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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 Meniffee 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, 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



County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Dep't Recomm.:
 Per Exec. Ofc.:

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.

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.

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

5. Balance of the bid amount hereby offered, in excess of the down
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.

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FORM APPROVED
COUNTY COUNSEL

MAR 10 2005
BY 
ASSISTANT COUNTY COUNSEL

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
located in the unincorporated area of Menifee. The total amount hereby offered for the
purchase of said property is the sum of \$ _____, to be paid as follows:

12 1. Cash down payment in the sum of \$ _____, including
13 enclosed deposit.

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

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

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

21 Terms:

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

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

27 (2) If two or more of such equal highest written proposals are
28 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.

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

I. If, prior to the recordation of the Quitclaim Deed to the successful bidder or his nominee, the successful bidder fails to make any payment at the time due, or to perform any covenant or agreement when such performance is required under the terms of this resolution; then the County may, at its option, declare a cancellation and termination of the sale by written notice to the successful bidder; and, at the expiration of ten (10) days following the depositing of such notice by first-class mail, postage prepaid and addressed to the successful bidder at his address designated at the time his bid was submitted, the sale shall be ended and of no further effect.

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

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

Dated: _____

(Bidder's Signature)

Name: _____

Address: _____

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