REQUEST FOR PROPOSALS TO PURCHASE REAL PROPERTY

Millrace Townhomes Subdivision Redevelopment Property

The City of Goshen by and through its Redevelopment Commission (hereinafter referred to as "Redevelopment") is requesting proposals for the purchase of certain real property located in the City of Goshen, Indiana.

1. Real Property to be Purchased

The real property to be purchased is located in the 500 block of River Race Drive and consists of three (3) parcels of real estate identified as tax codes 20-11-16-202-018.000-015 consisting of approximately .32 acres, 20-11-16-202-019.000-015 consisting of approximately .39 acres, and 20-11-16-202-020.000-015 consisting of .30 acres for a total of 1.01 acres in Goshen, Indiana, as depicted on the map attached to this Request for Proposals as Exhibit A, and is more particularly described as follows:

Mill Race Townhomes Primary Subdivision Phase 1, Phase 2 and Phase 3 as recorded November 1, 2016 in Plat Book 36, page 62 as Instrument Number 2016-22780 in the office of the Recorder of Elkhart County, Indiana.

Formerly known as Lot One (1) of River Race Subdivision as recorded May 21, 2014 in Plat Book 35, Page 20 as Instrument Number 2014-08737 in the office of the Recorder of Elkhart County, Indiana.

The real property so described shall hereinafter be referred to as "Subject Real Property."

2. <u>Project Specifications</u>

A. Redevelopment Commission's Goals:

The Redevelopment Commission's goal for the property is the creation of an urban residential development.

B. Redevelopment Area Description

- 1) Area Description The subject real estate consists of 1.01 acres of land between River Race Drive and South Second Street. The area is just south of Monroe Street and lies north of the Millrace Cohousing development. The desire for the development is to be for housing and the original plans included twenty-four (24) townhome units. It is up the entity submitting the proposal regarding the density proposed for this project.
- 2) Access The original layout for this property permitted driveway access from River Race Drive with the intent that the constructed buildings would face the canal. Limited on-street parking is available on South Second Street.
- 3) Utilities Water services have been constructed to serve the previously proposed townhomes project from River Race Drive. Sewer stubs have been constructed from North Second Street per the same plan. A copy of the relevant pages from the asbuilt drawings are included as Exhibit B showing the location of the water and sewer

laterals. Any water laterals that are not needed will need to be abandoned as part of this project.

- 4) Zoning The subject properties are zoned Commercial B-2 PUD. The pertinent section of the Zoning Ordinance detailing the regulations of the B-2 district can be found here. In addition, a copy of the PUD ordinance from 2014 as well as the amending PUD ordinance from 2020 are attached as Exhibit C.
- 5) Environmental Conditions This property was historically an industrial site and determined to be a brownfield property. Assessment and cleanup activities have already been completed for the site. The remedial approach selected for this area is placement of a two foot (2') clean soil cap for any undeveloped areas of the site. The site is currently lower than the surrounding area and the expense of importing clean soil once construction is completed for the lots will be borne by the City. Once the cap is in place, IDEM is expected to issue a site status letter which will permit the real estate to be used for residential purposed with a no dig restriction. Soils excavated for basements for the proposed development will require disposal at the Elkhart County Landfill and the City will pay for the associated disposal fees. The selected proposer should plan to complete a Phase I ESA prior to transfer of title for this property to complete their due diligence requirement.

3. Submission of Proposals

- A. Any proposal for the purchase of the Subject Real Property shall be submitted to Becky Hutsell, Redevelopment Director at 204 East Jefferson Street, Goshen, Indiana 46528-3405, no later than 12:00 p.m. (noon) on April 11, 2023. The proposal shall be submitted in a sealed envelope clearly marked as "Proposal to Purchase Millrace Townhomes Subdivision Redevelopment Property."
- B. Each proposal must include the following:
 - 1) A signed cover letter on company letterhead that includes the following:
 - a. The entity's name, address, and telephone number;
 - b. The name of the person authorized to submit/sign the proposal, along with this person's title, telephone number, and e-mail address;
 - c. The entity's Federal ID number; and
 - d. The entity's State ID number.
- 2) A detailed description of the intended use and development of the Subject Real Property, including the following:
 - a. A conceptual plan with as much detail as possible, including land uses, building designs, building elevations and a description of how the development complements and interacts with the surrounding area.
 - b. All improvements to be made to the Subject Real Property including new structures to be constructed.

- c. A description of the components of the development plan that includes information about the building design, size, density and amenities.
- d. A project budget, including estimated soft costs and construction expenses.
- 3) A proposed timeline for the development of the Subject Real Property, including any conditions that must be met before the proposal can be commenced. The schedule should include:
 - a. Time needed to obtain financing.
 - b. Land use approvals.
 - c. Design completion.
 - d. Site preparation.
 - e. Start and completion of construction.
 - 4) The price to be paid for the purchase of the Subject Real Property.
- 5) A financial statement that is specific enough so that a proper determination of the entity's financial capability to fulfill the obligation of the proposal.
- C. The proposal shall address all issues contained in the Request for Proposals. Any exceptions to the terms of the Request for Proposals should be clearly noted.
- D. Any modifications made to a proposal before submission must be initialed in ink by the submitting entity's authorized representative. A submitting entity may, upon written request, modify or withdraw their proposal at any time prior to the opening date and time. A request to modify or withdraw a proposal must be signed by the same person or persons who signed the original proposal submitted. No proposal may be modified or withdrawn after the opening of the proposals.
- E. Redevelopment may require a person or entity submitting a proposal to revise one or more elements of its proposal in accordance with contract negotiations. Redevelopment reserves the right to evaluate proposals for a period of sixty (60) days before deciding which proposal, if any, to accept. Proposals shall be maintained through the evaluation period.
- F. All proposals submitted become the property of the City and are a matter of public record.
- G. The City of Goshen is not responsible for late or lost proposals due to mail service inadequacies, traffic or other similar reasons. Proposals received after the designated time will not be considered in the selection process.

4. <u>Terms and Conditions to be Addressed or Accepted by Proposal</u>

A. **Term of Purchase** – Redevelopment has conducted appraisals of the Subject Real Property and improvements and has determined that the fair value of the Subject Real Property is One Hundred Thirty-Seven Thousand Five Hundred dollars (\$137,500.00).

The price included in a proposal for the purchase of the Subject Real Property must be equal to or exceed this amount.

B. Condition of Subject Real Property

- 1) The proposal to purchase must be for the Subject Real Property in its present condition.
- 2) Any sale of the Subject Real Property will be conditioned on the development of the parcels in accordance with the development plan described in the proposal. A proposal may be conditional upon the City of Goshen granting of specific itemized zoning variances or rezoning.

C. Use of Subject Real Property

- 1) The proposed development must be constructed in compliance with all applicable laws and regulations of any government entity or public authority, including Indiana Building Codes, City of Goshen Ordinances, Policies, and Standards, including Zoning Ordinances, Subdivision Standards, Landscaping Ordinances, Construction Site Stormwater Runoff Control Ordinances, and Post Construction Stormwater Management Ordinances.
- 2) Purchaser must not use the Subject Real Property and any adjacent area in a manner that would be reasonably offensive to the owners or users of neighboring real estate or would tend to create a nuisance.
- D. **Construction of Infrastructure** The selected entity must construct any needed water building lines, sewer building lines, and storm water facilities for any structure constructed on the Subject Real Property. The selected entity must construct sidewalks to City specifications adjacent to the parcels, along all dedicated public streets where they do not currently exist. Any unused, existing water building lines shall be abandoned as part of the project.
- E. **Indemnification** The successful proposal must hold Redevelopment harmless from any loss, claim, damage or expense arising from the development and/or use of the Subject Real Property.
- F. **Proposals Submitted by a Trust** Any proposal submitted by a trust must identify each beneficiary of the trust and whether the settler is empowered to revoke or modify the trust
- G. **Purchase Agreement** The successful person or entity submitting a proposal will be required to enter into a purchase agreement incorporating the terms of the Request for Proposals, the terms included in the successful proposal, and other provisions deemed appropriate by Redevelopment.

5. Requests for Clarifications and Addenda

A. Entities intending to submit proposals who have questions or are interested in touring the site should contact Becky Hutsell, Redevelopment Director.

B. All requests for clarification to this solicitation must be received at least one (1) week before the opening date to allow for the issuance of any addendums determined by the City to be necessary. A Proposer shall rely only on written addenda issued by Becky Hutsell, Redevelopment Director. Requests shall be made in writing and may be directed to:

Becky Hutsell, Redevelopment Director City of Goshen Redevelopment Commission 204 East Jefferson Street, Suite 6 Goshen, Indiana 46528 E-Mail: beckyhutsell@goshencity.com

C. Interpretations or clarifications determined necessary by the City will be issued by addenda mailed, faxed or otherwise delivered to all parties recorded by the City as having received the proposal documents. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

6. <u>Selection Process and Schedule</u>

- A. The proposals received by Redevelopment will be opened by the Goshen Redevelopment Commission in public at the Commission's meeting on April 11, 2023 commencing at 3:00 p.m. in the Goshen City Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana. If no proposal meets the minimum offer price, additional proposals will be received until 1:30 p.m. on May 15, 2023 and will be opened by the Board of Public Works and Safety at their meeting on May 15, 2023 commencing at 2:00 p.m. in the Goshen City Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana. After accepting proposals for the additional period, the Redevelopment Commission may select the highest and best proposal using the criteria set forth in this section with no minimum price.
- B. The proposals will be considered by the Goshen Redevelopment Commission. The Redevelopment Commission reserves the right to refer the proposals received to Becky Hutsell, Redevelopment Director, and such other staff as the Commission deems appropriate to review the proposals and make a recommendation to the Redevelopment Commission. The Commission reserves the right to interview the parties submitting proposals or to request the parties submitting proposals to provide supplemental information.
- C. This Request for Proposals does not commit Redevelopment to sell the Subject Real Property. Redevelopment reserves the right to accept or reject any or all proposals received, to negotiate with qualified persons or entities who submit a proposal, or to cancel the Request for Proposals. Redevelopment may require a person or entity submitting a proposal to submit any additional data or information Redevelopment deems necessary.
- D. In determining which proposal is the highest and best proposal, Redevelopment will consider the following:

- 1) The experience, the financial capacity and the organizational capacity of the entity submitting the proposal to successfully plan, construct and complete the proposed development.
- 2) The overall quality of the submission and the extent to which the proposed development is compatible with the existing neighborhood.
- 3) The entity's plans and ability to improve the Subject Real Property with reasonable promptness.
 - 4) The proposed completion date for the project.
- 5) The size and character of the improvements proposed to be made on the Subject Real Property and/or improvements.
 - 6) Whether adequate parking for the development is included in the plan.
 - 7) The proposed purchase price to be paid to Redevelopment.
- 8) Whether the entity submitting the proposal is a trust and whether the submission identities the beneficiary of the trust and whether the settlor is empowered to revoke or modify the trust.
 - 9) The nature of any variance or rezoning requested.
- 10) Whether the sale of the Subject Real Property will further Redevelopment's plan for the development of the surrounding area.
 - 11) Whether the proposed purchase will serve the interest of the community.
- 12) What economic impact the proposed purchase will have on the community.

7. General

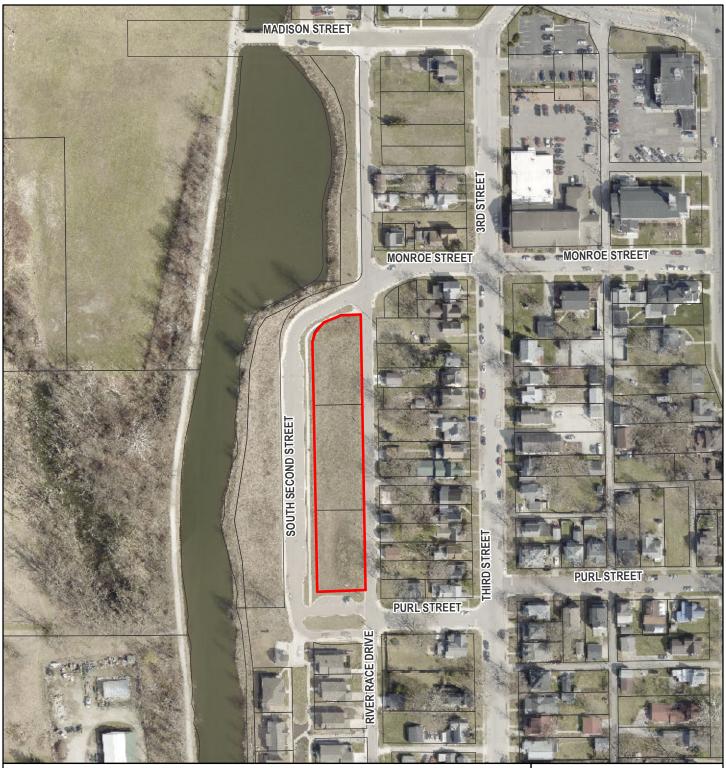
A. Conflict of Interest/Non-Collusion

- 1) By submitting a proposal, an entity certifies that the entity has not entered into a combination or agreement relative to the price to be proposed nor taken any action to prevent a person from submitting a proposal; or to induce a person to refrain from submitting a proposal.
- 2) Each proposal must be made without reference to any other proposal, unless specifically so indicated.
- 3) By submitting a proposal, an entity certifies that they are not in a situation where the submitting entity's private interest would interfere with its loyalty or responsibilities to the City of Goshen or raise questions about such interference. The submitting entity agrees not to accept work, enter into a contract, accept an obligation or engage in any activity, paid or unpaid, that is inconsistent or incompatible with the submitting entity's obligations, or the scope of services to be rendered to the Redevelopment Commission. The submitting entity shall warrant that, to the best of their knowledge, there is no other contract or duty on the submitting entity's part that conflicts

with or is inconsistent with the services sought to be provided to the Redevelopment Commission.

- 4) The submitting entity, if selected, must sign and have notarized the Conflict of Interest / Non-Collusion Affidavit.
- B. **Applicable Laws** Any contract resulting from a proposal submitted will be construed in accordance with and governed by the laws of the State of Indiana.
- C. **Trusts** In accordance with Indiana Code 36-7-14-22, a proposal submitted by a trust (as defined by I.C. 30-4-1-1) must identify the beneficiary of the trust and indicate whether the settlor is empowered to revoke or modify the trust.
- D. Costs for Submitting Proposal The City of Goshen or its Redevelopment Commission will not be liable for any costs incurred by the respondents in replying to this Request for Proposals. The City of Goshen or its Redevelopment Commission are not liable for any costs for work or services performed by the selected Proposer prior to the award of a contract.
- E. **Authority to Bind Submitting Entity** The signatory for the entity submitting a proposal represents that he or she has been duly authorized to execute the proposal documents on behalf of the submitting entity and has obtained all necessary or applicable approvals to make this submission on behalf of entity when his or her signature is affixed to the proposal.

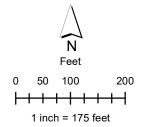
EXHIBIT A



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

Millrace Townhomes Subdivision Redevelopment Property

Information as of March 2023

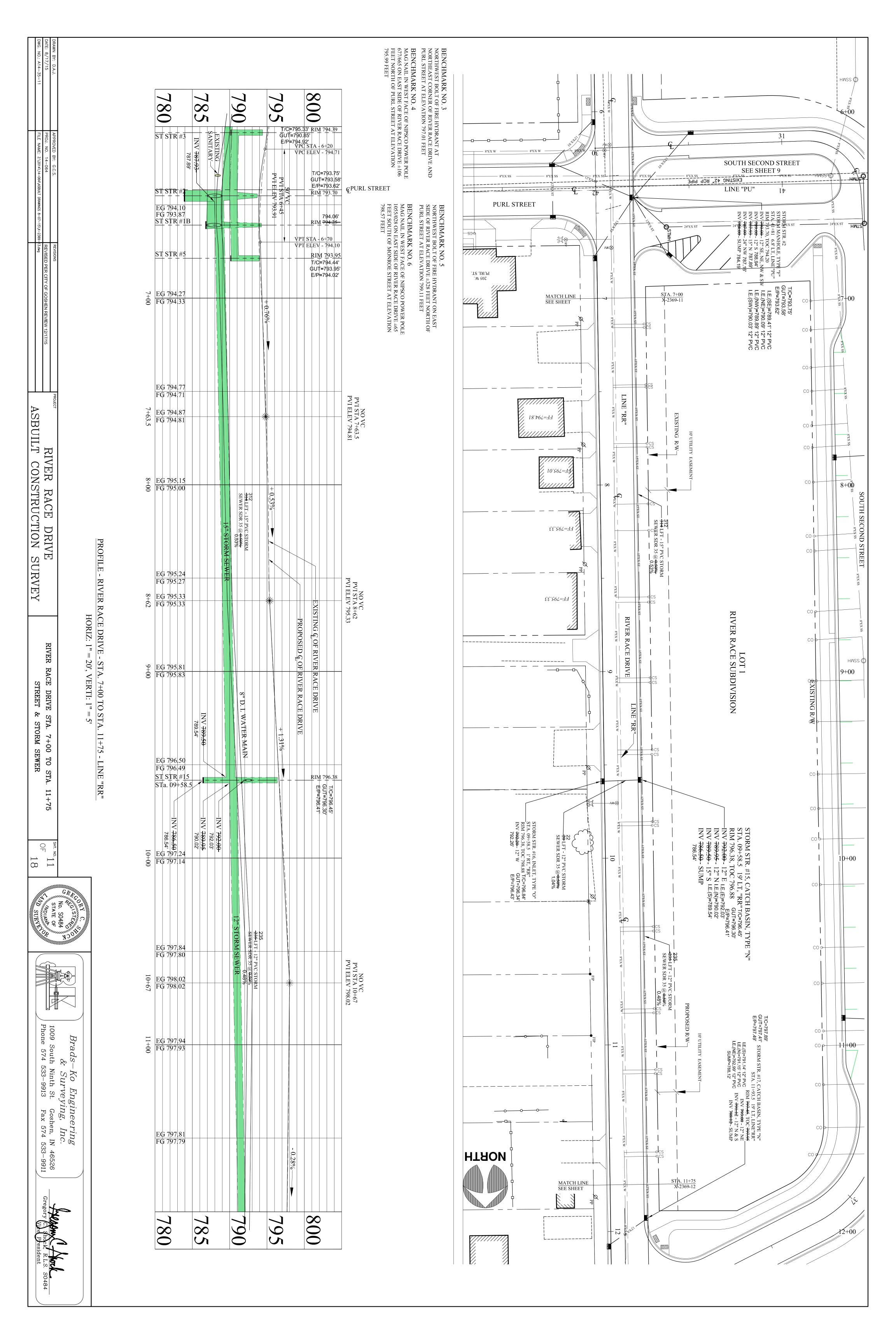


The City of Goshen

Department of Public Works & Safety
Office of Engineering

204 East Jefferson Street, Goshen, Indiana 46528 Phone: 574-534-2201 Fax: 574-533-8626

EXHIBIT B



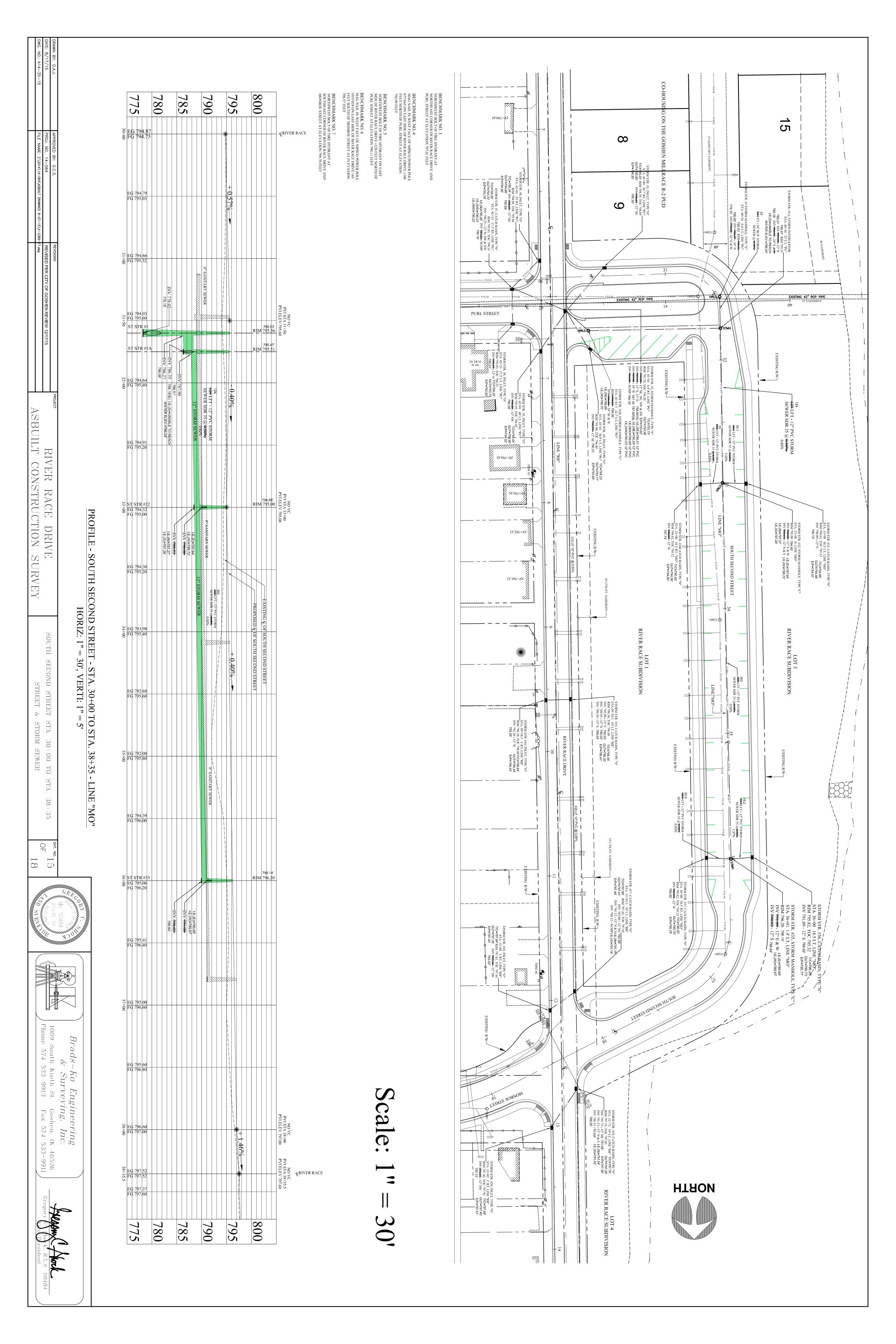


EXHIBIT C

An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Industrial M-1 to Commercial B-2 with a Planned Unit Development (PUD) Overlay District to be known as the Millrace Townhomes PUD

WHEREAS the City of Goshen, Goshen Redevelopment Commission, and Matthews, LLC, submitted an application on the 26th day of March 2014 to rezone the real estate hereinafter described from Industrial M-1 to Commercial B-2 with a Planned Unit Development (PUD) Overlay District and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 15th day of April 2014, and recommended the adoption of this Ordinance by a vote of 8-0:

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

Property generally located between the south right of way line of Madison Street and the south right of way line of the vacated Purl Street, west from the west side of the north/south alley west of Third Street to the Millrace Canal, and more particularly described as follows:

A PART OF THE NORTHEAST QUARTER OF SECTION 16, AND A PART OF THE SOUTHEAST QUARTER OF SECTION 9, ALL BEING IN TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 37 IN PURL'S SECOND ADDITION TO THE CITY OF GOSHEN, RECORDED IN DEED RECORD 63, PAGE 427, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY; THENCE SOUTH 00°47'50" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF A NORTH/SOUTH ALLEY, 66.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF VACATED PURL STREET; THENCE SOUTH 89°19'51" WEST ALONG SAID VACATED SOUTHERLY RIGHT-OF-WAY, 234.95 FEET TO THE TOP OF BANK OF THE HYDRAULIC CANAL; THENCE THE FOLLOWING (12) COURSES AND DISTANCES ALONG SAID TOP OF BANK: (1) NORTH 04°00'40" WEST, 122.39 FEET, (2) NORTH 11°00'43" WEST, 76.76 FEET, (3) NORTH 08°42'57" EAST, 148.22 FEET, (4) NORTH 02°29'48" EAST, 129.20 FEET, (5) NORTH 11°47'23" EAST, 75.20 FEET, (6) NORTH 33°07'04" EAST, 24.68 FEET, (7) NORTH 68°13'17" EAST, 147.50 FEET, (8) NORTH 00°03'53" EAST, 158.56 FEET, (9) NORTH 08°27'37" EAST, 81.44 FEET, (10) NORTH 04°45'50" WEST, 68.81 FEET, (11) NORTH 20°09'37" WEST, 51.89 FEET, (12) NORTH 36°34'21" WEST, 79.39 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF MADISON STREET; THENCE NORTH 89°35'09" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 107.95 FEET TO THE WESTERLY RIGHT-OF-WAY OF A NORTH/SOUTH ALLEY; THENCE THE FOLLOWING (3) COURSES AND DISTANCES ALONG SAID WESTERLY RIGHT-OF-WAY: (1) SOUTH 00°48'36" EAST, 479.39 FEET, (2) SOUTH 00°57'26" EAST, 164.73 FEET, (3) SOUTH 00°47'50" EAST, 330.20 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.72 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

All of the above shall be rezoned from Industrial M-1 to Commercial B-2 with a Planned Unit Development (PUD) Overlay District and the zone maps designated and referred to in Ordinance No. 3011 shall hereby be amended and ordered amended to reflect such classification and rezoning of said real estate.

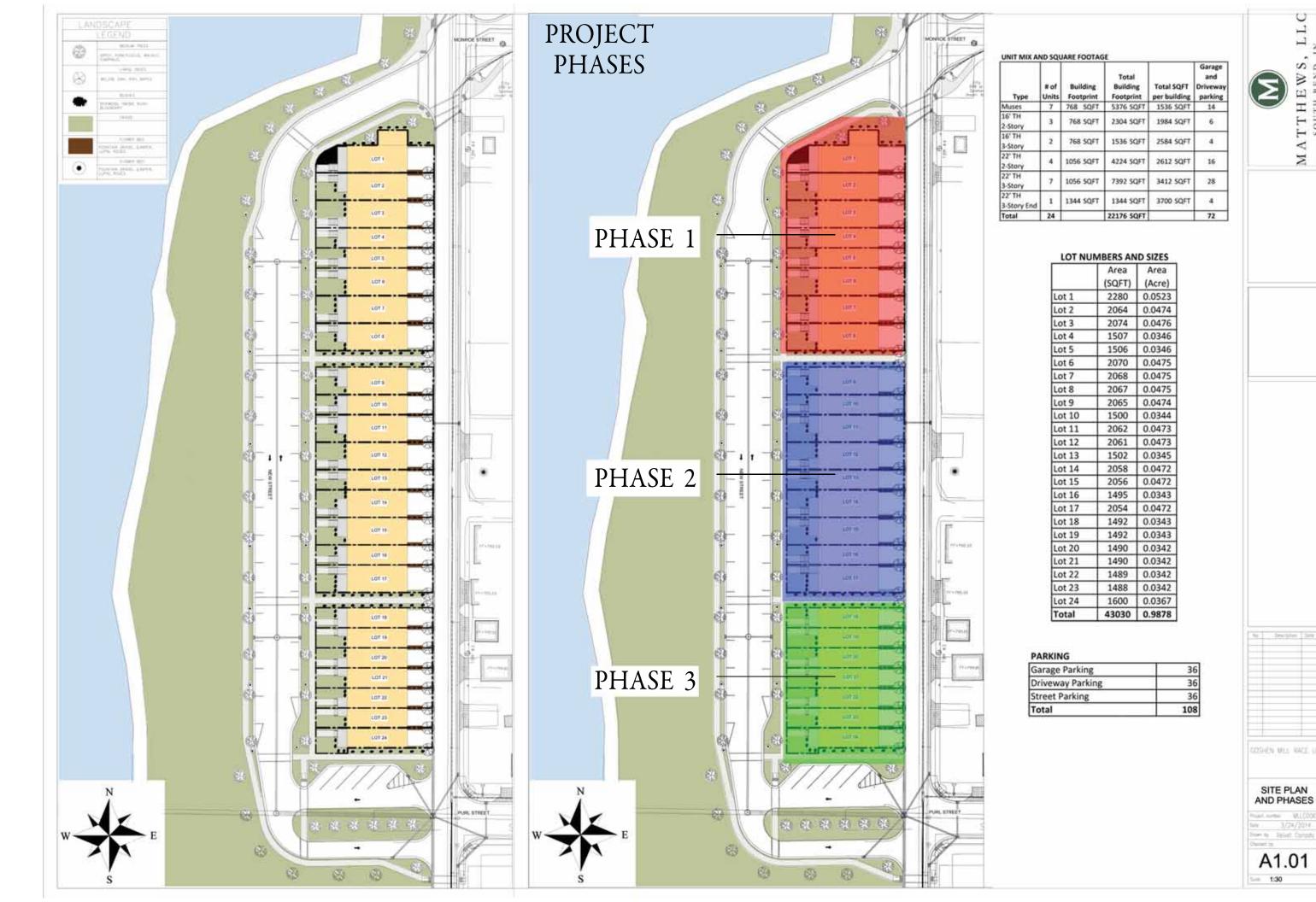
With approval, the following conditions shall be a part of the Millrace Townhomes Planned Unit Development requirements:

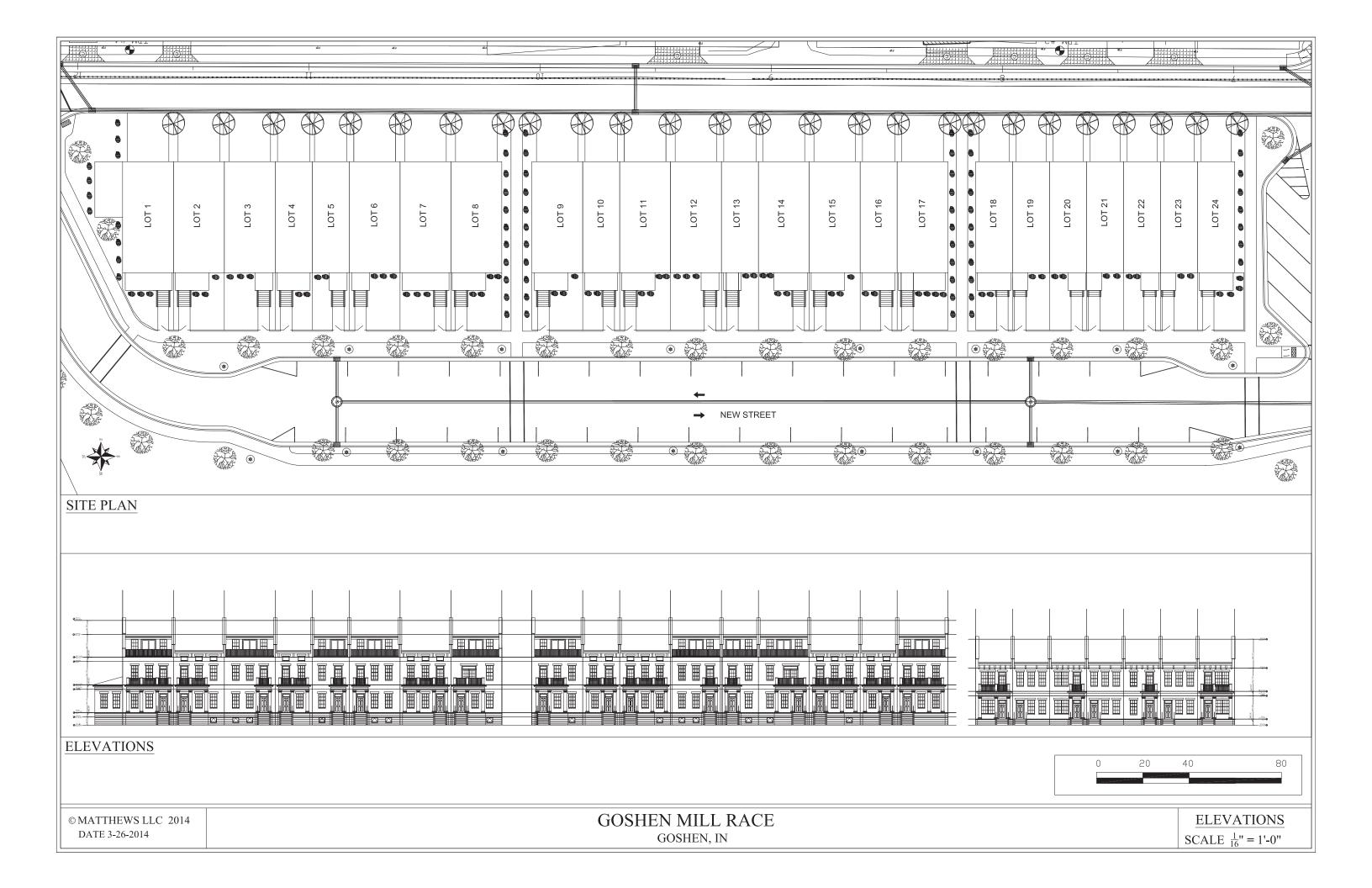
1. The Millrace Townhomes PUD is established to permit attached single-family residential uses, including vertical and horizontal dwelling units, to provide residential density within walking distance of downtown,

Ordinance 4784

- and to assist in revitalizing areas impacted by the presence of vacant property and/or under-utilized buildings.
- 2. The approved preliminary PUD site plan is known as *Site Plan and Phases, Goshen Mill Race LLC*, dated 3/24/2014, prepared by Matthews, LLC, with a revised preliminary PUD site plan required, which reflects the required right of way and a final lot layout that is designed to fit with the final infrastructure plan prepared by Goshen Engineering.
- 3. Elevations will be as typically shown on *Goshen Mill Race, Elevations*, dated 3-26-2014, by Matthews LLC.
- 4. The PUD will be developed with approximately 24 lots of single-family attached housing in three phases.
- 5. No minimum lot width or minimum lot area is required.
- 6. Minimum setbacks of 0' will be permitted for front, rear and side setbacks.
- 7. Two parking spaces are required for each residential dwelling unit, and will be provided on site and in the adjacent public right of way.
- 8. Parking shall be as generally depicted on the approved preliminary site plan, with maneuvering and parking within the right of way permitted, subject to final PUD site plan approval.
- 9. Each residential dwelling unit shall contain no less than 1,200 square feet of occupied space.
- 10. Up to nine attached single-family dwelling units will be permitted within one structure.
- 11. Site lighting, parking lot lighting, and building security lighting shall not glare or trespass onto adjoining properties.
- 12. Landscaping is required following the requirements of the Goshen Zoning Ordinance.
- 13. B-2 district regulations shall apply, except when in conflict with the provisions of the Millrace Townhomes PUD.
- 14. The Goshen Plan Commission shall review and approve the overall primary subdivision before any development occurs.
- 15. The Goshen Plan Commission shall review and approve a PUD final site plan for each phase of development prior to a zoning clearance/building permit being issued.
- 16. The Goshen Fire Department shall approve the plan for fire protection (including hydrant placement and access) prior to an application for PUD final site plan approval.
- 17. Final landscape plans, separate from the site plan, and meeting the PUD requirements and the requirements of Goshen Zoning Ordinance Section 5000, including common and botanical names, size at planting and size at maturity, shall be submitted with each PUD final site plan.
- 18. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, prior to requesting final PUD site plan approval.

PASSED by the Common Council of the City of Goshen on
Attest: J. Rontrager, Clerk-Treasurer
PRESENTED to the Mayor of the City of Goshen on 100, 2014 at 11:30 a.m. p.m.
Tina M. Bontrager, Clerk-Treasurer
APPROVED AND ADOPTED by the Mayor of the City of Goshen on May 7, 2014. Allan Kauffman, Mayor





Ordinance 5039

An Ordinance to Amend Ordinance 4784 of the Millrace Townhomes PUD (Planned Unit Development)

WHEREAS INSITE Development, LLC, and City of Goshen Department of Redevelopment submitted an application on the 26th day of February 2020, to approve a PUD major change to amend the Millrace Townhomes PUD to permit development of duplexes, and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 17th day of March 2020 and recommended the adoption of a PUD major change and this Ordinance by a vote of 5-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

Ordinance 4784 be amended as follows:

- 1. In addition to requirements established by Ordinance 4784, additional requirements are established by this Ordinance.
- 2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a Major Change.
- 3. The proposed duplex use is functionally similar to the original attached single family use and provides density.
- 4. The proposed development change is consistent with the Comprehensive Plan, including:
 - Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities
- 5. The PUD major change will amend the Millrace Townhomes PUD to add duplexes as a permitted use.
- 6. The approved PUD preliminary site plan is *Millrace Townhomes*, *Sheet A1.0*, dated 02.26.20, prepared by T2 Design, including typical elevations.
- 7. A new major residential subdivision application shall be submitted to establish the proposed lots, with an approved, recorded subdivision required to be in place before the first zoning clearance form is issued.
- 8. A PUD final site plan, including detailed landscape and lighting plans, shall be submitted and approved prior to the first zoning clearance form/building permit being issued, and Staff, on behalf of the Plan Commission, may review and approve PUD final site plans.
- 9. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before the first zoning clearance/building permit is issued.

PASSED bush Common Council of the City of Cookers on April 21
PASSED by the Common Council of the City of Goshen on
1500
Presiding Officer
Attest: (Can Schaf
Adam C. Scharf, Clerk-Treasurer
PRESENTED to the Mayor of the City of Goshen on April 22, 2020 at 4:00 a.m. o.m.
(Clam Beha)
Adam C. Scharf, Clerk-Treasurer
APPROVED AND ADOPTED by the Mayor of the City of Goshen on
Jeremy P. Stateman, Mayor



South Second Street



MILLRACE TOWNHOMES
Goshen, Indiama

Issue Name:	Date:
PUD Submittal	02.26.20

SCALE: 1*= 20'
CHECKED BY: TT
JOB NO: MR1

A1.0