



# MEMORANDUM

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**To:** Members of the Finance Committee

**From:** Rich Olson, City Manager

**Date:** April 23, 2015

**Re:** Consideration – Adoption of Resolution Declaring City-owned Property Surplus

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***BACKGROUND:***

Morgans Corner Solar Energy, LLC is developing a large solar project near Morgans Corner. The City of Elizabeth City owns a tract of land, 17.8 acres in size, on which Morgans Corner Solar Energy, LLC will be seeking a transmission easement in order to tie into Dominion's 235 KW transmission line. Title research indicates that the City's Public Utilities Commission purchased this property in 1961 from R. L. Hinton and wife, Hilda Hinton. The Public Utilities Commission deeded the property over to the City in June 1963 when the Commission dissolved.

This 17.8 acre tract is some of the finest swampland you will find in Pasquotank County! Attached is a map showing the location of the property, which is land-locked and serves no future practical purpose for the City. City staff has researched the Public Utilities Commission minutes and finds no reference to this property. Pasquotank County classifies this parcel as commercial and values the property at \$5,300. Prior to the recent revaluation, this property was valued at \$1,800 (see enclosed Tax Card).

***ANALYSIS:***

During the 1940 to 1960 period, the City's Public Utilities Commission purchased several parcels around the County as locations for future electrical sub-stations primarily. The Morgans Corner property appears to have no value for future utility growth. In 1965, the North Carolina Legislature approved the electrical service territories map; and this Act divided the County up into areas to be served by Dominion and Albemarle EMC. This 1965 Act designates this parcel to be located in an area served by Albemarle EMC. In 2009, the City entered into an agreement with Albemarle EMC, which established our territorial limits. This property is in the territory defined as Albemarle EMC. The City could not use this property to service electrical customers; and therefore, the property

City Manager's Office

P. O. Box 347 • 306 E. Colonial Avenue • Elizabeth City, NC 27907

Phone: 252-337-6864 • Facsimile: 252-335-2503

serves no practical purpose for the City. For this reason staff would like the City Council to declare this property surplus. Once the property has been declared surplus, Morgans Corner Solar Energy, LLC can present the City an Offer to Purchase and the City Clerk shall go through the upset bid process as determined by NCGS 160A-269, which reads as follows:

**NCGS § 160A-269. Negotiated offer, advertisement, and upset bids.**

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers.

Staff will bring the matter back to the City Council before any final action can be taken.

**STAFF RECOMMENDATION:**

By motion, recommend that the City Council adopt the attached resolution declaring the property identified as PIN: 7977499329 and Map P112-107 as surplus property and authorize the City Clerk to begin the upset bid process as required by North Carolina General Statutes once an offer has been received on the property.

RCO/vdw







**Resolution # 2015 – 04-\_\_\_\_\_**  
**Declaring Real Property Surplus**  
**and Authorizing Sale by Upset Bid Process**

**WHEREAS**, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 7977499329 and Map P112-107 and having a physical address of 00000 Mill Pond Road; and

**WHEREAS**, the City of Elizabeth City has no current or future need of said property for public use and is desirous of selling said parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 7977499329 and Map P112-107, located at 00000 Mill Pond Road is hereby declared surplus to the needs of the City of Elizabeth City; and

**FURTHER**, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statutes §160A-269 once an Offer of Purchase for this parcel has been made to the City.

**ADOPTED**, this the 27<sup>th</sup> day of April 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

**PASQUOTANK COUNTY COMMERCIAL PROPERTY INFORMATION**

Tax Info

[Maps](#)

[Sales](#)

[Election Info](#)

[Other](#)

**Location: 00000 MILL POND RD Acct: 22869 PIN: 7977 499329 MAP: P112-107 Deed: / Deed Date: 0**

\$ \$

Owner

**PUBLIC UTILITIES**

**ELIZABETH CITY, NC 27909**

Assessment

<b>Prior Land:</b>	<b>\$1,800.00</b>	<b>Current Land</b>	<b>\$5,300.00</b>
<b>Prior Bldg:</b>	<b>\$0.00</b>	<b>Current Bldg</b>	<b>\$0.00</b>
<b>Prior Total:</b>	<b>\$1,800.00</b>	<b>Current Total</b>	<b>\$5,300.00</b>

**Taxed Acres: 17.8**

**\*Estimated\* 2013 County Tax: \$11.34 : \*Estimated\* 2014 County Tax: \$40.28**

[Click here to send Pasquotank County a better/correct picture. PID: 0051449](#)

Last Update: 20130523

DATE	SALES TYPE	SALE PRICE	SOURCE	ASSESSMENT	DEED BOOK/PAGE
No sales data.					
LAND TYPE	SIZE	MKT Value			
SWAMP LAND	17.8 ACRES	\$ 5,340.00			

**OUTBUILDING DATA**

Type	Flat +/-	Year	Size	Grade	Cond	Ident Units	Utility	RCN	%GD
		0	0X0		0	0	0	0	0
		0	0X0		0	0	0	0	0
		0	0X0		0	0	0	0	0
		0	0X0		0	0	0	0	0
		0	0X0		0	0	0	0	0
		0	0X0		0	0	0	0	0

State of North Carolina  
Department of the Secretary of State

C2013 261 00348

APPLICATION FOR CERTIFICATE OF AUTHORITY  
FOR LIMITED LIABILITY COMPANY

Pursuant to §57C-7-04 of the General Statutes of North Carolina, the undersigned limited liability company hereby applies for a Certificate of Authority to transact business in the State of North Carolina, and for that purpose submits the following:

1. The name of the limited liability company is Morgans Corner Solar Energy LLC;

and if the limited liability company name is unavailable for use in the State of North Carolina, the name the limited liability company wishes to use is \_\_\_\_\_

2. The state or country under whose laws the limited liability company was formed is: Delaware

3. The date of formation was 9/17/13; its period of duration is: perpetual

4. Principal office information: (Select either a or b.)

a.  The limited liability company has a principal office.

The street address and county of the principal office of the limited liability company is:

Number and Street One South Wacker Drive, Suite 1900  
City, State, Zip Code Chicago, IL 60606 County Cook

The mailing address, *if different from the street address*, of the principal office of the corporation is:

b.  The limited liability company does not have a principal office.

5. The street address and county of the registered office in the State of North Carolina is:

Number and Street 176 Mine Lake Court, Suite 100  
City, State, Zip Code Raleigh, NC 27615 County Wake

6. The mailing address, *if different from the street address*, of the registered office in the State of North Carolina is:

7. The name of the registered agent in the State of North Carolina is: NC Corporate Connection, Inc.

APPLICATION FOR CERTIFICATE OF AUTHORITY

Page 2

8. The names, titles, and usual business addresses of the current managers of the limited liability company are:  
(use attachment if necessary)

<u>Name</u>	<u>Business Address</u>
Invenergy Solar Development LLC	One South Wacker Dr., Ste 1900, Chicago, IL 60606

9. Attached is a certificate of existence (or document of similar import), duly authenticated by the secretary of state or other official having custody of limited liability company records in the state or country of formation. **The Certificate of Existence must be less than six months old. A photocopy of the certification cannot be accepted.**

10. If the limited liability company is required to use a fictitious name in order to transact business in this State, a copy of the resolution of its managers adopting the fictitious name is attached.

11. This application will be effective upon filing, unless a delayed date and/or time is specified: \_\_\_\_\_

This the 17 day of September, 2013

Morgans Corner Solar Energy LLC

*Name of Limited Liability Company*



*Signature of Manager*

Joe Condo, Secretary of Manager

*Type or Print Name*

*Authorized to sign in accordance with N.C.G.S. 57-3-24*

Notes:

1. **Filing fee is \$250.** This document must be filed with the Secretary of State.

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "MORGANS CORNER SOLAR ENERGY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF SEPTEMBER, A.D. 2013.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "MORGANS CORNER SOLAR ENERGY LLC" WAS FORMED ON THE SEVENTEENTH DAY OF SEPTEMBER, A.D. 2013.

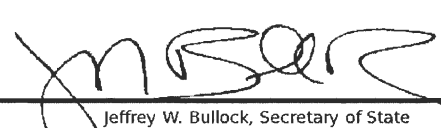
AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.

5400208 8300

131096986



You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 0744602

DATE: 09-18-13