

**OFFER & REQUEST FOR BIDS FOR SALE OF REAL ESTATE**

**Property at 3325 Lowry Road, Indianapolis, Indiana (Also known as  
the “Eagle Branch Property”)**

**Indianapolis-Marion County Public Library Board of Trustees**

**August 27, 2020**

## NOTICE OF SALE OF REAL ESTATE

Notice is hereby given that the Indianapolis-Marion County Public Library Board of Trustees (“Library”) will open and consider written offers (Proposals for Purchase) for the sale of a certain parcel or parcels of real estate and improvements owned by the Library and having a common street address of 3325 Lowry Road, Indianapolis, Marion County, Indiana (the “Property”). The Legal Description of the Property is as follows:

LOTS 11 AND 12 IN LAFAYETTE HIGHLANDS, AN ADDITION TO THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 5 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

The offering packet may, beginning at 8:00 a.m., August 27, 2020 be downloaded from the “Vendor Opportunities” page of IndyPL’s website <http://www.indypl.org/vendor-opportunities>, be picked –up at the Front Desk of the Library Services Center, 2450 North Meridian Street, Indianapolis, IN 46208, be requested in writing by contacting Sharon Smith, Director of Facilities Management, P.O. Box 211, Indianapolis Indiana, 46206-0211, or be requested by calling 317-275-4301. Offering packets will be available until 4:00 p.m. on September 25, 2020.

Items included in the offering packet:

- a. Instructions to Bidders
- b. Offering Sheet
- c. Forms: Proposal for Purchase, and Statement of Bidders Qualifications
- d. Notice of Sale of Real Estate

Items available for Review:

- a. Plans of the Building
- b. As Built Drawings
- c. Site Plans
- d. Building Elevations
- e. FEMA Flood Insurance Rate Map dated January 5, 2001

If a bid is submitted by a trust (as defined in Ind. Code §30-4-1-1(a)) the bidder must identify each:

- a. beneficiary of the trust; and
- b. settlor empowered to revoke or modify the trust.

The Library shall accept bids beginning on October 1, 2020. The sale shall continue from day-to-day for a period of sixty (60) days, commencing on August 27, 2020 at 8:00 a.m. and ending at 4:00 P.M. on Monday October 26, 2020. The Library shall make the Property available for inspection during this period of time upon advance request of a bidder. The Sale of the Property shall be subject to the following terms and conditions: (i) the Property shall be purchased in "as is" condition, subject only to a condition of rezoning the Property to a classification proposed by the successful bidder; (ii) all bids shall be submitted according to the instructions included in the bid offering packet available from the Library's offices located at the Library Services Center, 2450 North Meridian Street, Indianapolis, Indiana 46208; (iii) the Library has designated the oversight of this process to Sharon Smith, the Director of Facilities Management for the Library and member of the Facilities Committee of the Library ; (iv) the final approval of a bid, if selected, shall be made by the Library Board of Trustees following a duly noticed public hearing of the Board of Trustees; and (v) the proposed use or development shall not be an adult oriented use or include the sales of alcohol on the Property. In accordance with Indiana Code §36-1-11-4(c), the minimum bid for the Property is Four Hundred Thousand and no/100 Dollars (\$400,000.00). The Library reserves the right to accept, reject or table any and/or all bids. In the event all bids are rejected and the Library issues a written determination for the reason of such a rejection, the Library reserves the right to hire a broker to dispose of the Property in accordance with Indiana Code §36-1-11-4(g).

The Property shall not be sold to a person who is ineligible to purchase the Property under Ind. Code § 36-1-11-16. If a bid for the Property is submitted by a Trust (as defined in Ind. Code § 30-4-1-1(a)), the bid must identify: (a) the beneficiary of the trust and (b) the name of the settlor empowered to revoke or modify the trust.

## INSTRUCTIONS TO BIDDERS

**Property at 3325 Lowry Road, Indianapolis, Indiana  
(Also known as the "Eagle Branch Property")**

**Indianapolis-Marion County Public Library  
Indianapolis, Indiana**

- 1. GENERAL:** In accordance with Ind. Code § 36-1-11-4, the Board of Trustees (the "Board") of the Indianapolis-Marion County Public Library (the "Library") is offering for sale a certain parcel or parcels of real estate and improvements located at 3325 Lowry Road, Indianapolis, Marion County, Indiana, as more particularly described in the Notice of Sale of Real Estate included in this bid packet (the "Property").

The sale of the Property was duly advertised in the Indianapolis Star, The Indianapolis Business Journal and the Indianapolis Recorder. The sale of the Property will be governed by the procedures that have been established by the Library; all offers must be prepared and submitted in accordance with these procedures.

If a bid is submitted by a trust (as defined in Ind. Code § 30-4-1-1(a)) the bidder must identify each:

- (A) beneficiary of the trust; and
- (B) settlor empowered to revoke or modify the trust.

The Property will not be sold to an individual who is disqualified under Ind. Code § 36-1-11-16.

The Library has taken all statutory required steps to prepare an Offering Sheet which lists the Property being offered for sale and states the other essential terms for which offers on such Property will be considered. Each bidder must include in its bid the essential terms stated on the Offering Sheet.

The goal of the Library is to dispose of the Property for an end user with the resulting use on the Property being determined to be compatible through successful adoption of a rezoning petition while specifically prohibiting any use considered an Adult Entertainment Business by the current zoning ordinance for Indianapolis/Marion County and any use which provides for the sale of alcohol.

- 2. OFFERS:** Written offers, in accordance with these Instructions to Bidders and on the forms attached hereto, will be received by the Library at the Library Services Center, 2450 N. Meridian Street, Indianapolis, Indiana, in care of Sharon Smith, Director of Facilities Management,

commencing October 1, 2020 until 4:00 p.m. local time on October 26, 2020. Each bidder shall submit one original offer or proposal with three (3) copies. All exhibits, drawings, renderings and other material to be used in connection with the offer or proposal that are in addition to the bid shall be deposited by each bidder at the time of the submission of the written offers and shall be retained by and become the property of the Library. Bids shall be open to public inspection. A bidder may raise the bidder's bid and the raise takes effect after the Library has given written notice of that raise to the other bidders. In accordance with Indiana Code §36-1-11-4(c), the minimum bid for the Property is Four Hundred Thousand and no/100 (\$400,000.00) Dollars.

- 3. READING OF OFFERS:** All bids timely received in response to this Request shall be read at the next regularly scheduled and duly noticed meeting of the Facilities Committee of the Library following the deadline for responses listed in Section 2. The Facilities Committee or designated sub-committee of the Facilities Committee may thereafter chose to make a recommendation to the full Library Board of Trustees on which proposal, if any, should be accepted by the Library Board of Trustees. The Facilities Committee also may, following review and deliberation of the bids, choose to reject all offers received under this Request.
- 4. EARNEST MONEY DEPOSIT:** Each offer must be accompanied by an earnest money deposit ("Deposit") which shall not be less than ten percent (10%) of the total amount of the purchase price offer. The Deposit shall be a Cashier's or Certified Check payable to the Indianapolis-Marion County Public Library and drawn on a solvent bank. No offer will be considered unless it is accompanied by the required Deposit. All checks of unsuccessful bidders will be promptly returned to the unsuccessful bidders.
- 5. FORM OF OFFER:** Every offer must be made on the forms attached hereto. Any additional information should be submitted as an attachment to the form provided.
- 6. EXPLANATIONS WRITTEN AND ORAL:** Should a bidder find any discrepancy in or omission from these Instructions to Bidders or any other forms in the bid packet, or should the bidder have questions regarding any aspect of this offering, the bidder shall submit written questions to the Library in care of Sharon Smith, Director of Facilities Management, P.O. Box 211, Indianapolis, IN 46206-0211, or by email to [ssmith@indypl.org](mailto:ssmith@indypl.org). No oral interpretation or oral instructions will be made to any bidder as to the meaning of the bid packet or any part thereof. Every request for such an interpretation or instructions shall be made in writing to the Library no later than September 25, 2020. The Library intends to respond in writing to all questions at one time and in one document that will be an addendum to the bid packet, and such document will be provided to all bidders who have received or will be receiving a bid packet and when issued will

be on file at the Library Services Center in care of Sharon Smith, Director of Facilities Management. All such addenda shall become part of the bid packet, and all bidders shall be bound by such addenda, whether or not received by the bidder. The Library, its representatives, employees, or agents will not be responsible for any oral instructions and/or interpretations.

7. **WITHDRAWAL OF OFFER:** No offer will be allowed to be withdrawn after bid opening.
  
8. **REJECTION OR ACCEPTANCE OF OFFERS:** The Library reserves the right to accept, reject or table any and/or all offers.
  
9. **HIGHEST AND BEST OFFER:** In determining the highest and best offer, the Library will take into consideration following factors (the order of which is not intended to be an indication of the order of importance but is merely a recitation of some of the factors that will go in to considering which offer is deemed the highest and best): the overall price offered for the Property, financial responsibility, qualifications, experience and ability of bidder to finance and complete the development; and other relevant factors for consideration. If the bidder is a Trust (as defined in Ind. Code § 30-4-1-1(a)), the bid must identify: a) the beneficiary of the trust and b) the name of the settlor empowered to revoke or modify the trust. Failure to comply with this requirement will exclude a bid from consideration. Additionally, a bidder must not be ineligible to submit a bid under Ind. Code § 36-1-11-16.
  
10. **BIDDER'S QUALIFICATIONS:** Each bidder shall submit, with its proposal, Attachment #2, Statement of Bidder's Qualifications. The offer shall include evidence of adequate project financing.
  
11. **TRANSFER OF INTEREST IN/POSSESSION TO THE PROPERTY:** Interest in and possession of the Property herein offered will be delivered to the successful bidder at the time and in accordance with the terms and conditions set forth herein. The Indianapolis-Marion County Public Library shall not be responsible for, or make any allowance for, damage which may occur to the property after the date of award of same to the successful bidder and will not reduce the sale price based upon any damages occurring after the award date. The successful bidder may request written permission from the Library authorizing said bidder to secure the Property. Possession of the property shall pass upon closing of the sale.

- 12. DUE DILIGENCE:** During the bidding period as set out in paragraph 2 above, the Library shall make the Property available to any party who has received a bid packet for purposes of conducting inspections, assessments or any other due diligence activity a bidder may deem necessary to determine the condition of the Property.
  
- 13. CLOSING:** Unless otherwise agreed upon by the Library, Closing on the purchase of the Property shall take place within thirty (30) days following the completion of the rezoning process as provided in the winning Bidder's proposal. The rezoning process must be completed within one hundred twenty (120) days of the date the Library has announced the winning Bidder.

**OFFERING SHEET**

**Property at 3325 Lowry Road, Indianapolis, Indiana**

**(Also known as Eagle Branch Property)**

**Indianapolis-Marion County Public Library  
Indianapolis, Indiana**

The Indianapolis Marion County Public Library Board of Library Trustees, through its Disposing Agent is offering the following property interest (the "Property") for sale to the successful bidder:

3325 Lowry Road, Indianapolis, Indiana, the legal description of which follows:

LOTS 11 AND 12 IN LAFAYETTE HIGHLANDS, AN ADDITION TO THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 5 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

Written offers will be received by the Library at the Library Services Center, 2450 North Meridian Street, Indianapolis, Indiana 46208 in care of Sharon Smith, Director of Facilities Management, commencing October 1, 2020 and ending at 4:00 p.m., October 26, 2020. The Director of Facilities Management for the Library shall read aloud all bids timely received in response to this Request at the next regularly scheduled meeting of the Facilities Committee of the Library following the close of the bid period. The Facilities Committee of the Library or designated sub-committee thereof may thereafter chose to make a recommendation to the full Library Board of Trustees on which proposal, if any, should be accepted by the Library Board of Trustees. The Facilities Committee may also choose to reject all offers received under this Request. No bid recommended by the Facilities Committee for acceptance by the Library Board of Trustees will be considered or accepted by the Library Board of Trustees without first conducting a properly noticed public hearing on the matter. The following terms and conditions apply to the bids:

- 1. Site:** The bidder only may bid on the Property described above.



2. **Acceptable Uses:** The bidder's proposed use and development of the Property is to be described on Attachments 1 and 2 to this Offering Sheet. The Library will not consider any proposal whose use is considered an Adult Entertainment Business by the current zoning ordinance for Indianapolis/Marion County nor any use which provides for the sale of alcohol.
3. **Zoning:** The current zoning of the Property is SU-37. It is anticipated that the successful bidder will seek a rezoning prior to Closing.
4. **Requirements of Bidder(s):** The successful bidder(s) must demonstrate that they have the financial capability to successfully complete the proposed transaction on the offered Property.
5. **Deed and Deed Restrictions:** The Indianapolis-Marion County Public Library will deliver a Special Warranty Deed. The Deed will not contain restrictive covenants. However, uses which are not acceptable to the Library are described in paragraph 2 hereinabove. The Library shall also submit a Non-Foreign Entity Transferor Affidavit and a Vendor's Affidavit at closing.
6. **Property Condition:** The property shall be sold in an "as is" condition subject to existing easements, restrictions of record, local, county, state and federal laws, regulations and other ordinances limiting or regulating the use of the property. Bidders must fully understand that delivery of the Property is "AS IS, WHERE IS AND WITH ALL FAULTS" and that the Library has disclaimed any implied warranties with respect to the Property as is more specifically set out below.
7. **No Warranties:** The Library makes no warranty, express or implied, or arising by operation of law, as to the nature and condition of the Property, including without limitation, the water, soil, geology and the suitability of the Property for any and all activities and uses which the bidder may elect to conduct thereon, and including the potential existence of any environmental hazards or conditions thereon or compliance of the Property or its operation with all applicable laws, rules and regulations as to the condition or state of repair of the Property, any portion thereof or any visible or hidden defects in material, workmanship or capacity of habitability, merchantability or fitness for a particular purpose or as to the Property or any portion thereof. The Library is under no obligation to alter, repair or improve the Property or any portion thereof.

- 8. Title Insurance and Closing Costs:** The Library, at its expense, shall provide an Owners Policy of Title Insurance at closing insuring title in the amount of the sale price. Any additional endorsements the bidder may want included in the title policy shall be at the bidder's sole cost and expense. All other costs and expenses associated with the Closing and/or bidder's due diligence activities shall be bidder's sole cost and expense.

**ATTACHMENT #1**

**PROPOSAL FOR PURCHASE**

**Property at 3325 Lowry Road, Indianapolis, Indiana  
(Also known as Eagle Branch Property)**

**Indianapolis-Marion County Public Library  
Indianapolis, Indiana**

PROJECT NAME:

PROPOSED USE\*:

---

---

---

---

---

BIDDER'S PRICE:

---

BIDDER'S DEPOSIT:

---

BIDDER'S NAME:

---

(Corporate Name or Authorized Representative)

BIDDER'S ADDRESS:

---

\*Attach additional sheets if necessary. This information should include the proposed rezoning classification of the Property.

The undersigned having familiarized itself with the present conditions on the site identified above, hereby offers to purchase from the Indianapolis-Marion County Public Library, that certain parcel(s) of real estate situated in the City of Indianapolis, Indiana, for the sum of \$\_\_\_\_\_ provided, however, that in the event that another offer for the parcel or parcels is accepted by the Library, the deposit shall be returned within ten (10) days after such acceptance.

In submitting this proposal to purchase, it is understood that the right to reject this offer is reserved by the Library or its committee designee.

It is agreed that in the event this proposal is accepted, if closing does not occur within the time provided in the bid packet, the Library may have the option of declaring any deposit given with the proposal forfeited.

Attached hereto and to be considered part of this Proposal for Purchase are the forms for the Statement of Bidder's Qualifications (Attachment #2 to the bid packet).

I certify that should this proposal be accepted, the title will be held in the name of \_\_\_\_\_ and I further certify that I am authorized to represent the bidder.

Acceptance or rejection of this proposal shall be sufficiently delivered if: (i) deposited with the United States Postal Service by certified mail, postage pre-paid, return receipt requested; (ii) delivered personally to the bidder at the address set forth below; or (iii) emailed to the email address provided below.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**

**[SIGNATURE BLOCK FOLLOWS]**

IN WITNESS WHEREOF, the undersigned has caused its name and seal to be subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

RESPECTFULLY SUBMITTED,

BIDDER:

\_\_\_\_\_  
(Name of Firm or Individual)

BY: \_\_\_\_\_  
(Signature)

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

ITS: \_\_\_\_\_  
(Title)

ADDRESS: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(email address)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Fax Number)

**ATTACHMENT #2**  
**STATEMENT OF BIDDER'S QUALIFICATIONS**

Please supply the following information regarding bidder's ability and capacity to acquire and develop the property.

1. Name and permanent address of bidder.
2. Please indicate the type of organization and legal description of entity, if not an individual doing business in his or her own name, and the legal name of such entity, if not indicated above (i.e., corporation, non-profit or charitable institution or corporation, partnership, business association or joint venture, government or instrumentality thereon or other).
3. Indicate whether the entity is a subsidiary of or affiliated with any other corporation or any other firm or firms. If so, please list such corporation by firm and address, specify its relationship with the bidder, and identify the officers and directors or trustees common to the bidder and such other corporation or firm.
4. Date and place of organization of legal entity bidding.
5. Names, addresses, title of position (if any), and nature and extent of the interest of the officers and principal members, shareholders, and investors of the bidder, other than a government agency or instrumentality, as set forth below:
  - a. If the bidder is a corporation, the officers, directors or trustees, and each stockholder owning more than 10% of any class of stock.
  - b. If the bidder is a non-profit or charitable institution or corporation, the members who constitute the board of trustees or board of directors, or similar governing body.
  - c. If the bidder is a partnership, each partner, whether general or limited partner, and either the percent of interest or a description of the character and extent of interest.
  - d. If the bidder is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest.
  - e. If the bidder is some other entity, the officers, the members of the governing body and each person having an interest of more than 10%.
6. General character of work usually performed by bidder.
7. Experience of the bidder's development team in projects similar to the property
8. List of pertinent projects which the bidder has designed, constructed or redeveloped.

- 9.** Whether the bidder team intends to joint venture or subcontract with other firms, and, if so, the names and qualifications of such firms.
  
- 10.** Evidence of the financial capability of the bidder, including approved financing. This should include full financial statement, which, if requested by the bidder, will be held as confidential information for the purposes of applicable public access laws, to the extent possible under those laws.

J:\WPDATA\RBS\Library\Real Estate - Eagle Branch (Lowry) Old - Sale\IMCPL Request for Bid Proposal Packet - Lowry Rd Sale (for Resolution).doc