



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: March 4, 2015
Re: Consideration – Adoption of Resolution Declaring Property Surplus

BACKGROUND:

The City has received a request from Mr. Donald J. “Skip” Riley regarding securing a piece of property the City owns, which is adjacent to his property located at 909 Morgan Street. Mr. Riley made a formal request to have the alleyway abandoned. However upon staff’s review, it was determined that the 15 foot x 214 foot strip of property is not an alley, although it is the size of an alley.

Staff’s research indicates that the City purchased this property in 1959 from Holland and Mary Williams for \$100.00. In addition, the City acquired some additional property adjacent to this strip in 1975. Attached is a map, which shows the property that the City owns.

ANALYSIS:

The property in question is 15 foot x 223 foot and consists of 3,304 square feet. According to the Pasquotank County property appraisal card, the tract has a value of \$5,800. The property serves no beneficial purpose for the City and may be classified as surplus. Once the property has been declared surplus, Mr. Riley can then present the City an offer 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, adopt the attached resolution declaring the property identified as PIN: 892309073123 and Map 24-B-36 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 – 03-_____
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: 892309073123 and Map 24-B-36 and having a physical address of 00000 Morgan Street; 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: 892309073123 and Map 24-B-36, located at 00000 Morgan Street 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 9th day of March 2015.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk



Pasquotank County, NC

Parcel Map

Date: 1/13/2015

PIN: 892309073123

Map: 24-B-36

Owner: CITY OF ELIZABETH CITY

P O BOX 347
ELIZABETH CITY NC 27909

Property Addr: 00000 MORGAN ST

Acct: 22882

Deed Book/Page: 0 / 0

Deed Date: 0

Assessed Value: \$ 5800

Taxed Acres: 0.069

1 inch = 25 feet

Ownership 2015
Aerial photography
March 2012



Disclaimer: The data provided on this map are prepared for the inventory of real property found within Pasquotank County, NC and are compiled from recorded plats, deeds and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey or zoning verification.

Capt. D.J. "Skip" Riley
P.O. Box 636
Ojai, Ca. 93024
805. 223.0885, captskipriley@aol.com

February 11, 2015

City of Elizabeth City
Mr. Rich Olson, City Manager
P.O. Box 347
Elizabeth City, N.C. 27907
TEL 252 337 6864, Ext. 244
rolson@cityofec.com

Re: Abandoned alley/road adjacent 909/907 Morgan St. (City Park)/ Since 1959
City Platt # 360 343
Lot No.# : Lot 37, 24-B-37
Deed No. # : 217, Page 68
Lot Size 15ft. x 214ft. or 3,300sq.ft.

I believe my lot at 909 Morgan St. is No#: 24-B-36

Dear Rich,

Please forgive me for not shaking your hand the last time I visited you. I had picked up a cold (on the airline) and decided it best to protect you from it. It took me 2.5weeks to get it rid of the cold.

During our conversation we spoke about the above captioned lot. The city planning department and yourself confirmed that there was indeed an abandoned alleyway between 909 and 907 Morgan St. (Rivershore area) and that there was an ordinance or state law that stated when an alley-way or road is abandoned that the two adjacent owners could split the lot ½ to one and ½ to the other. You noted that you would have your staff look into it and get back with me to this regards.

The additional 7.5ft width would be very beneficial to my property which is much to narrow as it is. Therefore I would desire following up on the lot split and divide.

I hope the above information is adequate. I received it from Ms. Cheryl Eggar of the City Planning department 337-6675. She confirmed the information and that the existence of the abandoned alley. The alleyway was abandoned reportedly in 1959 +/- . Please confirm the information for your own office. With all courtesy I would very much like to move ahead with the split and divide.

Very truly yours
Capt. Donald J. "Skip" Riley

PS: I have been following the City e-mails and I am very impressed from the beginning with Your style and the way you operate the cities business (particularly the waterfront area). We would surely be lost without you. Thank you again!

Cc: William Morgan, Esq.
City Attorneys Office
410 E. Main St.
Elizabeth City, N.C. 27909
wmmorgan@embarqmail.com

USE OF THIS MAP FOR PURPOSES OTHER THAN EXPRESSED ON THIS MAP ARE PROHIBITED AND ARE PROTECTED UNDER US COPYRIGHT LAWS UNAUTHORIZED CHANGING OF THIS MAP IS FORGERY

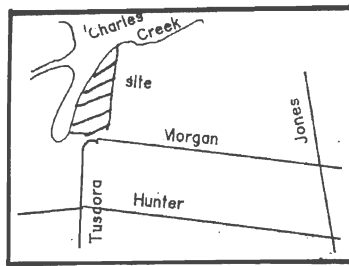
THIS MAP DOES NOT CONSTITUTE A SUBDIVISION ACCORDING TO NCOS 47-30 (F) (11) BECAUSE IT IS AN EXISTING PARCEL

NOTE: THIS LOT IS IN FLOOD HAZARD AREA: A4-6 ACCORDING TO FEMA MAP 370185 0005 D DATED August 5, 1985

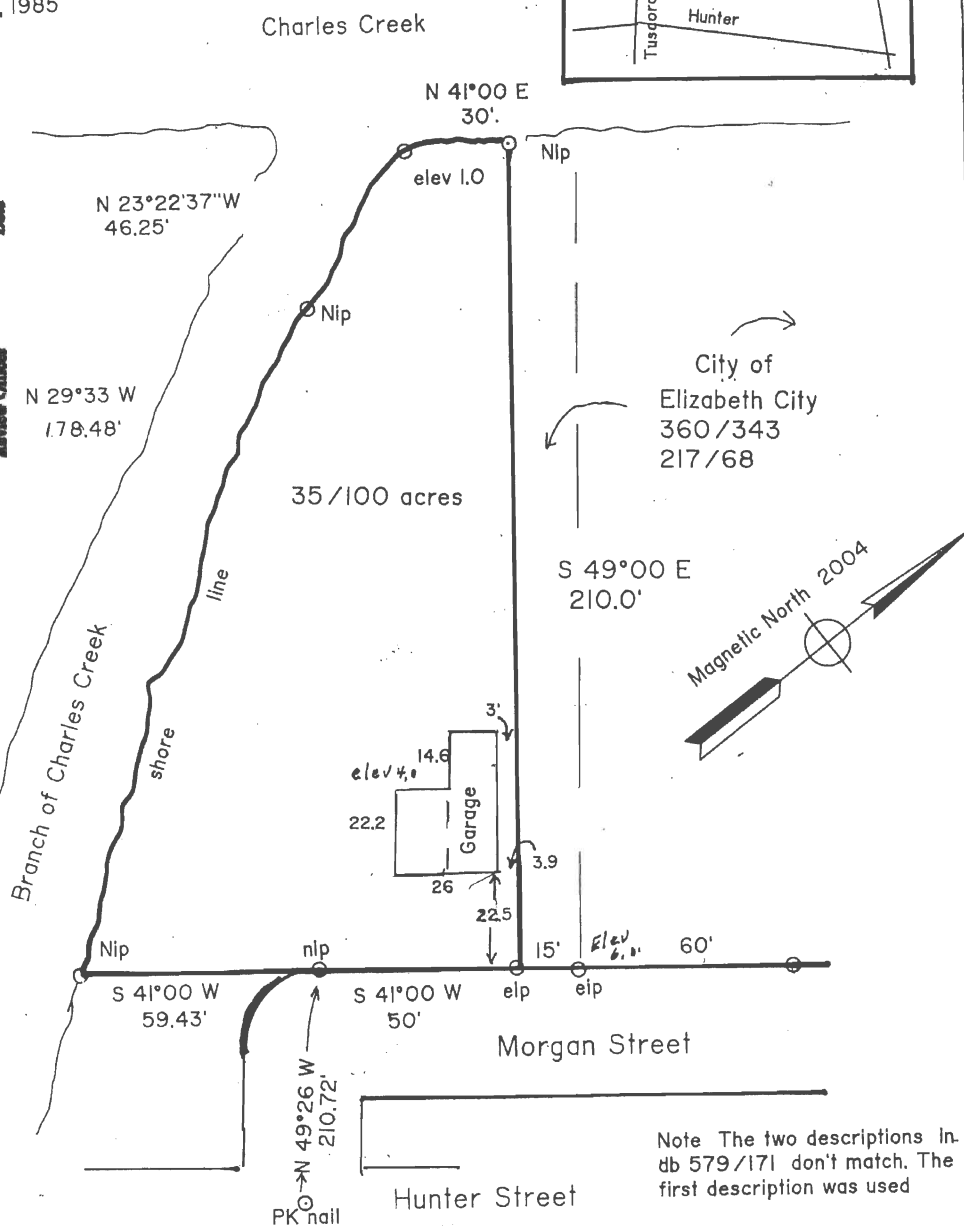
Legend

- Elp existing iron pin
- Nlp new iron pin
- R/W right of way
- ⊕ center of road
- SR state road
- ≡≡≡ ditch

Vicinity Map



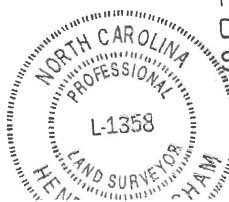
I, *Bessie Holloman*, Review Officer of Pasquotank County, certify that this map or plat meets all statutory requirements for recording.
 Date: *5-12-04*
 Review Officer



Note: The two descriptions in db 579/171 don't match. The first description was used

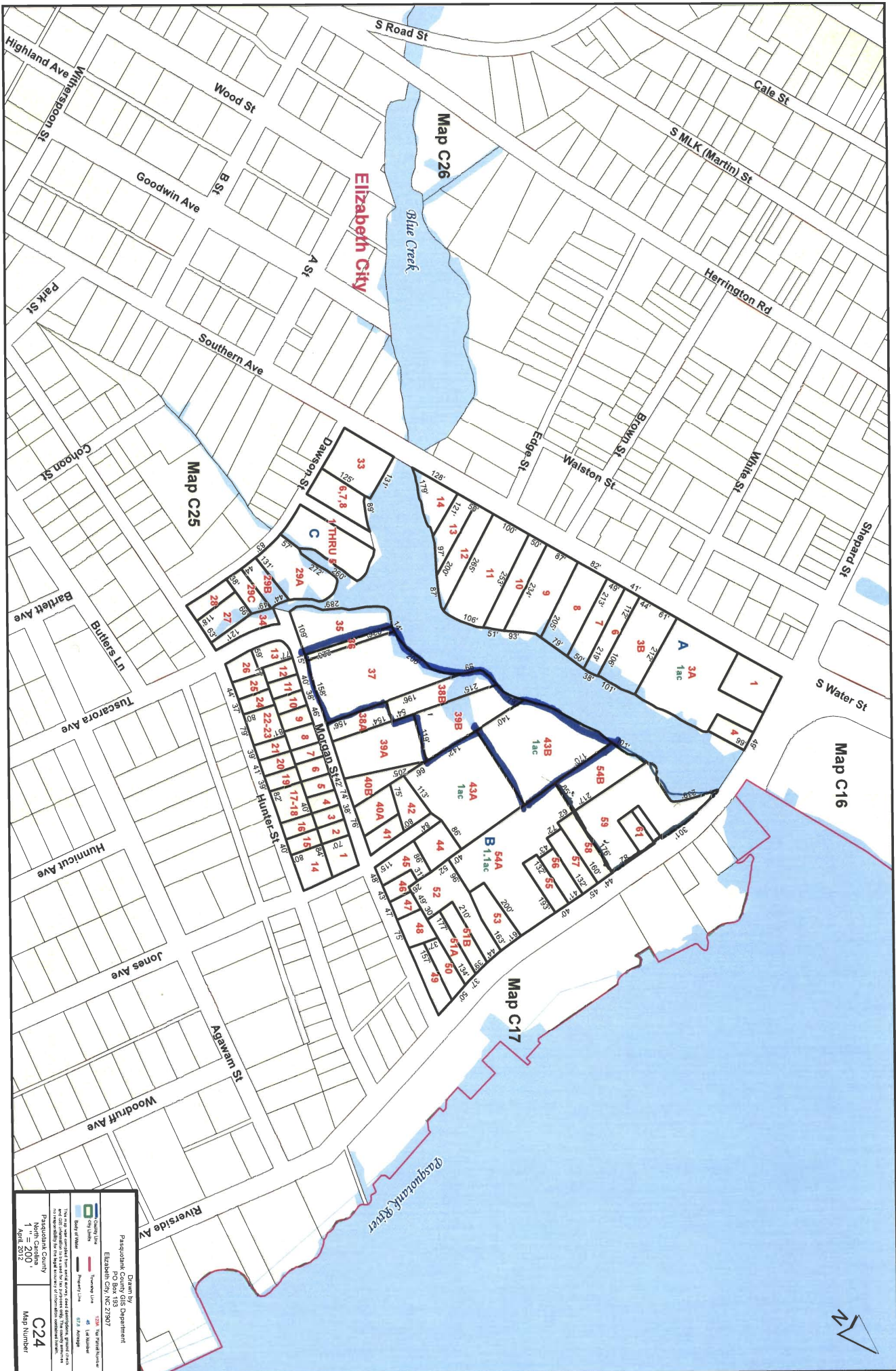
HENRY CUNNINGHAM, PROFESSIONAL SURVEYOR,
DO CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY BY ME, THAT THIS MAP WAS DRAWN IN ACCORDANCE WITH BOARD RULES, THAT THIS MAP SHOWS THE LAND DESCRIBED IN deed book 579 p 171 IN THE Pasquotank COUNTY REGISTRY; THAT THE ERROR OF CLOSURE IS 1:10,000+ AS COMPUTED BY DMD WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL.
THIS THE 8 DAY OF March 2004

L-1358 *Henry Cunningham*
1011 Macey Court
ELIZABETH CITY, NC 27909
db 579/171 Exhibit A



Lot Surveyed For
Elizabeth Hall
909 Morgan Street
Elizabeth City
Pasquotank County
North Carolina
Date: March 8, 2004
Scale: 1" = 40'





Drawn by Department
 Pasquotank, PO Box 438
 Elizabeth City, NC 27807
 1" = 200'
 April 2012
 Map Number
C24

