

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 MAR 29 PM 5:05

Approved as to Form and Legality
[Signature]
CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. 13485 = C. M. S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS BETWEEN THE CITY OF OAKLAND AND MOHSEN ABAIE FOR THE SALE OF THE GIRVIN DRIVE PARCEL FOR NOT LESS THAN ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000), INCLUDING THE MATERIAL BUSINESS TERMS DESCRIBED BELOW AND OTHERWISE IN A FORM AND SUBSTANCE ACCEPTABLE TO THE CITY ADMINISTRATOR (THE "PURCHASE AND SALE AGREEMENT").

WHEREAS, the City of Oakland ("City") owns a vacant up sloping lot ("Property") consisting of about 7,664 square feet (APN: 048D-7281-048) located on up slope side of Girvin Drive next to 6040 Girvin Drive, as described in the attached legal description; and

WHEREAS, the 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

WHEREAS, market analysis establishes the Property's estimated value at \$130,000; and

WHEREAS, in 2010, the Real Estate Division communicated with potentially affected public agencies to determine whether the Property is needed for public purposes, and at that time, no agency expressed any interest in retaining the Property; and

WHEREAS, the Property's classification is Hillside Residential and the R-20 and S-10 Zone are consistent with the area's current residential uses; and

WHEREAS, Mohsen Abaie delivered a form of signed Purchase and Sales Agreement dated October 22, 2017 with the required first deposit of \$13,000 to the City for the purchase of the Property for a price of \$130,000; and

WHEREAS, after the Property is sold to Mohsen Abaie, the City will receive property taxes and will save the cost of Property maintenance; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore

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

Section 1. The City Council hereby determines that the actions authorized by this Ordinance are exempt from CEQA pursuant to CEQA Guidelines Section 15312, which exempts sales of surplus government property.

Section 2. The City Council finds and determines that the Property is not needed for a public purpose, is surplus to the needs of the City, and pursuant to Government Code Section 54222, in 2010 notice was given to local public agencies regarding the sale the Property.

Section 3. The sale of the Property to Mohsen Abaie is in the City's best interest resulting in returning the Property to the tax rolls, generating revenue for the General Fund and removing the Property from City's maintenance responsibility.

Section 4. The City Administrator, or designee, is authorized to enter into the Purchase and Sale Agreement with Mohsen Abaie for the price of \$130,000 and on such other terms and conditions as are acceptable to the City Administrator, or designee, and to execute a Quitclaim Deed conveying the Property.

Section 5. The sales proceeds will be deposited in the Surplus Property Project (1010), Real Estate Services Org. (85231), SURP PROP 1010-P47010 (1000235), Real Estate Program (PS32).

Section 6. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Ordinance, that it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment, and therefore this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15312 (Surplus Government Property Sales) of the CEQA guidelines;

Section 7. The City Administrator, or designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration for this action.

Section 8. The City Administrator and the Manager, Real Estate Services, are hereby authorized to negotiate and execute, amend, modify or extend all agreements, including, among others, the Purchase and Sale Agreement, and to take any and all actions necessary that is consistent with this Ordinance to complete the sale of the Property.

Section 9. The Purchase and Sale Agreement 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 10. This Ordinance shall become effective immediately upon 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,

MAY 0 1 2018

PASSED BY THE FOLLOWING VOTE:

BROOKS, CAMPBELL, WASHINGTON, GALLO, GUILLEN, KALB, GIBSON MCELHANEY, KAPLAN, ,
~~WILLIAMS~~

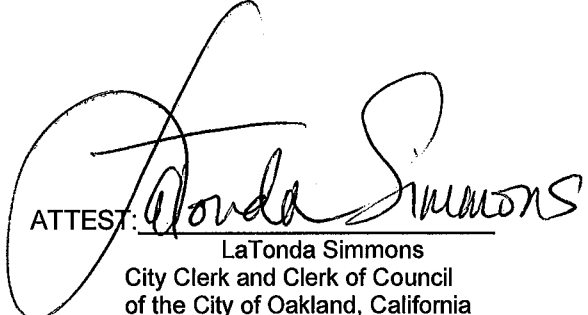
AYES- 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

1-Excused - kend

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

DATE OF ATTESTATION: 5-2-2018

Introduction Date

APR 17 2018