

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 42
HOUSE BILL 83

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO,
RELATING TO THE SALE OF REALTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 4.12 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by changing the period at the end thereof to a semicolon and adding the following:

"and (5) be a proper party to receive and accept services of all complaints, notices and other documents of a judicial nature on behalf of the city."

Sec. 2. Section 4.94 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by inserting immediately after the colon in line six thereof the words "the city treasurer,".

Sec. 3. Section 4.122 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by rewriting the Section to read as follows:

"Sec. 4.122. Sale of Real Property by Advertisement for Bids.

Any real property owned and held by the city for governmental or other purposes may be sold by the Council in the manner hereinafter prescribed. When any satisfactory offer is made for the same, and a deposit of five per cent (5%) of the amount bid is made with the city clerk, the Council shall cause to be published one time in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, there shall be posted in three places in the city, a general description of the property, the amount and the terms of payment offered, together with a notice that within ten days any person may raise the bid not less than five per cent (5%). If within ten days any person raises the bid five per cent (5%) and deposits with the city clerk a certified check covering the deposit for the increased bid, the city clerk shall re-advertise so long as the bids are increased and proper deposits are made; and when there is no increased bid within the prescribed time, the Council may sell and convey such property for the amount of the highest bid offered; but the Council may at any time refuse to proceed further with the proposed sale. In lieu of the foregoing procedure, the Council may, in its discretion, order a public auction sale of any real property in the manner as prescribed in the succeeding Section."

Sec. 4. Section 4.123 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by rewriting the Section to read as follows:

"Sec. 4.123. Sale of Real Property by Public Auction.

By a two-thirds vote of all the members of the City Council, any real property owned and held by the city for governmental or other purposes may be sold by the City Council at public sale and after advertisement. The resolution authorizing the sale shall describe the property to be sold, the time, place, and terms of sale and shall state that any offer or bid must be accepted and confirmed by the Council before the sale shall be effective. The resolution may, but need not, require that the highest bidder at the sale deliver to the city treasurer, or other official designated by the City Council, a certified check in an amount named in the resolution, to guarantee that, if the sale is confirmed by the Council, the bidder will comply with the terms of his bid. The resolution shall be published in some newspaper published in the city which is qualified to carry legal notices once a week for two successive weeks, or, if there be no such newspaper, the resolution shall be posted in two public places in the city, and the last publication may, but need not, be on the day of the sale. After the bids have been received at the sale, the highest bid for the property shall be reported to the Council, and within thirty days thereafter the Council shall accept or reject the bid. If the bid is rejected, the Council may re-advertise the property for sale."

Sec. 5. Section 4.124 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by rewriting the Section to read as follows:

"Sec. 4.124. Sale or Exchange of Excess Property.

In any case where the city has acquired property by means other than condemnation for any public purpose, and, in the opinion of the Council, it is desirable to sell any part or all of such property as excess, that is, such property as is not needed or no longer needed for the particular improvement or public purpose, the Council may sell it by public sale pursuant to Section 4.123, by receiving bids pursuant to Section 4.122 or by exchanging it for other property; provided, if in the opinion of the Council, the public interest of the city will best be served by the recombination of such property with other adjacent property in order to promote more orderly and coordinated system of development, the Council may sell it by private conveyance to an abutting property owner at a fair market value to be determined on the basis of a competent and disinterested appraisal."

Sec. 6. Section 4.126 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by striking out the word and figures "Section 4.123" appearing in line one of said Section 4.126 and substituting in lieu thereof the words and figures "Sections 4.122 and 4.123".

Sec. 7. Chapter IV of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by inserting therein a new Section following Section 4.127 to be numbered Section 4.128 and to read as follows:

"Sec. 4.128. Easements and Encroachments; Grant and Release Thereof.

(a) The City Council may release or quitclaim any rights the city may have in any water, sanitary sewer, storm sewer easement or any other right of way except street right of way upon a report by the city attorney and city manager and a finding by the

Council that the city has no further need for such easement or right of way for the particular improvement or for any other public purpose and that the easement or right of way should be abandoned.

(b) For fair value to be determined by the City Council, the Council may grant an easement to any person, corporation or public utility for the construction, existence and maintenance of lines, pipes, structures or for any other purpose over, under or through any real property owned by the city in fee simple if, in the opinion of the Council, such easement will not interfere with the proper use by the city of the property in which such easement is granted and that the city has no governmental or other public need which would be in conflict with the easement granted therein or the use made thereof.

(c) With respect to real property adjoining a street right of way, the City Council may permit or grant an encroachment easement beyond the existing building line into a street right of way for the purpose of permitting the erection of a building or other structure either over, under or through said right of way if, in the opinion of the Council, such encroachment will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public."

Sec. 8. Section 6.61(a) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby amended by striking the eighth sentence contained therein, which sentence begins on line 31 and ends on line 35, and substituting in lieu thereof the following:

"Copies of all registered letters giving the notice required by this Section, and the return receipts or other good and sufficient evidence of the giving of the required notice shall be filed in the office of the city clerk together with the resolution ordering said closing; provided, a certified copy of the resolution of the Council ordering the closing of the street or streets shall be recorded in the office of the Register of Deeds of Guilford County."

Sec. 9. Any and all easements in real property heretofore granted by the City Council over, under or through city-owned real property are hereby in all respects approved and validated.

Sec. 10. All proceedings of the City Council of the City of Greensboro relative to closing of streets or portions of streets, including the actual closing and abandonment thereof for maintenance or use as public streets, are hereby in all respects approved and validated.

Sec. 11. All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be valid.

Sec. 12. All proceedings of the City Council of the City of Greensboro and all work performed relative to local improvements, including street paving, sidewalk construction, water and sanitary sewer construction, including water and sanitary sewer mains, lines and laterals, and all work incidental to such local improvements and the assessments levied and assessed therefor, are hereby in all respects approved and validated.

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1965.