



County of Sonoma  
State of California

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Date: July 28, 2015

Item Number: 52  
Resolution Number: 15-0307



4/5 Vote Required

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**Resolution of the Board of Directors of the Sonoma County Water Agency Amending Resolution 15-0231 to revise the bid opening date and the terms and conditions for the sale of real property located at 2150 West College Avenue (APN 010-320-029) (4/5 vote required).**

**Whereas**, pursuant to previous Resolution No. 14-0093, this Board declared that certain 7.46 acre property located at 2150 West College Avenue (Assessor's Parcel Number 010-320-029) (hereinafter the "Property"), as surplus and directed Sonoma County Water Agency ("Agency") staff to notify state and local agencies as to the availability of such surplus property for acquisition; and

**Whereas**, the Sonoma County Water Agency was unable to reach agreement on the terms and conditions for sale of the Property with any of the notified state and local agencies; and

**Whereas**, the Sonoma County Water Agency's enabling legislation specifies that property no longer needed may be disposed of in the manner specified for counties; and

**Whereas**, Government Code Section 25520 *et seq.* provides the legal process for disposing and selling property by counties; and

**Whereas**, on June 9, 2015, this Board adopted Resolution No. 15-0231 setting the bid time, date, location, and minimum bid price for the Property; and

**Whereas**, since June 9, 2015, offers for the purchase of a portion of the Property have been received by the Agency, which offers were considered and rejected by this Board in closed session today; and

**Whereas**, staff recommend extending the bid opening date to allow for better marketing of the Property and to provide sufficient time for potential purchasers of the Property to investigate its condition and obtain financing, if necessary; and

**Whereas**, staff recommends supplementing the Board's prior direction regarding the terms and conditions of the sale so as to provide for better notice of conditions which

attach to the sale of the Property, including but not limited to the requirement that if the Property is ever developed for 10 or more residential units, 15% of such units must be made available at affordable housing rates pursuant to Government Code section 54233.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Sonoma County Water Agency hereby finds, determines, and declares as follows:

1. The above recitals are true and correct.
2. That it remains the intention of this Board to sell for cash said Property pursuant to the provisions of Government Code section 25520 *et seq.* In accordance with Government Code, Section 25539, the Board hereby orders: (a) that the date and location of the bid opening shall be extended to October 27, 2015, 10:00 a.m. at the Sonoma County Water Agency's Administrative Offices located at 404 Aviation Boulevard, Santa Rosa, CA 95403, and (b) that the Assistant General Manager is hereby authorized and directed to act on behalf of the Board of Directors to open sealed bids, receive oral bids and submit the successful bid to the Board within 10 days of the October 27, 2015 bid opening for the Board's final acceptance and execution of the Purchase Agreement, a copy of which is attached hereto as Exhibit "A," (hereinafter the "Purchase Agreement").
3. Water Agency staff are hereby authorized and directed to (1) publish notice of the intended sale once a week for three consecutive weeks in accordance with Government Code section 6063 and (2) post copies of this resolution in three public places in the County of Sonoma, not less than fifteen (15) days prior to the date hereinbefore fixed for reception and opening of written bids.
4. The Property shall be sold "as is," with a reserved flood control maintenance easement over College Creek, and subject to all of the terms and conditions of the Purchase Agreement, which does not allow for any conditions to closing. Bidders shall conduct all due diligence activities prior to submitting a bid.
5. No written bid will be considered unless submitted on the Agency's Official Bid Form, which is available from the Sonoma County Water Agency's Right of Way Services Section, (404 Aviation Boulevard, Santa Rosa CA) (707-547-1921). Each bidder is required to present a deposit by cashier's check or certified check for \$60,000 made out to Fidelity Title Company, Escrow #7051500598, which check is due at the time of the bid opening. Personal checks will not be accepted. The required deposit must be submitted with each written bid in order for such bid to be considered. The remaining amount of the purchase price shall be due in accordance with the terms and conditions of the Purchase Agreement. No oral bids shall be accepted if the proposed bidder has not submitted the required deposit and completed the Bid Form and delivered it to the Assistant General

Manager by October 27, 2015 at 10:00 a.m. Upon completion of all bidding and acceptance of the highest bid by this Board, the Assistant General Manager will return the deposits to all parties except the high bidder, whose deposit will be retained, becomes non-refundable, and will be credited to the purchase price of the Property.

6. The minimum bid price shall be \$6,100,000. The Board reserves the right to consider all bids tendered.

7. The sale procedure shall be as follows:

- a. Written Bids. All of the written bids received will be opened, examined, and declared acceptable or not by the Assistant General Manager. Of the bids submitted which conform to all of the terms and conditions herein stated, and which are made by responsible bidders, the bid which is the highest shall be accepted, unless a higher oral bid is accepted or the Board rejects all written proposals and oral bids. If no acceptable written bid is received, the property will be withdrawn from sale.
- b. Oral Bids. If the Assistant General Manager is in receipt of one or more acceptable written bids, the Assistant General Manager will call for oral bids immediately following the opening examination, and declaration of acceptability of the written bids. If, upon the call for oral bids, any responsible person who has made the required deposit and completed the Bid Form as set forth above can offer to purchase the Property upon the terms and conditions herein stated, for a price exceeding the highest written proposal made by a responsible bidder by at least five percent (5%). After an initial oral bid is made, oral bidding may proceed in increments set by the Assistant General Manager until the highest oral bid is finally made and accepted.
- c. Duplicate High Proposals: In the event that two or more written bids are received which are equal in amount, and no oral bids are made, the bid accepted shall be that of the proposer whose name is drawn by lot immediately after the call for oral bids.
- d. Rejection of Written Proposals and/or Oral Bids. The Board, at its discretion, may reject any and all written bids and/or oral bids and withdraw the Property from sale. If the sale is canceled, all deposits will be refunded without payment of interest.

7. In accordance with Government Code, Section 25527, a commission not to exceed 1.5% of the final accepted bid price may be paid to a licensed real estate broker

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provided the name of the licensed real estate broker is included with the sealed bid or stated in the oral bid along with the rate of his or her commission. Any such commission shall be paid only out of money received by Agency from the sale of the Property.

**Directors:**

Rabbitt: Aye

Zane: Aye

Gore: Aye

Carrillo: Aye

Gorin: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

**So Ordered.**