

RESOLUTION NO. 94-93

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI
DECLARING ITS INTENTION TO SELL SURPLUS REAL PROPERTY

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WHEREAS, the City of Lodi is the owner of certain real property described as follows:

1775 South Church Street

APN: 062-020-14

A portion of the Northwest Quarter of Section 13, Township 3 North, Range 6 East, MDB & M., being more particularly described as follows:

Beginning at the Southwest corner of the land described in the Deed to Isamu Funamura, recorded January 11, 1938 in Volume 605 of Official Records, Page 254, San Joaquin County Records; thence Easterly along the south line of said Funamura land to the Southeast corner thereof; thence Northerly along the East line of said Funamura land, 60 feet; thence Westerly parallel to the South line of said Funamura land, to the West line thereof; thence Southerly 60 feet to the Point of Beginning.

SAVE AND EXCEPT the East 10 feet.

WHEREAS, the said real property is not needed by the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi in a regular meeting held August 17, 1994 that it hereby declared its intention to sell the said real property to the highest bidder pursuant to the provisions of Section 37350, of the Government Code.

BE IT FURTHER RESOLVED that the terms on which the real property will be sold are as follows: Each bid shall be in a sealed envelope plainly marked as a bid for 1775 S. Church Street, and mailed or delivered to Jennifer M. Perrin, City Clerk of the City of Lodi, 221 West Pine Street, P. O. Box 3006, Lodi, California 95241. Bids will be accepted until 11:00 a.m. on Wednesday, September 21, 1994 at which time they will be opened and publicly read at the Carnegie Forum. Each bid must be accompanied with a deposit in cash or cashier's check in the amount of one percent (1%) of the bid. Minimum bid must be at least \$54,000.00. The balance of the purchase price is to be paid within 60 days after the acceptance of the offer through escrow with a mutually agreed upon title company. At the close of escrow, the City of Lodi's Grant Deed (subject to easements and encumbrances of record) will be delivered to the successful bidder. If the successful bidder fails to complete the purchase of the property in accordance with the terms hereof, his/her deposit will be forfeited and retained by the

City of Lodi as liquidated damages and he/she shall forfeit all rights hereunder. It is agreed that damages in the event of failure to complete purchase would be difficult to ascertain and that such sum represents a reasonable attempt to ascertain what such damages would be. The successful bidder agrees to pay for the cost of all escrow and recording fees, documentary transfer taxes, and title insurance, if desired. The city will pay for the cost of publishing this resolution.

BE IT FURTHER RESOLVED that bids must be submitted for the entire property hereinabove described. The following matters concerning said real property should be noted and taken into consideration by prospective bidders: that the property has an existing 5 foot Public Utility Easement on the West side; that pursuant to law (including but not limited to H & S Code §25359.7 and Civ. Code §1102 et. seq.) Seller represents that it has no knowledge of contamination on the property, but requires that Buyer either: (1) at Buyer's sole expense, conduct an environmental audit before close of escrow with right of refusal should contamination be found; or waive all consequential damages to the extent allowed by law should pre-existing contamination be found; that the developer is responsible for all normal City policies and fees covering like developments within the City, including sewer connection fee, water meter cost, and development impact fees, if applicable.

BE IT FURTHER RESOLVED that the City Council of the City of Lodi reserves the right to reject any or all bids, and the right to withdraw the property from sale.

BE IT FURTHER RESOLVED that the notice of the adoption of this resolution, and the time and place of holding the bid opening, shall be given by posting copies of this resolution, signed by the City Clerk of the City of Lodi in at least the following three public places in the City of Lodi:

One on the bulletin board at the north entrance to City Hall, 221 West Pine Street, Lodi, California

One on the bulletin board at the entrance to the Public Safety Building, 230 West Elm Street, Lodi, California

One on the bulletin board located at the Lodi Public Library, 201 West Locust Street, Lodi, California

not less than fifteen (15) days before the date of the bid opening, and by publishing notice of the adoption of this resolution not less than once a week for three (3) successive weeks before the bid opening in the Lodi News-Sentinel, a newspaper of general circulation published in the City of Lodi.

Dated: August 17, 1994

I hereby certify that Resolution No. 94-93 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 17, 1994 by the following vote:

Ayes: Council Members - Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Davenport and Mann


JENNIFER M. PERRIN
City Clerk

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