

**LENOIR CITY COUNCIL
TUESDAY, MAY 15, 2018
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, Perkins, Stevens, Thomas and Willis. Also in attendance were City Manager Hildebran, and Planning Administrative Assistant Sigmon.

ABSENT: Councilmembers Perdue, Rohr and City Attorney Blair.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

UPDATE; CITY

- STAFF:** B. On behalf of City Council, Mayor Gibbons welcomed back Councilman Ike Perkins who continues to recover from recent knee surgery.
- C. On behalf of City Council, Mayor Gibbons asked everyone to keep Rex Cannon, spouse of City Clerk Shirley Cannon, in their prayers as he is back in the hospital.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:
1. Minutes; Approval of the minutes of the Committee of the Whole Meeting of Tuesday, April 24, 2018 as submitted
 2. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, May 1, 2018 as submitted.
 3. Acceptance of an Offer to Purchase Real Property; 533 Hill Street: Staff recommends Acceptance of an Offer to Purchase Real Property in the amount of \$250.00 as submitted by Ron Walker for property located at 533 Hill Street, Parcel ID#06-17-3-9 and NCPIN#274-957-2991. Note: The legal advertisement for the Notice of Offer to Purchase Real Property will be published in the *News-Topic* starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council's acceptance of the Offer to Purchase. (A copy of the Offer to Purchase, Deed, Appraisal and Map is hereby incorporated into these minutes by reference. Refer to pages 132-137).
 4. Acceptance of an Offer to Purchase Real Property; 533-A Hill Street: Staff recommends Acceptance of an Offer to Purchase Real Property in the amount of \$250.00 as submitted by Ron Walker for property located at 533 Hill Street, Parcel ID#06-17-3-10 and NCPIN#274-957-3826. Note: The legal advertisement for the Notice of Offer to Purchase Real Property will be

published in the *News-Topic* starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council's acceptance of the Offer to Purchase. (A copy of the Offer to Purchase, Deed, Appraisal and Map is hereby incorporated into these minutes by reference. Refer to pages 138-143).

Upon a motion by Councilmember Mayor Pro-Tem Willis, Council voted 5 to 0 to approve the above listed items on the Consent Agenda as submitted by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

FY2017-2018 UNIFOUR CONSORTIUM CONSOLIDATED PLAN & FY2018 ACTION PLAN FOR THE CITY OF LENOIR:

A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the second of two public meetings to receive public comments regarding the proposed FY2018 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2018, beginning July 1, 2018 and ending June 30, 2019. The City of Lenoir serves as the Lead Entity for the Unifour Consortium, which expands four counties consisting of twenty-eight local governments.

Mr. Oxford reviewed the FY2018-2019 Community Development Block Fund Grant (CDBG) in the amount of \$137,666 that was appropriated as follows:

Construction of Section of Greenway (from Main Street through West End to Harper Avenue)	\$110,133
Program Administration	<u>\$27,533</u>
	\$137,666

Mr. Oxford reported that, although some funds are already budgeted for construction of this section of the Greenway, these allocated funds will be used for engineering, design, surveying, crosswalks and signage for the project. The balance of \$27,533 represents 20% of the total funds and is set aside for program administration.

Mr. Oxford stated the HOME program will receive \$1,152,451 for FY2018-2019 and pointed out they anticipate program income in the amount of \$300,000 for a total funding amount of 1.4 million dollars. Program income is generated as down payment assistance loans are given to first time home buyers. These loans trigger repayment if and when the owners sell, refinance, or otherwise transfer the property. Typically the loans are \$5,000 and if the owner retains the loan for a ten-year period, half of the loan amount is forgiven. Mr. Oxford explained loans are also made available to multi-family housing developers who repay the loans over a twenty-year

period. The Down Payment Assistance Program will receive \$500,338 which will provide down payment assistance for 87 potential homebuyers. He reported that Habitat for Humanity projects have been funded in the past few years within the four county areas and noted these non-profit organizations are currently constructing housing related projects. Mr. Oxford stated they have tried working with other non-profit groups, but pointed out they do not meet the criteria that HUD requires. Mr. Oxford further reported that the Community Housing Development Organizations will receive \$172,868 which will be used to assist with the construction of six homes.

In addition, Mr. Oxford stated \$664,000 will fund three multi-family housing projects. He stated low interest loans are provided to Multi-Family Housing Developers as part of their overall package. Typically these packages are around seven to eight million dollars and he noted they would provide a two hundred or three hundred thousand dollar low interest loan to be repaid over a twenty-year term. Ten percent of this will go to administration which comes to \$115,245.

Councilmember Perkins asked Mr. Oxford to explain the differences between what Habitat for Humanity and HUD would provide for a low income house. He further inquired if they are they two separate entities?

Mr. Oxford responded they use the same guidelines and noted they provide around \$30,000 for the construction of a house while Habitat for Humanity provides the remaining balance.

Councilmember Perkins asked what qualifies a low income person and are there areas where property values come into play?

Mr. Oxford responded that Habitat chooses the location of the property and explained the down payment assistance program assists all applicants that are below 80% of the area's medium income. He stated he thinks Habitat requires applicants to be below 60% of the median area income. Habitat does qualify applicants as far as their credit score and ability to be able to repay the loan.

Mr. Oxford asked Council for approval of the FY2018 Action Plan in order to submit the Plan to HUD as soon as possible.

Upon a motion by Mayor Pro-Tem Willis, Council voted 4 to 1 to approve the FY2018-2019 Unifour Consortium HOME Plan and FY2018 Action Plan for the City of Lenoir as presented and for submittal to HUD as recommended by Rick Oxford, Plan Administrator. Councilmember Perkins voted against this motion.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

PEACE OFFICERS' MEMORIAL

DAY: 1. Peace Officers' Memorial Day will be observed on Tuesday, May 15. An Officer Down Memorial Service is scheduled today at 7:00 p.m. at First Baptist Church.

BUDGET WORK

SESSION: 2. City Council will conduct a Budget Work Session on Thursday, May 17 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers. City Council will conduct an additional Budget Work Session on Thursday, May 24 at 6:00 p.m. if necessary.

NATIONAL PUBLIC WORKS

WEEK: 3. City of Lenoir will observe National Public Works Week from Sunday, May 20 through Saturday, May 26. A breakfast honoring Public Works employees will be held on Wednesday, May 23 at 7:30 a.m. at 1841 Café.

COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole will meet on Tuesday, May 22 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

MEMORIAL DAY GOSPEL SINGING

EVENT: 5. A Memorial Day Weekend Gospel Singing event will be held on Saturday, May 26 at 4:00 p.m. at the Martin Luther King, Jr. Center.

AFC'S OUTDOOR

POOL: 6. The outdoor pool at the Aquatic & Fitness Center will open on Saturday, May 26.

HOLIDAY CLOSING:

7. City offices will be closed on Monday, May 28 in observance of Memorial Day.

MEMORIAL DAY

SERVICE: 8. The American Legion will host a Memorial Day Service on Monday, May 28 at 10:00 at the Veterans Plaza on the square downtown.

RURAL DAY:

9. The NC Rural Center will host Rural Day on Tuesday, May 29 beginning at 9:00 a.m. at the NC Museum of History in Raleigh. Representing the City of Lenoir will be Mayor Gibbons, Mayor Pro-Tem Willis, City Manager Hildebran, and Councilmembers Perdue and Thomas.

NCLM'S TOWN & STATE

DINNER: 10. The North Carolina League of Municipalities town and State Dinner will be held on Tuesday, May 29 beginning at 5:30 p.m.

B. ITEMS FOR COUNCIL ACTION

FY2018-2019 ANNUAL RECOMMENDED

BUDGET: 1. City Manager Scott Hildebran presented the FY2018-2019 Annual Budget to City Council and recommended that Council call for a public hearing to be held on Tuesday, June 5 for consideration of adoption of the proposed budget.

Mr. Hildebran stated the proposed General Fund budget totals \$17,100,331 and is balanced with the current property tax rate of 58¢ per \$100 of assessed property value. This budget also includes the Rescue Readiness Tax of 0.85¢ per \$100 of assessed property value. All other General Fund Charges/fees are unchanged. The General Fund includes traditional City services such as police and fire, planning and zoning, parks, recreation, and public works which includes trash pickup, streets and brush collection.

The City is required to have its budget adopted by July 1, 2018 in order to establish its legal spending limits. The budget is available in the City Clerk's office for public inspection from 8:30 a.m. until 5:00 p.m. Monday through Friday. The budget is also available online at the City's website at www.cityoflenoir.com.

The proposed Water/Sewer Fund budget totals \$8,890,000 and is balanced with a small 1.5% water rate increase. The proposed water rate increase would cost the average ratepayer an additional 35¢ on a monthly bill. All other Water/Sewer Fund charges are unchanged.

The Water and Wastewater Fund includes water and sewer utilities and is separate from the General Fund. This Fund includes the following plants: Rhodhiss Water Treatment Plant, Water Distribution, Gunpowder Wastewater Treatment Plant and Lower Creek Wastewater Treatment Plant.

Mr. Hildebran reported the proposed budget addresses the goals and priorities that were established by City Council without raising taxes. He reviewed the key components of the budget as follows:

- Core services are continued with funding at adequate levels.
- Revenue projections are estimated in a realistic, conservative manner.
- Our organization-wide Customer Service Excellence Initiative "Service beyond Measure" remains a priority.
- Employee Compensation: City Council and Management recognize that our employees are vital to the delivery of quality municipal services and they continue to represent our most valuable asset. As a top strategic priority, the budget includes a 4.8% cost of living increase effective on January 1, 2019. Also, the City's group health insurance plan will include changing providers which will result in an estimated 5% decrease in premiums, while maintaining plan benefit levels.
- Street Resurfacing: Provides \$375,000 in funding to continue implementation of the recent Pavement Study.
- Fire Station #3: Provides increased funding to cover the planned construction debt service.
- Downtown Housing: Provides operational funds to continue planning efforts to "Move Lenoir to 2nd Floor" and includes \$30,000 in funding for grants to assist in downtown development.

- North Main Street Plan: Allocates funds from the CDBG Capital Project Fund to complete ongoing improvements to J.E. Broyhill Park and expedite work on the Greenway Rail/Trail conversion.
- Traffic/Transportation Issues: Provides operational funding for the final phase of the Linkside Connector Project.
- Fiduciary Responsibility: Does not appropriate any fund balance proceeds and maintains a GF fund balance of 43.14%, which is above the City Council's 24% goal. Excess fund balance will be utilized for capital projects as council deems appropriate.
- Sidewalks/Greenways/Trails: Maintains funding of \$75,000 in FY 2018-2019 as well as supports the Hospital Avenue Sidewalk Project.
- Code Enforcement: Maintains support of code enforcement activities of \$24,000 toward building demolition.
- Technology: Continues to fund Computer/IT upgrades throughout the organization to enhance and improve operations and security. Also, the budget funds implementation of the advance metering infrastructure.
- Fairfield South Plan: Continues to provide operational funds to develop the Fairfield South Plan and to conduct area environmental assessments via EPA Brownfield Grant funding.
- The budget also funds all debt obligations, including the anticipated completion of both Bernhardt Water Treatment Plant Projects.

The following General Fund capital projects are included: Patrol Cars (5), Detective Cars (2), First Floor City Hall updates, Aquatic Center Door(s) replacement, Viper Radios, Cemetery Mower and a used Bucket Truck.

The following Water/Sewer Fund capital projects are included: US 321/Connelly Springs Road Interchange Utility Relocation (Payment #3), Grit System Improvements, Vactor Pump, BioSolids Improvements, replacement vehicles (9) and Automated Metering Equipment.

The proposed budget does not contain any new financing package for capital items, though the budget includes \$125,000 for initial debt set aside for Lenoir Fire Department #3.

The Recommended FY2018-2019 Budget is balanced in accordance with State Statutes and attempts to address the goals and priorities that have been established by City Council for the City's future. Though the budget does not optimally fund all of the requested operating and capital needs, the Recommended FY 2018-2019 Budget represents a level of funding, which will allow the City to maintain and enhance current service levels while making organizational changes to be cost effective and more efficient. A Cost Efficiency team, with representatives from all city departments, is meeting regularly to identify new cost saving techniques which will be implemented throughout the upcoming budget year to provide resources for other budget initiatives.

Councilmember Stevens referred to the \$375,000 allocated for street paving and asked how many miles these funds will cover.

Public Works Director Jared Wright responded that, depending on the cost of asphalt, it typically ranges from 110,000 to 120,000 per linear mile. City Manager Hildebran pointed out that, during the past year, the City has completed some strategic paving at North Main Street which wasn't included in the \$375,000 budget line item. He further shared the City is planning ahead for the paving of Hospital Avenue once the sidewalk construction is complete and in front of UNC Healthcare on Mulberry Street when the hospital construction is finished along with Greenhaven Street and Finley Avenue. He stated these are some of the priority streets the City is looking at and also trying to find additional funding to cover these projects.

Councilmember Stevens further inquired how long the price per ton price for asphalt was good under the City's current paving contract with Maymead, Inc.

Public Works Director Wright responded the current contract will be rebid this year and the City will have a new contract starting in FY2018-2019. The new contract will include an escalator clause based on the monthly legal asphalt index that comes out at the first of every month. He stated he expects to see some adjustment in unit price over the period of the two-year contract as asphalt is petroleum based.

City Manager Hildebran explained the current budget included a pavement study and noted the City used the study to go back and rank all streets that have been paved so far this spring. He pointed out every City street was evaluated using the new study.

Councilmember Stevens remarked he was pleased with all the paving projects he had seen around town with Public Works Director Wright reporting that twenty-nine streets have been paved so far.

City Manager Hildebran commended Finance Director Donna Bean, the Department Directors, Team Lenoir and City Council for their input regarding the annual budget in addition to their commitment to providing "Service Beyond Measure".

On behalf of City Council, Mayor Gibbons also thanked the Department Directors, City Manager Hildebran and especially Finance Director Bean for all their hard work in compiling the annual budget.

City Council will hold a Budget Work Session on Thursday, May 17, at 6:00 p.m. at City Hall to discuss the budget. A Public Hearing on the budget is scheduled for Tuesday, June 5 at 6:00 p.m. at the City/County Chambers.

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 0 to schedule a public hearing to be held on Tuesday, June 5 for consideration of approval for the recommended FY2018-2019 Annual Budget as presented by City Manager Hildebran.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR APPOINTMENTS; AUTHORITIES, BOARDS & COMMISSIONS:

B. Mayor Gibbons recommended the individuals listed below be appointed to the City's Authorities, Boards & Commissions as presented. These new appointments were announced at the May 1st City Council meeting.

Lenoir Business Advisory Board

Jennifer Indicott 3-year term

Parks & Recreation Advisory Board

Darrell Lipford 2-year term *Mr. Lipford will be replacing Lemuel Patterson who retired off of the Board.

Planning Board

Larry Smith 4-year term *Mr. Smith will be replacing Mattie Patterson who retired off of the Board.

Upon a motion by Councilmember Thomas, Council voted 5 to 0 to appoint the above list of individuals to the City's Authorities, Boards & Commissions as recommended by Mayor Gibbons.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:37 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Scott Hildebran, Manager
City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Mr. Hildebran:

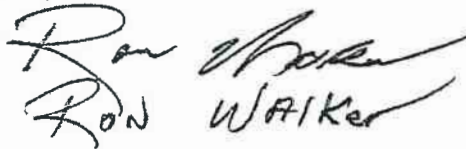
Please accept this letter as my official bid offer of \$ 250.⁰⁰ for property owned by the City of Lenoir and located at 533 Hill St further identified by NC PIN 2749572991

Furthermore, I understand that:

- ☐ This property contains a dilapidated structure. As part of my offer, I agree to remove this structure at my own expense.
- ☐ This property contains a deteriorated structure. As part of my offer, I agree to repair the structure in accordance with the standards contained in Chapter 10 of the Lenoir City Code and all applicable state building codes.

Enclosed is a deposit of 5% of the bid in accordance with 160A-269.

Sincerely,


Ron Walker

DATE: 5-7-18

Phone number: (828) 729-1645 (828) 754-1917

Email: _____

Mailing Address: 535 Hill St NW Lenoir, NC 28645

§ 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. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

BK 1934 PG 69 - 71 (3)

This document presented and filed:
01/16/2018 01:37:17 PM

Fee \$26.00 Excise Tax: \$0.00



Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

Prepared by: *✓* *Groome, Tuttle, Pike & Blair, RLLP*

STATE OF NORTH CAROLINA

COUNTY OF CALDWELL

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COMMISSIONER'S DEED

This deed, made this 12th day of January, 2018, by *CARROLL D. TUTTLE*, Commissioner ("Grantor"), to *CITY OF LENOIR*, whose address is Post Office Box 958, Lenoir, North Carolina ("Grantee");

WITNESSETH;

That whereas Carroll D. Tuttle was appointed Commissioner under an Order of the District Court of Caldwell County, North Carolina, in the tax foreclosure proceeding entitled "City of Lenoir, Plaintiff, versus Toua Lee and Xia Thao, Defendants, and Wells Fargo Bank, N.A., Trustee for the Certificate Noteholders and County of Caldwell, lienholders/Defendants", Case No. 16-CvD-411, and Carroll D. Tuttle was directed by the Order as Commissioner to sell the property hereinafter described at public sale after due advertisement according to law; and

Whereas, Carroll D. Tuttle as Commissioner, did on the 28th day of July, 2017, offer the land hereinafter described at a public sale at the Caldwell County Courthouse door, in which the City of Lenoir became the last and highest bidder for said land for the sum of \$389.00; and the sale having been confirmed, and Carroll D. Tuttle, Commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money.

NOW, in consideration of the premises and the sum of \$389.00, receipt of which is hereby acknowledged, Carroll D. Tuttle, Commissioner, does, by these presents, hereby bargain, sell, grant, and convey to the City of Lenoir, its successors and assigns, that property situated in the City of Lenoir, Lenoir Township, Caldwell County, North Carolina, and described as follows:

City of Lenoir, Caldwell County, North Carolina, Book 1550, Page 1858:

BEGINNING at a stake in the South margin of (Mt. View Street) now Hill Street, 7 feet West of Calvin Cannon's corner and in the West edge of a seven foot alley and runs with said alley South 35 deg. East 64 feet to a stake in Claude Erwin's line; thence with Erwin's line South 65 deg. West 59 feet to a stake, John Peay's line; thence with Peay's line North 35 deg. West 64 feet to a stake in the South margin of said Hill Street; thence with the part of land conveyed by Robert Corpening, widower, to Claude F. Erwin and wife, Ruby Erwin, dated May 30th, 1934 of the record in the office of the Register of Deeds for Caldwell County, in Book 160, at Page 019. There is expressly reserved and set apart as West line of the said Calvin C. Cannon's lot.

EXCEPTING from above, so much property as has been conveyed by the grantors herein the following deed; Deed in Book 207, at Page 54.

Parcel ID No. 06-17-3-9
NC PIN 2749572991

This conveyance is made subject to Caldwell County and City of Lenoir property taxes, the payment of which shall be assumed by the purchaser.

TO HAVE AND TO HOLD the aforesaid tract of land, to the City of Lenoir, its successors and assigns forever, in as full and ample manner as Carroll D. Tuttle, Commissioner, is authorized and empowered to convey the same,

IN WITNESS WHEREOF, Carroll D. Tuttle, Commissioner, has hereunto set his hand and seal.

 (SEAL)
Carroll D. Tuttle - Commissioner

NORTH CAROLINA

CALDWELL COUNTY

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s)) (I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____) (a credible witness has sworn to the identity of the principal's); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **CARROLL D. TUTTLE, Commissioner**

Date: 1-12-2018

Kimberly J. Greene
Official Signature of Notary
Kimberly J. GREENE
Notary's printed or typed name, Notary Public

My commission expires: 08-10-2021

136



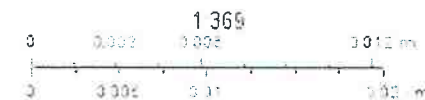
This map is NOT of land survey quality and is NOT suitable for such use

Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

Acct Number 49402
Parcel ID 06 17 3 9
NCPI# 2749572991

Deferred Val 50
Assessed Val 528 100
Calc Acreage 0.086811
Land Units 59 (FF)
Legal Desc BK 1934 PG 69 YR 2018 ST 0 00
Plat Ref
Property Addr 0 533 HILL ST

Caldwell County



May 7 2018

Scott Hildebran, Manager
City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Mr. Hildebran:

Please accept this letter as my official bid offer of \$ 250.⁰⁰ for property owned by the City of Lenoir and located at _____, further identified by NC PIN 2749573826
533A HILL ST

Furthermore, I understand that:

- ☐ This property contains a dilapidated structure. As part of my offer, I agree to remove this structure at my own expense.
- ☐ This property contains a deteriorated structure. As part of my offer, I agree to repair the structure in accordance with the standards contained in Chapter 10 of the Lenoir City Code and all applicable state building codes.

Enclosed is a deposit of 5% of the bid in accordance with 160A-269.

Sincerely,


RON WALKER

DATE: 5-7-18
Phone number: (828) 729-1645 (828) 754-1917
Email: _____
Mailing Address: 535 HILL ST NW LENOIR, NC 28645

§ 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. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

BK 1916 PG 1469 - 1471 (3)

This document presented and filed:
04/07/2017 02:22:03 PM

Fee \$26.00 Excise Tax: \$4.00



Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

Excise Tax: \$4.00

Prepared by: *W* Groome, Tuttle, Pike & Blair, RLLP

STATE OF NORTH CAROLINA

]

COMMISSIONER'S DEED

COUNTY OF CALDWELL

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This deed, made this 17th day of April, 2017, by **CARROLL D. TUTTLE**,
Commissioner ("Grantor"), to **CITY OF LENOIR**, whose address is Post Office Box 958,
Lenoir, North Carolina ("Grantee");

WITNESSETH;

That whereas Carroll D. Tuttle was appointed Commissioner under an Order of
the District Court of Caldwell County, North Carolina, in the tax foreclosure proceeding
entitled "City of Lenoir, Plaintiff, versus Toua Lee and Xia Thao, Defendants, and Wells
Fargo Bank, N.A., Trustee for the Certificate Noteholders and County of Caldwell,
lienholders/Defendants", Case No. 16-CvD-411, and Carroll D. Tuttle was directed by
the Order as Commissioner to sell the property hereinafter described at public sale after
due advertisement according to law; and

Whereas, Carroll D. Tuttle as Commissioner, did on the 24th day of February,
2017, offer the land hereinafter described at a public sale at the Caldwell County
Courthouse door, in which the City of Lenoir became the last and highest bidder for said
land for the sum of \$2,190.78; and the sale having been confirmed, and Carroll D. Tuttle,
Commissioner, having been ordered to execute a deed to the purchaser upon payment of
the purchase money.

Tuesday, May 15, 2018

NOW, in consideration of the premises and the sum of \$2,190.78, receipt of which¹⁴⁰ is hereby acknowledged, Carroll D. Tuttle, Commissioner, does, by these presents, hereby bargain, sell, grant, and convey to the City of Lenoir, its successors and assigns, that property situated in the City of Lenoir, Lenoir Township, Caldwell County, North Carolina, and described as follows:

City of Lenoir, Caldwell County, North Carolina, Book 1650, Page 201:

Beginning on an iron stake in the South Margin of Mt. View Street, Walter Powell's, now Eva Baker's corner, and runs South 35 deg. East (old bearings) 10 poles to a stake, said Powell's corner; thence South 55 deg. West with George Dula's line 4 poles to an iron stake; thence a new line North 34 deg. West and parallel to Walter Powell's line, 10 poles to a stake in the margin of Mt. View Street; thence with said street North 55 deg. East 4 poles to the Beginning, containing 1/4 of an acre, being one-half of a half acre lot conveyed to Robert Corpening from S. F. Harper, by deed dated June 8th 1904, and recorded in the Office of the Register of Deeds for Caldwell County, North Carolina, in Book 42, at Page 75. Together with improvements located thereon, said property being located at 533-A Hill Street, Lenoir, North Carolina.

Being the same property conveyed by Robert Corpening by (widower) to Claude F. Erwin and wife, Ruby Erwin by deed dated May 30, 1934, of record in the Office of the Register of Deeds for Caldwell County, in Book 160, at Page 109.

Parcel ID No. 06-17-3-10
NC PIN 2749573826

This conveyance is made subject to Caldwell County and City of Lenoir property taxes, the payment of which shall be assumed by the purchaser.

TO HAVE AND TO HOLD the aforesaid tract of land , to the City of Lenoir, its successors and assigns forever, in as full and ample manner as Carroll D. Tuttle, Commissioner, is authorized and empowered to convey the same,

IN WITNESS WHEREOF, Carroll D. Tuttle, Commissioner, has hereunto set his hand and seal.

Carroll D. Tuttle (SEAL)
Carroll D. Tuttle - Commissioner

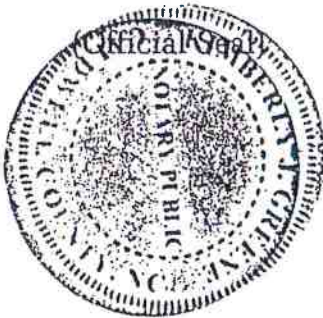
NORTH CAROLINA

CALDWELL COUNTY

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s)) (I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____) (a credible witness has sworn to the identity of the principal's); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **CARROLL D. TUTTLE, Commissioner**

Date: 4-7-2017

Kimberly J. Greene
Official Signature of Notary
Kimberly J. GREENE
Notary's printed or typed name, Notary Public



My commission expires: 08-10-2021

CALDWELL COUNTY, NC 5/7/2018 2:07:36 PM

CITY OF LENOIR
533 HILL ST
49991

Return/Appeal Notes: 06-17-3-10
UNIQ ID 227003
ID NO: 2749.07 57 3526

County (100), SOLID WASTE (1)
BK 1916 PG 1469 YR 2017 ST 4.00

Card No. 1 of 1
\$1,000 FF
TV-05 C-01 EX-1 AT- LAST ACTION 20170417

Reval Year: 2013 Tax Year: 2018
Appraised by 80 on 07/15/2009 00031 NEIGHBORHOOD

Owner: CITY OF LENOIR
Parcel: 06-17-3-10

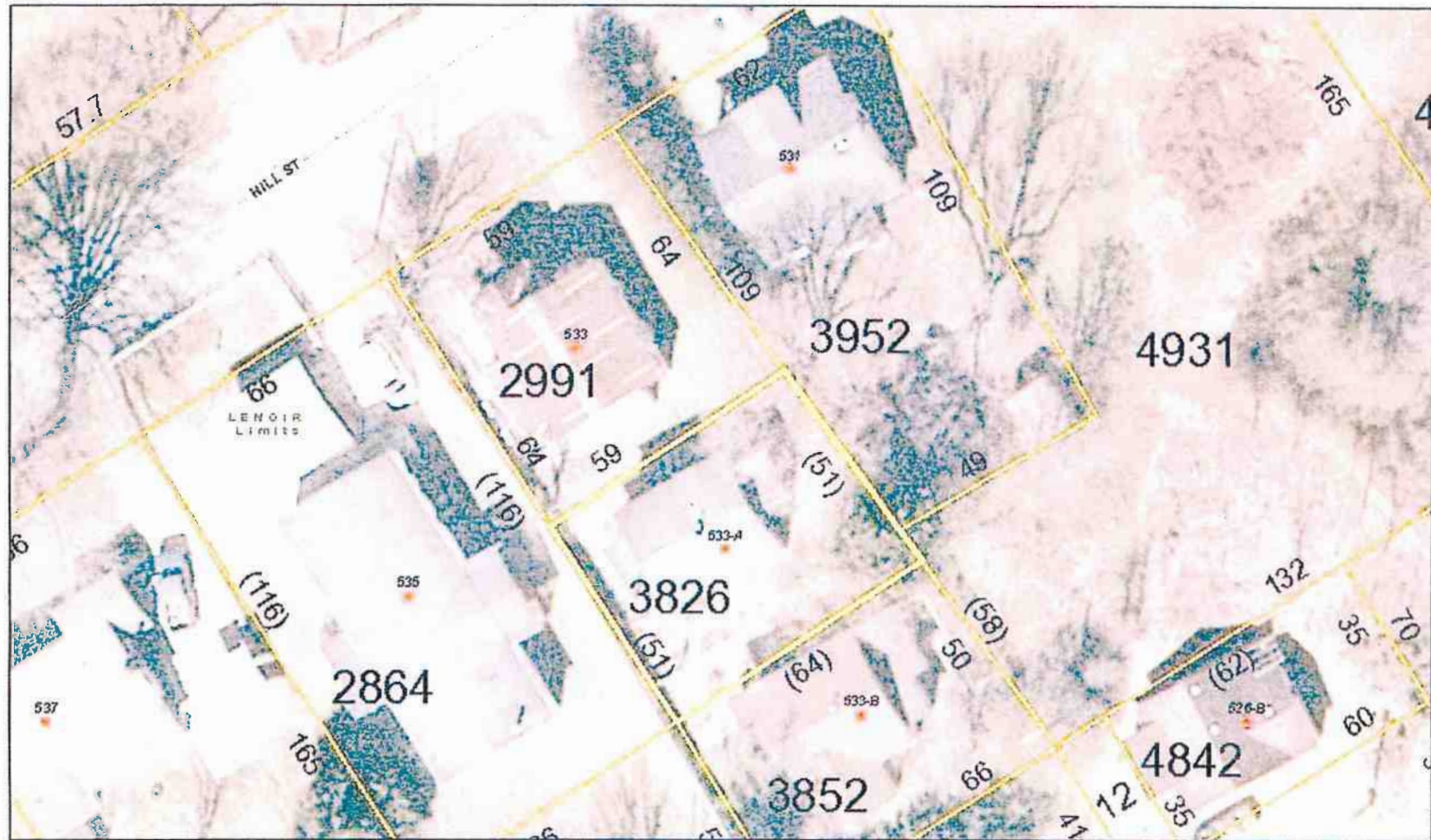
CONSTRUCTION DETAIL		MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE	
Foundation - J	5.00	USE MOD	EFF. AREA	QUAL	BAGE	BN	FFR. AVE
Continuous Footing	5.00	01	01	398	30	68.74	4110919901960
2nd Floor System - S	10.00			Standard 0.50000			
Wood	10.00			% GOOD		65.0	
Exterior Walls - 09	31.00			CREDENCE TO		MARKET	
Brick on Shrubbery or Plywood	31.00			DEPR. BUILDING VALUE - CARD		18.500	
Roofing Structure - 03	8.00			DEPR. OB/XF VALUE - CARD		1	
Gable	8.00			MARKET LAND VALUE - CARD		3,200	
Roofing Cover - 03	3.00			TOTAL MARKET VALUE - CARD		21,700	
Asphalt or Composition Shingle	3.00			TOTAL APPRAISED VALUE - CARD		21,700	
Interior Wall Construction - S	30.00			TOTAL APPRAISED VALUE - PARCEL		21,700	
Brick	30.00			TOTAL PRESENT USE VALUE - PARCEL		0	
Interior Floor Cover - 09	4.00			TOTAL VALUE DEFERRED - PARCEL		0	
Plank	4.00			TOTAL TAXABLE VALUE - PARCEL S		21,700	
Heating Fuel - 01	0.00			BUILDING VALUE		17,000	
None	0.00			OBXF VALUE		0	
Heating Type - 01	0.00			LAND VALUE		3,200	
None	0.00			PRESENT USE VALUE		0	
Air Conditioning Type - 01	0.00			DEFERRED VALUE		0	
None	0.00			TOTAL VALUE		20,200	
Unit Count - 1	0.00			PERMIT			
None	0.00			CODE DATE NOTE NUMBER AMOUNT			
Bedrooms/Bathrooms/Hall-				ROUT: WTRSHD			
Bathrooms	7.000			SALES DATA			
B/I/O	7.000			OFF.			
Bedrooms				RECORD DATE DEED TYPE 7/UN/1			
BAS - 2 FUS - 0 LL - 0				BOOK PAGE MOYR PRICE			
Bathrooms				01916 1469 4 2017 CO U 1 2000			
BAS - 1 FUS - 0 LL - 0				01523 0892 12 2004 WD X 1 5000			
Hall-Bathrooms				01488 1665 1 2004 TD X 1 35000			
BAS - 0 FUS - 0 LL - 0				HEATED AREA 576			
Office				NOTES			
BAS - 0 FUS - 0 LL - 0							
TOTAL POINT VALUE	16,000						
BUILDING ADJUSTMENTS							
Quality	2						
Average	0.8500						
Shape/Design	3						
Slight	1.0000						
Size	1						
Size	1,3000						
TOTAL ADJUSTMENT FACTOR	1.110						
TOTAL QUALITY INDEX	96						

SUBAREA		CODE		QUALITY		DESCRIPTION		TH		WITH		UNITS		PRICE		ORIG %		COND		BLDG #/1		SIZE		ANN DEP		%		OB/XF DEPR	
TYPE	GS	ABRA	AN	RPL	CS																								
BAS	1745.00	195.34																											
POP	220.20	99.2																											
PSP	320.20	55.0																											
PEREPLACE	1 - None	0																											
SUBAREA	680	41,106																											
TOTALS																													

BUILDING DIMENSIONS BAS = N24E24S24W24SPTA = E6FDP = S6E12H6W12H6SPTA = H24E10FSP = H4E8S4W6S24W10S.

LAND INFORMATION

HIGHEST AND	USE	LOCAL	FRON	DEPTH	DEPTH /	UND	COND	OTHER	ADJUSTMENTS AND	ROAD	LAND	TOTAL	UNIT	TOTAL	ADJUSTED	LAND	LAND
REST USE	CODE	ZONING	TYPE	DEPTH	SIZE	MOD	FACT	NOTES	RF AC LG TO OT	TYPE	UNIT PRICE	LAND UNITS	ADJST	UNIT PRICE	VALUE	NOTES	
SFR	0100		S1	S9	1.0000	0	0.6200	D.62K1.00			100.00	\$1,000	FF	0.620	62.00	3162	
TOTAL MARKET LAND DATA																	
TOTAL PRESENT USE DATA																	



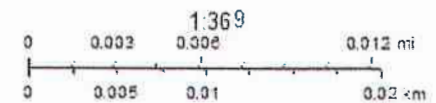
This map is NOT of land survey quality and is NOT suitable for such use.

Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

Acct Number 49991
Parcel ID 06 17 3 10
NCPIN 2749573826

Deferred Val \$0
Assessed Val \$21,700
Calc A creage 0.072669
Land Units 51 (FF)
Legal Desc BK 19 16 PG 1469 YR 2017 ST 4.00
Plat Ref /
Property Addr 0 533 HILL ST

Caldwell County



May 7, 2018