

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 350

Short Title: Charlotte Private Property Disposition.

(Local)

---

Sponsors: Senators Odom; Clodfelter, Dannelly, and Rucho.

---

Referred to: State and Local Government.

---

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH  
RESPECT TO EXECUTION OF DEEDS AND THE DISPOSITION OF REAL  
PROPERTY BY PRIVATE SALE AND/OR SUBJECT TO RESTRICTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 9.22 of the Charter of the City of Charlotte being Section 1 of Chapter 713 of the Session Laws of 1965, as amended by Section 1 of Chapter 92 of the Session Laws of 1983, and as further amended by Section 3 of Chapter 343 of the Session Laws of 1985, reads as rewritten:

"Section 9.22. Real Property. The City Council shall have the power at all times to sell any real property belonging to the City after having advertised the same once a week for four (4) consecutive weeks in a newspaper published in Mecklenburg County following the procedure prescribed by the general laws of the State of North Carolina in the foreclosure of mortgages or deeds of trust under the power of sale therein contained; provided, that before any bid shall be deemed accepted or any sale made, or any title passed by virtue of said sale, such sale shall be confirmed by the City Council and said Council may, in its discretion, refuse confirmation, and when so authorized, a deed for said real estate may be executed by the Mayor, or his or her designee, and attested by the City Clerk, with the corporate seal of the city attached; provided, however, this Section shall not apply to plots in the cemetery except as to the manner of execution of the deed.

1 In the sale of real estate, the city is authorized to execute deeds in the usual form and  
2 containing full covenants of warranty.

3 The City Council is hereby authorized to sell, convey, transfer, or assign any or all  
4 right, title and interest in or to real property owned by the City of Charlotte to other  
5 governmental units at private sale, when in the judgment of the City, such real property is  
6 no longer needed or suitable for the purposes of the City, or when such sale is deemed to  
7 be in the public interest.

8 The City may convey interest in real property owned by it by private negotiation or  
9 sale, with respect to parcels of property having a fair market value of ten thousand dollars  
10 (\$10,000) or less, and Article 12 of Chapter 160A of the General Statutes shall not apply  
11 to such dispositions. The City Manager is authorized and empowered to approve such  
12 dispositions.

13 The City may, in addition to other authorized means, convey real property owned by  
14 it to persons of low or moderate income for residential purposes using the negotiated  
15 offer, advertisement, and upset bid process and requirements established by G.S. 160A-  
16 269, provided, however, the City may lower the bid deposit requirement to an amount not  
17 less than one percent (1%) of an offeror's bid.

18 The City Council may, upon the affirmative vote of the City Council, publicly or  
19 privately sell, lease, rent, exchange or otherwise convey, or cause to be publicly or  
20 privately sold, leased, rented, exchanged, or otherwise conveyed any property, real or  
21 personal or any interest in such property, belonging to the City.

22 The City Council may sell, exchange, or otherwise transfer the fee or any lesser  
23 interest in real property to any purchaser subject to such covenants, conditions, and  
24 restrictions as the City Council may deem to be in the public interest. Such sale,  
25 exchange, or other transfer may be made pursuant to either (i) Section 9.22 of the Charter,  
26 (ii) Article 12 of Chapter 160A of the North Carolina General Statutes, (iii) G.S. 160A-  
27 514, or (iv) any other applicable provision of law, and the consideration received by the  
28 City, if any, for such sale, exchange, or transfer may reflect the restricted use of the  
29 property resulting from such covenants, conditions, and restrictions. The City may invite  
30 bids or written proposals (including detailed development plans and site plans for the  
31 purchase of any such property or property interest (whether by sale, exchange, or other  
32 transfer) pursuant to such specifications as may be approved by the City. A sale,  
33 exchange, or other transfer of real property (or interest therein) pursuant to this section  
34 may be made contingent upon any necessary rezoning of such property.

35 The authority contained in this section is in addition to and not in limitation of any  
36 other authority granted by this charter or any other law."

37 Section 2. This act is effective when it becomes law.