

ORDINANCE NO. 77-2

AN ORDINANCE OF THE CITY OF BEACH CITY, AUTHORIZING THE SALE OF LAND PURCHASED BY THE CITY OF BEACH CITY ON THE 17TH DAY OF OCTOBER, A.D. 1974, FOR NOT LESS THAN WHAT BEACH CITY HAS PAID ON THE PRINCIPAL AND ASSUMPTION OF THE DEED OF TRUST ASSIGNED TO ERNEST L. ALLRED; AUTHORIZING THE CITY SECRETARY TO PUBLISH NOTICE TO BIDDERS IN A NEWSPAPER OF GENERAL CIRCULATION IN CHAMBERS COUNTY AND IN THE BAYTOWN SUN ON TWO SEPARATE OCCASIONS; PRESCRIBING THE PROCEDURE UNDER WHICH SEALED BIDS TO PURCHASE THE LAND ARE TO BE SUBMITTED AND AUTHORIZING THE SALE OF SAID LAND FOURTEEN DAYS AFTER THE PUBLICATION OF THE LAST NOTICE IN THE PRESCRIBED NEWSPAPERS; AUTHORIZING ATTORNEY FOR THE CITY OF BEACH CITY TO SECURE EXTENSIONS IN TIME FOR PAYMENTS OF PRINCIPAL AND INTEREST DUE ON THE LAND.

WHEREAS, the City Council of Beach City deems it advisable and necessary and to the best interest of the citizens of the City of Beach City to sell the land acquired by the City of Beach City from Donald C. Smith on October 17, 1974, and recoup at least the principal amounts of monies paid to purchase said land; and,

WHEREAS, the City Council of Beach City deems it of utmost importance to sell said land before the 10th day of April, A.D. 1977; and,

WHEREAS, the City Council of Beach City deems it advisable and to the best interest of said City to now give notice to those bidders interested in purchasing said land;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY:

SECTION II.

That the land purchased by the City of Beach City from Donald C. Smith on the 17th day of October, A.D. 1974, better described as follows, to-wit:

BEING part of the Kerr 43.9 acre tract in the W.D. Smith Survey, Abstract No. 23, Chambers County, Texas, and being all of Lots Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21) of the John Beazley Subdivision of the North part of the W.E. Kerr 43.9 acre tract, according to the official plat thereof, of record in Volume 2, Page 43 of the Map or Plat Records of Chambers County, Texas, and being the same land conveyed by J.E. Williams and wife, Thelma H. Williams, to Donald C. Smith, by deed dated January 4, 1967, and recorded in Volume 281, Page 352, et seq., of the Deed Records of Chambers County, Texas, to which plat and deed and the record thereof reference is here made for all purposes.

be offered for sale to the general public according to the manner prescribed according to Vernon's Ann. CIV St. Art. 5421 c-12, Sect. 1.



## SECTION II.

That the City Secretary is authorized to publish notice in a newspaper of general circulation in Chambers County and in the Baytown Sun on two separate occasions within one week of the passing of this ordinance, said notice to state that the land is to be offered for sale to the general public, the description of the land, its location and detailing the procedures under which sealed bids to purchase the land are to be submitted.

## SECTION III.

Procedures under which sealed bids to purchase the land are to be submitted:

- (a). Any person or parties of the general public may submit sealed bids to purchase the land.
- (b). No bid submitted will be considered if offering to purchase the land for less than \$8,500.00, which sum represents the principal paid to date by the City of Beach City on said land and assuming the Deed of Trust securing the remainder of the original purchase price on said land.
- (c). Said notice to be published in local newspapers is to contain the minimum bid prescribed in section (b) above and the balance of the principal owed, said balance being \$16,500.00, and stating that the present Deed of Trust securing the land bears an interest rate of seven per cent per annum.
- (d). All bids are to be submitted by certified mail to the City of Beach City by mailing same to Post Office Box 455, Baytown, Texas 77520. All bids are to be submitted on or before 11:59 P.M. on the 18th day of March, A.D. 1977. No bids will be considered if received after that time.
- (e). All bids are to be accompanied by a cashier's check made to the order of the City of Beach City in the amount of \$425.00, which amount represents five per cent of the City's equity, \$8,500.00, in the land. No bid will be considered unless accompanied by a cashier's check. All cashier's checks will be returned to bidders whose bids were not accepted.
- (f). The City Council of Beach City shall select the winning bid at its regular Council meeting of March 22, 1977. The bidder winning the Council's approval for purchase of said land shall have thirty days from the 22nd day of March, A.D. 1977, in which to consummate the purchase of the land from the City of Beach City. If said bidder fails to consummate said land purchase, said bidder forfeits the \$425.00 deposit, which deposit represents the liquidated damages incurred by the City of Beach City for the winning bidder's failure to consummate the land sale.


SECTION IV.

The City of Beach City reserves the right to reject any bid that does not allow it to recover its equity in said land, or \$8,500.00, said amount being the principal paid to date by the City of Beach City on said land.

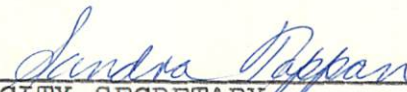
SECTION V.

The Attorney for the City of Beach City is hereby authorized to prepare all necessary legal papers to expedite and consummate the sale of the land as authorized in this ordinance, and is further authorized to take all necessary steps to secure an extension of time in the payment of principal and interest due on the land on the 10th day of April, A.D. 1977, from the holders of the Deed of Trust securing the balance of the principal owed to Ernest L. Allred.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, A.D. 1977.

  
MAYOR, CITY OF BEACH CITY

ATTEST:

  
CITY SECRETARY





### NOTICE TO BIDDERS

It is the intention of Beach City, Texas, to offer its equity of \$8,500.00 minimum in the following described real estate for sale to the general public, to-wit:

Being part of the Kerr 43.9 acre tract in the W.C. Smith Survey, Abstract No. 23, Chambers County, Texas, and being all of Lots Eighteen, Nineteen, Twenty, and Twenty-One of the John Beazley Subdivision of the North part of the W.E. Kerr 43.9 acre tract; otherwise described as a tract of land of approximately 3.2 acres situated at the intersection off McKinney Road and Farm Market Road No. 2354 (Tri City Beach Road), in Beach City, Texas.

The stipulations under which Beach City will accept sealed bids for the sale of its equity in this land are the following, to-wit:

1. No bid submitted will be considered if offer to purchase the land is less than \$8,500.00, which sum represents the principal paid to date by the City of Beach City on said land, and the Assumption of the Deed of Trust securing the remainder of the original purchase price.

2. The balance of the principal owed is \$16,500.00 on said Deed of Trust, which bears a seven per cent per annum interest rate.

3. All bids are to be submitted by certified mail to the City of Beach City by mailing same to P.O. Box 455, Baytown, Texas 77520. All bids are to be submitted on or before 11:59 P.M. on March 18, 1977. No bids will be considered if received after that time.

4. All bids are to be accompanied by cashier's check made to the order of the City of Beach City in the amount of \$425.00, which amount represents five per cent of the City's equity, \$8,500.00. No bid will be considered unless accompanied by a cashier's check. All cashier's checks will be returned to bidders whose bids are not accepted.

5. The City Council of Beach City shall select the winning bid at its regular Council meeting of March 22, 1977. The bidder winning the Council's approval shall have 30 days from March 22, 1977, or until April 21, 1977, in which to consummate the purchase of the land from Beach City. If bidder fails to consummate said purchase, bidder forfeits the \$425.00 deposit, which deposit represents the liquidated damages incurred by Beach City for the bidder's failure to consummate the sale.

6. Beach City reserves the right to reject any bid that does not allow it to recover its equity in said land, or \$8,500.00 minimum.



*Sandra Nappan*  
CITY SECRETARY