TO: ACHD Board of Commissioners &
Bruce S. Wong, Director

FROM: Lorie Baird, Real Estate Management Specialist, Real Estate Section

SUBJECT: Solicited Sealed Bids, Acceptance of Sale of Surplus Real Property

CONSENT AGENDA item for Board of Commissioners, March 6, 2013 meeting

FACTS & FINDINGS:

(1) The subject Surplus Real Property is located at: 3224 N. Maple Grove and 3270 N. Maple Grove, Boise, Idaho 83704, including the common grounds surrounding the two buildings, described on Exhibit “A”.

On February 6, 2013, the Commission conducted a public hearing and after which adopted Resolution #1083, declaring the Subject Property to be surplus and directing that the Subject Property be sold to the public.

The District notified persons owning real property which is contiguous with the Subject Property that they had first option to purchase the Subject Property for an amount not less than the current determined value of $1,050,000.00, no such person exercised their option and the Subject Property remained available for sale to the public.

Notice of the sale to the public by solicited sealed bids was published in the Idaho Statesman in accordance with ACHD Section 2033.2, on February 20, 2013 and February 21, 2013, the last date of publication at least ten (10) days before the solicited sealed bids opening date. An “Auction Notice” was posted on said property five (5) days before the solicited sealed bids opening date.

(2) The terms of Sale are as follows:

a. the minimum bid shall be not less than one hundred percent (100%) of the estimated fair market value of the Subject Property, $1,050,000.00;
b. the high bidder shall pay to ACHD 10 percent (10%) of the purchase price by cash or cashiers check drawn on a national or state of Idaho chartered bank, by 4:30pm on the day of the auction with the remainder due at closing, not more than 90 days after the day of the auction;

c. the high bidder shall sign a Sales Contract, as per exhibit “B”

d. upon receipt of full payment, ACHD will convey title to the Surplus Property “as-is” without warranty of any kind, by Quitclaim Deed, as per exhibit “C”

e. ACHD reserves the right to reject any and all bids presented at the auction.

(3) **This is where we will put the winning bid information, or where we will request the authorization to sell the property at a private sale.** Exhibit “D”

**FISCAL IMPACT**

ACHD will convert an asset it has no use for and receives no income from, into cash.

**RECOMMENDATIONS**

Recommend the Board accept the bid of $ from:

Authorizing the sale of the subject property.

**ALT:** Recommend the Board to authorize the sale of said property at a private sale.

**ENCLOSURES:**

Exhibit “A” Legal Description of Surplus Property
Exhibit “B” Sale Contract
Exhibit “C” Quitclaim Deed
Exhibit “D” Winning Bid Proposal *(if one is received)*
EXHIBIT “A”

Legal Description
Lot 16, Block 1 Fairbanks Subdivision
R2732850160

A parcel of land situated in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 36, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, also situated in Lot 16 in Block 1 of the Fairbanks Subdivision filed in Book 55 of Plats at Pages 4987 and 4988, and being a portion of the parcel as described in Warranty Deed filed as Instrument Number 108123782 and as shown on that Record of Survey Number 9325 filed as Instrument Number 112127123, records of Ada County, more particularly described as follows:

Commencing at a Brass Cap marking the Southwest corner of the SW1/4 of Section 33 at the intersection of Ustick Road and Maple Grove Road from which a Brass Cap marking the northwest corner of said SW1/4 (W1/4 corner) bears N 0°33'20" E, 2653.90 feet (formerly N 0°26'53" E, 2654.00');
Thence N 0°33'20" E, 370.18 feet along the west boundary of said SW1/4 SW1/4 and centerline of Maple Grove Road to a point;
Thence S 89°40'10" E, 78.00 feet to a point on the north boundary of said Lot 16 and the POINT OF BEGINNING.

Thence continuing S 89°40'10" E, 202.00 feet (formerly S 89°46'32" E) along said north boundary to the northeast corner of said Lot 16;
Thence S 0°33'20" W, 317.18 feet along the east boundary of said Lot 16 to a point;
Thence N 89°40'10" W, 176.12 feet parallel with and measuring 13.00 feet from the south boundary of said Lot 16 to a point;
Thence N 52°41'31" W, 11.64 feet to the south boundary of Lot 20 in Block 1 of said Fairbanks Subdivision;
Thence S 89°40'10" E, 22.44 feet (formerly S 89°46'32" E) along said south boundary to the southeast corner of said Lot 20;
Thence N 0°33'20" E, 112.00 feet (formerly N 0°26'53" W, 112.00) along the east boundary to the northeast corner of said Lot 20;
Thence N 89°40'10" W, 39.00 feet (formerly N 89°46'32"W) along said north boundary to a point;
Thence N 0°33'20" E, 88.18 feet parallel with and measuring 78.00 feet from the west boundary of said SW1/4 SW1/4 to the south boundary of Lot 17 in Block 1 of said Fairbanks Subdivision;
Thence S 89°40'10" E, 38.00 feet (formerly S 89°46'32" E) along said south boundary to the southeast corner of said Lot 17;
Thence N 0°33'20" W, 100.00 feet (formerly N 0°26'53" E, 100.00') along the east boundary to the northeast corner of said Lot 17;
Thence N 89°40'10" W, 38.00 feet along said north boundary to a point;
Thence N 0°33'20" E, 10.00 feet to the Point of Beginning.

EXCEPTING THEREFROM: Lots 18 & 19 in Block 1 of Fairbanks Subdivision

Said described parcel contains 40,395 square feet (0.93 acres and is subject to covenants, easements and restrictions of record or in use.
EXHIBIT "A"

Legal Description
Lot 17, Block 1 Fairbanks Subdivision
R2732850170

A parcel of land situated in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 36, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, also situated in Lot 17 in Block 1 of the Fairbanks Subdivision filed in Book 55 of Plats at Pages 4987 and 4988, and being a portion of the parcel as described in Warranty Deed filed as Instrument Number 108123783 and as shown on that Record of Survey Number 9325 filed as Instrument Number 112127123, records of Ada County, more particularly described as follows:

Commencing at a Brass Cap marking the Southwest corner of the SW1/4 of Section 33 at the intersection of Ustick Road and Maple Grove Road from which a Brass Cap marking the northwest corner of said SW1/4 (W1/4 corner) N 0°33’20” E, 2653.90 feet (formerly N 0°26’53” E, 2654.00’); Thence N 0°33’20” E, 360.18 feet along the west boundary of said SW1/4 SW1/4 and centerline of Maple Grove Road to a point; Thence S 89°40’10” E, 78.00 feet to a point on the north boundary of said Lot 17 and the POINT OF BEGINNING.

Thence continuing S 89°40’10” E, 38.00 feet (formerly S 89°46’32” E) along said north boundary to the northeast corner of said Lot 17; Thence S 0°33’20” W, 100.00 feet along the east boundary to the southeast corner of said Lot 17 to a point; Thence N 89°40’10” W, 38.00 feet (formerly N 89°46’32”W) along the said south boundary to a point; Thence N 0°33’20”E, 100.00 feet (formerly N 0°26’53”E) parallel with and measuring 30.00 feet from the west boundary of said Lot 17 to the Point of Beginning.

Said described parcel contains 3,800 square feet (0.09 acres) and is subject to covenants, easements and restrictions of record or in use.
Legal Description
Lot 18, Block 1 Fairbanks Subdivision
R2732850180

LOT 18 BLK 1
FAIRBANKS SUB
EXHIBIT "A"

Legal Description
Lot 19, Block 1 Fairbanks Subdivision
R2732850190

LOT 19 BLK 1
FAIRBANKS SUB
EXHIBIT "A"

Legal Description
Lot 20, Block 1 Fairbanks Subdivision
R2732850200

A parcel of land situated in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 36, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, also situated in Lot 20 in Block 1 of the Fairbanks Subdivision filed in Book 55 of Plats at Pages 4987 and 4988, and being a portion of the parcel as described in Warranty Deed filed as Instrument Number 105132226 and as shown on that Record of Survey Number 9325 filed as Instrument Number 112127123, records of Ada County, more particularly described as follows:

Commencing at a Brass Cap marking the Southwest corner of said SW1/4 of Section 33 at the intersection of Ustick Road and Maple Grove Road from which a Brass Cap marking the northwest corner of said SW1/4 (W1/4 corner) N 0°33'20" E, 2653.90 feet (formerly N 0°26'53" E, 2654.00');
Thence N 0°33'20" E, 172.00 feet along the west boundary of said SW1/4 SW1/4 and centerline of Maple Grove Road to a point;
Thence S 89°40'10"E, 78.00 feet to a point on the north boundary of said Lot 20 and the POINT OF BEGINNING.

Thence continuing S 89°40'10"E, 39.00 feet (formerly S 89°46'32"E) along the north boundary to the northeast corner of said Lot 20;
Thence S 0°33'20" W, 112.00 feet (formerly S 0°26'53" W, 122.00') along the east boundary to the southeast corner of said Lot 20;
Thence N 89°40'10" W, 22.44 feet (formerly N 89°46'32" W) along said south boundary to a point;
Thence N 52°41'31"W, 20.66 feet to a point;
Thence N 0°33'20"E, 99.57 feet parallel with and measuring 23.00 feet from the west boundary of said Lot 20 to the Point of Beginning.

Said described parcel contains 4,265 square feet (0.10 acres) and is subject to covenants, easements and restrictions of record or in use.
SALE AND PURCHASE AGREEMENT

THIS SALE AND PURCHASE AGREEMENT (the "Agreement") is made and entered into this _____________ day of __________, 20__, by and between ADA COUNTY HIGHWAY DISTRICT ("ACHD"), a body politic and corporate of the state of Idaho, and __________ (name, status, residency) ________________ ("Buyer");

WITNESSETH:

FOR GOOD AND SUFFICIENT CONSIDERATION, IT IS AGREED:

SECTION 1. Definitions. As used in this Agreement, the following terms shall have the following meanings:

(a) The term "Closing Date" shall mean ________________, 20__.
(b) The term "Deed" shall mean the form of deed attached hereto as Exhibit "1".
(c) The term "Property" shall refer to that certain parcel of real property described on Exhibit "A" to the Deed.

SECTION 2. Recitals.

2.1 ACHD has determined that the Property is not needed by and no longer useful to ACHD and has the statutory authority to sell the same.

2.2 For the price and on the terms and conditions hereinafter set forth, Buyer is willing to purchase the Property from ACHD and ACHD is willing to sell, grant and convey the Property to Buyer.

SECTION 3. Agreement to Sell and Purchase. ACHD hereby agrees to sell, grant and convey the Property to Buyer, and Buyer hereby agrees to purchase the Property from ACHD for the price and on the terms and conditions hereinafter set forth.

SECTION 4. Purchase Price; Closing; Possession.

4.1 The purchase price to be paid by the Buyer for the Property is ___________________________ DOLLARS ($__________).

4.2 The closing under this Agreement shall take place at the offices of ACHD on the Closing Date, by the delivery to ACHD of Buyer's cash or cashier's check drawn on a national bank or state of Idaho chartered bank made payable to ACHD in the amount of the purchase price in return for the delivery to Buyer of the Deed, duly executed by ACHD and acknowledged in form suitable for
EXHIBIT “B”

ADA COUNTY HIGHWAY DISTRICT:

By: ______________________________
Title: ______________________________

“BUYER”

By: ______________________________
Title: ______________________________

EXHIBITS

“1” Deed, with legal description of Property attached.

EXHIBIT “1”
QUITCLAIM DEED

THIS INDENTURE, made this _______ day of __________________, 20__,
ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of
Idaho, the "GRANTOR", and __________, a ________________, the "GRANTEE";

WITNESSETH:

FOR VALUE RECEIVED, the GRANTOR does hereby convey, release, and
quitclaim to the GRANTEE all right, title and interest in and to that certain real property
situated in the COUNTY OF ADA, STATE OF IDAHO, more particularly described on
Exhibit "A" attached hereto and by this reference made a part hereof,

TOGETHER with all and singular the, structures, improvements and fixtures thereto, the
tenements, hereditaments and appurtenances thereunto belonging or in anywise
apertaining, the reversion and reversions, remainder and remainders, and rents,
issues and profits thereof (collectively the "Premises")

The current address of the GRANTEE is:

IN WITNESS WHEREOF, this Deed has been duly executed by and on behalf of
GRANTOR, the day, month and year herein first above written.

ADA COUNTY HIGHWAY DISTRICT

By: __________________________________________
    Sara M. Baker, President

Attest:

_________________________
Bruce S. Wong, Director

State of Idaho )
    ) ss.
County of Ada   )

Deed, page 4
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P:\Surplus Properties|Cloverwood|5 - Sale Contract.Doc
EXHIBIT "C"

ADA COUNTY HIGHWAY DISTRICT:

By: ________________________________
Title: ______________________________

"BUYER"

By: ________________________________
Title: ______________________________

EXHIBITS

"1" Deed, with legal description of Property attached.

EXHIBIT "1"