed to authorize and complete the sale. Upon the expiration of fifteen days following first publication of said notice, if no increased bid has been made as herein set forth, the council may, in its discretion, authorize the sale and order execution of an appropriate conveyance therefor upon payment of the purchase price. If an increased bid is submitted in the manner herein provided, the council may advertise said bid in the same manner as the original bid. The council may, in its discretion, in connection with any such bid or increased bid, require that the bidder give security or make a deposit, in such amount as the council may fix, to be forfeited upon failure of the bidder, after acceptance of his bid, to pay the purchase price and take delivery of the deed.~~ Lease of Property. – Notwithstanding the provisions of G.S. 160A-272, the city council may, in its discretion, lease city-owned property for such terms and upon such conditions as the city council may determine, including terms of more than 10



1 years without the necessity of following any procedures other than those required by  
2 G.S. 160A-272 for leases of 10 years or less.

3 (c) The provisions of this Section shall be construed as in addition to all other  
4 provisions of law authorizing or prescribing the method of sale of real property owned by the  
5 city."

6 **SECTION 2.** This act is effective when it becomes law.