

Invitation to Bid

Sale of Surplus Land and Building by
The City of Hudson
518-828-7217

Accepting competitive bids until 3:00 pm on **March 4, 2019**.

The City of Hudson, NY will conduct a sale of surplus land and building as identified below by sealed bid. Sealed bid offers to purchase the parcel, collectively known as 'the Property', will be accepted by Board of Estimate and Apportionment [BEA] at City Hall, 520 Warren Street, Hudson NY 12534 until the above date and time. The bids will be opened and publicly read aloud at a special meeting of BEA on **3:00 pm on March 4, 2019** at City Hall, 520 Warren Street, Hudson, NY 12534.

The Property consists of one parcel of land, totaling 4,590 square feet. The minimum bid is set at \$300,000.00. The sale of the subject premises shall be further subject to the terms and conditions of a Penalty Note and Mortgage in the amount of \$100,000.00 in the event the property is not developed for a commercial use within two (2) years of the conveyance of title, or all or a portion of the property is sold within two (2) years of the conveyance of title. A copy of the Penalty Note and Mortgage is included in the Bid Package and available upon request. The property is described as follows:

- The property is located at 427 Warren Street. This property totals 4,590 square feet. The property has 38.25' feet of frontage on Warren Street and 38.25' feet on Cherry Alley and a depth of 120 feet. There is a one story, semi-detached brick and concrete structure on the property that includes an underground parking garage. The property has public water and sewer. The tax map identification is section 109.52-3-35.

The BEA of the City of Hudson reserves the right to reject any and all bids. Any bid is subject to (1) the designation and approval of the BEA, (2) approval of the Common Council and (3) subject to all applicable laws and regulations pertaining to disposition of property by an urban renewal agency. All property sold through the sealed bid process is sold "as-is, where-is." Prospective purchasers are urged to examine and investigate the property prior to bidding. Development of the property will be consistent with state law requirements; the project must be constructed within a definite and reasonable time. All bids should include a timeline for financing and development of the site.

All bids must be submitted on the approved City of Hudson Bid Form and **received by the Hudson City Clerk, 520 Warren Street, Hudson, NY 12534, no later than 3:00pm on March 4, 2019**. Purchasers may include additional information with bid form.

**THE CITY OF HUDSON
-BID FORM-**

Hudson Board of Estimate and Apportionment
Attn: Hudson City Clerk
City Hall, 520 Warren Street, Hudson NY 12534

Subject to the terms and conditions of sealed bid sale printed on the next page of this form, the undersigned bidder hereby bids the sum of \$_____ for the purchase of the property described in the above references notice of sealed bid sale. Attached is the payment of \$_____, which represents 10% of the total of the amount of the bid. Successful bidders will be responsible for all fees associated with the transfer, including transfer tax and fees associated with the recordation of the deeds to the properties.

Bidder intends to develop the property in the following manner (submission of additional materials in support of the application is encouraged):

Submit additional documentation of timeline for development of the site.

If selected, the property shall be conveyed by quit claim deed to:

I hereby acknowledge, having read the instructions, terms and conditions as set forth in the attached terms and conditions of sealed bid sale, and agree to all of the terms and conditions of sealed bid sale. I hereby acknowledge that I understand that the purchase of the subject property shall include a Penalty Note and Mortgage in the amount of \$100,000.00 in the event the property is not developed for a commercial use within two (2) years of the conveyance of title or all or a portion of the property is sold within two (2) years of the conveyance of title.

Date: _____

Bidder Name: _____ Bidder Signature: _____

Address: _____ Telephone Number: _____

City, State, Zip: _____ Email Address: _____

Instructions to Bidders

for Surplus Real Property

1. Bid Form.

- a. Bids must be submitted on the Bid Form accompanying this Invitation for Bids, and all information and certifications called for thereon must be furnished. Bids submitted in any other manner or which fail to furnish all information or certifications required may be summarily rejected. Emailed bids will not be considered.
- b. Bids shall be filled out legibly with all erasures, strikeouts, and corrections initialed by the person signing the bid and the bid must be manually signed.
- c. Negligence on the part of the bidder in preparing the bid confers no right for withdrawal or modification of the bid after it has been opened.
- d. In submitting a bid, only return the Bid Form and required supporting documentation. Retain all other documents, including one copy of the Bid Form, for your record.

2. Bid Envelopes. Envelopes containing bids must be marked clearly, sealed, and addressed to the bid receiving office stated in this Invitation for Bids. No responsibility will attach to any officer of the City of Hudson for the premature opening of or failure to open a bid not properly addressed and identified.

3. Late Bids, Modifications of Bids, or Withdrawal of Bids.

- a. Any bid received at the office designated in the solicitation after the exact time specified for receipt will not be considered.
- b. Any modification or withdrawal of a bid is subject to the same conditions as in 3a. above. A bid may also be withdrawn in person by a bidder or his authorized representative, provided his identity is made known and he signs a receipt for the bid, but only if the withdrawal is made prior to the exact time set for opening of bids.
- c. Notwithstanding a and b of this provision, a late modification of an otherwise successful bid which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.
- d. Bidders using certified or registered mail are cautioned to track delivery so as to insure that it is received by the City of Hudson prior to the established deadline of March 4, 2019 at 3:00pm.

4. Bid Executed on Behalf of Bidder. A bid executed by an attorney or agent on behalf of the bidder shall be accompanied by an authenticated copy of his Power of Attorney, written authorization or other evidence of his authority to act on behalf of the bidder.

- a. Corporation. If the bidder is a corporation, the Certificate of Corporate Bidder must be executed. The certificate must be executed under the

corporate seal by some duly authorized officer of the corporation other than the officer signing the bid. In lieu of the Certificate of Corporate Bidder, there may be attached to the bid copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies.

- b. **Partnership.** If the bidder is a partnership, and all partners sign the bid, with a notation that they are all the partners, the Government will not ordinarily require any further proof of the existence of the partnership. If all the partners do not sign the bid, then the names of all those except limited partners must be furnished on the bid and the Government, in its discretion, may require evidence of the authority of the signer(s) to execute the bid on behalf of the partnership.
5. **Bid Deposit.** Each bid must be accompanied by a bid deposit of not less than 10% of the sum of the total bid submitted, Deposit shall be in the form of a certified check, cashier's check, or postal money order payable to the order of: **The City of Hudson.** Failure to so provide such bid deposit shall require rejection of the bid. Upon acceptance of a bid, the appropriate bid deposit of the successful bidder shall be applied toward payment of the successful bidder's obligation to The City of Hudson. Appropriate bid deposits accompanying bids which are rejected will be returned to bidders, without interest, within 5 working days after rejection of the bids.
6. **Additional Information.** The City of Hudson, at the address given in this Invitation for Bids, will, upon request provide additional copies of this invitation for bids, bid and acceptance, and answer requests for additional available information concerning the property offered to facilitate preparation of bids. Each bid submitted shall be deemed to have been made with full knowledge of all terms, conditions, and requirements contained in this Invitation for Bids.
7. **Bids to be Opened at Specified Time.** It shall be the duty of each bidder to see that his/her bid is delivered within the time and at the place prescribed. Bids (including modifications) received prior to the time fixed in this invitation for Bids for the opening of bids will be securely kept unopened. No bid, modification or withdrawal, received after the time fixed in this Invitation for Bids for the opening of bids will be considered except as provided under 3. above. After the time fixed for the opening of bids, their contents will be made public by announcement for the information of bidders and others properly interested who may be present either in person or by representative.
8. **Waiver of Informalities or Irregularities.** The BEA may, at its election, waive any minor informality or irregularity in bids received.

9. **Acceptable Bid.** A bid received from a responsible bidder whose bid, conforming to this Invitation for Bids, will be most advantageous to the BEA, price and other factors considered, is an acceptable bid. In the event two or more acceptable bids are received that are equal in all respects, the selection will be made by a majority vote of BEA Board Members present.
10. **Notice of acceptance or rejection.** Notice by BEA of acceptance or rejection of a bid shall be deemed to have been sufficiently given when emailed or mailed to the bidder or his duly authorized representative at the address indicated in the bid. The Government's processing of a bid deposit shall not, in itself, constitute acceptance of the bidder's offer. The Government reserves the right to reject any or all bids or portions thereof.
11. **Indemnification.** Bidders making the offer agrees for and on behalf of him/herself, his/her heirs, successors and assigns that he/she shall indemnify and hold the City of Hudson acting by and through the The City of Hudson harmless from and against any claim, demand or cause of action arising or alleged to have arisen out of the sale or failure to sell the property, including claims for personal or bodily injury, death or contract damages. Neither the City of Hudson nor the BEA shall indemnify the buyer or offering bidders.
12. **Possession.** Possession will be transferred at closing by quit claim deed.
13. **Financing & Local Approvals.** This sale is not conditioned on the buyer obtaining financing or local government approvals.
14. **Penalty Note and Mortgage.** This sale is subject to a Penalty Note and Mortgage in the amount of \$100,000.00 that shall be executed by the successful bidder at the closing of title. The Penalty Note and Mortgage shall apply where the Borrower or Guarantor fails to construct, restore and/or renovate the subject premises at 427 Warren Street, Hudson, New York and obtain a certificate of occupancy for a legal commercial use occupying a minimum of 3,000 sq. ft. of structures(s) on the subject premises within two (2) years from the date of the Penalty Note and Mortgage, or sells all or a portion of the subject premises within two (2) years from the date of the Penalty Note and Mortgage. Borrower will be permitted to have residential tenants above the first floor of the subject premises, provided the first floor is operated for a legal commercial use. A sale shall not be deemed to occur in the event of any transfers among related entities, trusts or individuals.
15. **Offers:** All offers will be received and reviewed by the BEA and reserve the right to accept or reject any offer, to waive defects and technicalities in an offer package, to re-advertise the property, and/or to withdraw the property from sale.
16. **Inspection of Property.** All persons interested in the subject property are invited, urged and cautioned to thoroughly inspect the Property prior to submitting an offer. This property is being sold on an "AS IS, WHERE IS" basis. No warranties or

representations, either express or implied, concerning the property are made by the City of Hudson. Interested purchasers are encouraged to perform an independent investigation and records search prior to submitting a bid for the property. Interested purchasers can contact Branda Maholtz, Mayor's Aide, at (518) 828-7217, to set up a date and time to conduct an inspection of the property.

17. **Title Insurance & Closing Fee.** Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees, recording charges, transfer tax, and any other payment. Buyer shall be responsible for payment, at or before closing, of any search fees charged by the title company from whom Seller obtained a preliminary title review and commitment and/or by a title agency later used by the Buyer. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.
18. **Closing of Title.** The closing of title will occur at the City Hall, 520 Warren Street, NY 12534, no later than 30 days from the Bid date. Failure to close within thirty (30) days will result in the bidder forfeiting the 10% bid deposit.