ORAL AUCTION

Home Site with agricultural land - Vacant

18.02 ac in Live Oak, Ca

LOCATION: 1555 Encinal Rd. off Hwy 99 in Sutter County.

INFORMATION: **www.dot.ca.gov/property**

MIMIMUM BID: $551,000.00 **REGISTRATION**: $20,000.00

STATE'S ID: DD 019309-02-01

AUCTION DATE: **02/26/2019** **AUCTION: 8:30 AM**

OPEN HOUSE: **02/20/2019** **TIME: 11:30am to 3:30pm**

AUCTION PLACE: Department of Transportation, District 3
703 B Street
1st Floor- Jody Jones Room, # 175
Marysville, CA 95901

CONTACT: Michael Sanchez, (530) 741-4427
michael.sanchez@dot.ca.gov

The Department of Transportation makes no representation as to the potential uses of this property. Bidders should check with Sutter County Planning Department at (530) 822-7400 or https://www.suttercounty.org/doc/government/depts/ds/ps/cs_planning_services regarding zoning, building restrictions, ultimate development, etc.

DATA SHEET

The information contained in these sources is deemed reliable, but accuracy and completeness are not guaranteed. This material is provided merely as a courtesy to the bidders. All bidders are encouraged to make visual inspections prior to bidding. The property is sold in an "as is" condition.

PROPERTY: The property is located at 1555 Encinal Rd. off Hwy 99 in Sutter County

LOCATION: Sutter County

ZONING: Currently zoned as Agricultural. **Buyers are advised to do their own research before bidding.**

SHAPE: Triangular

TOPOGRAHY: Topography on the subject parcel is generally level at street grade.

UTILITIES: Phone, PG & E, Satellite and Internet services available along with fire and police protection from the County of Sutter.

TENANCY: No tenancy

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

ENCUMBRANCES: No preliminary title report was available for inspection.

The sale of this property is subject to all matters of public record and any easement, claim of easements or reservations not of record. Prospective bidders should consult local title companies if more complete information regarding the title of the property is required. The Department does not provide a preliminary title report.

IMPROVEMENTS: Single Family Home with surrounding chain link fencing. Includes agricultural well on the agricultural property.

REMARKS: This sale is subject to the approval of the California Transportation Commission [CTC]. The awarding bid will be submitted for approval at the CTC's scheduled meeting on May 15-16, 2018.

MINIMUM BID: $551,000 REGISTRATION FEE: $20,000

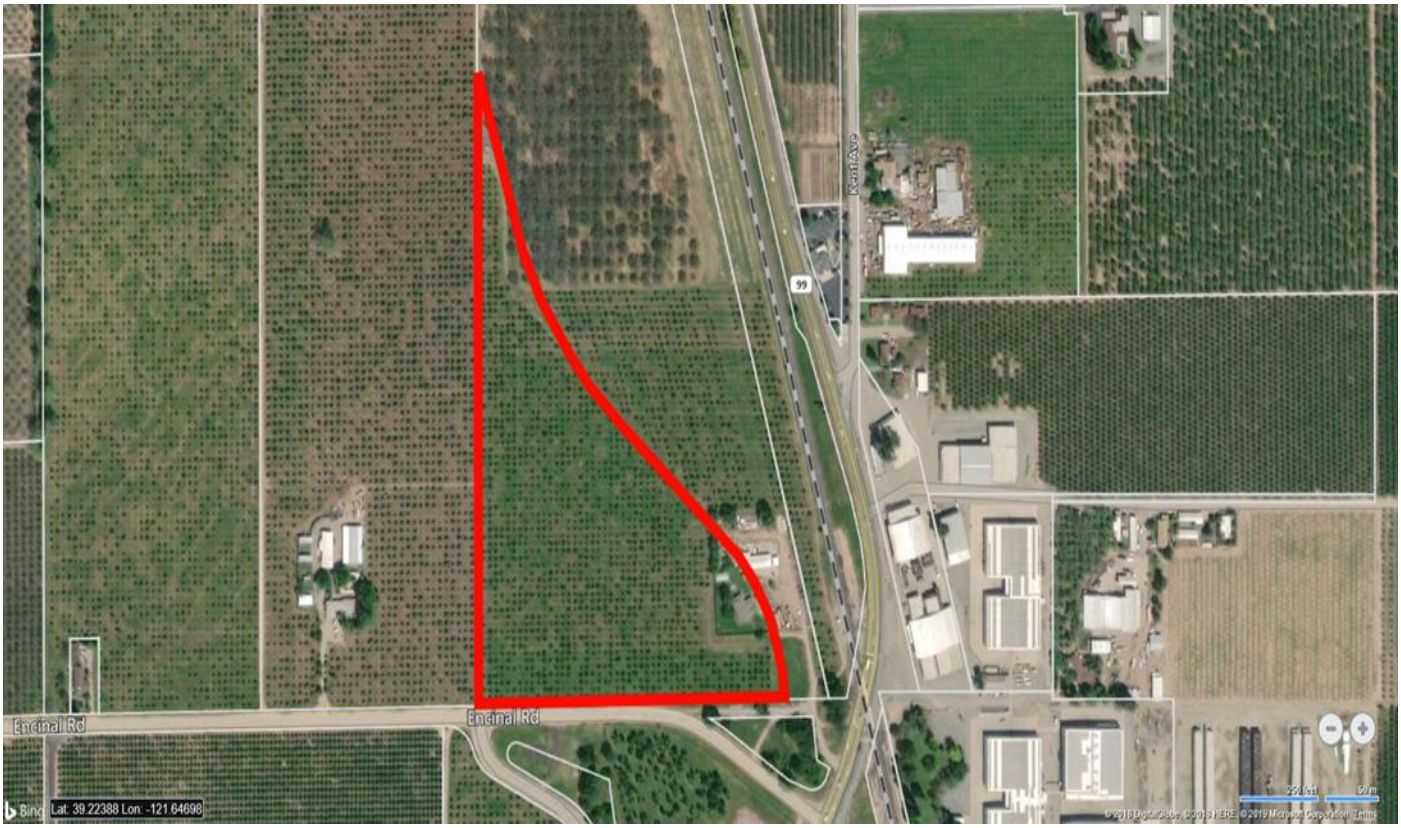
TERMS: CASH-45 Day Option

AUCTION DATE: Tuesday February 26, 2019 @ 8:30 AM

OPTION DEPOSIT: 10% of Bid less registration fee of $20,000 due March 4, 2019, by 1:00PM

OPTION PERIOD: Balance in full on or before Tuesday, May 14, 2019 at 1:00 PM

PHOTOS:



Arial Photo of property

TERMS OF OPTION TO PURCHASE AGREEMENT

MINIMUM BID: $551,000.00

TERMS: **CASH 45-Day Option Period -**The full bid price shall be paid to the Department of Transportation on or before the end of the Option Period, **Tuesday, May 14, 2019 at 1:00 PM**

BID REGISTRATION: In order to participate in this auction, a registration fee of $20,000 is required**.** The registration fee must be by cashier's check, certified check, or money order made payable to the Department of Transportation. ONCE YOU HAVE PAID THE REGISTRATION, YOU WILL BE HANDED A BIDDING NUMBER FOR THE AUCTION. The registration fee will be refunded by to all unsuccessful bidders immediately following the auction. The successful bidder will apply the $20,000 registration fee toward their Option Deposit.

OPTION DEPOSIT: The total Option Deposit represents 10% of the actual bid. The winning bidder will be required to pay the Department of Transportation the difference between the initial registration fee of $20,000 and an amount representing 10% of the winning bid within 5 working days of the auction. Payment of said differences must be received by Monday March 4, 2019 by 1:00PM, or the registration fee of $20,000 is forfeited and the Option will be awarded to the 2nd highest bidder.

OPTION PERIOD: The Option Deposit previously described will be consideration for the 45-day Option Period and will be credited toward the accepted bid. The balance of the accepted bid shall be paid on or before the expiration of the **45-day Option Period, Tuesday May 14, 2019 at 1:00 PM.** There may be situations wherein the Option holder is unable to complete the terms of this 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 may be **non-refundable** in the event that the successful bidder fails to exercise the Option within the 45-Day Option Period or fails to comply with any and all of the terms of the Option, as provided herein.

SECOND HIGHEST BID: In the event the high bidder fails to exercise his/her Option within the Option Period or defaults in the completion of the sale, the State may, at its discretion, offer the parcel to the second highest bidder. If the second highest bidder accepts the Option, the deposit requirements and terms of the "Option to Purchase" agreement shall be the same as stated in this Sales Brochure, except that the Option Period shall commence on the day the Option is awarded by the State.

OPTION AGREEMENT: The Bid Form shall be exercised as the "Option to Purchase Agreement." The successful bidder shall be bound to the terms specified in both the "Terms of Option to Purchase Agreement" and this Sales Brochure. The Option is not assignable or transferable. The sale is subject to approval of the California Transportation Commission (CTC), tentatively scheduled to meet on May 15-16, 2019. Title will transfer after the balance of the purchase price is received, CTC approval, and the Director's Deed is recorded.

ESCROW: The successful bidder may open an escrow at bidder's option and expense. If the successful bidder chooses to open an escrow, the escrow officer shall notify the Department of Transportation by letter addressed to: Caltrans, 703 B Street, Marysville, CA 95901, Attn: Michael Sanchez, Excess Land Sales, within 10 working days of the auction.

LIMITING CONDITIONS:

(1) The sale under this Option is subject to the approval of the California Transportation Commission [CTC]. If the sale is not approved, the Option Deposit and balance payment will be refunded without interest. The purchaser may take possession when the Director's Deed is recorded.

(2) When the CTC approves the sale and the successful bidder elects to exercise the Option, the Deposit will be credited toward the bid purchase price.

(3) The State reserves the right to reject any and all bids and 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) An agreement between two or more prospective bidders to set their bid price or not to submit bids against each other, with the purpose of purchasing this parcel or other parcels at a more advantageous price or terms, is prohibited. Where such agreements come to the knowledge of the Department of Transportation, any bids made pursuant to such an agreement will be disqualified.

(5) The property is sold in an "AS IS" condition. Repairs are the responsibility of the successful bidder. The State makes no warranties, oral, written or implied to any of the property's improvements. Condition of all improvements is a risk that the successful bidder must accept. The successful bidder agrees that, as of the close of escrow, the property is acquired in an "AS IS" condition with all faults and conditions then existing on the property, including any hazardous substances or hazardous wastes that may be located on, under, or around the property, whether known or unknown, and the successful bidder assumes all responsibilities for such faults and conditions.

(6) The property is warranted to be free of any liens, court judgments, loans and delinquent or unpaid property 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 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 reservation whether or not of record. The successful purchaser may obtain a policy of title insurance at his or her own expense.

(7) The successful bidder shall pay all recording fees; points, repairs, costs, and documentary transfer taxes where applicable.

(8) Should the successful purchaser desire a survey of the property, this may be accomplished by an independent survey at the purchaser's expense. The Department of Transportation makes no warranty relative to the ground locations of property lines other than monumented highway right of way lines.

(9) The subject is zoned **agricultural of which 0.75± acres consists of a homesite**. It is recommended that all prospective purchasers fully investigate zoning and land-use restrictions with local authorities concerning the potential uses. The Department makes no warranty regarding the zoning or rezoning of any property or land-use determinations. The successful bidder shall be responsible for checking and complying with local codes and ordinances for permitted land uses.

(10) The property is currently exempt from local taxes and will return to tax rolls upon recording of the Deed.

(11) The sale of this excess property is exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA). The environmental determination by Caltrans for the sale of this 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. The buyer should also be aware that if the buyer seeks some form of approval/permit for development subsequent to buyer's purchase of this excess property, the local agency may require an environmental document and/or environmental analysis before giving its approval or permit.

(12) This property may be situated within a Special Studies Zone under the Alquist-Priolo Special Studies Zones Act, Sections 2621-2625 of the California Public Resources Code. As such approval of any future construction or development of any structure for human occupancy on this property may be subject to the findings contained in a geologic report prepared by a geologist registered in the State of California.

(13) The information contained herein has been obtained from sources deemed reliable, but accuracy and completeness are not guaranteed.

(14) All State of California, Department of Transportation 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.

(15) The successful bidder shall be bound to the terms specified in both the "Terms of Option to Purchase Agreement" and this Brochure.

(16) Every purchaser of any interest in residential real property of which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. Lead poisoning also poses a particular risk to pregnant woman. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

(17) The Department of Transportation does not have any records indicating lead-based paint and/or lead-based paint hazards in the property that is being offered for sale. The purchaser is allowed a 10-day period to conduct a lead-based paint inspection or risk assessment at his/her own expense. However, the property is sold in an "AS IS" condition and no remediation will be done by the Department of Transportation. If a risk assessment is completed by purchaser within the 10-day period, and the purchaser decides not to exercise his/her Option based on the results of the assessment, the Option Deposit will be refunding without interest.

(18) In accordance with the Environmental Protection Agency (EPA) and the Department of House and Urban Development (HUD), effective September 6, 1996, all sellers must disclose known lead-based paint and lead-based paint hazards and provide available reports to buyers for any housing built before 1978. Each buyer will receive a pamphlet entitled "Protect Your Family From lead in Your Home" and be required to sign a Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards Form.

AUCTION INSTRUCTIONS:

1. Have a registration fee of $20,000 by cashier's check, certified check, or money order made payable to the Department of Transportation. **PERSONAL CHECKS WILL NOT BE ACCEPTED**.

2. Turn in the registration fee, sign in to participate and receive a bid number. Registration will start at 8:00 AM on February 26, 2019 at 703 B Street, Marysville CA-Room number #175.

3. Bidding will start by 8:30, unless registration is still taking place but no later than 9:00 AM.

4. You must show identification in order to get your registration deposit back, otherwise it will be mailed back to you via certified-mail on February 27, 2019.