

BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

In the Matter of:	)	RESOLUTION DECLARING
	)	COUNTY-OWNED PROPERTY
THE SALE OF COUNTY PROPERTY,	)	SURPLUS AND DECLARING
12.586 ACRES AT THE SOUTHWEST	)	INTENTION TO SELL COUNTY-
CORNER OF VENTURA AND TENTH	)	OWNED SURPLUS PROPERTY
<u>STREETS, FRESNO, CA</u>	)	

WHEREAS, the County of Fresno ("County") is the owner of certain property located in the vicinity of Ventura and Tenth Streets, Fresno, CA, consisting of approximately 12.586 acres of land with improvements, described as Assessor's Parcel Numbers 470-054-04T, 14T, 16T, 09T, 10T, 11T, 12T, 13T; 470-124-09T, 07T; 470-021-01T; and 470-133-01T, and more particularly described in Exhibit "A" to this Resolution (the "Property"); and

WHEREAS, the County no longer has need for the Property, and therefore finds and declares below that such Property is surplus; and

WHEREAS, the County obtained an appraisal on April 18, 2014, of the Property by an independent appraiser; and

WHEREAS, the County will follow the Surplus Land Act procedures in Government Code § 54220 et seq. ("Surplus Land Act Procedures") in attempting to dispose of the Property to a qualifying public agency, subject to the County's Minimum Price, Terms, and Conditions, as defined below; and

WHEREAS, if the County does not sell the Property pursuant to the Surplus Land Act Procedures, then the County will dispose of the Property pursuant to Government Code §§ 25526 et seq. and subject to the requirements in this Resolution, including but not limited to the County's Minimum Price, Terms, and Conditions (as defined hereinbelow).

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Property is not needed by the County and is hereby declared surplus. The Board of Supervisors of the County of Fresno ("Board") intends to sell

the Property as provided in this Resolution.

Section 2. The Property shall be sold in “as is” condition, subject to the requirements in this Resolution, including the County’s minimum price, terms and conditions (“County’s Minimum Price, Terms, and Conditions”), defined as follows:

A. The minimum bid for the Property shall be at least \$2,100,000.

B. The Purchase Price shall be paid as follows: (a) upon execution of the Sales Agreement, as defined below, a deposit by the buyer into escrow of immediately available cash funds, in United States Dollars, equal to ten percent (10%) of the Purchase Price; and (b) before the close of escrow, a deposit by the buyer into escrow of immediately available cash funds, in United States Dollars, equal to the balance of the Purchase Price. Those payments shall not have any conditions (e.g., there will be no installment payments by the buyer, the County will not take back a note from the buyer for any part of the Purchase Price, and no payment but immediately available cash in a lump sum will be allowed).

C. The County’s sale of the Property shall be subject to the terms and conditions of a Sales Agreement, subject to review and approval by County Counsel (“Sales Agreement”).

Section 3. The County first will follow the Surplus Land Act Procedures in attempting to dispose of the Property to a qualifying public agency, subject to the requirements in this Resolution, including but not limited to the County’s Minimum Price, Terms, and Conditions.

Section 4. The County Administrative Officer and the Director of Internal Services/Chief Information Officer are, and each of them acting alone is, hereby authorized and directed to act as the Board’s chief negotiator (“Chief Negotiator”) for the sale of the Property, subject to the requirements in this Resolution.

The Chief Negotiator shall send a “written offer” to sell the Property to qualifying public agencies stating that the County intends to sell the Property, as provided by the Surplus Land Act.

1 If the Chief Negotiator obtains a proposal or proposals through the Surplus
2 Land Act Procedures and returns to the Board to recommend approval of a proposal
3 before the date set below for a meeting to conduct public bidding, the Agenda Item
4 presented by the Chief Negotiator shall include a recommended action to vacate the
5 date set below for conducting public bidding.

6 The County reserves the right to reject any and all proposals if it deems such
7 action best for the public interest.

8 **Section 5.** If the County does not sell the Property under the Surplus Land Act
9 Procedures, then the County intends to dispose of the Property according to the
10 County's public bidding requirements, subject to this Resolution, and subject to the
11 County's Minimum Price, Terms, and Conditions. If there is a successful bidder, the
12 sale may only be consummated under the Sales Agreement.

13 **Section 6.** If the Property is sold according to the County's public bidding
14 requirements, the Property shall be sold by public bidding as follows:

15 A. At a meeting held in the Board of Supervisors' Chambers, Room 301,
16 Hall of Records, 2281 Tulare St., Fresno, California on May 23, 2017 at the hour of
17 9:00 a.m., or as soon after as possible, the Board will conduct public bidding for the
18 sale of the Property, including opening written bids and considering oral bids, subject
19 to the requirements in this Resolution.

20 B. Notice of the adoption of this Resolution and the time and place of
21 opening of bids shall be given by the Clerk to the Board by posting copies of this
22 Resolution signed by the Chairman of the Board in three (3) public places in Fresno
23 County not less than (15) days prior to the date of said meeting, and by publishing a
24 notice once a week for at least three (3) successive weeks (with at least five (5) days
25 intervening between the respective publication dates not counting such publication
26 dates; the period of notice commences upon the first day of publication and
27 terminates at the end of the twenty-first day, including the first day) prior to said
28 meeting in a newspaper of general circulation printed and published in Fresno County.

1 C. Persons and entities wishing to bid on the Property according to the
2 County's public bidding requirements must comply with all of the following
3 requirements:

4 (1) All bids, whether written or oral, shall conform to the requirements in
5 this Resolution, including the County's Minimum Price, Terms, and Conditions;
6 no exceptions or alterations to those requirements will be permitted.

7 (2) All written bids shall be mailed or delivered to the Clerk to the Board,
8 Hall of Records, Third Floor, 2281 Tulare Street, Fresno, CA 93721 by 9:00
9 a.m., on May 23, 2017 in a sealed envelope labeled "Bid to Purchase Surplus
10 County Real Property, 10th Street, Fresno, CA," and accompanied by a bidder's
11 deposit in the sum of \$25,000 and in the form of a certified or cashier's check
12 payable to the County of Fresno.

13 D. Upon the opening of written bids, the Board will ask for oral bids. All oral
14 bidders who have not made a bidder's deposit must present a certified or cashier's
15 check for the sum of \$25,000 and payable to the County of Fresno, before making an
16 oral bid. The starting oral bid must be at least 5 percent over the highest written bid
17 submitted.

18 E. All unsuccessful bidders will have their check returned to them by the Clerk
19 to the Board upon completion of bidding, except that the \$25,000 deposit by the
20 successful bidder is non-refundable.

21 F. The County reserves the right to reject any and all bids if it deems it best for
22 the public interest. All proceedings for the sale of the Property will be in accordance
23 with the applicable provisions of the California Government Code.

24 G. The successful bidder shall pay into escrow under the Sales Agreement the
25 entire remaining balance of the purchase amount, in immediately available cash, in
26 United States Dollars, with no conditions (e.g., there will be no installment payments
27 by the buyer, the County will not take back a note from the buyer for any part of the
28 sale price, and no other payment but immediately available cash into escrow under

1 the Sales Agreement will be allowed). Designation as the successful bidder does not
2 entitle that person or entity to buy the Property. The Property may only be sold, if at
3 all, pursuant to the County's Minimum Price, Terms, and Conditions. As more fully
4 stated in the Sales Agreement, the County makes no representation or warranty,
5 either express or implied, concerning the condition of the Property, the suitability of the
6 Property for any use or purpose, or the presence or absence of harmful substances
7 on the Property.

8 H. If the first bidder does not meet the requirements in this Resolution and
9 deadlines of the sale as provided in the Sales Agreement, the County may, at its sole
10 discretion, accept the bid of the runner-up bidder, subject to the same requirements in
11 this Resolution. In that case, the first bidder forfeits the \$25,000 deposit.

12 **Section 7.** Upon designating a successful bidder, the Board may authorize the
13 Chief Negotiator to act as its representative to the buyer in finalizing the Sales
14 Agreement and the Grant Deed. The Board may also authorize the Chairman to
15 execute finalized documents without further action by the Board if those finalized
16 documents are consistent with those approved by this Resolution.

17 **Section 8.** The Property may only be sold "as is" and according to the
18 requirements in this Resolution and the Sales Agreement.

19 **Section 9.** If the County sells the Property, the buyer shall comply with each
20 and every requirement in this Resolution and the Sales Agreement. Upon satisfaction
21 of all conditions precedent to the close of escrow, as provided in the Sales
22 Agreement, the Escrow Holder will deliver to the buyer a good and sufficient grant
23 deed conveying the Property to the buyer in "as is" condition, except that if the buyer
24 is a public agency who purchases under the Surplus Land Act Procedures, the Grant
25 Deed shall contain an additional limitation requiring that the Property may only be
26 used for the applicable purpose identified in the Surplus Land Act (Gov. Code, §
27 54220 et seq.).

28 **Section 10.** The County Administrative Officer, and his or her designee, the

1 Director of Internal Service/Chief Information Officer, and his or her designee, and the
2 Clerk to the Board, and his or her designee, are hereby directed and authorized to
3 take all necessary actions to carry out this Resolution.

4 THE FOREGOING was passed and adopted by the following vote of the Board
5 of Supervisors of the County of Fresno this September 13, 2016.

6
7 AYES:
8 NOES:
9 ABSENT:

10 _____
Ernest Buddy Mendes, Chairman
11 Board of Supervisors

12
13 ATTEST:
BERNICE E. SEIDEL, Clerk
14 Board of Supervisors

15 By: _____
16 Deputy

17 REVIEWED & RECOMMENDED FOR
18 APPROVAL

19 _____
20 Robert W. Bash,
21 Director of Internal Services/
Chief Information Officer

22 APPROVED AS TO LEGAL FORM
23 Daniel C. Cederborg, County Counsel

24 By: _____
25
26
27
28