

RESOLUTION NO. _____

County of Sonoma
Santa Rosa, CA 95403

Dated: _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA: (1) DECLARING CERTAIN REAL PROPERTY LOCATED BETWEEN DUTTON AVENUE AND ROBERTS AVENUE (ASSESSOR'S PARCEL NO. 125-121-026), SANTA ROSA, CALIFORNIA AS SURPLUS PROPERTY AND CONDITIONALLY EXEMPT SURPLUS LAND, DECLARING ITS INTENTION TO SELL SUCH PROPERTY, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SAID SALE SHALL BE CONDUCTED, AND SETTING THE DATE AND TIME FOR A PUBLIC AUCTION; AND (2) DIRECTING THE REAL ESTATE MANAGER TO: A) COORDINATE WITH THE CLERK TO POST NOTICE OF THIS RESOLUTION AND THE TIME AND PLACE OF THE PUBLIC AUCTION, AND PUBLISH SUCH NOTICE PURSUANT TO GOVERNMENT CODE 25538 AND 6063; B) OBTAIN A GENERAL PLAN CONSISTENCY FINDING FROM THE CITY OF SANTA ROSA PURSUANT TO GOVERNMENT CODE 65402; AND C) TAKE ANY AND ALL STEPS REASONABLY REQUIRED TO EFFECT THE SALE OF THE PROPERTY.

WHEREAS, the County of Sonoma Regional Parks Department ("County") is the owner of certain real property located at between Dutton Avenue and Roberts Avenue in Santa Rosa, California (Assessor's Parcel No. 125-121-026), Santa Rosa, California, and more particularly described below ("Property"); and

WHEREAS, in June, 2007, using eminent domain, County acquired the remaining abandoned, former Union Pacific Railroad right-of-way (Assessor's Parcel No. 125-121-026), located between Dutton Avenue and Roberts Avenue in Santa Rosa. This portion was needed in order to construct the West County/Joe Rodota Trail into Santa Rosa; and

WHEREAS, acquisition of the Property included certain excess real property not needed for trail development, which excess is less than 5,000 square feet in size ("Surplus Property"); and

WHEREAS, a contiguous land owner has expressed interest in purchasing the Surplus Property and so it is qualifies as conditionally exempt surplus land pursuant to Government Code Section 54420 *et seq.*; and

WHEREAS, the County desires to dispose of said Surplus Property; and

WHEREAS, the Property has been appraised at \$66,000; and

WHEREAS, Government Code Sections 25526 and 25528 require property greater than \$25,000 in value to be sold at public auction following specified procedures including posting and publication of notice prior to disposition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Sonoma does hereby find, determine, declare, and order as follows:

1. Verification of Recitals. All of the foregoing recitals are true and correct.
2. Surplus Property. The Surplus Property is determined by this Board to be no longer required for County or other public use and that, subject to the terms and conditions hereinafter set forth, it is the intention of this Board to sell for cash said Surplus Property in accordance with the provisions of California Government Code Sections 25526 and 25528.
3. Conditionally Exempt Surplus Land. The Surplus Property is deemed conditionally Exempt Surplus land, in that, if it is sold to a contiguous property owner, notice procedures to qualifying entities do not have to be followed pursuant to Government Code Section 54220 *et seq.*
4. Public Meeting to Receive and Consider Bids. September 23, 2009 at 2:00 p.m. PST in the North conference room of the General Services Department of the County of Sonoma, 2300 County Center Drive, Suite A200, Santa Rosa, California, is hereby fixed as the time and place for a public meeting at which sealed bids to purchase the Surplus Property will be received and considered. The notice of sale shall specify, and the sale shall be conditioned on, the following proviso: If the selected bidder is not an owner of property contiguous to the Surplus Property, the bid offer will remain open for ninety (90) days and County will not accept the bid unless and until surplus property notice requirements have been followed and no designated surplus property entity pursuant to Government Code Section 54220 *et seq.* has expressed an interest in acquiring the Surplus Property. The public meeting shall be conducted by the Real Estate Manager or his authorized representative.
5. Description of Surplus Property. The Surplus Property to be sold, as more particularly described in Exhibit A attached hereto, and the minimum bid amount, upon which the sale will be awarded, is as follows:

<u>Assessor's Parcel No.</u>	<u>Location</u>	<u>Minimum Bid</u>	<u>Size of Parcel</u>
125-121-026	Situated between Dutton Avenue and Roberts Avenue Santa Rosa, California	U.S. \$66,000	Approximately ±3,001 sq. ft.

6. Brokers and Finders. No commission or finders fee shall be paid by the County to any party, licensed real estate broker, or other person for the sale of the Surplus Property (regardless of whether the transaction is consummated), even though said party has had contact or dealings regarding the Surplus Property, or has communicated with the County in connection with the subject matter of this transaction. If any commission or finders fee is due, that commission or finders fee shall be the responsibility of the bidder and

the bidder shall be responsible for all costs and expenses (including reasonable attorneys' fees) incurred by the County in defending against any claim for a commission or finders fee.

7. Oral Bids. Oral bids will be received and considered at a public meeting at the time and place herein above-fixed for receipt and consideration of written bids. Oral bids will be called for after all sealed bids have been opened, examined, and declared. The highest oral bid will be finally accepted only if it exceeds the highest written bid by at least five percent (5%) and only if it is placed in writing at the conclusion of the bidding and is accompanied by bid security in the amount of ten percent (10%) of the minimum bid as required by Paragraph 8 below.

8. Bid Security. Only bids of responsible bidders will be considered. No bid, oral or written, will be considered unless accompanied by security in the form of cash, cashier's check or certified check, made payable to the County of Sonoma, in the amount of ten percent (10%) of the minimum bid.

9. Other Details. The bid security shall serve as a guarantee that the successful bidder will enter into a written contract (hereinafter referred to as the "Real Property Sales Agreement"). A copy of the Real Property Sales Agreement, together with a legal description of the Surplus Property and a preliminary title report, is available at the office of the Sonoma County General Services Department, Real Estate Division, 2300 County Center Drive, Suite A200, Santa Rosa, California. The bid security of bidders other than the successful bidder may be retained by the Board of Supervisors for a period of thirty (30) days after award or until the successful bidder and the County have executed the Real Property Sales Agreement, whichever comes first. If the highest bidder fails or refuses to execute the Real Property Sales Agreement, the Board of Supervisors may, in its sole discretion, award to the next highest qualified bidder.

10. Award. Final acceptance of the highest bid shall be subject to the approval of the Board of Supervisors by resolution, authorizing and directing the Chair to execute the Real Property Sales Agreement and a grant deed and to deliver the grant deed to escrow. The Board of Supervisors reserves the right to reject any and/or all bids.

11. Deposit. After the successful bidder executes the Real Property Sales Agreement, the bid security shall serve as a deposit toward the purchase price of the Surplus Property. The successful bidder will also be required to submit an additional deposit within five (5) days of the execution of the Real Property Sales Agreement. In the event that the bidder fails to execute the Real Property Sales Agreement, or fails to comply with the terms of said agreement once entered into, the County shall be immediately entitled to the bidder's entire deposit (the bid security and the additional deposit) which shall serve as liquidated damages and shall not be refunded.

12. All-Cash Sale. The remaining balance of the purchase price shall be payable in the form of cash, cashier's check or certified check made payable to the County of Sonoma. Said balance shall be deposited into escrow by the deadline set forth in the Real Property Sales Agreement.

13. Fees, Charges, Premiums and Other Expenses. Any and all additional costs related to the sale of the Surplus Property, including, without limitation, title insurance, recording fees, and other costs of escrow, shall be borne exclusively by the successful bidder.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby directed to cause copies of this Resolution, signed by the Chair, to be posted in at least three (3) public places in the County, said posting to be completed not later than September 29, 2009, and that a Notice of Intent be published in the Santa Rosa Press Democrat not less than once a week for three (3) successive weeks before the date of receipt of bids; and that classified ads shall be prepared and published in the Santa Rosa Press Democrat classified section, advertising said Surplus Property for sale.

WHEREFORE, this Resolution is passed, approved and adopted this 1st day of September, 2009 by the following vote:

SUPERVISORS:

Brown	Kerns	Zane	Carrillo	Kelley
Ayes	Noes	Abstain	Absent	

SO ORDERED.