

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, GRANTING AUTHORITY TO THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO ENTER INTO AND SIGN PURCHASE AND SALE AGREEMENTS FOR SIX BUILDABLE VACANT PROPERTIES ON PEACH AVENUE THROUGH A SEALED BID AUCTION

WHEREAS, in June 2009 the City of Fresno (City) and the Fresno County Transportation Authority (FCTA) entered into a Measure C Cooperative Project Agreement (Cooperative Agreement) authorizing right-of-way funding acquisition for the Peach Avenue Widening Project (Project); and

WHEREAS, the Project consisted of widening Peach Avenue from a two-lane to a four-lane arterial roadway between Kings Canyon Road and Belmont Avenue, including a landscaped median island and traffic signal improvements; and

WHEREAS, the Project required full and partial acquisition of approximately forty-two parcels, of which six parcels required full acquisition due to proximity damage; and

WHEREAS, a condition of the Cooperative Agreement was all excess funds were to be returned to FCTA upon completion of construction; and

WHEREAS, in 2014 the Project was completed and the four-lane road opened to traffic; and

WHEREAS, the City must now sell the six remaining properties and return the sale proceeds to FCTA as required under the Cooperative Agreement; and

WHEREAS, the purpose of this resolution is to obtain City Council approval to delegate to the Public Works Director or his designee the authority to enter into purchase

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: TNP

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and sale agreements for six buildable vacant properties on Peach Avenue through a sealed bid auction sale; and

WHEREAS, the purchase and sale agreements under this resolution apply specifically to the following six parcels: APN 462-084-11 (423 N. Peach); APN 462-152-05 (383 N. Peach); APN 462-152-11 (361 N. Peach); APN 462-153-05 (5194 E. Washington); APN 463-090-28 (144 S. Peach); and APN 463-100-17t (145 S. Peach); and

WHEREAS, the sealed bid auction will occur on Tuesday, February 14, 2017, from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, the rules for the sealed bid auction will be as follows: (1) all sales of property shall be "as is"; (2) the minimum bids will begin at seventy-five percent of each property's appraised value; (3) the auction will be an all-cash sale with ten percent of the bid price due on the day of the auction with all losing bid deposits refunded; (4) a condition of any bid is acceptance of the terms contained in of the City's purchase and sale agreement and the ability to close in thirty days; and (5) in the event of duplicate bids by multiple bidders, a live bid will resolve the tie.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. The Council of the City of Fresno authorizes the Public Works Director or his designee to enter into purchase and sale agreements for the six buildable vacant properties identified in this Resolution through a sealed bid auction sale.
2. The rules for the sealed bid auction are as follows:
 - (1) All sales of properties shall be "as is".
 - (2) The minimum bids will begin at seventy-five percent of each

property's appraised value.

- (3) The auction will be an all-cash sale with ten percent of the bid price due on the day of the auction with all losing bid deposits refunded.
- (4) A condition of any bid is acceptance of the terms contained in of the City's purchase and sale agreement and the ability to close in thirty days.
- (5) In the event of duplicate bids by multiple bidders, a live bid will resolve the tie.

3. This resolution shall become effective upon its adoption.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the ___ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
TRACY N. PARVANIAN Date
Deputy City Attorney