

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
DECLARING SURPLUS PROPERTY; AUTHORIZING OFFER OF DISTRICT
PROPERTY FOR SALE TO PUBLIC ENTITIES; AUTHORIZING PUBLIC SALE OF
PROPERTY (LA HABRA SITE)**

RESOLUTION NO. 13/14-17

WHEREAS, the North Orange County Community College District ("District") owns approximately 5.10 acres of certain excess real property located within the District at 1000 Leslie Street, La Habra, CA 93`02, known generally as the La Habra Site ("Property"), and as more particularly described in the legal description attached hereto as Exhibit "A";

WHEREAS, the District has determined that the best use of the Property includes the sale of the Property at its highest and best use value;

WHEREAS, the District desires to sell its fee simple interest in the Property;

WHEREAS, prior to any sale to the public, the Property must be offered to specified public entities pursuant to Government Code section 54222 and Education Code section 81363.5;

WHEREAS, pursuant to Education Code section 81363.5, notice must also be given by publication in a newspaper of general circulation to certain entities, including any public district, public authority, public agency, public corporation, or any other political subdivision of the state, to the federal government and to nonprofit charitable and nonprofit public benefit corporations;

WHEREAS, should the appropriate time periods described in Government Code section 54222 and Education Code section 81363.5 lapse, and no offer has been made on the Property by the entities described in said sections, the District desires to sell the Property in a public bid hearing, pursuant to Education Code section 81365 *et seq.*; and

WHEREAS, interested bidders for the purchase of the Property shall submit a bid proposal on a form supplied by the District;

NOW THEREFORE, be it resolved by the Board of Trustees of the North Orange County Community College District ("Board") as follows:

1. That the above recitals are true.
2. That the Board hereby declares the Property surplus, and hereby declares the Board's intention to sell said Property;
3. That, while the sale of the Property is not hereby limited to any particular development, the District will use its best efforts to ensure the Property is sold at its highest and best use value

4. That the District's Chancellor or his designee is/are authorized and directed to send written offers for the sale of the Property to public agencies pursuant to Government Code section 54222 and Education Code section 81363.5

5. That the District's Chancellor or his designee is authorized and directed to give public notice to public entities of the District's intent to dispose of the Property by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.

6. That in the event that no public agencies listed in Government Code section 54222 and Education Code section 81363.5 express an interest in the Property, this Board pursuant to Education Code section 81365 *et seq.*, does hereby announce its intention to receive and consider proposals for the sale of the Property.

7. That each bidder shall submit with its bid proposal a certified or cashier's check made payable to the North Orange County Community College District in the amount of Fifty Thousand Dollars (\$50,000.00) as bid security for entering into the purchase agreement. The deposit of the successful bidder will be retained by the District and applied towards the purchase of the Property pursuant to the purchase agreement. After execution of the purchase agreement by a successful bidder, or thirty (30) days, whichever comes first, all other deposits will be returned. If the successful bidder fails to execute the purchase agreement and provide all necessary documents within five (5) days of the Board's acceptance of its bid, the District may retain the bid security.

8. That the sale of the Property shall be upon the following terms and conditions:

a. The minimum bid for the Property shall be no less than the District appraised value, or updated appraised value, whichever is greater.

b. A non-refundable deposit of Fifty Thousand DOLLARS (\$50,000) shall be due upon immediately upon execution of the purchase agreement. Additional deposits may be required during escrow as set forth in the purchase agreement and/or bid documents.

c. Escrow shall be opened immediately and shall close no later than 3 months from the date of execution of the purchase agreement. The successful bidder must comply with the terms and conditions outlined in the District bid documents.

d. The Property is sold in an "As-Is" condition.

e. The purchaser shall bear all costs associated with recording fees, documentary and other transfer taxes, title insurance premiums, and other escrow costs.

9. The District will not pay a real estate commission for the purchase or sale of the Property, except as specifically authorized by contractual agreement with the Board.

10. That bid proposal forms for the purchase of the Property may be obtained from the Business Office of the North Orange County Community College District, 1830 Romneya Drive, Anaheim, CA 92801. Although a bidder may propose changes to the purchase agreement, unless otherwise agreed to by the District, the bidder shall agree that the existing terms and conditions of the purchase agreement will be binding upon the successful bidder. Any proposed changes to the purchase agreement must be submitted with the bid proposal. Any proposed material changes to the existing terms and conditions of the purchase agreement shall render such bid a counteroffer, which counteroffer may not be accepted by the District should any written or oral offer be made at or greater than the terms and conditions set forth in the purchase agreement and the minimum terms set forth herein.

11. That the bid proposals shall be sealed and filed with the Business Office of the North Orange County Community College District at a specified future date and time, which date and time shall be noticed pursuant to the surplus property procedures and the law of the State of California.

12. That at the public bid hearing to be held at the District board room at a date to be determined by the District, that the sealed bid proposals shall be opened, examined and declared. The District's Chancellor or his authorized designee shall then call for oral bids. If, upon the call for oral bidding, any responsible person's offer to enter into said purchase agreement, upon the terms and conditions specified and for a price exceeding by at least five percent (5%) the highest written proposal for the Property, then the oral bid, which is highest for the Property shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror and bid security, as described herein, in the form of a certified or cashier's check payable to the District has been submitted.


13. That final acceptance of the highest bid, either written or oral, will be made at the Board meeting following the public bid hearing, or at any adjourned session of the same meeting held within ten (10) days. The Board may select the highest bid of any of the bids, or if it deems such action to be for the best public interest, it may reject any and all bids. The District reserves the right to make non-substantive changes to the purchase agreement. The highest successful bidder shall be required to execute the purchase agreement as a requirement for final acceptance by the Board.

14. That the Chancellor of the District or his designee is hereby authorized and directed to give notice of the Board's intent to sell the Property by posting executed copies of the Resolution in three (3) public places in the District not less than fifteen (15) days before the date of the public bid hearing, and by publication of a Notice of Intent to Sell not less than once a week for three (3) consecutive weeks before the date of the public bid hearing in a newspaper of general circulation published in the District or in the

County in which the District or any part thereof is situated and having a general circulation in the County.

15. The Board delegates authority to and appoints the Chancellor or his designee to conduct a public bid hearing for the sale of the Property. Any action taken at said public bid hearing will be presented to the Board for ratification at a regularly scheduled Board meeting.

ADOPTED, SIGNED AND APPROVED this 8th day of April, 2014.



President of the Governing Board for the
North Orange County Community College District

I, Michael Matsuda, Clerk of the Governing Board of the North Orange County Community College District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 8th day of April 2014, and that it was so adopted by the following vote:

AYES: Jeffrey P. Brown, Barbara Dunsheath, Leonard Lahtinen, Michael Matsuda,
Molly McClanahan, Donna Miller, M. Tony Ontiveros
NOES: None
ABSTAIN: None
ABSENT: None



Clerk of the Governing Board of the
North Orange County Community College District

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Property Features:

Address: 1000 Leslie Street, La Habra, CA 90631

Assessor's Parcel Number: 019-111-67

Zoning: M1 Light Industrial

Total Land Sq Ft: 222,156 sq ft

Building SF: 26,996 sq ft, 3 usable industrial buildings and 2 additional structures

Clearance 12" -16"

Power: 2,000 amps

Fire Sprinkler: Partial

Yard: Fenced, irregular "flag" land site

