



**NOTICE OF
CITY COUNCIL SPECIAL MEETING
CELINA COUNCIL CHAMBERS 302 W. WALNUT ST., CELINA, TX 75009
FRIDAY, JANUARY 29, 2016 AT 8:00 AM**

AGENDA

I. CALL TO ORDER AND ANNOUNCE OF QUORUM PRESENT:

II. ACTION ITEMS:

- A. Consider and act upon accepting a bid from Emersons Commercial Real Estate for the sale of 1.374 acres located at 1371 S. Preston Road, Celina, Texas. Foreman

III. ADJOURNMENT:

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Michael Montgomery, Administrative Services
Date: January 29, 2016
Re:

Action Requested:

Consider and act upon accepting a bid from Emersons Commercial Real Estate for the sale of 1.374 acres located at 1371 S. Preston Road, Celina, Texas. Foreman

Background Information:

The City has conducted a public bid for the sale of land at 1371 S. Preston Road. Only one bid was received from Emersons Commercial Real Estate. They placed a bid of \$600,000.

Financial Considerations:

Sale price of \$600,000

Supporting Documents:

Bid Documents

Staff Recommendation:

Approve



**Bid Specifications for
1371 South Preston Road, Celina, Texas
75009**

Attachment: Bid Documents (1449 : Land Bid)

BID SPECIFICATIONS FOR REAL PROPERTY

The City of Celina, Texas (the "City") is accepting sealed bids for the purchase of the following parcel of real property (the "Property") as described in this Notice of Bid Opening:

Lot generally known as 1371 South Preston Road, Celina, Texas, consisting of approximately 1.374 acre(s) of land, combined, as more particularly described and depicted in Exhibit 1 attached hereto and incorporated by reference.

A contract for the sale of the Property shall 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 City Council may reject any or all bids. Further, the City reserves the right to reject all bids. Should any bid be accepted, a contract for sale of the Property shall be executed upon a form acceptable to the Council and shall provide:

1. For the purchase of the Property (including all buildings, structures or improvements, if any) in "as is" condition;
2. For the conveyance of the Property by special warranty deed for property being that certain lot, tract or parcel of land known as 1371 South Preston Road, Celina, Texas and being further described as Block A, Lot 1R of the Herrin Addition of Celina, Texas;
3. For the City to reserve and retain all rights to any oil, gas, and other minerals owned by the City at the time of the conveyance, if any;
4. For the Buyer to pay all fees, commissions and costs associated with closing the sale of the Property;
5. For the Buyer to assume all responsibility or liability for any environmental condition affecting the Property, or any clean-up remediation that may be required by law;
6. For any conveyance to be subject to all existing conditions, easements and rights-of-way; and
7. Buyer responsible for all taxes, if any.
8. Bids must be for all of the PROPERTY, with a minimum bid amount for the property as follows: \$550,034.73.

Each bidder shall submit a proposed contract for sale of the Property containing all required provisions. Returning this document, properly signed and completed, is a

proposed contract which may be relied upon by the City. A contract for sale of the Property will be negotiated after the successful bidder is selected. The resulting contract must be approved by the City Council.

The Property will be sold "as is" with no warranties or representations as to suitability for any particular use.

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 Celina, Texas, and the City's respective employees, attorneys and representatives for the award of damages or attorneys' 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 Celina, Texas, or any of the City's employees, attorneys, and representatives under any of the provisions of the Texas Uniform Declaratory Judgments Act (Texas Civil Practices 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 Celina, 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 the Bid Specifications 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 legal counsel regarding all applicable documents.

The City reserves the right to waive, delete or amend any of the requirements connected with this bid, and the City reserves the right to accept or reject any bid submitted for the Property.

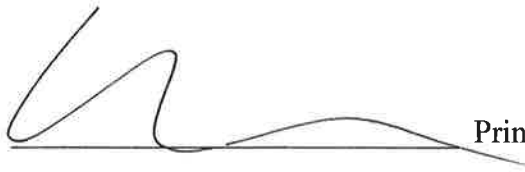
Bids shall be delivered in writing, signed by the bidder or an authorized representative, and enclosed in a sealed envelope to the City of Celina, Texas, 142 N. Ohio Street, Celina, Texas 75009. All proposals shall be plainly marked "BID TO PURCHASE REAL PROPERTY LOCATED AT 1371 SOUTH PRESTON ROAD." Bids must be received before 3:00 p.m. on January 25, 2016, and any bid received after that time will not be considered.

City staff will publicly open, read and tabulate the bids at 3:05 p.m. on January 25 (5 minutes after the above-referenced deadline), 2016, Celina City Hall, 142 N. Ohio Street, Celina, Texas 75009.

Bidders may contact the City of Celina, Michael Montgomery at (972) 382-2682 for clarifications and questions.

I have read and understand the terms of the Bid Specifications. I hereby approve and accept all of the conditions and obligations contained herein.

Signature:



Printed Name:

Richard Webb

EXHIBIT 1 - SURVEY SKETCH

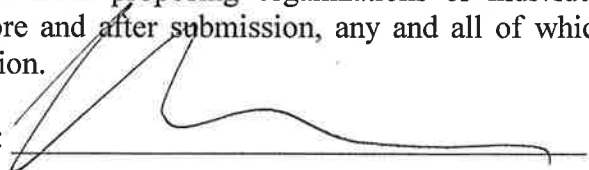
For information purposes only. No warranty or representation intended. No representation of amount or size

BID SHEET

Sale of Real Property: 1371 South Preston Road, Celina, Texas 75009

Tract (as shown on Exhibit 1) Bid Amount: \$ 600,000

The City reserves the right to request additional information or to meet with representatives from proposing organizations or individuals to discuss points in the proposal before and after submission, any and all of which may be used in forming a recommendation.

Submitted by: 

Printed Name: Richard Webb

Date: 1/15/2016

Attachment: Bid Documents (1449 : Land Bid)



Emersons Commercial Real Estate
Richard Webb, Licensed Broker

Jordan Zongol, Associate
17776 Preston Road, Dallas, TX 75252
(C): (214) 886-2131
jzongol@emersonscomm.com
www.emersonscre.com

January 15, 2016

Celina City Hall
142 N Ohio Street
Celina, TX 75009
Attn: Mike Foreman, City Manager
foreman@celina-tx.gov
(972) 382-2682

CC: Daniel V. Meyer
Daniel.meyer@verizon.net
(817) 851-3502

Re: BID TO PURCHASE REAL PROPERTY LOCATED AT 1371 SOUTH PRESTON ROAD

Dear Mr. Foreman,

Emersons Commercial Real Estate and/or it's assignee, hereinafter referred to as "Buyer," hereby bids to purchase the Property from The City of Celina, hereinafter referred to as "Seller", owner of the Property on such terms as may be provided in a legally binding Earnest Money Contract, under the following terms and conditions:

- 1) Property: Approximately 59,836 Square Foot of land located at Block A, Lot 1R, of the Herrin Addition of Celina, Texas A.K.A., 1371 S Preston Rd., Celina, TX 75009.
- 2) Purchase Price: Six Hundred Thousand Dollars (\$600,000).
- 3) Conveyance Terms: Buyer shall purchase the property in its entirety including all of the improvements thereon.
- 4) Earnest Money: Within three (3) business days of execution of the contract, Buyer shall deposit Ten Thousand Dollars (\$10,000) with the Title Company (defined below) to be held as earnest money under the contract. The earnest money shall be deposited in an interest bearing account, and the interest thereon shall be added to and become part of the earnest money.
- 5) Title Company: The Escrow Agent shall be Fidelity National Title, 17177 Preston Road Suite 135, Dallas, TX 75248, TX Attn: Mele Rivera.

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6) Survey and Title: Seller shall provide Buyer a Title Commitment issued by the Title Company with true and correct copies of the items and documents referred to in the Title Commitment, and a boundary survey ("Survey") of the property prepared by a licensed engineer suitable to Buyer within Twenty (20) days after execution of the Purchase and Sale Agreement ("Contract") that will allow the title company to issue an owner's policy of title insurance at closing. The survey shall determine the gross square feet and the net square feet within the property being the gross area of the property less any area within any rights-of-way, easements, flood plain, or flood hazard areas. Seller shall provide Buyer a copy of any currently existing survey in its possession.

At the closing Seller shall provide Buyer a Title Policy at Seller's Expense; providing for deletion of the survey exception if elected by Buyer.

7) Delivery of Other Items: Within Ten (10) business days after a contract is fully executed, Seller will deliver to Buyer for review inclusive but not limited to: tax statements for the property and copies of all reports and studies in Seller's possession including but not limited to geotechnical and environmental investigations, plats, plans, any development agreements relative to the property with the City of Celina otherwise that impact the property, rent rolls, copies of tenant leases, the names and contact information for any persons inquiring about the purchase of a pad site comprising the property, budgets, 2014 actual cash flow, 2015 YTD cash flow, building plans and any due diligence information relating to the property.

8) Feasibility Period: Buyer shall have a period of Sixty (60) days from the delivery of the items in paragraph 7 above in which to perform feasibility, inspection, engineering, site planning, environmental, geotechnical studies, and due diligence and/or other studies on the Property to determine the physical and economic viability for Buyer's intended use. During this period, Buyer or its agents will have the right to come upon the property and to review all information in Seller's possession pertaining to the property. Buyer may at its option extend the feasibility period for an additional Thirty (30) days by giving notice to Seller and depositing an additional Ten Thousand Dollars (\$10,000) of Earnest Money. If Buyer determines in its sole discretion the Property is not feasible for its intended use, Buyer shall give notice to Seller and receive a return of the Earnest Money deposited.

9) Zoning and Approvals: The Buyer shall have the right to rezone the Property for Retail District (C-1) use, if necessary. Buyer's obligations under this Bid are contingent upon its securing the required City of Celina approvals of the site plan, landscape plan, building façade plan, engineering plan, permits, lot changes, zoning changes, and any and all other land use approvals (the "Approvals") necessary to use and operate the Property according to its intended plans for retail. Buyer shall have a reasonable amount of time to obtain the Approvals from the appropriate entities, which shall be no less than Ninety (90) days from the execution of the Contract. In the event the Buyer fails to obtain the Approvals, Buyer shall give notice to the seller and receive a return of the Earnest Money deposited.

10) Use: The intent of the Property purchase is to develop the Property and construct a building to city code and operate an Ace Hardware owned by Daniel V. Meyer and/or DK Meyer Business LLC.

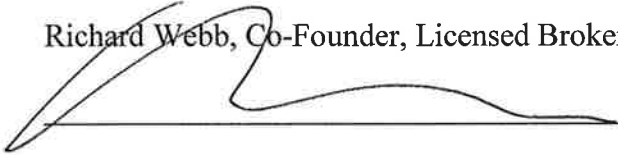
11) Closing: The closing of the Property shall be held on or before Thirty (30) days after the rezoning of all or a portion of the property to Retail District (C-1) and approvals of the required site plan, landscape plan, building façade plan, and engineering plan.

12) Assignment of Contract: Buyer may assign its rights hereunder, provided that the Buyer shall assume all obligations of the contract as provided for herein and such assignee is controlled by Buyer.

This bid is provided to outline the general terms and conditions of the purchase of the property and not be construed to be contractual in nature. If our Bid is selected, we will work with the City of Celina to develop a formal Purchase and Sale Agreement. We are sincerely interested in the purchase of this property and look forward to hearing from you at your earliest convenience.

Sincerely,

Richard Webb, Co-Founder, Licensed Broker



Agreed to this _____ Day of _____, 2016

By: _____

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