



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

April 27, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Ongoing Business

1. Offer to purchase 3315 North Virginia Dare Trail and Resolution Authorizing the Upset Bid Process (Attached OB-1)

The Town received a written offer on March 21, 2022, to purchase a parcel located at 3315 North Virginia Dare Trail, Pin #988509056311, depicted on the individual tax map, along with the individual deed, attached to this memorandum. Sand Life, LLC, is offering \$5,400.00 for the property, which was deeded to the Town as a gift in 2001. The property is an unbuildable vacant lot. The offeror's residence is located across from the property at 3316 North Virginia Dare Trail.

At its April 11, 2022, meeting, the BOC directed Staff to verify whether to proceed with the proposed sale. Staff has communicated with the offeror, and detailed the potential limitations of the parcel; Sand Life, LLC, still wishes to proceed with the sale, and a required deposit of 5% of the purchase price has been received by the Town. The BOC may accept this offer, and then begin the upset bid process.

Should the Board desire to continue this sale, approval of the *Resolution Authorizing the Upset Bid Process for Sale of 3315 North Virginia Dare Trail*, including acceptance of the offer and authorizing the upset bid process, would be in order.

A motion will be in order.



TOWN OF KILL DEVIL HILLS

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Resolution Authorizing the Upset Bid Process for Sale of 3315 North Virginia Dare Trail

WHEREAS, the Town of Kill Devil Hills (the “Town”) owns certain property, identified as Dare County Tax Parcel Number (Pin Number):

- # 000054000 (988509056311); and

WHEREAS, North Carolina General Statute §160A-269 permits the Town to sell property by upset bid, after receipt of any offer for the property; and

WHEREAS, the Town has received an offer, including the required 5% bid deposit, from Sand Life, LLC, of 3316 North Virginia Dare Trail, Kill Devil Hills, NC, to purchase the parcel identified in the first paragraph, above; and

WHEREAS, this parcel is a total of 3,500 square feet and is located along the eastern edge of North Virginia Dare Trail, in Kill Devil Hills, described in the instrument recorded in the Dare County Register of Deeds, as follows:

- # 603440200 – Book 1375: Page 0029; and

WHEREAS, Sand Life, LLC, has paid the required 5% deposit with the offer; therefore be it

RESOLVED, that

1. The Board of Commissioners of the Town of Kill Devil Hills authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. The Town Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid and their offer to the Office of the Kill Devil Hills Finance Department within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Town Clerk shall open all bids received, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the Town Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that:
 - A. The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed.
 - B. The buyer must pay with cash, cashier's check, or certified check at the time of closing.
8. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted, and also reserves the right to reject any and all bids at any time.
9. If no qualifying bid is received after the initial public notice, the offer is hereby accepted as to price, with the remainder of the contractual terms being subject to negotiation between the Town and the offeror. The appropriate officials of the Town of Kill Devil Hills are authorized to execute the instruments necessary to convey the property to Sand Life, LLC, or its designee.

Adopted this _____ day of _____, 2022.

SEAL

Ben A. Sproul, Mayor, Town of Kill Devil Hills

ATTEST:

James Michael O'Dell, Town Clerk

O'Dell, Michael

From: Ray, Cameron
Sent: Tuesday, April 19, 2022 12:52 PM
To: Jim Douglas
Cc: O'Dell, Michael
Subject: RE: Potential offer to purchase Kill Devil Hills Town property

Good Afternoon Jim,

For your information, I wanted to recap our conversations about your interest in the Town owned property located at PIN#988509056311 in regards to development possibility. Below are a items that we discussed regarding property (Pin: 988509056311):

- The property is currently an unbuildable lot for the purposes of a new primary building development
- The property could be combined with your adjacent property at PIN#988509053291 as long as the exempt plat/recombination did not create any nonconformities
 - A prepared survey combining the lots would provide Town Staff the required information to determine if any nonconformity would be created
 - If combined, zoning would allow the development of an accessory structure (dune walkover discussed). However, this structure would have to meet all Town code requirements including setbacks and all CAMA requirements including setbacks. Currently, using GIS, it appears that the 30' front yard Town setbacks overlaps with the CAMA static line setback resulting in no buildable footprint, which would prohibit permitting of an accessory structure. This opinion was based using GIS mapping and for total accuracy a licensed surveyor or engineer shall provide a survey showing all applicable setbacks to determine if an accessory structure could be permitted.

Please do not hesitate to contact me with any further questions you may have.

Sincerely,

Cameron Ray, CFM
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com



Sand Life, LLC
3316 North Virginia Dare Trail
Kill Devil Hills, NC 27948

March 21st, 2022

Town of Kill Devil Hills
102 Town Hall Drive
P.O. Box 1719
Kill Devil Hills, NC 27948

Dear Sir or Madam,

This letter is an offer to purchase the unbuildable vacant land due east from our current residence located at 3316 North Virginia Dare Trail, Kill Devil Hills, NC 27948.

The property to purchase is named as Parcel #: 000054000 and PIN #: 988509056311.

Offer Amount: \$5,400.00

Purchaser: Sand Life, LLC

Sincerely,

Sand Life, LLC