

Invitation to Bid upon Real Property Offered for Sale by Elizabethtown Borough

Notice is hereby given that the Elizabethtown Borough (“Borough”) Council shall accept sealed bids for the purchase of certain real estate owned by the Borough on or before May 10, 2024, at 3:00 p.m., at the Elizabethtown Borough Municipal Building, 600 South Hanover Street, Elizabethtown, Pennsylvania, at which time all bids received shall be opened and read aloud. Borough Council at its meeting on May 16, 2024, at 7:00 p.m., at the Elizabethtown Borough Municipal Building shall consider such bids and award of a bid, if any, shall occur at the Borough Council meeting on May 16, 2024, or on June 6, 2024, at 7:00 p.m., at the Elizabethtown Borough Municipal Building. The real property offered for sale is a tract of land at the northeast corner of the intersection of South Hanover Street and East Plum Street identified as 101 East Plum Street, Elizabethtown Borough, Lancaster County Tax Account No. 250-61015-0-0000, which contains approximately 0.27 acre and which is developed with a structure formerly used as the Borough’s public works department garage (the “Property”). The successful bidder shall receive fee simple title to the Property and the payment of any taxes, including realty transfer taxes, fees or other expenses of transfer and recording shall be as set forth in the Instructions to Bidders and Conditions for Sale. The Borough makes no warranties or representations as to title or condition of the Property. The successful bidder shall take the Property under and subject to all encumbrances of records and will purchase the Property AS IS. Bids shall contain an executed proposal on the form furnished by the Borough. The Borough reserves the right to reject all bids if deemed insufficient. The minimum bid shall be \$400,000. The apparent high bidder will be required to provide a certified check payable to the Borough in the amount of ten (10%) percent of the bid within one business day of the date of notice from the Borough that he/she/it is the apparent high bidder and shall proceed to settlement in 30 days.

Prospective bidders may examine a copy of the legal description of the Property and obtain a copy of the Conditions of Sale and Bid Proposal form at the Borough Municipal Building, 600 South Hanover Street, Elizabethtown, Pennsylvania, Mondays through Fridays from 7:30 a.m. until 4:00 p.m. Arrangements to inspect the Property can be made by contacting the Borough office at 717-367-1700. The Borough expressly reserves the right to reject any and all bids.

Elizabethtown Borough

INSTRUCTIONS TO BIDDERS AND
CONDITIONS OF SALE

1. The property to be sold is all that certain tract of land at the northeast corner of the intersection of South Hanover Street and East Plum Street identified as 101 East Plum Street, Elizabethtown Borough, also identified as Lancaster County Tax Account No. 250-61015-0-0000, Elizabethtown Borough, Lancaster County, Pennsylvania, being more fully bounded and described in Exhibit "A" attached hereto and made a part hereof (the "Property").

2. The Borough has established a minimum bid of \$400,000.00 for the Property.

3. Each Bidder shall submit documentation with his/her/its Bid that he/she/it has the financial ability to proceed to settlement and pay the full amount of the Bid plus closing costs within 30 days of the date of notification of acceptance of his/her/its Bid. Such documentation shall be issued by a financial institution, mortgage lender, or other third party. A letter from the Bidder stating the Bidder has the financial ability to proceed to settlement and pay the full amount of the Bid plus closing costs within 30 days of the date of notification of acceptance of his/her/its Bid shall not be acceptable. The Borough shall consider such financial documentation confidential under Section 708(b)(26) of the Right to Know Law.

4. Bids will be time-stamped as received. In the event of two identical high bids, if Borough Council elects to accept a bid for the Property, the bid received first by the Borough will be accepted.

5. Purchase price shall be paid at settlement to be held at the office of the Borough Solicitor or such attorney or title company as the successful Bidder may designate in Lancaster County, Pennsylvania, within 30 days after notification of acceptance of the successful Bidder's Bid (unless some other place shall hereafter be agreed upon by the Borough and the successful Bidder), upon which payment the Borough shall convey to the successful Bidder, title to said Property, free and clear of all liens and encumbrances not noted in these Instructions to Bidders and Conditions of Sale, but subject to any existing easements, building or use restrictions, zoning or land subdivision regulations, or encroachments of any kind within the legal width of public highways.

6. Settlement on the Property shall be made within thirty (30) days of the date the Borough Council accepts the bid at a duly advertised public meeting and provides notice to the successful Bidder. Time is of the essence.

7. The Borough represents that there are no pending and unsettled eminent domain proceedings, no appropriations by the filing of the State Highway plans in the Recorder's Office, and no uncomplained with orders from any governmental authority to do work or correct conditions affecting this property of which the Borough has knowledge.

8. At settlement, the Property shall be in substantially the same condition as at present, except for (a) ordinary reasonable wear and tear, (b) damage of any kind for which full or partial recovery may be had under the Borough's or successful Bidder's insurance, (c) damage that occurs after possession has been given to the successful Bidder, or (d) any taking by eminent domain.

9. Formal tender of Deed and purchase money are waived.

10. Real estate taxes shall be apportioned to date of settlement or prior delivery of possession on a fiscal year basis. The Property is presently exempt from real estate taxation.

11. Acknowledgments to Deed shall be paid by the Borough, and all required state and local realty transfer taxes, recording costs and document preparation shall be paid by the successful Bidder.

12. Any “disbursement” or similar fees purported to be charged by the successful Bidder’s title company or attorney against the Borough for services that the Borough has not specifically engaged shall be paid by the successful Bidder.

13. Possession shall be given to the successful Bidder at settlement.

14. Survey, if desired by a Bidder, shall be obtained and paid for by such Bidder. Title insurance, if desired by the successful Bidder, shall be obtained and paid for by the successful Bidder.

15. The Property is being sold “as is” without warranty as to title or condition. The Bidder and/or Bidder’s agents have had an opportunity to inspect the Property and research the title of the Property, and the same is being purchased as a result of such inspection and not as a result of any representations made by the Borough or any of the Borough’s agents.

16. The Borough received notification from the Pennsylvania Department of Environmental Protection (“DEP”) by letter dated January 3, 2024, that DEP reviewed the document entitled Final Report Residential Statewide Health Standard for the Property prepared by Reliance Environmental, Inc., submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). DEP determined that the Property “attained the Statewide Health Standard for a Residential Used Aquifer setting for soil for the following No. 2 fuel oil short list parameters: Benzene, Ethylbenzene, Cumene (isopropylbenzene), Methyl Tert-butyl ether (MTBE), naphthalene, toluene, 1, 2, 4-Triethylbenzene and 1, 3, 5-Trimethylbenzene.” Copies of the letter dated January 3, 2024, and the report are available for inspection at the Borough office during business hours.

17. The Borough shall notify the apparent successful Bidder that he/she/it is the apparent successful Bidder. Within one business day of the date of such notification, the apparent successful Bidder shall provide the Borough with a bid security/down payment in the form of a certified check and in the amount of ten (10%) percent of the bid.

18. In case of non-compliance by the successful Bidder with these Conditions and/or the Bid Proposal, the Borough, in addition to all other remedies provided by law, shall have the option to award the Property to the next highest Bidder or resell the Property at public or private sale, with or without notice to the successful Bidder, and to retain the bid security/down payment of the successful Bidder.

19. The Borough shall transfer all of its title and interest in the Property, subject to such restrictions and agreements as may appear of record and subject to any existing easements or rights-of-way, to the successful Bidder without any warranties or other representations, and the successful Bidder shall accept such title. Notwithstanding the foregoing, the Property shall be

transferred free of all mortgages, judgments and other liens. The Borough is a governmental body and does not have the power or authority to grant warranties of title.

20. Bidders acknowledge that no representation whatsoever is made concerning zoning of the Property, or the uses of the Property that may be permitted under local ordinances, and each Bidder must satisfy himself/herself/itself that the zoning of the Property is satisfactory for his/her/its contemplated use thereof. Bidder hereby waives any applicable requirement for the Borough to provide a certification of zoning classification prior to settlement.

21. Each Bidder shall submit a sealed bid, on the Bid Proposal form supplied by the Borough, no later than 3:00 p.m. on May 10, 2024, at the Elizabethtown Borough Municipal Building, 600 South Hanover Street, Elizabethtown, Pennsylvania, in a sealed envelope marked "101 East Plum Street". The Bidder shall include written documentation demonstrating the ability to pay purchase price and closing costs meeting the requirements of Paragraph 3 of these Instructions to Bidders and Conditions of Sale with the Bid Proposal. Bids received after that time shall not be considered and shall be returned unopened. Bids shall be opened and read aloud at 3:00 pm on May 10, 2024, at the Elizabethtown Borough Municipal Building.

22. The Borough may accept the highest Bid at the meeting of the Elizabethtown Borough Council at 7:00 pm on May 16, 2024, or June 6, 2024, at the Elizabethtown Borough Municipal Building, 600 South Hanover Street, Elizabethtown, Pennsylvania. The Borough has reserved and does reserve the right to reject any and all Bids. Bids which contain conditions shall be rejected. The Borough expressly reserves the right to reject all bids if the Borough determines that the bids are not sufficient.

23. Bidder acknowledges that these Instructions to Bidders and Conditions of Sale were available for inspection by Bidder prior to the time to submit his/her/its sealed Bid Proposal, that the Bidder had an opportunity to review the full Instructions to Bidders and Conditions of Sale, and that the Bidder understands the contents of the Instructions to Bidders and Conditions of Sale and all terms and conditions under which the Property is being sold, agreeing to be bound by the full terms and conditions as set forth herein.

BOROUGH OF ELIZABETHTOWN
Lancaster County, Pennsylvania

EXHIBIT A

All THAT CERTAIN lot or piece of land with improvements thereon located in the Borough of Elizabethtown, County of Lancaster and State of Pennsylvania, more fully bounded and described as follows:

BEGINNING at a point on the northerly side of East Plum Street, said point being one hundred thirty-two feet (132) in a westerly direction from the northwesterly street corner of East Plum and South Spruce Streets, as shown on the Borough of Elizabethtown Plan No. E-22; thence extending along the northerly right-of-way of East Plum Street and along the same on a portion of South Hanover Street, the following courses: South sixty-eight (68°) degrees thirty (30') minutes West, six and ninety-five hundredths (6.95) feet to a point at the beginning of a curve; thence along said curve having a radius of two hundred five and ninety-two hundredths (205.92) feet, South eighty-four (84°) degrees thirty-five (35') minutes and forty-five (45") seconds West, a chord distance of one hundred fourteen and eighteen hundredths (114.18) feet to a point at the end of said curve; thence North seventy-nine (79°) degrees eighteen (18') minutes and thirty (30") seconds West, thirty (30) feet to a point at the beginning of a curve; thence along said curve having a radius of two hundred forty-eight and seventy-four hundredths (248.74) feet, North sixty (60°) degrees fifty-nine (59') minutes West, a chord distance on one hundred fifty-two and thirty hundredths (152.30) feet to a point on said curve; thence along lands of others North sixty-eight (68°) degrees thirty (30') minutes East, two hundred thirty-eight and eighty-eight hundredths (238.88) feet to a point; thence along lands of others, South twenty-one (21°) degrees thirty (30') minutes East, one hundred sixty-five and twenty hundredths (165.20) feet to a point on the northerly street line of East Plum Street, the place of Beginning.

CONTAINING Sixty-five hundredths (0.65) acres, more or less, according to a survey by Clifford L. Romig, Registered Surveyor.