

INVITATION FOR PROPOSAL

ISSUED BY CITY OF SAN MARCOS, TEXAS

Solicitation No.:	224-232
Project Title:	Disposition of Mitchell Center (715 Valley St, San Marcos, TX) to a Non- Profit Entity for Public Purpose
Due Date:	September 5, 2024
Due prior to:	2:00 P.M.

This solicitation is comprised of the following sections. Please read each section including those incorporated by reference. By signing this document, you are agreeing to be bound by all terms and conditions.

Questions must be submitted in writing and addressed to cosmpurchasing@sanmarcostx.gov. Questions submitted must reference "224-232" in the subject line to ensure timely routing to the correct party for response.

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- 1. Proposal Deadline: September 5, 2024, 2:00 p.m.
- 2. <u>Proposal Submission</u>: City Clerk's Office, City Hall, 630 E. Hopkins Street, San Marcos, Texas 78666
- 3. <u>Proposal Description</u>: The City owns the property located at 715 Valley St, San Marcos, Texas also known as the Mitchell Center. The City seeks a Nonprofit Entity to transfer the property for a public purpose that enriches the Dunbar neighborhood through celebrating its heritage and culture.
- 4. Property Legal Description: B W BREEDING ADDITION, LOT Y, BLK 7
- 5. <u>Property Walk-Through</u>: Date to be determined, which will be posted in a forthcoming addendum.
- 6. <u>Deed and Title Insurance</u>: Conveyance will be by Deed Without Warranty, which the City will furnish. If a respondent desires title insurance, the respondent must arrange for, and pay the premium for, a Texas owner's title insurance policy to be issued through a company of respondent's choice. The conveyance will be subject to all easements, restrictions, rights-of-way, conditions, and exceptions recorded in the official records of Hays County. The removal of any exceptions shown on the commitment for title insurance will be at the sole expense of the respondent.
- 7. <u>Condition of Premises and Disclaimer of Warranties</u>: Respondents must make inquiries and perform inspections and satisfy themselves as to:
 - a. The dimensions, physical condition, materials, construction, design, habitability, merchantability, tenantability and fitness for a particular purpose of the property and any improvements on the property. The City provides in this proposal a property assessment in 2022 and a property survey. Transferee may perform its own assessment in coordination with the City before the closing date of the proposal.
 - b. The environmental condition, and possible presence of contamination by hazardous materials on the property or the improvements on the property.
 - c. Whether any geological fault or other flaw, or any unsatisfactory soil condition exists on any portion of the property.
 - d. The regulatory processes, including those of the City (zoning, subdivision, building construction, flood plain, off-street parking, etc.) involved in any development of the property.
 - e. Existing Zoning and the future Land Use: Currently zoned Public "P" allowing institutional and governmental uses with limited commercial use, as summarized in Table 9.1 of the San Marcos Development Code at https://user-3vpeqil.cld.bz/San-Marcos-Development-Code-Effective-10-17-23/436/. Prior to making any improvements or occupying the existing structure, the successful respondent must contact the Planning and Development Services Department at 512-393-8230 or planninginfo@sanmarcostx.gov to determine application requirements.

The successful respondent would be required to comply with the following provisions:

- a. Owner would occupy property in accordance with land development and zoning policy established by the City for the area.
- b. Conveyance would be contingent on Transferee being a nonprofit organization exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, to qualify for a conveyance under Section 253.011 of the Texas Local Government Code, where consideration for the deed is the use of the property in a manner that primarily promotes a public purpose of the City. Transferee must provide details for City to evaluate this fact, including a description of the nonprofit; its proposed programs, schedule, and intent for the property; its proposed financial commitment, timeline, and plans for repairs to the present Mitchell Center. Failure to continue use of this nature under the terms of the deed and state law will result in a reversion of the land and improvements thereon to the City. City Council will review the Transferee's performance annually to ensure City's public purposes are maintained.
- c. City will reserve needed easements for the Purgatory Creek project.
- d. Need to contact outside utility providers for additional utility services.

THE PROPERTY IS TO BE CONVEYED "AS IS", "WITH ALL FAULTS" AND WITHOUT ANY WARRANTY, EXPRESS, IMPLIED, OR STATUTORY, WITH RESPECT TO THE PROPERTY, ITS CONDITION, ADEQUACY, SUITABILITY FOR ANY PURPOSE, MERCHANTABILITY OR TENANTABILITY, OR THE PRESENCE OF ANY GEOLOGICAL, SOIL, OR ENVIRONMENTAL CONDITIONS, AND SUBJECT TO ALL GOVERNMENT REGULATIONS REGARDING DEVELOPMENT OF THE PROPERTY.

A successful transferee may not terminate the conveyance process after a proposal is accepted based upon any subsequent inspection of the property regardless of the nature, extent or cost of any repairs or remediation.

Other than the attached assessment and survey, City shall be under no obligation to disclose to any respondent and shall have no liability for its failure to disclose to any respondent, any information known to it relating to any property.

- 8. <u>Character/Acceptance of Proposals</u>: Each proposal will constitute an unqualified and unconditional offer to accept transfer of the property under the terms and conditions of this proposal form. The acceptance of a proposal by the Seller's governing body results in a binding transfer agreement. Proposals are subject to acceptance for a period of 120 days following the proposal deadline.
- 9. Enclosures: Each proposal packet contains a copy of the following:

These enclosures are provided for informational purposes only, and do not alter the obligations of respondents contained in Section 4 above.

- 10. <u>Respondent Acknowledgment</u>: RESPONDENT HAS READ AND UNDERSTANDS THE TERMS AND CONDITIONS OF THIS SALE, AND BY SUBMITTING A PROPOSAL, AGREES TO BE BOUND BY THESE TERMS AND CONDITIONS.
- 11. <u>Basis of Proposal</u>: The respondent bears all closing costs, including without limitation, title insurance, attorney's fees, survey costs, real estate commissions, and environmental assessment costs. Closing must occur within 30 days of acceptance of a proposal by Seller's governing body.
- 12. <u>Nonprofit Information:</u> The Nonprofit shall provide a proposal with the following information.

The information is mandatory for the Nonprofit proposal to be considered for conveyance to Nonprofit of land and Mitchell Center.

- a. Proof of Nonprofit organizations exemption from federal taxation under Section 501(c)(3) of the Internal Revenue Code.
- b. Description of the Nonprofit organization to include address, contact information, governance structure, history, mission statement and current community programs provided to the San Marcos community.
- c. Description of the public purpose and programs/services that the organization will provide to the San Marcos community with the use of the Mitchell Center and property. The services and programs description shall include:
 - i) the program(s) offered,
 - ii) program schedule including months/days/hours of operation,
 - iii) intent of the programming,
 - iv) how the programming enriches the Dunbar neighborhood through celebrating its heritage and culture,
 - v) the audience of the programming, and
 - vi) the intended outcomes and benefits this programming will provide the San Marcos community.
- d. Description of the Nonprofit organization's financial commitment to repair and maintain the Mitchell Center building. Reference Attachment A-- Mitchell Center Inspection, with an inspection date of August 5, 2022.
- e. Description of the Nonprofit organization's proposed timeline and plan for building repairs.

Respondent Id	lentification:		
Name:			
Address:			
Telephone:			
		_	
Signature:			
Date:		_	

Prying Eyes

235 Smith Creek Rd Wimberley, Tx 78676 512-757-0169

Apryingeye@yahoo.com

PROPERTY INSPECTION REPORT

Prepared For:	City of Sar	n Marcos		
		4)	Jame of Client)	
Concerning:	715 Valley	, San Marcos, Tx 7866	6	
		(Address or Other Id	entification of Inspected Property)	
By:	Ed Foster	Trec. Lc 4850	8/5/22	
	(Name ar	nd License Number of Inspector)		(Date)
	(Name, L	icense Number and Signature of Sponsori	ng Inspector, if required)	

PURPOSE, LIMITATIONS AND INSPECTOR / CLIENT RESPONSIBILITIES

This property inspection report may include an inspection agreement (contract), addenda, and other information related to property conditions. If any item or comment is unclear, you should ask the inspector to clarify the findings. It is important that you carefully read ALL of this information.

This inspection is subject to the rules ("Rules") of the Texas Real Estate Commission ("TREC"), which can be found at www.trec.texas.gov.

The TREC Standards of Practice (Sections 535.227-535.233 of the Rules) are the minimum standards for inspections by TREC-licensed inspectors. An inspection addresses only those components and conditions that are present, visible, and accessible at the time of the inspection. While there may be other parts, components or systems present, only those items specifically noted as being inspected were inspected. The inspector is **NOT** required to turn on decommissioned equipment, systems, utility services or apply an open flame or light a pilot to operate any appliance. The inspector is **NOT** required to climb over obstacles, move furnishings or stored items. The inspection report may address issues that are code-based or may refer to a particular code; however, this is **NOT** a code compliance inspection and does **NOT** verify compliance with manufacturer's installation instructions. The inspection does **NOT** imply insurability or warrantability of the structure or its components. Although some safety issues may be addressed in this report, this inspection is **NOT** a safety/code inspection, and the inspector is **NOT** required to identify all potential hazards.

In this report, the inspector shall indicate, by checking the appropriate boxes on the form, whether each item was inspected, not inspected, not present or deficient and explain the findings in the corresponding section in the body of the report form. The inspector must check the Deficient (D) box if a condition exists that adversely and materially affects the performance of a system or component or constitutes a hazard to life, limb or property as specified by the TREC Standards of Practice. General deficiencies include inoperability, material distress, water penetration, damage, deterioration, missing components, and unsuitable installation. Comments may be provided by the inspector whether or not an item is deemed deficient. The inspector is not required to prioritize or emp hasize the importance of one deficiency over another.

Promulgated by the Texas Real Estate Commission (TREC) P.O. Box 12188, Austin, TX 78711-2188 (http://www.trec.state.tx.us).

(512) 936-3000

Report Identification: MITCHELL INSPECTION 1

Some items reported may be considered life-safety upgrades to the property. For more information, refer to Texas Real Estate Consumer Notice Concerning Recognized Hazards or Deficiencies below.

THIS PROPERTY INSPECTION IS NOT A TECHNICALLY EXHAUSTIVE INSPECTION OF THE STRUCTURE, SYSTEMS OR COMPONENTS. The inspection may not reveal all deficiencies. A real estate inspection helps to reduce some of the risk involved in purchasing a home, but it cannot eliminate these risks, nor can the inspection anticipate future events or changes in performance due to changes in use or occupancy. It is recommended that you obtain as much information as is available about this property, including any seller's disclosures, previous inspection reports, engineering reports, building/remodeling permits, and reports performed for or by relocation companies, municipal inspection departments, lenders, insurers, and appraisers. You should also attempt to determine whether repairs, renovation, remodeling, additions, or other such activities have taken place at this property. It is not the inspector's responsibility to confirm that information obtained from these sources is complete or accurate or that this inspection is consistent with the opinions expressed in previous or future reports.

ITEMS IDENTIFIED IN THE REPORT DO NOT OBLIGATE ANY PARTY TO MAKE REPAIRS OR TAKE OTHER ACTIONS, NOR IS THE PURCHASER REQUIRED TO REQUEST THAT THE SELLER TAKE ANY ACTION. When a deficiency is reported, it is the client's responsibility to obtain further evaluations and/or cost estimates from qualified service professionals. Any such follow-up should take place prior to the expiration of any time limitations such as option periods.

Evaluations by qualified tradesmen may lead to the discovery of additional deficiencies which may involve additional repair c osts. Failure to address deficiencies or comments noted in this report may lead to further damage of the structure or systems and a dd to the original repair costs. The inspector is not required to provide follow-up services to verify that proper repairs have been made.

Property conditions change with time and use. For example, mechanical devices can fail at any time, plumbing gaskets and seals may crack if the appliance or plumbing fixture is not used often, roof leaks can occur at any time regardless of the apparent condition of the roof, and the performance of the structure and the systems may change due to changes in use or occupancy, effects of weather, etc. These changes or repairs made to the structure after the inspection may render information contained herein obsolete or invalid. This report is provided for the specific benefit of the client named above and is based on observations at the time of the inspection. If you did not hire the inspector yourself, reliance on this report may provide incomplete or outdated information. Repairs, profess ional opinions or additional inspection reports may affect the meaning of the information in this report. It is recommended that you hire a licensed inspector to perform an inspection to meet your specific needs and to provide you with current information concerning this property.

TEXAS REAL ESTATE CONSUMER NOTICE CONCERNING HAZARDS OR DEFICIENCIES

Each year, Texans sustain property damage and are injured by accidents in the home. While some accidents may not be avoidable, many other accidents, injuries, and deaths may be avoided through the identification and repair of certain hazardous conditions. Examples of such hazards include:

- •malfunctioning, improperly installed, or missing ground fault circuit protection (GFCI) devices for electrical receptacles in garages, bathrooms, kitchens, and exterior areas;
- •malfunctioning arc fault protection (AFCI) devices;
- •ordinary glass in locations where modern construction techniques call for safety glass;
- •malfunctioning or lack of fire safety features such as smoke alarms, fire-rated doors in certain locations, and functional emergency escape and rescue openings in bedrooms;
- •malfunctioning carbon monoxide alarms;
- •excessive spacing between balusters on stairways and porches;
- •improperly installed appliances:
- •improperly installed or defective safety devices; and
- •lack of electrical bonding and grounding.
- lack of bonding on gas piping, including corrugated stainless steel tubing (CSST).

To ensure that consumers are informed of hazards such as these, the Texas Real Estate Commission (TREC) has adopted Standards of Practice requiring licensed inspectors to report these conditions as "Deficient" when performing an inspection for a buyer or seller, if they can be reasonably determined.

Report Identification: MITCHELL INSPECTION 1

These conditions may not have violated building codes or common practices at the time of the construction of the home, or the y may have been "grandfathered" because they were present prior to the adoption of codes prohibiting such conditions. While the TREC Standards of Practice do not require inspectors to perform a code compliance inspection, TREC considers the potential for injury or property loss from the hazards addressed in the Standards of Practice to be significant enough to warrant this notice.

Contract forms developed by TREC for use by its real estate licensees also inform the buyer of the right to have the home inspected and can provide an option clause permitting the buyer to terminate the contract within a specified time. Neither the Standards of Practice nor the TREC contract forms require a seller to remedy conditions revealed by an inspection. The decision to correct a hazard or any deficiency identified in an inspection report is left to the parties to the contract for the sale or purchase of the home.

INFORMATION INCLUDED UNDER "ADDITIONAL INFORMATION PROVIDED BY INSPECTOR", OR PROVIDED AS AN ATTACHMENT WITH THE STANDARD FORM, IS NOT REQUIRED BY THE COMMISSION AND MAY CONTAIN CONTRACTUAL TERMS BETWEEN THE INSPECTOR AND YOU, AS THE CLIENT. THE COMMISSION DOES NOT REGULATE CONTRACTUAL TERMS BETWEEN PARTIES. IF YOU DO NOT UNDERSTAND THE EFFECT OF ANY CONTRACTUAL TERM CONTAINED IN THIS SECTION OR ANY ATTACHMENTS, CONSULT AN ATTORNEY.

-		FORMATION PRO eport is subject to the			
Inspection Scope Property inspected was	⋈ Full⋈ Occupied	☐ Limited – R ☐ Vacant	eason		
Parties present at inspection Documents provided to inspector	☐ Buyer ☐ Sellers Discl	Seller	Listing Ager	nt Buyers Agent Previous Inspection	
Weather conditions during inspect Time of inspection 10am		Overcast erature during inspecti	Raining 81 degrees	☐ Snowing F	
Additional written information pro Cost of inspection services \$1	ovided with this ins 100 to be paid at	pection report Inspection		☐ No ☐ By mail ☐ By Credit Card	
I=Inspected NI=Not II I NI NP D	nspected	NP=Not Present	D=Defici	ient	7
A. Found: Type of Comme	Foundation(s):	I. STRUCT	URALSYSTI	EMS	
rela spa	atively large s ace main girde	tress cracks, flo ers have damage	ors dip and sl at various ar	g as intended as masonry has lope considerably and crawl reas. Various girders/sills are e. Soil under the structure is	Э





Girder separation, exterior load bearing concrete wall damage and black mold in crawl space



subfloor damage



Termite shelter tubes on floor joist

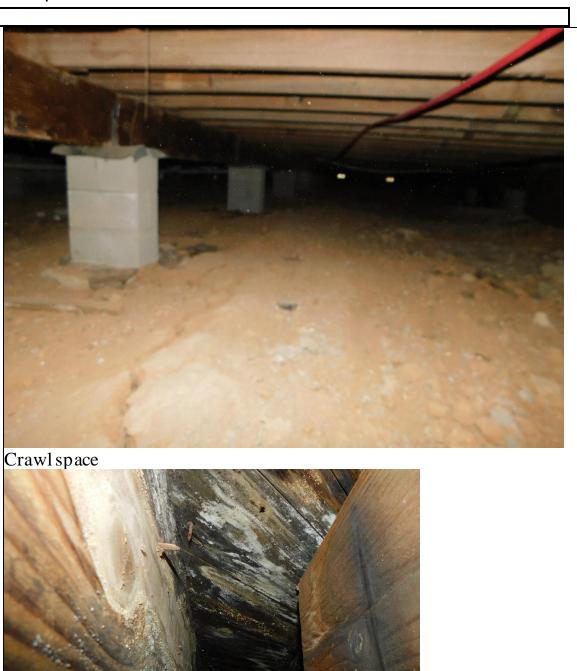


damage to floor joist and subfloor

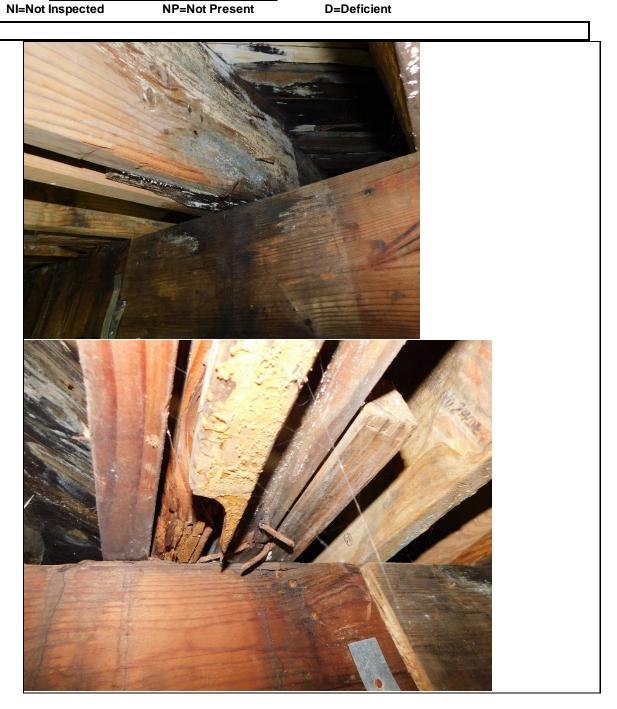
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Black mold present with active water leak/subfloor damage



NI NP D



 $\boxtimes \square \square \boxtimes$

B. Grading and Drainage Comments:

I=Inspected NI=Not Inspected NP=Not Present D=Deficiency C=Comment only

I NI NP D



Rear runoff area

C. Roof Covering Materials

Types of Roof Covering: Metal Viewed From: Rooftop

Comments:

Roofing directly walked on for inspection. Small tree limbs contact roof. Some fasteners are not quite secure to the decking and or have grommets damaged. Center left valley metal roofing panel is no longer secure.



Front center left

valley panel and nearby fasteners not secure



rubber sealing

washer damaged



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D=Deficient

NI NP D

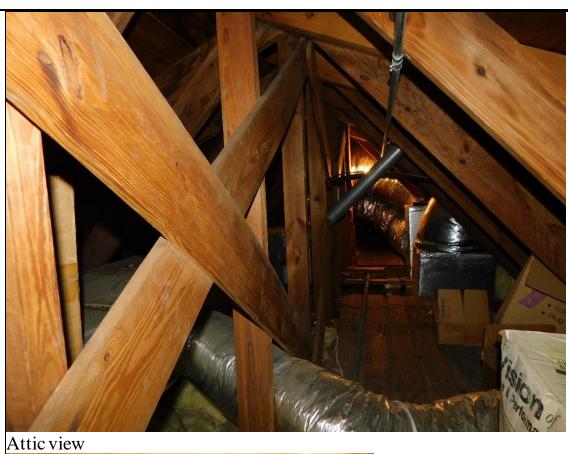
Tree limbs contact roofing

D. Roof Structures and Attics

Viewed From: Attic Approximate Average Depth of Insulation: 3-5 inches Comments:

Front eaves are damaged. Note—rodent droppings are present in the attic. No decking present under the metal roof.

NI NP D





Various roofing fasteners do no secure to joists

 $\boxtimes \square \square \boxtimes$

E. Walls (Interior and Exterior)

I=Inspected NI=Not Inspected NP=Not Present D=Deficiency C=Comment only

I NI NP D

Exterior masonry has stress cracks and exterior siding is damaged at numerous areas—worse near window exteriors. Exterior wall flashing and damaged covering allows for water penetration behind the exterior sheathing. Note—not inspected for lead based paint, asbestos, ADA compliancy, or cosmetic issues. Also, City of San Marcos may impose stricter standards than National codes call for.



Large perimeter

brick wall stress crack



Exterior wall water damage to Masonite siding

D=Deficient NI NP D More wall stress cracking



Exterior wall flashing allows water to enter structure

I=Inspected NI=Not Inspected NP=Not Present D=Deficient

I NI NP D



F. Ceilings and Floors

Comments:

Floors slope and dip, subfloors are damaged at water areas—worse at left bathroom, and have black mold present. Subfloors have major water damage at left. Some areas of ceilings have water damage—hall area damage may have been from a previous air conditioner leak. AC pan at this time water dry. Note—floor covering partially absent at main room



\boxtimes		\bowtie	G.	Doors	(Interior	and	Exterior)
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NI NP D

Comments:



exterior door rust damage



l=inspected NI=Not Inspected NP=Not Present D=Deficient

NI NP D

Comments:

Most windows would not open, have glazing damage and have exterior trim damaged. Cracked panes at right rear and left rear and screens are absent. No safety glass found at windows near doorways.



Exterior window trim damage

 $\square\square\square$ **Stairways (Interior and Exterior)**

Comments:

Exterior stairs are damaged at all areas and is a safety concern at this time—worse at right rear. Note—no ramps present at stairways.

Comments:

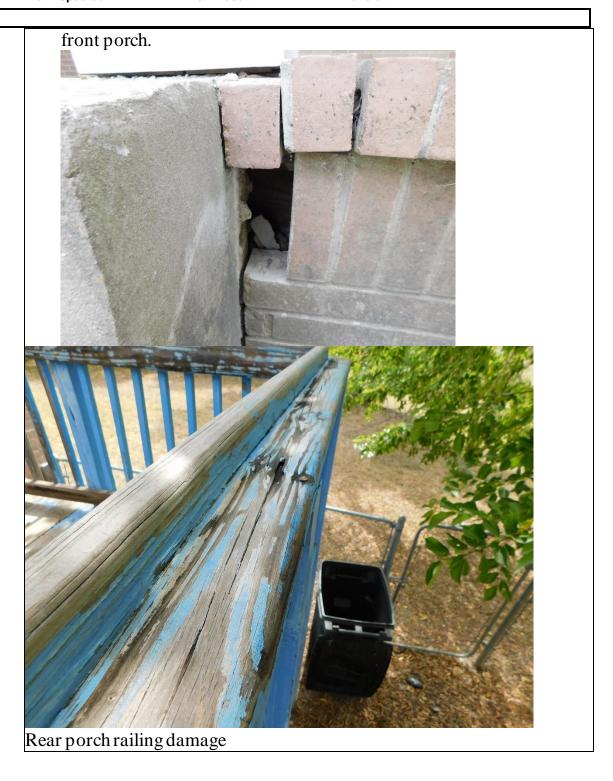
D=Deficient

NI NP D



	J.	Fireplaces and Chimneys Comments:
		Connection.
$\boxtimes \Box \Box \boxtimes$	K.	Porches, Balconies, Decks, and Carports

Exterior porch decking and railings are damaged and are a safety concern at this time at rotted areas. Front porch roof support columns are damaged. Some masonry is damaged at the lower perimeter of the







NI NP D



L. Other

Comments:

Security system not inspected. Hole present covered by masonry tile at right rear---trip hazard.

NI NP D



II. ELECTRICAL SYSTEMS

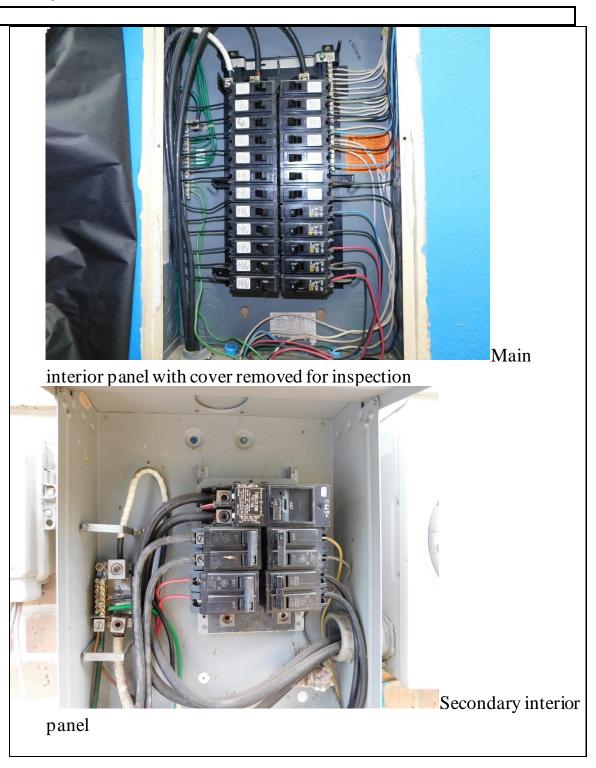


A. Service Entrance and Panels

Comments:

Interior small panel has grounds and neutrals tied together instead of floating and lacks breaker labeling.

NI NP D



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\triangle	ш	ш	\triangle

B. Branch Circuits, Connected Devices, and Fixtures

Type of Wiring: Copper

Comments:

I=Inspected NI=Not Inspected NP=Not Present D=Deficiency C=Comment only

I NI NP D

Numerous outlets have worn contacts and or are not secure to their junction boxes. Smoke alarm was inoperative. More smoke alarms are needed and it is now recommended that smoke alarms are the type that when one goes off, all sound as well. Numerous overhead lights are inoperative. Left rear exterior outlet and large room outlet had no current. Front center right outlet had no cover.

III. HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS

🔀 🔲 🔲 🦳 A. Heating Equipment

Type of Systems: Forced Air - Split System Energy Sources: Horizontal Flow - Gas

Comments:

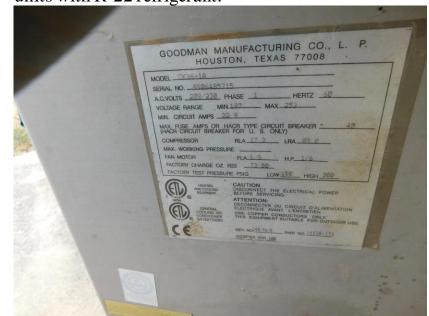
Note—heat exchangers not directly inspected

B. Cooling Equipment

Type of Systems: Split System

Comments:

Only a 10 degree differential was measured for the left side of the structure. . 16 to 20 is considered good. Unit for the right side of the structure was completely inoperative. Condenser fins are damaged at both units. Note—A-coils were not directly visible. Recommend contact licensed HVAC technician for further evaluation. 2 1999 3 ton units with R-22 refrigerant.



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I=Inspected NI=Not Inspected

NI NP D

NP=Not Present

D=Deficient



\boxtimes			\boxtimes	С.	Duct	Systems,	Chases,	and	Vents
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Ac primary drains should terminate at least 3 feet from the structure.

IV. PLUMBING SYSTEM

\square A. Plumbing Supply, Distribution Systems and Fixtures

Location of water meter: Front yard Location of main water supply valve: Front yard

Static water pressure reading: unknown--no testing point PSI

Comments:

Left front bath has one sink with no water and one sink with only hot water operations. Left rear bathroom had one sink with no water and one sink with only cold water operation--cut off valves were either clogged or were seized in the closed position. Right commode of the left front bath would not flush and water is leaking presently into the crawl space appears to be from the urinal or sink.

$\boxtimes \square \square \boxtimes$	В.	Drains, Wastes, and Vents
		Comments:

I=Inspected NI=Not Inspected NP=Not Present D=Deficiency C=Comment only

I NI NP D

Sewer clean out is damaged at right. Note--Most of the waste piping has been upgraded to PVC. Most commodes had lost their weirs/water traps—this can be caused by window blowing past the plumbing vents or inadequate venting.



Waste Pvc pipe



Damaged clean out

C.	Water Heating Equipment Energy Sources:					
	Capacity: Comments:	1999 40 <i>Gallons</i>	Gallons	Gallons		

Report Identification: MITCHELL INSPECTION 1 I=Inspected NI=Not Inspected NP=Not Present

l=Inspected	NI=Not Inspected NP=Not Present D=Deficient
I NINP D	
	D. Hydro-Massage Therapy Equipment Comments:
	E. Other Comments:
	V. APPLIANCES A Dishwashers Comments:
	B. Food Waste Disposers Comments:
	C. Range Hood and Exhaust Systems Comments:
	D. Ranges, Cooktops, and Ovens Comments: Oven temperature was degrees when set to 350
	E. Microwave Ovens Comments:
	F. Mechanical Exhaust Vents and Bathroom Heaters

Report Identification: MITCHELL INSPECTION 1 I=Inspected NI=Not Inspected NP=Not Present

l=Inspected	NI=Not Inspected NP=Not Present D=Deficient
I NINP D	
	Comments:
	G. Garage Door Operators Comments:
	H. Dryer Exhaust Systems Comments:
	I. Other Comments:
	VI. OPTIONAL SYSTEMS A. Landscape Irrigation (Sprinkler) Systems Comments:
	B. Swimming Pools, Spas, Hot Tubs, and Equipment Type of Construction: Comments:
	C. Outbuildings Comments:
	D. Private Water Wells (A coliform analysis is recommended.) Type of Pump: Type of Storage Equipment: Comments:

