

City Attorney

OFFICE OF THE CITY CLERK  
2007 JUN 12 11:53:31

# OAKLAND CITY COUNCIL

RESOLUTION No. 80785 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING AN INTERIM LOAN FOR THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$185,000) TO BUTTERS LAND TRUST FOR THEIR ACQUISITION OF REAL PROPERTY LOCATED ON BUTTERS DRIVE BETWEEN ROBINSON AND BRUNELL DRIVES**

**WHEREAS**, the City of Oakland and Butters Land Trust have been working in partnership for several years to protect riparian habitat properties in Butters Canyon; and

**WHEREAS**, Butters Land Trust is currently seeking to acquire a property in Butters Canyon (the Project) that is a critical link in the conservation of the entire Canyon and requires immediate access to funds to secure its purchase; and

**WHEREAS**, the City of Oakland has acquired two parcels and is currently considering an ordinance to acquire a third property in Butters Canyon for the amount of one hundred eighty-five thousand dollars (\$185,000); and

**WHEREAS**, the City Ordinance to acquire the third parcel requires two readings and a final determination will not be possible until Council reconvenes from its Annual Recess on September 18, 2007; and

**WHEREAS**, should the City Council authorize acquisition of the third parcel, Butters Land Trust will use the proceeds from the sale to repay the interim loan; and

**WHEREAS**, the funding for the interim loan is available in the City of Oakland General Fund; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to provide an interim loan in an amount not to exceed \$185,000 to Butters Land Trust, to be used for acquisition of a parcel in Butters Canyon; and be it

**FURTHER RESOLVED:** That loan funds shall be allocated from the General Fund (Fund 1010, Organization 00000, Account 12611); and be it

**FURTHER RESOLVED:** That the loan shall be for a maximum term of ninety (90) days with an interest rate of zero percent; and be it

**FURTHER RESOLVED:** That the loan shall be secured by a deed of trust on a parcel owned by Butters Land Trust, with available equity of \$185,000 or more, subject to the approval of the City Administrator, or her designee; and be it

**FURTHER RESOLVED:** That the loan funds will be reserved for a period of no more than ninety (90) days from the date of this Resolution; and be it

**FURTHER RESOLVED:** That the making of the loan shall be contingent on and subject to such other appropriate terms and conditions as the City Manager or his or her designee may establish; and be it

**FURTHER RESOLVED:** That the City Council hereby appoints the City Administrator or her designee as agent of the City to conduct negotiations, execute documents, administer the loan, extend or modify the repayment terms, and take any other action with respect to the loan consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination and the City Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because the Project is exempt from CEQA pursuant to Section 15325 (Transfers of Ownership Interest in Land to Preserve Existing Natural conditions and Historical Resources) of the CEQA Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Section 711.4) for the Project; and be it

**FURTHER RESOLVED:** That all loan documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk.

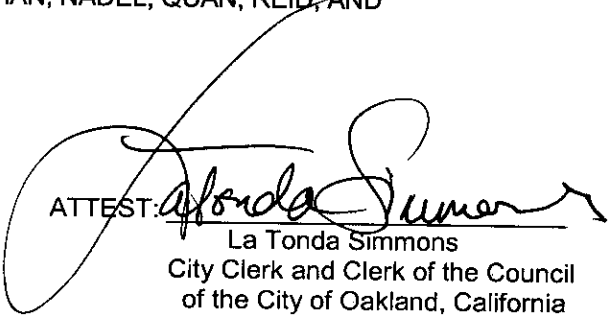
IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2007, 2007  
PASSED BY THE FOLLOWING VOTE:

AYES      BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
            PRESIDENT DE LA FUENTE -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
La Tonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California