

REQUEST FOR PROPOSALS (RFP)  
SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY OF  
THE CITY OF MILPITAS

Sale of Real Property  
230 N. Main Street  
Milpitas, CA 95035

APN 028-34-001 through 028-34-094  
1.609 acres of vacant land

**Proposals due NLT 5:00 P.M., PST, October 23, 2017**

**230 N. Main Street  
APN 028-34-001 through 028-34-094  
Milpitas, California 95035**

**INTRODUCTION**

This is a second Request for Proposals (RFP) by the Successor Agency to the Redevelopment Agency of the City of Milpitas (“Successor Agency”) inviting proposals from qualified Proposers to purchase property located in the City of Milpitas at 230 N. Main Street (APN 028-34-001 to 028-34-094) (“Site”). No proposals were received from the first issuance. Among other things, this RFP clarifies language, updates statutory requirements for the sale, reduces the deposit amount, and provides for a longer Due Diligence Period. A Site View and current zoning depiction of the Property are attached at the end of this RFP as “Attachment A.”

The former Redevelopment Agency of the City of Milpitas owned the property until the Redevelopment Agency was dissolved pursuant to Assembly Billx1 26 (“ABx1 26”). The Successor Agency is now responsible for disposing of the property which was included in the Successor Agency’s Long Range Property Management Plan.

**DUE DATE AND TIME**

Proposals are due not later than **MONDAY OCTOBER 23, 2017, AT 5 P.M.**

**BACKGROUND**

Milpitas is a general law city incorporated in 1954 and has grown from the “Little Cornfields” then to a major city with over 70,000 people now. The City is conveniently located beside Silicon Valley’s east foothills, where there are endless opportunities, civic pride and the ease of ‘one-stop’ living.

The Site is located within the former Milpitas Redevelopment Area and was owned by the former Redevelopment Agency, which purchased the property on August 20, 2010.

ABX1 26 amended by AB 1484 and SB 107 (collectively the “Dissolution Law”) and codified in the California Health & Safety Code dissolved redevelopment agencies in California as of February 1, 2012. Pursuant to the Dissolution Law, all non-housing properties owned by the Redevelopment Agency were transferred to the Successor Agency. The Successor Agency addressed the disposition of the subject property in its Long Range Property Management Plan (“LRPMP”) which was approved by the California Department of Finance on March 9, 2015. The Successor Agency is now seeking a qualified Proposer to purchase the Site.

The Dissolution Law provides for oversight of Successor Agency wind-down activities by an Oversight Board comprised of seven members. The Successor Agency will review the proposals and transmit its recommendations to the Oversight Board. An Ad Hoc

Committee of the Oversight Board will also review the proposals and make recommendations to the Oversight Board. The Oversight Board will hold a public meeting to consider recommendations and will take action on the recommendations. The Oversight Board's action on approval of a proposal may be submitted to the California Department of Finance.

## **PROPOSAL REQUIREMENTS**

1. The Successor Agency is seeking proposals from qualified Proposers to purchase the Site at not less than fair market value.
2. Completing the property sale in a timely manner is especially important to the Successor Agency and the Oversight Board.
3. Closing shall be on an all-cash basis, not later than one hundred eighty (180) days following approval of the Proposer's offer by the Oversight Board.
4. Sale of the property is to be done expeditiously and in a manner aimed at maximizing the value to the taxing entities.
5. No warranty, express or implied, other than clean title will be provided by Seller.
6. Proposals are required to meet the requirements of this RFP.

## **PROPERTY DATA**

1. The Site is located at 230 N. Main, Milpitas, California, 95035.
2. The Site consists of Assessor Parcel Numbers 028-34-001 through 028-34-94 and is approximately 1.609 acres in size.
3. The Site is zoned "Park and Open Space" by the City of Milpitas. Proposers shall familiarize themselves with all City of Milpitas' zoning and entitlement issues relating to the site, and make an independent determination of whether the site can be developed for the purpose intended by the Proposer.
4. Zoning and Planning Ordinances are found in the Milpitas Municipal Code and which, along with the General Plan, may be accessed at <http://www.ci.milpitas.ca.gov/government/planning/default.asp>.

## **MATERIALS REQUIRED TO BE SUBMITTED**

1. The prospective Proposer shall:
  - Submit one (1) original mailed or delivered Proposal together with the attached original Cashier's Check for the Deposit (described below) to:

Steve J. Pangelinan  
Acting City Manager  
City of Milpitas

455 East Calaveras Boulevard  
Milpitas, CA 95035-5479

**AND the prospective Proposer shall also:**

- Simultaneously submit an emailed copy of the Proposal with a copy of the Cashier's Check for the Initial Deposit as follows:
  - To Steve Pangelinan at [spangelinan@ci.milpitas.ca.gov](mailto:spangelinan@ci.milpitas.ca.gov) **AND**
  - To Rachelle Currie at [rcurrie@ci.milpitas.ca.gov](mailto:rcurrie@ci.milpitas.ca.gov) **AND**
  - To Hilda Cantú Montoy, Oversight Board Counsel at: [hildac@montoylaw.com](mailto:hildac@montoylaw.com).

In order to be considered responsive, the mailed and/or delivered copy and check and the e-mailed copies must all be received not later than 5:00 PM on October 23,, 2017. Proposers are encouraged to submit their proposals early so as not to risk unanticipated delays that could invalidate their offer and to utilize delivery confirmation services.

**All Proposals should include the following sections in the order enumerated below:**

**2. PURCHASE PRICE AND FINANCIAL CAPACITY**

The Proposal shall include the following information:

- a. An all-cash purchase price offer and information supporting the offer.  
*Note: Per Dissolution Law, the property must be sold at not less than fair market value.*
- b. Proof of the Proposer's financial capacity to purchase the property and readiness to proceed.
- c. Proposer Information
  - (i) Name, address, phone and fax numbers for the lead Purchasing Entity (e.g., corporation, joint venture, limited partnership, etc.) and date of legal establishment.
  - (ii) Name, title, address, phone and fax numbers, and email address of the person designated as the Primary Contact for the Purchasing Entity.
  - (iii) Other relevant information responsive to this RFP.

**3. TERMS AND CONDITIONS**

The Proposal shall include:

- a. Acceptance of the requirements and the terms and conditions of sale set forth in this RFP.
- b. Deposit: A deposit of fifty thousand dollars (\$50,000.00) in the form of a Cashiers' Check made out to "Chicago Title" shall be attached to the written offer. Chicago Title shall be the escrow company for the sale and shall hold the \$50,000.00 for the benefit of Seller. No other form of a deposit will be accepted. Only the Successful Proposer's check will be deposited with Chicago Title. All other Deposit Checks will be returned to the respective Proposer uncashed.
- c. Within ten (10) days of approval by the Oversight Board, the Successful Proposer shall execute a Purchase and Sale Agreement for the Property reflecting the terms approved by the Oversight Board which shall be in substantial conformance to that attached hereto. The Purchase and Sale Agreement shall provide for a ninety (90) day Due Diligence Period. The Due Diligence Period shall commence upon full execution of the Purchase Sale Agreement by the parties.
- d. The Deposit shall be refunded upon notification by the Successful Proposer within the ninety (90) days of the Due Diligence Period that it is cancelling the contract.
- e. Upon release of the Due Diligence Contingency, if the Successful Proposer has not cancelled the contract by that date, the DEPOSIT shall be non-refundable. If the Purchase and Sale Agreement is not cancelled by the Successful Proposer, the Proposer will be responsible for purchasing the Site on an all cash basis with closing to occur not later than one hundred eighty (180) days following approval of the Proposer's offer by the Oversight Board.

NOTE: Proposals may include a proposal for the sharing of Broker's Fees between the Successor Agency and the Successful Proposer (Buyer). Any potential sharing will be solely between the Successful Proposer and the Successor Agency as approved by the Oversight Board. There is not and will not be any privity of contract between the Successor Agency and any broker.

## **SELECTION CRITERIA**

All statements and numbers submitted in response to this RFP will be reviewed and evaluated by the Successor Agency and the Oversight Board. It is anticipated that the Oversight Board will make its determination as to the Successful Proposer within thirty (30) days after the proposals are received.

Proposals for this Site will be evaluated on completeness, the purchase price, and whether they meet the requirements set forth in this RFP.

## **RIGHTS RESERVED**

The Successor Agency and Oversight Board retain the right to:

- Reject any and all proposals;
- Reject conditional or incomplete proposals or any proposal containing alterations of form or additions not called for, or irregularities of any kind;
- Determine which proposal, if any, is the best;
- Waive any irregularity in any proposal;
- Withdraw any and all of the described real property from the market;
- Approve the final Purchase and Sale Agreement; and
- Negotiate terms and conditions of a proposal with one or more Proposer.

Issuance of this RFP does not commit the Successor Agency or Oversight Board to select a proposer, pay any costs incurred in the preparation of a response to the RFP, award any contract or rights, or take any further actions regarding sale of the Property.

### **QUESTIONS; CORRESPONDENCE**

Questions regarding this RFP shall be submitted in writing as follows:

- Hilda Cantú Montoy, Oversight Board Special Counsel, is the contact for questions regarding the RFP and RFP process. Her email address is Email: [hildac@montoylaw.com](mailto:hildac@montoylaw.com).
- Bradley Misner, City of Milpitas Planning and Neighborhood Services Director, is the contact for land use and development-related questions in the City of Milpitas. His email address is [bmisner@ci.milpitas.ca.gov](mailto:bmisner@ci.milpitas.ca.gov) and his telephone number is (408) 586-3273.

## **ATTACHMENT A**

## Site View and Zoning Depiction

(next two pages)