

INTRODUCED BY COUNCIL MEMBER _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND
CITY ATTORNEY

ORDINANCE NO. 12699 C. MOSS JUN 15 PM 2:33

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO BRENNAN MULLIGAN AND YEUNG TSUI, THE ADJOINING PROPERTY OWNERS, APPROXIMATELY 1,360 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT GRIZZLY PEAK BOULEVARD (APN# 048H-7510-002-00) FOR THE FAIR MARKET VALUE OF \$1,360.00.

WHEREAS, the City of Oakland ("City") owns a 1,360 square foot, surplus parcel of land located on Grizzly Peak Boulevard, Assessor's Parcel Number 48H-7510-002-00, described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Property is a remnant from the reconstruction of Grizzly Peak Boulevard which has been completed; and

WHEREAS, a legal description has been developed that indicated that the property is 1,360 square feet in area; and that no easements encumber the property; and

WHEREAS, the property is to be sold in "AS-IS" condition and the City makes no representations with respect to land use or other permitting issues that may affect the property.

WHEREAS, the property being less than 5,000 square feet 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, the surplus property screening letter was circulated pursuant to Government Code surplus property requirements, the Property may be sold through a negotiated sale; and

WHEREAS, Real Estate Services' market analysis of the Property indicates a market value of \$1,360; and

WHEREAS, Brennan Mulligan and Yeung Tsui, the owners of the abutting property, ("Purchasers") have tendered an offer to purchase the Property in the amount of \$1,350; and

WHEREAS, a non-refundable security deposit in the amount of \$1,000 was received for the subject property; and

WHEREAS, it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to Purchasers may have a significant effect on the environment and therefore said conveyance is exempt from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines; 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, and the City is not required to put the property out for competitive bidding, and the sale of the Property to the adjoining or abutting owner is in the City's best interests.

SECTION 2. The City Administrator, or her designee, is authorized to accept and execute the Offer to Purchase and Sales Agreement from Brennan Mulligan and Yeung Tsui, the adjoining property owners, for the sum of \$1,360, and to execute a Quitclaim Deed conveying the Property, and any and all other documents necessary to effectuate the sale of the Property .

SECTION 3. Sale proceeds of \$1,360 will be placed into the City's General Fund as the funds for City purchase of property at Grizzly Peak were originally appropriated from the Public Street and Highway Fund for the Tunnel and Western Approach of the Joint Highway District No. 13 Improvement

SECTION 4: The Manager, Real Estate Services, or his designee, is hereby authorized to take any and all actions necessary, consistent with this ordinance, to complete the sale of the Property.

SECTION 5: The City Administrator is hereby directed to file a Notice of Exemption.

SECTION 6. The Offer to Purchase 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 7 The ordinance shall take effect immediately upon its passage.

SEP 20 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005
PASSED BY THE FOLLOWING VOTE:

AYES ~~BROOKS~~, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND
PRESIDENT DE LA FUENTE -7

NOES- 0

ABSENT- BROOKS -1

ABSTENTION- 0

Introduction Date: July 19, 2005

La Tonda Simmons
ATTEST:

LA TONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California