

## CITY OF WEST WENDOVER RESOLUTION NO. 2009-17

### 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 owns certain real property described as Lot 12, Block B of West Wendover Highlands, Unit No. 2, as shown on the map filed in the office of the County Recorder of Elko County, Nevada on September 20, 1985 as File No. 207777, subject to easements, dedications, reservations, provisions, recitals, building set back lines and any other matters of record. (“the property”);

**WHEREAS**, the City of West Wendover desires to sell the property through public auction;

**WHEREAS**, the City of West Wendover has met or will meet the requirements of N.R.S. 268.048 to 268.062, to conduct such sale;

**WHEREAS**, the City of West Wendover hereby determines and finds it is in the best interests of the City to offer the 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: **Two Hundred Thousand Dollars (\$200,000.00)**. Two Hundred Thousand Dollars (\$200,000.00) is the established fair market value based upon an appraisal conducted under City Code 6-11-2(D) and the public hearing required under N.R.S. 268.059, whichever is higher. The appraised value and any differing determination of fair market value, if any, shall be made available to all bidders prior to the time required for sealed bids.
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.
  - a. Sealed bids (**using City of West Wendover Form: Public Land Sale 01-05-2010**) will be received by the City of West Wendover until 4:30 P.M. (Mountain Time), **January 5, 2010**. 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 01-05-2010 may be obtained from the City of West Wendover City Clerk or online at:

[www.westwendovercity.com/forms/publiclandsales](http://www.westwendovercity.com/forms/publiclandsales)

Each bid must be accompanied by a cashier's check, bank check or money order equal to five percent (5%) of the minimum established bid price as set forth in Section 1 above and made payable to the City of West Wendover.

- b. Sealed bids must be contained in an opaque, plainly marked envelope addressed to:

Attn: Chris J. Melville, City Manager  
West Wendover Public Land Sale 01-05-2010  
1111 N. Gene L. Jones Way  
West Wendover, Nevada 8988

- c. 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:

January 5, 2010  
6:00 P.M. (Mountain Time)  
City Hall  
Council Chambers  
1111 N. Gene L. Jones Way  
West Wendover, Nevada 89883

- d. 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.
- e. Prior to accepting for award any written bid or if no written bids are received, 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 five percent (5%) the highest written bid, or if no written bid being received, offers an oral bid at the minimum sealed bid price, then the highest oral bid which is made by a responsible person must be finally accepted, unless the Governing Body rejects all bids. Any oral bid requires that a Deposit of five percent (5%) of the minimum required bid amount be made as provided for in Section 2(a) above at the time the oral bid is made in addition to the completion of the required Bid Form prior to final acceptance by the Governing Board.

- f. The bid award by the Governing Body will be made at the City's Regular Meeting to be held **January 5, 2010**. 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.
  - g. 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 within **thirty days (30) days** of bid acceptance and will require the winning bidder to execute an appropriate sale contract with the City of West Wendover.
  - h. Final closing of the sale must occur within **forty-five (45) days** after final determination of the winning bidder.
  - i. If the provisions of (g) and (h) above are not met, the Bid will be rejected and the Bidder will forfeit the Deposit provided for in (a) above and an offer to purchase will be extended to the next highest bidder equal to or above the required bid amount.
3. If the property is not sold under Public Land Sale 01-05-2010, the City will hold a **second public land sale for the unsold property. This sale will be titled: 02-02-2010.**
- a. Sealed bids (**using City of West Wendover Form: Public Land Sale 02-02-2010**) will be received by the City of West Wendover until 4:30 P.M. (Mountain Time), **February 2, 2010**. 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 02-02-2010** will be available from the City of West Wendover City Clerk or online at:

[www.westwendovercity.com/forms/publiclandsales](http://www.westwendovercity.com/forms/publiclandsales)

Each bid must be accompanied by a cashier's check, bank check or money order equal to five percent (5%) of the minimum established bid price as set forth in Section 1 above and made payable to the City of West Wendover.

- b. Sealed bids must be contained in an opaque, plainly marked envelope addressed to:

Attn: Chris J. Melville, City Manager  
West Wendover Public Land Sale 02-02-2010  
1111 N. Gene L. Jones Way  
West Wendover, Nevada 89883

- c. 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:

February 2, 2010  
6:00 P.M. (Mountain Time)  
City Hall  
Council Chambers  
1111 N. Gene L. Jones Way  
West Wendover, Nevada 89883

- d. 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.
- e. Prior to accepting for award any written bid or if no written bids are received, 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, or if no written bid being received, offers an oral bid at the minimum sealed bid price, then the highest oral bid which is made by a responsible person must be finally accepted, unless the Governing Body rejects all bids. Any oral bid requires that a Deposit of five percent (5%) of the minimum required bid amount be made as provided for in Section 3(a) above at the time the oral bid is made in addition to the completion of the required Bid Form prior to final acceptance by the Governing Board.
- f. The bid award by the Governing Body will be made at the City's Regular Meeting to be held **February 2, 2010**. 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.
- g. 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 within **thirty (30) days** after acceptance and will require the winning bidder to execute an appropriate sale contract with the City of West Wendover.
- h. Final closing of the sale must occur within **forty-five (45) days** after final determination of the winning bidder.

- i. If the provisions of (g) and (h) above are not met, the Bid will be rejected and the Bidder will forfeit the Deposit provided for in (a) above and an offer to purchase will be extended to the next highest bidder equal to or above the required bid amount.
4. If the real property that is offered for sale under Section 3, does not sell, the Governing Body may list the real property for sale or lease at the appraised value with a licensed real estate broker pursuant to City Code 6-11-2 (H) and NRS 268.061.
5. The City Council for the City of West Wendover hereby directs staff to prepare and the Mayor to execute any 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 Council Member Bryant Blake, and seconded by Council Member Emily Carter, the above described Resolution was duly considered, **PASSED and ADOPTED** by the City Council of the City of West Wendover on October 20, 2009 and signed this 20<sup>th</sup> day of October, 2009.

**CITY OF WEST WENDOVER**

By:   
**DONALD H. ANDERSEN, Mayor**

**ATTEST:**

  
**ANNA E. BARTLOME, City Clerk**