

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

Deh Biaboy  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. 12858 C.M.S.**

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**AN ORDINANCE AUTHORIZING THE RENEWAL OF A LEASE ON A CITY-OWNED PROPERTY LOCATED AT 1226-73<sup>RD</sup> AVENUE TO MERCY PROPERTIES CALIFORNIA TO CONTINUE THE LONG TERM USE OF THE PROPERTY FOR AN ADDITIONAL FIVE YEARS, FROM DECEMBER 1, 2007 TO NOVEMBER 30, 2012 AS HOUSING UNDER HUD'S SHELTER PLUS CARE PROGRAM**

**WHEREAS**, the City of Oakland owns a 4-unit complex at 1226-73rd Avenue that is comprised of two two-bedroom and two one-bedroom units ("the property"); and

**WHEREAS**, the property was first leased to Catholic Charities in 1995, with a collaboration of Alameda County, the City and nonprofit providers applying for and receiving funding from the Department of Housing and Urban Development (HUD)'s Shelter Plus Care program to provide rental assistance in connection with supportive services for hard-to-serve homeless persons with disabilities; and

**WHEREAS**, funds from tenant rents barely cover operating expenses including maintenance items for which Mercy Properties California has responsibility, and the property currently is in need of repairs that could impact the health and safety of the residents; and

**WHEREAS**, Ordinance No. 11618 C.M.S. passed in 1993 authorized a five-year lease with Catholic Charities and the lease was subsequently amended in 1999 when Catholic Charities declared bankruptcy and Mercy Housing California assumed responsibility for Catholic Charities' projects and programs; and

**WHEREAS**, Mercy Housing California which changed its name to Mercy Properties California in 2000, and continues to operate the 73rd Avenue property; and

**WHEREAS**, the City desires to continue leasing the property to Mercy Properties California for an additional five years, from December 1, 2007 to November 30, 2012 to continue to operate a program under the Shelter Plus Care program;

**WHEREAS**, Ordinance Number 10142 C.M.S., which established procedures for the sale and lease of City-owned real property which is not surplus property, allows for negotiated leases in certain circumstance; now, therefore

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

**Section 1.** The City Administrator is authorized to enter into a 5 year lease agreement from December 1, 2007 to November 30, 2012 with Mercy Properties California for the use of the property at 1226-73rd Avenue as long term housing under the Shelter Plus Care program. The rent received by the City for the property shall be set as the balance available after Mercy Properties California has collected tenants' rent and deducted its operating expenses.

**Section 2.** All Agreements shall be reviewed as to form and legality by the Office of the City Attorney and copies shall be filed with the City Clerk.

**Section 3.** Pursuant to Ordinance Number 10142 C.M.S., the City Council determines that the best interests of the City would be served by leasing the property by means of a negotiated lease because of the need to utilize the specialized experience of Mercy Properties California in operating the property for use as housing for homeless persons.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 5 2008, 20    

**PASSED BY THE FOLLOWING VOTE:**

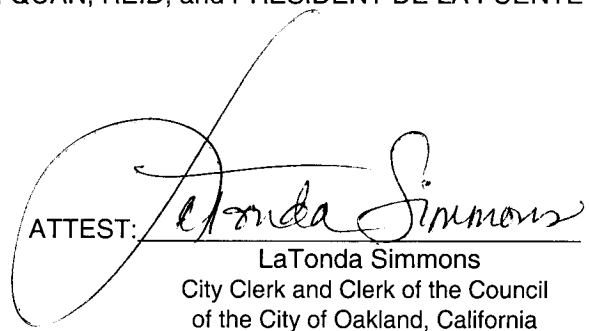
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

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

Introduction Date: **JAN 15 2008**

*Date of Attestation: February 8, 2008*

## **NOTICE AND DIGEST**

**AN ORDINANCE AUTHORIZING THE RENEWAL OF A LEASE ON A CITY-OWNED PROPERTY LOCATED AT 1226 – 73<sup>RD</sup> AVENUE TO MERCY PROPERTIES CALIFORNIA TO CONTINUE THE LONG TERM USE OF THE PROPERTY FOR AN ADDITIONAL FIVE YEARS, FROM DECEMBER 1, 2007 TO NOVEMBER 30, 2012 AS HOUSING UNDER HUD’S SHELTER PLUS CARE PROGRAM**

By this ordinance, the City Council authorizes renewal of a lease on City-owned property located at 1226 – 73<sup>rd</sup> Avenue to Mercy Properties California for an additional five year period, from December 1, 2007 to November 30, 2012, as housing under HUD’s Shelter Plus Care Program