

CITY OF WEST WENDOVER RESOLUTION NO. 2007-20

**A RESOLUTION AUTHORIZING THE DISPOSAL OF REAL PROPERTY
THROUGH SALE AS DEFINED BY WEST WENDOVER CITY CODE
TITLE 6, CHAPTER 11, SECTION 2**

WHEREAS, the City of West Wendover has acquired certain real property described under BLM Patent No. 27-2007-0027 and Recorded as Document No. 574514 with the Elko County Recorder on June 7, 2007 located in a portion of Section 16, T. 33 N., R. 70 E., M.D.B.&M., APN # 010-740-114 and containing 81.065 acres more or less;

WHEREAS, the City of West Wendover desires to sell through public auction a portion of the described property located at the Northeast corner of the intersection of Wendover Boulevard and Florence Way containing approximately 3.87 acres and particularly described and shown in **Exhibit Map 1 and related Legal Description and Figure 1**, together with all buildings, appurtenances and fixed equipment related thereto;

WHEREAS, the City of West Wendover has met or will meet the requirements of N.R.S. 268.048 to 268.059, as amended, to conduct such sale;

WHEREAS, the City of West Wendover finds that a requirement of a parcel map concerning the property being sold is unnecessary and desires to waive any parcel map requirements;

WHEREAS, the City of West Wendover hereby determines and finds it is in the best interests of the City and the related development of commercial activities in West Wendover to offer the described property for sale to the public; and,

WHEREAS, the City of West Wendover intends to set forth certain terms and conditions in relation to the public sale which shall be set forth hereafter;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The minimum sealed bid price is set at: One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00)
2. No sale is to occur until a public hearing has been held regarding the fair market value pursuant to N.R.S. 268.059, as amended.

3. Sealed bids (**using City of West Wendover Form: Public Land Sale 8-20-2007**) will be received by the City of West Wendover until 4:30 P.M. (Mountain Time), August 20, 2007. No late “sealed bids” will be considered. All sealed bids will be kept secure and unopened until time of opening. City of West Wendover Form: Public Land Sale 8-20-2007 may be obtained from the City of West Wendover City Clerk. Each bid must be accompanied by a cashier's check, bank check or money order equal to ten percent (10%) of the bid and payable to the City of West Wendover.
4. Sealed bids must be contained in an opaque, plainly marked envelope and addressed to:

Attn: Chris J. Melville, City Manager
West Wendover Public Land Sale 8-20-2007
801 Alpine Street
West Wendover, Nevada 89883
5. The City Council sets the following time and place for the public session to **open sealed bids and accept any oral bids** related to the land sale:

August 20, 2007
6:00 P.M. (Mountain Time)
Pilot Peak Meeting Room
West Wendover Library
590 Camper Drive
West Wendover, Nevada 89883
6. All sealed bids will be opened, examined and declared by the governing body. Of the bids submitted which conform to all terms and conditions specified in the bid requirements, which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.
7. Prior to accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions specified in the resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted, unless the governing body rejects all bids.

8. The bid award by the governing body will be made at the City's Regular Meeting to be held August 21, 2007. Notwithstanding any provision herein to the contrary, the governing body may at this session or any adjourned session of the same meeting held within ten (10) days of the bid opening date, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.
9. The City will require the winning bidder to deposit into an escrow with Stewart Title of Northeastern Nevada, Elko, Nevada, cash or certified funds in the amount of the winning bid minus any deposit within 48 hours of bid acceptance and will require the winning bidder to execute an appropriate sale contract with the City of West Wendover, together with a lease as follows:
 - a. The City will be allowed to lease back that portion of said property which relates directly to the City's existing Fire Department and Court facilities, **more specifically described and shown in Figure 2 and related Legal Description - Fire Station**. The City will be charged a lease amount not to exceed \$1.00 (one dollar) per year for a maximum of two (2) years from the date of the sale. (The lease will be in substantially the form and manner as set forth in this resolution and provided for in the bid form to prospective bidders.)
 - b. If the City's needs determine that it must occupy said facilities/property identified in (a) above, for a period longer than two (2) years, the City will be charged a fair market lease rate, minus (-) ten percent (10%) for an extension period not to exceed an additional one (1) year. If the parties are unable to mutually agree upon the fair market lease rate, each party shall select one appraiser licensed in the State of Nevada to provide an appraised fair market rental price and the average of the two prices will be deemed the fair market rental value. Cost for such appraisers shall be borne equally by the parties.
10. Closing of the sale must occur within thirty (30) days after final determination of the winning bidder.
11. The City hereby waives any requirement for a parcel map concerning the sale, which is the subject matter of this resolution.

12. Council for the City of West Wendover hereby directs staff to prepare and the Mayor to execute an appropriate deed and related documents to be delivered upon performance and compliance by the purchaser with all the terms or conditions, which are to be performed concurrently therewith for the public sale under the provisions of applicable law.

Upon introduction by Councilperson E. Carter, and seconded by Councilperson Gorum, the above described Resolution was duly considered, **PASSED and ADOPTED** by the City Council of the City of West Wendover on July 24th, 2007 and signed this 24th day of July, 2007.

CITY OF WEST WENDOVER

By: _____
JAMEY L. CHRISTIE, Mayor Pro-tem

ATTEST:

ANNA BARTLOME, City Clerk