

**BID NOTICE FOR
Freeway Lease Area No. 04-MRN-101-0032**

LOT DESCRIPTION: Usage of 150 LEGAL PARKING spaces ONLY (See attachment for location)

MINIMUM BID: \$5,700.00 Per Month

LOCATION: Adjacent to Hwy 101 at the Rowland Boulevard Park and Ride Lot in the City of Novato

START DATE: **October 1, 2006**

LEASE TERM: Two (2) years with a 90-day termination clause

AUCTION DATE: **10:00 a.m. on Wednesday, August 30, 2006 (Registration begins at 9:00 a.m.)**
State of California Department of Transportation, District 4, Auditorium, First Floor, 111 Grand Avenue, Oakland, California

SPECIAL NOTES: The leased premises shall be used exclusively on weekends only as a parking lot for the purpose of DISPLAYING operable wheeled motor vehicles for private party sale. NO OTHER ACTIVITIES AND/OR VENDING OF ANY KIND OR CHARACTER SHALL BE CONDUCTED, PERMITTED OR ALLOWED UPON THE LEASED PREMISES. ALL SALES TRANSACTIONS ARE TO OCCUR OFFSITE.

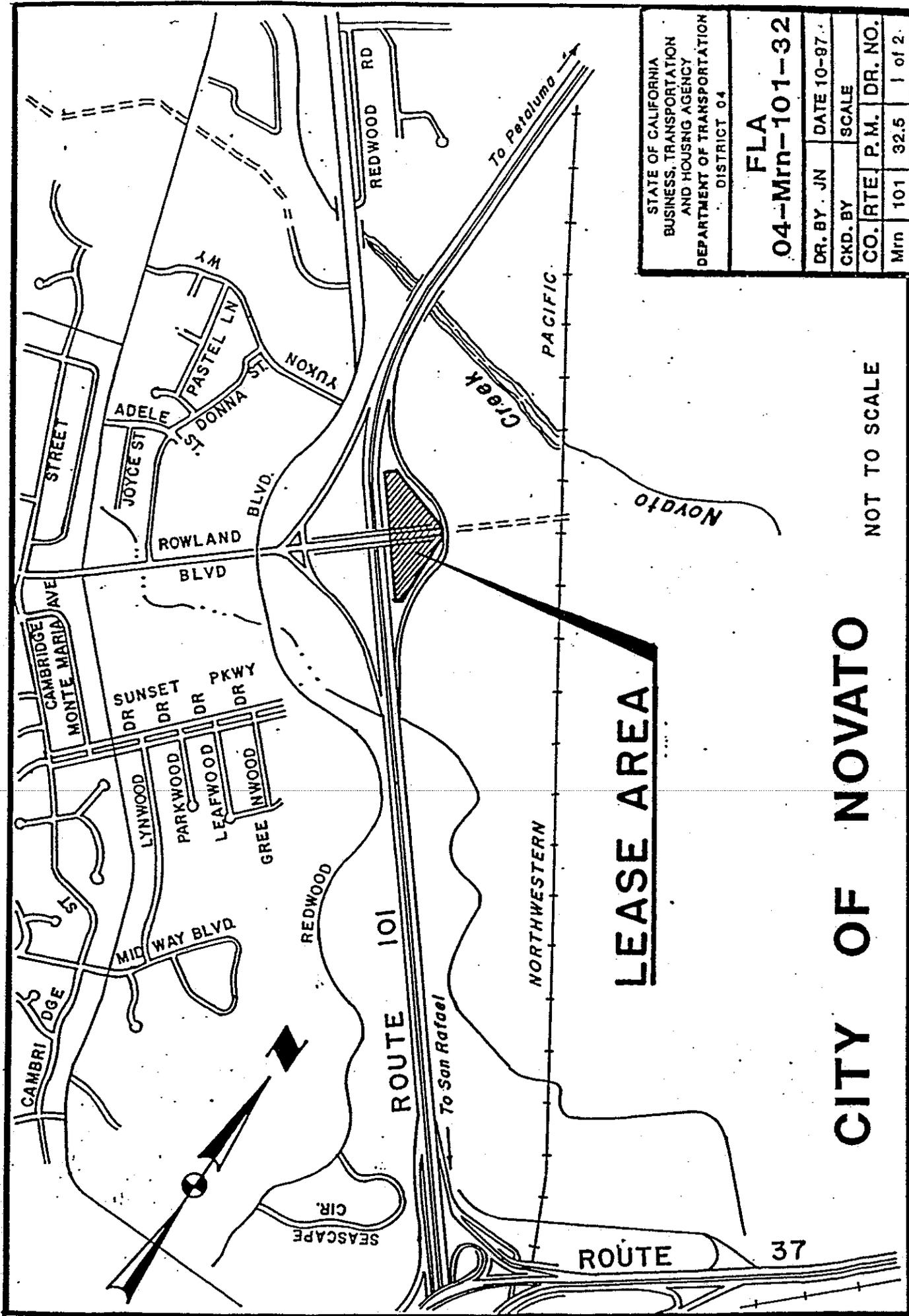
ADDITIONAL CONSIDERATIONS

1. The airspace property is being leased in an "as is" condition.
2. All bidders agree to all terms and conditions in the State of California Department of Transportation lease agreement. Please be advised that the lease was recently modified. To review a copy of the lease, please contact Leslie Wong at (510) 286-5423 or Steve Curutchague at (510) 286-5415.
3. All bidders understand that all local, state and federal taxes as well as all local parking taxes and possessory interest taxes (if applicable) are the sole responsibility of the Lessee.
4. The successful bidder is to utilize the designated area only as specified on the attached freeway lease area map, "Exhibit A", and further referenced in the State of California Department of Transportation lease agreement. Only two (2) advertising signs or banners of a combined size not greater than THIRTY (30) square feet of surface area are allowed to be displayed.
5. The successful bidder must keep in force during the term of the lease the following insurance policies for:
 - Comprehensive General Liability Insurance (\$5,000,000.00 Minimum)
 - Business and Automobile Liability Insurance (\$1,000,000.00 Minimum)
 - Garage Keeper's Legal liability Insurance (\$1,000,000.00 Minimum)
 - Workers' Compensation Insurance (\$1,000,000.00 Minimum)
6. All bidders must present, prior to the bid auction, a bid deposit in the form of a cashier's check in the amount of **\$5,700.00** made payable to State of California Department of Transportation herein after referred to as "Caltrans". Only cashier's checks will be accepted. Cash or a personal check will not be accepted. Failure to submit the required bid deposit in the form of a cashier's check at the start of the bid auction will result in Caltrans refusing your bid.
7. A current tenant who wishes to bid must be current in rental or lease payments and in good standing under any lease or rental agreement with Caltrans. Caltrans will refuse to accept any bid from a bidder

who is delinquent in rental or lease payments or in breach of any other provisions of a State of California Department of Transportation lease or rental agreement.

8. The high bidder must provide a completed and signed State of California Department of Transportation Nonresidential Lease Application (sample attached) within twenty-four (24) hours of the bid auction. Should Caltrans determine that any of the statements or certifications contained in said Airspace lease application are incorrect, false or misleading, the high bidder will be given ten (10) working days to rectify any deficiencies. If the high bidder is unable to rectify any deficiencies, the high bidder's bid may be rejected and the entire amount of the high bidder's bid deposit will be retained as liquidated damages.
9. The successful bidder must qualify financially by passing the State's account qualification process.
10. Caltrans reserves the right to offer this parcel to another bidder if the previous successful bidder fails to execute the standard lease within thirty (30) days following the auction or is disqualified for failure to comply with provisions of this bid notice or the Airspace lease application.
11. Caltrans will consider the failure of the successful bidder to execute the standard State of California Department of Transportation lease for any reason as a default which will result in forfeiture of the entire bid deposit which will be kept by Caltrans as liquidated damages.
12. The successful bidder agrees to pay the first month's rent and a security deposit equal to one month's rent plus five hundred dollars (\$500.00) for the lease **by September 15, 2006**. Failure to pay by the date indicated will result in forfeiture of the bid deposit, which will be kept by Caltrans as liquidated damages.
13. The bidders understand that all sales transactions are to be conducted off-site. No direct sales activities or collection of consignment fees will be permitted on the leased premises. Only legal parking spaces are to be used, no illegal parking in driveway, sidewalk, or landscaped areas will be permitted.
14. The successful bidder is entitled to the use of one hundred fifty (150) legal parking spaces in the Park and Ride lot from 7:00 p.m. Friday until 7:00 p.m. Sunday or 8:00 p.m. Sunday during Pacific Daylight Saving Time Period. All vehicles must be removed from the premises no later than 9:00 p.m. each Sunday. There will be no storage of any items on the property.
15. The successful bidder will display in each vehicle one 8.5"x11" placard bearing a number from 1 to 150 during the hours of operations. Failure to post a placard on any display vehicle may be considered a material breach of the lease.
16. The use of any designated handicapped space is prohibited.
17. The successful bidder must maintain an attendant on the leased premises during the entire hours of operation. The hours of operation of this lease are Friday, 7:00 p.m. to 9:00 p.m., Saturday, 7:00 a.m. to 5:00 p.m., and Sunday, 7:00 a.m. to 7:00 p.m. or 8:00 p.m. during Pacific Daylight Saving Time. During these hours the attendant shall be responsible for the following:

Maintain a watch over the displayed vehicles and report any suspicious or potentially criminal activities to the California Highway Patrol.
18. Night patrol by security personnel after hours of operation is recommended, however, no habitation on the leased premises will be allowed.
19. Caltrans reserves the right to refuse any or all bids.



STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION DISTRICT 04	
FLA	
04-Mrn-101-32	
DR. BY JN	DATE 10-97
CKD. BY	SCALE
CO. RTE 101	P.M. DR. NO. 32.5
Mrn 101	1 of 2

CITY OF NOVATO

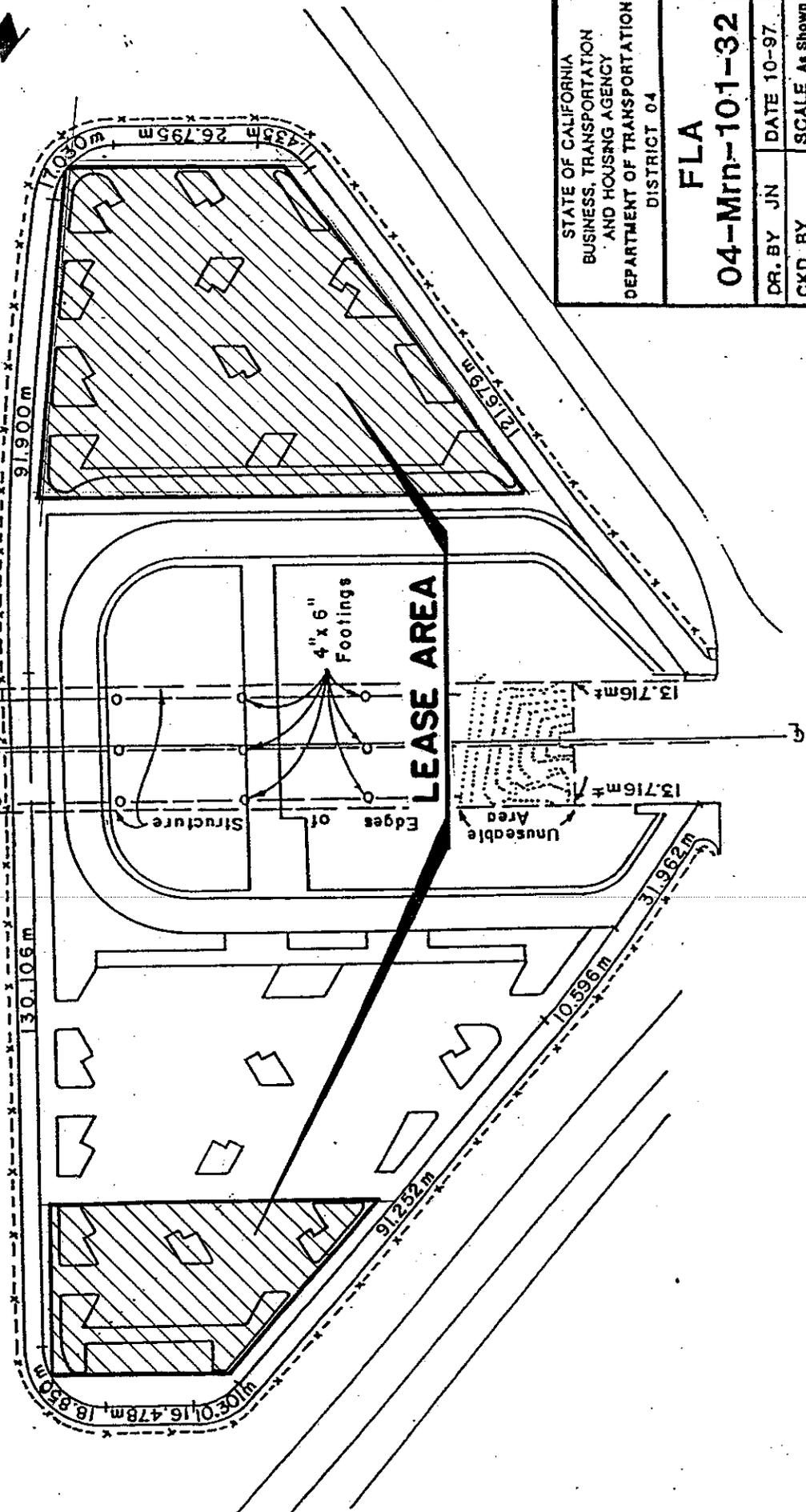
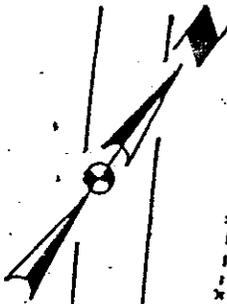
LEASE AREA

NOT TO SCALE

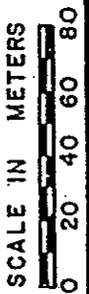
Dimensions and clearances shown are approximate. Where greater accuracy is required an engineering field survey is suggested.

ROUTE 101

ROWLAND BLVD.



STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION DISTRICT 04	
FLA	
04-Mrn-101-32	
DR. BY JN	DATE 10-97
CKD. BY	SCALE As Shown
CO. RTE. P.M.	DR. NO.
Mfn: 101	32.5 2 of 2.



BIDDER INFORMATION SHEET FOR ORAL AUCTION PARTICIPANTS

BIDDER NAME: _____

ADDRESS _____

TELEPHONE: () _____ CELL PHONE: () _____ PAGER:() _____

ARE YOU BIDDING ON BEHALF OF A BUSINESS? YES () NO ()

IF YES, NAME OF BUSINESS: _____

I HEREBY CERTIFY THE ABOVE INFORMATION IS CORRECT:

Signed By:

DATE: _____

The above information must be provided in full and submitted prior to the beginning of the oral auction. Bids will not be accepted without this form.

BIDDER NUMBER: _____ (to be completed by Caltrans when presented by bidder on the day of the auction)

NON-RESIDENTIAL RENTAL APPLICATION (Cont.)

RW 11-6 (2/1996)

Business Assets

Please attach financial statements for the past two (2) years. (If self-employed or retired, attach financial statements and/or income tax returns.)

I certify that I have never filed for bankruptcy and have no accounts past due.

APPLICANT'S SIGNATURE			DATE	
In Case of Emergency, Notify:	Home Address	Home Phone	City	Relationship
1.				
2.				
Local Personal References	Home Address	Home Phone	Occupation	Length of Acquaintance
1.				
2.				

Sections 7(a)(1) and (b) of the Federal Privacy Act of 1974 (Public Law 93.5.79) provide:

"It shall be unlawful for any Federal, State or Local Government Agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his/her social security account number."

"Any Federal, State or Local Government Agency which requests an individual to disclose his/her social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

The Department of Transportation's authority for requesting disclosure is Streets and Highways Code Section 104.6, which reads:

"The Department is authorized to lease any lands which are held for State Highway purposes and are not presently needed therefore on such terms and conditions as the Director may fix and to maintain and care for such property in order to secure rent therefrom."

The Social Security Number will be used to (1) trace delinquent tenants who have vacated without leaving a forwarding address; and (2) enable the State Controller to collect delinquent rent by the offset procedure required by State Administrative Manual Sections 8072.3, 8790.7 and 10510, as authorized by Government Code Section 12419.5.

Applicant represents that statements made above are true and correct and hereby authorizes verification of references including but not limited to the obtaining of a credit report and agrees to furnish additional credit references on request. Applicant acknowledges receipt of notification of the provisions of the Federal Privacy Act of 1974 and consent thereof.

I CERTIFY THAT I HAVE READ THE NOTICE TO APPLICANTS DESIRING TO RENT DEPARTMENT OF TRANSPORTATION PROPERTIES AND AGREE TO THE CONDITIONS SET FORTH.

The undersigned makes application to rent nonresidential property designated at address below for the rental fee and upon approval of this application agrees to sign a rental or lease agreement and to pay all sums due before occupancy.

RENTAL PROPERTY ADDRESS	RENTAL FEE
APPLICANT'S SIGNATURE	DATE

ADA Notice

For individuals with disabilities, this document is available in alternate formats. For information call (916) 654-5413 Voice, CRS: 1-800-735-2929, or write Right of Way, 1120 N Street, MS-37, Sacramento, CA 95814