

**TERMS AND CONDITIONS
OF THE CITY OF PETERSBURG ONLINE REAL ESTATE AUCTION**

**City of Petersburg, Virginia
Effective Date: August 2, 2022**

Incorporation by Reference of Terms and Conditions. The following Terms and Conditions are specific to this City of Petersburg online real estate auction and are applicable to all bidders on our marketplace. **All bidders and other participants of this auction do hereby acknowledge and agree they have read and fully understand these terms and conditions and agree to be bound by them.**

REGISTRATION FOR AUCTION

To become a qualified participant in the online auction (a "Bidder"), you must register to bid through the online auction website at www.govdeals.com. You must also complete the Petersburg General Bidder Application. To bid on a particular property, you must complete the Petersburg Property Application and make a bidder's deposit of ten percent \$2,500-\$5,000 of the required minimum bid. You must make your Bidder's deposit before you will be approved as a Bidder at the auction. By registering to bid at the auction, you are affirming:

- 1) That you acknowledge and agree to the terms and conditions for this auction as stated herein;
- 2) That you are not delinquent on any City of Petersburg real estate or other taxes or fees; and
- 3) That you have no outstanding code violation on other property you own in the City of Petersburg.

Please be advised that, should any registrant be an employee of the City of Petersburg or a member of any of the City's various Boards or Commissions established by the Petersburg City Code or the Petersburg City Council, certain provisions of the Virginia Conflicts of Interest Act (Va. Code § 2.2-3100 et seq.) may limit or prohibit the ability of such persons to enter into a contract with the City for the purchase of any property listed in this auction.

PROPERTIES

The City of Petersburg ("City") is the owner in fee simple absolute of certain real property that is listed for the online auction, together with all rights and appurtenances thereunto pertaining ("Property" or "Properties"). Along with the addresses of the Properties listed for auction, there will be additional information related to each Property. The additional information may include legal descriptions, photos, certain terms and conditions, disclaimers, and may include special City requirements ("**Property Purchase Requirements**").

Each of the Properties will be sold separately through the online auction and as to each of these Properties the City makes no representations and no warranties of any kind (except for the special warranty contained in the deed), including, but not limited to, making no warranty, guaranty or representation, expressed or implied, as to access (vehicular or actual), zoning, status or availability of utilities, flood zone status, trees, merchantability or fitness for any purpose of the property offered for sale, or as to any of the improvements or structures thereon.

The Properties are sold "AS IS, WHERE IS", in gross and not by the acre, and these Properties are subject to, as provided by law and without limitation, restrictions, conditions, easements, liens or encumbrances of record, possible rights of parties in possession, encroachments, overlaps, gaps and gores, deficiency in quantity, all questions of boundaries, location and acreage which a current and accurate survey would disclose, roadways, environmental and wetland matters, unrecorded easements, matters which would be disclosed by an inspection of the premises, or any other matter of record or not of record. Further, the City of Petersburg does not warrant or convey title to any personal property that might be on the Property (or within any improvement or structure located on the Property). Personal property includes, without limitation, such items as storage buildings, appliances, window treatments, furniture, automobiles, etc. All parcels are bought at the purchaser's own risk. In short, these properties are sold "as is," "with all faults," and without any representation or any warranty of any kind, nature, or description.

Each of the Properties has been reviewed to determine that it is likely a buildable lot under the applicable provisions of the City's Zoning Ordinance. However, this review is not an official, legally binding determination, and all Bidders do hereby acknowledge that NO official determination that the lot is buildable will be provided except in accordance with City of Petersburg's Zoning Confirmation process, which requires a request to the Zoning Administrator and payment of the required fee of \$100.00 for a 30-day turnaround time period and \$500 for a or 15-day turnaround time period. Please send request to pcd@petersburg-va.org.

All Bidders do hereby acknowledge and agree that they are not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential as a result of participation of any kind in the online auction and that the City shall not be liable for any latent or patent defects that may exist in or on the Property.

CONDUCT OF THE AUCTION

The properties are offered for sale through the online auction to such Bidders in accordance with all legal requirements including all applicable Fair Housing laws. The City and Govdeals.com reserve the right to deny permission to bid or to terminate the right of any individual to bid at the auction if the Bidder violates the Terms and Conditions of the auction or otherwise interferes with the auction.

The Properties will be listed publicly on the www.govdeal.com website for review by potential Bidders for a minimum of **30 days**. During this time potential Bidders will be able to perform, at their own expense, their due diligence, submit any documentation to meet any Property Purchase Requirements that may apply to a particular Property, and present their questions electronically for response. The City of Petersburg staff members will provide responses to all relevant questions regarding any specific property listed on the online auction website.

The auction will be open for bidding for **7 days**. At the end of the 7-day bidding period, City Staff will review the bids, determine the highest bid and assess the highest bidder's ability to meet specific Property requirements as applicable. In addition, City Staff will vet the highest bidder to ensure they meet all eligibility requirements established for the auction, including but not limited to, being current on all taxes and fees owed by them, and in compliance with all City regulations. The City reserves the right to reject all bids. As to the auction of any specific property, a fully vetted eligible highest bidder will be considered a "Successful High Bidder". Note that nothing in this action, including the determination of the Successful High Bidder, constitutes an offer to sell or acceptance of an offer for the purchase land.

Once a Successful Highest Bidder is determined for a particular auctioned Property, all deposits received from unsuccessful Bidders shall be released and returned to each of them. The Economic Development Office will prepare and advance, for Petersburg City Council review and consideration, an ordinance authorizing the sale of each of the specific properties to each of the respective Successful Highest Bidders for which the auction received an acceptable bid (the "Ordinance"). The City, acting by and through the Petersburg City Council, reserves the right to reject and decline to approve all bids, including that of the Successful Highest Bidder.

In the event the Ordinance is adopted by the Petersburg City Council, the bidder when then enter a due diligence period not to exceed 120 days. At the end of the due diligence period, the bidder will enter into a development agreement that will include the project summary documents describing the intentions of the bidder about the purchase and development of the Property. The bidder shall perform the redevelopment or the property strictly in compliance with the project summary documents and in accordance with the terms in the Agreement. This Agreement shall be referenced as if set forth fully in the deed of conveyance of the Property from the City to the purchaser and shall run with the land until such time as all requirements are completed.

Inspection Instructions

Bidders may inspect the property prior to bidding. Inspection is by appointment only. The bidder must complete a Hold Harmless Agreement prior to the tour of the site. Please use the 'Ask a Question' feature to schedule an appointment for inspection.

Payment Instructions

Upon the effective date of the Ordinance approving the sale, the City Staff will accept the bid through the GovDeals online platform. The Successful High Bidder will receive a **"Buyer's Certificate"** confirming and outlining the accepted bid. The Successful High Bidder will be contacted by the City of Petersburg closing attorney with instructions on how to submit their earnest deposit in the amount of 10% of the total purchase price. The bidder's deposit will be deducted from the total amount due for the earnest deposit. The bidder will be responsible for all applicable closing cost.

Special Instructions

NOTICE: If you are the winning bidder and default by failing to adhere to this seller's terms and conditions your account with Liquidity Services WILL BE LOCKED.

Guaranty Waiver. All property is offered for sale 'AS IS, WHERE IS.' Petersburg - Real Estate, VA makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. Please note that upon closing on the property, all sales are final.

Description Warranty. Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to purchasing of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the seller shall not exceed the actual purchase price of the property.