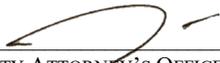


INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OR HIS OR HER DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE VACATED PORTION OF THE PUBLIC RIGHT-OF-WAY OF 22ND STREET AT THE SOUTHEAST CORNER OF ITS INTERSECTION WITH TELEGRAPH AVENUE OVER TWO PARCELS OWNED BY THE CITY OF OAKLAND TO W/L TELEGRAPH OWNER LLC FOR SEVEN HUNDRED NINETY-TWO THOUSAND DOLLARS (\$792,000) FOR DEVELOPMENT OF THE 2100 TELEGRAPH PROJECT; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, The City and the project developer, W/L Telegraph Owner, LLC (Developer), entered into a Disposition and Development Agreement (DDA) effective as of July 16, 2019, as authorized by City Council Ordinance No. 13558 C.M.S., which defines the terms for the sale and development of City-owned property located at 2100 Telegraph, which Developer intends to merge with surrounding parcels owned by Developer to create the square-block development site; and

WHEREAS, Section 3.1(a)(iii)(C) of the DDA requires Developer to satisfy Planned Unit Development (PUD) Condition of Approval 19 to address the 22nd Street Right of Way; and

WHEREAS, the portion of public right-of-way to be vacated will leave two existing parcels, as shown in **Exhibits A and B** attached hereto (collectively, the Property), which will be merged with the adjoining parcels on the block bound by 22nd Street, Broadway, 21st Street, and Telegraph Avenue to create a square-block development site to facilitate the 2100 Telegraph development project; and

WHEREAS, the City through a separate resolution will conditionally vacate a portion of the public right of way over the Property; and

WHEREAS, the City of Oakland is the current owner of the Property and intends to sell it to Developer; and

WHEREAS, pending City Council authorization, the City and Developer have

tentatively agreed to the terms of a Purchase and Sale Agreement attached hereto as **Exhibit C** (PSA) to purchase the vacated Property for a combined fair market value of \$792,000; and

WHEREAS, City staff has determined that the Property is exempt surplus land pursuant to Sections 54221(f)(1)(B) and 54221(f)(1)(E) of the California Surplus Lands Act (Government Code Section 54220 *et seq.*) because the Property is a former right of way, less than 5,000 square feet in area, and will be conveyed to the adjacent owner; and

WHEREAS, the vacated Property is to be sold in “AS-IS” condition and the City shall make no representations or warranties regarding land use or other permitting issues that may affect the property; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Administrator or his or her designee is hereby authorized to negotiate and execute the PSA with Developer for the sale of the Property for the price of \$792,000 and on substantially the terms and conditions set forth in the PSA as are acceptable to the City Administrator, or his designee.

SECTION 2. The sale of the Property will add property to the tax base for the City, decrease the cost of street maintenance, and will allow the 2100 Telegraph Avenue development project to move forward as approved, which will create construction jobs and long term, permanent jobs. The sale of the Property will generate \$792,000 in revenue to the City.

SECTION 3. The City Administrator or his or her designee is further authorized to negotiate and execute the deed conveying the Property and to enter into other agreements and take whatever action is necessary consistent with this Ordinance and its basic purposes.

SECTION 4. The City Administrator is hereby authorized to accept and deposit land sales proceeds in the amount of \$792,000 into the General Purpose Fund (1010), Real Estate Services Organization (85231), Sale of Land Revenue Account (48111), DP850 Administrative Project (1000019), Real Estate Program (PS32).

SECTION 5. The PSA and any other documents necessary for the sale of the Property shall be approved as to form and legality by the City Attorney’s Office and a copy shall be filed with the Office of the City Clerk.

SECTION 6. The City Council hereby finds and determines, on a separate and independent basis, that the Property is exempt surplus land pursuant to Sections 54221(f)(1)(B) and 54221(f)(1)(E) of the California Surplus Lands Act (Government Code Section 54220 *et seq.*) because the Property is a former right of way, less than 5,000 square feet in area, and will be conveyed to the adjacent owner.

SECTION 7. The City Council hereby finds and determines, on a separate and independent basis, that the anticipated environmental effects of the project have been adequately evaluated by the Eastline Project - 2100 Telegraph Final Environmental Impact Report (EIR),

certified by the City Planning Commission on July 18, 2018; and none of the circumstances necessitating preparation of additional review under the California Environmental Quality Act (CEQA) as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 9. Effective Date. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

Date of Attestation: _____

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OR HIS OR HER DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE VACATED PORTION OF THE PUBLIC RIGHT-OF-WAY OF 22ND STREET AT THE SOUTHEAST CORNER OF ITS INTERSECTION WITH TELEGRAPH AVENUE OVER TWO PARCELS OWNED BY THE CITY OF OAKLAND TO W/L TELEGRAPH OWNER LLC FOR SEVEN HUNDRED NINETY-TWO THOUSAND DOLLARS (\$792,000) FOR DEVELOPMENT OF THE 2100 TELEGRAPH PROJECT; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

An Ordinance authorizing the negotiation and execution of a Purchase and Sale Agreement for the sale of the vacated portion of the public right-of-way of 22nd Street at the southeast corner of its intersection with Telegraph Avenue over two parcels owned by The City of Oakland (City) to W/L Telegraph Owner LLC (Developer) for Seven Hundred Ninety-Two Thousand Dollars (\$792,000) for development the 2100 Telegraph pursuant to a Disposition and Development Agreement between the City and Developer.