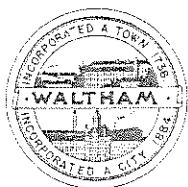


JAM



City of Waltham

Jeannette A. McCarthy
Mayor

January 5, 2006

TO: The City Council
RE: Our Lady's Lots 18 and 19

Dear Councillors:

As I indicated prior to the purchase of the Our Lady's land that I would be seeking to surplus the two single-family home lots off of Old Lexington Road to offset the purchase price, enclosed please find a draft RFP for that purpose.

This RFP provides for sale of the lots together and individually. In consideration for the neighbors, it allows each direct abutter to potentially expand their current backyards if their bid is in proportion to the value of the property. It is my recommendation that if the RFP is approved, at the same time it goes into the Central Register the City notify the direct abutters that the paperwork is in the Purchasing Office.

Sincerely,

Jeannette A. McCarthy

JAM/ns

Enclosure

CITY OF WALTHAM
Request for Proposals
Sale of Lots 18 & 19, Off Old Lexington Road
Waltham, Massachusetts

I. Introduction

The City of Waltham (Seller) is currently offering for sale, "as is," two parcels of land, known as Lots 18 and 19, formerly owned by the Roman Catholic Archbishop of Boston, Trapelo Road, Waltham, Massachusetts, as generally identified on "Subdivision Plan of Land located in Waltham, Mass. Prepared by Eastern Land Survey Associates, Inc., Christopher R. Mello, PLS, 104 Lowell Street Peabody, Mass 01960, dated November 1, 2004, prepared for the Church of Our Lady Comforter of The Afflicted, 857 Trapelo Road Waltham, MA 02452". The land is currently used as open space. The City is offering to sell Lots 18 and 19 together, individually, or where feasible legally, proportionally in value to any direct abutter to increase their rear yard areas.

Lot 19 consists of 70,610 square feet of land more or less, and Lot 18 consists of 69,840 square feet of land more or less. The properties are undeveloped and Lot 19 is accessible via Old Lexington Road. Lot 18 will require an extension of Old Lexington Road. Both lots are adjacent to Our Lady's Comforter of the Afflicted School. The current assessment information values each lot at approximately \$400,000.00.

II. Site Information

Located in the northern side of Waltham, the land closely borders Trapelo Road. Trapelo Road is a local major roadway providing access to Boston (approximately nine miles east of the site), Route 2 (approximately 1 mile north of the site) and Route 128/95 (approximately 1.5 miles west of the site). The surrounding neighborhood includes Our Lady's Comforter of the Afflicted Church, school and rectory, the property formally known as Met State, Lexington Street shopping and residential neighborhoods.

The lots are located in a Residence A2 Zone. There is a 25-foot drainage easement that has been reserved (see site plan for specific information).

III. Use

The City of Waltham intends to sell the properties for the purpose of single-family home lots, or for the purpose of open space.

IV. Required Terms and Conditions

- A. The City will sell the parcels of land "as is".
- B. All bidders will be required to make a deposit in the amount of \$5,000.00 cash or bank check at the time of submission of the proposal. Within 90 days the successful bidder will be required to pay the balance by bank check, cash, or bank attorney's IOLTA check.
- C. The Buyer, at its sole cost and expense, shall be responsible for meeting the Building Code in order to secure a Building Permit, as well as performing any and all title searches, environmental and water analysis, including percolation tests.
- D. The successful bidder may, at its sole cost and expense, have an inspection of the property done within 10 days of acceptance of its bid. If the successful bidder does not notify the City within said 10-day period of its desire to withdraw its bid, then the successful bidder will be required to perform all of the other obligations herein.

- E. Each proposal must include the total amount of the offer for said parcel. A minimum bid amount has been set at \$400,000.00 for each lot or an amount proportional by square footage.
- F. Each proposal must include a description of the plans for which the parcel is to be used, including plans for new construction.
- G. The uses of the parcels are subject to the Zoning Ordinances of the City of Waltham.
- H. The Buyer shall be responsible for securing all municipal, state and federal permits including, but not necessarily limited to, building and occupancy permits, the City's infiltration and inflow Ordinance and compliance with the DEP consent order, if construction on the site is undertaken.
- I. All plans and specifications for construction to the properties must be approved by the Building Department, the Engineering Department, the Fire Department, and all other applicable municipal departments of the City of Waltham, prior to the commencement of any work.
- J. Any construction to either parcel must clearly be described with schematic plans (including parking), and accompany this RFP response and ultimately be approved by the Mayor and the City Council.
- K. The Buyer shall be responsible for the cost of installing and using all utilities to the properties.
- L. The Buyer is prohibited from any activity that would constitute a violation of the conflict of interest law (G.L.M. 268A).
- M. The City reserves the right to reject any and all proposals. If a proposal is accepted, it is subject to the parties executing a mutually satisfactory purchase and sale agreement, which shall constitute the entire agreement. There shall be no agreements other than the purchase and sale agreement.

V. Submission Requirements

- A. All proposals must be delivered to the office of the City Purchasing Agent, James B. McGrath, City Hall, 610 Main Street, Waltham, MA no later than _____ at 10:00 a.m.
- B. All proposals shall be in sealed envelopes marked, "Proposal for Sale of Lot 18 and Lot 19 or portions of Lots 18 and 19 off Old Lexington Road, Waltham."
- C. All proposals not received at the Purchasing Agent's office by the date and time specified shall be rejected.
- D. Each proposal must include the following:
 - 1. A completed Disclosure of Beneficial Interests form, which complies with the requirements of G.L.M. Chapter 7, section 40J.
 - 2. A signed affidavit of non-collusion in the form provided by the Purchasing Agent.
 - 3. A certification of tax compliance (G.L.M. Chapter 62C, section 49A).
 - 4. If the Buyer is other than a natural person, evidence of its legal existence and status. Such evidence may include the following:
 - a. Articles of Incorporation
 - b. Trust Agreements
 - c. Partnership Agreements
 - 5. If the proposer is a corporation, a Certificate of Authority conveying a certified vote of the Board of Directors authorizing a designated individual to submit the proposal.
 - 6. A statement of the intended use of the lots and description of the plans.

7. Resumes and position descriptions of all personnel of Buyer who will be responsible for supervising construction work to be performed under the sale.
8. A statement of the amount the Buyer proposes to pay for purchasing the lot(s).
9. A statement identifying the Buyer's financing sources and their promised capital investments, including any pre-approval letter from a financial institution, or other evidence of the bidder's ability to meet its financial obligation with respect to purchase and carrying out any construction on the site.
10. A list of past projects in which the proposer has been involved.
11. A deposit in the amount of \$5,000.00 cash or bank check.

The City reserves the right to request additional documentation and may independently verify information provided.

VI. Evaluation Criteria

All proposals shall be evaluated based on the following criteria:

- A. Submission Requirements: All proposals must be properly submitted and contain all of the completed documents and forms as set forth above in V—Submission Requirements. The Purchasing Agent shall determine if the Submission Requirements have been satisfied. The Purchasing Agent shall refer all proposals that meet the Submission Requirements to the Evaluation Committee, as expanded upon below in VI-B.
- B. Comparative Evaluation Criteria: An Evaluation Committee, consisting of one representative from the Building Department, Housing Department, and Engineering Department will evaluate all proposals referred to it by the Purchasing Agent. The Evaluation Committee's review will be based on the relative merits of the proposals in terms of the proposed use and amount of purchase price to be paid. The Evaluation Committee's review will be based on the relative merits of the proposals in terms of:
 1. Proposed use (50% of total points)

Each proposal shall be given a score of 1 to 5 (with 5 being the highest score) based on the extent to which it promotes open space or the construction of single-family homes, in strict conformity with the surrounding neighborhood. It is the City's desire that any new construction conform to the current character of the neighborhood. The City reserves the right to reject any proposal or plans that it determines in its sole discretion do not conform to the current character of the neighborhood. Highest scores will be awarded those uses that best promote open space or the construction of single-family homes.
 2. Purchase Price (50% of total points)

The Evaluation Committee will determine the present value of the purchase price to be generated by each proposal. Each proposal will be give a score of 1 to 5 (with 5 being the highest score) based on the resulting value, including consideration given for stronger financial capability of the bidder to purchase the parcel and ability to carry out construction.
- C. Evaluation. Once points are established for the proposed use, and the purchase price of each proposal, the Evaluation Committee will weigh these criteria as listed above. Based on the final scores assigned to each proposal, the Evaluation Committee shall make its recommendation to the Mayor and the City Council of the City of Waltham who shall identify the most advantageous proposal.

VII. Award

Sale between the City and the successful respondent is subject to the approval of the Mayor, the City Council.

VIII. Miscellaneous

- A. The City reserves the right to reject any and all proposals at any time prior to the execution of the sale.
- B. Any sale must be approved by the Mayor and the City Council.
- C. The time for closing on the sale shall be within 90 days following the award.
- D. The City of Waltham will conduct one site visit of the property on_____. Interested parties should meet in front of Our Lady's Comforter of the Afflicted School on Trapelo Road at said date and time. This will be the only opportunity to conduct a detailed inspection of the property before the RFP due date.
- E. All questions regarding the RFP should be submitted in writing to the Purchasing Agent who will maintain questions and responses in a notebook available to all prospective bidders in his office at 610 Main Street, Waltham, MA.

Lot 18 & 19 RFP 2006

Central Register – Acquisition or Disposition of Real Property

Authority:

City of Waltham

610 Main Street
Waltham, MA
(781) 314-3242)

Description of Property:

Single-family House Lots,
Lot 18 and Lot 19 Trapelo Road
Waltham, MA
Lot 18 = 69,840 gross sq. ft.
Lot 19 = 70,610 gross sq. ft.

Proposal Deadline:

_____, 2006

Estimated Value, Source of Valuation

\$400,000. each based on value by
Waltham Board of Assessors

Additional Information:

The City is offering to sell single-family house lots, Lots 18 and 19 together, individually, or where feasible legally, proportionally in value to any direct abutter to increase their rear yard areas. It is incumbent upon the proposer to secure any necessary municipal approvals.

Copies of the Request for Proposals are available in the office of the City of Waltham Purchasing Agent.