



**BEFORE THE GOVERNING BOARD OF THE
WEST HILLS COMMUNITY COLLEGE DISTRICT**

Resolution in the Matter of Authorizing Public Sale of Property

WHEREAS, the West Hills Community College District (District) owns a three-parcel assemblage with a gross area of 5.73 acres of real property located within the District, more particularly described as 9900 Cody Avenue, Coalinga, CA 93210 (Cody Avenue Property) and identified as Fresno County Assessor's Parcel Numbers 070-120-01S, 070-120-02S and 070-120-03S; and

WHEREAS, District operations have relocated from the Cody Avenue Property to a facility located at 275 Phelps Avenue, Coalinga CA; and

WHEREAS, the Cody Avenue Property is not and will not be needed by the District for classroom or other operations; and

WHEREAS, the District has determined that the best use of the Cody Avenue Property includes the sale of the Cody Avenue Property at its highest and best use value; and

WHEREAS, the District desires to sell its interest in the Cody Avenue Property; and

WHEREAS, the District has offered the Cody Avenue Property to specified public entities pursuant to Government Code section 54222 and Education Code section 81363.5; and

WHEREAS, the Board declared the Cody Avenue Property surplus on February 18, 2020, and declared the Board's intention to sell or lease said Cody Avenue Property; and

WHEREAS, the District provided a written notice of intent to dispose of surplus district property to local government agencies on April 21, 2020; and

WHEREAS, the District published notice to specified public agencies pursuant to Education Code Section 81363.5 of the intention to sell or enter into a long-term lease for the Cody Avenue Property on April 28, May 5, and May 12, 2020; and

WHEREAS, the required steps have been taken thus far regarding the sale or long-term lease of the property and the appropriate agencies and the public have been properly noticed; and

WHEREAS, the District now intends to sell the Cody Avenue Property at its highest and best use value.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the West Hills Community College District (Board) as follows:

1. The District hereby declares its intention to sell the Cody Avenue Property at a public bid hearing.
2. The District's Chancellor or designee is authorized and directed to offer for sale the Cody Avenue Property in a public bid hearing by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.
3. That each bidder shall submit with its bid proposal a certified or cashier's check made payable to the West Hills Community College District in the amount of Ten Thousand Dollars (\$10,000.00) as bid security for entering into a purchase agreement. The deposit of the successful bidder will be retained by the District and applied towards the purchase of the Cody Avenue Property pursuant to the purchase agreement. After execution of the purchase agreement by a successful bidder, or thirty (30) days, whichever comes first, all other deposits will be returned. If the successful bidder fails to execute the purchase and provide all necessary documents within five (5) days of the Board's acceptance of its bid, the District may retain the bid security.
4. The sale of the Cody Avenue Property shall be upon the following terms and conditions:
 - a. The minimum bid for the Cody Avenue Property shall be no less Two Million Two Hundred Thousand Dollars (\$2,200,000.00).
 - b. The Cody Avenue Property is being sold in "As-Is" condition.
 - c. The purchaser shall bear all costs associated with recording fees, documentary and other transfer taxes, title insurance premiums, and other escrow costs.
 - d. The District will not pay a real estate commission for the sale of the Property, except as specifically authorized by contractual agreement with the Board.
 - e. The bid proposal forms for the purchase of the Property may be obtained from the Chancellor of the West Hills Community College District, 275 Phelps Avenue, Coalinga, CA 93210. Although a bidder may propose changes to the purchase agreement, unless otherwise agreed to by the District, the bidder shall agree that the existing terms and conditions of the purchase agreement will be binding upon the successful bidder. Any proposed changes to the purchase agreement must be submitted with the bid proposal. Any proposed material changes to the existing terms and conditions of the purchase

agreement shall render such bid a counteroffer, which counteroffer may not be accepted by the District should any written or oral offer be made at or greater than the terms and conditions set forth in the purchase or lease agreement and the minimum terms set forth herein.

- f. The bid proposals shall be sealed and filed with the Office of the Chancellor of the West Hills Community College District no later than October 26, 2021 at 10:00 am, which date and time shall be noticed pursuant to the surplus property procedures and the law of the State of California.
- g. The sealed bid proposals shall be opened, examined, and declared during the regular meeting of the Board of Trustees on October 26, 2021. The District's Chancellor or designee shall then call for oral bids. If, upon the call for oral bidding, any responsible person's offer to enter into said purchase agreement, upon the terms and conditions specified and for a price exceeding by at least five percent (5%) the highest written proposal for the Property, then the oral bid, which is highest for the Cody Avenue Property may be finally accepted at a subsequent meeting of the Board. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the bidder and bid security, as described herein, in the form of a certified or cashier's check payable to the District has been submitted.
- h. The final acceptance of the highest bid, either written or oral, will be made at a subsequent Board meeting following the public bid hearing, or at any adjourned session of the same meeting held within ten (10) days. The Board may select the highest bid of any of the bids, or if it deems such action to be for the best public interest, it may reject any and all bids. The District reserves the right to make non-substantive changes to the purchase agreement. The highest successful bidder shall be required to execute the purchase agreement as a requirement for final acceptance by the Board.
- i. The Chancellor of the District or designee is hereby authorized and directed to give notice of the Board's intent to sell the Property by posting executed copies of the Resolution in three (3) public places in the District not less than fifteen (15) days before the date of the public bid hearing, and by publication of a Notice of Intent to Sell not less than once a week for three (3) consecutive weeks before the date of the public bid hearing in a newspaper of general circulation published in the District or in the County in which the District or any part thereof is situated and having a general circulation in the County.
- j. The Board delegates authority to and appoints the Chancellor or designee to conduct a public bid hearing for the sale of the Property. Any action taken at said public bid hearing will be presented to the Board for ratification at a regularly scheduled Board meeting.

The foregoing resolution was adopted this 28th day of September, 2021 at a regular meeting of the governing board hereof by the following vote, to-wit:

Board Member Cantu:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Jackson:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Levinson:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Maldonado:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member McKean:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Oxborrow:	___ Yes	___ No	___ Abstain	<u>X</u> Absent
Board Member Raygoza:	<u>X</u> Yes	___ No	___ Abstain	___ Absent

Dated: 09/28/2021



Mark McKean
President of the Board of Trustees

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, the undersigned, hereby certify that this resolution is a true and correct copy of a resolution adopted on the 28th day of September, 2021 at a regular meeting of the Board of Trustees of the West Hills Community College District, and that such resolution appears in the official minutes of the governing board under that date.

Dated: 09/28/2021



Nina Oxborrow
Clerk of the Board of Trustees