

## **NOTICE OF SEALED BID FOR SALE OF REAL PROPERTY**

The City of Carrizo Springs, Texas (the "City") is accepting sealed bids for the purchase of City Owned real property (the "Property") as described in this Notice of Bid Opening. Bids must be for all of the real property described and not just a portion thereof. No late, emailed, or faxed bids will be accepted. The receipt of responses does not require the City to accept any bid, enter into a contract, or to complete a sale. Any and all bids may be rejected. Additionally, the City reserves the right to waive insignificant and administrative errors found in any bid.

Description: The Property known as the HEB Building containing approximately 18,227 sq.ft. and 0.9 acres of land, more or less, at 400 N. 5th Street, Carrizo Springs as more particularly described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein.

The sale of the Property may be awarded, at the discretion of the City Council, to the bidder submitting a bid in accordance with the terms outlined below and providing the best value to the City.

It is the intention of the City to sell the Property based on the best value bid that is submitted. If in the judgment of the City Council the bids submitted do not represent the fair value of the Property, the Council reserves the right to reject any and all bids. Should any bid be accepted, payment shall be made by earnest money deposit, subject to closing, and shall be deposited with the City or designated escrow agent by cashier's check or money order payable to the City of Carrizo Springs within three days of the award notice. Provisions of the sale of the Property shall include:

1. For the purchase of the real property in "as is" condition;
2. For the conveyance of the Property by special warranty deed, and the deed will specify the property is sold "as is";
3. For the Buyer to pay all survey fees;
4. For the Buyer to pay all fees, commissions and costs associated with closing the sale of the Property; Should the Buyer use a realtor, any such fees due the realtor will not be deducted from the bid/purchase price;
5. For the Buyer to assume all responsibility or liability for any environmental condition affecting the Property, or any clean-up or remediation that may be required bylaw;
6. For the development of the Property, acceptable to the City.
7. Bidder/Purchaser is responsible for obtaining any title history information and title insurance desired by Bidder/Purchaser;
8. Execute Contract for Sale and Purchase of Real Property acknowledging any conditions restricting the future use of the Property.

Certification of Financial Ability to Pay Purchase Price: Certification of financial ability to pay the offered purchase price is required on the bid form.

Inspection of Property: Bidder/Purchaser and its agents or employees shall have the right to enter upon the Property during regular business hours (8am to 5pm) and upon reasonable notice and conduct such inspections, tests, and studies as they may deem necessary. Bidder/Purchaser must contact City Hall at (830) 876-2476 to schedule an appointment. Bidder/Purchaser may enter the Property to conduct its inspection but shall be solely responsible for any damages caused thereby.

Bidder/Purchaser shall repair any damage to the Property it causes or that is caused by its agents or invitees and shall indemnify and defend Seller and hold Seller harmless from and against any and all claims, liabilities or damages to the Property or against Seller caused by the intentional or negligent acts or omissions of Bidder/Purchaser and/or Bidder's/Purchaser's authorized agents, representatives or employees as a result of any inspection of the Property by such parties.

Brokers or Real Estate Agents Fee: The City is not represented by a broker or real estate agent and no seller's fee will be paid to a broker or real estate agent. If the Bid Form designates a broker or real estate agent representing the Purchaser, a fee may be paid at closing to a Purchaser's Broker or Real Estate Agent representing the successful Purchaser.

The Property will be sold "as is" with no warranties or representations as to suitability for any particular use. Conveyance of the Property will be by special warranty deed. By submitting a bid, each bidder agrees to waive and does hereby waive any claim the bidder has or may have against the City of Carrizo Springs, Texas, and the City's respective employees and representatives for the award of damages or attorney fees, arising out of or in connection with the administration, evaluation, or recommendation of any bid, waiver, deletion or amendment of any requirements under this Notice of Bid Opening, acceptance or rejection of any bids, and award of the bid. By submitting a bid, the bidder specifically waives any right to recover or be paid attorney fees from the City of Carrizo Springs, Texas, or any of the City's employees and representatives under any of the provisions of the Texas Uniform Declaratory Judgments Act (Texas Civil Practice and Remedies Code, Section 37.001, et. seq., as amended). The bidder acknowledges and agrees that this is the intentional relinquishment of a presently existing known right and that there is no disparity of bargaining power between the bidder and the City of Carrizo Springs, Texas.

By execution and submission of this bid, the bidder hereby represents and warrants to the City that the bidder has read and understands this Notice of Bid Opening and that the bid is made in accordance with the terms stated herein. Bidder acknowledges that it understands all terms herein, which include the waiver provisions, and that it had the right to consult with counsel regarding all applicable documents.

The City reserves the right to waive, delete or amend any of the requirements connected with this bid.

Bids shall be delivered in writing on the attached bid proposal form, signed by the bidder or an authorized representative, and enclosed in a sealed envelope to the City of Carrizo Springs, City Clerk, 308 W. Peña Street, Carrizo Springs, Texas 78834, or can be delivered in person to City Hall, 308 W. Peña Street, Carrizo Springs, Texas 78834. All bids shall be plainly marked "**SEALED BID TO PURCHASE REAL PROPERTY.**" Bids must be received before **3:00 p.m.** on **Monday, June 12, 2023** and any bid received after that time will not be considered. Use of the U.S. Postal Service, private delivery companies, or courier services is undertaken at the sole risk of the bidder. It is the bidder's sole responsibility to ensure that the bid is in the possession of the issuing office by the deadline. The City will date and timestamp each bid upon submission, and a receipt will be provided to the respective bidder.

Bidder's Representation: By submitting its bid, Bidder represents that:

1. Bidder has read and understands this solicitation;
2. Bidder's bid is made in accordance with this solicitation;
3. Bidder's bid is based upon the information set forth in this solicitation; and
4. Bidder accepts the terms and conditions stated in this request for sealed bids.

City staff will publicly open, read and tabulate the bids at **3:00 p.m.** on **Monday June 12, 2023**, at City Hall, City of Carrizo Springs, 308 W. Peña Street, Carrizo Springs, Texas 78834.

Bidders may contact City Clerk Melissa M. Guerra at (830) 876-2476 for clarifications and questions.

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**EXHIBIT "B"**

**SITE PLAN**