Caltrans

Live Public Auction Sale

Tuesday, August 11, 2009 at 10:00 am
Registration: 9:00 am – 9:55 am
Parcel to be auctioned: See box below
Auction to be held offsite: 1718 Crowell Street, Livingston, CA

DD 000039-01-01 7,650 SF Zoned: C-2, Commercial
Minimum Bid: $28,000 Required Deposit: See Parcel Data Sheet
Located on State Route 99, at end of S. Pacific Avenue

ALL SALES SUBJECT TO APPROVAL OF THE CALIFORNIA TRANSPORTATION COMMISSION
Successful Bidders will be awarded a 30 day Option to Purchase – Cash Terms
ALL PROPERTIES ARE SOLD "AS IS"

Required Deposit: Bidders must provide proof of possession of a Cashier's Check in the amount of $3,000, made payable to the Department of Transportation to obtain a bidder's number. The successful bidder must submit their auction deposit upon award.

FOR MORE INFORMATION:
(559) 445-6424 or visit us online at www.dot.ca.gov/property/
Ismaela Muñiz
Department of Transportation – Right of Way
855 M Street, Suite 200
Fresno, CA 93721

SPECIAL NOTE

Parcels located within fifty (50) feet of the freeway right of way are affected by the City's or County's Zoning Ordinance requiring that residential units be set back fifty (50) feet from the right of way line of any freeway or railroad.

Variances will be necessary to permit residential development of such properties.

All prospective bidders are advised to consult the County or City Planning and Inspection Department to ascertain the effects of the Zoning Ordinance, Variances which will be necessary and which might be granted, and any requirements, which may be imposed as a condition of any Variance granted.

The State makes no warranty or representation that any property being offered is developable nor that a Variance will be granted by the County or City to permit development of any property.

The buyer assumes all responsibility for complying with the County's or City's Ordinances and Regulations and for obtaining any Variances or Permits, which are necessary under those Ordinances and Regulations for any use or development.

LIMITATIONS

The State of California reserves the right to reject any and all offers and to waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the State.

The sale of this property is subject to all matters of public record and any easements, claim of easements or reservations not of record. The **Department of Transportation does not assume any liability for possible encumbrances on this property.** The information in this notice was obtained from sources deemed to be reliable but is **NOT GUARANTEED.** It is furnished solely as an aid to prospective bidders. Prospective bidders should consult local title companies if more complete information regarding the tittle of the property is required.

The sale of this excess property may be exempt from CEQA.

The Environmental determination by the Department of Transportation for the sale of property does not mean that the buyer may not have to obtain subsequent environmental clearance or prepare an environmental document as required by any local agency. Buyer should be aware that if buyer seeks some form of approval or permit for development, the local agency might require an environmental document and/or environmental analysis before giving its approval or permit.

All Caltrans employees may bid to acquire Excess State property except employees who have direct access to information not generally available to the public or who influence the purchase or sale of right of way or other real property.

R.E. TAXES: Property is not assessed for taxes while vested in the State. It will however, be assessed after transfer into private ownership.

TERMS OF OPTION TO PURCHASE

TERMS: Bids to purchase will be for cash. The successful bidder will be required to execute an Option to Purchase agreeing to the following terms and conditions that are made part of the Option by reference therein:

DEPOSIT: All bids must be accompanied by CASHIERS CHECK or MONEY ORDER made payable to Department of Transportation in the amount of the required option deposit.

OPTION PERIOD: The option deposit will be the consideration for the option period, the length of which is specified elsewhere in this notice. The option period shall commence on the first day following the date the bids are opened. The balance of the purchase price shall be paid on or before expiration of the option period.

There may be situations wherein the option holder is unable to complete the Terms of Option within the time allowed for reasons beyond his/her control. Under these circumstances, the State, at its discretion, may elect to extend the option period. A charge of 1% of the bid price per month will normally be made for such extensions. This charge **SHALL NOT** be applied toward the purchase price.

FORFEITURE OF DEPOSIT: The option deposit and any additional option deposit shall be **NON REFUNDABLE** in the event that the successful bidder fails to exercise the option within the option period or fails to comply with any and all the terms of the option as herein provided.

SECOND HIGH BID: In the event that the high bidder fails to exercise his option within the option period or defaults in completion of the sale, the State may, at its discretion, offer the option to the second highest bidder.

If the second high bidder accepts the option, the deposit requirement and terms of option to purchase shall be the same as stated in this notice of sale except that the option period shall commence on the day the option is awarded by the State.

LIMITING CONDITIONS:

(1) The sale under this option is subject to the approval of the California Transportation Commission. Any assignments under this contract must be made prior thereto. If the sale is not approved, the option deposit money will be refunded without interest. The successful bidder may take possession when the Director's Deed is recorded.
(2) When the California Transportation Commission approves the sale and the successful bidder elects to exercise the option, the option deposit will be credited toward the bid purchase price.

(3) The State reserves the right to reject any and all bids and to cancel the sale in part or in its entirety, at any time prior to recordation of the Director's Deed. In the event of cancellation of sale and/or rejection of any bids, the respective deposits of money shall be refunded without interest.

(4) The right, title and interest in the property to be sold shall not exceed that vested in the State of California, and this sale is subject to all title exceptions and reservations whether or not of record. The successful purchaser may obtain a policy of title insurance at his own expense.

(5) The successful bidder shall pay all recording fees, documentary stamp taxes, or other real estate transaction taxes or fees by whatever name known, including escrow fees or broker's commission, if any, and personal property sales taxes where applicable.

(6) Should the successful purchaser desire a survey of the property, this may be accomplished by an independent survey at the purchaser's expense. No warranty is made by the Department of Transportation relative to the ground locations of property lines other that monumented highway right of way lines.

(7) The successful bidder shall be responsible for complying with local building codes and ordinances. All properties are sold in an "as is" condition.

All CALTRANS employees may bid to acquire excess State property except employees who have direct access to information not generally available to the public or who influence the purchase or sale of right of way or other real property.

All payments must be made to:
DEPARTMENT OF TRANSPORTATION

Payments must be made by **CASHIERS CHECK or MONEY ORDER** payable to the order of the "**Department of Transportation**". The successful bidder's option deposit made at the time of sale will be retained by the State and not placed in escrow.

DATA SHEET

Director's Deed 000039-01-01

PROPERTY SOLD "AS IS"

Property Location:	On State Route 99, at end of S. Pacific Avenue, Livingston, CA
Minimum Bid:	$28,000
Required Deposit:	Bidders must provide proof of possession of a Cashier's Check in the amount of $3,000, made payable to the Department of Transportation to obtain a bidder's number. The successful bidder must submit their auction deposit upon award.
Bid Numbers:	Numbers will be issued Tuesday, August 11, 2009 from 9:00 am to 9:55 am.
Option Period:	30 days–Balance due in Caltrans office on or before September 11, 2009.
Description:	Parcel 000039-01-01 is vacant, 7,650 SF, with no improvements in place and public utilities available.
Zoning:	C-2, Commercial
Utilities:	County of Merced

TITLE EXCEPTIONS AND RESERVATIONS

- The property is warranted to be free of any liens, court judgments, loans (Deeds of Trust, etc.) and delinquent or unpaid taxes. The sale of this property is subject to all matters of public record and any easements, claims of easements, or reservations not of record. The Department of Transportation does not assume any liability for any possible encumbrances on this property. The right, title, and interest in this property shall not exceed that vested in the State of California. Prospective bidders should consult local title companies if more complete information regarding the title of the property is required.

- A copy of the Exceptions and Reservations from the State's Title Policy will be provided upon request for reference only.

- Copy of legal description available upon request.