

**ARIZONA STATE LAND DEPARTMENT
1616 WEST ADAMS STREET
PHOENIX, ARIZONA 85007**

PUBLIC AUCTION SALE NO. 53-118054

Pursuant to A.R.S. Title 37, notice is hereby given that the state of Arizona through its Arizona State Land Department (herein called ASLD), will sell at Public Auction to the highest and best bidder at 1:00 p.m. on Wednesday, February 17, 2016, at the Arizona State Land Department, 1616 West Adams Street, Lower Level Auditorium, Phoenix, Arizona, trust lands situated in Maricopa County to wit:

TOWNSHIP 6 NORTH, RANGE 2 EAST, G&SRM, MARICOPA COUNTY, ARIZONA

PARCEL: M&B IN S2NE; N2SE, SECTION 33, CONTAINING 99.27 ACRES, MORE OR LESS.

PARCEL: M&B IN LOTS 1 & 2; SWNWSW, SECTION 34, CONTAINING 46.57 ACRES, MORE OR LESS.

TOTAL ACRES CONTAINING 145.84 ACRES, MORE OR LESS

LOCATION: WEST OF I-17 AND NORTH OF THE CLOUD ROAD ALIGNMENT,
PHOENIX, ARIZONA

BENEFICIARY: PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)

For a complete legal description of the land, prospective bidders are advised to examine the purchase application file as well as all pertinent files of ASLD.

The land has been appraised at \$2,625,000.00 and consists of 145.84 acres, more or less. There are no reimbursable improvements.

The above described lands are sold subject to existing reservations, easements, or rights of way.

The ASLD does not represent or warrant that access exists over lands, which may intervene respectively between the above parcel(s) and the nearest public roadway.

The complete file associated with the described land is open to public inspection at the ASLD, 1616 West Adams Street, Phoenix, Arizona, from 8:00 a.m. to 4:30 p.m., exclusive of holidays and weekends. Please direct any questions regarding this Public Auction to the Real Estate Division of ASLD at (602) 542-3000. This auction notice is available on the ASLD's web site at www.azland.gov.

Pursuant to the provisions of A.R.S. §37-231, the state of Arizona or its predecessor in title, reserve and retain all rights and all forms of access to all oil, gas, minerals, hydrocarbon

substances and gaseous substances or any other material which is essential to the production of fissionable materials as provided by the rules and regulations of ASLD and the laws of Arizona.

Each potential bidder must show ASLD's representative a **cashier's check** made payable to the Arizona State Land Department in the amount specified under Terms of Sale Paragraph (A) below.

TERMS OF SALE:

(A) *At the time of auction* the successful bidder must pay the following by a cashier's check: (1) 10% of the appraised value of the land, which is \$262,500.00; (2) A Selling and Administrative Fee of 3% of the appraised value of the lands, which is \$78,750.00; (3) Reimbursable Estimated Advertising Fee, which is \$5,000.00; (4) Reimbursable Appraisal Fee, which is \$3,200.00; (5) Reimbursable Costs and Expenses, not to exceed \$6,200.00; and (6) Patent Fee of \$200.00. The total amount due at the time of sale is \$355,850.00 (less \$14,400.00 if the successful bidder is the applicant for a total amount due of \$341,450.00).

(B) Within 30 days after the auction date the successful bidder must pay the full balance of the amount bid for the land and pay a Selling and Administrative Fee of 3% of the purchase price, less the amount paid under (A)(2) above. If the purchase price exceeds \$10 million, the Selling and Administrative Fee will be the greater of \$300,000.00 or 2.5% of the purchase price, less the amount paid under (A)(2) above. If the purchase price exceeds \$25 million, the Selling and Administrative Fee will be the greater of \$625,000.00 or 2.0% of the purchase price, less the amount paid under (A)(2) above.

(C) Within 30 days after the auction date the successful bidder must pay the actual legal advertising cost, less the amount paid under (A)(3) above.

(D) The ASLD Commissioner has determined that, when and if the successful bidder performs all acts required to become entitled to a Patent, a Broker Commission shall be paid from the Selling and Administrative Fee collected by ASLD pursuant to A.R.S. § 37-107(B)(1) to a broker otherwise eligible to receive a commission under Arizona Administrative Code: Title 12. Natural Resources: Chapter 5. Land Department: Article 4. Sales (R12-5-413). **The Broker Commission shall not exceed \$26,000.00 and shall be paid from the Selling and Administrative Fee.** Any fee collected in excess of a brokerage commission paid shall be collected and retained by ASLD. **No commission shall be paid to the broker until a Patent has been issued to the successful bidder by ASLD.**

ADDITIONAL CONDITION(S):

The patent for the subject property shall include the following conditions and restrictions:

All bidders are hereby notified that there are known Register Eligible Site or Sites located within the subject property, which could include cultural properties, historic buildings and structures, and objects located on the property that are significant in this State's history, architecture, archaeology or culture and may meet eligibility criteria, which the Arizona State Parks Board has established for listing on the Arizona Register of Historic Places, or which meet eligibility criteria for listing on the National Register of Historic Places. These sites are identified in a cultural resources inventory report dated July 2007, entitled *A Cultural Resources Survey of 3,160 Acres of State Trust Land to be Acquired for the*

Sonoran Preserve, City of Phoenix, Maricopa County, Arizona (Gentili 2007). Purchaser shall cause no ground disturbance within 100 feet of the identified Register Eligible Site or Sites. If ground-disturbing activities will or may impact one or more Register Eligible Site or Sites, purchaser shall consult with the State Historic Preservation Office and otherwise take such actions as are necessary to avoid, preserve, protect, or mitigate impacts on the Register Eligible Site or Sites. In the event that avoidance, preservation and protection of the Register Eligible Site or Sites cannot be accomplished, purchaser shall ensure a Data Recovery Plan is developed in consultation with and acceptable to, the Arizona State Museum and the State Historic Preservation Office, or their successor agencies, and the Data Recovery is implemented and completed prior to the Register Eligible Site or Sites being affected. The artifacts and records recovered from the property shall be curated according to the Arizona State Museum (ASM) Conservation and Curation Standards as established in rules implementing the Arizona Antiquities Act. These conditions shall run with the land, and be binding on the purchaser's heirs, successors and assigns.

BIDDING INFORMATION:

(A) The time of sale shall be deemed to be the time of declaration of the highest and best bidder. The bidding will begin at the total appraised value of \$2,625,000.00. A bid for less than the appraised value of the land or by a party who has not inspected the land and/or the associated files and records of ASLD will not be considered. Additional bidding increments shall be a minimum of \$10,000.00 thereafter. Bidding will be conducted orally.

(B) All bidders must sign an affidavit stating that they have undertaken due diligence in preparation for the auction, that their representative is authorized to bid and bind the bidder and that they are purchasing the property AS IS. It is the bidder's responsibility to research the records of local jurisdictions, all ASLD files pertinent to the purchase application file including the purchase application file, and all other public agencies regarding this property. Notice is hereby given that the property shall be purchased in an "AS-IS" condition "WITH ALL FAULTS", with no representation or warranty being made by ASLD of any type or nature. All bidders shall acknowledge and agree pursuant to the aforementioned affidavit that they are purchasing the property solely upon the basis of their own due diligence and investigation of the property and not on the basis of any representation, express or implied, written or oral, made by ASLD or its agents or employees, except as set forth in writing herein. Without limiting the generality of the foregoing, notice is hereby given that ASLD makes no warranty as to the following: (a) the physical condition or any other aspect of the property, including, but not limited to, the uses to which the property may be put, the ability to construct additional improvements or modify existing improvements on any portion of the property or the ability to obtain building permits for any portion of the property, the conformity of the property to past, current or future applicable landscaping, parking, zoning or building code requirements, the existence of soil instability, past soil repairs, soil additions or conditions of soil fill, susceptibility to landslides, sufficiency of undershoring, water retention characteristics of the property, drainage onto or off of the property, the location of the property either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the land or any improvements constituting the property; or (b) the sufficiency of the property for purchaser's purposes or as to its continued operating conditions or usefulness. All implied warranties, including, without limitation, **WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**, are hereby

expressly disclaimed. This notice shall survive the delivery of the Certificate of Purchase and Patent for the subject property.

(C) Pursuant to A.R.S. §37-240(B), the successful bidder must be authorized to transact business in the state of Arizona no later than ten (10) business days after the auction. The successful bidder must sign an affidavit stating it is the successful bidder and sign a Certification Statement pursuant to A.R.S. Title 37 and the Rules of ASLD.

(D) If the successful bidder fails to complete the payments as stated in the auction notice together with the additional required fees within 30 days from the auction date, all amounts paid at the time of auction by the successful bidder will be forfeited.

(E) In the event of forfeiture, the ASLD Commissioner may declare that the bid placed before the final bid accepted is the highest bid, and that the bidder has five (5) business days after notification by ASLD to pay by cashier's check all amounts due.

(F) A representative of the bidder, other than the registered broker/salesperson, must attend and bid on behalf of the bidder.

BROKER INFORMATION:

In the event the potential bidder is represented by a broker seeking a broker commission pursuant to A.R.S. §37-132(B)(2), it is the responsibility of both the potential bidder and the designated broker to register with ASLD no later than three (3) business days prior to the date of auction. Registration must be submitted on the ASLD's Broker Registration/Bidder Certification form in accordance with R12-5-413. Original signatures of Broker, Salesperson, and Potential Bidder must all appear on one form. Facsimile copies will not be accepted by ASLD. The real estate broker/salesperson of the successful bidder who has so registered with ASLD for this Auction will be required to sign an affidavit that he/she is licensed pursuant to A.R.S. §32-2101, et. seq., identify his/her client as the successful bidder, has no other affiliation with the successful bidder other than as a procuring broker and that he/she actually procured the successful bidder for this Auction. **Broker Registration forms will not be accepted by ASLD for Public Auction No. 53-118054 after 5:00 p.m. on Thursday, February 11, 2016.**

GENERAL INFORMATION:

The ASLD may cancel this auction in whole or in part at any time prior to the acceptance of a final bid.

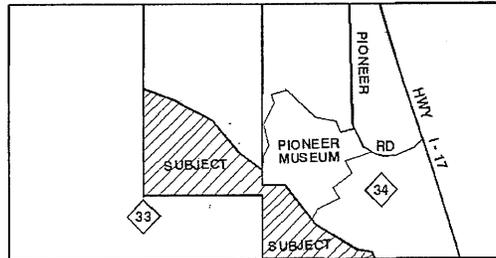
A protest to this sale must be filed within 30 days after the first day of publication of this announcement and in accordance with A.R.S. §37-301.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the ADA Coordinator, at (602) 542-2636. Requests should be made as early as possible to allow time to arrange the accommodation.


Max D. Masel
(for) Lisa A. Atkins
State Land Commissioner



11/24/15
Date



Disclaimer: This map is designed for general overview purposes only. Unless otherwise stated all depictions are approximate. Prospective bidders should review all information in ASLD's records relating to the property and seek technical or legal advice as needed to assure the understanding of all legal descriptions, plat maps, surveys, and other documents relevant to the property. Contact ASLD, Real Estate Division at (602) 542-3000 for additional information.