

2015 OCT 29 PM 2: 23

Approved as to Form and Legality


CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13345 - C. M. S.

AN ORDINANCE AUTHORIZING CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF OAKLAND AND BELTER PALMA AND JUANA TRUJILLO (COLLECTIVELY, "PURCHASERS") FOR THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1148 71ST AVENUE (APN 041-4135-028) FOR TWENTY-FIVE THOUSAND DOLLARS (\$25,000)

WHEREAS, the City of Oakland ("City") owns a vacant down-sloping lot ("Property") consisting of about 3,000 square feet (APN: 041-4135-028) located at 1148 71st Avenue as depicted in Attachment A; and

WHEREAS, the Property is to be sold in "AS-IS" condition and the City makes no representations regarding land use or other permitting issues that may affect the Property; and

WHEREAS, an internally prepared appraisal establishes the Property's approximate value at \$25,000; and

WHEREAS, the City Real Estate Division communicated with all public agencies to determine whether the Property is needed for public purposes, and no agency expressed any interest in retaining the Property; and

WHEREAS, the Property's general plan classification is Detached Unit Residential and the Property is zoned RD-2, consistent with the area's current residential uses; and

WHEREAS, the Purchasers delivered a signed Purchase and Sales Agreement ("Purchase Agreement") dated July 17, 2015 with the required first deposit of \$2,500 to the City for the purchase of the Property for \$25,000; and

WHEREAS, after the Property is sold to Belter Palma and Juan Trujillo, 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 finds and determines that the Property is not needed for any public purpose, is surplus to the needs of the City, and the City has met the requirements of the Government Code regarding the sale of surplus land.

Section 2. The sale of the Property to the Purchasers 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 3. The City Administrator or designee, is authorized to enter into the Purchase Agreement for the sales price of \$25,000 with the Purchasers, and to execute a Quitclaim Deed conveying the Property.

Section 4. The sales proceeds will be deposited into the General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

Section 5. 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 6. The City Administrator or designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action.

Section 7. The City Administrator and the Manager, Real Estate Division, are hereby authorized to negotiate and execute, amend, modify or extend all agreements, and to take any and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

Section 8. The Purchase Agreement and any other documents necessary for the sale of this 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 9. 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,

DEC - 8 2015

PASSED BY THE FOLLOWING VOTE:

BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

AYES- 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: 12/11/15

Introduction Date
NOV 17 2015

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF OAKLAND AND BELTER PALMA AND JUANA TRUJILLO (COLLECTIVELY, “PURCHASERS”) FOR THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1148 71ST AVENUE (APN 041-4135-028) FOR TWENTY-FIVE THOUSAND DOLLARS (\$25,000)

This Ordinance would allow the City Administrator or designee to negotiate and execute a Purchase and Sales Agreement between the City of Oakland and Belter Palma and Juana Trujillo (collectively, “Purchasers”) for the sale of City-owned property located at 1148 71st Avenue (APN 041-4135-028) for Twenty-five Thousand Dollars (\$25,000).

The Property is a vacant parcel of land about 3,000 square feet with a zoning designation of RD-2 (Detached Unit Residential).