



**Issue Date: November 3, 2014**

*Non- Mandatory Pre-Proposal Conference:*  
**Monday, November 17, 2014 @ 3:00 p.m.**  
**at City Hall, Room 16**  
**200 East University Avenue**  
**Gainesville, Florida 32601**

**Bid Due Date: December 17, 2014 @ 3:00 p.m. local time**

## **REQUEST FOR PROPOSAL**

### **RFP NO.ECOD 150026-FB MIXED USE DEVELOPMENT FOR CITY PARKING LOT #10**

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**City of Gainesville**  
**200 East University Avenue, Room 339 – Gainesville, Florida 32601**

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**CITY OF GAINESVILLE  
REQUEST FOR PROPOSALS FOR  
MIXED USE DEVELOPMENT OF CITY PARKING LOT #10**

**SECTION I – REQUEST FOR PROPOSAL OVERVIEW & PROPOSAL PROCEDURES**

**RFP#: ECOD-150026-FB**

**November 3, 2014  
(Date)**

**A. INTRODUCTION/BACKGROUND**

The purpose of this Request for Proposals (RFP) is to select a qualified Developer to purchase City Parking Lot 10 and successfully redevelop, construct, and own or market a mixed-use development project on City Parking Lot #10 in the City of Gainesville’s downtown consistent with the highest and best use analysis as indicated by a recent appraisal of the property (see page 7 of the attached Appraisal dated March 10, 2014).

This property is located in the westernmost portion of the CRA Downtown Expansion Redevelopment Area, directly across the street from the Alachua County Courthouse and adjacent to the 855-space City of Gainesville parking garage.

Development in Gainesville’s downtown is guided by flexible CCD (Central City District) zoning (and potentially the T-6 transect zone in the proposed update to the City of Gainesville Land Development Code), allowing mixed uses and 150 units of residential per acre. It is also guided by a simple “Traditional City” zoning overlay which requires the basic ingredients for urban design – such as front entrances, a percentage requirement of first floor windows, ample sidewalks, street trees, and an exemption from any parking requirements

Downtown is the regional focal point for governmental offices, including Federal, State, County Judicial and Administrative, and City offices. The downtown also is a very strong cultural, restaurant, and entertainment district.

Cultural amenities include the weekly Downtown Farmer’s Market, a weekly outdoor concert series (from May through October), and the Hippodrome State Theatre housed in the 1900’s Beaux Arts Post Office, and artist studios and galleries. The historic brick streets are dotted with sidewalk cafes, and live music is featured in many of the downtown nightclubs. Many of the area’s best restaurants are located downtown. The area also boasts an eclectic mix of historic in-town neighborhoods and modern urban living developments.

The Gainesville Regional Airport, served by Atlantic Southeast Airlines (Delta Connection), US Airways Express and Silver Air, is about four (4) miles from the project area. The Orlando, Jacksonville, and Tampa International Airports are approximately two hours away. The Gainesville Regional Transit System (RTS) serves the area with bus lines that connect to shopping, cultural features, the University of Florida, Santa Fe College, and all area hospitals. RTS experiences a very high level of ridership, sixth highest in the State, comparable to much larger cities (first in terms of passenger trips/capita).

Information on the adequacy of area roadways can be obtained by contacting the City of Gainesville Planning Department at (352) 334-5022. This site is located within the City’s Transportation Mobility Program Area Zone A (criteria to be met are located in Goal 10 of the Comprehensive Plan’s Transportation Mobility Element).

Gainesville Regional Utilities (GRU) is the provider of electric, gas, water, chilled water, reclaimed water, and wastewater services within the area. High speed communication infrastructure is also available. For information about the availability and cost of utility services, GRU may be contacted directly at (352) 334-3400.

The City of Gainesville may be able to coordinate with the developer on accommodating for off-site storm water management for this redevelopment project. This will not exempt the property from the storm water utility fee

collected by GRU. Additional information regarding purchasable storm water credits may be obtained by contacting Teresa Scott, Public Works Director at (352) 334-5070.

Located in North Central Florida, current population figures are: 124,391 in the City and 248,002 in Alachua County. Gainesville is a unique Florida city in two aspects: 1) as the home of the University of Florida, the age composition of the area and its migration patterns differ substantially from Florida norms; 2) the city is not a major retirement center, and thus the City's growth does not depend on trends in tourism and retirement.

The economy of Gainesville is university, health-care, trade and service oriented, with increasing medical, technological, and industrial influences. The largest area employer is the University of Florida. State and local government agencies are also major employers. The area is a major center for medical services with three large hospitals: Shands Teaching Hospital (which is affiliated with the University of Florida's College of Medicine), the Veterans Administration, and North Florida Regional Medical Center. The local economy is home to many Innovative Economy firms and the area is developing a critical mass of such entities and is capturing more activity at places like Innovation Square and Citywide.

## **B. RFP TIME TABLE**

The anticipated schedule for the RFP and contract approval is as follows:

RFP available for distribution	November 3, 2014
Non-Mandatory Pre-Proposal Conference	November 17, 2014
Deadline for receipt of questions	December 10, 2014
Deadline for receipt of proposals	December 17, 2014 (3:00 p.m. local time)
Evaluation/Selection process	Week of January 5, 2015
Oral presentations, if conducted	Week of January 19, 2015
Projected intended award date	TBD
Projected contract start date	TBD

## **C. PROPOSAL SUBMISSION**

One original and 6 copies (a total of 7 ) of the complete proposal must be received by December 17, 2014 at 3:00 p.m. local time at which time all proposals will be publicly opened. In addition, proposer should provide one (1) electronic copy of their proposal in PDF format on a CD or USB flash drive.

The original, all copies, and the separate sealed price envelope, if required, must be submitted in a sealed envelope or container stating on the outside the proposer's name, address, telephone number, RFP title, number and due date and delivered to:

City of Gainesville  
General Government Purchasing  
200 East University Avenue, Room 339  
Gainesville, Florida 32601

Hand-carried and express mail proposals may be delivered to the above address **ONLY** between the hours of 7:00 a.m. and 6:00 p.m., local time, Monday through Thursday, excluding holidays observed by the City.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

**Any proposal received after 3:00 p.m. (local time), (date) will not be considered and will be returned unopened.**

Both the Technical Proposal and the Price Proposal, if required to be submitted in a separate envelope, must be signed by an officer of the company who is legally authorized to enter into a contractual relationship in the name of the proposer, and proposer(s) must affix their company's corporate seal to both Proposals. In the absence of a corporate seal, the Proposals must be notarized by a Notary Public.

The submittal of a proposal by a proposer will be considered by the City as constituting an offer by the Proposer to perform the required services at the stated fees.

#### **D. NON-MANDATORY PRE-PROPOSAL CONFERENCE**

A Non-Mandatory pre-proposal conference has been scheduled for Monday at 3:00 pm on November 17, 2014 in Room 16 City Hall located at 200 East University Avenue, Gainesville, Florida 32601. At that time, prospective proposers or their representatives may discuss any questions pertaining to the project. ~~[Failure to attend this Non-Mandatory pre-proposal conference will disqualify proposers.]~~

#### **E. CONTACT PERSON**

The contact person for this RFP is Fran Boynton, Senior Buyer at (352) 334-5021 in Purchasing. Explanation(s) desired by proposer(s) regarding the meaning or interpretation of this RFP must be requested from the contact person, in writing, as is further described below.

To ensure fair consideration and consistent and accurate dissemination of information for all proposers, the City prohibits communication to or with any department, employee, or agent evaluating or considering the proposals during the submission process, except as authorized by the contact person.

During the blackout period as defined herein, except as pursuant to an authorized appeal, no person may lobby, as defined herein, on behalf of a competing party in a particular procurement process, City officials or employees except the purchasing designated staff contact in the purchasing division. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.

The blackout period means the period between the issue date which allows for immediate submittals to the City of Gainesville Purchasing Department for an invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, and the time the City Officials and Employee awards the contract. Lobbying means when any natural person, for compensation, seeks to influence the governmental decision-making, to encourage the passage, defeat or modification of any proposal, recommendation or decision by City officials and employees, except as authorized by procurement documents.

#### **F. ADDITIONAL INFORMATION/ADDENDA**

Requests for additional information or clarifications must be made in writing no later than the date specified in the RFP Timetable. The request must contain the proposer's name, address, phone number, and facsimile number. Electronic facsimile will be accepted at (352) 334-3163.

Facsimiles must have a cover sheet which includes, at a minimum, the proposer's name, address, number of pages transmitted, phone number, and facsimile number.

The City will issue responses to inquiries and any other corrections or amendments it deems necessary in written addenda issued prior to the Proposal Due Date. Proposers should not rely on any representations, statements or explanations other than those made in this RFP or in any addendum to this RFP. Where there appears to be a conflict between the RFP and any addenda issued, the last addendum issued will prevail.

It is the proposer's responsibility to be sure all addenda were received. The proposer should verify with the designated contact persons prior to submitting a proposal that all addenda have been received. Proposers are required to acknowledge the number of addenda received as part of their proposals.

#### **G. LATE PROPOSALS, LATE MODIFICATIONS AND LATE WITHDRAWALS**

Proposals received after the Proposal Due Date and time are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered. Letters of withdrawal received after the Proposal Due Date or after contract award, whichever is applicable, are late and will not be considered.

#### **H. RFP POSTPONEMENT/CANCELLATION/WAIVER OF IRREGULARITIES**

The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, proposals; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP or in the proposals received as a result of this RFP.

#### **I. COSTS INCURRED BY PROPOSERS**

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith shall be borne by the proposer(s). No payment will be made for any responses received, nor for any other effort required of, or made by, the proposer(s) prior to commencement of work as defined by a contract approved by the City Commission.

#### **J. ORAL PRESENTATION**

The City may require proposers to give oral presentations in support of their proposals or to exhibit or otherwise demonstrate the information contained therein.

#### **K. EXCEPTION TO THE RFP**

Proposers may take exceptions to any of the terms of this RFP unless the RFP specifically states where exceptions may not be taken. Should a proposer take exception where none is permitted, the proposal will be rejected as non-responsive. All exceptions taken must be specific, and the Proposer must indicate clearly what alternative is being offered to allow the City a meaningful opportunity to evaluate and rank proposals.

Where exceptions are permitted, the City shall determine the acceptability of the proposed exceptions and the proposals will be evaluated based on the proposals as submitted. The City, after completing evaluations, may accept or reject the exceptions. Where exceptions are rejected, the City may request that the Proposer furnish the services or goods described herein, or negotiate an acceptable alternative.

#### **L. PROPRIETARY INFORMATION**

Responses to this Request for Proposals, upon receipt by the City, become public records subject to the provisions of Chapter 119 F.S., Florida's Public Records Law. If you believe that any portion of your response is exempt, you should clearly identify the specific documents for which confidentiality is claimed, and provide specific legal authority of the asserted exemption. It is also strongly recommended that those specific materials that you assert qualify for exemption from Chapter 119 be submitted in a separate envelope and clearly identified as "TRADE SECRETS EXCEPTION," with your firm's name and the proposal number marked on the outside. Please also note that details of proposals, including alleged trade secrets, with the exception of a company's financial statements, may be disclosed at a public meeting.

In the event the City determines that any materials claimed to be exempt as trade secrets do not qualify as such, the proposer will be contacted and will have the opportunity to rescind their proposal or waive their claim to confidentiality. Please be aware that the designation of an item as a trade secret by you, and the refusal to disclose any materials submitted to the City, may be challenged in court by any person. By your designation of material in your proposal as a "trade secret" you agree to hold harmless the City for any award to a plaintiff for damages, costs or attorneys' fees and for costs and attorneys' fees incurred by the City by reason of any legal action challenging your claim, and the City's refusal to disclose.

#### **M. QUALIFICATIONS OF PROPOSERS**

As a part of the Proposal evaluation process, the City may conduct a background investigation of developer, including a record check by the Gainesville Police Department. Developer's submission of a Proposal constitutes acknowledgment of the process and consent to such investigation.

No proposal shall be accepted from, nor will any contract be awarded to, any developer who is in arrears to the City of Gainesville, upon any debt, fee, tax or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the City of Gainesville, or who is otherwise determined to be irresponsible or unreliable by the City.

If Developer is determined to be irresponsible or unreliable, the City will notify Developer of the City's finding, including evidence used, and allow developer an informal hearing and the opportunity to come into compliance, if that is possible, within three business days of notification.

#### **N. NEGOTIATIONS**

The City may rank the proposers on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the proposer's best terms from a cost or price and technical standpoint.

The City reserves the right to enter into contract negotiations with the selected proposer. If the City and the selected proposer cannot negotiate a successful contract, the City may terminate said negotiations and begin negotiations with the next selected proposer. This process will continue until a contract has been executed or all proposers have been rejected. No proposer shall have any rights against the City arising from such negotiations.

#### **O. RIGHTS OF APPEAL**

Participants in this RFP solicitation may protest RFP specifications or award in accordance with Section 41-580 of the City of Gainesville's Financial Services Procedures Manual.

#### **P. RULES; REGULATIONS; LICENSING REQUIREMENT**

The developer shall comply with all laws, ordinances and regulations applicable to the development contemplated herein, including those applicable to conflict of interest and collusion. Developers are presumed to be familiar with all Federal, State and local laws, ordinances, codes and regulations that may in any way affect the services offered. The development shall comply with the City's Comprehensive Plan, Land Development Code, Building Code and other applicable regulatory requirements. This RFP process does not constitute regulatory approval of any aspect of the project by the City.

#### **Q. REVIEW OF PROPOSALS**

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. A responsive proposal is one which follows the requirements of the RFP, includes all required documentation, is submitted in the format outlined in the RFP, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may deem your proposal non-responsive.

**R. RECORDS/AUDIT**

Contractor shall maintain records sufficient to document their completion of the scope of services established in any contract with the City. These records shall be subject at all reasonable time to review, inspect, copy and audit by persons duly authorized by the City. These records shall be kept for a minimum of three (3) years after completion of the Contract. Records which relate to any litigation, appeals or settlements of claims arising from performance under this Order shall be made available until a final disposition has been made of such litigation, appeals, or claims.

**S. INVESTIGATION OF ALLEGED WRONGDOINGS,  
LITIGATION/SETTLEMENTS/FINES/PENALTIES**

The City Commission specifically requests that responders to this document indicate in writing any investigations of wrongdoings, litigation and/or settlements, and fines or penalties (anywhere in the U.S) involving the Contractor and specific Contractors listed as projected to provide services to the City. You may be required to respond to questions on this subject matter.

**T. DISCRIMINATION PROHIBITION**

No person shall, on the grounds of race, color, religion, gender, national origin, marital status, sexual orientation, age, disability, and gender identity, be refused the benefits of, or be otherwise subjected to, discrimination under any activities resulting from this RFQ.



## **SECTION II – SCOPE OF SERVICES**

### **INTENT**

The City of Gainesville seeks proposals from qualified developers to purchase City Parking Lot 10 and develop a multi-story mixed-use project on City Parking Lot #10. Parking Lot #10 is approximately 0.91 acres located in the heart of Downtown Gainesville, and is 3/5 of a mile from the main campus of the University of Florida. This site consists of a full city block and has primary frontage on the prominent Southwest 2<sup>nd</sup> Avenue corridor as well as on Southwest 1<sup>st</sup> Avenue, Southwest 1<sup>st</sup> Street, and SW 2<sup>nd</sup> Street, which are retail/office/service streets. Southwest 2<sup>nd</sup> Avenue is a major connector between the University of Florida and Downtown. This corridor extends from the entrance gates of the University of Florida, through the University Heights neighborhood and Innovation Square through the Downtown, where Parking Lot #10 is located. Southwest 2<sup>nd</sup> Avenue is an important transportation corridor that is highly utilized by automobile, transit, bicycle, and pedestrian traffic. The roadway has been rebuilt and received a \$3.4 million upgrade to both functionality and aesthetics, including landscaping, decorative lighting and median improvements.

The City of Gainesville will entertain responsive proposals from developers that are capable of a financially feasible and architecturally compatible mixed use project consistent with the highest and best use analysis of the property (see page 7 of the attached Appraisal dated March 10, 2014) including a mix of retail or service businesses, office, technology, hospitality, residential, or other proposed uses. If residential is provided, a minimum of 10% of the units should be reserved as affordable “workforce” housing (Low to moderate income households). The building must, at a minimum, adhere to LEED Certified (or acceptable equivalent) building standards. Creativity, sustainability, and innovation in both design and building materials are highly encouraged.

The proposed project must meet the specifications of the Central City District zoning and the Traditional City zoning overlay (and potentially the T-6 Urban Core transect zone in the proposed update to the City of Gainesville Land Development Code), and complement the pedestrian-oriented environment of downtown with a strong pedestrian orientation on Southwest 1st Avenue and Southwest 2<sup>nd</sup> Avenue. The development of a lively façade and sidewalk will also provide a pedestrian orientation.

Although City zoning regulations do not require developments in the downtown to provide parking facilities, it is recognized that the development will likely generate a demand for parking. The project site is adjacent to an 855-space municipal parking garage and the City prefers the project utilize the parking garage to meet its parking needs.

### **MINIMUM REQUIREMENTS**

The developer must provide a detailed proforma indicating the anticipated sources and uses of funding for the project including development budgets and operating proformas that present a minimum of ten years operating revenues, expenses and financing costs. This Request for Proposals (RFP) and accompanying information may contain data that may be useful in preparing a proforma, however the developer is cautioned to verify any information provided in this RFP or in any pre-proposal meeting independently.

The developer must provide architectural renderings (3D perspectives and models are encouraged) of the proposed project and a conceptual site plan. These renderings will be used to evaluate the project compatibility with Downtown Gainesville and with City urban redevelopment goals. Once selected, changes to this design proposal will require approval by the City Commission in its proprietary, not regulatory, capacity. It should be noted that City Commission approval will not replace the normal regulatory approval process to which all development projects are subject. It will be the developer’s responsibility to obtain all applicable approvals required for the selected project.

A preliminary plan for site development (including proposed site layout and the location of associated parking and storm water facilities, if off-site) and an architectural rendering of the exterior appearance are to be included in the proposal and the approved developer must construct generally in accordance with those plans

## SECTION III – PROPOSAL FORMAT

Instructions to proposers: Proposals must contain each of the below enumerated documents, each fully completed, signed, and notarized as required. Proposals submitted which do not include the following items may be deemed non-responsive and may not be considered for contract award.

### A. FORMAT AND CONTENTS OF PROPOSAL

#### 1. Table of Contents

The table of contents should outline in sequential order the major areas of the proposal, and all pages of the proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the table of contents.

#### 2. Technical Proposal (also referred to as the Design/Development Program)

The technical proposal is a narrative which addresses the scope of work, the proposed approach to the work, the schedule of the work, and any other information called for by the RFP which the proposer deems relevant.

#### 3. Price Proposal (also referred to as the Business Terms)

The price proposal is a presentation of the proposer's total offering price for purchase of Lot #10 and incentives requested from the City, if any.

If a prescribed format for the price proposal is appended, proposers must use it; otherwise, proposers may use formats of their choice.

#### 4. Qualifications (also referred to as the Development Team Qualifications and the Financial Analysis and Capacity)

The response to the minimum qualification requirements contained below is a list of the minimum qualification requirements prescribed for the RFP. Proposers must provide documentation which demonstrates their ability to satisfy all of the minimum qualification requirements. Proposers who do not meet the minimum qualification requirements or who fail to provide supporting documentation will not be considered for award. If a prescribed format, or required documentation for the response to minimum qualification requirements is stated below, proposers must use said format and supply said documentation.

## SECTION IV – EVALUATION CRITERIA AND PROCEDURES

### A. EVALUATION CRITERIA

Proposals will be evaluated in accordance with the procedures described in the City’s Professional Services Handbook.

#### 1. *Development Team Qualifications*

Criteria: Development Team has put together a complete team to take the project from concept to completion and has clear delineation of roles. The identified individuals who will be working on this project have worked on similar projects and have the capacity to fulfill their responsibilities. Demonstrated experience of the Development Team in successful financing, redevelopment, operation and economic performance of projects on time. Experience working with the public sector in public/private real estate development projects. Strong references from previous projects completed. Verification that the entities within this Development team have worked successfully on previous projects of a similar scope and magnitude.

Checklist:

- Development Team summary, including the above listed information.
- Developer’s name, address, principal contact’s telephone number, and the name of the representative authorized to deal with the City or its representative.
- A narrative describing the reasons for wanting to participate in this redevelopment project.
- A statement identifying the principals and other team members who would participate in the proposed development and the nature and extent, or percentage, of each principal’s person’s interest in the development group.
- A summary of the qualifications of the developer and the person or persons who would be directly responsible for supervising the design and construction of the buildings on the selected site, as well as a statement describing the technical staff who will work with the Developer in carrying out the proposed development. Include information regarding the prior, recent experience of all team members over the past five (5) to ten (10) years in accomplishing development projects similar in scale and character to the proposed project. This section should include an organizational chart describing the members and responsibilities of various project team members. Additionally, all applicable professional certifications (including but not limited to LEED, P.E. license, etc.) and date of each certification should be provided for all team members.
- A statement of the names and descriptions of the experience of the professional firms (architect, engineers, environmental) which will be retained by the developer for the preparation of the plans and specifications, including:
  - A letter of intent indicating the individual’s or the firm’s willingness to serve as architect for the project.
  - The name and experience of that member of the firm who will execute the design of the building(s) and the landscaped areas.
  - A statement identifying the firm or organization that will be responsible for managing the development, including a description of the form of the relationship to be established between the developer and the management organization (i.e., parent or subsidiary corporation, partnership, lease, management contract, etc.).

#### 2. *Design/Development Program –*

Criteria:

Proposals must be consistent with the intent of City urban redevelopment goals as outlined in the City’s Comprehensive Plan and Land Development Code and consistent with the highest and best use analysis as indicated by a recent appraisal of the property (see page 7 of the attached Appraisal dated March 10, 2014). Proposals will also be evaluated based on criteria such as: potential economic development impact based upon provision of high wage jobs and prospective growth of the City’s tax base. Thoughtful urban design concept that includes sustainable aspects and strong attention to both the public and the private realms. Site plan that flows into public rights of way and creates a vibrant street frontage. Appropriate urban design concept and density. Experience with the product type being proposed. Understanding the regulatory approval process, as reflected in the Development Program, as well as in the project schedule and business terms. Quality, and extent of compatibility of the proposal with City urban redevelopment plans. Utilization of “green” design and construction techniques. How well the proposed

project integrates with surrounding uses and demonstrates the Development Team's understanding of the current market and the community.

Checklist:

- Project summary, including the above listed information.
- All Developers shall identify within their response their proposed land use(s), and provide detailed development data that would substantiate the feasibility of such use(s).
- Provide in text and graphic form the conceptual design of the project being proposed. This includes both site layout and the design/aesthetics/character of the proposed project.
- Plans should be conceptual in format, but should be detailed enough to reflect the scope of the design being considered.
- Elements which should be addressed include parking, stormwater management, preferred zoning designation, height, mass, square footage of specific land uses, proposed architectural style and material type, "green" building elements, site and building orientation, pedestrian scale amenities, linkages to the surrounding community, and access points and proposed curb cuts.
- Graphic drawings, models, schematics, site plans, and other such information that supplement or augment the proposal should be included.
- For any residential products, please specify
  - the number of units and range of price points and housing types (e.g., apartments, condominiums, town homes) and
  - specify the schedule of market-rate units versus affordable units. Please note that at least 10% of proposed residential units should be reserved as deed-restricted affordable "workforce" housing (low to moderate income).
- If the developer is considering a hotel or specialized commercial component (nightclub, restaurant, office condos, etc) to the project, please specify in detail
  - the likely tenants, brand, market position and other pertinent information about the concept.
  - Describe in detail the type of mechanism for maintaining the proposed form of ownership/use for all end users/occupants.
- Provide an Economic Development impact analysis featuring job creation potential, prospective wage/salary impacts, multiplier effects and prospective growth of the City's underlying tax base.

### **3. *Financial Analysis and Capacity***

Criteria:

Thoughtful cost estimations that are consistent with the project's timeline for implementation and expectations of return. Credibility of proposed economic assumptions. Evidence of financial resources consistent with project's requirements. Demonstrated ability to finance similar sized projects. Leverage of private funds to cover all costs associated with the development.

Checklist:

- Financial summary including the above listed information.
- A statement of the relationship between Developer and any parent companies or subsidiaries that might also take part in the development.
- Names and descriptions of any other persons, firms, or organizations proposed by the Developer to be participants in the development.
  - Signed statement from the developer to the effect that all statements and information provided in the response are true to the best of his/her knowledge and belief.
  - The response shall clearly document the cost estimations, redevelopment schedule, and business terms anticipated for the Project.
  - Information should convey an understanding of managing this project throughout all necessary stages, from submission of proposal, design, plan review, purchase of the property, and subsequent construction, and property management/sale.
- Furnish a statement reflecting the financial position of the developer. This information should be complete enough to enable the City to establish the approximate net worth and/or liquid assets available to the

developer for the proposed development. Such data should be in the form of certified financial statements showing assets and liabilities (including contingent liabilities).

- A statement indicating how the Developer has financed similar projects or facilities and a statement establishing the Developer's ability to obtain such financing.
- Include for each project the total project cost and the breakdown between equity contributed, equity raised and debt financing.
  - Also indicate whether the project(s) was bonded, as the selected Developer for this RFP will be required to provide a 100% Performance Bond and a 100% Labor and Material Payment Bond for the proposed project.
  - Recent project audits or audited financial statements reports should be included.
  - A statement detailing the financial performance of other similar facilities with which the Developer has an involvement, including location, site size, gross square footage of building, and development costs.
  - The names and addresses of bank references for the Developer.
  - A statement providing City staff the authorization to verify financial and any other qualifications.

#### **4. Business Terms**

Criteria:

The proposed business terms including purchase price offered for the property and incentives requested from the City, if any. Preference will be given to proposals that offer fair market value for purchase of the property and do not request incentives from the City.

## **B. SELECTION PROCESS**

Proposals will be considered and ranked and the top ranked respondents will be invited to present an oral presentation of their proposal. Final selection shall be based on a combination of the written and oral responses. The results of the evaluations shall be provided to the City Commission for approval of the ranking. The City Manager (or his representatives) will negotiate the terms of the Contract for Sale and Purchase and a Disposition and Development Agreement in the form provided by the City with the selected developer. In the event that such a Contract and Agreement cannot be negotiated to the satisfaction of the parties, the City may elect to negotiate with other respondents in the order of their ranking or, at any point in the process, terminate the RFP process.

Representatives of the City will evaluate all proposals based on their merit and the criteria listed below. Criteria for evaluating and ranking the proposals will include:

- A. Development Team Qualifications
- B. Design/Development Program
- C. Financial Analysis and Capacity
- D. Business Terms

## SECTION V – TECHNICAL SPECIFICATIONS

### A. PROPERTY

The property is owned by the City of Gainesville. Upon ranking of the requests for proposal, the City will negotiate a Contract for Sale and Purchase and a Disposition and Development Agreement in the form provided by the City with the highest ranked proposer. The legal description for the site is as follows:

**Block 1, Range 2, Map of Gainesville, Florida, recorded in Deed Record H, Page 383, of the Ancient Records of Alachua County, Florida. Commonly referred to as City Parking Lot # 10 located at 115 SW 1<sup>st</sup> Avenue and currently Tax Parcel # 14574-000-000.**

The most recent appraised value of the property is \$760,000.

The property shall be conveyed by Special Warranty Deed.

### B. KNOWN ENVIRONMENTAL CONDITIONS/LICENSE AGREEMENTS/LOT 10 SURVEY (APPENDIX D)

Previous investigation of the property in 1998 revealed the presence of tetrachloroethene ("PCE") and trichloroethene ("TCE") in groundwater collected from a monitor well installed on the southeast corner of the property at concentrations in excess of applicable regulatory criteria. PCE is a common dry cleaning solvent and TCE is a degradation product of PCE. Sanborne maps show that a dry cleaner occupied a portion of the property some time between 1922 and 1928. Following discovery of the groundwater contamination, the property was deemed eligible by the Florida Department of Environmental Protection ("FDEP") to participate in the Dry cleaning Solvent Cleanup Program ("Program"). Under the Program, state funds are made available FDEP to provide for the necessary remediation of the properties that are contaminated as a result of the operations of a dry cleaning facility and the liability of the real property owner for cleanup of dry cleaning solvent contamination is limited. See Section 376.3078, Florida Statutes.

Electronic file of APPENDIX D may be viewed at the following link:

TYPE: <ftp://ftp2.cityofgainesville.org>

The Username is: purchasing

The Password is: gainesville

Click on Folder called "Purchasing"

Click on Folder called "**ECOD 2014 Lot 10 Mix Use Development**"

This includes documents which may provide greater detail of the known environmental conditions of the property:

D.1 Ownership and Encumbrance Report, dated September 19, 2001, prepared by First American Title Insurance Company for the City of Gainesville.

D.2 Ordinance 020189, dated September 23, 2002, an ordinance of the City of Gainesville to vacate, abandon and close a certain portion of the right-of-way located in the westerly 6 feet SW 1<sup>st</sup> Street from SW 1<sup>st</sup> Avenue to SW 2<sup>nd</sup> Avenue and the southerly 7 feet of SW 1<sup>st</sup> Avenue from SW 1<sup>st</sup> Street to SW 2<sup>nd</sup> Street.

D.3 Appraisal of Parking Lot #10, dated January 5, 2009, prepared by Andrew V. Santangini, Jr., MAI, Real Estate Appraiser and Consultant, for the City of Gainesville.

D.4 Letter dated January 2, 2003 to J.E. Swearingen, P.E., Public Works Manager, City of Gainesville, from Scott L. Burgard, P.G., Water & Air Research, Inc., describing the results of soil and groundwater sampling performed at the property in 2002.

D.5 Limited Contamination Assessment of City Parking Lot #10, Gainesville, Florida, dated September 2002, prepared by Water & Air Research, Inc..

D.6 Final Health and Safety Guidance for Construction of the Downtown Quadrant Parking Garage Facility, Gainesville, Florida, dated April 2002, prepared by Willis Environmental Group, LC.

D.7 Information generated during the development review process for Gainesville Greens, a project that was at one time considered at Lot 10. This includes:

- a. Letter dated June 2, 2006 to Gene Francis, Planner, City of Gainesville, from Agustin Olmos, P.E., Hazardous Materials Manager, Alachua County Environmental Protection Department, providing recommendations related to environmental protection for development at Lot 10.
- b. Site Assessment Update, City of Gainesville Parking Lot #10, Gainesville, Florida, dated November 2005, prepared by Water & Air Research, Inc., for Equity Ventures Realty.
- c. Preliminary Report of Geotechnical Consulting Services, Gainesville Greens Proposed Mixed-Use Development, dated December 9, 2005, prepared by Universal Engineering Sciences for Equity Ventures Realty.
- d. Addendum to Preliminary Report of Geotechnical Consulting Services, Gainesville Greens Proposed Mixed-Use Development, dated January 20, 2006, prepared by Universal Engineering Sciences for Equity Ventures Realty.
- e. Geotechnical Report Review, dated May 11, 2007, prepared by Capri Engineering for GG Development Associates, LLC.
- f. Proposed Piling and Contamination Considerations at the Gainesville Greens Project, dated May 18, 2007, prepared by Nutting Environmental of Florida, Inc., for Gainesville Greens, LLC
- g. Contamination Issues Related to Use of Pilings at Gainesville Greens, dated April 30, 2007, prepared by Water & Air Research, Inc. for Gainesville Greens Development, LLC.
- h. Summary Report of a Supplemental Geotechnical Exploration, dated April 2007, prepared by SDII Global Corporation for Equity Ventures Realty, Inc.
- i. Contamination Issues Related to Pilings at Gainesville Greens, dated June 6, 2008, prepared by Water & Air Research, Inc., for GG Development Associates, LLC.

D.8 License Agreement with the Palms Condominiums including Amendments 1 & 2.

D.9 Sample of License Agreement for use of Parking Garage

D.10 McGurn Agreement

D.11 Lot 10 Survey

The presence of contamination on the property may require special consideration in connection with any development and/or construction plans for the property. Respondents will be solely responsible to review existing reports in the possession of the City and to conduct any further independent analysis of the potential impact of the environmental conditions of the property on any development and/or construction plans for the property.

The Contract for Sale and Purchase and the Disposition and Development Agreement will contain provisions provided by the City to address any claims related to existing and future environmental conditions of the property.



**DEBARRED AND SUSPENDED BIDDERS:**Breach of Contract

1. Scope.  
This policy prescribes policies and procedures relating to:
  - (a) the debarment of bidders for cause;
  - (b) the suspension of bidders for cause under prescribed conditions;  
and,
  - (c) the rejection of bids, revocation of acceptance and termination of contracts for cause.  
It is directly applicable to the advertised and negotiated purchases and contracts, for equipment and services of the City.
2. General.  
Debarment and suspension are measures which may be invoked by the City either to exclude or to disqualify bidders and contractors from participation in City contracting or subcontracting. These measure should be used for the purpose of protecting the interests of the City and not for punishment. To assure the City the benefits to be derived from the full and free competition of interested bidders, these measures should not be instituted for any time longer than deemed necessary to protect the interests of the City, and should preclude awards only for the probably duration of the period of non-responsibility.
- 2.1 Definitions.
  - (a) "Debarment" means, in general, an exclusion from City contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense, improper conduct or the inadequacy of performance.
  - (b) "Suspension" means a disqualification from City contracting and subcontracting for a temporary period of time because a concern or individual is suspected upon adequate evidence (See Section 6) of engaging in criminal, fraudulent, improper conduct or inadequate performance.
  - (c) A "debarment list" or "debarred bidders list" means a list of names of concerns or individuals against whom any or all of the measures referred to in this policy have been invoked.
  - (d) "Bidders" means, wherever the term is used in this policy, an offerors bidding pursuant to an invitation for bids or a request for proposals.
  - (e) "Affiliates" means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.
  - (f) "Business operations" means commercial or industrial activity engaged in regularly and continuously over a period of time for the purpose of receiving pecuniary benefit or otherwise accomplishing an objective. "Business operations" constitute and are equivalent to "carrying on business", "engaged in business", "doing business".
3. Establishment and Maintenance of a List of Concerns or Individuals Debarred or Suspended.
  - (a) The Purchasing Department shall establish and maintain on the basis contained in Sections 6 and 6.1, a consolidated list of concerns and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited.
  - (b) The list shall show as a minimum the following information:
    - (1) the names of those concerns or individuals debarred or suspended (in alphabetical order) with appropriate cross-reference where more than one name is involved in a single action;
    - (2) the basis of authority for each action;
    - (3) the extent of restrictions imposed; and,
    - (4) the termination date for each debarred or suspended listing.
  - (c) The list shall be kept current by issuance of notices of additions and deletions.
4. Treatment to be Accorded Firms or Individuals Debarred or Suspended  
Firms or individuals listed by the Purchasing Department as debarred or suspended shall be treated as follows.
  - (a) Total restrictions. A contract shall not be awarded to a concern or individual that is listed on the basis of a Section 5(a)(1), (2) or (3) felony "conviction", or to any concern, corporation, partnership, or association in which the listed concern or individual has actual control or a material interest; nor shall bids or proposals be solicited therefrom. However, when it is determined essential in the public interest by the City Commission, an exception may be made with respect to a particular procurement action where the individual or concern is effectively the sole source of supply or it is an emergency purchase.



- (b) Restrictions on subcontracting. If a concern or individual listed on the debarred and suspended bidders list is proposed as a subcontractor, the Purchasing Department shall decline to approve subcontracting with that firm or individual in any instance in which consent is required of the City before the subcontract is made, unless it is determined by the City to grant approval City Commission essential to public interest and the individual or concern is effectively the sole source of supply or it is an emergency purchase.

5. Causes and Conditions Applicable to Determination of Debarment.

Subject to the following conditions, the Purchasing is authorized to debar a firm or individual in the public interest for any of the following causes occurring within ten (10) years of debarment.

(a) Causes

- (1) "Conviction" for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.
- (2) "Convictions" of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification or destruction of records, perjury, or receiving stolen property where the conviction is based upon conduct which arose out of, or was related to, business operations of the bidder.
- (3) "Conviction" for bid-rigging activities arising out of the submission of bids or proposals.
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the City to be so serious as to justify debarment action:
  - (i) willful failure to perform in accordance with the specifications or within the time limit provided in the contract;
  - (ii) a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts. Failure to perform or unsatisfactory performance caused by acts beyond the control of the firm or individual as a contractor shall not be considered to be a basis for debarment.
- (5) Debarment by any other governmental agency.

(b) Conditions.

- (1) Debarment for any of the causes set forth in this section shall be made only upon approval of the Purchasing.
- (2) The existence of any of the causes set forth in (a) of this section does not necessarily require that a firm or individual be debarred except as provided in 4(a). In each instance, whether the offense or failure, or inadequacy of performance, be of criminal, fraudulent, or serious nature, the decision to debar shall only be made if supported by a preponderance of the credible evidence available. Likewise, all mitigating factors may be considered in determining the seriousness of the offense, failure, or inadequacy of performance, in deciding whether debarment is warranted. The actual or apparent authority of an involved individual, the present relationship of involved individuals with the bidder, the past performance of the individual or concern, and the relationship of the violation to the services or materials involved shall be considered.
- (3) The existence of a cause set forth in (a)(1), (2), and (3) of this section shall be established by criminal "conviction" by a court of competent jurisdiction. In the event that an appeal taken from such conviction results in reversal of the "conviction", the debarment shall be removed upon the request of the bidder (unless other causes for debarment exist). For the purposes of this policy, the following shall have the same effect as a "conviction": pleading guilty or nolo contendere, or being found guilty by a jury or court of, the offense in question, regardless of whether probation is imposed and adjudication withheld.
- (4) The existence of a cause set forth in (a)(4) and (5) of this section shall be established by a preponderance of credible evidence by the Purchasing.
- (5) Debarment for the cause set forth in (a)(5) of this section (debarment by another agency) shall be proper if one of the causes for debarment set forth in (a)(1) through (4) of this section was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

5.1 Period of Debarment.

- (a) Debarment of a firm or individual shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense or the failure or inadequacy or performance. As a general rule, a period of debarment shall not exceed five (5) years. However, when partial or total debarment for an additional period is deemed necessary, notice of the proposed additional debarment shall be furnished to that concern or individual in accordance with Section 8.
  - (b) A debarment may be removed or the period thereof may be reduced by the City Manager upon the submission of an application supported by documentary evidence, setting forth appropriate grounds for the granting of relief; such as newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which the debarment was imposed. The City Manager may request additional information, shall consider all relevant facts, and shall render a decision within twenty (20) days of receipt of the application unless a longer period is warranted under the circumstances.
6. Suspension of Bidders.
- (a) Suspension is a drastic action and, as such, shall not be based upon an unsupported accusation. In assessing whether evidence exists for invoking a suspension, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may properly be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. In making a determination to suspend, the Purchasing shall consider the factors set forth in Section 5(b)(2). A suspension may be modified by the City Manager as described in Section 5.1(b).
- 6.1 Causes and Conditions Under Which the City May Suspend Contractors
- (a) The Purchasing may, in the interest of the City, suspend a firm or individual when the firm or individual is suspected, upon credible evidence, of having committed one or more the following act(s) within three (3) years of the date of suspension:
    - (1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;
    - (2) Violation of statutes concerning bid-rigging activities out of the submission of bids and proposals; and,
    - (3) Commission of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification, or destruction of records, perjury, receiving stolen property. Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a City contractor.
- 6.2 Period of Suspension.
- (a) All suspension shall be for temporary period pending the completion of an investigation and such legal proceedings as may ensue. In the event that prosecution has not been initiated within twelve (12) months form the date of the suspension, the suspension shall be terminated. Upon removal of suspension, consideration may be given to debarment in accordance with Section 5 of this policy.
7. Scope of Debarment or Suspension.
- (a) A debarment or suspension may include all known affiliates of a concern or individual.
  - (b) Each decision to include a known affiliate within the scope of a proposed debarment or suspension is to be made on a case-by-case basis, after giving due regard to actual or apparent authority of the controlling concern or individual and similarity of the services provided by the affiliate to those provided by the debarred individual or concern.
  - (c) The criminal, fraudulent, or seriously improper conduct of an individual may be imputed to the business concern with which he is connected, where such impropriety was accomplished within the course of his official duty or apparent authority, or was effected by him with the knowledge and approval of that concern. When the individual was an officer of the concern, knowledge and approval may be presumed. Likewise, where a concern is involved in criminal, fraudulent, or seriously improper conduct, any individual who was involved in the commission of the impropriety may be debarred or suspended.
8. Notice of Debarment or Suspension.
- When the Purchasing seeks to debar or suspend a concern or individual (or any affiliate thereof) for cause, it shall furnish that party with a written notice:
- (1) stating that debarment or suspension is being considered;
  - (2) setting forth the reasons for the proposed action;

- (3) indicating that such party will be afforded an opportunity for a hearing if he so requests one within ten (10) days; and,
  - (4) indicating that such party may make a written response in accordance with Section 9(a).
- 9. Response to Notice of Debarment or Suspension.
  - (a) In lieu of requesting a hearing within the prescribed ten (10) day period, the party may, within said ten (10) day period, notify the City of its intent to provide a written reply and submit written evidence to contest the debarment or suspension. Such written evidence must be submitted within twenty (20) days after receipt of the notice of proposed debarment or suspension in order for it to be considered.
  - (b) Whatever response is received to the notice of intent to debar or suspend, such will be considered in determining whether debarment or suspension action will be made. Where a reply is received to the notice of intent to debar or to suspend, and evidence to refute such action is furnished but no hearing is requested, the information furnished will be considered in determining the action to be taken.
  - (c) If a hearing is requested, it shall be conducted by the City Manager. The hearing will be held at a location convenient to the City as determined by the City Manager and on a date and at a time stated. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred or suspended. The proceeding shall be of an informal nature as determined by the City Manager. After consideration of the facts, the City Manager shall notify the firm or individual of the final decision.
  - (d) If no response is made to the notice of debarment or suspension within the first ten (10) day period, the decision of the Purchasing shall be deemed final and the party so notified.
- 10. Rejection of Bids, Breach of Contract.
  - (a) Previously solicited and/or accepted bids may be rejected or acceptance revoked prior to beginning of performance upon discovery by the City that the bidder or its affiliates have committed any act which would have been cause for debarment.
  - (b) If after a contract is awarded and performance has been begun the City discovers that the bidder or its affiliates have committed any act prior to award or acceptance which would have been cause for debarment had it been discovered prior to solicitation or acceptance, the City may consider such to be a material breach of the contract and such shall constitute cause for termination of the contract.
  - (c) If after bids have been solicited and/or accepted or after a contract is awarded and performance begun, the City discovers that the bidder or its affiliates committed any act prior to award or acceptance which would have been cause for disbarment or suspension had it been discovered prior to solicitation or acceptance, the City may require additional satisfactory assurances that such act(s) have not occurred and that the contract can and will be faithfully performed. If additional assurances are requested and are not satisfactory or if the bidder or its affiliates fail to immediately cooperate with all reasonable requests, including requests for information reasonably calculated to lead to the discovery of relevant evidence, then such may be considered a material breach of the contract and such shall constitute cause for termination of the contract.

**CITY OF GAINESVILLE  
GENERAL GOVERNMENT  
PURCHASING DIVISION SURVEY  
BID INFORMATION**

BID #: ECOD 150026-FB

DUE DATE: December 17, 2014

SEALED PROPOSAL ON: MIXED USE DEVELOPMENT OF CITY PARKING LOT #10

**IF YOU DO NOT BID**

Please check the appropriate or explain:

- \_\_\_\_\_ 1. Not enough bid response time.
  - \_\_\_\_\_ 2. Specifications not clear.
  - \_\_\_\_\_ 3. Do not submit bids to Municipalities.
  - \_\_\_\_\_ 4. Current work load does not permit time to bid.
  - \_\_\_\_\_ 5. Delay in payment from Governmental agencies.
  - \_\_\_\_\_ 6. Do not handle this item.
  - \_\_\_\_\_ 7. Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Company: \_\_\_\_\_

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

Are you a minority business? yes \_\_\_\_\_ no \_\_\_\_\_

Appraisal of

**A 39,500 Square-Foot Site known as Parking Lot #10**

Located

**104 SW 2<sup>nd</sup> Avenue  
Gainesville, Florida 32601-6228**

Prepared for

**Mr. Sam Bridges  
The City of Gainesville  
Lands Rights Coordinator  
405 NW 39<sup>th</sup> Avenue  
Post Office Box 490, MS 58  
Gainesville, Florida 32627**

Date of Value

**March 10, 2014**

(Effective Date)

**Purchase order # PD 800 80190305140008**

*Andrew V. Santangini, Jr., MAI  
Gainesville, Florida*

**ANDREW V. SANTANGINI, JR., MAI**  
**REAL ESTATE APPRAISER AND CONSULTANT**

1109 NW 23<sup>rd</sup> Avenue, Ste B  
 Gainesville, Florida 32609  
 Tel. (352) 376-3351 Fax (352) 376-3118  
[Santang1109@gmail.com](mailto:Santang1109@gmail.com)

**State-Certified General Real Estate Appraisers**  
 Andrew V. Santangini, Jr., MAI RZ563  
 G. L. Emmel, IV RZ993  
 Laura L. Rutan **Office Manager and**  
**State-Registered Trainee Appraiser** RI22223

March 17, 2014

Mr. Sam Bridges  
 The City of Gainesville  
 Lands Rights Coordinator  
 405 NW 39<sup>th</sup> Avenue  
 Post Office Box 490, MS 58  
 Gainesville, Florida 32627

RE: Appraisal of: A 39,500 square foot site known as Parking Lot #10  
 Located: 104 SW 2<sup>nd</sup> Avenue, Gainesville, Florida  
 Present use: Asphalt paved parking lot  
 Apparent owner: City of Gainesville

Dear Mr. Bridges:

As per your request, we have developed an opinion of market value of the fee simple title of the above referenced property. This appraisal report is intended to comply with the reporting requirements set forth under Standards Rules 2, 8, and 10 of the Uniform Standards of Professional Appraisal Practice for an appraisal report. It presents only summary discussions of the data, reasoning, and analyses used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraiser is not responsible for unauthorized use of this report.

### **Purpose of Appraisal, Intended Use, and Intended User**

The purpose of this appraisal is to develop an opinion of market value of the fee simple title of the subject as of March 10, 2014. The definition of market value is included in the Addendum section of the report. This report is being prepared to assist the client, the City of Gainesville, in the estimation of market value.



Subject Site



Looking East along SW 2<sup>nd</sup> Avenue





Looking East along SW 1<sup>st</sup> Avenue

### **Legal Description, Assessments, Taxes, 3-Year Sales History**

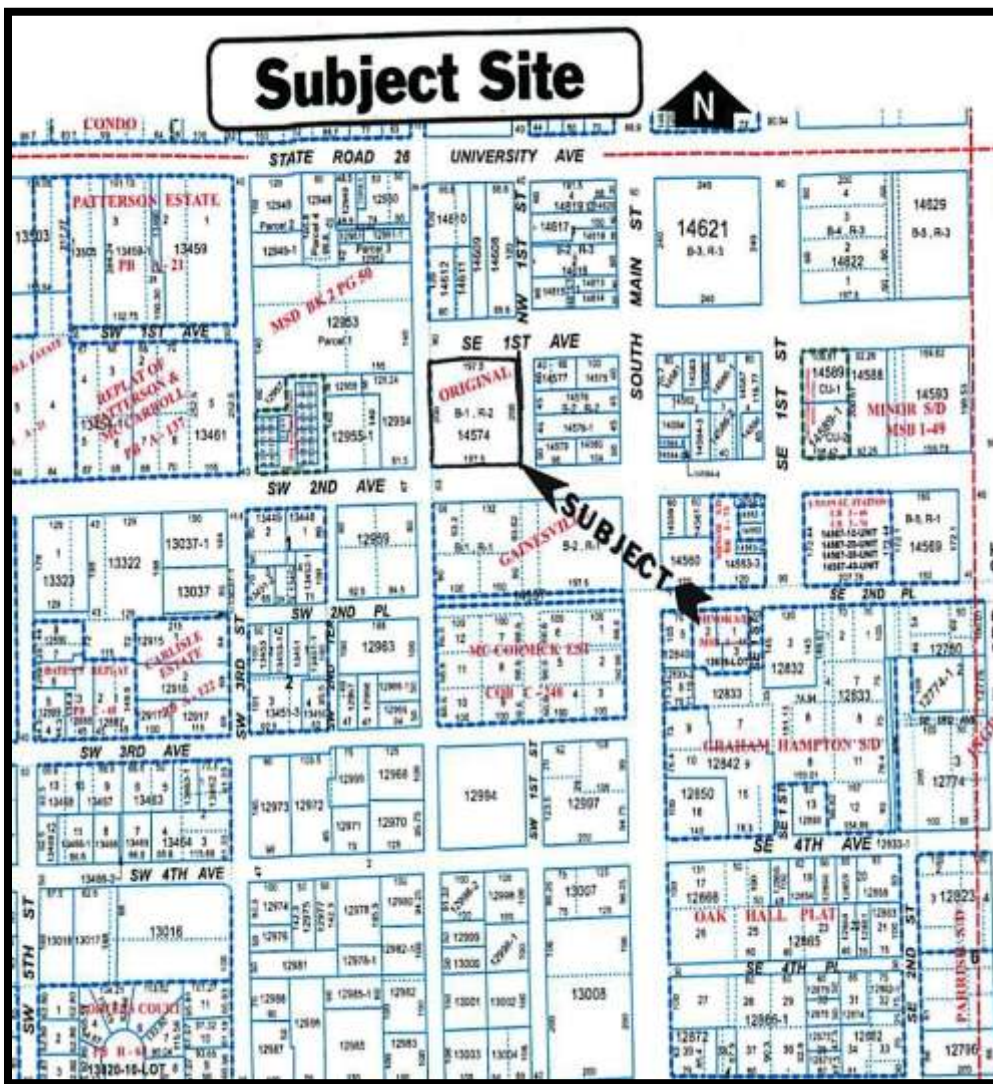
The subject is designated as tax parcel number 14574-000-000. The assessed value of the property is \$417,400. The property is tax exempt as it is owned by the City; so taxes are \$0. The owner of record is The City of Gainesville. There have been no changes in title to the property within the past three years. There are no indications that the property is currently listed for sale. The legal description of the property is Original Gainesville Block 1 Range 2 per DBH-383.

### **Market Area**

The market area can be defined as the downtown central business district of Gainesville. The area is bordered on the south by Depot Avenue, on the north by 8<sup>th</sup> Avenue, on the west by 6<sup>th</sup> Street, and on the east by 7<sup>th</sup> Street. Major transportation routes of this market area include the following north/south roads: Main Street, and 6<sup>th</sup> Street, while University Avenue, 8<sup>th</sup> Avenue, 2<sup>nd</sup> Avenue and Depot Avenue are major east/west traffic routes. Within the market area, University Avenue is the only four lane route. Main Street is a two lane road with turn lane. Main Street, 8<sup>th</sup> Avenue, and University Avenue are also major roads of Gainesville and intersect other major traffic routes of town. Uses within this central business district vary from professional offices to local governmental



offices, to institutional uses such as churches, to restaurants and bars, retail establishments, residential condominiums and apartment complexes, as well as some single family detached homes. This market area is a well-established area and one that has relatively little vacant land left within it as it was the original commercial hub of Gainesville. The area has seen new growth in the past with residential condominiums and apartments. Additionally the “Midtown “area of Gainesville is located to the west of 6<sup>th</sup> Street and is an area which is changing in character due to the emergence of the Innovation Hub Development. This area is located between University Avenue and SW 4<sup>th</sup> Avenue and is to the west of 6<sup>th</sup> Street and to the east of 10<sup>th</sup> Street. There have been several technological companies locate here within the past two years, and further expansion of this area with a new street network is nearing completion. Afterwards, more building construction is forecasted to occur.



## **Site Data**

According to Flood Map panel 12001C0312D, dated June 16, 2006, the property is located within Zone "X," which is an area outside the .2% annual chance floodplain. The subject site has a corner location with 197.5' of frontage on the south side of SW 1<sup>st</sup> Avenue, and on the north side of SW 2<sup>nd</sup> Avenue; and 200' of frontage on the east side of SW 2<sup>nd</sup> Street and on the west side of SW 1<sup>st</sup> Street. Access into the site is from SW 1<sup>st</sup> Avenue, and from the west bound lane of SW 2<sup>nd</sup> Avenue.. SW 2<sup>nd</sup> Avenue is an asphalt paved publicly maintained road and has a landscaped median in it (at the access point into the site) thus making it a boulevard type of right of way. The other three roads are public roadways of brick construction. All of these roads have sidewalks and concrete or granite curbs and storm sewer. Gainesville Regional Utilities supplies this area with public utilities. The subject site is estimated to have a size of 39,500 square feet. The site is an asphalt paved parking lot which will accommodate approximately 87 cars; three of these spaces are designated for the handicapped. The site is designated by the City as being parking exempt. There is a City owned five story parking garage located to the SW of the subject. In addition to the paving there are four live oak trees on site (each of which have a diameter of approximately 36"); they are protected heritage trees. Three of them may be removed by paying a mitigation fee to the City, while the fourth has to be replaced on an inch by inch basis on site.

## **Zoning**

According to zoning maps of the City of Gainesville, the site is zoned CCD; Central City District. The subject site is designated as being parking exempt. The Central City District is established to provide a means to improve the physical, economic, social and cultural character of downtown Gainesville. The ultimate goal of the district is to maintain the downtown as a focal point of the community and a setting for people to live, work, shop and be entertained without leaving the district. This goal will be accomplished by allowing commercial services, professional, administrative, governmental and community services, financial services, entertainment and cultural activities, and medium to high density housing, as individual or mixed land uses, and by providing design standards and guidelines intended to preserve and enhance the downtown's distinctive physical attributes as mandated by the city comprehensive plan. The objectives are to (1) promote the central city district as a focal point of the community by providing for a variety of office, business, public and cultural activities ;(2)provide for the development of housing at urban densities;(3) provide for cafes and for the conduct of concerts, festivals and other specified activities outside of enclosed buildings; (4) promote the integration of pedestrian traffic with vehicular traffic;(5) encourage the use of design standards and guidelines to promote development and redevelopment which is sensitive to architectural resources, preserves visual quality, enhances visual unity and accommodates pedestrians; and(6) encourage a continuous urban facade along streets, sidewalks and pedestrian ways to maintain a strong urban character

## **Highest and Best Use Analysis**

The subject site is zoned CCD by the City of Gainesville. The site has a corner location and a size of approximately 39,500 square feet. The site has frontage along SW 1<sup>st</sup> Ave, SW 1<sup>st</sup> Street, SW 2<sup>nd</sup> Street, and SW 2<sup>nd</sup> Avenue which is a main connector road of the immediate area. Additionally the site is only one block west of Main Street and one block south of University Avenue. SW 2<sup>nd</sup> Avenue provides direct access to the University of Florida and also to the Innovation Hub development from the Downtown area. Both Main Street and University Avenue are major transportation routes of Gainesville. These latter two roads plus SW 2<sup>nd</sup> Avenue are also served by bus service thru Gainesville Regional Transit. This transit provided direct access to the University and also Innovation Hub via 2<sup>nd</sup> Avenue. Gainesville Regional Utilities supplies this area with public utilities. Surrounding sites in this downtown area of Gainesville range in size from as small a 5,000 square feet to over three acres, with most being under an acre in size. There are a variety of permitted uses allowed under the CCD zoning, and they vary from residential uses to commercial uses, and also a mixture of these. As previously noted this market area is one of the oldest areas of Gainesville. Newer developments have been constructed in the "Midtown" area of town, and have been mixed use developments. These developments have commercial retail uses on the first floor while residential uses are located on upper floors. The Union Street Station Development is located approximately 2 blocks east of the subject. This development has a mixture of commercial uses and residential condominiums on the upper floors. This development has a bridge which connects it to a parking garage that is located to the North across 2<sup>nd</sup> Avenue. These mixed use developments have become more commonplace in the Gainesville market in the recent past with the increased densities allowed by the City. The subject site is a site that is representative of one of the larger undeveloped tracts left in this market area. The use of the subject site for a mixed use development has been proposed in the past, but was designated as being unfeasible due to the downturn in the economy. The economy has seen a slow improvement in the past two years. This mixed use type of development would fit in with the desires of the City to have more dense development in the area, and would be a harmonious usage with surrounding newer uses found in this area. Therefore the appraiser is of the opinion that a multistory mixed use development consisting of retail, office, and residential uses would represent the highest and best use of the site. Also to be taken into account in the valuation of the site is the fact that four live oak trees on site would have to be removed. Three of them would require mitigation fees to be paid for their removal, while the fourth would require replacement.

## **Appraisal Problem and Proposed Solution - Scope**

The purpose of this appraisal is to develop an opinion of market value for the subject as of March 10, 2014. The Land Sales Comparison Approach will be utilized to develop an opinion of value for the subject tract of land. The Cost Approach and the Income Capitalization Approach will not be used in the analysis of the site as the subject is



considered to be basically a vacant tract for developmental purposes. The appraiser made a number of independent investigations and analyses. Vacant and improved property transfers were analyzed, which occurred from June 2012 through October 2013. Comparable sales are recorded at the Alachua County courthouse.

## Sales Comparison Approach

The Sales Comparison Approach is based upon the principle of substitution which states that a prudent purchaser will pay no more for a property than the cost of acquiring a comparable, acceptable substitute. Recent sales of similar properties are needed in order to accurately reflect the interactions of buyers and sellers within the market. A common denominator unit of comparison is derived from these sales and then applied to the subject. The best common denominator unit of comparison was found to be the indicated price per square foot. A sales map included in herein shows the location of each of the comparable sales and also that of the subject.





**Sale #1** is located at 424 W. University Avenue. This sale closed in June 2012 and is recorded in ORB 4115/76. This 19,727 square foot site has 96.7' of frontage on the north side of University Avenue . The site was purchased by the adjacent owner to the west for \$793,000 or \$40.20 per square foot. It was improved at the time of sale with a 9,099 square foot building which was built in 1937. The building was subsequently demolished.



**Sale #2** is located at 1210 SW 3<sup>rd</sup> Avenue. This sale closed in August 2013 and is recorded in ORB 4221/346. The site has a corner location with 130.5' of frontage on the north side of SW 3<sup>rd</sup> Avenue and a size of 25,317 square feet. At the time of sale the site was improved with the Graduate Apartment complex, a 14 unit apartment complex which was built in 1950. These improvements were demolished. A 39 unit apartment building to be known as Lyn Court Square is currently under construction. The site sold for \$900,000 or \$35.55 per square foot.



**Sale #3** is located at 1234 SW 1<sup>st</sup> Avenue. This sale closed in October 2013 and is recorded in ORB 4231/2220. This site has 159' of frontage on the north side of SW 1<sup>st</sup> Avenue, and a size of 19,239 square feet. It is improved with an eight unit apartment complex known as the Ritz Apartments. These units were built in 1960 and added onto in 1970; they approximate 8,762 square feet. They will be demolished to make way for a new multistory apartment complex in the future. The property sold for \$980,000 or \$50.94 per square foot. The site is within 98' of 13th Street, and the University of Florida campus is on the west side of this road.





**Sale #4** is located at 35 SE 5<sup>th</sup> Avenue. This sale closed in October 2013 and is recorded in ORB 4234/2377. This site has 150.09' of frontage on the south side of 5<sup>th</sup> Avenue and a size of 31,400 square feet. The site is currently improved with a dock height warehouse building containing 4,143 square feet which was built in 1979. The grantor is an owner occupant. This was part of a two site assemblage by the grantee for a new fire station. The site sold for \$525,000 or \$16.72 per square foot. The grantor was given one year free rent in order to find a new place to relocate.





**Sale #5** is located at 505 S. Main Street. This sale closed in October 2013 and is recorded in ORB 4234/2380. The site has 217' of frontage on the east side of S. Main Street and a size of 34,795 square feet. The site was improved with two buildings which contain a total of 4,144 square feet. The larger one was built in 1929 and is a concrete block and metal structure while the other is a frame dwelling. This was the second part of the assemblage tract with Sale #4. The property sold for \$525,000 or \$15.09 per square foot. The current tenants are remaining in these buildings for a year, rent free. This site will be redeveloped into a fire station facility.

No financing adjustment was made to any of the comparable sales. These sales represent the most recent and best available sales to estimate the market value of the subject. There has been a lack of recent sale/resale data to justify time trends. Therefore no adjustment was made for time. No site size adjustment was attempted due to conflicting and also limited data. Sales #4 and #5 were a part of an assemblage. Sale #1 was purchased by an adjacent owner. No adjustment was made to these three sales for these differential items. Less emphasis is placed upon Sale #3 as it is the smallest site and is located closest to the University. Sale #1 is deemphasized as it is the oldest sale. The remaining sales are Sale #2 which indicates a value of \$35.55 per square foot, and Sales #4 and #5 which indicate values respectfully at \$16.72 and \$15.09 per square foot. The average of these latter two sales is \$15.86 per square foot. These two latter sales are the most recent and similar in size to the subject. They also are closest in proximity, and have the same zoning. Sale #2 is also dated in October as are Sales #4 and #5. In the final analysis, greatest emphasis is placed upon Sales #4 and #5, however, they are tempered upwards by the value indicated by Sale #2. The appraiser would estimate the market value of the 39,500 square foot subject site at \$21 per square foot. This would indicate a value of \$829,500. To be

deducted from this value is the estimated cost of the mitigation of three of the live oak trees on site. This is arrived at by a formula found in the land development code of the City. Each of these three trees is estimated to have a diameter of 36". Based upon the formula, the mitigation cost of these three trees is rounded to \$67,200, and is a deduction from the market value of the site as vacant. The market value of \$829,500 is thus reduced by \$67,200 to indicate a final market value that is rounded to \$760,000.

## Reconciliation

The purpose of this appraisal was to develop an opinion of market value of the subject as of March 10, 2014. The Sales Comparison Approach was the only valuation method which has applicability in the analysis of the subject. This approach relies upon recent sales of similar sites in order to reflect the interactions of buyers and sellers in the market place. The most recent sales of similar types of properties were used in the analysis of the subject. Based upon data presented in this report, the appraiser would estimate the market value of the subject as of March 10, 2014 at \$760,000. This value includes a deduction for the estimated cost of mitigating the removal of three live oak trees from the site.

## Exposure Time

In developing an applicable exposure time for the subject, the appraiser has analyzed comparable sale data, taken into account current market conditions, and the size and location of the subject site. Taking into consideration all of this data would tend to indicate that the subject, once exposed to the market, could be sold within a time frame of in excess of one year.

Respectfully submitted,



Andrew V. Santangini, Jr., MAI  
State-Certified General Real Estate Appraiser RZ563



George L. Emmel, IV  
State-Certified General Real Estate Appraiser RZ993

## **Assumptions and Limiting Conditions**

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The services of an attorney are suggested regarding any issues legal in nature prior to use of the appraisal.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy. The appraiser assumes no responsibility for independently verifying this information. If the client has any question regarding this information, it is the client's responsibility to seek whatever independent verification is deemed necessary prior to use of the appraisal.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them. If the client has any questions regarding these items, it is the client's responsibility to order the appropriate inspections prior to use of the appraisal. The appraiser does not have the skill or expertise needed to make such inspections. The appraiser assumes no responsibility for these items.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in the appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is used.
10. This appraisal, unless otherwise noted, is not intended for third party use. Should any third party obtain a copy of this appraisal or any part thereof, it is the responsibility of that party to obtain the written permission of the appraisers prior

to any use whatsoever of the appraisal. Should any third party use the appraisal without doing so, they do so at their own risk.

11. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
12. Possession of this report, or a copy thereof, does not carry with it the right of publication.
13. The appraiser, by reason of this appraisal, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
14. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent and approval of the appraiser.
15. The client shall notify the appraiser of any error, omission, or invalid data herein within ten days of receipt and return the report along with all copies to the appraiser for revision prior to any use whatsoever.
16. An appraisal is the product of a professionally trained mind but nevertheless is an opinion only, and not a provable fact. As such values may vary between appraisers based on the same facts. Thus, appraiser warrants only that the value conclusions are his best estimates as of the date or dates of value.
17. The forecasts, projections, or operating estimates and value estimate (or estimates) are based upon current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts and market conditions, as is the value estimate or estimates are, therefore, subject to changes in future conditions.
18. Sizes were obtained from the public records or from available surveys. Should a subsequent survey indicate different sizes, the value estimates herein may require changes.
19. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon, or other potentially hazardous materials may affect the value. No responsibility is assumed for any such conditions, or for any expertise or

engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

20. The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.
21. No non-public or confidential information provided by the client for the purpose of completing this appraisal report is released or made available to the public in compliance with the Gramm-Leach-Bliley (GLB) Act, a federal law.
22. The appraiser has estimated the diameter of each of the three of the live oak trees on the site at 36". If this is found to deviate, the estimated mitigation cost may change, which might also change the final market value estimate.


## Certification of Value

We certify that, to the best of our knowledge and belief the statements of fact contained in this report are true and correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions. We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment. Our engagement in this assignment was not contingent upon developing or reporting predetermined results. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Standards of Professional Practice of the Appraisal Institute, the Uniform Standards of Professional Appraisal Practice (USPAP) and the State of Florida for State-Certified Appraisers. Mr. Emmel made a personal inspection of the property that is the subject of this report. No one has provided significant professional assistance to the persons signing this report. The use of this report is subject to the requirements of the Institute relating to review by its duly authorized representatives. The use of this report is subject to the requirements of the State of Florida. Both the Appraisal Institute and the State of Florida conduct continuing education programs. The undersigned member participates in the State's program and in the Institute's voluntary program. As of the date of the report, the undersigned member has completed the requirements of the continuing education program of the Appraisal Institute. As required under the Competency Provision of the USPAP, the appraisers have appropriate knowledge and experience to complete the assignment competently. The appraisers have performed no services as an appraiser or in any other capacity, regarding the subject of this report within the three year period preceding acceptance of this assignment.

**The real property which is the subject of this appraisal report has an estimated market value as of March 10, 2014 of \$760,000.**



Andrew V. Santangini, Jr., MAI  
State-Certified General Real Estate Appraiser RZ563



George L. Emmel, IV  
State-Certified General Real Estate Appraiser RZ993

## **Addendum**

## Definitions

**Fee Simple** - A fee simple estate implies absolute ownership unencumbered by any other interest or estate.

**Market Value** - The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;
- b. both parties are well informed or well advised, and acting in what they consider their own best interests;
- c. a reasonable time is allowed for exposure in the open market;
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

**Current Effective Date of Value** - The current effective date of value occurs when the effective date of the appraisal is contemporaneous with the date of the report. In this appraisal, the current effective date of value is the date of inspection of the subject property.

*Definitions are contained within "The Appraisal of Real Estate, 13<sup>th</sup> Edition"*



## **Qualifications of Andrew V. Santangini, Jr.**

### **License**

State-Certified General Real Estate Appraiser #RZ563, Florida  
State-Certified General Real Estate Appraiser #330159, Georgia

### **Professional Designation**

**MAI** - Member, Appraisal Institute since November 1977  
Served on various Appraisal Institute committees including  
Public Relations, Admissions, and Professional Standards

### **Appraisal Experience**

Independent appraiser since 1972. Appraisal assignments have included many different types of properties primarily within the State of Florida. Other assignments have been within the southeastern United States. Clients include: corporations, attorneys, lending institutions, individuals, municipalities, state and federal agencies.

### **Court Experience**

Qualified as an expert witness before various Circuit Courts in Florida as well as Federal Courts and the Internal Revenue Service.

### **Education**

Graduate Emory University, 1966  
Post Baccalaureate studies, University of Florida, 1971

### **Real Estate Experience**

Independent Appraiser and Consultant since 1972  
Former Realtor, Florida Association of Realtors  
Former Instructor, Lake City Community College: Appraisal and Finance

### **Personal**

U.S. Navy Officer, 1966-1969, Vietnam Veteran – Patrol Boats  
Commercial Pilot License: Instrument & Multi-Engine Ratings

## **Qualifications of G. L. Emmel, IV**

### **Licenses**

Licensed Real Estate Broker/Salesman, State of Florida  
State-Certified General Real Estate Appraiser RZ993

### **Real Estate Organizations**

Broker/Salesman  
Candidate - Appraisal Institute

### **Education**

Graduate of Furman University, 1971  
Post Graduate Work - University of Florida  
Appraisal Institute Courses Passed. Also attended various appraisal seminars.  
Standards of Professional Appraisal Practice  
Real Estate Appraisal Principles  
Basic Valuation Procedures  
Capitalization Theory and Techniques, Part A  
Capitalization Theory and Techniques, Part B  
Case Studies in Real Estate Valuation

### **Appraisal Experience**

Staff appraiser for First Federal of Mid Florida and Empire of America for 11 years. Independent fee appraiser since July 1984. Assignments have included various types of properties in the State of Florida. Clients have included corporations, attorneys, lending institutions, and federal agencies. Property types have included industrial buildings, offices, right-of-way takings, springs, vacant land, shopping centers, banks, etc.

### **Court Experience**

Qualified as an expert witness before various Circuit Courts in Florida as well as Federal Bankruptcy Court for Florida.

### **Personal**

Rotary Club of Gainesville  
Friends of Five  
Friends of the Library