

# REQUEST FOR OFFER ON REAL PROPERTY

OWNED BY SAN BERNARDINO COUNTY TRANSPORTATION  
AUTHORITY (SBCTA)

NORTH SIDE OF STOWELL STREET BETWEEN EUCLID AVENUE  
AND SULTANA AVENUE IN UPLAND, CA.

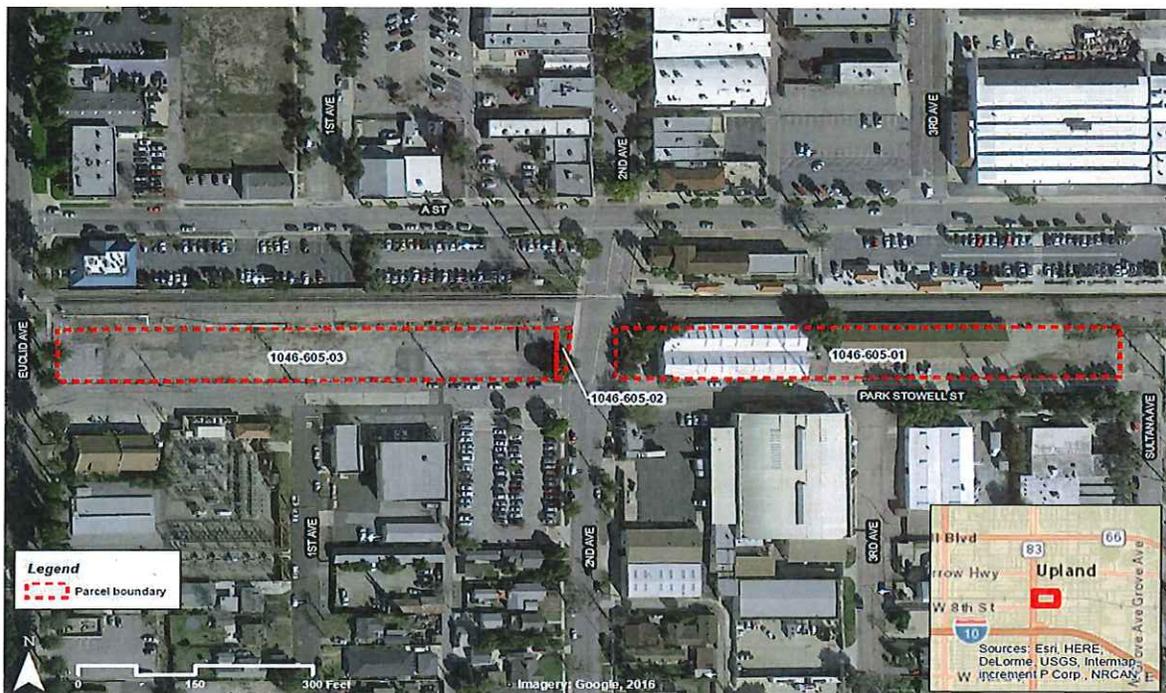
## INTRODUCTION

Under California Government Code Section 54220-54232, San Bernardino County Transportation Authority (SBCTA) can offer property for sale to private individuals and companies when certain conditions are met. Prior to the disposition of properties, SBCTA must determine whether the property is needed for any future use and declare the property surplus. A 60-day public agency notification period is initiated for City and County agencies within the jurisdiction of the parcels. If no interest is expressed, SBCTA may offer the surplus properties to the open market. These conditions have been met and SBCTA hereby solicits requests for offers on real property located at Stowell Street & 2<sup>nd</sup> Avenue between Euclid Avenue and Sultana Avenue, in the City of Upland.

## GENERAL REQUIREMENTS

### A) DESCRIPTION OF PROPERTY

The Properties are located north of the 10 Interchange along the N/S of Stowell Street between Euclid Avenue and Sultana Avenue, in the City of Upland. The Assessor Parcel Numbers related to the sale are: 1046-605-03, 1046-605-02, and 1046-605-01. The Properties are more particularly described in Attachment "A" - Property Summary.



## **B) SELECTION CRITERIA**

SBCTA shall use the following criteria in the selection of offers received, which in its judgment and sole discretion is the most advantageous to SBCTA:

1. Price;
2. Applicant's financial capacity to purchase and develop the Properties;
3. Applicant requires minimal or no additional obligation from SBCTA to prepare the Properties for sale/development;
4. Applicant's ability to close escrow expeditiously (60 days).

## **C) OFFER CONTENTS**

Applicants shall submit a written offer consisting of the following:

- All offers will require a minimum deposit of 5% of the appraised value or offer amount, whichever is higher, in the form of a cashier's or certified check, payable to the "San Bernardino County Transportation Authority".
- Applicant name, address and telephone number;
- Applicant background, including experience with similar purchases;
- Purchase price;
- An acknowledgement that the applicant has reviewed the Request for Offer and the Purchase and Sale Agreement (provided as Attachment "B"). The applicant must also include any proposed exceptions or deviations from the Request for Offer or the Purchase and Sale Agreement; and
- Signed Disclosure of Campaign Contributions to Commissioners Form (provided as Attachment "C").

## **D) OFFER SUBMISSION**

1. All interested applicants are invited to attend a property site visit on Monday, November 7, 2016, at 10:00 am.
2. Questions related to the Properties or the Request for Offer can be sent to SBCTA's representative, Kim Bibolet via email at [kimbibolet@epicland.com](mailto:kimbibolet@epicland.com), by Monday, November 21, 2016.
3. Addendums addressing questions and corresponding responses will be posted on SBCTA's website <http://www.sanbag.ca.gov/> by Wednesday, November 30, 2016, or can be requested by contacting Kim Bibolet, via email at [kimbibolet@epicland.com](mailto:kimbibolet@epicland.com).
4. **Offers to be made for one or both properties, by sending the offer to: SBCTA, 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, California 92410, Attention: Transit Department (TA), no later than 2:00 pm on Thursday, December 15, 2016. No written offers will be accepted after 2:00 pm on that date.**

**Offer Submittal Checklist:**

- ✓ **Deposit**
- ✓ **Contact information and background information of similar purchases**
- ✓ **Purchase Price and financial capacity to purchase/develop property**
- ✓ **Acknowledgement that Purchase and Sale Agreement has been reviewed**
- ✓ **Signed Disclosure of Campaign Contributions to Commissioners form**

5. Offers shall remain valid and shall not be withdrawn for a period of one hundred twenty (120) days following the deadline for submission of offers.

**E) SALES PROCESS**

1. Offers submitted by the deadline, will be reviewed by SBCTA and their consultant. The successful bidders will be ranked according to the selection criteria, stated on page 2, section B.
2. SBCTA staff will enter into negotiations with the top ranked bidder. If negotiations with the top firm are not successful, the next ranked bidder will be contacted.
3. All offers will require submission of proof of financial capacity to purchase and develop the Properties.
4. Final acceptance of any offer will be subject to Board approval. The Board reserves the right to reject any and all bids and may withdraw the Properties from sale.
5. The successful bidder is allowed a 25-day review period upon notification of award.
6. The successful bidder will be required to enter into a purchase and sale agreement provided by SBCTA within thirty (30) days following the bid auction. A sample is attached as Attachment "B".
7. Deposits made by the unsuccessful bidders will be returned via mail along with written notification of non-selection in a timely manner.
8. When the executed Purchase and Sale Agreement is received and executed by SBCTA, escrow will open for a period of sixty (60) days.
9. The successful bidder of **Property 1** will be required to assume the existing lease. The lease has a 30-day termination clause. A sample Consent To Assignment and Assumption of Lease is attached as Attachment "E".
10. The successful bidder of **Property 1** will be required to enter into a license

agreement with SBCTA for a portion of the improvements that encroach into the rail right of way. This license agreement will be subject to a 30-day termination clause. A sample is attached as Attachment "F".

#### **F) LIMITING CONDITIONS**

1. Each applicant is responsible for conducting their own independent investigation of the Properties. Each applicant shall rely solely upon its own due diligence, and not rely on any information provided by SBCTA or any representative thereof. The information provided by SBCTA has been obtained from sources that are considered reliable, but SBCTA makes no warranties, representations or guarantees of any kind with respect to the information contained therein.
2. Any sale is subject to the approval of San Bernardino County Transportation Authority Board.
3. All offers are considered, however, SBCTA reserves the right to reject any and all offers and to cancel the sale in part or in its entirety any time prior to the execution of the Purchase and Sale Agreement.
4. The right, title and interest in the Properties to be sold shall not exceed that vested in SBCTA, and this sale is subject to all title exceptions and reservation whether or not of record. The successful applicant may obtain a policy of title insurance at his own expense.
5. The successful applicant shall pay 50% of customary escrow fees, the cost of a title policy, the cost of extended coverage, and if desired by the applicant, the cost of any documentary transfer tax, any additional title coverage, endorsements, or document preparation costs. SBCTA will entertain offers from any interested party, but will not pay for any broker commissions.
6. SBCTA surveyed the Properties in order to define the available area for Purchase however, buyer should verify data with own survey, if desired. No warranty is made by SBCTA relative to the ground locations of property lines. Should the successful bidder desire a survey of the Properties, this may be accomplished by an independent survey at the purchaser's expense.
7. SBCTA has conducted an environmental study on the subject parcels and is available upon request. Please contact Kim Bibolet to coordinate such effort.
8. The successful applicant shall be responsible for checking and complying with local building codes and ordinances.

9. SBCTA conducted an appraisal on the Properties. Please find the information listed below:

Property #1: APN 1046-605-01 – Appraised Value \$1,520,000.00\*

*\*\$98,000 for demolition costs not included in appraised value*

Property #2: APNs 1046-605-02, 03 – Appraised Value \$1,670,000.00

10. The Properties are sold in an “as is” condition. The sale of the Properties shall be made without any warranty, express or implied, and subject to all liens, easements, encumbrances and other exceptions to title, whether recorded or not. SBCTA makes no representations or warranties, express or implied, concerning the condition of the Properties, locations of property lines, the exact area of the Properties, the condition of any improvements on the Properties or any environmental condition affecting the Properties. SBCTA does not assume any liability for any possible encumbrances on the Properties. SBCTA makes no warranty as to existing or future zoning or availability of utilities.