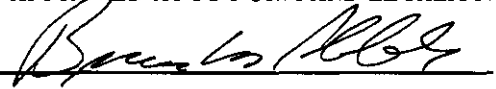


FILED
OFFICE OF THE CITY CLERK
2004 JAN 29 PM 1:03

APPROVED AS TO FORM AND LEGALITY:



INTRODUCED BY CONCILMEMBER _____

REVISED

ORDINANCE NO. 12578 C. M. S.

AN ORDINANCE APPROVING THE RECONFIGURATION AND RECONSTRUCTION OF THE EXISTING COLISEUM GARDENS PARK AND RESTORATION OF A PORTION OF LION CREEK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL PROPERTY EXCHANGE AGREEMENT WITH THE OAKLAND HOUSING AUTHORITY TO TRANSFER FEE TITLE FOR 3.60 ACRES OF CITY-OWNED PARK LAND IN EXCHANGE FOR TRANSFER OF FEE TITLE FOR 3.60 ACRES OF LAND OWNED BY THE OAKLAND HOUSING AUTHORITY, FOR THE PURPOSE OF RECONFIGURING COLISEUM GARDENS PARK AND RESTORING A PORTION OF LION CREEK IN SUPPORT OF THE COLISEUM/OAKLAND AIRPORT BART STATION AREA CONCEPT PLAN

WHEREAS, the City of Oakland (City) owns certain real property located at 811-69th Avenue (APN 41-4062-5 and APN 41-4062-6) and at 960 66th Avenue (APN 41-4062-10-1) and 996 66th Avenue (APN 41-4062-11) in the City of Oakland, County of Alameda, State of California; and

WHEREAS, the Oakland Housing Authority owns certain real property located at 6610, 6701, and 6733 Olmsted Street (APN 41-4062-2, APN 41-4062-3 and APN 41-4062-4) in the City of Oakland, County of Alameda, State of California all adjacent to the above described City owned land; and

WHEREAS, the Oakland Housing Authority is in the process of a redevelopment of its Coliseum Gardens housing project through a HUD HOPE VI Grant and in furtherance thereof wishes to transfer fee title to 3.60 acres of its land adjacent to the City land in exchange for the transfer of fee title to 3.60 acres of City owned land as described above; and

WHEREAS, the City Council accepted the Coliseum/Oakland Airport BART Station Area Concept Plan (the Concept Plan) at its meeting on July 15, 2003; and

WHEREAS, the Concept Plan envisions the reconfiguration of Coliseum Gardens Park and the restoration of portions of Lion Creek; and

WHEREAS, the reconfiguration of Coliseum Gardens Park and restoration of a portion of Lion Creek will improve the usefulness of the park and creek, provide better park accommodations and improve the integration of the park and creek into the living area for the residents of the area, and the people of the City of Oakland; and

WHEREAS, the land exchange would not result in a net loss of open space and would therefore comply with Policy REC-1.2, No Net Loss of Open Space, of the Open Space, Conservation and Recreation Element of the General Plan; and

WHEREAS, the City of Oakland had prepared an Initial Study/Environmental Assessment reviewing the potential environmental impacts resulting from development of the Coliseum Gardens, including exchange and development of real property, in order to comply with the California Environmental Quality Act and the National Environmental Protection Act; and

WHEREAS, the Coliseum Gardens Hope VI Revitalization Initial Study/Environmental Assessment identified no significant impacts related to any exchange of real property; and

WHEREAS, the City of Oakland Planning Commission certified the HOPE VI Revitalization Initial Study/Environmental Assessment as a Mitigated Negative Declaration and Finding of No Significant Impact on June 4, 2003; and

WHEREAS, the City Council finds that it is in the best interests of the City, due to the size, shape, utility and special or unique nature and use of the real property, to enter into the exchange of such interests in land with the Oakland Housing Authority through this negotiation and exchange process, NOW THEREFORE:

THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Council hereby adopts this Ordinance approving the reconfiguration and reconstruction of the existing Coliseum Gardens Park and the restoration of a portion of Lion Creek and authorizing the City Manager to enter into a Real Property Exchange Agreement with the Oakland Housing Authority for transfer of fee title for 3.60 acres of City-owned park land in exchange for transfer of fee title for 3.60 acres of land owned by the Oakland Housing Authority for the purpose of reconfiguring Coliseum Gardens Park and restoring a portion of Lion Creek and assisting in the future development of the Oakland Housing Authority's Coliseum Gardens Project. The approval is conditioned on the requirement that the Oakland Housing Authority will find funding sources for the park that will not compete with current City of Oakland projects.

SECTION 2. The City Manager, or his or her designee, is authorized and directed to execute any and all documents, easements, deeds, certificates of acceptance, or other writings, consistent with the terms and conditions of this Ordinance, which are necessary or convenient to carry out the purposes of this Ordinance.

SECTION 2. That this Council finds and determines that this action complies with the requirements of the California Environmental Quality Act and National Environmental Protection Act.

SECTION 3. All documents shall be approved as to form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 17 2004, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~BRUNNER~~, CHANG, NADEL, QUAN, REID, WAN, AND
PRESIDENT DE LA FUENTE -7

NOES- BRUNNER -1

ABSENT- 0

ABSTENTION- 0

Introduction Date: FEB 3 2004

ATTEST:



CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

Red

OFFICE OF THE CITY CLERK
OAKLAND

NOTICE AND DIGEST

2004 JAN 29 PM 1:03

AN ORDINANCE APPROVING THE RECONFIGURATION AND RECONSTRUCTION OF THE EXISTING COLISEUM GARDENS PARK AND RESTORATION OF A PORTION OF LION CREEK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL PROPERTY EXCHANGE AGREEMENT WITH THE OAKLAND HOUSING AUTHORITY TO TRANSFER FEE TITLE FOR 3.60 ACRES OF CITY-OWNED PARK LAND IN EXCHANGE FOR TRANSFER OF FEE TITLE FOR 3.60 ACRES OF LAND OWNED BY THE OAKLAND HOUSING AUTHORITY, FOR THE PURPOSE OF RECONFIGURING COLISEUM GARDENS PARK AND RESTORING A PORTION OF LION CREEK IN SUPPORT OF THE COLISEUM/OAKLAND AIRPORT BART STATION AREA CONCEPT PLAN

This Ordinance authorized the City Manager to enter into a real property exchange agreement with the Oakland Housing Authority to transfer fee title for 3.60 acres of City-owned park land in exchange for transfer of fee title for 3.60 acres of land owned by the Oakland Housing Authority, for the purpose of reconfiguring Coliseum Gardens Park and restoring a portion of Lion Creek in support of the Coliseum/Oakland Airport BART Station Area Concept Plan and approves the reconfiguration and reconstruction of the existing Coliseum Gardens Park.