

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2005 NOV 29 PM 2:00

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community and Economic Development
DATE: December 13, 2005

RE: **ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE PERMANENT STORM DRAIN EASEMENT OF 479 SQUARE FEET ON CITY OWNED PROPERTY LOCATED AT 105TH AVENUE, OAKLAND (APN # 045-5370-020-01) TO MARINWOODS ENTERPRISES, INC. FOR THE APPRAISED MARKET VALUE OF \$2,500 PLUS MASTER FEE SCHEDULE FEES**

SUMMARY

An ordinance has been prepared authorizing the City of Oakland (City) to grant a 479 square feet nonexclusive storm drain easement to the adjacent property owner, Marinwoods Enterprises, Inc. The owner is developing vacant land they own on 105th Avenue into a residential development. The rear of the 105th Avenue property is adjacent to City owned property, which is a portion of an Alameda County Flood Control Channel System. This easement allows the property owner to meet the City of Oakland requirements for drainage on their property. This easement will be granted to the owner at the appraised value of \$2,500.

CEDA Building Services, Public Works Agency, and CEDA Real Estate have reviewed the proposed easement impacts and Staff recommends granting of the easement.

FISCAL IMPACTS

Approval of this Ordinance will authorize the City to collect the Easement Review Fee of \$ 1,255 and the fair market value of the easement of \$2,500. Sale proceeds of \$3,755 will be placed in the General Purpose Fund (#1010), Real Estate Org (#88639), Sale of Land Account (#48111), Real Estate Surplus Property Project (#P47010), Real Estate Program (#PS32).

BACKGROUND

Marinwoods Enterprises Inc. is developing their property into 22 units of entry-level residential housing on 105th Avenue. As a condition of the development, the developer must provide for storm water runoff within the development. The owner has contacted the City to obtain an easement across City owned land for right-of-way in which to place a subsurface pipe to carry the development water runoff to the existing storm drainage system.

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Finance and Management Committee
December 13, 2005

KEY ISSUES AND IMPACTS

The adjacent owner cannot complete its proposed development project without the easement. The proposed easement area contains 479 square feet of City owned property. The easement will be a permanent, nonexclusive, subsurface easement that will have nominal impact on the City owned land, which is part of the Alameda County Flood Control Channel system.

PROJECT DESCRIPTION

The purpose of this easement is to grant rights to install storm drain improvements to the adjacent property owner. The City of Oakland requires the storm drain improvements for the proposed development on the adjacent property. The easement area is located on 479 square feet of City of Oakland owned land adjacent to an existing storm drain system. The proposed storm drain will be approximately nine feet below ground surface and will provide right-of-way for a 12 to 18 inch outfall pipe to carry storm drain runoff to the nearby Alameda County Flood Control Channel.

SUSTAINABLE OPPORTUNITIES

Economic: The storm drain easement is for the benefit of the development. The City will receive economic benefits in the form of property and transfer taxes from the developed property.

Environmental: The easement impacts a small subsurface area of City property. The new storm drain built will tie into an existing storm drain facility and provide drainage for the new development.

Social Equity: Granting of the easement will allow residential development in an area of the City of Oakland in need of new residential development.

DISABILITY AND SENIOR CITIZEN ACCESS

Adoption of this Ordinance will have no direct impact on disabled and senior citizen access.

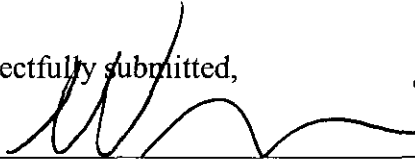
RECOMMENDATION(S) AND RATIONALE

Staff recommends granting the proposed easement to Marinwoods Enterprises, Inc. to grant the owner the required storm drain access.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the ordinance authorizing the granting of a nonexclusive storm drain easement at fair market value plus appropriate Master Fee Schedule fees to Marinwoods Enterprises, Inc.

Respectfully submitted,



DANIEL VANDERPRIEM, Director
Redevelopment, Economic Development and Housing
Community and Economic Development Agency

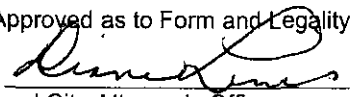
Reviewed by: Frank Fanelli, Manager
Real Estate Services

Prepared by: William Wilkins,
Supervising Real Estate Agent
Real Estate Services

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE


DEBORAH A. EDGERLY
OFFICE OF THE CITY ADMINISTRATOR

2005 NOV 29 PM 2:00


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE PERMANENT STORM DRAIN EASEMENT OF 479 SQUARE FEET ON CITY OWNED PROPERTY LOCATED AT 105TH AVENUE, OAKLAND (APN # 045-5370-020-01) TO MARINWOODS ENTERPRISES, INC. FOR THE APPRAISED MARKET VALUE OF \$2,500 PLUS MASTER FEE SCHEDULE FEES

WHEREAS, the City of Oakland (City) is the owner of a parcel of land, commonly known as APN # 045-5370-020-01 located 105th Avenue, Oakland; and

WHEREAS, Marinwoods Enterprises, Inc. is an adjacent property owner located at 105th Avenue; and

WHEREAS, Marinwoods Enterprises, Inc. submitted plans to the City of Oakland for development of their property with residential units; and

WHEREAS, the proposed development requires the property owners to provide for storm drainage of their development; and

WHEREAS, City of Oakland Public Works Agency and Community and Economic Development Agency/Building Services Division staff have reviewed and approved of the location and proposed easement to provide drainage; and

WHEREAS, the proposed nonexclusive storm drain easement will require 479 square feet of City of Oakland owned land, as shown on Exhibit A, attached hereto; and

WHEREAS, 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 said conveyance is exempt from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Real Estate Division has determined that a nonexclusive storm drain easement will allow the property owners to meet the City of Oakland development requirements; and

WHEREAS, the Real Estate Division has determined the fair market value of the nonexclusive easement is \$ 2,500; **now therefore**

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City Council hereby finds and declares that City staff have reviewed and determined that the requirements to issue a nonexclusive storm drain easement have been satisfied.

SECTION 2: That the City Council hereby authorizes and directs the City Administrator or her designee to execute a nonexclusive Grant of Easement for Marinwoods Enterprises, Inc. for \$2,500, for the property located at 105th Avenue, Oakland.

SECTION 3: Real Estate Services Division's administrative costs of \$1,255 associated with the sale of the property and fair market value proceeds of \$2,500 will be placed in the General Purpose Fund (#1010), Real Estate Org (#88639), Sale of Land Account (#48111), Real Estate Surplus Property Project (#P47010), Real Estate Program (#PS32).

SECTION 4: The City Council has independently reviewed and considered this environmental determination and the City finds and determines that this action is exempt from CEQA pursuant to section 15061(b)(3) (general rule) of the CEQA Guidelines. The City Administrator is directed to file a Notice of Exemption.

SECTION 5: The City Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Ordinance and to complete the transaction.

SECTION 6: The City Attorney shall review and approve as to form and legality all documents and agreements necessary to grant the easement.

SECTION 7: 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, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE PERMANENT STORM DRAIN EASEMENT OF 479 SQUARE FEET ON CITY OWNED PROPERTY LOCATED AT 105TH AVENUE, OAKLAND (APN # 045-5370-020-01) TO MARINWOODS ENTERPRISES, INC. FOR THE APPRAISED MARKET VALUE OF \$2,500 PLUS MASTER FEE SCHEDULE FEES

This ordinance authorizes the City Administrator to sell a nonexclusive storm drain easement across approximately 479 square feet of City-owned property to the adjoining property owner on 105th Avenue.

The easement will have minimal impact on the City's parcel.

Exhibit A

City of Oakland Storm Drain Easement
APN 045 – 5370 – 020 – 01

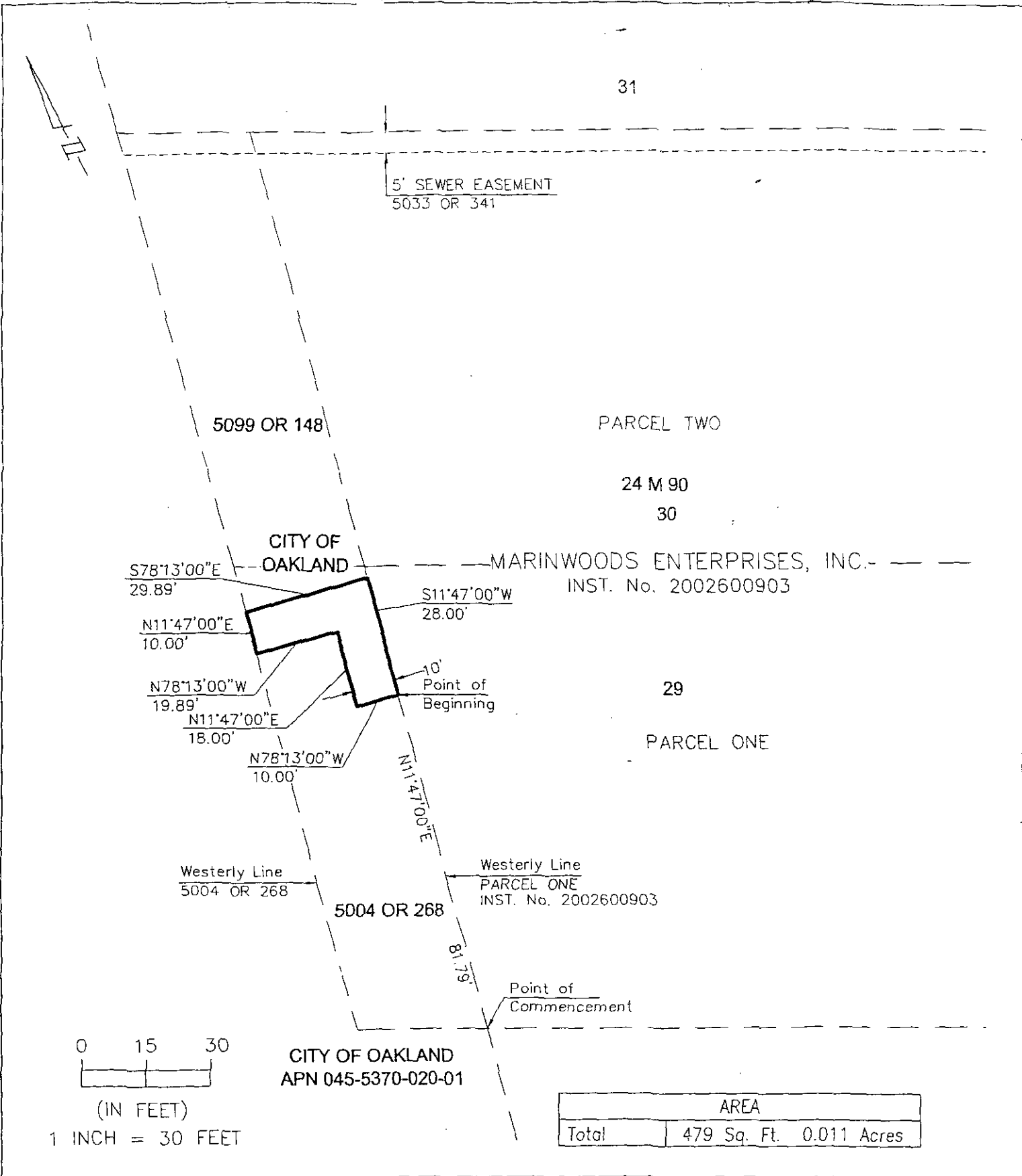


EXHIBIT "A"

**CITY OF OAKLAND
STORM DRAIN EASEMENT**

APN 045-5370-020-01

OAKLAND ALAMEDA COUNTY CALIFORNIA

 **WORLDWIDE INC.**
CIVIL ENGINEERING • LAND SURVEYING
PLANNING

111 CENTER AVE. • SUITE F • PACHECO • CA • 94553
MAILING ADDRESS • P. O. BOX 6327 • CONCORD • CA • 94524
(925) 686-9890 • FAX (925) 686-9893

DESIGNED:	STAFF
DRAWN:	STAFF
CHECKED:	AXD
SCALE:	1"=30'
DATE:	9-07-05
SHEET NO.	1 OF 4
JOB NO.	203-09E

011705