

*Krishna D. Hill*  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### ORDINANCE NO. 13263 G.M.S.

---

**An Ordinance Authorizing The Interim City Administrator To Negotiate and Execute A Purchase And Sales Agreement To Sell Portions of City-Owned Surplus Real Property Located On 51<sup>st</sup> Street At (APN 013-1141-046-02) And (APN 013-1141-047-04) To Urban Infill Development, LLC, For Not Less Than Four Thousand Eight Hundred Twenty One Dollars (\$4,821)**

**WHEREAS**, The City of Oakland has identified property, as identified in Exhibit A of the Ordinance, located at APN 013-1141-046-02 and APN 013-1141-047-04 within the City of Oakland as surplus property which is not needed by the City for public purposes (collectively, the "City Property"); and

**WHEREAS**, The City Property is located in Council District 1 near the 51<sup>st</sup> Street exit off of Highway 24. The parcels are zoned RM-1, Residential Mixed One; and

**WHEREAS**, The City Property is approximately two thousand and seven (2007) square feet of which the City will sale nine hundred four (904) square feet to Urban Infill Development, LLC (the "Buyer"), the abutting property owner; and

**WHEREAS**, APN 013-1141-047-05 is owned by the Buyer; and

**WHEREAS**, the property owned by the Buyer is landlocked by the City's Property and therefore has no access to 51<sup>st</sup> Street; and

**WHEREAS**, Landlocked" is when a property is completely surrounded by land belonging to others, making it inaccessible to public streets, roads or highways. Typically this results in property that is unproductive and relatively useless. It's in the City's best interest to sell the property to the Buyer, the abutting property owner; and

**WHEREAS**, APN 013-1141-046-02 is owned by the City and is approximately eight hundred and forty six (846) square feet. This parcel will be subdivided in two parts. One part approximately five hundred twenty six (526) square feet will be sold and part two will be dedicated to 51st Street. At the cost of the buyer, the above ground Pedestal owned by Pacific Gas and Electric Company will be relocated to the newly dedicated portion of 51<sup>st</sup> street; and

**WHEREAS**, APN 013-1141-047-04 is owned by the City and is approximately one thousand one hundred sixty one (1161) square feet. The parcel will be subdivided in two parts. Part one approximately three hundred seventy eight (378) square feet will be sold and part two will be dedicated to 51st Street; and

**WHEREAS**, the Buyer intends to construct a residential duplex on the Property and sell the units which will yield the City the transfer tax, increased annual property tax, local construction jobs and increased housing inventory in Oakland; and

**WHEREAS**, Selling the Property will eliminate the City's ongoing maintenance and fire suppression costs and reduce future litigation exposure; and

**WHEREAS**, Pursuant to Ordinance No. 11602 C.M.S., which established procedures for the sale of City-owned surplus real property, staff recommends adoption of this Ordinance authorizing the Interim City Administrator to enter into a Purchase and Sales Agreement with the Buyer for the disposition of portions of APN 013-1141-046-02 and APN 013-1141-047-04; and

**WHEREAS**, The Property will be sold in an "as is" condition. The minimum acceptable purchase price is four thousand eight hundred twenty one dollars (\$4,821). The Buyer will pay all escrow fees, title fees, transfer tax and other closing cost; and

**WHEREAS**, The City reserves the right to reject any and all contract terms presented by the Buyer that are not deemed in the best interest of the City. The Purchase and Sales agreement will provide for the forfeiture of the deposit for any breach by the Buyer of the Purchase and Sales Agreement; and

**WHEREAS**, The Interim City Administrator has determined that the property should be conveyed as authorized by Ordinance No. 11602 C.M.S; and

**WHEREAS**, Per Ordinance No. 11602 Council has made a finding and determination that waiving the competitive bidding process and selling the Property to the abutting property own is in the best interests of the City because the abutting property owner is landlocked; therefore; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**SECTION 2.** In compliance with Ordinance No. 11602 C.M.S. the Interim City Administrator and / or his designee is authorized execute all documents necessary to sale the property to the Buyer.

**SECTION 3.** The Office of the City Attorney shall review and approve the Purchase and Sales agreement as to form and legality and a copy shall be placed on file with the City Clerk.

**SECTION 4.** This Ordinance has been approved by the Office of the City Attorney as to form and legality.

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6. Effective Date.** This ordinance shall become effective immediately on 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,

PASSED BY THE FOLLOWING VOTE:

~~BROOKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND  
PRESIDENT KERNIGHAN - 7

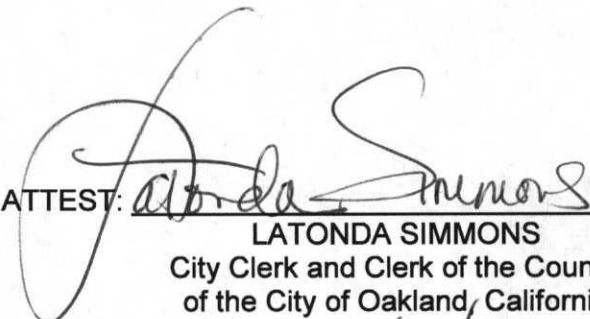
AYES - 7

NOES - 0

ABSENT - 1 - Brooks

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date

OCT 07 2014

Date of Attestation:

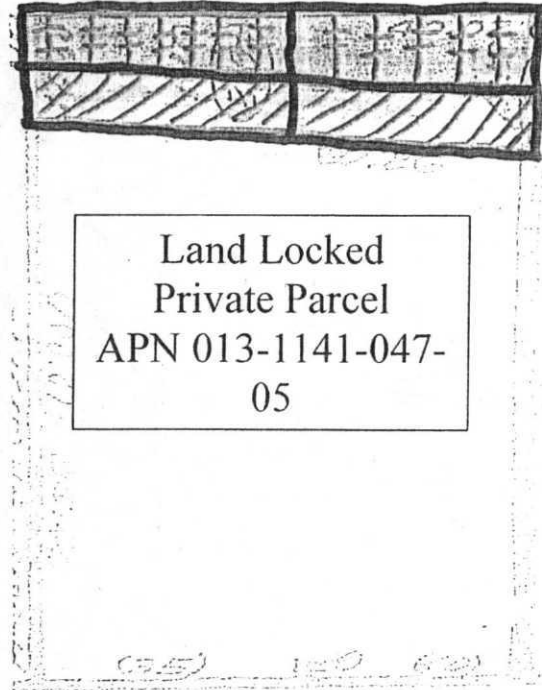
11/4/14

**NOTICE AND DIGEST**

**An Ordinance Authorizing The Interim City Administrator To Negotiate and Execute A Purchase And Sales Agreement To Sell Portions of City-Owned Surplus Real Property Located On 51<sup>st</sup> Street At (APN 013-1141-046-02) And (APN 013-1141-047-04) To Urban Infill Development, LLC, For Not Less Than Four Thousand Eight Hundred Twenty One Dollars (\$4,821)**

Exhibit A

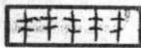
51<sup>st</sup> St. and Lawton Ave.



Legend



Portion of City owned surplus property for sale



Portion of City owned property dedicated to right of way

Exhibit A-1  
51<sup>st</sup> St. & Lawton Ave.

