

FREMONT STREET AND SHERMAN STREET PUBLIC RIGHT-OF-WAY CONDITIONS OF SALE

Description of Public Right-of-Way:

The public right-of-way to be sold is located on portions of Fremont Street and Sherman Street located at 575 Benton Street and surrounding properties. Below is a more detailed description:

That portion of Fremont Street (70-foot wide right-of-way) from the extension of the easterly right-of-way line of The Alameda to the extension of the westerly right-of-way line of Sherman Street, and that portion of Sherman Street (70-foot wide right-of-way) from the extension of the northerly right-of-way line of Benton Street (portion having a 42-foot wide half street) to the southerly right-of-way line of El Camino Real and containing an area of 57,693 square feet, more or less.

Limitations on Use of Public Right-of-Way:

The City will reserve an easement and right-of-way (herein "Public Utility Easement") in, on, over, under, along and across the herein described property for the purpose of constructing and reconstructing, installing, operating, maintaining, repairing, and/or replacing all public and City utility facilities, including a reasonable right of ingress and egress over adjoining land. Said Public Utility Easement shall be kept open and free from trees, buildings, and structures of any kind except irrigation systems, and appurtenances thereto. Private facilities, except to cross or connect to facilities of the servicing agency, and decorative hardscape improvements shall be excluded from the Easement, and no private structures may be constructed on the Public Utility Easement. The Public Utility Easement would be extinguished upon recordation of the Parcel Map for the 575 Benton Development Project.

Relocation of Existing Utilities:

All existing utilities within said Fremont Street and Sherman Street shall be relocated at successful bidder's cost prior to recordation of the Parcel Map for the 575 Benton Development Project.

Price Offered for Sale of Public Right-of-Way:

The price offered for sale is \$920,000 cash plus \$8,600,000 for utility relocation (total of \$9,520,000). Any overbid at the City Council meeting must be an amount not less than 5% greater than this total price or \$9,996,000.

Bidding Requirements:

1. The original bidder has offered to purchase the public right-of-way located on portions of Fremont Street and Sherman Street for the price offered for sale of \$920,000 cash plus \$8,600,000 for utility relocation (total of \$9,520,000). At a properly noticed Council meeting, Council will call for any over-bids on the public right-of-way.
2. If there are any over bidders, the minimum over-bid amount must be at least 5% above the offering total price, or \$9,996,000.

3. If an initial over-bid is made, all bids thereafter must be in increments of at least \$1,000 greater than the previous bid;
4. If any over-bid is successful, the Mayor may hold the bid in abeyance for a future Council meeting to allow staff time to determine whether the over-bidder is qualified to purchase the public right-of-way and to determine the creditworthiness of the over-bidder;
5. If Council accepts a bid, the City Manager and the successful bidder shall execute such documents as may be necessary to convey the public right-of-way.