

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC -2 PM 12:39

Approved as to Form and Legality


CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13050 - C. M. S.

AN ORDINANCE AUTHORIZING THE SALE OF A CITY-OWNED SURPLUS VACANT LOT APN: 048D-7282-020-00 LOCATED BETWEEN 6031 GIRVIN DRIVE AND 6041 GIRVIN DRIVE TO JONATHAN AND DIANA STERN, THE ABBUTTING PROPERTY OWNER, FOR THE HIGHEST SEALED BID OF ONE HUNDRED EIGHTY THOUSAND DOLLARS \$180,000

WHEREAS, the City of Oakland ("City") owns a vacant down sloping lot ("Property") consisting of about 7,979 square feet (APN: 048D-7282-020) located between 6031 and 6041 Girvin Drive shown on the map attached as Exhibit 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, market analysis establishes the Property's range of value at between \$130,000 and \$150,000; and

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

WHEREAS, according to the staff report to the Oakland City Planning Commission (Case File Number ZR10-154) dated July 7, 2010, the Property's classification as Hillside Residential and R-20 and S-10 Zone are consistent with the area's current residential uses; and

WHEREAS, both Hillside Homes Group Incorporated ("Hillside"), a local home builder, and Jonathan and Diana Stern ("Sterns"), husband and wife, who own 6041 Girvin Drive abutting the Property, delivered sealed bids to the City in accordance with the Official Notice of Sale ("Notice"); and

WHEREAS, between the two bidders, Hillside delivered the highest sealed bid; and

WHEREAS, in accordance with the Notice, Hillside delivered a signed Purchase and Sales Agreement ("Purchase Agreement") dated October 22, 2010 with the required first deposit of \$18,000 to the City for the purchase of the Property for \$180,000; and

WHEREAS, Hillside then assigned all rights and interests to purchase the Property under the Purchase Agreement to the Sterns pursuant to the Assignment and Assumption of Buyer's

Rights, Title, Interest, and Obligation under Purchase and Sales Agreement (“Assignment Agreement”) made as of November 5, 2010, and the Sterns have assumed all obligations under the Purchase Agreement; and

WHEREAS, after the Property is sold to the Sterns, 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 Sterns 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 maintenance responsibility.

Section 3. The City Administrator, or his designee, is authorized to consent to the Assignment Agreement and to enter into a Purchase Agreement for the sales price of \$180,000 with the Sterns, 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 Sterns 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 his 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 Services, 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 Consent to the Assignment 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, JAN 18 2011

PASSED BY THE FOLLOWING VOTE:

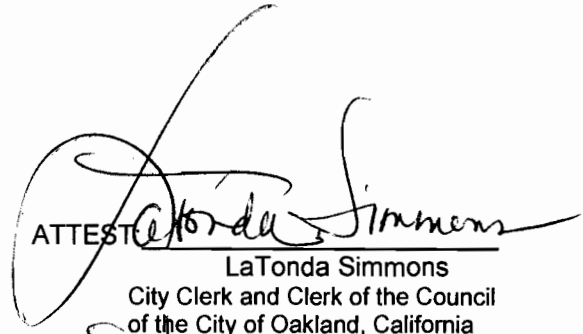
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~WILLIAMS~~ ^{Schaaf.}, REID, and ~~BRUNNER~~
BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



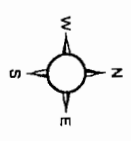
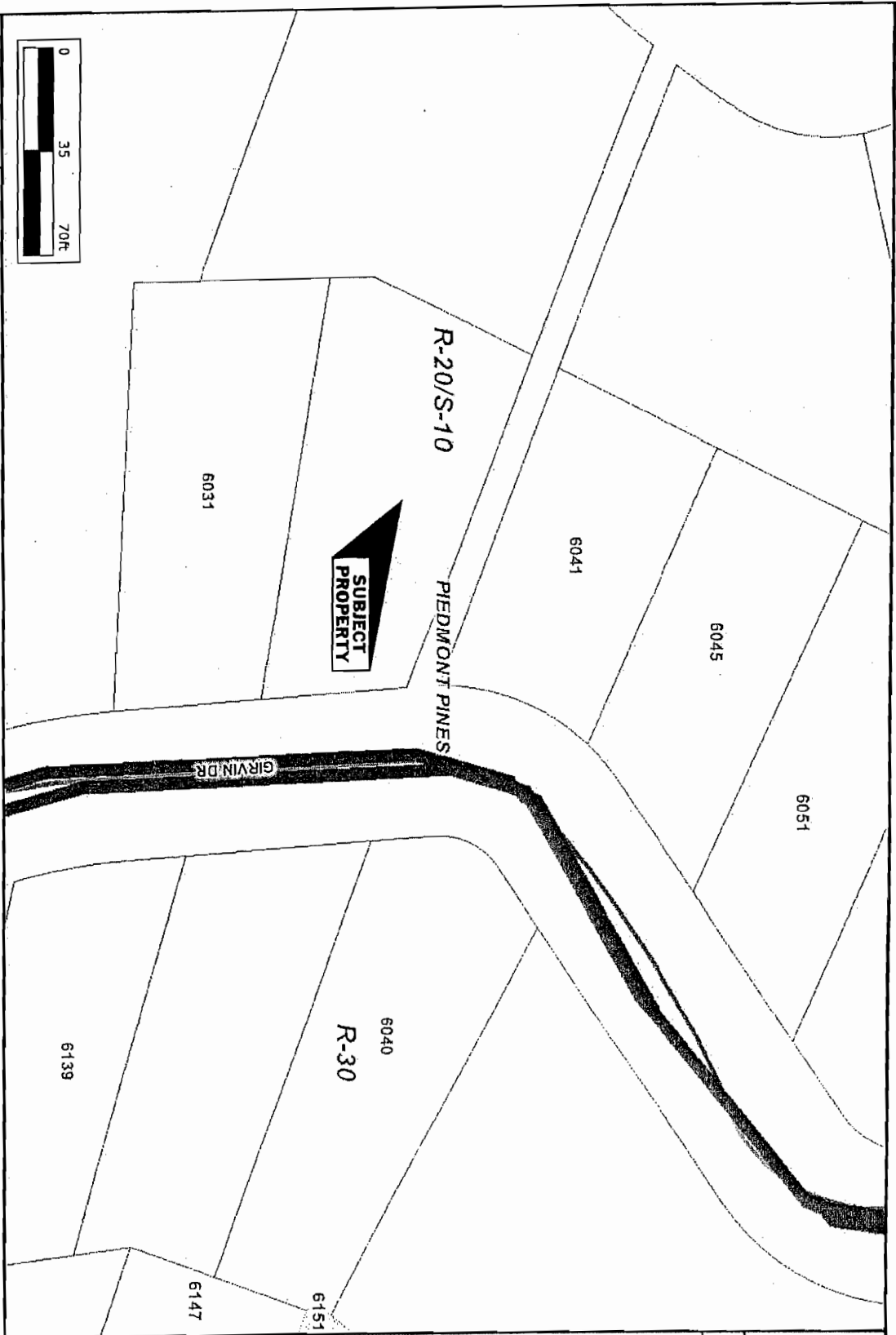
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: January 26, 2011

Introduction Date DEC 21 2010

Ex.A: Subject Property (048D-7282-020)

Between 6031 & 6041 Girvin Drive



It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for. Questions? Contact a planner at (510)238-3911. Printed: 8/9/2010 2:59:46 PM

Legend	
	Selected Features
	City Limits
	Zoning
	Parcels
	Freeways
	Major Streets
	Streets
	Water



7282

Smith Reserve (M. 17 1/2)

Piedmont

SUBJECT PROPERTY

Page 3
Plat of a part of the
San Antonio finally
confirmed to Antonio
Mario Peralta et al.
Scale 1 in = 50 ft

REV. 10-27-75 N.M.A.
6-24-87 AG

Bagshotte Dr.

Escher (Southwaite) Dr.

Girvin

Drive

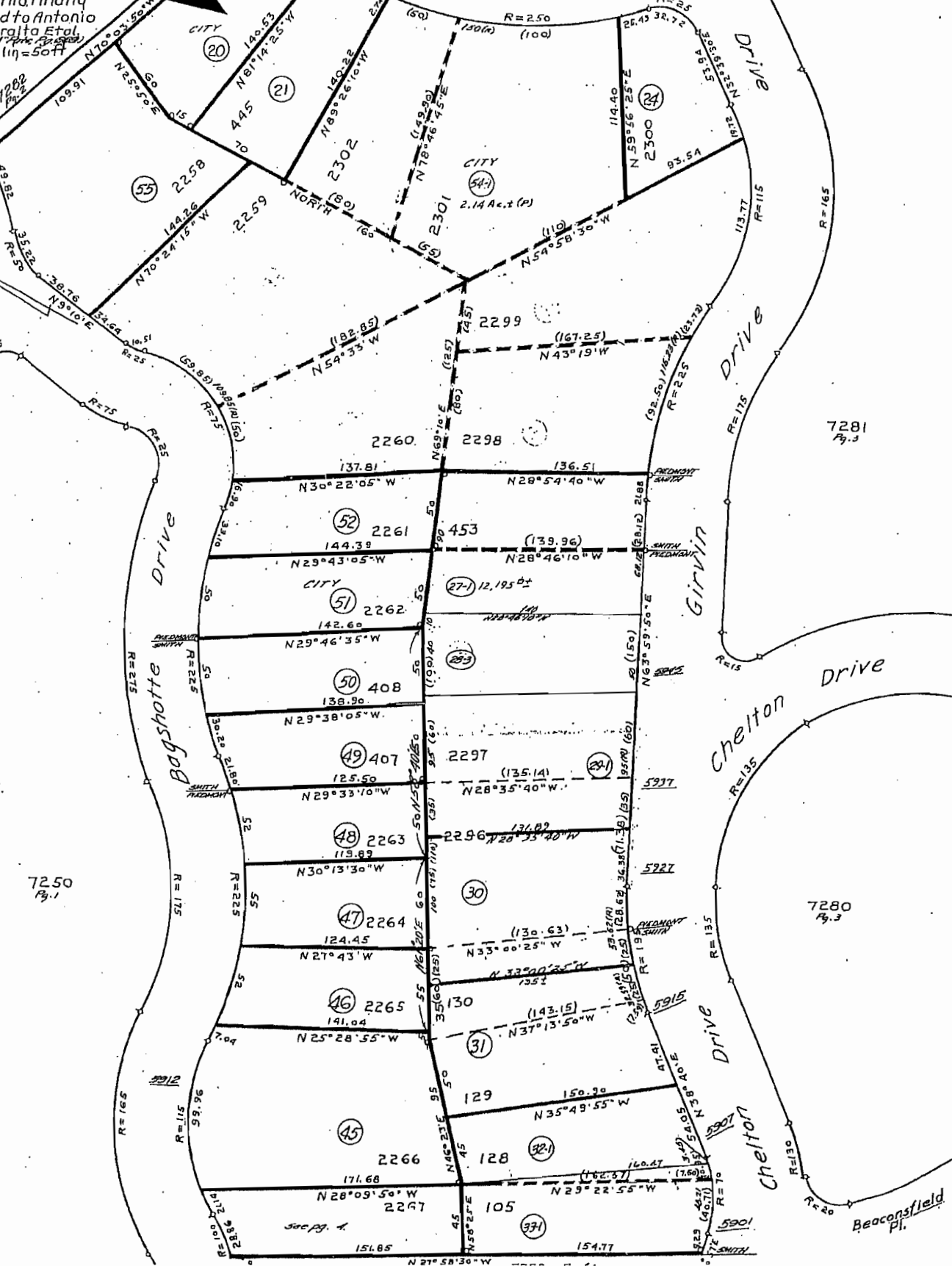
Drive

Girvin

Chelton Drive

Drive

Beaconsfield Pl.



NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE SALE OF A CITY-OWNED SUPRLUS VACANT LOT APN: 048D-7282-020-00 LOCATED BETWEEN 6031 GIRVIN DRIVE AND 6041 GIRVIN DRIVE TO JONATHAN AND DIANA STERN, THE ABBUTTING PROPERTY OWNER, FOR THE HIGHEST SEALED BID OF ONE HUNDRED EIGHTY DOLLARS \$180,000

This Ordinance authorizes the City Administrator to sell the above-described property on Girvin Drive, consisting of 7,979 square feet.