



## **City of Rockdale**

### **Request for Sealed Offers Sale of Real Property**

1166 US Hwy 79 West  
Rockdale, TX 76567

Issue Date: October 7, 2022

Property can be available for viewing upon request until Monday, December 5, 2022

Offer Due Date and Time: Wednesday, December 7, 2022 at 2:00 pm  
Offer Opening Date and Time: Wednesday, December 7, 2022 at 2:05 pm

RFO Opening Location: City of Rockdale City Hall, 505 W. Cameron Ave., Rockdale,  
Texas

For Information Contact: Barbara Holly, City of Rockdale City Manager  
Phone: 512/446-2511  
Email: [citymanager@rockdalecityhall.com](mailto:citymanager@rockdalecityhall.com)

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**CITY OF ROCKDALE**

**REQUEST FOR OFFERS: 1166 US Hwy 79 West  
ROCKDALE, TEXAS**

**REGISTER INTEREST**

If you would like to register your interest for the sale of this property so that you will receive any future notices or addenda concerning the sale of the property, please fill in the information requested below and email to: [citymanager@rockdalecityhall.com](mailto:citymanager@rockdalecityhall.com)

Company/Individual: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_

Email address(s): \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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It is your responsibility to complete and return this form to the City of Rockdale. Failure to do so will result in your not receiving notices and addenda related to this sale from the City.

Notices and addenda are posted on the City website and can be accessed at [RockdaleCityHall.com](http://RockdaleCityHall.com)

## II. SOLICITATION SCHEDULE

The proposed schedule of events is tentative and may be modified throughout the selection process at the discretion of the City of Rockdale.

Release of RFO	Friday, October 7, 2022
Publication in the Rockdale Reporter	Thursday, October 20, 2022 Thursday, October 27, 2022
Bids due at 2:00 pm	Wednesday, December 7, 2022
Bids open at 2:05 pm	Wednesday, December 7, 2022
Rockdale City Council considers and accepts offer	Monday, December 12, 2022
Projected closing date	Tuesday, February 28, 2023

Tentatively, the final selection decision will be made and submitters will be notified of the Council's decision by Tuesday, December 13, 2022. This schedule is subject to change by the City.

## III. CONTACT INFORMATION

### CONTACT WITH THE CITY OF ROCKDALE

The contact person for this solicitation process is:

Barbara Holly, City of Rockdale City Manager  
Email: [citymanager@rockdalecityhall.com](mailto:citymanager@rockdalecityhall.com)  
Phone: 512/446-2511  
Mail: City of Rockdale  
Attn: City Manager  
PO Box 586  
505 W. Cameron Ave.  
Rockdale, TX 76567

Questions concerning the solicitation must be submitted to the contact person in writing on or before the offer due date shown in the schedule above.

Contact with someone other than the contact person listed above, or his designated representative, concerning this solicitation may be grounds for removal from consideration.

Interpretation, modification, corrections, or changes to the solicitation documents will be made by addenda issued by the City. Addenda will be made available at [RockdaleCityHall.com](http://RockdaleCityHall.com). Interested offerors are encouraged to return the Register Interest Form on the previous page.

#### **IV. PUBLICATION INFORMATION**

##### **CITY OF ROCKDALE NOTICE OF OFFERS – 6 ACRE CITY PROPERTY FOR SALE**

The City of Rockdale (CITY) is accepting Competitive Sealed Offers for the sale of approximately 6 acres generally located 1166 US Hwy 79 West, and more particularly described as Property ID 20432, Sterling C. Robertson Survey, Abstract 52, All of a called 6.0 acre tract.

Bids must be received by Wednesday, December 7, 2022 at 2:00 pm at the Rockdale City Hall at 505 West Cameron Avenue, Rockdale, Texas, 76567. No bid will be accepted after that date and time.

Bids will be publicly opened and acknowledged at City Hall on Wednesday, December 7, 2022 at 2:05 pm.

A comprehensive bid packet is available for download at [RockdaleCityHall.com](http://RockdaleCityHall.com)

Write the offerors name and name of the organization on the sealed offer.

Offers are to be submitted in accordance with the attached specifications and the “General Conditions for Offering” attached hereto. Each offeror is required to complete every blank; failure to do so may be used as a basis for rejection of an offer. The City reserves the right to reject any or all offers, to waive formalities, or to proceed otherwise when it is in the best interests of the City.

To be published in the Rockdale Reporter on  
Thursday, October 20, 2022  
Thursday, October 27, 2022

## **V. DEFINITIONS**

The following definitions apply to this document and the transaction between the City and the selected offeror unless otherwise designated in the context. Terms, which are singular, may include multiple or plural, where applicable and when in the best interest of the City:

“Offer”, “Submission”, or “Submittal” refers to a response submitted to an RFO.

“Chosen Offeror” means the Offeror whose Offer is selected by the City.

“City” means and refers to the City of Rockdale, Texas.

“Company” or “Firm” means and refers to any offeror that is a sole proprietor, corporation, company, partnership, or any other entity legally defined or recognized under the laws of the State of Texas.

“Day” means a calendar day unless otherwise specifically defined.

“Fee Simple Properties” or “Fee Simple Property” means property acquired by the City through a method other than tax foreclosure.

“Offeror” means a company or individual that submits a response to a solicitation.

“Pre-Approval Letter” means a letter from a financial institution stating that the bidder has sufficient financial resources for the purchase of the property and complete development plans.

“RFO” means and refers to a Request for Offers that will be awarded based on the highest and best value to the City of Rockdale.

“Selected offer” means and refers to the offer sent to the City by the selected company or individual.

“Solicitation” means an RFO issued by the City as described in this document.

## **VI. GENERAL OFFERING CONDITIONS**

**CONDITIONS:** These conditions apply to all offers and become part of the terms and conditions of any offer submitted and any agreement entered into subsequent thereto, unless exception is taken in writing by the offeror when submitting the offer.

**FORM:** Offerors must submit original and three (3) copies of the sealed bid to the City of Rockdale prior to the response due date and time, including an electronic copy of the submittal on USB flash drive.

**QUANTITIES:** The City will provide a survey document, attached hereto, which will detail the exact quantity of land that will be subject to sale.

**OFFEROR SHALL PROVIDE:** With this offer response, the offeror shall provide all documentation required. Failure to provide this information may result in offer rejection.

**ALTERING/WITHDRAWAL OF OFFER:** Offers cannot be altered or amended after submission deadline. Prior to the deadline, the signer of the offer, guaranteeing authenticity, must initial any alterations or changes made before bid opening. No bid may be withdrawn after opening time without first submitting a written reason to the City Manager and obtaining permission.

**PRESENTATION OF OFFERS:** No oral, telegraphic, telephonic, emailed, or facsimile offers will be accepted. All offers must be submitted in a sealed envelope.

**CORRESPONDENCE:** The title of the offer must appear on ALL correspondence, inquiries, offer submittal documents, etc. pertaining to this Request For Offers.

**ADDENDA:** Any interpretations, corrections, or changes to this Request for Offers and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City. An attempt to mail or email any addenda to those who have completed the Register Interest form will be made. Offerors shall acknowledge receipt of all addenda in the designated area on the offer document. It is the responsibility of the offeror to ensure receipt of all addenda and to include the changes in the offer document.

**LATE OFFERS:** Offers received by the City after the submission deadline shall be returned unopened and will be considered void and unacceptable. The City is not responsible for lateness of mail or other forms of acceptable delivery.

**OFFER OPENINGS:** All offers submitted will be opened and read at the posted time and place in this RFO. However the reading of an offer at opening should not be construed as a comment on the responsiveness of such offer or as any indication that the City intends to accept such bid.

The City will make a determination as to the responsiveness of offers submitted based upon compliance with all applicable laws, project documents, including but not limited to the project specifications and contract documents. The City will notify the successful offeror upon acceptance of the offer. All offers received will be available for inspection at that time, unless otherwise provided by law.

**INTERVIEWS.** The City reserves the right, as part of its due diligence review process, to schedule interviews or presentations from any or none of the offerors.

**PROTESTS:** The City of Rockdale reserves the right to sell, convey, and transfer this property to whomever it chooses based upon the best overall value to be delivered to the City. There will be no protest procedure other than those remedies as allowed by State and Federal law.

**OFFER AWARD:** Unless stipulated in the attached offer specifications, the City will accept the offeror who provides the best value for the City. This will include the totality of the offer and required supplemental items as described in this packet.

**MINIMUM OFFER:** Pursuant to State Law, a public entity cannot sell, convey, or transfer real property for less than fair market value. The City has received an updated fair market appraisal of the property, which will constitute a minimum offer amount. The City reserves the right to accept a lower cash offer price in exchange for a quality development concept that will assist in achieving its economic development goals and tax revenue generation.

## PERFORMANCE

**MINIMUM STANDARDS FOR RESPONSIBLE OFFERORS:** A prospective offeror must affirmatively demonstrate their responsibility and capability to fully execute their proposed development plan. A prospective offeror must meet the following requirements:

- Have adequate financial resources or the ability to obtain such resources as required;
- Be able to comply with their proposed delivery schedule;
- Have a satisfactory record of performance;
- Have a satisfactory record of integrity and ethics;
- Be otherwise qualified and eligible, as determined by the City, to receive an offer acceptance.

The City will require representation and other information sufficient to determine the offeror's ability to meet these minimum standards.

**ASSIGNMENT:** If the successful offeror wishes to sell, assign, or convey the purchase contract, the City will evaluate the proposed buyer with the same standards as the initial successful offeror. Prior to closing, the successful offeror shall not sell, assign, transfer, or convey the purchase contract in whole or in part, without prior written consent of the City.

**OFFER SECURITY:** Each submitted offer shall include a \$25,000 earnest money cashier's check. Any offer submitted without an earnest money check shall be considered non-responsive and not considered for acceptance. Upon final acceptance of the offer by the Rockdale City Council, the earnest money check will be delivered to the title company and placed in an escrow account. The earnest money amount will be properly reflected in the closing documents. Upon final acceptance of the offer by the Rockdale City Council, any other earnest money checks from the unsuccessful offerors will be promptly returned. This return can either be in the form of hand delivery or pick up or regular mail.

**TITLE COMPANY:** The City will select a local title company to complete the sale and transfer of this property.

**DISCLOSURE OF CERTAIN RELATIONSHIPS:** Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity shall disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local



government entity. By law, this questionnaire must be filed with the City Secretary of the City of Rockdale not later than the 7<sup>th</sup> business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006 Texas Local Government Code.

If the offeror does not have a direct business relationship with any City of Rockdale elected or appointed officials, then they must complete the enclosed AFFIDAVIT OF NO PROHIBITED INTEREST and include it in their submittal.

If the offeror does have a direct business relationship with any City of Rockdale elected or appointed officials, then they must complete the enclosed CONFLICT OF INTEREST QUESTIONNAIRE and include it in their submittal.

**CERTIFICATE OF INTERESTED PARTIES (FORM 1295):** In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Texas Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission has adopted rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law.

**Filing Process:**

Within ten days of being notified of award of a contract by the Rockdale City Council, the successful offeror (business entity) must use the Texas Ethics Commission web application, <https://www.ethics.state.tx.us/File/> to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be provided to the CITY within 10 days of being notified of award of contract.

The City is required to notify the commission, using the commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30<sup>th</sup> day after the date the contract binds all parties to the contract. The commission will post the completed Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency.

**USE OF PROPERTY:** A description of the proposed use and development of the property will be required of the offeror. A detailed listing of the requirements will be included in Section 9 of this bid packet.

Development of the property will be restricted in the following manner:

- There will be a deed restriction filed that will prohibit the placement of mobile homes on the property.
- Commercial signage will be restricted per the City's ordinances.

- Nuisances as currently defined the City of Rockdale's Code of Ordinances will be prohibited.
- The property will be preferred to multi-family residential, and light or heavy commercial uses only.

A deed restriction will be created based upon the development proposal made by the Offeror. This deed restriction will be drafted prior to closing and be executed at closing.

CONTRACT

SUCCESSFUL OFFEROR SHALL: Defend, indemnify and save harmless the City of Rockdale, all its officers, agents, employees, and all entities who are participating in this contract from all suits, actions, or other claims of any character, name and description brought for or on account of any injuries, including death, or damages received or sustained by any person, persons, or property on account of any negligent act or fault of the successful offeror, or any agent, officer, director, representative, employee, subcontractor or supplier in the execution of, performance under, any contract which may result from offer acceptance.

TERMINATION FOR DEFAULT: The City of Rockdale reserves the right to enforce the execution of a property purchase contract in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of this offer.

REMEDIES: The successful offeror and the City agree that each party has all rights, duties, and remedies available as stated in the Uniform Commercial Code and any other available remedy, whether in law or equity.

VENUE: The purchase contract will be governed and construed according to the laws of the State of Texas. The purchase contract is performable in Milam County, Texas.

SILENCE OF SPECIFICATION: The apparent silence of these specifications as to any detail or to the apparent omission from it of a detailed description concerning any point shall be regarded as meaning only the best commercial practices are to prevail and any silence of specification is to be interpreted an omission error, the remedy of which is an addenda.

NO PROHIBITED INTEREST: The offeror acknowledges and represents they are aware of the laws of the State of Texas and City of Rockdale Ordinances regarding conflicts of interest.

CONTRACT FORM: The successful offeror must submit a completed and signed UNIMPROVED PROPERTY CONTRACT from the Texas Real Estate Commission as part of their offer proposal. The sale and purchase of the Property will be governed by the terms and conditions of the real estate contract.

DEVELOPMENT REGULATIONS: The offeror will be required to affirm that they have read and understand the City's regulations on development. Information on City Codes and Development Regulations can be found at:

<http://rockdalecityhall.com/98/Development-Services-Department>

<http://rockdalecityhall.com/99/Building-Inspections-and-Permits-Divisio>

Particular sections of the City's Code of Ordinances that apply are:

Chapters 3 (Building Regulations), 5 (Fire Prevention and Protection), 6.04 (Property Maintenance), 10 (Subdivision Regulation), 12.04 (Parking), 13 (Utilities), 14 (Zoning) of the City's Code of Ordinances

<https://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=rockdaleset>

It is the responsibility of the offeror to communicate with City Staff to receive all applicable City development ordinances.

**CLOSING COSTS:** The selected offeror pays all closing costs. The City of Rockdale will not make any concessions or rebates towards closing costs.

**APPLICABLE LAW:** The offeror shall comply with all Federal, State, and City laws, statutes, ordinances, regulations, and policies, as they exist, may be amended or in the future arising, applicable to the offeror. Offeror shall ensure that its officers, employees, agents, contractors, and other parties performing services for or on behalf of the Offeror shall comply with all applicable laws, statutes, ordinances, regulations, and policies.

**MINIMUM OFFER:** Per State Law, any public entity seeking to sell, transfer, or convey real property must do so at fair market value. Offeror acknowledges that the minimum offer price of **\$653,000 or the best development plan.**

#### MISCELLANEOUS

**Title Insurance:** The City will provide Title Insurance on the property.

**Survey and Legal Description:** The CITY will provide a survey and legal description of the property.

**Utilities:** The City has made every effort to identify existing utilities on or at the property. The City makes no guarantee as to the availability of utilities to the property and the property will be conveyed "as-is".

Specifically, no warranty, written, expressed or implied, is made regarding the property as to the suitability of use of for building/construction of any structure(s), suitability for habitation, compliance with applicable laws and/or regulations, or clear title. It is the sole responsibility of the offeror to examine the property, research building codes, encumbrances, physical location, and all other aspects of the property prior to submitting an offer on the property.

Offerors should confirm the location of the property on the ground prior to submitting an offer. Maps and plats of the property may be on file in the office of the County Clerk of Milam County in Cameron, Texas.

No oral guarantee or assurance concerning any property has been made, and furthermore, no City employee is authorized to make any guarantee or assurance. Offerors are cautioned to investigate this property thoroughly before submitting an offer.

**RESERVATIONS:** The City of Rockdale reserves the right to reject any and all offers. This issuance of solicitation does not obligate the City to contract for expressed or implied services. The City will not reimburse offerors for any costs incurred during the preparation or submittal of responses to this solicitation. Furthermore, the City reserves the right to:

- Waive any defect, irregularity or informality in any submitted offer or procedure.
- Extend the solicitation closing time and date.

- Reissue this solicitation in a different form or context.
- Waive minor deviations from specifications, conditions, terms, or provisions of the solicitation, if it is determined that waiver of the minor deviations improves or enhances the City's interests under this solicitation.

## **VII. SUBMISSION INSTRUCTIONS AND AWARD PROCEDURES**

### **Requirements**

All offers must include the official offer form enclosed in this packet. Any required supplemental material must be included as an Attachment or Enclosure and clearly marked as such.

All offer packets must be secured in a sealed envelope. The offeror must provide the requested information in the sealed envelope and must comply with all offeror instructions. Offers submitted which are not in compliance with the offeror instructions are subject to being disqualified at the sole discretion of the City. Offer forms and instructions may be obtained from the City of Rockdale office and website ([www.RockdaleCityHall.com](http://www.RockdaleCityHall.com)).

Bidders are responsible for examining and being familiar with all specifications, maps, standard provisions, instructions, and terms and conditions of the solicitation and their responses.

The offeror must attach all required forms with each submission copy. Forms must be signed by a representative of the offeror authorized to bind the offeror contractually.

Offers must be received at the City Hall office by 2:00 on Wednesday, December 7, 2022.

Interested parties may submit their offers via delivery services (USPS, UPS, FedEx, etc.) or Personal Delivery to:

Rockdale City Hall  
Attn: City Manager  
Offer Packet – 1166 Hwy 79 West  
505 W. Cameron Ave  
PO Box 586  
Rockdale, TX 76567

It is the responsibility of the offeror to account for any mail or delivery delays. Any offers received after the December 7, 2022, 2:00 pm deadline will be rejected. Offerors accept all risk of late delivery regardless of instance or fault. An offer received after the submission deadline will not be considered and remain unopened. Offerors accept all risks of delivery.

The City will NOT accept a response submitted by facsimile transmission (fax) or by electronic mail (e-mail).

All submissions and accompanying documentation will become property of the City of Rockdale and will be subject to Open Records pursuant to the Texas Public Information Act.

All offer submittals will be clearly marked: Offer Packet – 1166 Hwy 79 West. Rockdale, TX.

## **Modifications to or Withdrawal of Submission**

Offers cannot be altered or amended after the submission deadline passes. Submitted offers may be modified prior to the deadline by providing a written request to the City Manager. To modify an offer prior to the submission deadline:

1. Submit a written notice of the modification along with an explanation for the request. The modification should provide the addition, subtraction, or other modifications so that the final prices and terms will not be revealed to the City until the sealed offer is opened.
2. The written modification must be on the offeror's letterhead and include a signature of identified individual who is authorized to extend an offer. Only PDF documents will be considered for these purposes.
3. The written modification may be submitted by electronic transmission (e-mail) or personal delivery to the City Manager. The written modification must be received by the City by the final submission deadline.
4. If the modification is submitted through an electronic transmission (e-mail), the City must receive an original of the modification document signed by the offeror and submitted to a delivery company (USPS, UPS, FedEx, etc.) prior to the bid closing time. If the original of the modification was not submitted to a delivery company prior to the closing time or is not received within three (3) days after the offer closing time, consideration will not be given to the modifications provided in the electronic transmission.

A submission may also be withdrawn by providing the notice in person by a representative of the offeror who can provide proof of their authority to act for the offeror. The representative will be required to execute a receipt reflecting the submission is being withdrawn. If a submission is withdrawn before the submission deadline stated herein, the offeror may submit a new sealed offer provided the new offer is received prior to the deadline. This provision does not change the common law right of an offeror to withdraw a submission due to a material mistake in the submission.

## **Interview/Presentations**

For the City of Rockdale to fully understand an offeror's proposal, the City of Rockdale reserves the right to schedule interviews/presentations from any offeror it deems necessary. These interviews/presentations will be scheduled at the convenience of the City of Rockdale; Open Meetings Act posting requirements (72 hour meeting notice posting for a potential quorum) could apply. These meetings will be held in executive session pursuant to State Law. Failure of an offer to attend the interview/presentation could result in automatic disqualification.

## **Method of Award**

For this solicitation, the City of Rockdale will award the offer to the highest responsible offeror. Property will not be sold to anyone or any entity having a delinquent tax account from any Federal, state, or local taxing unit.

Compliance with all offer requirements, delivery, and needs of the City are considerations in evaluating offers. The City of Rockdale reserves the right to contact any offeror, at any time, to clarify, verify, or request information with regard to any offer.

During the evaluation process, the City reserves the right, where it may serve the City's best interests, to request additional information or clarification from offerors. This additional information may or may not be included as a requirement in this packet.

The City of Rockdale reserves the right to review each and every offer and to award the property contract to the offer which it deems most acceptable. The City further reserves the right to reject any and all offers if no offer is deemed acceptable.

Offerors should complete the UNIMPROVED PROPERTY CONTRACT (APPENDIX D) with the sealed offer. This agreement requires earnest money from the successful offeror of \$25,000 which an earnest money check must be included in the sealed offer.

The City will consider the submitted offers at their regular meeting on Monday, December 12, 2022, and select an offeror and approve the selection of the offeror and authorize the execution of the sales contract. The following day, representatives from the City will execute the sales contract and deliver the contract and earnest money check to the following title company:

Attorneys of Texas Title  
10 North Main Street  
Rockdale, TX 76567

Closing and funding of the sale must occur within 60 days from the date of City Council approval, unless a request is made in writing to the City and approved by the City.

Offerors must include a Pre-Approval letter or some other form of documentation indicating offeror has the financial means to complete the sale and execute the development plan.

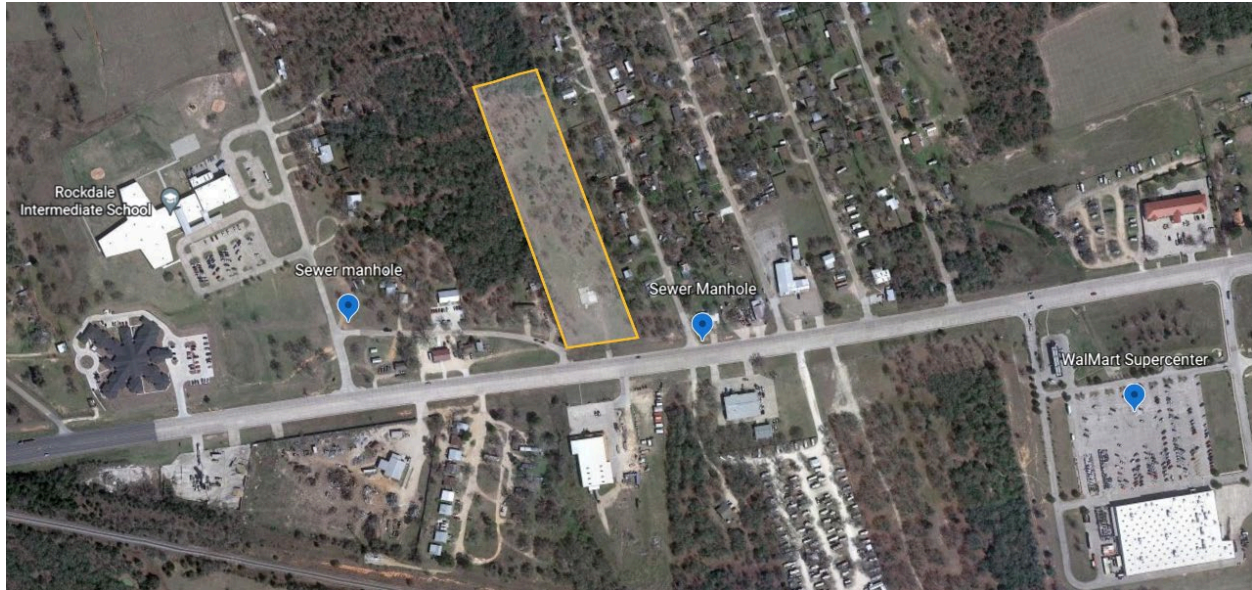
Offerors must also include personal and business financial statements that indicate the credit-worthiness of the offeror. The City of Rockdale might request that a personal credit and/or criminal background investigation be conducted as part of its due diligence process.

If any of the following occurs, the selected offeror will be disqualified and the CITY may offer the sale to the next offeror

- The purchase and sale of the property cannot be closed.
- Payment is not timely made or is invalid.

The offer price and purchase sale agreement, if applicable, must also be approved by the Rockdale City Council to be effective.

## VIII. PROPERTY INFORMATION



Location – approximately 2.3 miles from Downtown Rockdale

Adjoining land uses – Residential and undeveloped land. Rockdale Intermediate School is nearby.

Parcels and acreage:

Property ID: 20432 6 acres

Zoning: Property is currently zoned residential – City can sponsor a rezoning application.

Known Environmental Issues – none



Utilities – See graphic below. City water could be extended to the site. Sewer could flow to a nearby City manhole which connects to an 8 inch gravity line.



Existing structures on property – Concrete slab from demolished structure.

Current land use – undeveloped land

Topography – Land has slight fall towards the back of the property. No known creeks or major drainage structures.

6 acre tract is located in an opportunity zone.

## **IX. REQUIRED OFFEROR DEVELOPMENT INFORMATION**

The following supplemental criteria will be used to evaluate an offer in addition to the offer amount. The offeror must clearly speak to each of the following points.

### Property Development

1. An offeror will need to present a conceptual development plan. The City will prefer a commercial/multi-use/multi-type development that will build out the property to its' highest and best use and provide a high value/impact development to the City of Rockdale both in terms of the purchase price, investment level, type of investment, tax revenue generated, and anticipated created jobs.
2. Development track record and history. The offeror will detail similar developments recently successfully completed. Pictures of the successful developments will be encouraged.
3. The offeror will list relationships with the identified development team, e.g. the engineers, architects, planners, civil construction firm(s), builder(s), owners reps, etc. that the offeror will use for the project. Participation letters from the development team members, with contact names and phone numbers, indicating their interest and willingness to participate in this project will be required.
4. The offeror will describe their proposed development schedule. This can include, but not be limited to: Site grading and preparation, Infrastructure installation, construction timeline, and development phasing.

### Project Financing

1. A letter of credit or some other commitment from a financial institution indicating that the offeror has the ability to receive funding for the total project, including but not limited to: land acquisition, utility and infrastructure construction, construction, etc.
2. Personal or business financial statements that prove the offeror, and any key development partner, has the ability to perform.
3. The offeror will provide a statement disclosing if they will pursue Low-Income Housing Tax Credits for project financing.
4. The City of Rockdale might request that the offeror and any key development partner agree to perform a personal credit check, a criminal background check, and any other investigation deemed necessary to show the offeror is in good standing and makes the offer in good faith.

### References

1. The offeror will also provide references from other developments done in other communities. These references will be contacted to verify the trustworthiness of the offeror.

### Transaction

1. The offeror will acknowledge that the City will not make any concessions towards closing costs.
2. The property is currently zoned residential - the City will sponsor a contingent re-zone application for the appropriate classification.

### Project Incentives

1. The offeror is allowed to apply for any other eligible and applicable economic development incentive/assistance programs.

### Miscellaneous

1. Consideration will be given to the offeror who makes a commitment, to the fullest extent possible, to purchase building materials from local (i.e. city of Rockdale) suppliers and use local sub-contractors (Attachment J).
2. The offeror will provide a statement acknowledging that the offeror will comply with all the City's development codes (Attachment K).

**X. OFFER FORM COVER SHEET  
CITY OF ROCKDALE**

6 acres

1166 US Highway 79 West, Rockdale, TX 76567

The undersigned hereby acknowledges that (s)he has been provided a copy of the RFO, including the Instructions for Offerors, that (s)he has read and understands the information contained therein (including that no guarantees have been or can be made), and that in compliance with the RFO, (s)he proposes the purchase of the following described property for the amount indicated. Further, the undersigned agrees, if this offer is accepted, to fully comply in strict accordance with the RFO, the offer, and provisions attached thereto.

(Legal Description as identified in Appendix B of the RFO)

Offer Amount	\$	Minimum offer \$653,000 or <b>best development plan</b>
Include a development conceptual plan		Offer Attachment A
Development tract record and history		Offer Attachment B
Identified development team, including names and contact information		Offer Attachment C
Proposed development schedule		Offer Attachment D
Documentation of Development Financing		
Financial institution commitment, e.g. letter of credit		Offer Attachment E
Personal or business financial statements		Offer Attachment F
Use of Low-Income Housing Tax Credits		Offer Attachment G
Acknowledgement Statements		
Use of local vendors and contractors		Offer Attachment H
Compliance with City development codes		Offer Attachment I
Disclosures		
Authority to execute contract (Appendix A)		Offer Attachment J
Conflict of interest questionnaire (Appendix E)		Offer Attachment K
Disclosure of certain relationships form (Appendix F)		Offer Attachment L
Texas Public Information Act – Confidential information (Appendix G)		Offer Attachment M
Unimproved Property Contract (Appendix D)		Offer Attachment N
Reference List (Appendix H)		Offer Attachment O
Deed Restriction Acknowledgement		Offer Attachment P
Earnest money cashier's check - \$25,000		Offer Enclosure 1

Printed Name of Company or Individual: \_\_\_\_\_

Signature of Person Authorized to Offer: \_\_\_\_\_

Printed Signatory's Name and Title: \_\_\_\_\_  
(if a legal entity)

Date: \_\_\_\_\_

Attach this cover page with  
all required offer Attachments

**ACKNOWLEDGEMENT STATEMENT –  
Use of Local Vendors and Contractors**

**Offer Attachment J**

By signing my name to this document and including it as a required attachment to my offer packet to the City of Rockdale, I hereby affirm that, to the fullest extent possible, my development project will seek to purchase materials from City of Rockdale suppliers and use local (City of Rockdale and/or Milam County based) sub-contractors, e.g. plumbers, electricians, etc.

Printed Name of Company or Individual: \_\_\_\_\_

Signature of Person Authorized to Offer: \_\_\_\_\_

Printed Signatory's Name and Title: \_\_\_\_\_  
(if a legal entity)

Date: \_\_\_\_\_

**ACKNOWLEDGEMENT STATEMENT –  
Compliance with City Development Codes**

**Offer Attachment K**

By signing my name to this document and including it as a required attachment to my offer packet to the City of Rockdale, I hereby affirm that I have read and fully understand the City of Rockdale's development codes and standards and that my proposed development will be constructed in compliance with all applicable City regulations.

Printed Name of Company or Individual: \_\_\_\_\_

Signature of Person Authorized to Offer: \_\_\_\_\_

Printed Signatory's Name and Title: \_\_\_\_\_  
(if a legal entity)

Date: \_\_\_\_\_

**APPENDIX A  
ESTABLISHING AUTHORITY TO EXECUTE CONTRACT**

**Offer Attachment J**

When an instrument is signed on behalf of a business entity, documentation must be submitted that states the person signing on behalf of a business entity has the authority to do so. That documentation may be in the form of a resolution approved by a corporate board of directors, charter provisions, partnership agreement, etc.

If a business entity has a document authorizing one or more individuals to enter into contracts or execute any instrument in the name of the business entity that it may deem necessary for carrying on the business of the entity, a certified copy of that document may be submitted.

If the business has a document stating who can execute documents for the business (such as a corporate resolution, charter provisions, corporate by-laws, etc.) the certification below may be signed and that document included in the offer packet.

**CERTIFICATION REGARDING ATTACHED DOCUMENT**

I, the undersigned person, as {title} \_\_\_\_\_ of {business entity} \_\_\_\_\_, certify that the attached document authorizes [name of person] \_\_\_\_\_ to execute contracts and other documents on behalf of said business entity and said document has not been revoked, altered, or amended and is still in full force and effect.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Attach document to this form

*If a corporation does NOT have a document authorizing someone to execute contracts on behalf of the corporation, this resolution form may be used to establish that authority.*

**RESOLUTION FOR CORPORATION**

BE IT RESOLVED by the Board of Directors of {name of corporation}

\_\_\_\_\_ that {name} \_\_\_\_\_ is hereby authorized to execute a contract with the City of Rockdale for the purchase of approximately 166 acres for the purposes of developing the property in accordance with the attached development proposal.

\_\_\_\_\_, Secretary, is authorized to attest the signature binding the corporation.

Corporate Seal

\_\_\_\_\_  
Corporate Name

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary of Corporation

**CERTIFICATION**

I, \_\_\_\_\_, Secretary of \_\_\_\_\_ Corporation, certify that the above resolution was adopted by the Board of Directors of \_\_\_\_\_ Corporation at a meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_

Title: \_\_\_\_\_





**APPENDIX B  
PROPERTY LEGAL DESCRIPTION**

Property ID: 20432  
Geo ID: A052-274-100-00

Description: A0520 Sterling Robertson Survey

In Re: 6.00 Acres  
All of a called 6.00 Acre tract  
Sterling C. Robertson Survey  
Abstract No. 52  
Milam County, Texas

All that certain tract or parcel of land situated in Milam County, Texas, being a part of the Sterling C. Robertson Survey, Abstract No. 52 being all of a called 6.00 Acre tract conveyed from Richard Thrasher, et us to Jay Rubio, et us by deed dated January 20, 2015, recorded in Vol. 1245, Pg. 236 of the Official Records of Milam County, Texas and being more particularly described by metes and bounds as follows to wit:

**BEGINNING** at a found 5/8 iron rod on the north Right-of-Way line U.S. Highway 77, at the southwest corner of the Oak Park Subdivision recorder in the Cabinet A, Slide 39-C & 39-D of the Plat Records of Milam County, for the southeast Corner of this tract;

**THENCE** S 79° 39' 02" W – 285.73 feet along the said north Right-of-Way line of U.S. Highway 77 to a found ½ iron rod at the east corner of a called 0.691 Acre tract conveyed to Gregory W. Brinkley, et us in Vol. 1247, Pg. 128, at the southeast corner of a called 2.8 Acre tract conveyed to Danny Jeter, et ux in Vol. 1041, Pg. 271, for the southwest corner of this tract;

**THENCE** N 21° 17' 55" W – 579.24 feet along the east line of the said 2.8 Acre tract to a found ½ iron rod at the northeast corner of the said 2.8 Acre tract, at the southeast corner of a called 5.600 Acre tract conveyed to William E. Frazier in Vol. 1041, Pg. 271, for an interior ell corner of this tract;

**THENCE** N 21° 20' 25" W - 380.27 feet along the east line of the said 5.600 Acre tract to a found 5/8 iron rod at the northeast corner of the said 5.600 Acre tract, at the southeast corner of a called 4.200 Acre tract conveyed to Chad Pyeatt in Vol. 1040, Pg. 186, at the southwest corner of a called 5.136 Acre tract conveyed to Craig M. Morr, et ux in Vol. 1033, Pg. 419, for the northwest corner of this tract;

**THENCE** N 79° 51' 10" E – 269.07 feet along the south line of the said 5.136 Acre tract to a found ½ iron rod on the east line of the said Oak Park Subdivision, at the corner of the said 5.136 Acre tract, for the northeast corner of this tract;

**THENCE** along the east lines of the said Oak Park Subdivision for the following courses and distances:

S 22° 28' 49" E – 345.40 feet to a found 1/2 iron rod for an exterior ell corner of this tract;  
S 22° 11' 58" E – 616.49 feet to the **POINT OF BEGINNING** containing within these metes and bounds 6.00 Acres of land.

**APPENDIX C  
PROPERTY SURVEY**

**APPENDIX D  
UNIMPROVED PROPERTY CONTRACT**

**Offer Attachment N**

**APPENDIX E  
CONFLICT OF INTEREST QUESTIONNAIRE**

**Offer Attachment K**

Please visit <https://www.ethics.state.tx.us/filinginfo/1295/> to access the Conflict of Interest Questionnaire

**APPENDIX F**

**Offer Attachment L**

**DISCLOSURE OF RELATIONS WITH CITY COUNCIL MEMBER, ROCKDALE MDD BOARD MEMBER, APPOINTED OFFICIAL, OFFICER, OR EMPLOYEE OF THE CITY OF ROCKDALE**

Failure to fully and truthfully disclose the information required by this form may result in the termination of any business the City is now doing with the entity listed below and/or could impact future decisions.

1. Name of Entity/Business/Person doing business with the City: \_\_\_\_\_

Is the above entity: (Circle One)

- A Corporation                       A partnership                       A sole proprietor or individual  
 Other (specify) \_\_\_\_\_

2. Is any person involved as an owner, principal, or manager of name listed in #1 related to or financially dependent on a Council member, MDD Board member, appointed official, officer, or employee of the City of Rockdale?

**NO** – there is no such relationship between Entity/Business/Person and the City of Rockdale

**YES**, a person who is a/an  Owner                       Principal                       Manager                      of this Entity/Business/Person is:  
 Related to by blood or marriage\* and/or                       A member of the same household as

And/or  Financially dependent upon\*\*                      and/or                       Financially supporting\*\*

To a Rockdale  City Council member                       MDD Board Member                       Appointed official  
 Officer                       Employee

\* As used here, "related to" means a spouse, child or child's spouse, and parent or parent's spouse. It also includes a former spouse if a child of that marriage is living (the marriage is considered to continue as long as a child of that marriage lives.)

\*\* As used here, "financially dependent upon" and "financially supporting" refers to situations in which monetary assistance – including for lodging, food, education, and debt payments – is provided by owner, principal, or manager of #1 to Council member, MDD Board member, appointed official, officer, or employee of the City of Rockdale or that Council member, MDD Board member, appointed official, officer, or employee of the City of Rockdale provides to owner, principal, or manager of #1.

If **YES**, provide (a) the name of owner, principal, or manager, and (b) the name of the Council member, MDD Board member, appointed official, officer, or employee of the City of Rockdale (include the department the City officer or employee works, if known), and (c) if a relationship by marriage or blood/kinship exists. (Use back of sheet if more space is needed.)

(a) Name of owner, principal, or manager	(b) Name of Council member, MDD Board member, appointed official, officer, or employee of the City of Rockdale	(c) What is the relationship or household arrangement

Is a current City Council member, RMDD Board member, or City employee involved with the name listed in #1 as an owner, principal, manager, or employee, or employed as a contractor for name listed in #1?

**NO** (no person involved/working for Entity/Business/Person is a Council member, RMDD Board member, officer, or employee of the City.)

**YES**, a person is

(a) a current City of Rockdale:  City Council member                       RMDD Board member  
 Appointed official                       Officer                       Employee

(b) and is  An owner                       A principal                       A manager of the entity/business/person listed in #1  
Or  An employee                       An independent contractor of the entity/business/person listed in #1

If **YES**, provide the name of owner, principal, manager, employee, or independent contractor who is a City Council member, RMDD Board member, officer, or employee of the City. Include the department the City officer or employee works in, if known.

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_

**APPENDIX G  
TEXAS PUBLIC INFORMATION ACT**

**Offer Attachment M**

All proposals, data, and information submitted to the City of Rockdale are subject to release under the Texas Public Information Act (“the Act”) unless exempt from release under the Act. You are encouraged to NOT submit data and/or information that you consider to be confidential or proprietary unless it is absolutely required to understand and evaluate your offer.

On each page where confidential or proprietary information appears, you must label the confidential or proprietary information. Do not label every page of your submission as confidential as there are pages (such as the certification forms and bid sheet with pricing) that are not confidential. At a minimum the pages where the confidential information appears should be labeled and the information you consider confidential or proprietary clearly marked.

Failure to label the actual pages on which information considered confidential will be considered as a waiver of confidential or proprietary rights in the information.

In the event a request for public information is filed with the City of Rockdale which involves your submission, you will be notified by the City of the request so that you have an opportunity to present your reasons for claims of confidentiality with the Texas Attorney General.

In signing this form, I acknowledge that I have read the above and further state:

- The offer submitted to the City of Rockdale contains NO confidential information and may be released to the public if required under the Texas Public Information Act.
- The offer submitted contains confidential information which is labeled and may be found on the following pages: \_\_\_\_\_

Offeror: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

**APPENDIX H  
REFERENCE SHEET**

**Offer Attachment O**

The offeror shall identify at least three project references from other communities in which the offeror has done a similar project. These references will be called to verify the soundness of the offeror and the type of experience they had with the City, whether or not the project was successful, if the offeror fulfilled their obligations, and if the offeror was in general a good business partner with the community.

Reference 1

Community		Contact Person	
Phone Number		Email Address	
Type of Project		Project Size	

Reference 2

Community		Contact Person	
Phone Number		Email Address	
Type of Project		Project Size	

Reference 3

Community		Contact Person	
Phone Number		Email Address	
Type of Project		Project Size	



**ACKNOWLEDGEMENT STATEMENT –  
Deed Restriction**

**Offer Attachment P**

By signing my name to this document and including it as a required attachment to my offer packet to the City of Rockdale, I hereby acknowledge that the City of Rockdale will develop a Deed Restriction document, to be created based on my proposed development concept, to be executed at closing.

Printed Name of Company or Individual: \_\_\_\_\_

Signature of Person Authorized to Offer: \_\_\_\_\_

Printed Signatory's Name and Title: \_\_\_\_\_  
(if a legal entity)

Date: \_\_\_\_\_

**APPENDIX I  
ROCKDALE HOUSING MARKET INFORMATION**

**APPENDIX J  
ROCKDALE RETAIL MARKET INFORMATION**