

2023-08 Resolution Proposing the Sale of Real Property

WHEREAS, the City owns in fee simple, but may be subject to easements of record, the following described property:

Part of Lots Seventeen (17) and Eighteen (18) in Block Four (4) to the Incorporated Town of Lawton, Woodbury County, Iowa, further described as follows:

The West Twenty feet (W 20') of the East One-half (E $\frac{1}{2}$) of said Lot Eighteen (18) and the South Seven Feet (S 7') of the West Twenty Feet (W 20') of the East One-half (E $\frac{1}{2}$) of Lot Seventeen (17)

AND

The West One-half (W $\frac{1}{2}$) of Lots Seventeen (17) and Eighteen (18) EXCEPT the North Twenty-three Feet (23') of the West One-half (W $\frac{1}{2}$) of Lot Seventeen (17);

AND

The South Five Feet (S 5') of the North Twenty-three Feet (N 23') of the East Twenty Feet (E 20') of the West One-half (W $\frac{1}{2}$) of Lot Seventeen (17).

(Collectively known as "the property")

WHEREAS the property formerly functioned as City Hall for the City of Lawton, but the City now uses a new building for City Hall at 315 Ash St. in Lawton, Iowa;

WHEREAS, the City has determined it no longer has a use for the property and that placing the property back upon the tax rolls is in the best interest of the City;

WHEREAS, the City desires to sell the property; and

WHEREAS, Iowa Code § 364.7 requires that the City set forth its proposal in a resolution, publish notice, and hold a public hearing on said proposal

THEREFORE BE IT RESOLVED:

The City shall hold a public hearing on the 8th day of March, 2023, at 5:30 P.M. or as soon thereafter as the matter may be reached, at which time public comment shall be received and public hearing conducted regarding the proposed sale as set forth as follows:

Terms of Proposed Sale

The City will accept sealed bids on the above-described property until March 8, 2023, before, 1:00 P.M. The minimum bid must be equal to or greater than \$200,000.00. Any person

interested in purchasing the property should submit a bid in writing in total dollars describing the property through the common name of "Old City Hall at the intersection of Cedar St. and Maple St." to the City Clerk of Lawton at 315 Ash St., PO Box 275, Lawton, IA 51030 on or before March 8, 2023, at 1:00 P.M. The bid shall include the person's name, address, and telephone number. The sealed bids shall be opened at or about 1:00 P.M. on March 8, 2023, at City Hall, City of Lawton, for the Clerk to prepare for the Lawton City Council's review.

After the highest sealed bid has been determined at the public hearing, members of the public shall have an opportunity to make an upset bid to the Lawton City Council. After the conclusion of bidding, the Council shall make a final determination of the proposal to sell the property and may proceed to sell the property as proposed by resolution. The highest bidder at the time of final determination will be expected to pay ten percent (10%) of the purchase price on that day and sign a contract for the balance of the purchase price. This sale shall be considered a cash sale, and an offer based on an installment contract shall be rejected by the Council. Closing shall be within 45 days of the execution of the contract at which time the unpaid balance shall be paid in full. Possession shall be at the time of closing. As the property is not currently subject to property taxes, the Buyer shall be responsible for all property taxes or special assessments, if any, accruing after possession. The City shall maintain liability and casualty insurance on the property until closing. Should a casualty event occur, the contract shall be void, and the City shall collect the insurance proceeds and return any down payment. The buyer shall be responsible for any abstracting and title work, in addition to customary closing expenses of the buyer. The City shall deliver a Warranty Deed to the buyer at the time of closing.

Any announcements on the day of sale shall supersede any statements made herein.

The City of Lawton reserves the right to reject any and all bids and shall not be required to accept the highest bid for good-cause shown.

BE IT FURTHER RESOLVED the City Clerk, shall cause notice of this proposed action and the public hearing to be published in The Record newspaper at least 4 days and no more than 20 days prior to the time and date set for the hearing.

Passed and approved the 8th day of February, 2023 by the following vote:

AYES: Heiss, Nelsen, Otto, Roth, Saunders

NAYS:

ABSENT:

Jesse Pedersen, Mayor

ATTEST: _____
Tricia Jernberg, Clerk