

REQUEST FOR PROPOSALS TO PURCHASE REAL ESTATE

The Goshen Redevelopment Commission (hereinafter referred to as “Redevelopment”) is requesting proposals to purchase the real estate commonly referred to as 401, 405, 409 and 411 S. Third Street and 204 W. Madison Street, Goshen, Indiana.

Real Estate and Structure to be Purchased

401 S. Third Street, Goshen, Indiana includes a house and 204 W. Madison Street includes a house. The exterior photos of the houses on 401 S. Third Street and 204 W. Madison Street are attached to this Request for Proposal as Exhibit A and Exhibit B. The real estate parcels for sale are shown as Parcel 1, 2, 3, 4 and 5 on the map attached to this Request for Proposal as Exhibit C. 401 S. Third Street is parcel 4 on Exhibit C and 204 W. Madison is parcel 5 on Exhibit. 409 S. Third Street is parcel 2 on Exhibit C and the house shown on that parcel in Exhibit C has been demolished. The legal descriptions for the real estate to be purchased are attached as Exhibit D, E, F, G, and H.

Redevelopment will consider proposals to purchase all five (5) parcels, any one (1) of the parcels, or any combination of parcels.

A proposal must describe in some detail the intended use of each parcel. The sale of any parcel will be conditional upon the development of the parcel in accordance with the development plan described in the proposal.

A proposal may be conditional upon the City of Goshen granting specific itemized zoning variances, rezoning, or PUD approval.

The houses at 401 S. Third Street and 204 W. Madison Street are not suitable for occupancy in their present condition. A proposal to purchase the real estate may propose demolition of the existing houses. Any proposed rehabilitation of either of the existing houses must agree to promptly repair the items listed in Exhibit I for 401 S. Third Street and Exhibit J for 204 W. Madison Street. The proposal should also describe other repairs and modifications that the party making the proposal will commit to as part of the purchase of either house. A time line to make the required repairs and other repairs and modifications must be included in the proposal and will be incorporated into the purchase agreement.

Submission of Proposal

Any proposal to purchase any or all of the parcels of real estate shall be submitted to Mark Brinson, Community Development Director at 204 East Jefferson Street, Suite 6 Goshen, Indiana 46528-3405, no later than 12:00 p.m. (noon) on September 10, 2019.

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 the South Third Street Real Estate. The proposal shall contain the name, address and telephone number of the person or entity submitting the proposal.

Redevelopment reserves the right to waive any 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 (1) 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.

In determining the highest and best proposal, Redevelopment will consider the following factors:

1. The experience, the financial capacity and the organizational capacity of the entity submitting the proposal to successfully plan, construct and complete the proposed development.
2. The overall quality of the submission and the extent to which the proposed development is compatible with the existing neighborhood and proposed new development.
3. The market and financial feasibility of the proposal, including the entity's ability to make the proposed improvements with reasonable promptness.
4. The proposed completion date for the project.
5. The size and character of the improvements proposed to be made by the entity submitting the proposal.
6. The effect of the development on traffic in the area.
7. The extent to which the proposed development incorporates elements of sustainable development.
8. Whether adequate parking for the development is included in the plan.
9. The proposed purchase price to be paid to Redevelopment.
10. Whether the entity submitting the proposal is a trust and whether the submission identifies the beneficiary of the trust and whether the settlor is empowered to revoke or modify the trust.

11. Whether the proposal is to purchase and develop all or part of the parcels offered for sale.
12. The extent to which the proposal contains requests for public investment or incentives.
13. The extent to which the proposed development enhances the tax base.
14. Whether the proposed development will be commenced in 2020 or before and completed by the end of 2021.
15. The nature of any variance requested.
16. Other conditions attached to the proposal.

If no offers are received by September 10, 2019 that equal or exceed Two Hundred Thirty Seven Thousand Dollars (\$237,000.00) Redevelopment may select a proposal offering less than Two Hundred Thirty Seven Thousand Dollars (\$237,000.00), but only after Redevelopment accepts additional proposals until Monday, October 14, 2019 at 12:00 p.m. (noon). Any proposal submitted after September 10, 2019 will be opened by Goshen Board of Public Works and Safety at the October 14, 2019 2:00 p.m. meeting in the Police and Court Building located at 111 E. Jefferson Street, Goshen, Indiana. Any proposal received by the Board of Works will be forwarded to the Redevelopment Commission's staff for consideration and review by the Redevelopment Commission. After accepting proposals for the additional period, Redevelopment may select the highest and best proposal using the criteria set forth in this Request for Proposals with no minimum price.

Some or all of the entities submitting a proposal may be requested to discuss their proposals with the Commission or Redevelopment's staff. Entities submitting proposals may be asked to respond to additional questions. Redevelopment staff will make a recommendation to the Commission as to which proposal, if any, should be selected. Redevelopment may select a proposal after considering the staff recommendation and the criteria described in this proposal.

A development agreement will be negotiated by Redevelopment's staff and the entity submitting the selected proposal once Redevelopment selects a proposal. The negotiated agreement will be presented to Redevelopment for approval.

Obligations of Entity Submitting a Proposal

The entity submitting the selected proposal must agree to each of the following:

1. The proposed development will be constructed in compliance with all Indiana Building Codes, City of Goshen Ordinances, Policies, and Standards, including Zoning Ordinances, Subdivision Standards, Landscaping Ordinances, Construction Site Stormwater Runoff Control Ordinances and Post Construction Stormwater Management Ordinances.

2. The parcels may not be used in a manner that would be reasonably offensive to the owners or users of neighboring real estate or would tend to create a nuisance.
3. Construct any needed water building lines, sewer building lines and storm water facilities for each structure on the real estate parcels purchased.
4. The entity submitting the selected proposal will be required to enter into a purchase agreement incorporating the terms in the Request for Proposals, the terms included in the successful proposal and other provisions negotiated by Redevelopment's staff and the entity submitting the proposal.
5. Any entity submitting a proposal may condition the proposal upon receiving a variances or a re-zoning as described in the proposal.
6. Dedicate additional right of way, if required, to meet applicable street set back requirements.
7. Construct sidewalks built to City specifications adjacent to all dedicated public streets.

The real estate parcels including any structures or improvements are purchased AS IS without any warranty of habitability.

Any expense incurred by the entity submitting the successful proposal to meet the above requirements will be paid by the entity submitting the proposal.

Instructions for Submitting Proposals

Requests for Clarifications and Addenda

1. Entities intending to submit proposals who have questions or are interested in touring the site should contact Mark Brinson, Community Development Director.
2. 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 Redevelopment's staff to be necessary. A Proposer shall rely only on written addenda issued by Mark Brinson, Community Development Director. Requests 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 2
Goshen, Indiana 46528
Telephone: (574) 537-3824
E-Mail: markbrinson@goshencity.com

3. Interpretations or clarifications determined necessary by Redevelopment staff will be issued by addenda mailed, e-mailed, faxed or otherwise delivered to all parties recorded by the Redevelopment staff 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.

Trusts

In accordance with Indiana Code 36-7-14-22, a proposal submitted by a trust (as defined by Indiana Code 30-4-1-1) must identify the beneficiary of the trust and indicate whether the settlor is empowered to revoke or modify the trust.

Preparation and Submission of Proposals

An entity submitting a proposal must submit the following items:

1. Cover Letter.

A cover letter on the entity's company letterhead submitted and signed by a person authorized by the entity to submit and sign the proposal. The cover letter shall include the following:

- a) The entity's name, address, and telephone number;
- b) The name of the person authorized to submit/sign the proposal, his/her title, telephone number and e-mail address;
- c) The entity's Federal ID number; and
- d) The entity's State ID number.

2. Development Team.

A summary of the proposed development team that includes:

- a) Identity of members of the development team including planners, architects, engineers, general contractor and subcontractors.
- b) Biography of each member including their experience in developing similar projects.
- c) Description of the development team's green building, sustainable design and energy performance expertise.
- d) Whether the development team has or intends to form a corporation, a partnership, a joint venture or other type of business association to carry out the proposed development.

3. Financial Information.

A financial statement that is specific enough so that a proper determination can be made of the entity's financial capability to complete the project.

4. Project Proposal Conceptual Explanation.

A conceptual explanation of Project Proposal including:

- a) A plan with as much detail as possible, including land uses, building designs, building elevations and a description of how the development complements and interacts with the surrounding area.
- b) All structural improvements to be made to the parcels, existing structures and new structures to be constructed on the parcels.
- c) Project phasing indicating the conditions upon which construction phases would be based.
- d) A description of the components of the development plan that includes information about the building design, size, density and amenities.
- e) A project budget including estimated soft costs and construction expenses.

5. Schedule.

A proposed timeline for the redevelopment, including any conditions that must be met before the proposal can be commenced. The schedule should include:

- a) Time needed to obtain financing.
- b) Land use approvals.
- c) Design completion.
- d) Site preparation.
- e) Start and completion of construction.

6. Price.

Price to be paid for the purchase of the real estate..

7. Proposals.

- a) All proposals shall be submitted in a sealed envelope. No facsimile or email submission will be accepted. The envelope

must be labeled with the submitting entity's name and address; and the words "Third Street / Madison Street Proposal".

- 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 Mark Brinson, Community Development Director, City of Goshen Redevelopment Commission, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528.
- d) Any entity wishing to make a proposal to purchase all or any of the parcels of the real estate offered for sale must submit their sealed, written proposal no later than Tuesday, September 10, 2019 at 12:00 p.m. local Goshen time.
- e) All proposals submitted become the property of the City and are a matter of public record.
- f) Commission 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.
- g) Commission reserves the right to accept or reject any or all proposals and to waive informalities or irregularities in the selection process.
- h) Proposals shall be submitted as follows: At least one hard copy of any proposal must be submitted to Redevelopment by the entity submitting the proposal.
- i) 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 or persons who signed the original proposal submitted. No proposal may be modified or withdrawn after the opening of the proposal without the agreement of Redevelopment.

Opening of Proposals

The proposals received will be opened in public by Redevelopment at the Redevelopment Commission meeting on September 10, 2019 at 3:00 p.m. in the City Courtroom / Council Chambers located at 111 East Jefferson Street, Goshen,

Indiana. If no proposal meets the minimum offer price additional proposals will be received until 12:00 noon on October 14, 2019.

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 has taken any action to prevent or dissuade a person from submitting a proposal.
- b) The submitting entity's proposal is made without reference to any other proposal unless specifically indicated to the contrary.
- c) 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 Redevelopment 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 Redevelopment. 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 Redevelopment.
- d) Before a proposal may be accepted, the entity must sign and have notarized the 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

Redevelopment will not be liable for any costs incurred by the respondents in replying to this Request for Proposals. Redevelopment is 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 when his or her signature is affixed to the proposal.

EXHIBIT A

401 SOUTH THIRD STREET



EXHIBIT B

204 WEST MADISON STREET



EXHIBIT C

401, 405, 409, and 411 SOUTH THIRD STREET
204 WEST MADISON



EXHIBIT D

401 SOUTH THIRD STREET

Part of Lot Number 95 as the said Lot is known and designated on the recorded plat of J.H. Barnes Second South Addition to the town, now City of Goshen, Indiana; said plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana and more particularly described as follows:

Commencing at the Southeast corner of said Lot Number 95, being the point of beginning of this description; thence North along the East line of said Lot Number 95, a distance of 36.22 feet to an iron rebar with cap (DORIOT #890028); thence Westerly, a distance of 164.97 feet to an iron rebar with cap (DORIOT #890028) on the West line of said Lot Number 95; thence South along said West line, a distance of 36.50 feet to an iron rebar with cap (DORIOT #890028), being the Southwest corner of said Lot Number 95; thence East along the South line of said Lot Number 95, a distance of 164.97 feet to the point of beginning.

EXHIBIT E

405 SOUTH THIRD STREET

Lot Number Ninety-Six (96), excepting the South Six (6) feet thereof, as the said Lot is known and designated on the recorded plat of SECOND SOUTH ADDITION to the Town (now City) of Goshen; sad Plat being recorded in Deed Record 5, page 489, in the Office of the Recorded of Elkhart County, Indiana.

EXHIBIT F

409 SOUTH THIRD STREET

The South 6 feet of Lot Number 96 as the said Lot is known and designated on the recorded Plat of J.H. Barns Second South Addition to the Town, now City of Goshen, Indiana; said Plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana.

ALSO:

A part of Lot number 95 as the said Lot is known and designated on the recorded Plat of J.H. Barns Second South Addition to the Town, now City of Goshen, Indiana; said Plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana and more particularly described as follows:

Commencing at the Southeast corner of said Lot Number 95; thence North along the East line of said Lot Number 95, a distance of 36.22 feet to an iron rebar with cap (Doriot #890028) being the Point of Beginning of this description; thence North along said East line of Lot Number 95, a distance of 29.77 feet to the Northeast Corner of said Lot Number 95; thence west a distance of 164.97 feet to the Northwest Corner of said Lot Number 95; thence South along the West line, of said Lot Number 95 a distance of 29.50 feet to an iron rebar with cap (Doriot #890028); thence Easterly, a distance of 164.97 feet to the Point of Beginning.

EXHIBIT G

411 SOUTH THIRD STREET

A part of Lot 97 in Barnes Second South Addition to Goshen, Indiana, more particularly described as follows:

Commencing at an iron pipe marking the Northwest Comer of said Lot 97; thence South $89^{\circ}42'25''$ East 99.43 feet along the North line of said Lot 97 to a rebar at the point of beginning of this description; thence continuing along the last described line an bearing 1.70 feet to an iron pipe; thence South $00^{\circ}7'47''$ East 66.11 feet to an iron pipe on the South line of said Lot 97; thence North $89^{\circ}41'11''$ West 1.63 feet along said South line to a rebar; thence North $00^{\circ}11'35''$ West 66.11 feet to the point of beginning.

ALSO: The East 64.0 feet of Lot No. 97 of the J.H. Barnes Second South Addition to the Town, now City of Goshen, Indiana more particularly described as follows: Beginning at an iron stake marking the Northeast comer of the aforesaid Lot #97; thence West, along the North line of said Lot, 64.0 feet to an iron stake; thence South on a line parallel with the East line of said Lot, 66.0 feet to an iron stake on the South line of said Lot; thence East, along the South line of said Lot, 64.0 feet to an iron stake marking the Southeast comer of said Lot; thence North along the East line of said Lot, 66.0 feet to the place of beginning.

EXHIBIT H

204 WEST MADISON STREET

A part of Lot 97 in Barne's Second South Addition to the City of Goshen, Indiana more particularly described as follows; said Plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana.

Beginning at an iron pipe marking the northwest corner of said Lot 97; thence South 89 degrees 42 minutes 25 seconds East, 99.43 feet along the north line of said Lot 97 to a rebar; thence South 0 degrees 11 minutes 35 seconds East 66.11 feet to a rebar on the south line of said Lot 97; thence North 89 degrees 41 minutes 11 seconds West 99.53 feet to an iron pipe at the southwest corner of said Lot 97; thence North 0 degrees 6 minutes 20 seconds West 66.07 feet along the west line of said Lot 97 to the point of beginning.

Subject to and together with an easement 10 feet in width, the centerline of which is the east line of the foregoing described real estate, which easement is for the exclusive purpose of providing access for required maintenance of the improvements located upon the above described real estate and the improvements located adjacent to and to the east of the improvements on the east end of said Lot 97.

EXHIBIT I

Repairs to 401 South Third Street

1. Repair the bricks at the front porch entry.
2. Replace the front door.
3. Replace all of the interior doors.
4. Repair all cracks in the walls and ceilings.
5. Remove the mold in the bathroom.
6. Replace the basement window and window frame.
7. Access and treat for termites.
8. Replace all of the termite damaged wood members.
9. Replace all of the leaking plumbing pipes.
10. Replace the bathroom flooring.
11. Support and level the main level flooring.
12. Repair or replace the windows.
13. Replace the soiled flooring in the upstairs bedroom.
14. Replace all of the broken outlets.
15. Repair the leak in the upstairs bedroom around chimney.
16. Tuck point all of the cracks around the structure.
17. Replace all of the damaged soffit and fascia.
18. Replace kitchen cabinets and countertops.
19. Repaint the walls and ceilings.
20. Replace the furnace.

EXHIBIT J

Repairs for 204 West Madison Street

1. Repair the main level bathroom fan.
2. Replace the main level, spare room flooring.
3. Clean the mold in the main level bathroom.
4. Replace the furnace.
5. Fix the leak at the water shut off.
6. Assess the house for termites and treat the house for termites.
7. Replace the termite damaged wood members.
8. Replace the water heater.
9. Replace all of the loose collapsed and crumbling bricks around the entire foundation.
10. Assess and repair all of the leaking plumbing pipes.
11. Repair the cracks in the walls and ceilings.
12. Replace upstairs guardrail so that it is to City Code.
13. Repair or replace the upstairs bathroom sink.
14. Repair the sagging upstairs bedroom floor assembly.
15. Repaint the walls and ceilings.
16. Repair the basement stairway support.
17. Repair or remove the fence in the back of the property.
18. Scrape and paint the exterior of the property.