

2 RESOLUTION NO. 2005-088

3 INTENTION TO SELL REAL PROPERTY LOCATED IN THE MENIFEE AREA  
4 APN 364-152-034  
5 (Third Supervisorial District)

6 BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Supervisors of  
7 the County of Riverside, State of California, in regular session assembled on April 19,  
8 2005, not less than four-fifths of all members concurring, that the real property in the  
9 County of Riverside, State of California, described in Exhibit "A" attached hereto, is no  
10 longer necessary to be retained by County for public purposes and NOTICE IS HEREBY  
11 GIVEN that it is the intention of the Board to sell said real property pursuant to the  
12 provisions of Section 25520, et. seq., of the Government Code, upon the following terms  
13 and conditions:

14 1. The nature of the real property to be sold is real property containing  
15 approximately 4.73 acres, also known as APN 364-152-034, and is located in the  
16 unincorporated area of Menifee, County of Riverside, State of California.

17 2. The sale will be held on Tuesday, June 7, 2005, in the meeting room  
18 of the Board of Supervisors, County Administrative Center, 4080 Lemon Street, Riverside,  
19 California 92502-1359, at 9:30 a.m., or as soon thereafter as the agenda of the Board  
20 permits.

21 3. Sealed bids will be received by the Clerk of the Board at any time up to  
22 9:30 a.m. on said sale date at his office on the 1st floor of the County Administrative  
23 Center. Bids shall be submitted on the County's bid form and bids shall be plainly marked  
24 on the outside "Proposal to Purchase Real Property in the Menifee area, 9:30 a.m., June  
25 7, 2005. The County's bid form may be obtained from the Real Estate Division,  
26 Department of Facilities Management, located at 3133 Mission Inn Avenue, Riverside,  
27 California 92507-4199, along with the instructions to bidders. The bid form contains the  
28 terms and conditions for the sale of the property. Prospective bidders may inspect the bid  
form at no charge.

29 4. All sealed bids shall be for not less than \$950,000.00 and shall be  
30 accompanied or preceded by a deposit of not less than three percent (3%) of the bid  
31 amount, in cash, cashier's check, or certified check as security that the successful bidder  
32 will complete the terms and conditions of the sale. Bids shall be made only upon serialized  
33 bid forms to be obtained solely from the Director of the Department of Facilities  
34 Management.

35 5. Balance of the bid amount hereby offered, in excess of the down  
36 payment, shall be paid in cash within sixty (60) days of the bid acceptance.

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6. After the sealed bids have been opened and read, a public auction upon oral bids will be held pursuant to Section 25531 et. seq., of the Government Code, until the highest bid has been made and the bidding is closed. Oral bids must be accompanied by a deposit as required for written bid proposal, unless deposit was previously made. The first oral bid shall exceed the highest written proposal by not less than five percent (5%). Unless a deposit has been previously made with a sealed bid, oral bidders must, at the time of their first oral bid, deposit the amount required by Paragraph 4 of the resolution in order to be considered.

7. After oral bidding has been closed, oral bidders, in order to continue to be considered for possible purchase of the subject property, shall submit their highest oral bid to writing on the County's bid form and submit said form, along with the appropriate deposit, to the Director of the Department of Facilities Management not later than 4:00 p.m. of the date of the oral bidding.

8. Final acceptance of the successful bid by the Board may be made on said date or any adjourned session of the same meeting held within ten (10) days next following.

9. The right to reject any and all bids, both written and oral, and to withdraw the property from sale is reserved.

10. Deposits of unsuccessful bidders will be returned or refunded after final acceptance or rejection of all bids, or after withdrawal of the property from sale.

IT IS FURTHER RESOLVED that notice of this sale shall be given pursuant to Section 25528 of the Government Code by posting copies of this resolution signed by the Chairman of the Board of Supervisors in three (3) public places in the County of Riverside, at least three (3) weeks before final bid date and by publishing notice pursuant to Section 6063 of the Government Code.

JRF:ss  
3/3/05  
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9.369

FORM APPROVED  
COUNTY COUNSEL

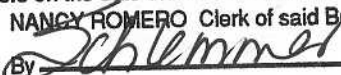
MAR 10 2005

BY   
ASSISTANT COUNTY COUNSEL

ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley  
Nays: None  
Absent: None  
Abstain: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

NANCY ROMERO Clerk of said Board  
By  Deputy

1 Serial No. \_\_\_\_\_

2 PROPOSAL TO PURCHASE REAL PROPERTY  
3 LOCATED IN THE MENIFEE AREA

4 May 10, 2005, 9:30 a.m.

5 APN 364-152-034

6 \_\_\_\_\_  
7 Date of Submittal

8 Pursuant to Resolution No. 2005-088, Intention to Sell Real Property Located in  
9 the City of Lake Elsinore, the undersigned bidder hereby offers to purchase the real  
10 property in the County of Riverside described in Exhibit "A" of Resolution No. 2005-088,  
11 said property consisting of vacant land containing approximately 4.73 acres and being  
12 located in the unincorporated area of Menifee. The total amount hereby offered for the  
13 purchase of said property is the sum of \$ \_\_\_\_\_, to be paid as follows:

14 1. Cash down payment in the sum of \$ \_\_\_\_\_, including  
15 enclosed deposit.

16 2. The balance of the purchase price shall be paid in cash, cashier's  
17 check or a certified check to the County of Riverside, Department of Facilities  
18 Management, 3133 Mission Inn Avenue, Riverside, California 92507-4199.

19 3. This bid is accompanied by a deposit in cash, cashier's check, or a  
20 certified check equal to three percent (3%) of the amount of the bid. In the event this  
21 proposal is accepted by the Board of Supervisors, said amount shall be credited to the  
22 cash down payment.

23 4. This proposal is for the purchase of the real property specified in  
24 Resolution No. 2005-088 in accordance with the terms and conditions set forth below  
25 and is an irrevocable offer for a period of ten (10) days after June 7, 2005.

26 Terms:

27 A. In the event that there are no successful oral bids made through the  
28 public auction and two or more of the acceptable written proposals are for equal  
purchase price amounts and are also the highest written proposals; then, in that event,  
the successful bid shall be determined as follows:

(1) The one of such highest written proposals providing for the  
highest amount of cash down payment shall be the successful bid.

(2) If two or more of such equal highest written proposals are  
equal in all the above respects, or are all cash proposals; then, in that event, the one  
accompanied by the largest deposit shall be the successful bid.

1 Proposal to Purchase Real Property Located in the Menifee area  
2 Resolution 2005-088  
3 APN: 364-152-034

4 B. The full amount of such bid, less any deposit, shall be paid within  
5 sixty (60) days of the date of the acceptance thereof.

6 C. Title insurance shall be required as follows:

7 (1) If the Property is purchased for cash, title insurance shall be  
8 at purchaser's option, and shall be at purchaser's expense.

9 D. Conveyance of title shall be by Quitclaim Deed to the successful  
10 bidder or his nominee. Title shall be subject to covenants, conditions, reservations,  
11 restrictions, easements and rights-of-way of record, if any. No guarantee, either  
12 expressed or implied, is made by the County regarding any permitted land use of the  
13 subject property or any possible change in land use zone or the availability of public  
14 utilities services to the property. Lack of success in obtaining any certain land use  
15 permits or utilities services for the property shall not be a basis for the successful bidder  
16 to refuse to complete the purchase.

17 A copy of the current title report covering the real property is on file  
18 and available for inspection in the office of the Director of Department of Facilities  
19 Management.

20 E. A licensed real estate broker shall not be entitled to a commission  
21 under the following circumstances:

22 (1) When he submits a bid on his own behalf or on behalf  
23 of a sub-agent, wherein either is a prospective holder or purchaser of the real property  
24 or any interest therein.

25 (2) When he submits a bid on behalf of any person  
26 related to either himself or a sub-agent by blood or marriage.

27 F. An escrow, to be handled by a separate company, may be  
28 requested by the successful bidder; however, all costs thereof shall be at purchaser's  
expense.

G. All real property transfer taxes and recording fees, if any, shall be  
paid by the purchaser.

H. All cash and any necessary documents required of purchaser to  
complete the sale shall be delivered to County by purchaser within sixty (60) days of the  
date that the successful bid is accepted by the Board of Supervisors following the public  
hearing.

1 Proposal to Purchase Real Property Located in the Menifee area  
2 Resolution 2005-088  
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4 I. If, prior to the recordation of the Quitclaim Deed to the successful  
5 bidder or his nominee, the successful bidder fails to make any payment at the time due,  
6 or to perform any covenant or agreement when such performance is required under the  
7 terms of this resolution; then the County may, at its option, declare a cancellation and  
8 termination of the sale by written notice to the successful bidder; and, at the expiration  
9 of ten (10) days following the depositing of such notice by first-class mail, postage  
10 prepaid and addressed to the successful bidder at his address designated at the time  
11 his bid was submitted, the sale shall be ended and of no further effect.

12 J. IN THE EVENT THE COUNTY DECLARES A CANCELLATION  
13 AND TERMINATION OF THE SALE, PURSUANT TO PARAGRAPH "K", THEN THE  
14 COUNTY MAY RETAIN THE DEPOSIT SUBMITTED WITH THE BID AS LIQUIDATED  
15 DAMAGES FOR SUCH FAILURE TO CARRY OUT THE SALE OF THE PROPERTY.  
16 THE SUCCESSFUL BIDDER, BY MAKING A BID PURSUANT HERETO, AND THE  
17 COUNTY AGREE THAT SUCH DAMAGES ARE TO BE THE SOLE REMEDY FOR  
18 SUCH A BREACH, IN THAT AT THE TIME OF MAKING AND ACCEPTING THE BID,  
19 IT WOULD BE IMPRACTICAL, AND EXTREMELY DIFFICULT TO FIX THE ACTUAL  
20 DAMAGES THAT WOULD FLOW FROM THE SUCCESSFUL BIDDER'S REFUSAL  
21 OR FAILURE TO CONSUMMATE THE TRANSACTION, INCLUDING BUT NOT  
22 LIMITED TO, THE DIFFERENCE IN MONEY BETWEEN THE TOTAL SUM TO BE  
23 PAID BY ANOTHER PARTY TO COUNTY FOR PURCHASE OF THE PROPERTY, IF  
24 THE FORMER SUM IS IN EXCESS OF THE LATTER, PLUS THE PREPARATION OF  
25 BID DOCUMENTS AND PUBLICATION COSTS IN CONNECTION THEREWITH.

26 K. The right to reject all bids, both written and oral, and to withdraw  
27 from sale is reserved.

28 Dated: \_\_\_\_\_

\_\_\_\_\_  
(Bidder's Signature)

Name: \_\_\_\_\_

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

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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Department of Facilities Management

**SUBMITTAL DATE:**  
April 7, 2005

**SUBJECT:** NOTICE OF INTENTION TO SELL REAL PROPERTY LOCATED IN THE MENIFEE AREA, APN. NO. 364-152-034

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1.) Adopt Resolution No. 2005-088, Notice of Intention to Sell Real Property located in the Menifee area, declaring the property to be of no necessity to the County for any public purpose, inviting bids to acquire the property and setting a Public Hearing date of June 7, 2005 for bid opening and oral bidding.
- 2.) Authorize and direct the Clerk of the Board to give notice pursuant to Section 6063 of the Government Code.

**BACKGROUND:** This property is vacant land consisting of approximately 4.73 acres located in (Continued on Page 2)

MJS:JMP:JRF:db  
9.373

*Michael J. Sylvester*  
MICHAEL J. SYLVESTER, Director  
Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$ -0-	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	N/A
	Annual Net County Cost 04/05:	\$ -0-	For Fiscal Year:	04/05

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

*Lisa Brandl*

County Executive Office Signature

Policy  
 Policy

Consent  
 Consent

Dept's Recomm.:  
Per Exec. Ofc.:

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above resolution of intent is adopted, setting the matter for public hearing on Tuesday, June 7, 2005 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley  
Nays: None  
Absent: None  
Date: April 19, 2005  
xc: Facil. Mgmt., COB(2)  
*NR*

Nancy Romero  
Clerk of the Board  
By: *Schlemmer*  
Deputy

Prev. Agn. Ref.: | District: 3 | Agenda Number:

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

BOARD OF SUPERVISORS

Form 11: NOTICE OF INTENTION TO SELL REAL PROPERTY LOCATED IN THE  
MENIFEE AREA, APN. NO. 364-152-034

April 7, 2005

Page 2

**BACKGROUND:** (Continued)

the Menifee Lakes area of the County of Riverside and was dedicated to the County as a condition of approval for Tract Map 22163 under First Amendment to Development Agreement (DA) No. 20, between the County of Riverside and Diamond Brothers Five Partnership, a California Limited Partnership.

DA 20, Section 4.7, required that the developer grant the property to the County of Riverside to support a library or "other public use". Following meetings with the County Library, local homeowner groups and other County Departments, it was determined that selling the property and using the funds from the sale for other library projects in the area would offer a greater benefit to the community. The property is now considered excess property. All public agencies and all County Departments were notified regarding the intent to sell. The minimum acceptable bid will be \$950,000.00. Income from the sale is proposed to be dedicated to the County Library Fund consistent with the terms of the aforementioned Development Agreement.