

RESOLUTION 24-20

NOTICE TO BIDDERS

Public Notice of City Property Parcel Number 42-0092000, 104 Railroad St., Calamus, IA, legally described as Lot five (5) in block sixteen (16) in the Town of Calamus, Iowa, EXCEPT the north eighty (80) feet thereof, FOR SALE by SEALED BID

The property will be sold by sealed bid, to the highest bidder at 7:00 p.m. on Monday August 5, 2024 in the City Council Chambers City Hall located at 301 2nd Street, Calamus, IA 52729 during the regular City Council Meeting, at which time and place all sealed bids will be opened, examined and declared. **Sealed bids to be taken under the following terms and conditions:**

- a. All sealed bids must state the bidder's name, mailing address, phone number, and total amount of the bid in dollars and cents. Bid must be signed by the bidder, and submitted in sealed envelopes clearly marked on the outside **104 RAILROAD ST BID**
- b. Sealed written bids will be accepted by placing the bid in the white dropbox located at 198 2nd Street, Calamus, IA 52729 or in person at City Hall at 301 2nd Street, Calamus, IA 52729. **The cut off date and time to submit sealed bids is Friday August 2nd, 2024 at 12:00 p.m.** Bids received after this time and date will not be accepted.
- c. Any sealed written bids will be opened, examined, and declared by the Mayor after 7:00 p.m., during the Regular City Council Meeting on Monday August 5, 2024.
- d. The City reserves the right to determine which bids conform to all terms and conditions specified in this Resolution. The City may reject any and all bids, and withdraw the property from the bid. The final acceptance or rejection of any bid may be made at the same meeting or at any adjourned session of the same meeting held within twenty-one (21) days. Unless the City withdraws the property, the right to purchase the property will be granted to the highest bidder.
- e. **It is the bidders' responsibility to inspect the Property and to determine the Property's condition, value, current zoning district and comprehensive plan designation, access, matters affecting title, applicable development codes, and all other pertinent information about the Property.**
- f. The City is selling the Property in "as-is" condition and under the assumption that the successful bidder's purchase of the property is based upon the bidder's independent investigation. The City makes no representations or warranties, express or implied, regarding the Property's physical condition or stability, the existence of hazardous materials on or under the surface of the property, the property's suitability for the bidder's purposes or for any other purposes, the property's value, current zoning district, comprehensive plan designation, or access, or matters affecting title, or applicable development codes.
- g. Bidders are invited to view the property through appointment with the Public Works Director by contacting City Hall at 1-563-246-2755 option 2.

- h. The property shall be conveyed by Quit Claim Deed subject to existing liens, encumbrances, covenants, conditions, restrictions, reservations, right-of-way, and easements.
- i. **The property being sold shall be subject to the following use restriction: Construction of new residential home shall be completed on the above-described property within two (2) years after the closing and transfer of title via Special Warranty Deed to the Buyers. If construction of the residential home on the above-described property is not completed within two (2) years as so required, then the title to the above-described property will revert back to the City of Calamus. The Buyer shall agree to execute any and all necessary documents to transfer said property back to the City of Calamus and the purchase price will not be refunded to the Buyers. The final purchase agreement between the City of Calamus and the Buyer shall contain a provision stating this use restriction, which shall survive the closing of the sale and be enforceable by the parties anytime thereafter.**
- j. The property is to be sold for cash. Within twenty-four (24) hours of the City's final acceptance of the highest bid, the highest bidder shall make a **NON-REFUNDABLE** deposit of ten percent (10%) of the highest bid in the form of a Cashier's check payable to "The City of Calamus" delivered to City Hall. If the successful bidder fails to timely deliver the **non-refundable** deposit as required, the next highest bidder may submit a **non-refundable** deposit of ten percent (10%) of the next highest bid as provided in this paragraph within twenty-four (24) hours of notification by the City. If the next highest bidder makes the deposit within such time, he or she will be deemed to be the successful bidder. The deposit shall be applied towards the purchase price of the Property.
- k. The sale of the property shall be consummated through escrow at Brubaker, Flynn & Darland, P.C., 201 W. 2nd St. Suite 400 Davenport, IA 52801 Phone: (563)-322-2681. All costs associated with the sale of the property, including but not limited to any escrow fees, closing costs, title insurance premiums, abstract creation and update, real property transfer tax or other taxes, appraisal fees, publication costs, commissions and loan costs shall be paid by the successful bidder.
- l. The deadline for close of escrow is sixty (60) days after the City's final acceptance of the highest bid. Time is of the essence. The successful bidder may request one (1) thirty (30) day extension of the deadline for close of escrow along with the deposit of an additional ten percent (10%) **non-refundable** deposit to be applied towards the purchase price upon closing. In the event the successful bidder fails to perform within sixty (60) days, or ninety (90) days if an extension has been granted, (i) the City may terminate the escrow and rebid the property, (ii) the successful bidder forfeits its **non-refundable** deposit, and (iii) such failure shall be deemed by Brubaker, Flynn & Darland, P.C as instruction to immediately refund the deposit to the City without any future instruction or court order.
- m. Any individual who submits a sealed bid on behalf of an entity shall be deemed to have represented and warranted that such individual has the legal power, right, and authority to bind the entity to purchase the property on the terms contained in this Resolution.

- n. All bidders shall be deemed to have represented and warranted that either they, or the entity or individual they represent, have the funds necessary to pay the amount bid and all costs associated with the bid and sale of the property.

Motion by _____ Second by _____

The Roll Call Vote on this Resolution is as follows;

Roll Call:

Leibold _____

Griebel _____

Buckner _____

Sprague _____

Reed _____

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF CALAMUS, IOWA,
THIS 21st day of May, 2024

By: _____
Lance Goettsch, Mayor

ATTEST:

I, Melissa Conner, City Clerk of the City of Calamus, Iowa, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

Melissa Conner, City Clerk