RESOLUTION REGARDING SALE OF SURPLUS PROPERTY TO THE GENERAL PUBLIC

RESOLUTION OF THE GOVERNING BOARD OF THE
ARVIN UNION SCHOOL DISTRICT

In Re:	)	
	)	
INTENTION TO SELL SURPLUS REAL PROPERTY	)	RESOLUTION NO. 11:2020/2021
	)	
	)	
_____	)	

RECITALS

A. The ARVIN UNION SCHOOL DISTRICT owns certain real property described in Exhibit A to this Resolution ("the Property").

B. Pursuant to Education Code Section 17455, the governing board may sell any real property belonging to the district which is not or will not be needed by the district for classroom purposes at the time of delivery of title or possession to the property.

C. This Board has complied with all Education Code provisions and Government Code section 54220, et seq., in offering the property for sale to various public entities and nonprofits and, if applicable, to the previous owner where the property was acquired by eminent domain within the past 20 years.

D. The sale will be made on the following terms:

RESOLVED

1. The above recitals are true.

2. This Board finds that the above-mentioned property is not now and will not at the time of delivery of title or possession be needed by the district for classroom purposes.

3. This Board declares its intention to sell the real property in the manner described in this Resolution.

4. Written proposals ("bids") for the purchase signed by the bidders of the real property will be received by this Board at the District office at the address of 737 Bear Mountain Blvd. Arvin, CA 93203, until the hour of 12:30 PM Pacific Standard Time (PST) on the date of November 30, 2020. All bids timely received will be publicly opened at the hour of 1:30 PM. PST or as soon thereafter as is practical, on November 30, 2020.

5. The minimum bid amount for the property shall be $625,000.00.

6. At Board meeting, call for oral bids of at least 5% higher than the highest net written bid received.

7. Each bid shall be in writing, shall be signed by the bidder, and shall be sealed in an envelope marked "BID ON SURPLUS SYCAMORE PROPERTY TO BE SOLD BY THE ARVIN UNION SCHOOL DISTRICT DUE AT THE HOUR OF 12:30 PM ON THE DATE OF NOVEMBER 30, 2020."

8. Copies of this Resolution shall be made available to prospective bidders upon request.

9. Each bid shall be accompanied by a security deposit in the form of cash, a certified or cashier's check, or United States postal money order in an amount equal to ten percent of the amount of the bid, as a guarantee that the successful bidder, immediately upon being notified that this Board has accepted bidder's written or oral bid, will enter into a written contract for lease of the property. In the event the highest bid is by an oral bidder who is deemed by this Board reasonably unable (at the completion of the bidding) to post the required security deposit, the bidder shall be allowed until 1:00 p.m. of the next business day following award of the bids to deposit with this Board the balance due on the security deposit. Checks and money orders shall be payable to the Arvin Union School District.

10. The balance of the purchase price must be paid by the close of escrow.

11. All written and oral bids shall remain firm offers by the respective bidders to the district for 30 days or until the successful bidder enters into a written contract with the district, whichever shall first occur. All security deposits except that of the successful bidder shall be returned by the district to the respective bidders at the time the successful bidder enters into the written contract. The security deposit shall be applied by the district to the purchase price bid by the successful bidder when the balance of the purchase price is paid into escrow, or deposited to the credit of the district as liquidated damages for the costs and inconvenience incurred by the district if the successful bidder fails to enter into and fully perform any and all material parts of the contract, it being expressly agreed and understood that the amount of the deposit constitutes reasonable damages and that it is impractical or extremely difficult to ascertain actual damages.

12. The bid which offers the district the highest price conforms to all terms and conditions specified in this Resolution and in law, and is made by a responsible bidder shall be accepted by the Board; unless (upon a call for oral bidding to be made pursuant to this Resolution and after the written bids are declared) a reasonable person or firm offers orally to lease the property pursuant to Education Code Section 17473 upon the terms and conditions contained in this Resolution and at a price which exceeds by at least five percent the highest written bid; or unless this Board rejects all bids. The Board reserves the right to reject any and all bids. Minor or insignificant increments of increase during oral bidding may be viewed by this Board as an obstruction of the oral bidding procedure and as evidence of irregularity of a bidder.

13. At the time the buyer's bid is accepted, the buyer shall be required within fourteen (14) days to enter into a written contract with the district under which the district will sell and the buyer will buy the land through an escrow holder selected by the district. If the buyer desires a policy of title insurance, it shall be provided at the buyer's expense. The buyer will pay all the costs of the escrow.

14. The successful bidder acquires no right, title or interest, or equity in or to the subject property until the sale has been approved in the manner provided by law, and a deed has been executed by the governing board of the district and delivered to the successful bidder.

15. The Superintendent is directed to cause notice to be given of the adoption of this Resolution and of the time and place of lease by:

a. Posting copies of this Resolution, signed by at least a majority of the members of the Board, in three public places in the District, not less than 15 days before the date of the meeting set for opening bids. The board authorizes the President to sign the resolution.

b. Publishing written notice of adoption in a newspaper of general circulation in the district (or if none, then in a newspaper of general circulation regularly circulated in the district) not less than once a week for three successive weeks before the date set for opening the bids, with at least five days intervening between the respective publication dates not counting the publication dates.

16. The Superintendent is authorized to give notice of and publicity to the adoption of this Resolution and the pendency of the sale or lease in other ways deemed appropriate. The Superintendent is further authorized and directed to take all necessary and appropriate action to expedite the proposed transaction, including but not limited to the preparation and distribution of copies of this Resolution and of forms for bids.

This Resolution was adopted by the following vote of at least two-thirds of the members of the Board:

AYES: 4 NOES: 1

ABSTENTIONS: Ø ABSENT: Ø

BOARD OF TRUSTEES OF THE

SCHOOL DISTRICT

By Lonie Pichardo
President

I certify that the Resolution above is a full and correct except from the Journal of the Board of Trustees of the Arvin Union School District pertaining to the adoption of the Resolution at a meeting held on October 20, 2020.

Lonie Pichardo
Authorized Agent of the Board of Trustees of
the Arvin Union School District

Exhibit A

LEGAL DESCRIPTION

Parcels 6 and 7 pf Parcel Map no. 3843 City of Arvin, County of Kern, State of California, as per map recorded February 9, 1977 in Book 17, page 138 of Maps, in the office of the County Recorder of said County.

EXCEPT THEREFROM ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AS RESEVED IN DEED OF RECORDS.

PROPERTY DEPICTION

Warehouse building on the corner of Sycamore Road and Kovacevich Street, one block west of Derby.

- APN 192-232-01 & 192-232-02
- Sycamore Road Arvin, CA 93203

