

City of Fayetteville Staff Review Form

2022-0770

Legistar File ID

9/6/2022

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chung Tan

8/17/2022

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF A RESOLUTION AUTHORIZING MAYOR LIONELD JORDAN TO SIGN A LAND SALE AGREEMENT WITH PAYNELESS, LLC TO SELL 0.25 ACRES (PARCEL # 765-12173-000) OF CITY-OWNED LAND ON S. HOLLYWOOD BLVD FOR \$80,085.

Budget Impact:

1010.300.3020-4881.02

Gain/Loss Sale of Assets

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution # 304-21

Change Order Number:

Approval Date: 12/7/2021

Original Contract Number:


Comments:



MEETING OF SEPTEMBER 6, 2022

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Brad Hardin, Fire Chief
Devin Howland, Director of Economic Vitality

FROM: Chung Tan, Deputy Director of Economic Vitality 

DATE: August 16, 2022

SUBJECT: **A Resolution authorizing Mayor Lioneld Jordan to sign a Land Sale Agreement with Payneless, LLC to sell 0.25 acres (Parcel # 765-12173-000) of city-owned land on S. Hollywood for \$80,085.**

RECOMMENDATION:

Staff is recommending approval of a resolution authorizing Mayor Lioneld Jordan to sign a Land Sale Agreement with Payneless, LLC to sell 0.25 acres (Parcel # 765-12173-000) of city-owned land on S. Hollywood for \$80,085.

BACKGROUND:

On December 7, 2021 the Fayetteville City Council passed Resolution 304-21 with a vote of 6-0, expressing its intent to sell 0.25 acres (Parcel # 765-12173-000) of city-owned land on S. Hollywood.

Following the City Council's land sale authorization, Bid 22-21 was published on June 26, 2022 and ran through July 19, 2022. The City received one (1) bid and that was from Payneless, LLC with a bid price of \$80,085.

City staff then began the land sale notification process per section 34.27 "Sale of Municipally Owned Real Property" of the City's code.

BACKGROUND ON PAYNELESS:

Mr. Phillips currently owns Parcels 765-12171-000, 765-12171-001 and 765-12172-000 immediately south of Fire Station #6. Should the City Council approve this land sale to Mr. Phillips, he would own the entire block of real estate here.

DISCUSSION:

The Land Sale Agreement attached to this packet includes a purchase price for the 0.25-acre land (Parcel # 765-12173-000) of \$80,085.

The city-owned land is currently zoned P-1 institutional. The site is bordered by the Tsa-La-Gi trail to the east, S. Hollywood Avenue to the west, and an access road to the University of Arkansas Remote Parking Lot 99 to the north. Staff worked with the City's Urban Forester and determined that the site contains a couple of young trees mixed in with the undergrowth.

ECONOMIC VITALITY BENEFITS:

Currently this block of real estate consists of 4 parcels totaling 1.25 acres. Mr. Phillips' initial plan for the site is to remove the litter and debris, as well as the undergrowth of invasive plant species. He intends to use this property to offer some sort of trail oriented commercial services or amenities for the residents in the immediate surroundings and the city.

There are numerous multi-family housing projects in the vicinity housing over a thousand students within walking/biking distance. In addition, the Tsa-La-Gi trail touches this parcel on the north east corner bringing cyclists and trail users to the site. This site may be a gathering place for social interactions, enjoyment, relaxation while contributing to the tax base for the city and creating new jobs.

The City promotes its trail system as a ribbon of commerce encouraging economic vitality through commercial activities along the system.

BUDGET/STAFF IMPACT:

\$80,085 in revenue to the City fund that owns Parcel # 765-12173-000.

Attachments:

Site Location Map

Resolution 304-21

Public Bid Tabulation of results

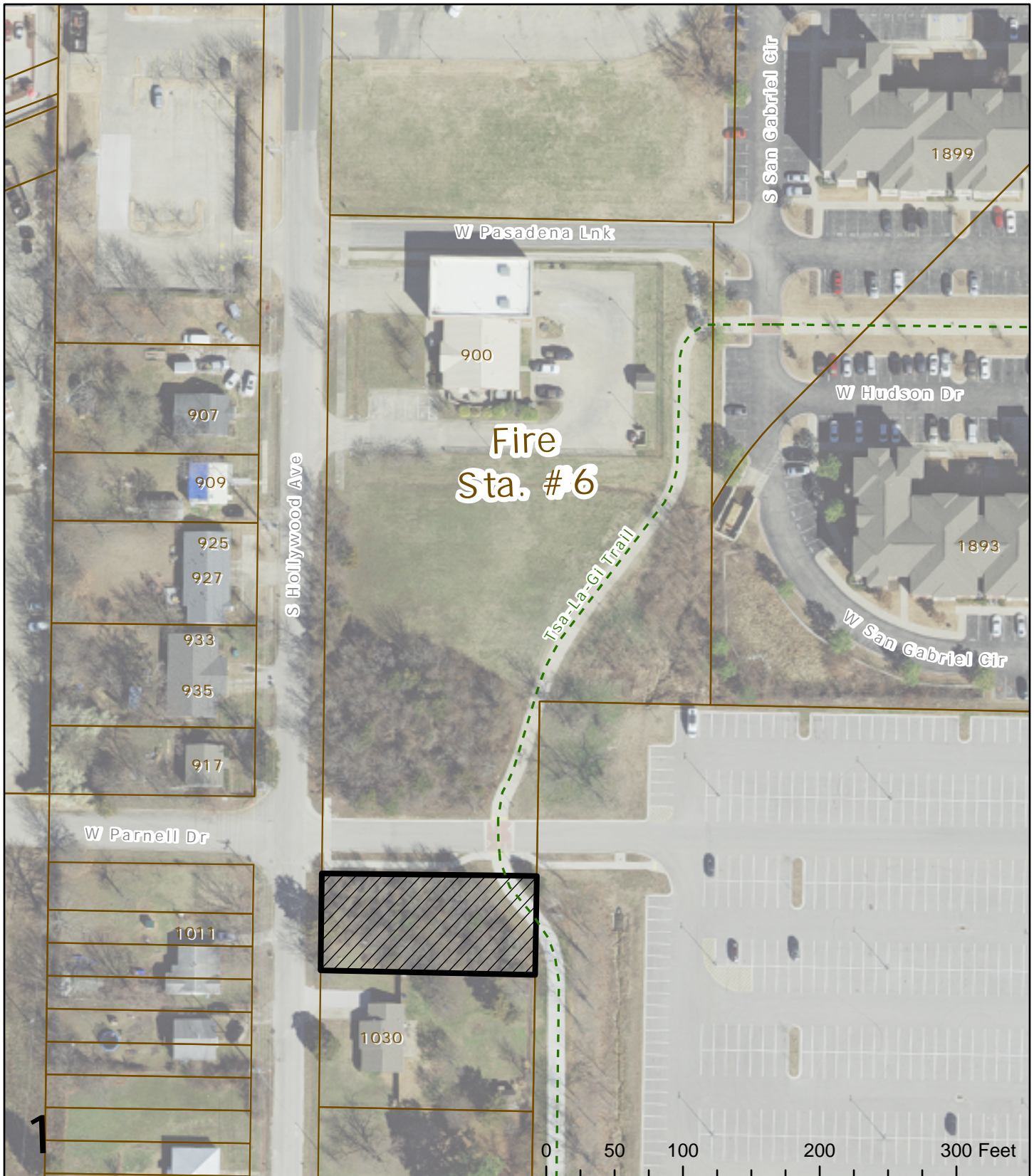
Bid 22-21 Addendum 1

- Completed Bid Form submitted by Payneless, LLC
- Invitation to Bid documents
- Public advertisement "Invitation to Bid"

Land Sale Agreement

Public Notification Documentation

- Certificate of mailing
- Certificate of sign posting
- Affidavit of newspaper ad



Parcel Boundary



Portion to be Sold (0.25 ac)

Exhibit A:

Parcel 765-12173-000 Land Sale Request

Fayetteville, AR



**CITY OF
FAYETTEVILLE
ARKANSAS**

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 304-21

File Number: 2021-0920

EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES:

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES OF CITY PROPERTY LOCATED AT 900 SOUTH HOLLYWOOD AVENUE

WHEREAS, the City of Fayetteville owns approximately 3 acres at 900 South Hollywood Avenue, which is the location of Fire Station 6; and

WHEREAS, the City has received an offer from Payne Phillips to purchase a 0.25-acre portion of the property, which is separated from the rest of Parcel # 765-12173-000 by a driveway that was built to provide access to a parking lot owned by the University of Arkansas; and


WHEREAS, staff has reviewed the proposal and recommends that the City Council authorize the sale of this property as it is not needed for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

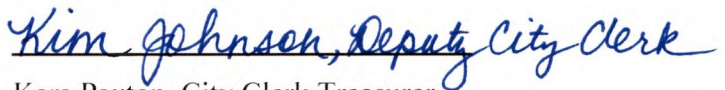
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to sell approximately 0.25 acres of property located at 900 S. Hollywood Avenue, Parcel 765-12173-000, as shown on the map attached to this Resolution as Exhibit A, and further authorizes the Mayor to advertise and receive offers for the sale of this property.

PASSED and APPROVED on 12/7/2021

Approved:


Lioneld Jordan, Mayor

Attest:


for Kara Paxton, City Clerk Treasurer





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2021-0920

Agenda Date: 12/7/2021

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A.17

EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES:

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES OF CITY PROPERTY LOCATED AT 900 SOUTH HOLLYWOOD AVENUE

WHEREAS, the City of Fayetteville owns approximately 3 acres at 900 South Hollywood Avenue, which is the location of Fire Station 6; and

WHEREAS, the City has received an offer from Payne Phillips to purchase a 0.25-acre portion of the property, which is separated from the rest of Parcel # 765-12173-000 by a driveway that was built to provide access to a parking lot owned by the University of Arkansas; and

WHEREAS, staff has reviewed the proposal and recommends that the City Council authorize the sale of this property as it is not needed for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to sell approximately 0.25 acres of property located at 900 S. Hollywood Avenue, Parcel 765-12173-000, as shown on the map attached to this Resolution as Exhibit A, and further authorizes the Mayor to advertise and receive offers for the sale of this property.





-  Parcel Boundary
-  Portion to be Sold (0.23 ac)

Exhibit A:

Parcel 765-12173-000 Land Sale Request
Fayetteville, AR



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville. Geographic Information Systems and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the user's risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and defend liability for any claims, actions, suits or damages of any nature, including the City's and/or defense, asserted by user or by another arising from the use of this data. The City of Fayetteville accepts no express or implied warranties with reference to the data. No other names or names should be used or construed to mean that the City of Fayetteville is not responsible for the data.

City of Fayetteville Staff Review Form

2021-0920

Legistar File ID

12/7/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chung Tan

11/18/2021

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENT TO SELL 0.25 ACRES OF MUNICIPALLY OWNED REAL PROPERTY ON PARCEL 765-12173-000.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF DECEMBER 7, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Brad Hardin, Fire Chief
Devin Howland, Director of Economic Vitality

FROM: Chung Tan, Deputy Director of Economic Vitality

DATE: November 18, 2021

SUBJECT: A Resolution expressing the City Council of the City of Fayetteville's intent to sell 0.25 acres of City owned land on parcel 765-12173-000

RECOMMENDATION:

Staff is recommending approval of a resolution expressing the City Council's intent to sell 0.25 acres of parcel 765-12173-000.

BACKGROUND:

In the early Fall of 2021, the Department of Economic Vitality was approached by Payne Phillips who expressed his desire to purchase 0.25 acres of City owned land immediately south of Fire Station #6 on W. Martin Luther King Junior Blvd. After consultation with Fire Chief Brad Hardin that this land was not needed for current or future fire purposes, Payne Phillips provided the City with a letter expressing his interest in the opportunity to bid on the property.

DISCUSSION:

Payne has informed City staff that his current plans are the development of a food truck court and other entertainment offerings traiside in the future. He currently owns parcels 765-12171-000 and 765-12172-000 to the immediate south of Fire Station #6 as well. Initial plans for the site include removing litter and debris, as well as the undergrowth of invasive plant species.

The City-owned property is currently zoned P-1 institutional. The site is bordered by the Tsa-La-Gi trail to the east, S. Hollywood Avenue to the West, and an access road to University of Arkansas Remote Parking Lot 99 to the north. The parcel does contain a few young trees mixed in amongst the undergrowth. Staff will work with the City's Urban Foresters to identify trees the City wants to see retained as part of the real estate contract negotiations should a bid be chosen.

Should this resolution be adopted by the Fayetteville City Council, City staff would begin working with the Purchasing Division to advertise that the 0.25 acres is open for public bids. If a bid is recommended to City Council to accept, City staff would begin the land sale public

notification process per section 34.27 'Sale of Municipally Owned Real Property' of the City's code.

BUDGET/STAFF IMPACT:

Future revenue to the fund which owns parcel 765-12173-000.

Attachments:

Exhibit Map

Letter of interest from Payne Phillips





-  Parcel Boundary
-  Portion to be Sold (0.23 ac)

Exhibit A:

Parcel 765-12173-000 Land Sale Request

Fayetteville, AR



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the user's risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, awarded by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties, with reference to the data. No report, photos, or claims found herein shall be construed to waive that tort immunity set forth under Arkansas law.



Payne Phillips
(479)200-3280
paynehphillips@gmail.com
124 W Meadow St.
Fayetteville, AR 72701

October 18, 2021

Fire Chief Brad Hardin
City of Fayetteville
303 W Center Street
Fayetteville, AR 72701

RE: 1010 S Hollywood Ave. Fayetteville, AR 72701

Dear Chief Hardin:

The purpose of this letter is to inform you of my interest to purchase approximately .25 acres of your property located at 1010 S Hollywood Avenue in Fayetteville, AR. I have a survey and an appraisal. I'm prepared to make a full market value offer.

I'm looking forward to hearing your reply about my intent to purchase. If you have any questions or comments, please feel free to reach out to me anytime.

Thank you,

Payne Phillips



BID TABULATION

Bid 22-21, Sale of Land - 900 S. Hollywood Ave.

DEADLINE: Tuesday, July 19, 2022 at 2:00 PM

Payneless, LLC			
Total Price		\$80,085.00	
Unit		Extended	
Line #	Description	UOM	QTY
1	Formal Offer for TRACT B ONLY of Land Parcel Number 765-12173-000, in US Dollars	EA	1
		\$80,085.00	\$80,085.00

Amanda Beilfuss Digitally signed by Amanda Beilfuss
Date: 2022.07.19 14:56:47 -05'00'

Amanda Beilfuss, Purchasing Agent

Andrea Foren Digitally signed by Andrea Foren
Date: 2022.07.21 16:27:49 -05'00'

Andrea Foren, Purchasing Manager



Bid 22-21 Addendum 1

Payneless

Supplier Response

Event Information

Number: Bid 22-21 Addendum 1
Title: Sale of Land - 900 S. Hollywood Ave.
Type: Invitation to Bid
Issue Date: 6/26/2022
Deadline: 7/19/2022 02:00 PM (CT)
Notes: The City of Fayetteville, Arkansas is seeking bids from qualified vendors for the sale of 1 quarter (.25) of an acre of land, more or less (m/L), located at 900 S. Hollywood Ave., Fayetteville AR, 72701 in Washington County. This property is being sold in as-is condition with no warranty. Any questions concerning the bidding process shall be directed to Amanda Beilfuss, Purchasing Agent, at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact: Amanda Beilfuss
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Payneless Information

Address: 124 West Meadow St
Fayetteville, AR 72701
Phone: (479) 200-3280

By submitting your response, you certify that you are authorized to represent and bind your company.

Payne Phillips

Signature

Submitted at 7/13/2022 09:47:23 AM (CT)

paynehphillips@gmail.com

Email

Requested Attachments

Bid 22-21, Sale of Land - Required Bid Form

Bid 22-21, Sale of Land - Required Bid Form- SIGNED.pdf

Please submit the SIGNED and COMPLETED Bid Form. This can be found in the "Attachments" tab.

Bid Attributes

1 Intended Use

Describe the Bidder's intended use for the property, based on the price offered.

The intended use for this property is to offer some sort of trail oriented commercial services/amenities.

2 Community Benefit

Describe any community and/or economic development benefits to the City, known or expected, based on price offered.

This property has the opportunity to act as a gathering place and provide services for what might be the most densely lived area in all of Northwest Arkansas. Besides the thousands of students living within walking/biking distance, this could serve the community with the only trail focused offering anywhere along the 5 mile Tsa-La-Gi/Town Branch loop. If this land were to be kept by the City or sold to another party, it would remain vacant or at best be two more townhomes.

3 Conditions of Sale

List any conditions of this sale from the Bidder.

-Cash offer
-30 day close
-No contingencies

4 Other

List any additional factors the Bidder discloses to the City of Fayetteville.

I own the three adjoining parcels to the south.

Bid Lines

1 Formal Offer for TRACT B ONLY of Land Parcel Number 765-12173-000, in US Dollars

Price: Total:

Item Notes: Tract B consists of 1 quarter (.25) acre of land, more or less (m/L), located at the southernmost section of the parcel located at 900 S. Hollywood Ave., Fayetteville, AR 72701.

Response Total: \$80,085.00



CITY OF
FAYETTEVILLE
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St
Fayetteville, AR 72701
Phone: 479.575.8256
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)

DEADLINE: Tuesday, July 19, 2022 before 2:00 PM, Local Time

PRE-BID MEETING: Wednesday, July 6, 2022 at 10:00 AM, Local Time, On-Site
at 900 S. Hollywood Ave., Fayetteville, AR 72701

PURCHASING AGENT: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 06/26/22

INVITATION TO BID

Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)

No late bids shall be accepted. Bids shall be submitted in one of the following methods: (1) through the City's third-party electronic bidding platform, or (2) delivering in person via sealed envelope to the City of Fayetteville Purchasing Division. Submitting through the City's electronic bidding platform is strongly encouraged. All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: Payneless, LLC

Contact Person: Payne Phillips Title: Owner

E-Mail: Paynehphillips@gmail.com Phone: 479-200-3280

Business Address: 124 W Meadow St.

City: Fayetteville State: Arkansas Zip: 72701

Signature:  Date: 7/8/2022

City of Fayetteville
Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)
Advertisement 1 of 2
Legal Section, Classification 1210

The City of Fayetteville, Arkansas is seeking bids from qualified vendors for the sale of 1 quarter (.25) of an acre of land, more or less (m/L), located at 900 S. Hollywood Ave., Fayetteville AR, 72701 in Washington County. This property is being sold in as-is condition with no warranty. Any questions concerning the bidding process shall be directed to Amanda Beilfuss, City of Fayetteville Purchasing Agent at abeilfuss@fayetteville-ar.gov or by calling (479)575-8258.

Bidding documents and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by **Tuesday, July 19, 2022 before 2:00 PM, Local Time** utilizing the electronic bidding software OR by submitting a sealed bid at the City of Fayetteville, Purchasing Division address listed below. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or for failure of proposer's technical equipment.

City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

A non-mandatory Pre-Bid meeting will be held **Wednesday, July 6, 2022 at 10:00 AM, Local Time**, on-site at 900 S. Hollywood Ave., Fayetteville, AR 72701. Information regarding the pre-bid meeting is available on the sale/project page on the City's electronic bidding platform. All interested parties are encouraged to attend.

The City of Fayetteville reserves the right to reject any and all bids and to waive irregularities deemed to be in the City's best interest. The City also reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to, the intent of use by a potential bidder.

City of Fayetteville
By: Amanda Beilfuss, Purchasing Agent
P: 479.575.8258

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisement: 06/26/22

This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.

Amount paid: \$XXX.XX.

City of Fayetteville
Invitation to Bid
Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)
Advertisement 2 of 2
Real Estate Block Advertisement

City of Fayetteville
Invitation to Bid
Bid 22-21, Sale of Land – 900 S. Hollywood Ave. (Tract B)

The City of Fayetteville is accepting sealed bids for the sale of 1 quarter (.25) of an acre land, more or less (m/L), located at 900 S. Hollywood Ave., Fayetteville, AR 72701. Property is being sold as-is with no warranty.

All sealed bids are due by Tuesday, July 19, 2022 before 2:00PM, local time per bidding documents. No late bids shall be accepted. Public bid opening to immediately follow and will be livestreamed at:

<https://www.youtube.com/user/cityoffayettevillear>

A non-mandatory Pre-Bid meeting will be held Wednesday, July 6, 2022 at 10:00 AM, local time, on-site at 900 S. Hollywood Ave., Fayetteville, AR 72701.

For full information, visit www.fayetteville-ar.gov/bids. The City reserves the right to award based on the best interest of the City. Final award will be approved through Fayetteville City Council.

All questions shall be directed to Amanda Beilfuss.

City of Fayetteville, AR

By: Amanda Beilfuss

P: 479.575.8258

abeilfuss@fayetteville-ar.gov

Date of advertisement (real estate block ad): Sunday 06/26/22

This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas. Amount paid: \$XXX.XX.

EXECUTION OF BID:

Any conditions of sale shall be provided by Bidder sealed with offer/bid. The bid form provided in this document shall be completed in its entirety. Bidders will not be allowed to make corrections to bid after the bid deadline.

All bidders shall submit this section, executed and completed in full by an authorized agent of the bidder. Bidders shall also complete submission through the City's [online bidding portal \(www.fayetteville-ar.gov/bids\)](http://www.fayetteville-ar.gov/bids) and complete and submit all required information, which may include:

- **Bid Attributes**
- **Bid Line Items** – Bidders shall bid on all line items and not submit partial bids
- **Response Attachments**
 - Required Bid Form (this form, completed in its entirety)

BID DISCLAIMER: The City of Fayetteville reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to the intended use, community benefit, purchase price, conditions of sale, and other considerations. Due to the fact City Council will be evaluating the sale of this land, Bidders are encouraged to completely fill out the bid form. Alterations in bid will not be allowed after the bid deadline; therefore, Bidders are encouraged to bid on most favorable terms available.

PRICE: Bidders shall submit pricing on the City's online bidding portal (www.fayetteville-ar.gov/bids) in the format presented online.

Refer to the City's electronic bidding platform to submit bid pricing electronically.

Contact the City Purchasing Division to obtain documents necessary to submit a physical sealed bid; however, all bidders are strongly encouraged to submit on the City's online bidding portal.

Upon signing this Bid, the bidder certifies that:

1. Bidder has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.

3. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
4. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
5. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
6. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
7. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

8. As a bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Payneless, LLC

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 124 W Meadow St

*CITY: Fayetteville

*STATE: AR

*ZIP: 72701

*PHONE: 479-200-3280

FAX: _____

*E-MAIL: Paynehphillips@gmail.com

*BY: (PRINTED NAME) Payne Phillips

*AUTHORIZED SIGNATURE: _____



*TITLE: Owner

UNIQUE ENTITY NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 84-2789123

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

TERMS AND CONDITIONS

Sale of Public Owned Land located at:
900 S. Hollywood Ave. in Fayetteville, Arkansas

1.0 Basic Terms and Conditions

- 1.1 The City of Fayetteville is selling currently owned City Land via **sealed bid process**. This sale affects the following property:
 - 1.1.1 1 quarter (.25) acre of land, more or less (m/L), located at 900 S. Hollywood Ave., Fayetteville, AR 72701
 - 1.1.2 Parcel Number 765-12173-000 consists of 2 tracts; Tract A and Tract B. Land for sale is Tract B only and is located at the southernmost section of the parcel.
- 1.2 A non-mandatory Pre-Bid meeting will be held **Wednesday, July 6, 2022 at 10:00 AM, Local Time**, on-site at 900 S. Hollywood Ave., Fayetteville, AR 72701. Information regarding the pre-bid meeting is available on the sale/project page on the City's electronic bidding platform. All interested parties are encouraged to attend.
- 1.3 The City of Fayetteville reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to the intended use, community benefit, purchase price, conditions of sale, and other considerations. Due to the fact City Council will be evaluating the sale of this land, Bidders are encouraged to completely fill out the bid form. Alterations in bid will not be allowed after the bid deadline; therefore, Bidders are encouraged to bid on most favorable terms available.
 - 1.3.1 All bidders shall hereby agree the "Formal Offer" as shown in the City's online bidding portal shall be understood as the official offer from the Bidder to the City of Fayetteville to purchase the real property as described in this bid.
- 1.4 This sale is being handled through the City's Purchasing Division. Bidding documents and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids/offers shall be received by the deadline, utilizing the electronic bidding software or as stated in the bid advertisement. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or for failure of proposer's technical equipment.
- 1.5 The City will not be responsible for misdirected bids. Bidder should call the Purchasing Office at 479.575.8256 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- 1.6 Bidder, Buyer, and to whom the land is transferred too, shall be one in the same. Bids shall be submitted in the same name as the individual or entity purchasing the land.

- 1.7 This land is being sold as-is and does not include any warranties of any kind. The City of Fayetteville will NOT make any improvements/modifications to the land.
- 1.8 The City of Fayetteville shall pay its own closing costs. Buyer/Bidder shall pay their own respective closing costs. The City of Fayetteville shall not pay for any portion or amount of the buyer's/bidder's closing costs.
- 1.9 Bids will only be considered at the minimum amount of \$50,000 US Dollars or greater for this land.
 - 1.9.1 Bids/Offer submitted lower than the minimum bid amount shall be rejected and will not be considered.
- 1.10 Buyer/Bidder agrees to hold offer firm for a period not to exceed ninety (90) calendar days.
- 1.11 The City of Fayetteville will not pay any commission fees for any real estate agent.
- 1.12 Finalization of sale will have final approval by Fayetteville City Council.
- 1.13 The City of Fayetteville reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to: the intended use, community benefit, purchase price, and other considerations deemed to be in the City's best interest.

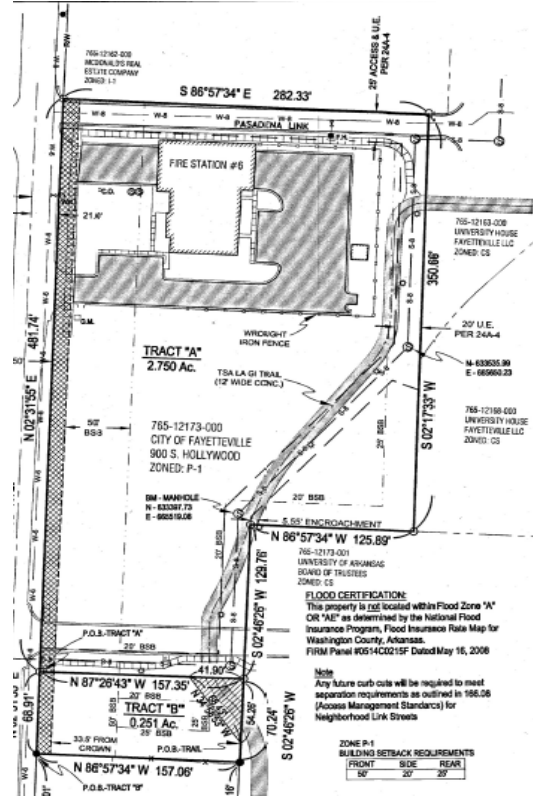
2.0 Advertising Outreach

- 2.1 Primary source for all bid information is the City of Fayetteville's bidding portal available at: www.fayetteville-ar.gov/bids. Advertising and outreach will also be distributed through:
 - 2.1.1 Advertising in the legal section of the Northwest Arkansas Democrat Gazette, classification 1210
 - 2.1.2 Block ad advertising in the Real Estate section of the Northwest Arkansas Democrat Gazette

3.0 Inspection

- 3.1 Interested parties are strongly encouraged to inspect land prior to bidding.
- 3.2 The City shall not be responsible for any accidents, injuries, etc. during inspection or any other viewing of the land.
- 3.3 A non-mandatory Pre-Bid meeting will be held Wednesday, July 6, 2022 at 10:00 AM, local time, on-site at 900 S. Hollywood Ave., Fayetteville, AR 72701. Information regarding the pre-bid meeting is available on the sale/project page on the City's electronic bidding platform. All interested parties are encouraged to attend.

4.0



- | | |
|-----|---|
| 4.1 | Minimum Bid amount is \$50,000 US DOLLARS. |
| 4.2 | 1 quarter (.25) of an acre of land, more or less (m/L), located at 900 S. Hollywood Ave., Fayetteville, Arkansas 72701; Washington County. |
| 4.3 | This site is accessed from the southside of Martin Luther King Jr. Blvd at the intersection of Martin Luther King Jr. Blvd and Hollywood Ave., in the southwest part of the parcel (Tract B). |
| 4.4 | Current Zoning: P-1, Institutional. |

5.0

- 5.1 Bidders shall be required to provide written demonstration of financial ability if requested by the City within ten (10) business days. Acceptable means of financial ability shall be defined by the following:
- 5.1.1.1 Letter of Prequalification from a financial institution such as a bank or credit union
 - 5.1.1.2 Letter of Credit from a financial institution such as a bank or credit union
 - 5.1.1.3 Alternate written financial document acceptable to the City of Fayetteville

6.0

- 6.1 Property will transfer after final closing documents are processed and signed by both parties through a local title company.

- 6.1.1 Each party shall hire and pay for their own title work.
- 6.2 The transfer of the property shall be made to the Bidder/Buyer as approved by the City of Fayetteville. Such conveyance shall be made in fee simply absolute by general warranty deed.
- 6.3 The City shall provide the final buyer evidence of good title by:
 - 6.3.1 Abstract of title
 - 6.3.2 Title insurance for the same amount bid
 - 6.3.3 Or as other means acceptable to the real estate industry by legal requirement or best practice

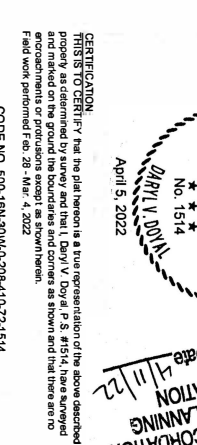
7.0 Special Conditions

- 7.1 Only the item described herein is included in the sale regardless of what else is pictured.
- 7.2 Pursuant to Arkansas Code Annotated §22-9-203 the City of Fayetteville encourages all qualified small, minority and women's business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women's business enterprises.
- 7.3 Any expenses incurred with the preparation and submission of bids or offers, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.
- 7.4 Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.
- 7.5 The successful bidder agrees to indemnify the City and hold it harmless from and against any and all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.
- 7.6 Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.575.8258 no later than seven (7) calendar days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.
- 7.7 Any uncertainties shall be brought to the attention of the City of Fayetteville Purchasing Division immediately via telephone, (479) 575-8258 or e-mail abeilfuss@fayetteville-ar.gov. It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the sale of properties included. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.
- 7.8 Bidder will expressly assume all dangers, risks and hazards regarding the property and shall release, protect, indemnify and hold harmless the City of Fayetteville, its agents, employees and assigns from and against any and all claims, demands, causes of action and damages of any kind, including but not limited to, attorney's fees and litigation costs resulting from any accident, incident or occurrence arising out of or in any way resulting from the actions of the bidder.
- 7.9 The City of Fayetteville reserves the right to reject any or all bids or offers, to waive formalities or irregularities in any bid or offer, and to solicit for new bids or offers.

- 7.10 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

8.0 Attachments to this Package

- 8.1 Additional attachments hereby included with this packet:
- 8.1.1 Appendix A – Lot Split Survey for Tract A/Tract B
 - 8.1.2 Appendix B – City of Fayetteville Warranty Deed for Tract A
 - 8.1.3 Appendix C – Fayetteville City Council Resolution No. 305-21



1

**FIRE STATION #6
CITY OF FAYETTEVILLE
LOT SPLIT**

(Part of) Parcel No. 765-12173-000
Tract A

WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, also known as part of Block Numbered Seven (7) and a part of Block Numbered Four (4) in the Re-plat of Westwood Addition to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof, on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said NE ¼ of the NW ¼ said point being an existing stone; thence South 86 degrees 57 minutes 34 seconds East 200.13 feet to a found ½" rebar on the East right of way line of Hollywood Avenue; thence North 02 degrees 31 minutes 55 seconds East along said East right of way 318.92 feet to a set 5/8" rebar with cap COF #1514 and the POINT OF BEGINNING; thence continuing North 02 degrees 31 minutes 55 seconds East along said East right of way line 481.74 feet to a set 5/8" rebar with cap COF #1514; thence leaving said East right of way line South 86 degrees 57 minutes 34 seconds 282.33 feet to a set 5/8" rebar with cap COF #1514; thence South 02 degrees 17 minutes 33 seconds West 350.66 feet to a set 5/8" rebar with cap COF #1514; thence North 86 degrees 57 minutes 34 seconds West 125.89 feet to a set disk labeled COF #1514; thence South 02 degrees 46 minutes 26 seconds West 129.76 feet to a set 5/8" rebar with cap COF #1514; thence North 87 degrees 26 minutes 43 seconds West 157.35 feet to the POINT OF BEGINNING, containing 2.75 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this 19th day of May, 2022.

REVENUE STAMPS AFFIDAVIT

The foregoing deed has the correct amount of Revenue Stamps affixed to it or is exempt from such stamps.

Signed: [Signature]
City of Fayetteville, 113 W. Mountain
Fayetteville, AR 72701

CITY OF FAYETTEVILLE, ARKANSAS,
A municipal corporation

By: [Signature]
Lionel Jordan, Mayor



ATTEST:

[Signature]
for Kara Paxton, City Clerk Treasurer

[Seal]

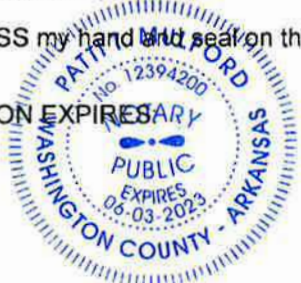
ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Lionel Jordan and Kara Paxton, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk Treasurer** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 19th day of May, 2022.

MY COMMISSION EXPIRES



[Signature]
Notary Public



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 304-21

File Number: 2021-0920

EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES:

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES OF CITY PROPERTY LOCATED AT 900 SOUTH HOLLYWOOD AVENUE

WHEREAS, the City of Fayetteville owns approximately 3 acres at 900 South Hollywood Avenue, which is the location of Fire Station 6; and

WHEREAS, the City has received an offer from Payne Phillips to purchase a 0.25-acre portion of the property, which is separated from the rest of Parcel # 765-12173-000 by a driveway that was built to provide access to a parking lot owned by the University of Arkansas; and

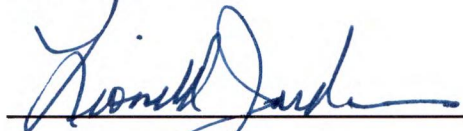
WHEREAS, staff has reviewed the proposal and recommends that the City Council authorize the sale of this property as it is not needed for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

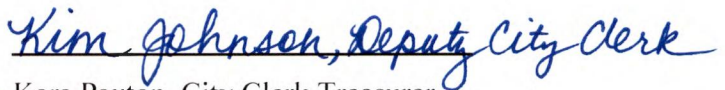
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to sell approximately 0.25 acres of property located at 900 S. Hollywood Avenue, Parcel 765-12173-000, as shown on the map attached to this Resolution as Exhibit A, and further authorizes the Mayor to advertise and receive offers for the sale of this property.

PASSED and APPROVED on 12/7/2021

Approved:


Lioneld Jordan, Mayor

Attest:


for Kara Paxton, City Clerk Treasurer





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2021-0920

Agenda Date: 12/7/2021

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A.17

EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES:

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL
APPROXIMATELY 0.25 ACRES OF CITY PROPERTY LOCATED AT 900 SOUTH HOLLYWOOD
AVENUE

WHEREAS, the City of Fayetteville owns approximately 3 acres at 900 South Hollywood Avenue, which is the location of Fire Station 6; and

WHEREAS, the City has received an offer from Payne Phillips to purchase a 0.25-acre portion of the property, which is separated from the rest of Parcel # 765-12173-000 by a driveway that was built to provide access to a parking lot owned by the University of Arkansas; and

WHEREAS, staff has reviewed the proposal and recommends that the City Council authorize the sale of this property as it is not needed for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to sell approximately 0.25 acres of property located at 900 S. Hollywood Avenue, Parcel 765-12173-000, as shown on the map attached to this Resolution as Exhibit A, and further authorizes the Mayor to advertise and receive offers for the sale of this property.





-  Parcel Boundary
-  Portion to be Sold (0.23 ac)

Exhibit A:

Parcel 765-12173-000 Land Sale Request
Fayetteville, AR



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville. Geographic Information Systems and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the user's risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and defend liability for any claims, damages, costs or expenses of any nature, including the City's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville accepts no express or implied warranties with reference to the data. No other promises or claims should be used or construed to make that not expressly set forth under Arkansas law.

City of Fayetteville Staff Review Form

2021-0920

Legistar File ID

12/7/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chung Tan

11/18/2021

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENT TO SELL 0.25 ACRES OF MUNICIPALLY OWNED REAL PROPERTY ON PARCEL 765-12173-000.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF DECEMBER 7, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Brad Hardin, Fire Chief
Devin Howland, Director of Economic Vitality

FROM: Chung Tan, Deputy Director of Economic Vitality

DATE: November 18, 2021

SUBJECT: A Resolution expressing the City Council of the City of Fayetteville's intent to sell 0.25 acres of City owned land on parcel 765-12173-000

RECOMMENDATION:

Staff is recommending approval of a resolution expressing the City Council's intent to sell 0.25 acres of parcel 765-12173-000.

BACKGROUND:

In the early Fall of 2021, the Department of Economic Vitality was approached by Payne Phillips who expressed his desire to purchase 0.25 acres of City owned land immediately south of Fire Station #6 on W. Martin Luther King Junior Blvd. After consultation with Fire Chief Brad Hardin that this land was not needed for current or future fire purposes, Payne Phillips provided the City with a letter expressing his interest in the opportunity to bid on the property.

DISCUSSION:

Payne has informed City staff that his current plans are the development of a food truck court and other entertainment offerings trailside in the future. He currently owns parcels 765-12171-000 and 765-12172-000 to the immediate south of Fire Station #6 as well. Initial plans for the site include removing litter and debris, as well as the undergrowth of invasive plant species.

The City-owned property is currently zoned P-1 institutional. The site is bordered by the Tsa-La-Gi trail to the east, S. Hollywood Avenue to the West, and an access road to University of Arkansas Remote Parking Lot 99 to the north. The parcel does contain a few young trees mixed in amongst the undergrowth. Staff will work with the City's Urban Foresters to identify trees the City wants to see retained as part of the real estate contract negotiations should a bid be chosen.

Should this resolution be adopted by the Fayetteville City Council, City staff would begin working with the Purchasing Division to advertise that the 0.25 acres is open for public bids. If a bid is recommended to City Council to accept, City staff would begin the land sale public

notification process per section 34.27 'Sale of Municipally Owned Real Property' of the City's code.

BUDGET/STAFF IMPACT:

Future revenue to the fund which owns parcel 765-12173-000.

Attachments:

Exhibit Map

Letter of interest from Payne Phillips



Parcel Boundary

Portion to be Sold (0.23 ac)

Exhibit A:

Parcel 765-12173-000 Land Sale Request

Fayetteville, AR



**CITY OF
FAYETTEVILLE
ARKANSAS**

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the user's risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, awarded by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties, with reference to the data. No report, photos, or claims found herein shall be construed to waive that tort immunity set forth under Arkansas law.



Payne Phillips
(479)200-3280
paynehphillips@gmail.com
124 W Meadow St.
Fayetteville, AR 72701

October 18, 2021

Fire Chief Brad Hardin
City of Fayetteville
303 W Center Street
Fayetteville, AR 72701

RE: 1010 S Hollywood Ave. Fayetteville, AR 72701

Dear Chief Hardin:

The purpose of this letter is to inform you of my interest to purchase approximately .25 acres of your property located at 1010 S Hollywood Avenue in Fayetteville, AR. I have a survey and an appraisal. I'm prepared to make a full market value offer.

I'm looking forward to hearing your reply about my intent to purchase. If you have any questions or comments, please feel free to reach out to me anytime.

Thank you,

Payne Phillips

LAND SALE AGREEMENT

THIS LAND SALE AGREEMENT ("Agreement") is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "Fayetteville") and Payneless, LLC, a limited liability company organized pursuant to the laws of the State of Arkansas ("Purchaser").

For valuable consideration, the receipt and adequacy of which are hereby acknowledged, Fayetteville and Purchaser agree as follows:

TERMS AND CONDITIONS

1. Sale

Subject to the terms and conditions of this Agreement, Fayetteville agrees to sell and Purchaser agrees to purchase certain real property designated as Parcel # 765-12173-000 in the Washington County land records (the "Property"). The Property is legally described as follows:

A part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, also known as part of Block Numbered Seven (7) and a part of Block Numbered Four (4) in the Re-plat of Westwood Addition to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof, on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said NE ¼ of the NW ¼ said point being an existing stone; thence South 86 degrees 57 minutes 34 seconds East 200.13 feet to a found ½" rebar on the East right of way line of Hollywood Avenue; thence North 02 degrees 31 minutes 55 seconds East along said East right of way 250.01 feet to a found ½" rebar and the POINT OF BEGINNING; thence continuing North 02 degrees 31 minutes 55 seconds East along said East right of way line 68.91 feet to a set 5/8" rebar with cap COF #1514; thence leaving said East right of way line South 87 degrees 26 minutes 43 seconds East 157.35 feet to a set 5/8" rebar with cap COF #1514; thence South 02 degrees 46 minutes 26 seconds West 70.24 feet to a found iron pin with cap #1005; thence North 86 degrees 56 minutes 34 seconds West 157.06 feet to the POINT OF BEGINNING, containing 0.251 acres, more or less.

In exchange for the Purchase Price of \$80,085.00 to be paid at the closing, Fayetteville shall execute and deliver a general warranty deed to Purchaser which shall convey the Property to Purchaser subject to existing easements and rights of way of record.

2. Contingencies

None.

3. Purchase Price

In consideration of the sale of the Property, Purchaser shall pay to Fayetteville at closing the gross purchase price of EIGHTY THOUSAND AND EIGHTY FIVE DOLLARS (\$80,085.00) (the "Purchase Price").

4. Closing Date and Place

Closing shall occur within thirty (30) days following the date this Agreement has been executed by both parties unless extended by mutual agreement of the parties in writing. The Closing shall occur at the offices of the title insurance company selected to issue the title insurance required by this Agreement.

The obligation of Purchaser to close pursuant to this Agreement shall be subject to the completion and/or fulfillment of the following conditions precedent to the satisfaction of Purchaser in its discretion: (a) the survey and legal description of the Property and all easements required by this Agreement; (b) the terms and conditions of all easements required by this Agreement; (c) the title insurance and all instruments identified in the title insurance including all liens, restrictions, easements, rights of way, and other encumbrances affecting the Property; (d) environmental assessments as referenced in this Agreement; (e) the form of the general warranty deed referenced in this Agreement; (f) any other conditions expressly referenced in this Agreement; (g) financing upon reasonable terms and conditions; and (h) all closing documents required by the title insurance company or otherwise. If Purchaser is dissatisfied with, not agreeable to, or is otherwise not provided by Fayetteville with one (1) or more of the items in this Section, Purchaser may terminate this Agreement upon providing written notice of termination.

5. Date of Possession

Possession of the Property shall be delivered to Purchaser on the Closing date free of any tenancies or other third party possessory rights.

6. Title Insurance

Fayetteville shall order a title commitment on the Property, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by Fayetteville and acceptable to Purchaser. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing), Fayetteville shall have thirty (30) days from the date of Purchaser's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, Purchaser may terminate this Agreement or may, at its election, take title subject to any such defects. The cost of the title insurance commitment and the cost of the owner's title insurance policy shall be borne by Fayetteville and Purchaser equally. The cost of any lender's title insurance policy and extended owner's title insurance coverage shall be borne by Purchaser.

7. Deed and Other Documents

On the Closing date, Fayetteville shall convey marketable and insurable title to the Property by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement and approved by Purchaser, subject only to current real estate taxes, if any (to be apportioned between the parties) and existing easements approved by Purchaser. Purchaser and Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties. The expense of revenue stamps, if any, shall be equally divided between the parties. All recording fees for the deed and other documents that need to be filed shall be equally divided between the parties. All other closing costs shall be equally divided between the parties.

8. Risk of Loss

Risk of loss as to the Property shall remain with Fayetteville until the Closing date.

9. Purchaser's Due Diligence

Purchaser may enter upon the Property to conduct any surveying, testing or inspection it deems necessary to ensure the Property will be appropriate for the construction and use for its facility. If Purchaser discovers any problems that would adversely impact its development and use of the Property for its facility, Purchaser shall notify Fayetteville which is granted sixty (60) days to remediate any problem. Fayetteville may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Purchaser. Likewise, if Fayetteville does not remediate the problem to the satisfaction of Purchaser within the time allowed by this Agreement, Purchaser may terminate this Agreement without penalty or proceed under this Agreement to accept the property without resolution of the problem.

10. Notices

Notices required by this Agreement shall be in writing and shall be delivered to:

Payneless, LLC

ATTN: Payne Phillips
124 W. Meadow Street
Fayetteville, Arkansas 72701
paynehphillips@gmail.com

City of Fayetteville

ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701
mayor@fayetteville-ar.gov

11. Authority

Each of the parties represent and warrant that they are authorized to enter into this Agreement and that execution hereof will bind the entities to this Agreement.

12. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

13. Facsimile

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

14. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws of the State of Arkansas.

15. Survival

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

16. No Waivers

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

17. Time of Essence

Time is of the essence in this Agreement.

18. Invalidity

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity, it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

19. Complete Agreement

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Purchaser at closing.

20. Environmental Assessment

Purchaser may perform such tests and studies as Purchaser may deem necessary or appropriate to determine the environmental condition of the Property, such tests and studies to

include, without limitation, so-called "Phase I" environmental site assessments and such additional testing, including so-called "Phase II" environmental site assessments, as determined by Purchaser to be necessary in Purchaser's discretion. As a condition of closing pursuant to this Agreement, all tests, studies, assessments, audits and reports shall confirm the absence of any and all forms of environmental surface, subsurface, groundwater and/or other contamination and shall in all other respects acceptable to Purchaser. Fayetteville hereby represents and warrants to Purchaser that, to the best of its knowledge, the Property is not contaminated with any chemical, material or substance to which exposure is prohibited, limited or regulated by any federal, state, county, local or regional authority or which is known to pose a hazard to health and safety and that the Property has never been used for a landfill, dump site, storage of hazardous substances, or by a manufacturer of any product or for any other industrial use.

Date: 8-12-22

Date: _____

PAYNELESS, LLC

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
Payne Phillips

By: _____
Lioneld Jordan, Mayor

WITNESS:

ATTEST:

By: _____

By: _____
Kara Paxton, City Clerk Treasurer

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage paid this 17th day of August, 2022, and addressed as follows:

Name: City of Fayetteville (Parcel #: 765-12173-002)
Street: 7 S City Lake Road
City, State, Zip: Fayetteville, AR 72701

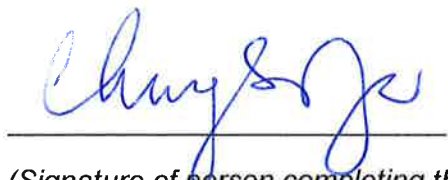
Name: University of Arkansas (Parcel #: 765-12173-001)
Street: 321 Administration Building
City, State, Zip: Fayetteville, AR 72701

Name: Payneless LLC (Parcel #: 765-12172-000)
Street: 124 W Meadow St
City, State, Zip: Fayetteville, AR 72701

Name: BCL Group LLC (Parcel #s: 765-12155-000, 765-12155-001,
765-12156-000)
Street: 15345 Mastin St
City, State, Zip: Overland Park, KS 66221

Chung Tan, Deputy Director, Economic Vitality

(Name of person completing the mailing)



(Signature of person completing the mailing)

City File No./Name: ADM 22 - 0042

<u>Name of Property Owner</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Parcel #</u>	<u>Acreage</u>
City of Fayetteville	7 S City Lake	Fayetteville	AR	72701	765-12173-002	2.8
University of Arkansas	321 Administration Building	Fayetteville	AR	72701	765-12173-001	9.7
Payneless LLC	124 W Meadow St	Fayetteville	AR	72701	765-12172-000	0.4
BCL Group LLC	15345 Mastin St	Overland Park	KS	66221	765-12156-000	0.1
BCL Group LLC	15345 Mastin St	Overland Park	KS	66221	765-12155-001	0.1
BCL Group LLC	15345 Mastin St	Overland Park	KS	66221	765-12155-000	0.1



August 17, 2022

City of Fayetteville
7 S City Lake Road
Fayetteville, AR 72701

Subject: Public Notice – Sale of Municipally Owned Real Property

Dear Property Owner (Parcel # 765-12173-002):

Please be informed that the Fayetteville City Council will consider a resolution to sell 0.25 acres of municipally owned land (Parcel # 765-12173-000) on S. Hollywood to Payneless, LLC for \$80,085.

On December 7, 2021, the Fayetteville City Council adopted Resolution 304-21 with intent to sell this said property. An invitation to bid was made to the public from June 26 – July 19, 2022. The City received one (1) bid which was from Payneless, LLC.

The proposed use is to offer trail oriented commercial services and/or amenities to trail users and residents living in the vicinity and city. Selling the said property to Payneless, LLC for this use supports the city's goals to promote economic vitality along our trail system.

This proposed sale will be considered by the City Council during its 5:30 pm meeting on Tuesday, September 6, 2022 in Room 229 of City Hall, located at 113 W Mountain Street.

If you wish, you may attend the September 6, 2022 City Council meeting and make comments when the resolution is presented to the City Council for consideration. To learn more, please feel free to contact me at (479) 575-8076 or ctan@fayetteville-ar.gov

Sincerely,

Chung Tan
Deputy Director
Economic Vitality



August 17, 2022

University of Arkansas
321 Administration Building
Fayetteville, AR 72701

Subject: Public Notice – Sale of Municipally Owned Real Property

Dear Property Owner (Parcel # 765-12173-001):

Please be informed that the Fayetteville City Council will consider a resolution to sell 0.25 acres of municipally owned land (Parcel # 765-12173-000) on S. Hollywood to Payneless, LLC for \$80,085.

On December 7, 2021, the Fayetteville City Council adopted Resolution 304-21 with intent to sell this said property. An invitation to bid was made to the public from June 26 – July 19, 2022. The City received one (1) bid which was from Payneless, LLC.

The proposed use is to offer trail oriented commercial services and/or amenities to trail users and residents living in the vicinity and city. Selling the said property to Payneless, LLC for this use supports the city's goals to promote economic vitality along our trail system.

This proposed sale will be considered by the City Council during its 5:30 pm meeting on Tuesday, September 6, 2022 in Room 229 of City Hall, located at 113 W Mountain Street.

If you wish, you may attend the September 6, 2022 City Council meeting and make comments when the resolution is presented to the City Council for consideration. To learn more, please feel free to contact me at (479) 575-8076 or ctan@fayetteville-ar.gov

Sincerely,

Chung Tan
Deputy Director
Economic Vitality



August 17, 2022

Payneless LLC
124 W Meadow St
Fayetteville, AR 72701

Subject: Public Notice – Sale of Municipally Owned Real Property

Dear Property Owner (Parcel # 765-12172-000):

Please be informed that the Fayetteville City Council will consider a resolution to sell 0.25 acres of municipally owned land (Parcel # 765-12173-000) on S. Hollywood to Payneless, LLC for \$80,085.

On December 7, 2021, the Fayetteville City Council adopted Resolution 304-21 with intent to sell this said property. An invitation to bid was made to the public from June 26 – July 19, 2022. The City received one (1) bid which was from Payneless, LLC.

The proposed use is to offer trail oriented commercial services and/or amenities to trail users and residents living in the vicinity and city. Selling the said property to Payneless, LLC for this use supports the city's goals to promote economic vitality along our trail system.

This proposed sale will be considered by the City Council during its 5:30 pm meeting on Tuesday, September 6, 2022 in Room 229 of City Hall, located at 113 W Mountain Street.

If you wish, you may attend the September 6, 2022 City Council meeting and make comments when the resolution is presented to the City Council for consideration. To learn more, please feel free to contact me at (479) 575-8076 or ctan@fayetteville-ar.gov

Sincerely,

Chung Tan
Deputy Director
Economic Vitality



August 17, 2022

BCL Group LLC
15345 Mastin St
Overland Park, KS 66221

Subject: Public Notice – Sale of Municipally Owned Real Property

Dear Property Owner (Parcels # 765-12156-000, 765-12155-001, 765-12155-000):

Please be informed that the Fayetteville City Council will consider a resolution to sell 0.25 acres of municipally owned land (Parcel # 765-12173-000) on S. Hollywood to Payneless, LLC for \$80,085.

On December 7, 2021, the Fayetteville City Council adopted Resolution 304-21 with intent to sell this said property. An invitation to bid was made to the public from June 26 – July 19, 2022. The City received one (1) bid which was from Payneless, LLC.

The proposed use is to offer trail oriented commercial services and/or amenities to trail users and residents living in the vicinity and city. Selling the said property to Payneless, LLC for this use supports the city's goals to promote economic vitality along our trail system.

This proposed sale will be considered by the City Council during its 5:30 pm meeting on Tuesday, September 6, 2022 in Room 229 of City Hall, located at 113 W Mountain Street.

If you wish, you may attend the September 6, 2022 City Council meeting and make comments when the resolution is presented to the City Council for consideration. To learn more, please feel free to contact me at (479) 575-8076 or ctan@fayetteville-ar.gov

Sincerely,

Chung Tan
Deputy Director
Economic Vitality

CERTIFICATE OF SIGN POSTING



I, Devin Howland, attest that the above sign was posted on 8/17/2022 on the site located at 1010 S Hollywood Ave., N. of 1030 S Hollywood Ave.

A handwritten signature in blue ink, appearing to read "Devin Howland", written over a horizontal line.

(Signature of person completing the sign posting)

A handwritten signature in blue ink, appearing to read "Devin Howland", written below the printed name.

City File No./Name: ADM 22-0024

From: [Cathy Wiles](#)
To: [Tan, Chung](#)
Cc: [Wynn, Granville](#); legalads@nwaonline.com
Subject: RE: Booking ad space for this Sunday, Aug 21
Date: Tuesday, August 16, 2022 4:54:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Receipt_ph - ADM-22-0042.pdf](#)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Receipt attached, ad set to run 8/21 will get you the affidavit on Monday,
Thanks



Cathy Wiles

Classified & Legal | cwiles@nwaonline.com
479-571-6421 | [Twitter](#) [Facebook](#)

Northwest Arkansas Democrat-Gazette www.nwaonline.com
Our community. Our paper.

212 N. East Ave. Fayetteville, AR 72701

From: Tan, Chung [<mailto:ctan@fayetteville-ar.gov>]
Sent: Tuesday, August 16, 2022 4:43 PM
To: 'Cathy Wiles'
Cc: Wynn, Granville
Subject: RE: Booking ad space for this Sunday, Aug 21

Thanks, Cathy.

Granville – do you have a p-card that you could pay Cathy? This is for the ad to go into the NWA Democrat-Gazette in the Legal Classified section.

Once paid, both Granville and I will need a copy of the receipt and affidavit.

Chung

From: Cathy Wiles <cwiles@nwaonline.com>
Sent: Tuesday, August 16, 2022 4:47 PM
To: Tan, Chung <ctan@fayetteville-ar.gov>
Subject: RE: Booking ad space for this Sunday, Aug 21

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cost is 68.40 set to run on 8/21 I will get you the affidavit on Monday.

Thanks



Cathy Wiles

Classified & Legal | cwiles@nwaonline.com

479-571-6421 | [Twitter](#) [Facebook](#)

Northwest Arkansas Democrat-Gazette www.nwaonline.com
Our community. Our paper.

212 N. East Ave. Fayetteville, AR 72701

From: Tan, Chung [<mailto:ctan@fayetteville-ar.gov>]
Sent: Tuesday, August 16, 2022 4:09 PM
To: 'Cathy Wiles'
Subject: FW: Booking ad space for this Sunday, Aug 21

Cathy:

I got the ADM number. So, here is the ad:

NOTICE OF PUBLIC HEARING

A meeting of the City of Fayetteville City Council will be held on Tuesday, September 6, 2022 at 5:30 p.m., in Room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas, 72701. The following item is required to be published in the local newspaper pursuant to the Code of Ordinances of the City of Fayetteville and will be heard at the September 6, 2022 Fayetteville City Council Meeting.

ADM-22-0042 : SALE OF MUNICIPALLY OWNED REAL PROPERTY

Submitted by CITY STAFF for property located at 1010 S. Hollywood Ave. (Parcel # 765-12173-000). The Fayetteville City Council is considering the sale of 0.25 acres it owns (Parcel # 765-12173-000) N. of 1030 S Hollywood Ave. to Payneless LLC for \$80,085. The proposed use of the property is to offer trail oriented commercial services/amenities. The possible sale will be considered by the City Council during its September 6, 2022 meeting at 113 W. Mountain Street, Room 219.

Thanks,

Chung

Transaction j0p9x7hh

Merchant Information

Merchant	ARKANSAS DEMOCRAT-GAZETTE
----------	---------------------------

Transaction Information

Type	Sale
Amount	\$68.40 USD
Transaction Date	Aug 16 2022, 04:52 PM CDT
Purchase Order Number	ph - ADM-22-0042
Order ID	5182985
Approval Code	095573
Status	Submitted For Settlement

Payment Information

Payment Type	Credit Card
Transaction Origin	E-Commerce
Card Type	Visa
Cardholder Name	Granville Wynn
Credit Card Number	*****2696

Customer Information