

REQUEST FOR PROPOSALS TO PURCHASE REAL ESTATE

The City of Goshen Redevelopment Commission (hereinafter referred to as "Redevelopment") is requesting proposals to purchase the real estate commonly referred to as 65736 State Road 15, Goshen, Indiana.

The proposals will be opened by Redevelopment at the Redevelopment Commission meeting on October 9, 2018 at 3:00 p.m. in the Goshen City Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana

REAL ESTATE AND STRUCTURE TO BE PURCHASED

65736 State Road 15, Goshen, Indiana includes a residence containing approximately three thousand square feet (3,000) on a parcel of real estate containing approximately one acre (1.00), as depicted on the map and the exterior photo of the house attached to this Request for Proposal as Exhibit A and Exhibit B. The legal description for the real estate to be purchased is as follows:

Part of Lot 7 in SUNNY ACRES SUBDIVISION in the Southeast corner of Section 28, and in the Southwest corner of Section 27, in Elkhart Township, more particularly described as follows:

Beginning at the iron pipe marking the Southwest corner of said Lot Number 7 running North 0 degrees 30 minutes West One Hundred Six and Two Tenths (106.2) feet to an iron stake; South 89 degrees 23 minutes East Two Hundred Forty-five feet(245) to an iron state; South 0 degrees 30 minutes East One Hundred Three and Seventy-five Hundredths (103.75) feet to an iron state on the South line of Lot 7 aforesaid; West Two Hundred Forty-four and Seven Tenths (244.7) feet o the point of beginning as recorded in Plat Book 3, page 147 of the records in the Office of the Recorder of Elkhart County, Indiana

SUBMISSION OF PROPOSAL

Any proposal to purchase Real Estate shall be submitted to Mark Brinson, Community Development Director at 204 East Jefferson Street, Goshen, Indiana 46528-3405, no later than 12:00 p.m. (noon) on October 9, 2018.

The proposal shall address all issues contained in the Request for Proposals. Any exceptions to the terms of the Request for Proposals should be clearly noted. The proposal shall be submitted in a sealed envelope clearly marked as a Proposal to Purchase 65736 State Road 15. The proposal shall contain the name, address and telephone number of the person or entity submitting the proposal.

Redevelopment reserves the right to waive informalities or irregularities in the selection process. Mark Brinson may be contacted to answer any questions; however, any oral communication will be considered unofficial and non-binding.

This Request for Proposals does not commit Redevelopment to sell the Real Estate. Redevelopment reserves the right to accept or reject any or all proposals received, to negotiate with qualified persons or entities who submit a proposal, or to cancel the Request. Redevelopment may require a person or entity submitting a proposal to submit any additional data or information Redevelopment deems necessary.

Redevelopment may request a person or entity submitting a proposal to revise one or more elements of its proposal in accordance with contract negotiations. Redevelopment reserves the right to evaluate proposals for a period of sixty (60) days before deciding which proposal, if any, to accept. The terms offered in any proposals shall be maintained through the evaluation period.

CONDITIONS OF SALE

Purchase Price

The purchase price shall be tendered in cash or in other functionally equivalent form at the closing.

Warranty

The real estate including the house and improvements are to be purchased AS IS without any warranty of habitability.

Use of Premises

- a) Purchaser must use the real estate and any structures or facility on the real estate in conformity with all applicable laws and regulations of any government entity or public authority.
- b) Purchaser must not use the real estate and any structure or facility on the real estate in a manner that would be reasonably offensive to the owners or users of adjoining real estate or would tend to create a nuisance.

Risk of Loss

Purchaser shall be responsible for loss to the real estate beginning on the date of closing.

Trusts

Any proposal submitted by a trust must identify each beneficiary of the trust and whether the settler is empowered to revoke or modify the trust as required by Indiana Code 36-7-14-22.

Purchase Agreement

The person or entity submitting the selected proposal will be required to enter into a Purchase Agreement incorporating the terms of this Request for Proposals, the terms of the successful proposal, and the terms added or modified during the course of the negotiations between the parties including other provisions deemed appropriate by Redevelopment.

Annexation Waiver

The Real Estate is not within the Corporate Limits of the City of Goshen; however the City of Goshen is considering annexing the Real Estate. The Purchaser agrees to execute consent to be annexed into the City of Goshen and agrees to connect to water and sewer at the time that such utilities are within three hundred feet (300) of the Real Estate. The Purchaser will be required to pay standard City Connection fees and install the building water and sewer lines necessary to connect to the City's mains.

Access to Real Estate

No access will be permitted to Waterford Mills Parkway. All access to State Road 15 will be through a private road that provides access to State Road 15 for the following three (3) properties:

- a. 65706 State Road 15
- b. 65736 State Road 15
- c. 65704 State Road 15

SELECTION PROCESS AND SCHEDULE

Any entity wishing to make a proposal must submit their sealed, written proposal no later than October 9, 2018 by 12:00 p.m. Goshen time.

The proposals will be opened by the Goshen Redevelopment Commission (Redevelopment) at the Redevelopment Commission meeting on October 9, 2018 at 3:00 p.m. in the Goshen City Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana.

If no proposal offers a purchase price of one hundred seventy thousand dollars (\$170,000.00) or more, Redevelopment may select a proposal offering less than One hundred seventy thousand dollars (\$170,000.00), but only after the Redevelopment Commission accepts additional proposals until November 9, 2018. The additional proposals will be opened by the Goshen Board of Public Works and Safety at its meeting on November 13, 2018 at 2:00 p.m. The additional proposals after

they are opened will be referred to Redevelopment Staff. After accepting proposals for the additional period, the Redevelopment Commission may select the highest and best proposal using the criteria set forth in this section with no minimum price.

The proposals will be considered by Redevelopment Commission. The Redevelopment Commission reserves the right to refer the proposals received to Mark Brinson, Community Development Director, and such other staff as the Commission deems appropriate to review the proposals and make a recommendation to the Redevelopment Commission. The Commission reserves the right to interview the parties submitting proposals or to request the parties submitting proposals to provide supplemental information.

Redevelopment reserves the right to accept or reject any or all proposals. If Redevelopment selects a proposal, it will select the highest and best proposal. In determining which proposal is the highest and best proposal, Redevelopment will consider the following:

- a) Purchaser's proposed purchase price.
- b) Whether Purchaser is a trust, which did not identify all its beneficiaries, and whether the settler is empowered to revoke or modify the trust.
- c) Currently the property is a four (4) unit building. Redevelopment will favorably view any proposal that reduces the number of units in the building giving the most consideration to single family and duplex uses of the property.
- d) The plan the purchaser intends to implement to reduce the number of units.
- e) Whether the proposed purchase will serve the interest of the community.

Redevelopment may then enter into purchase negotiations with the entity submitting the highest and best proposal.

REQUESTS FOR CLARIFICATIONS AND ADDENDA

Entities intending to submit proposals who have questions or are interested in touring the site should contact Mark Brinson, Community Development Director.

All requests for clarification to this solicitation must be received at least one (1) week before the opening date to allow for the issuance of any addendums determined by the City to be necessary. An entity submitting a proposal shall rely only on written addenda issued by Mark Brinson, Community Development Director. Requests for clarification shall be made in writing and may be directed to:

Mark Brinson, Community Development Director
City of Goshen Redevelopment Commission
204 East Jefferson Street, Suite 6
Goshen, Indiana 46528
Telephone: (574) 537-3824
E-Mail: markbrinson@goshencity.com

Interpretations or clarifications determined necessary by the City will be issued by addenda mailed, faxed or otherwise delivered to all parties recorded by the City as having received the proposal documents. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

PREPARATION AND SUBMISSION OF PROPOSALS

Cover Letter

A cover letter signed by a person authorized to submit and sign the proposal must be submitted with the proposal. The cover letter shall include the following:

- a) The person or entity's name, address, and telephone number submitting the proposal;
- b) The name of the person authorized to submit/sign the proposal, his/her title, telephone number and e-mail address;
- c) The person or entity submitting Federal ID number or last four digits of the social security number; and
- d) A financial statement for the entity or person submitting the proposal that is specific enough so that a proper determination can be made of the person or entity's financial capability to fulfill the financial obligations of the proposal.

Submission of Proposal

- a) All proposals shall be submitted in a sealed envelope. The envelope must be labeled with the submitting person or entity's name and address; and be clearly marked as a Proposal to Purchase 65736 State Road 15.
- b) If a proposal is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "PROPOSAL ENCLOSED" on the face of the outer envelope.
- c) Proposals shall be filed with Mr. Mark Brinson, Community Development Director, City of Goshen Redevelopment Commission, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528.
- d) All proposals submitted become the property of the City and are a matter of public record.
- e) The City of Goshen is not responsible for late or lost proposals due to mail service inadequacies, traffic or other similar reasons. Proposals received after the designated time will not be considered in the selection process

unless no proposal is received offering to purchase the real estate for at least the asking price.

- f) The City reserves the right to accept or reject any or all proposals and to waive informalities or irregularities in the selection process.

Withdrawal or Modification of Proposal

Any modifications made to a proposal before submission must be initialed in ink by the submitting entity's authorized representative. A submitting entity may, upon written request, modify or withdraw their proposal at any time prior to the opening date and time. A request to modify or withdraw a proposal must be signed by the same person who signed the original proposal submitted. No proposal may be amended after the opening of the proposals unless the period of time to accept proposal is extended because no proposal submitted equals the asking price.

GENERAL TERMS AND CONDITIONS

Conflict of Interest/Non-Collusion

- a) All submitting entities must certify that the entity has not entered into a combination or agreement relative to the price to be proposed nor taken any action to prevent a person from submitting a proposal; or to induce a person to refrain from submitting a proposal. The submitting entity's proposal must be made without reference to any other proposal unless specifically so indicated.
- b) All submitting entities certify that they are not in a situation where the submitting entity's private interest would interfere with its loyalty or responsibilities to the City of Goshen or raise questions about such interference. The submitting entity agrees not to accept work, enter into a contract, accept an obligation or engage in any activity, paid or unpaid, that is inconsistent or incompatible with the submitting entity's obligations, or the scope of services to be rendered to the Redevelopment Commission. The submitting entity shall warrant that, to the best of their knowledge, there is no other contract or duty on the submitting entity's part that conflicts with or is inconsistent with the services sought to be provided to the Redevelopment Commission.
- c) The submitting entity if selected must sign and have notarized a Conflict of Interest / Non-Collusion Affidavit.

Applicable Laws

Any contract resulting from a proposal submitted will be construed in accordance with and governed by the laws of the State of Indiana.

Costs for Submitting Proposal

The City of Goshen or its Redevelopment Commission will not be liable for any costs incurred by the respondents in replying to this Request for Proposals. The City of Goshen or its Redevelopment Commission are not liable for any costs for work or services performed by the selected Proposer prior to the award of a contract.

Authority to Bind Submitting Entity

The signatory for the entity submitting a proposal represents that he or she has been duly authorized to execute the proposal documents on behalf of the submitting entity and has obtained all necessary or applicable approvals to make this submission on behalf of entity before affixing his or her signature to the proposal.

EXHIBIT A



EXHIBIT B

