

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality



CITY ATTORNEY

2009 JUN 11 PM 9:43

## OAKLAND CITY COUNCIL

ORDINANCE NO. 12956 - C. M. S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT TO SELL APPROXIMATELY 3,300 SQUARE FEET OF CITY-OWNED SURPLUS REAL PROPERTY LOCATED ADJACENT TO 3207 MANDELA PARKWAY TO JOSEPH O. SANTINI AND MORTIMER PROPERTIES, LLC THE ADJOINING PROPERTY OWNERS, FOR THE TOTAL FAIR MARKET VALUE OF THIRTY THREE THOUSAND DOLLARS (\$33,000.00)**

**WHEREAS**, the City of Oakland ("City") owns a strip of land located at 32nd Street and Mandela Parkway ("the City Parcel" or "Property"), which is adjacent to 3207 Mandela Parkway, Assessor's Parcel Number 007-0599-003-02 and 007-0599-006 owned by Joseph O. Santini and Mortimer Properties, LLC; and

**WHEREAS**, a legal description has been developed that indicates the property is approximately 3,300 square feet in area, and such legal description is attached hereto as Exhibit A; and

**WHEREAS**, although the City Parcel is public right-of-way, the City Engineer has determined that said portion of the public-right-of way is insufficient to accommodate a future expansion of the roadway for Mandela Parkway or 32<sup>nd</sup> Street; and

**WHEREAS**, the City Parcel has been vacated by the City and is no longer used as a street; and

**WHEREAS**, the Property is not developable as a separate parcel; and

**WHEREAS**, the Property is not needed by the City for public purposes; and

**WHEREAS**, the Planning Commission has reviewed the zoning designation; and

**WHEREAS**, the Property is not subject to the California Surplus Lands Act (California Government Code 54220-5432), but is subject to City Ordinance No. 11602, C.M.S., covering sales of surplus City-owned property; and

**WHEREAS**, information regarding the surplus property was circulated pursuant to Government Code requirements and the Property may be sold through a negotiated sale; 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 independent appraisal established the Property's fair market value at Thirty Three Thousand (\$33,000.00) Dollars; and

**WHEREAS**, Joseph O. Santini and Mortimer Properties, LLC, the owners of the abutting property, have tendered an offer to purchase the Property for the amount of Thirty Three Thousand Dollars (\$33,000.00); and

**WHEREAS**, it is in the City's best interest to sell the Property to Joseph O. Santini and Mortimer Properties, LLC, because the City will receive property taxes and will save the cost of maintaining the Property; 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 herein-described real property is not needed for any public purpose, is surplus to the needs of the City, is not developable as a separate parcel, and the City is not required to put the property out for competitive bidding.

**Section 2.** Pursuant to Ordinance No. 11602 C.M.S., the City Administrator may conduct a negotiated sale of surplus property when such a sale is in the best interest of the City. The sale of the Property to the abutting property owner is in the City's best interests as it returns a property to the tax rolls and removes the Property from City maintenance responsibility.

**Section 3.** The sale of the Property to the abutting property owner is in the City's best interests as it returns a property to the tax rolls and removes the Property from City maintenance responsibility.

**Section 4.** The City Administrator, or his designee, is authorized to negotiate and execute a sales agreement and any and all other documents necessary to effectuate the sale of the Property to Joseph O. Santini and Mortimer Properties, LLC, the adjoining property owners, for the sum of \$33,000.00, and to execute a Quitclaim Deed conveying the Property.

**Section 5.** The sales proceeds will be placed in General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), 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 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 8.** The Manager of Real Estate Services is hereby authorized to take any and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

**Section 9.** The agreement for the purchase 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 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, JUL 21 2009

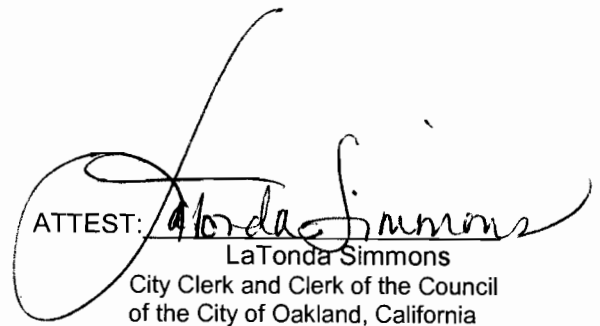
**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

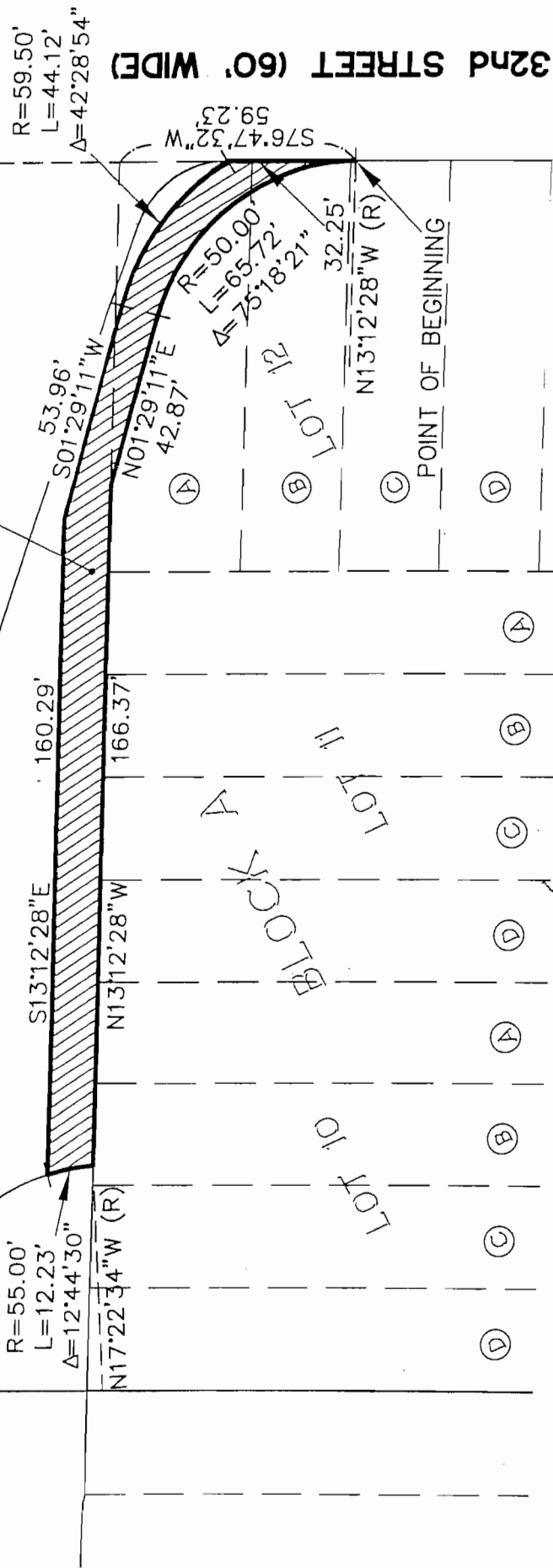
Introduction Date: JUL 7 2009

DATE OF ATTESTATION: 7/22/09

**MANDELA PARKWAY (WIDTH VARIES)**

PORTION OF RELINQUISHMENT  
TO CITY OF OAKLAND  
444 OR 880

**FORMER BEACH STREET (60' WIDE)**

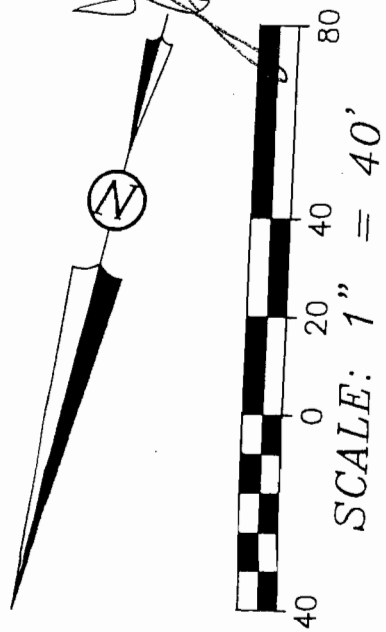
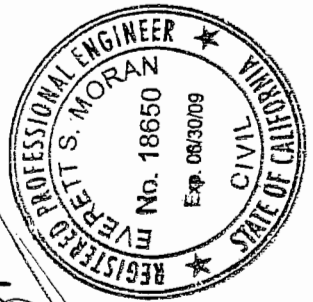


**EXHIBIT A**

A PORTION OF RELINQUISHMENT TO CITY OF OAKLAND (444 OR 880) BEING A PORTION OF FORMER BEACH STREET AND A PORTION OF LOT 12, BLOCK A, "MAP NO. 2 OF WATTS TRACT" (6 M 13) CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA  
APRIL, 2008  
SCALE: 1" = 40'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930





## **NOTICE AND DIGEST**

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT TO SELL APPROXIMATELY 3,300 SQUARE FEET OF CITY-OWNED SURPLUS REAL PROPERTY LOCATED ADJACENT TO 3207 MANDELA PARKWAY TO JOSEPH O. SANTINI AND MORTIMER PROPERTIES, LLC THE ADJOINING PROPERTY OWNERS, FOR THE TOTAL FAIR MARKET VALUE OF THIRTY THREE THOUSAND DOLLARS (\$33,000.00)**

This Ordinance authorizes the sale of surplus City-owned property to the adjoining property owners at 3702 Mandela Parkway, Oakland.