RESOLUTION NO. 2012-322

RESOLUTION OF INTENTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
TO SELL ONE COMMERCIAL PARCEL NOT NEEDED FOR COUNTY PURPOSES
LOCATED IN THE ROSEMARY GARDENS AREA OF SAN JOSE

Pursuant to Section 25526 and 25539 of the Government Code of the State of California:

WHEREAS, the County of Santa Clara, State of California, hereinafter called “County,” is the owner of one commercial parcel of land with a gross area of 22,250 square feet, more or less, situated in the Rosemary Gardens area of San Jose, California, as depicted in Exhibit “A,” attached hereto (“the Parcel”); and

WHEREAS, the Board of Supervisors, having determined that the site is not needed for County purposes, has offered the Parcel to housing sponsors, park districts, school districts and other eligible purchasers identified in Government Code section 54222 and has received no offers; and

WHEREAS, the Board of Supervisors has determined that it is in the best interests of the County to sell, not lease, said Parcel of real property.

NOW, THEREFORE IT IS HEREBY RESOLVED that the Board of Supervisors of the County of Santa Clara does hereby declare its intention to offer the Parcel for sale.

BE IT FURTHER RESOLVED that the Parcel shall be sold subject to the terms and conditions set forth as follows:

1. The County will entertain all bids submitted which will be received and reviewed for sufficiency in accordance with applicable law. A bid deposit in the amount of $35,000 in the form of a cashier’s check made payable to the County of Santa Clara must accompany each bid. The successful bidder’s deposit shall become the initial earnest money deposit for said successful bidder and shall be refundable only in accordance with the terms of the purchase agreement. Bidding deposits of unsuccessful bidders will be returned on July 23, 2012.

2. The minimum bid is $699,000. Bids of less than the minimum amount shall be disqualified.

3. The balance of the successful high bid must be paid within sixty (60) days of the acceptance of the high bid by the Board of Supervisors, effective as of the Board approval date, which may be different from the signature date.
4. The Board of Supervisors reserves the right to reject any and all bids, to waive irregularities in the bidding process and to withdraw any and all of the described real property from the market.

5. The Board of Supervisors reserves the right to review all bids for the sale of the real property and to make the final and sole determination of the successful bid, or reject all bids.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby fixes the date of Monday, July 23, 2012, at the hour of 2:00 PM as the date and time at which sealed bids for the sale of the described real property will be received at 101 Skyport Drive, San Jose, California 95110, by representatives appointed by the Board of Supervisors, at which time and place, oral bids of at least five (5%) over the highest qualified written bid, for the purchase of the Parcel may also be made in accordance with Government Code section 25531.

BE IT FURTHER RESOLVED that pursuant to Government Code section 25539, the Board of Supervisors hereby delegates to the Director of Roads and Airports, or his designee, the authority to conduct the bidding process for the sale of the site, and to recommend to the Board for approval the highest qualified bid, or to reject all bids. Any final acceptance of the bid by the Director or designee shall be subject to the approval of the Board of Supervisors by resolution authorizing and directing the execution of the deed as provided in Government Code section 25535.

BE IT FURTHER RESOLVED that in the event any legal action or litigation is undertaken by the County to enforce the provisions of bid offers or any subsequent written agreement, the successful bidder shall pay reasonable attorney fees incurred by the County.
BE IT FURTHER RESOLVED that the Board of Supervisors shall cause a copy of this resolution to be posted in three public places in the County of Santa Clara, at least one of which shall be within the city limits of San Jose, not less than fifteen (15) days before the date of the bid session, and shall further cause notice of this resolution to be published not less than once per week for three successive weeks before said bid session on July 23, 2012, in the San Jose Post Record or in one other newspaper of general circulation regularly published at least once a week in Santa Clara County, State of California. Notice shall also be mailed or delivered at least fifteen (15) days prior to accepting offers to purchase to any person who has filed a written request for notice with the Clerk of the Board and shall describe the property, the terms of the sale, and the location where bids will be accepted, and shall identify the Director of Roads and Airports, or his designee, as the person authorized to conduct the bidding process.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this May 22, 2012 by the following two-thirds vote:

AYES: Supervisors CORTESE, KNISS, SHIRAKAWA, WASSERMAN, YEAGER

NOES: Supervisors NONE

ABSENT: Supervisors NONE

County of Santa Clara

[Signature]
George Shirakawa, President
Board of Supervisors
County of Santa Clara

Attest:

[Signature]
LYNN REGADANZ
Interim Clerk of the Board of Supervisors

Approved as to Form and Legality:

[Signature]
Miguel Moreno
Deputy County Counsel

Resolution to Sell Parcel
Not Needed for County Purposes