

NOTICE OF BID OPENING FOR REAL PROPERTY

The City of Mansfield, Texas is accepting sealed bids for the purchase or exchange of approximately 12.5 acres out of the following real property (the "Property") located at the northeastern corner of the intersection of US Hwy. 287 and East Broad Street for the purpose of commercial development as described in this Notice of Bid Opening:

1. An approximate 12.34 acre tract of land located at the northeast corner of the intersection of US Hwy 287 and East Broad Street, more particularly identified and depicted in a scale drawing located in the City Secretary's Office at Mansfield City Hall;
2. An approximate 12.00 acre tract of land located at the northeast corner of the intersection of US Hwy 287 and East Broad Street, more particularly identified and depicted in a scale drawing located in the City Secretary's Office at Mansfield City Hall.

The property to be conveyed may come from one or both of the tracts identified above. The specific location of the tract and the relationship of the tracts to one another may be secured from the map drawing available in the City Secretary's Office in Mansfield City Hall at 1200 East Broad Street, Mansfield, Texas 76063.

Bids may be submitted for any one or more of the above-described tracts.

A contract for the sale or exchange 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 of the City.

It is the intention of the City to sell or exchange all or a portion of the Property based on the best value bid that is submitted. If in the judgement of the City Council the bids submitted do not represent the fair value of the Property, the Council may 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 exchange of real property substantially equivalent in size with site location, access, topography and utility connection points to enable the City to construct a recreation sport complex to be owned by the City;
2. For the purchase of the Property and any improvements in "as-is" condition;
3. For the City to retain all rights to any oil, gas and other minerals owned by the City at the time of the conveyance, provided, however, that the City will waive its right to use the surface estate for extraction of any minerals.

Each bidder shall submit a **proposed contract** for the sale or exchange of the Property containing all required provisions. A contract for the sale or exchange 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 Mansfield, 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 Mansfield, 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 Mansfield, Texas.

By execution and submission of this bid, the bidder hereby represents and warrants to the City of Mansfield 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 provision, 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, signed by the bidder or an authorized representative, and enclosed in a sealed envelope to the City of Mansfield, 1200 East Broad Street, Mansfield, Texas 76063. All proposals shall be plainly marked "2015-0804-01 - BID TO PURCHASE OR EXCHANGE REAL PROPERTY – ATTN: VICKI COLLINS, CITY SECRETARY." Bids must be received before 10:00 a.m. on Tuesday, August 4, 2015, and any bid received after that time will not be considered.

City staff will publicly open, read and tabulate the bids at 11:00 a.m. on Tuesday, August 4, 2015, City Council Chambers, City of Mansfield, 1200 East Broad Street, Mansfield, Texas 76063.

Bids may contact the City of Mansfield, Chris Burkett, Assistant City Manager at (817) 276-4264 for clarifications and questions.

<p>Please bill to: Vicki Collins, City Secretary City of Mansfield Account Number: MANCIT03</p>
