



**Request for Proposals
Sale and Development of Real Estate
Offered by City of Foley, AL
118 West Laurel Avenue
(Cactus Café Building)
Requisition No. GG-030918**

Issue Date: Friday, January 26, 2018

Submission Deadline: Friday, March 9, 2018 at 5:00 p.m. CST

OVERVIEW:

The Cactus Café Building, a Contributing Structure in the National Register Historic District constructed in 1910, is being offered for sale by the City of Foley to developers or business owners who wish to locate a business on the 1st floor and stabilize the 2nd floor for future improvements and utilization. The City seeks a qualified developer or business owner to purchase and improve the property. The City will consider all development proposals with preference being given to proposals that have the greatest economic impact to the City of Foley. The proposed usage shall be compatible with the surrounding businesses.

To be considered, developers or business owners must submit a development proposal in response to this Request for Proposal (RFP), in the manner prescribed herein. The City makes no representations or warranties as to the condition of the property and proposes to sell as is, where is, with all faults. The current zoning for the property is B-1 Central Business District.

The desired minimum purchase price offer is \$140,000 (which represents the approximate amount the City has spent on the property to date) plus all closing cost; however, all offers will be considered.

LOCATION:

The property is located at 118 West Laurel Avenue, on the north east side of the intersection of West Laurel Avenue and North Alston Street. The property is located within the National Register Historic District and the Local Downtown Historic District. It is a contributing structure in the National Register Historic District.

PROPERTY DESCRIPTION: (ALL NUMBERS ARE ESTIMATES OR APPROXIMATIONS)

The property consist of lots 9, 10, 11, and 12 in Block 10 in the City of Foley, according to the plat of record in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, page 25. Tax Parcel ID Number 05-54-09-29-1-101-014.000 approximately .116 acres consisting of two stories and a total of approximately 10,000/sf (5,000/sf on the lower level formally the Cactus Café Restaurant and approximately 5,000/sf on the upper level formally used as living facilities).

The overall site is flat and located at a key retail location in downtown Foley. City parking is available at the building's entrance on West Laurel Avenue and along the west side of the building on North Alston Street.

REQUEST FOR PROPOSALS (RFP) SUBMISSION:

Request for Proposals (RFP) will be received by the City of Foley until 5:00 p.m. CST on Friday, March 9, 2018. RFP may be sent or hand delivered to the City of Foley, 407 East Laurel Avenue, Foley, Alabama 36535 or mailed to P.O. Box 1750, Foley, Alabama 36536. If hand delivering, the proposals must be "Date and Time" stamped at the receptionist's desk when the RFP is turned in. It shall be the sole responsibility of the Respondent to assure receipt of the RFP at Foley City Hall prior to the published submittal deadline.

Proposal documents, including the Certification and Offer of Payment, must be signed by persons authorized to contractually bind the Respondent.

The Respondent's proposal must be submitted in a sealed envelope or box, clearly marked with the following information on the outside:

Respondent's Business Name
Respondent's Address

RFP for:
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The City of Foley may elect to deem a submission non-responsive if the submission fails to comply with specific requirements of this solicitation. The City reserves the right to request additional information pertaining to the proposal package or this RFP. The City reserves the right to reject any and all proposals in its sole discretion and to decline to offer or withdraw the RFP for this property.

SUBMISSION REQUIREMENTS:

Respondents must submit three (3) hard copies of their complete development proposal to include potential uses of the ground floor as well as plans for stabilization, cleanup and occupancy of the 2nd level.

Each submission must contain the following information:

A. Formal Letter of Interest addressed to:

**Rachel Keith
City of Foley
P.O. Box 1750
Foley, AL 36536**

B. Identification of the Respondent to include business name and contact information.

C. General description of the business, years in operation, number of locations, anticipated number of employees, annual sales projections.

D. Description of Development Proposal:

- An offer of payment for the property submitted on the “Certification and Offer of Payment” form found on page 7 in this RFP.
- A statement indicating how your proposal represents the highest value to the City in terms of direct or indirect financial, economic or community benefits.
- A proposed development plan outlining the proposed use of the property, a corresponding business plan, demonstrated experience in the field or with a similar business and demonstrated compatibility with existing and proposed zoning regulations. This should also include the number and types of jobs that will be created by the proposed development and the timing of jobs in the market, both in terms of availability and duration, and/or, if applicable, plans to attract tenants and identify the types of tenants to be sought. It is the City’s desire to promote residential uses on the 2nd levels of our downtown area buildings.
- Facade plan, exterior changes, outdoor seating areas, signage, color scheme (to comply with Local Downtown Historic District Design Guidelines as well as Community Development Department and other applicable regulations)
- A proposed timeline for completion of the development plan and occupancy of the building.

E. References

- Evidence of Respondent’s financial capability to complete the purchase and development plan.
- Provide banking references with authorization to contact such references.
- Please include a minimum of three (3) references that attest to the financial wherewithal or capabilities of the Respondent.

F. Litigation

- The Respondent's firms and principals must identify and describe any current, pending or threatened litigation against them related to their business or real estate dealings.

G. Obligations to the City of Foley

- The Respondent must attest to having no outstanding or overdue tax, lien, or fine obligations to the City of Foley.

RFP QUESTIONS OR CLARIFICATION:

Questions regarding the RFP must be made in writing and submitted electronically to Rachel Keith at rkeith@cityoffoley.org. Questions are due no later than Friday, March 2, 2018 at 5:00 p.m. All questions and answers will be emailed to known participants and also posted publicly on the City's website on the Finance page under the Purchasing/Bids/Surplus tab.

(<http://www.cityoffoley.org/YourGovernment/Finance.aspx>)

EXAMINATION OF PROPERTY:

Potential Respondents interested in a walkthrough/inspection of the building during the City's normal business hours (8 a.m. to 5 p.m) should notify Rachel Keith at rkeith@cityoffoley.org or by calling 251-970-2418. Potential Respondents may also arrange for contractors, consultants, architects and others they deem necessary to inspect the property.

Respondents are inspecting the property at their own risk, and they are fully responsible and liable for their personnel, investors, inspectors, guests and invitees of all types while at the properties. Respondents agree to accept this liability at all times during any property inspection. Inspections are highly recommended but not mandatory.

ENVIRONMENTAL CONDITIONS:

The City has Commissioned EPA through a grant to perform an Environmental assessment that is available to all developers and business owners interested in their findings. Please contact Rachel Keith at rkeith@cityoffoley.org or by calling 251-970-2418 for a copy of this report.

DOWNTOWN HISTORIC DISTRICT DESIGN REVIEW GUIDELINES:

A copy of the Foley Downtown Historic District Design Guidelines is provided as a separate file in association with this RFP. The file can also be obtained at the following link:

<http://www.cityoffoley.org/YourGovernment/CommunityDevelopment.aspx#25613-historic-district>

CITY OF FOLEY NATIONAL REGISTER AND LOCAL DOWNTOWN HISTORIC DISTRICTS INCENTIVE GRANT PROGRAM:

The City of Foley National Register and Local Downtown Historic Districts Incentive Grant Program provides financial assistance (up to 75% reimbursement or a maximum of \$7,500 subject to funding availability) for exterior appearance improvement projects on buildings located in the National Register and Local Downtown Historic Districts. The successful Respondent may qualify for this grant. More information can be found at the following link:

<http://www.cityoffoley.org/YourGovernment/CommunityDevelopment.aspx#25613-historic-district>

ALABAMA HISTORICAL COMMISSION TAX INCENTIVES:

The successful Respondent may also qualify for tax incentives offered by the Alabama Historical Commission. More information can be found at the Alabama Historical Commission website. www.ahc.alabama.gov/federaltaxcredits.aspx

TIMELINE FOR COMPLETION OF CONSTRUCTION AND OPENING OF GROUND FLOOR BUSINESS(S):

Respondents need to define a timeline for the completion of building construction and opening of the ground floor business(s) to the public as noted in the submission requirements. Timeline shall not exceed 18 months after purchase of the building. The 18 month timeframe begins on the date the building is purchased. The City retains the right, at its sole discretion, to purchase the building back at the price the building was purchased for if the 1st floor of the building has not received a certificate of occupancy within **18 months from the date the building was sold.**

TIMELINE FOR COMPLETION OF CONSTRUCTION AND UTILIZATION OF 2ND FLOOR:

Respondents need to describe their plan for utilization of the 2nd floor and define a timeline for stabilization, completion of construction and utilization of this space.

METHOD OF AWARD AND SELECTION CRITERIA

Complete responses to this RFP will be evaluated by City staff and will be reviewed by the City Council. Decisions to sell the Property are at the sole discretion of the City Council. This RFP process shall not create a binding obligation on the part of the City to sell the Property unless and until a Purchase and Sale Agreement has been executed.

The selection criteria shall include, but not be limited to, the following:

- Completeness of the proposal packet
- Impact of economic development
- Offer of payment
- Financial soundness/strength of Respondent

- Development proposal demonstrates readiness and proof that 1st floor can be operational within 18 months
- Proposed development and use of the 2nd floor
- Development proposal satisfies requirements of current and proposed regulations
- Experience in proposed business

PROPOSAL GUARANTEE/DEPOSIT:

Each proposal shall be accompanied by a deposit in the form of a certified check or bank draft of any State or National Bank, payable to the City of Foley, in the amount of Five Percent (5%) of the offer price, as a guarantee that the successful Respondent will pay the balance of the purchase price to the City. The Deposits will be held by the City until 10 days after the successful Respondent has been selected. After which the Deposits of all the unsuccessful Respondents will be returned. If the successful Respondent fails to complete its purchase by the closing date deadline, its deposit will be forfeited to the City as liquidated damages and not as a penalty, to compensate the City for the delay and administrative services involved in obtaining the successful Respondent.

CONTRACT NEGOTIATIONS:

If the City Council decides to proceed with a proposal, such decision shall be subject to the negotiation and execution of a mutually satisfactory Purchase and Sale Agreement. The City reserves the right to make a contract award contingent upon the satisfactory completion by the Respondent of certain special conditions as determined by negotiations. The contract offer of the City may contain additional terms or terms different from those set forth herein.

The highest-ranked Respondent will enter into negotiations with the City. If an agreement cannot be met, the City will notify the Respondent and stop negotiations; thereafter, the second highest Respondent will enter into negotiations. This process may continue until a successful negotiation(s) occurs. The City reserves the right to cease any negotiations with any Respondent should it be in the best interest of the City.

SALE CONDITIONS:

The property is being sold "AS IS." Conveyance to the successful Respondent shall be made in the form of a deed in the name as submitted in the proposal. Closing on the property must be held within forty-five (45) days of notification of award or the deposit will be forfeited. Purchaser shall assume the full cost of closing.

CERTIFICATION AND OFFER OF PAYMENT

(This form must be submitted with your Proposal)

I offer to pay \$_____ **plus all closing costs** for the property described within the RFP for the Sale and Development of Real Estate located at 118 West Laurel Avenue (Cactus Café Building).

I guarantee to complete the closing for the described property within forty-five (45) days of notification of award. I understand that timely payment will be considered in making award, and that cancellation of award will be considered if the payment time is not met. I understand that if I am determined to be the successful Respondent and I fail to complete the purchase by the closing date deadline resulting in cancellation of award, the 5% deposit submitted with the proposal will be forfeited to the City as liquidated damages and not as a penalty, to compensate the City for the delay and its administrative services involved.

I declare that I have read and understand the provisions of the RFP. I declare that I have provided a narrative statement as to what I propose to do and the time frame for completion.

Signature _____

Printed Name _____

Signature Date _____

Company Name (if applicable) _____

Business Phone _____ Cell Phone _____

Mailing Address _____

I understand that conveyance is to be made by the City by deed.

Conveyance should be made as follows:

Name: _____

Address: _____

Sworn to and subscribed before me this the _____ day of _____, 20_____.

NOTARY PUBLIC





Baldwin County Revenue Commission Property Information



**Baldwin County
Revenue Commissioner**

**Property Link
BALDWIN COUNTY, AL**

Tax Year 2017

Current Date 1/25/2018

Valuation Date October 1, 2016

Records Last Updated 1/24/2018

PROPERTY DETAIL		
OWNER	FOLEY, CITY OF P O BOX 1750	ACRES : **NA**
	FOLEY, AL 36536	APPRAISED VALUE: 249000
		ASSESSED : 24920
PARCEL	54-09-29-1-101-014.000	
ADDRESS	118 LAUREL AVE W	

TAX INFORMATION			
YEAR 2017	TAX DUE	PAID	BALANCE
	0.00	0.00	0.00

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION			
EXEMPT CODES	DESCRIPTION	50' X 100' THE W 50' OF LOTS 9 -12 BLK 10 FOLEY IN THE CITY O	
TAX DISTRICT	07	F FOLEY SEC 29-T7S-R4E (DEED B	
PPIN	012742 Entry 00	Y MUNICIPALITY)	
ESCAPE YEAR			
ACCOUNT NUMBER	051670		

TAX HISTORY					
Year	Owner	Total Tax	Paid(Y/N)	Appraised	Assessed
2016	FOLEY, CITY OF	0.00	Y	249000	24920
2015	FOLEY, CITY OF	0.00	Y	234500	23460
2014	SUTTON, CLEMENT F ETUX OTTIE L	749.10	Y 11/13/2014	227000	22700
2013	SUTTON, CLEMENT F ETUX OTTIE L	737.22	Y 3/ 5/2014	223300	22340
2012	SUTTON, CLEMENT F ETUX OTTIE L	564.30	Y 1/25/2013	170800	17100
2011	SUTTON, CLEMENT F ETUX OTTIE L	639.54	Y 1/ 5/2012	193800	19380
2010	SUTTON, CLEMENT F ETUX OTTIE L	639.54	Y 1/ 6/2011	193800	19380
2009	SUTTON, CLEMENT F ETUX OTTIE L E	978.12	Y 4/13/2010	296400	29640
2008	SUTTON, CLEMENT F ETUX OTTIE L E	1956.24	Y 1/26/2009	296400	59280

TAX SALES

[PURCHASE COUNTY TAX SALE FILES](#)

Year	Sold To	Redeemed Date/By
NO TAX SALES FOUND		



**Baldwin County
Revenue Commissioner**

**Property Appraisal Link
BALDWIN COUNTY, AL**

Current Date 1/25/2018

Tax Year 2017
Valuation Date October 1, 2016

OWNER INFORMATION			
PARCEL	54-09-29-1-101-014.000	PPIN 012742	TAX DIST 07
NAME	FOLEY, CITY OF		
ADDRESS	P O BOX 1750 FOLEY AL 36536		
DEED TYPE	IN	BOOK 0000	PAGE 1431947
PREVIOUS OWNER	SUTTON, CLEMENT F ETUX OTTIE L		
LAST DEED DATE	12/ 3/2013		

DESCRIPTION
50' X 100' THE W 50' OF LOTS 9-12 BLK 10 FOLEY IN THE CITY OF FOLEY SEC 29-T7S-R4E (DEED BY MUNICIPALITY)

PROPERTY INFORMATION			
PROPERTY ADDRESS	118 LAUREL AVE W		
NEIGHBORHOOD	SBALDCO		
PROPERTY CLASS		SUB CLASS	
SUBDIVISION	03FC	SUB DESC	FOLEY (CITY OF)
LOT	BLOCK 10		
SECTION/TOWNSHIP/RANGE	00-00 -00		
LOT DIMENSION		ZONING	B-1

PROPERTY VALUES			
LAND:	37500	CLASS 1:	TOTAL ACRES:
BUILDING:	211500	CLASS 2:	TIMBER ACRES:
	=====	CLASS 3:	249000
TOTAL PARCEL VALUE:	249000		
ESTIMATED TAX:	\$0.00		

DETAIL INFORMATION							
CODE	TYPE	REF METHOD	DESCRIPTION	LAND USE	TC	HsPn	MARKET USE VALUE VALUE
M	LAND	1	SF SQ-10.00	50 X 100	6750-GOVT BLDGS / UT	3	N N 37500
	BLDG	1	C 580	RESTAURANT -		3	N N 211500



**Baldwin County
Revenue Commissioner**

**Property Appraisal Link
BALDWIN COUNTY, AL**

Current Date 1/25/2018

Tax Year 2017
Valuation Date October 1, 2016

BUILDING APPRAISAL			
PARCEL	54-09-29-1-101-014.000	PPIN 012742	TAX DIST 07
NAME	FOLEY, CITY OF		
BUILDING 1		CLASS	C
STRUCTURE CODE	580 -	RESTAURANT	
AREA:	TOTAL LIVING AREA		
	9944		
ACTUAL YEAR BUILT...	1945		
CLASS	3	HOMESTEAD	N PENALTY N

SUMMARY OF IMPROVEMENT CALCULATIONS - STRUCTURE CLASS R AND C			
EXTERIOR	BRICK ON MA	INTERIOR	PLASTER NO DRYWALL CELOTEX CEI
ROOF TYPE	WD TR & WD	FLOORS	CONC & A TI
ROOF MATERIAL	BU T&G	PLUMBING	AVERAGE
HEAT	FHA/AC	ELECTRIC	AVERAGE
EXTRAS	RESTROOM 2		
	KITCHEN SIN		
	RESTAURANT		

BASIC AREA		4944
UNITS: CONST	97	SPECIAL
CLASS D	CLASS UNITS	
=	TOTAL UNITS	97
X	RATES: BASE 48.37	ADJ. 46.92
X	INDEX 1.170	COST/SF 70.54
X	ADJUSTED AREA	9994
=	BASIC COST	602508
+	EXTRA FEATURES	133590
=	ADJUSTED COST	704934
	DEPRECIATION	30
=	DEPRECIATED COST	211480
	FINAL VALUE	211500
	PRIOR YEAR VALUE	211500
	NEIGHBORHOOD	SBALDCO 1.00
	YEAR BUILT 1945	AGE 72 EFFECTIVE YEAR BUILT 1945
		AGE 72