

TOWN OF DARTMOUTH REQUEST FOR PROPOSALS

SALE OF 155 OLD FALL RIVER ROAD



Invitation to Bid

The Town of Dartmouth, Massachusetts ("the Town") is selling the property located at $155\,\mathrm{Old}\,\mathrm{Fall}$ River Road through an affordable housing lottery. The $91,354\,\mathrm{square}$ foot parcel includes the main residence, with accessory apartment and a barn. The Town intends to convey the Property in fee simple subject to an affordable housing restriction and an agricultural use restriction. The successful bidder shall also have the right of first refusal to lease or purchase the adjacent $20\,\mathrm{acres}$ +/- of agriculturally restricted land .

Bidders must be first time homebuyers and have completed an approved homebuyer counseling course, and attain a score of at least 50 points on the Agricultural Experience Worksheet attached hereto.

Bidders gross annual household income cannot exceed 80% of the median family income for the Town of Dartmouth as established by HUD as follows:

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$41,000	\$46,850	\$52,700	\$58,550	\$63,250	\$67,900	\$72,600	\$77,300

The Town of Dartmouth is selling the property at less than the fair market value of the property to ensure affordability to an eligible first-time homebuyer and continued agricultural use. The property has been assessed by the Town of Dartmouth at \$348,400.00. The Town of Dartmouth will impose a deed restrictions in consideration of the amount of \$183,400.00 for a resulting purchase price of \$165,000.00.

The main resident and rental unit will be subject to rent and income restrictions in accordance with HUD guidelines. This will be enforced through an Affordable Housing Restriction for a period of fifteen (15) years.

Eligible applicants will be pre-approved by:

Andrew Guilbeault, Bank Five 136 Faunce Corner Road, North Dartmouth, MA (508) 965-5276

Bidders will be pre-approved through Bank Five from December 16, 2009 to January 22, 2010. Please contact Andrew Guilbeault at Bank Five to schedule an appointment - No Walkin's will be accepted.

Bank Five will offer mortgage financing to eligible applicants according to the following terms:

- 1. Purchase Price \$165,000.00. Successful Buyer will receive a discounted Interest Rate through one of MassHousing's First Time Homeowner Program
- 2. Applicants will have to provide a minimum of 3% of their own funds for the required down payment. Funds for said down payment may have been received through an eligible gift as determined by MassHousing's underwriting guidelines.

- 3. Successful applicants will have to complete a First Time Homebuyer's Seminar as approved by Bank Five.
- 4. Applicants must adhere to the First Time Home Buyer Underwriting guidelines of the Massachusetts Housing Finance Agency and Bank Five

ALL BANK FIVE PRE- APPROVED BIDDERS WHO ALSO ATTAIN A SCORE OF AT LEAST 50 POINTS ON THE AGRICULTURAL EXPERIENCE WORKSHEET WILL BE ELIGIBLE FOR THE FIRST TOME HOME BUYER LOTTERY.

All proposals must be submitted by 3:00 pm on January 29, 2010. The winning proposal will be chosen by lottery at the first February 2010 meeting of the Dartmouth SelectBoard. The Town reserves the right to reject any or all proposals or to cancel this Request for Proposals, if it is in the Town's best interest.

Preference will be given to a qualified income eligible Dartmouth farmer . A "qualified income eligible Dartmouth farmer" is an individual who has received pre-approval for funding by BankFive according to credit and income eligibility guidelines and who has attained a score of at least 50 on the Agricultural Experience Worksheet attached hereto as part of Exhibit "C".

The Town of Dartmouth makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFP. This RFP (including all attachments and supplements) is made subject to errors; omissions; prior sale, lease or financing; withdrawal without prior notice; and changes to, additions to, and different interpretations of laws and regulations.

All inquiries shall be in writing and directed, no later than January 8, 2010 to:

Edward F. Iacaponi
Chief Procurement Office - Town of Dartmouth
400 Slocum Road
Dartmouth, MA 02747
Phone (508) 910-1802
Fax (508) 910-

E-mail eiacaponi@town.dartmouth,ma.us

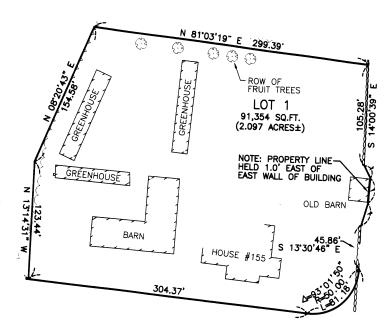
Any clarifications made in response to the questions of any one potential applicant will be communicated in writing and by e-mail to all other potential applicants who have registered with the Chief Procurement Officer.

SITE TOUR AND BRIEFING

Interested bidders are encouraged to attend an on-site briefing session on January 8, 2010 at 10:00 pm am. Registration to attend the briefing is required no later than the 3:00 pm on January 7, 2010. To register or for additional information, contact the Treasurer's office at (508) 910-1802 or email eiacaponi@town.dartmouth,ma.us.

PROPERTY DESCRIPTION

Location and Site information: The Premises are shown as Lot 1 on an Approval Not Required Plan endorsed by the by the Dartmouth Planning Board on December 17, 2007 and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 162, Page 57. The Premises were part of a larger parcel of land that was acquired by the Town of Dartmouth with funds from the Town's Community Preservation Fund. The other parcels which were part of the acquired parcel are being used for agricultural preservation For the Town's title, see the deed



recorded with the Bristol County (S.D.) Registry of Deeds in Book 8224, Page 23..



AERIAL VIEW OF PROPERTY

Deed Restrictions, easements, or covenants:

The premises will be conveyed subject to an Affordable Housing Restriction as summarized in the Summary attached hereto as Exhibit "B". The successful bidder will also be required to execute a Statement of Agricultural Intent as described in the Summary attached hereto as Exhibit "C". The Town does not believe that the property is subject to any other deed restrictions or covenants, but reminds all prospective bidders that they should examine the title to the property themselves to determine whether there are any deed restrictions, easements or covenants related to the site.

Utilities and Infrastructure:

The Property is serviced by municipal water service and and is serviced by an onsite waste system. A new onsite septic system, which complies with Title V, is being installed by the Town and will be operational prior to conveyance of the property.

Buildings and improvements:

The 91,354 square foot parcel contains the following structures:

FARMHOUSE

The 7 room Farmhouse has 2,489 square feet of living space including 3 bedrooms and 1 bath as well as an accessory 1 bedroom/1 bath apartment. The Farmhouse is heated with oil fired hot water. Portions of the farmhouse have hardwood floors and knotty pine woodwork on the walls.





The accessory apartment is seen to the right of the Farmhouse of this photograph which is taken from the eastern boundary of the Property.

BARN



The Property includes a 480 square foot Barn/Garage.

Assessed Values:

Although the Property is currently exempt from real estate tax because it is municipally owned, the Dartmouth Assessors Office has determined that the Property's Assessed Value for Fiscal Year 2010 is as follows:

Farmhouse Barn & Accessory Structures Land	\$ 155,100 \$ 37,700 <u>\$ 155,600</u>
Total Assessed Value	\$ 348,400

Zoning:

The Premises are located in a SRA District as that term is defined by the Dartmouth Zoning Bylaw.

Bidder's responsibility and due diligence:

Prospective bidders should undertake an independent review and analysis concerning physical conditions, environmental conditions, applicable zoning, permits and approvals and other development and legal considerations.

SUBMISSION REQUIREMENTS

The submitted proposal must be complete and must conform to all submission requirements. All proposals must be received by the Treasurer's Office by 3:00 pm on January 29, 2010 and must include the following materials to be considered a complete response to the RFP:

- 1. Pre-Approval Letter from BankFive
- 2. Executed Summary of Deed Rider and Statement of Understanding (Exhibit "B")
- 3. Executed Summary of Statement of Agricultural Intent and Completed Agricultural Experience Worksheet with score of at least 50 points (Exhibit "C")
- 4. Completed Bidder Contact Information Sheet (Exhibit "D")
- 5. Executed Affidavit of Disclosure of Beneficial Interests, Certification of Tax Compliance and Non-Collusion (Exhibit "E")

SELECTION PROCESS

All packages submitted by the deadline will be opened and logged in publicly. All information contained in the proposals (with the exception of financial information protected under the Fair Information Practices Act) will be made public. Town of Dartmouth or its designee(s) will review to insure that all required documents have been executed and submitted by the submission deadline.

All qualified Bidders will be entered into the 155 Old Fall River Rd Affordable Housing Lottery and the winning Bidder will be chosen through said lottery. Preference will be given to qualified income eligible Dartmouth farmers as defined herein. If there are no qualified income eligible Dartmouth farmers who file bids, then the names of all Bidders who have received pre-approval from BankFive will be entered into 155 Old Fall River Rd Affordable Housing Lottery and the winning Bidder will be chosen through said lottery.

The successful bidder shall also have the right of first refusal to lease or purchase the adjacent 20 acres +/- of agriculturally restricted land subject to terms to be determined.

THE TOWN OF DARTMOUTH MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO THE ACCURACY AND/OR COMPLETENESS OF THE INFORMATION PROVIDED IN THIS RFP. THIS RFP (INCLUDING ALL ATTACHMENTS AND SUPPLEMENTS) IS MADE SUBJECT TO ERRORS, OMISSIONS, PRIOR SALES, LEASE OR FINANCING, AND WITHDRAWAL WITHOUT PRIOR NOTICE, AND TO CHANGES TO, ADDITIONAL, AND DIFFERENT INTERPRETATIONS OF LAWS AND REGULATIONS.



EXHIBIT "A"

TOWN OF DARTMOUTH AFFORDABLE HOUSING LOTTERY

155 OLD FALL RIVER RD.

LEGAL DESCRIPTION

Land with buildings thereon in Dartmouth, Massachusetts on the northwest corner of Old Fall River Road and Faunce Corner Road described as follows:

Beginning at a point in the northerly sideline of Old Fall River Road at the southeasterly corner of the parcel herein conveyed, thence

S 80° 15' 50" W	Three Hundred Four and 37/100 (304.47) feet to a point; thence
N 13° 14' 31" W	One Hundred Twenty-Three and 44/100 (123.44) feet to a point; thence
N 08° 20' 43" E	One Hundred Fifty-Four and 58.100 (154.58) feet to a point; thence
N 81° 03' 19" E	Two Hundred Ninety-Nine and 39/100 (299.39) feet to a point; thence
S 14° 00' 39" E	One Hundred Five and 28/100 (105.28) feet to a point; thence
S 43° 18' 55" E	Fourteen and 49/100 (14.49) feet to a point; thence
S 10° 48' 14" E	Twenty-Six and 42/100 (26.42) feet to a point; thence
S 01° 43′ 36″ W	Twenty-Four and 55/100 (24.55) feet to a point; thence
S 13° 30' 46" E	Forty-Five and 86/100 (45.86) feet to a point; thence
	By an arc with a radius of 50.00 and a length of 81.18 feet to the point of beginning.

Containing 91,354 square feet, more or less and being shown as Lot 1 on that certain plan of land entitled "Approval Not Required Plan, Drawn for the Town of Dartmouth", dated December 5, 2007 and recorded with Bristol County (S.D.) Registry of Deeds in Plan Book 162, Page 57

Subject to an Affordable Housing Restriction to be recorded herewith.



EXHIBIT "B"

TOWN OF DARTMOUTH AFFORDABLE HOUSING LOTTERY

155 OLD FALL RIVER RD.

SUMMARY OF DEED RIDER & STATEMENT OF UNDERSTANDING

A deed rider is a legal document recorded at the Registry of Deeds that specifies the resale, refinance and leasing provisions for the referenced property. The buyer of 155 Old Fall River Rd., selected by lottery, must agree to execute a deed rider, which will be recorded at the New Bedford Registry of Deeds at the time of purchase. This affordable unit will be sold at a substantial discounted price with a Deed Rider attached. The Deed Rider ensures that the unit remains affordable for future purchasers of the property.

IT IS STRONGLY RECOMMENDED THAT PURCHASERS OF AN AFFORDABLE, DEED RESTRICTED UNIT REVIEW THE DEED RIDER WITH THEIR ATTORNEY AND LENDER.

Below is a general description of the deed rider

Principal Residence: The property must be the owner's principal residence.

Maximum Resale Price: There is a limit on the resale price of the unit. The resale price must be affordable to a household earning no more than 80% of area median income (established by the U.S. Department of Housing and Urban Development (HUD)), adjusted for household size, paying no more

than 30% of their gross household income on housing costs. The Maximum Resale Price is set by the Town of Dartmouth, and is typically much less than the appraised value of the home.

Right of First Refusal: If an owner wants to sell their affordable unit, they are required to notify the Town of Dartmouth. The notice should contain a recent appraisal of the

property (at fair market value) conducted by a certified real estate appraiser. The Town may exercise its Right of First Refusal and locate an eligible purchaser for the property or purchase the home on behalf of the Town. If the Town does not exercise its right of first refusal, the seller must make diligent efforts to find an income-eligible purchaser within 120 days. If no purchaser is found, the owner may sell the property to any buyer at fair market value. However, all sales proceeds that exceed the Maximum Resale Price must be paid directly to the Town of Dartmouth and deposited into the Town's Affordable Housing Fund.

Co-Applicant Signature

Leasing and Refinancing: Affordable units cannot be leased or refinanced without prior written consent of the Town of Dartmouth. No affordable unit can be refinanced for 100% of the home's appraised value. A copy of the proposed Deed Rider for this property is available for review in the Treasurer's Office, 400 Slocum Road, North Dartmouth, Massachusetts, 02748, Monday thru Friday 8:30 am to 4:00 pm. This location is handicap accessible. For more information, please call 508-910-1802..

Date

STATEMENT OF UNDERSTANDING

I/We have read the summary of the Deed Rider for 155 Old Fall River Rd. I/We understand that, if

selected by lottery to purchase the 155 Old Fall River Rd., a full copy of the Deed Rider will be provided to me and will be included in the Purchase and Sales Agreement. I/We understand that the buyer of the 155 Old Fall River Rd., selected by lottery, will be required to execute the Deed Rider at the time of purchase.

Applicant Signature

Date



EXHIBIT "C"

TOWN OF DARTMOUTH AFFORDABLE HOUSING LOTTERY

155 OLD FALL RIVER RD.

SUMMARY OF STATEMENT OF AGRICULTURAL INTENT & STATEMENT OF UNDERSTANDING

The buyer of 155 Old Fall River Rd., selected by lottery, must agree to execute an Statement of Agricultural Intent. This Statement will form a contractual obligation between the successful buyer and the Town pursuant to which the buyer agrees that they will use the property at 155 Old fall River Road for agricultural purposes.

IT IS STRONGLY RECOMMENDED THAT PURCHASERS OF THE PROPERTY REVIEW THE STATEMENT OF AGRICULTURAL INTENT WITH THEIR ATTORNEY AND LENDER.

Below is a general description of the Statement of Agricultural Intent

Use of Property: The principal use of the property must be for an Agricultural Use as that term is defined in General Laws, Chapter 61A, §1 or a Horticultural Use as that term is defined in General Laws, Chapter 61A, §2.

Ability to Enforce: The Town of Dartmouth shall have the right to enforce the contractual

obligations created by the Statement of Intent in the Superior Court. This is a personal contract and not a lien against the property although the property may be attached pursuant to an order of a court of competent jurisdiction to secure the obligations under the Statement of Intent Affirmative Covenant: The successful bidder executing the Statement of Intentn agrees for itself, and its successor in title that the property shall be maintained in active commercial agricultural use, and the land shall not be abandoned. Discontinuance of commercial agricultural use shall only be in accordance with a USDA Natural Resource

Conservation Service Farm Management Plan and with the Town of Dartmouth's approval. A copy of the proposed Statement of Agricultural Intent for this property is available for review in the Treasurer's Office, 400 Slocum Road, North Dartmouth, Massachusetts, 02748, Monday thru Friday 8:30 am to 4:00 pm. This location is handicap accessible. For more information, please call 508-910-1802...

STATEMENT OF UNDERSTANDING

I/We have read the summary of the Statement of Agricultural Intent for 155 Old Fall River Rd. I/We understand that, if selected by lottery to purchase the 155 Old Fall River Rd., a full copy of the Statement of Agricultural Intent will be provided to me and will be included in the Purchase and Sales Agreement. I/We understand that the buyer of the 155 Old Fall River Rd., selected by lottery, will be required to execute the Statement of Agricultural Intent at the time of purchase.

Applicant Signature	Date
Co-Applicant Signature	Date

AGRICULTURAL EXPERIENCE WORKSHEET

Preference will be given to bidders who are Qualified Income Eligible Dartmouth Farmers. Determination of Income Eligibility will be made by BankFive and evidenced by a Pre-Approval Letter which must be submitted as part of a complete response submittal to the RFP. Determination of Agricultural qualification will be made through use of this Agricultural Experience Worksheet. In order to be deemed a "Dartmouth Farmer" for the purposes of the foregoing RFP, an individual must achieve a score of at least 50 points on this Agricultural Experience Worksheet.

DIRECTIONS

Please complete parts A through C of this worksheet and include the completed worksheet with the documents you submit in response to the RFP.

A. KNOWLEDGE & SKILLS

Please rate your skills in the following areas and award points using the following scale:

- Very experienced. I am confident that I can handle all aspects of this part of my farm.
- Comfortable. I have experience or training in all or most of the aspects of this part of farming.
- 2 Moderate. I have experience of familiarity with most of the relevant skills.
- Somewhat familiar. I have experience or knowledge relating to some of the necessary skills but not most.
- No experience. This aspect of running a farm business is completely new to me.

KNOWLEDGE & SKILLS POINTS (0-4)

1. GENERAL FARM OPERATION	
Goal Setting & Market Research.	
Developing production, marketing & financial plans	
Developing, maintaining and implementing a whole farm plan	
TOTAL GENERAL FARM OPERATION	
2. Business Management, Continuing Education & Training	
Bookkeeping, paying bills & taxes	
Managing debt & cash flow	
Keeping up with latest production, marketing & management trends	
TOTAL BUSINESS MANAGEMENT, CONTINUING EDUCATION & TRAINING	

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3. Managing Farm Labor	
Preparing seasonal labor and farm safety plans	
Training & supervising workers & complying with state and federal labor regulations	
TOTAL MANAGING FARM LABOR	
4. Managing Farm Infrastructure & Equipment	
Building infrastructure (e.g. barns, greenhouses, fences)	
Maintaining & repairing infrastructure & equipment	
TOTAL MANAGING FARM INFRASTRUCTURE & EQUIPMENT	
5. MANAGING PRODUCTION	
Managing soil fertility, pests, weeds & diseases	
Responding to unpredicted weather (e.g. drought, hail, hurricane)	
Developing & implementing a USDA Natural Resource Conservation Services Farm	
Plan	
Implementing conservation practices	
TOTAL MANAGING PRODUCTION	
6. RAISING LIVESTOCK	
Managing pastures & manure, feeding & watering animals	
Monitoring and treating animal health problems	
Milking, slaughtering & other harvest and processing tasks	
TOTAL RAISING LIVESTOCK	
7. RAISING CROPS	
Preparing a crop production plan	
Seeding, planting & harvesting	
Post-harvest handling & storage	
TOTAL RAISING CROPS	

B. RESIDENCE

Please check the statement that best describes your residence and general farming experience over the past five years:

STATEMENT	POINTS
I have resided in Dartmouth for more than 5 years and have over 3 years of general farming experience	20
I have resided in Dartmouth for the past 5 years and have over 3 years of general farming experience	18
I have resided in Dartmouth for the past 5 years and have 3 years or less of general farming experience	15
I have resided in Dartmouth for less than 5 years and have over 3 years of general farming experience	12
I have resided in Dartmouth for less than 5 years and have 3 years or less of general farming experience	10
I am a native of Dartmouth, yet no longer reside in Dartmouth, but have over three years of general farming experience	10
I have not resided in Dartmouth for the past five years, but have been working on a farm located in Dartmouth for over three years.	8
I have not resided in Dartmouth for the past five years, but have been working on a farm located in Dartmouth for three years or less.	5

C. SUMMARY

Please complete the following Summary Sheet:

1. Total General Farm Operation	
2. Total Business Management, Continuing Education & Training	
3. Total Managing Farm Labor	
4. Total Managing Farm Infrastructure & Equipment	
5. Total Managing Production	
6. Total Raising Livestock	
7. Total Raising Crops	
8. Enter points for the statement checked in Part B	
Total (please add lines 1 - 8 and enter total on this line)	



EXHIBIT "D"

TOWN OF DARTMOUTH AFFORDABLE HOUSING LOTTERY

155 OLD FALL RIVER ROAD

BIDDER CONTACT INFORMATION SHEET

BIDDER'S NAME:	
BIDDER'S ADDRESS:	
BIDDER'S TELEPHONE:	
BIDDER'S E-MAIL:	



Ехнівіт "Е"

TOWN OF DARTMOUTH AFFORDABLE HOUSING LOTTERY

LOCUS: 155 OLD FALL RIVER ROAD DARTMOUTH, MA

AFFIDAVIT

I,		, under the penalties of perjury do
hereby state	and affirm:	
2.	collusion or fraud shall mean any natu	oposal has been made and submitted in good faith and without with any person. As used in this Affidavit the words "person" ral person, business, partnership, corporation, union, committee, ization, entity or group of individuals;
3.	The following person Locus:	ons have or will have a direct or indirect beneficial interest in the
	Name	Address

any person who would gain equity in the Property as a result the Locus as a result of conveyance of the same from the Town convicted of: a crime involving the will ful and malicious setting of a fire, a crime involving the aiding, counseling, or procuring of a will malicious setting of a fire, or a crime involving the fraudulent filing of a claim for fire instance in the fraudulent filing of a claim for fire instance of the town of Dartmouth any monies in the furred real estate taxes, water/sewer charges, motor vehicle property taxes, parking tickets or any other indebtedness, or
the Locus as a result of conveyance of the same from the Town convicted of: a crime involving the will ful and malicious setting of a fire, a crime involving the aiding, counseling, or procuring of a wil malicious setting of a fire, or a crime involving the fraudulent filing of a claim for fire ins his date, owe the Town of Dartmouth any monies in the surred real estate taxes, water/sewer charges, motor vehicle
the Locus as a result of conveyance of the same from the Town convicted of: a crime involving the will ful and malicious setting of a fire, a crime involving the aiding, counseling, or procuring of a will malicious setting of a fire, or a crime involving the fraudulent filing of a claim for fire ins his date, owe the Town of Dartmouth any monies in the furred real estate taxes, water/sewer charges, motor vehicle
a crime involving the will ful and malicious setting of a fire, a crime involving the aiding, counseling, or procuring of a will malicious setting of a fire, or a crime involving the fraudulent filing of a claim for fire instance that the country of the procure of the country of the procure of the country
a crime involving the fraudulent filing of a claim for fire instance in the factor of Dartmouth any monies in the furred real estate taxes, water/sewer charges, motor vehicle
urred real estate taxes, water/sewer charges, motor vehicle
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ollar amount and source of indebtedness - if nothing owed and
quent, I have filed in good faith, i. an application for an abatement of such amount w pending, or
ii. a petition before the Appellate Tax Board or Commissioners is pending, or
iii. an Installment Payment Agreement with the treasure Town which is current and not in default; and

7. Neither I, nor any person who would gain equity in the Locus as a result of conveyance of the same from the Town of Dartmouth to me, has ever ben the owner of any property in the Town of Dartmouth for which the Town has foreclosed the right of redemption as a result of failure to pay real estate taxes, water/sewer charges

or any other indebtedness.

I understand that in the event any of the foregoing statements are untrue, this sale will be cancelled and all of the monies or deposits collected shall be forfeited and applied by the Town to any indebtedness owed by me to the Town of Dartmouth.

I further understand that in the event any of the foregoing statements are untrue and if title to the Locus has been transferred to me, I will, on demand, reconvey to the Town, at no cost or consideration, all my right, title and interest to the Locus.

This Affidavit must be signed by the individual(s) or organizations(s) entering into this real property transaction with the Town of Dartmouth. If this form is signed on behalf of a corporation or other legal entity, it must be signed by a duly authorized officer of that corporation or legal entity.

The undersigned swears under the penalties of perjuries that this Affidavit is complete and accurate in all respects.

SIGNATURE			
PRINT OR TYPE NAI	ME		
Address			
TELEPHONE #			
	WITNESS		