

VILLAGE OF MANLIUS

# **PUBLIC SEALED BID AUCTION**

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**Surplus Real Property for Sale by  
Public Sealed Bid Auction**

**September 6, 2019**

**2:00 p.m.**

**at Village Hall, One Arkie Albanese Avenue,  
Manlius, New York 13104**

**This auction offers the following property located in the Town of Manlius:  
4500 Pompey Center Road, Town of Manlius, New York 13104,  
Tax Map No. 113.2-04-03.2, commonly known as "Fire Station 2".**

**BIDDING PERIOD:**

**Sealed Bids, on the proper sealed bid form available at the Village Hall, will be  
accepted until 2:00 p.m. on September 6, 2019 at the Village Hall, One Arkie  
Albanese Avenue, Manlius, New York 13140**

**BID OPENING:**

**Sealed Bids will be publicly opened on September 6, 2019 at 2:00 p.m. in the  
Village Hall, One Arkie Albanese Avenue, Manlius, New York 13104.**

**Submit Sealed Bids to:  
Sealed Bid: Fire Station 2  
Village of Manlius  
Village Hall  
One Arkie Albanese Avenue  
Manlius, NY 13104**

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**Public Auction Brochure**  
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## GENERAL INFORMATION

1. POLICY STATEMENT – In accordance with applicable laws, the Village of Manlius offers for sale at public auction property no longer required for Village or public purposes. It is understood that the property being offered for sale is subject to withdrawal at or before the date of the Sealed Bid auction.
2. TERMS AND CONDITIONS OF SALE – The Terms and Conditions of Sale printed on pages 4-5 of this Brochure contain information on the auction terms, including, but not limited to, the Earnest Money Deposit, Remaining Down Payment, and Balance Due at Closing requirements. We urge you to read them carefully.
3. SEALED BID SALE – Please refer to the instructions for Sealed Bids located on page 8 of this Brochure. Sealed bids will be accepted by the Village of Manlius only during the bidding period. Bids received after 2:00 p.m. on the last day of bidding period will **not** be opened.
4. NON-COLLUSIVE BIDDING – it is illegal for people to agree at any time to hold down the price(s) at auctions by not bidding against one another. **VIOLATORS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.** Every successful bidder for real property auctioned by the Village of Manlius shall be required to subscribe to a “NON-COLLUSIVE BIDDING” statement included in the Bid Confirmation (page 12 of this Brochure). The statement shall be affirmed by the bidder as true under the penalties of perjury.
5. ZONING & MAPS – Prospective purchasers are urged to contact the following agencies for information regarding the Property being offered at the Sealed Bid public auction:
  - A. To verify auction requirements, contact the Village of Manlius at (315) 682-9171.
  - B. For information on zoning, contact the Village of Manlius Planning and Development Department, 301 Brooklea Drive, Fayetteville, New York 13066, (315) 637-8619 .
  - C. A survey map will be available for perusal at the Village Hall, located at One Arkie Albanese Avenue, Manlius, New York 13104. (Please call in advance for an appointment)
6. The information in this Brochure is available for the convenience of prospective purchasers and is as accurate as can reasonably be provided.

**IT IS EMPHASIZED THAT THE PROPERTY BEING OFFERED MAY BE WITHDRAWN FROM SALE BY THE VILLAGE OF MANLIUS ON OR BEFORE THE DATE OF THE AUCTION**

## TERMS AND CONDITIONS OF SALE

1. The Property being sold at public auction is being offered pursuant to the New York State law.
2. The Village of Manlius reserves the right to reject any or all bids and may re-advertise for new bids if, in its opinion, the best interests of the Village of Manlius will thereby be promoted, and/or if no bid representing fair and adequate consideration is received. In the event the Village exercises its right to reject any or all bids, the high bidder shall be entitled only to the return of the sum paid pursuant to the bid, and the parties shall be mutually released of all obligations under the terms of the sale.
3. **Each bidder must present in his or her Sealed Bid for the Property on which he or she intends to bid a certified or bank check in the amount of 10% of his or her bid. Said amount shall be the bidder's "Earnest Money Deposit".**
4. Bids will be received from bidders or authorized representatives. An Authorization to Bid form, attached as page 11, must be completed if the bidder is not the principal.
5. **A valid bid must equal or exceed the announced opening bid price, which shall be \$350,000.00.**
6. Immediately upon the conclusion of the bidding, the highest acknowledged bidder must execute a Bid Confirmation. The remaining down payment (which, when combined with the Earnest Money Deposit, shall represent 25% of the total bid (or sale price)) will be required in the form of a certified or bank check within 10 days of the acceptance of the bid. The balance of the purchase price will be due and payable on the date of closing and shall be paid by certified or bank check. **Cash will not be accepted.**
7. The Village of Manlius shall convey said Property, as is, by Quitclaim deed in form as prepared by the Village Attorneys. The deed shall convey all property, property rights, easements, covenants, and restrictions of record which are shown and described on the Property Description on page 7 of this Brochure and documented of record at the Onondaga County Clerk's Office. In the event that the successful bidder wishes to use a different description, the bidder shall provide the Village of Manlius with a survey of the property and proposed description; said survey shall be certified by a licensed surveyor and guaranteed to the Village of Manlius.
8. The closing will take place 30 to 45 days after notice by the Village of Manlius that the Bid Confirmation has been approved at a time and place mutually agreed upon by the parties. **TIME BEING OF THE ESSENCE** as to the performance by the purchaser. The Village of Manlius, at its sole discretion, reserves the right to extend the date of the closing until it is prepared to deliver the deed, it being understood, however, that the Purchaser will be advised in advance, in writing, of any delay and extension.
9. The Village of Manlius shall convey said property subject to all zoning laws and the Purchaser understands that no representation is made by the Village of Manlius as to future permitted use, occupancy or zoning of the property.
10. The Purchaser understands that all real property and the improvements thereon are sold in their "AS IS" condition on the date of auction.
11. The risk of loss or damage by fire or otherwise, between the date of auction and the transfer of title, shall be governed by Section 5-1311 of the General Obligations Law of the State of New York.

## TERMS AND CONDITIONS OF SALE (continued)

12. In the event that the Village of Manlius is unable to convey title to the Purchaser, the Village's sole liability shall be to return the sum paid pursuant to the bid (for example, the Earnest Money Deposit and any Remaining Down Payment) and the sale shall be considered cancelled.
13. Upon default by Purchaser, the Village of Manlius may elect to enforce specifically the obligations of the Purchase or to terminate the obligations of the Purchaser and retain as liquidated damages any payments made hereunder by Purchaser. If such payments are inadequate to compensate the Village of Manlius for damages, the Village of Manlius may exercise its rights to sue for damages for Purchaser's default. Notice of such election by the Village of Manlius shall be in writing and delivered to Purchaser by registered mail.
14. The Purchaser may not enter upon the property prior to transfer of title without prior written permission of the Village of Manlius.
15. The Purchaser shall pay for any documentary stamps required to be affixed to the deed as well as any fees for recording, conveyance, taxes or revenue charges which may be in force at the time of the delivery of the deed.
16. The Village of Manlius shall not be liable for payment of brokerage commissions.
17. No assignment of the purchase will be recognized by the Village of Manlius.
18. Purchaser understands that the sale is subject to the following:
  - A. All enforceable covenants, conditions, easements, restrictions, reservations and agreements of record affecting the property.
  - B. Any state of facts that an inspection of the premises may show.
  - C. Any state of facts an accurate survey may disclose.
  - D. Laws and governmental regulations which affect the use and occupancy of subject premises.
  - E. The right of tenants and persons in possession, if any.
  - F. Encroachments, if any.
19. The Terms and Conditions of Sale shall be part of the Agreement made between the parties and cannot be changed orally.
20. Non-Collusive Bidding:

It is illegal for people to agree at any time to hold down the price(s) at auctions by not bidding against one another. Violators will be prosecuted to the full extent of the law.

Every successful bidder for property auctioned by the Village of Manlius shall be required to subscribe to a "Non-Collusive Bidding" statement which is to be included in the Bid Confirmation of the property. The statement shall be affirmed by the bidder as true under the penalties of perjury.

By signing the Bid Confirmation, each bidder and each person signing on behalf of any bidder certifies, under the penalty of perjury, that to the best of his or her knowledge and belief:

  - A. The bid price had been made independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such bid with and other bidder or with any competitor;
  - B. No attempt has been made to induce any other person, partnership, or corporation to bid or not to bid for the purpose of restricting competition.

## QUESTIONS AND ANSWERS

- **Q: What is the present zoning for the Property?**

A: THE VILLAGE OF MANLIUS MAKES ABSOLUTELY NO REPRESENTATIONS REGARDING THE ZONING OF THE PROPERTY OFFERED, OR THE SUITABILITY OF THE PROPERTY FOR PARTICULAR INDIVIDUAL NEEDS.

It is the responsibility of the prospective bidders as competent, reasonable and prudent auction participants to investigate all zoning and local ordinances with the appropriate and proper local authorities prior to bidding.

- **Q: What is the minimum I can bid?**

A: The minimum bid for the Property is listed in this Brochure.

- **Q: If there are no bidders on the Property at this sale, will the Property come up for sale again?**

A: If no bids are made, the Property may be re-evaluated and may be re-offered at public auction at a future date.

- **Q: How much money is due on the day of the auction?**

A: When you register, you must have in your possession, and display to the Village of Manlius' representative, a certified or bank check for no less than the amount of the Earnest Money Deposit required for the Property. Immediately at the conclusion of the bidding for the Property, you must pay the appropriate deposit in the form of a certified or bank check and execute a Bid Confirmation.

- **Q: Is a personal check or cash acceptable?**

A: No. All payments must be made by a certified or bank check payable to the Village of Manlius.

- **Q: What is a Bid Confirmation?**

A: It is a form, which when executed, acknowledges you as the high bidder of a property, binding you to the **TERMS AND CONDITIONS OF SALE** provided on pages 4-5.

- **Q: May I bid for someone else?**

- A: Yes, as long as you are authorized to do so, and have presented a completed AUTHORIZATION TO BID FORM, at registration. The form is included in this Brochure.

SURPLUS PROPERTY DESCRIPTION

Village of Manlius Fire Station #2  
4500 Pompey Center Road  
Town of Manlius, Onondaga County  
Tax Parcel #113.2-04-03.2

The Property is substantially described, pursuant to a survey map prepared by David William Hannig, PLS dated September 25, 2018.

Beginning at a point in the easterly line of Pompey Center Road S. 12° 28' 00" W. a distance of 207.46 feet along said easterly line from the intersection of said easterly line with the southeasterly line of Enders Road;

then S. 85° 06' 15" E. a distance of 258.95 feet to a point;

then S. 06° 09' 00" W. a distance of 80.0 feet to a point;

then S. 35° 44' 25" W. a distance of 165.24 feet to a point marked by an iron pipe;

then S. 52° 45' 35" E. a distance of 28.88 feet to a point marked by an iron pipe;

then S. 37° 14' 25" W. a distance of 140.0 feet along an existing dam to a point;

then N. 62° 50' 45" W. a distance of 166.51 feet to a point in the easterly line of Pompey Center Road; then

N. 13° 16' 45" E. a distance of 196.46 feet along the easterly line of Pompey Center Road to a point;

then N. 06° 58' 00" E. a distance of 98.70 feet to the point and place of beginning marked by an existing iron pipe.

Subject to easements, covenants, and restrictions of record.

## INSTRUCTIONS FOR SEALED BIDS

1. Bids must be submitted on the **SEALED BID FORM** found on page 9 of this Brochure.
2. All bids must be accompanied by a certified or bank check for the amount of the Earnest Money Deposit, which shall be 10% of the bid amount. Bids submitted without a certified or bank check for the Earnest Money Deposit will **NOT** be considered for the sale.
3. If you are submitting a bid on behalf of another person, please include an **AUTHORIZATION TO BID** in your sealed bid. This form can be found on page 11 of this Brochure.
4. Bids, along with the Earnest Money Deposit, must be submitted in a sealed envelope and mailed or delivered to:

**SEALED BID  
FIRE STATION 2  
VILLAGE OF MANLIUS  
VILLAGE HALL  
ONE ARKIE ALBANESE AVENUE  
MANLIUS, NEW YORK 13104**

5. Delivery of sealed bids can be made in person, by U.S. Mail, or by private delivery service.
6. All sealed bids must be received by the Village of Manlius, Village Hall, One Arkie Albanese Avenue, Manlius, New York 13104 by 2:00 p.m. on September 6, 2019. Bids received after 2:00 p.m. on September 6, 2019 will **NOT** be opened.
7. It is the bidder's responsibility to ensure that his/her bid is received by the Village of Manlius before the 2:00 p.m. deadline on September 6, 2019. Delivery to the Village Hall building does not guarantee receipt by the Village of Manlius.
8. Bidders may request a written receipt upon delivery to the Village of Manlius.
9. The Village of Manlius will not be responsible for lost, delayed, or misdirected bids.
10. Public opening of the sealed bids will take place on September 6, 2019 at 2:00 p.m. in the Village of Manlius, Village Hall, One Arkie Albanese Avenue, Manlius, New York 13104.
11. Bidders may, but are not required to, be present at the bid opening.
12. The successful bidder will be notified, and required to complete a **BID CONFIRMATION** (page 12).
13. Checks for the Earnest Money Deposit will be returned to unsuccessful bidders.
14. For questions concerning the Sealed Bid process, please call (315) 682-9171.



**SEALED BID FORM**  
**BID OPENING: SEPTEMBER 6, 2019 AT 2:00 P.M. BIDS**  
**ACCPTED UNTIL SEPTEMBER 6, 2019 AT 2:00 P.M.**

**MAIL OR DELIVER SEALED BIDS TO:**  
**SEALED BID: FIRE STATION 2**  
**VILLAGE OF MANLIUS**  
**VILLAGE HALL**  
**ONE ARKIE ALBANESE AVENUE**  
**MANLIUS, NY 13104**

In re: The Property substantially described on page 7 of the Public Sealed Bid Auction Brochure and commonly identified as Town of Manlius Tax Parcel #113.2-04-03.2, which is located at 4500 Pompey Center Road, Town of Manlius, County of Onondaga, State of New York.

Pursuant to the General Information, Terms and Conditions of Sale, Instructions for Sealed Bids and all other terms of the Sealed Bid Public Auction Brochure, I am submitting a bid in the amount of \$ \_\_\_\_\_  
or \_\_\_\_\_ dollars.  
(amount in words)

Enclosed is a certified or bank check for the amount of \$ \_\_\_\_\_ for the Earnest Money Deposit equal to 10% of the amount of the above bid.

Date: \_\_\_\_\_

Bidder: \_\_\_\_\_  
Legal Name (person(s), corporation, or partnership)

By: \_\_\_\_\_  
Name and Title

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (     ) \_\_\_\_\_

**If bidder is not an individual, please execute Certificate of Corporate/Organization Bidder (page 10).**

**The successful bidder will be notified in writing once the bid is approved. Checks will be returned to unsuccessful bidders.**

**CERTIFICATE OF CORPORATE/ORGANIZATION BIDDER**  
(For use with Bid Form)

**THIS FORM MUST BE SIGNED BY SOMEONE OTHER THAN THE BIDDER  
(UNLESS THE BIDDER IS THE SOLE AUTHORIZED REPRESENTATIVE OF THE  
CORPORATION/ORGANIZATION).**

I, \_\_\_\_\_, certify that I am \_\_\_\_\_  
(Secretary or other Title)

of the Corporation/Organization named as Bidder herein; that \_\_\_\_\_  
(Name of Authorized Representative)

who signed the Sealed Bid Form on behalf of the Bidder was then \_\_\_\_\_  
(Official Title)

of said Corporation/Organization; that said Sealed Bid Form was duly signed for and on behalf said Corporation/Organization by authority of its governing body and is within the scope of its corporate/organization powers.

\_\_\_\_\_  
(Signature of Certifying Officer/Manager/Secretary)

Print Name:

\_\_\_\_\_

(Corporate Seal Here, if applicable)

**AUTHORIZATION TO BID**

**ON SURPLUS REAL PROPERTY OFFERED FOR SALE BY THE  
VILLAGE OF MANLIUS**

I \_\_\_\_\_ hereby authorize  
(print name of bidder-principal)

\_\_\_\_\_ to bid on my behalf  
(print name of bidder in attendance)

at public auction for the following properties:

Identify below the parcel(s) on which bidding is authorized:

4500 Pompey Center Road  
Tax Map No. 113.2-04-03.2  
Town of Manlius  
County of Onondaga  
State of New York

Limiting Instructions (if none, so state):

\_\_\_\_\_  
Signature of bidder-principal

\_\_\_\_\_  
Date

Company (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

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

**BID CONFIRMATION**  
**VILLAGE OF MANLIUS**  
For Property Sold by Sealed Bid

Property Identified As: 4500 Pompey Center Road  
Town of Manlius, County of Onondaga  
State of New York, 13104  
Town of Manlius Tax Parcel No. 113.2-04-03.2

(I) (We) hereby acknowledge that (I) (we) have purchased by Public Sealed Bid Auction the Property described above for the sum of \$ \_\_\_\_\_ dollars. (I) (We) hereby agree to comply with the Terms and Conditions of Sale and other terms included in the Public Sealed Bid Auction Brochure, and have paid to the Village of Manlius the sum of \$ \_\_\_\_\_ dollars (the Earnest Money Deposit) toward the purchase price. (I) (We) further agree to forfeit said Earnest Money Deposit to the use of the Village of Manlius should (I) (we) fail to comply with the TERMS AND CONDITIONS OF SALE as defined in the Auction Brochure.

Bidder – Please Print Legibly	Telephone
Street Address	City, State, Zip Code

1. Total Amount of Bid	\$ _____
2. Less Earnest Money Deposit *	\$ _____
3. Remaining Balance	\$ _____
4. Less Remaining Down Payment * (Due within 10 days of bid acceptance)	\$ _____
5. Balance Due at Closing **	\$ _____

\* Items 2 and 4 must total 25% of Total Bid (or Sale Price).  
\*\* Item 5 must equal 75% of Total Bid (or Sale Price).

By signing the Bid Confirmation, each bidder and each person signing on behalf of any bidder certifies, under penalty of perjury, that to the best of their knowledge and belief:

- A. The bid price has been made independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such bid with any other bidder or with any competitor.
- B. No attempt has been made to induce any other person, partnership, or corporation to bid or not to bid for the purpose of restricting competition.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_