

**CITY OF OAKLAND**  
**AGENDA REPORT**

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 OCT 30 PM 5:27

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: November 12, 2008

**RE: An Ordinance Authorizing The Purchase Of Three Landlocked Parcels Behind Leimert Boulevard and Adjacent To Dimond Park (APN 029A-1353-011-2; 029A-1353-013-2 and APN 029A-1354-001-1) From The Alameda County Treasurer-Tax Collector For A Total Price Not To Exceed \$ 27,000 Plus Interest**

**SUMMARY**

Community and Economic Development Agency (CEDA) staff is requesting that the City of Oakland authorize a Purchase and Sales Agreement between the City and the County of Alameda's Tax Collector's Office to purchase up to three properties from the County through a Chapter Eight (8) Sale. The three properties are landlocked parcels located behind Leimert Boulevard adjacent to Dimond Park, identified as Assessor Parcel Numbers 29A-1353-011-2, 029A-1353-013-2 and 029A-1354-001-1 (as identified in Exhibits "A", "B", and "C") in the Ordinance.

The parcels are available from the Alameda County Tax Collector for back taxes and accrued interest owed on the taxes, and will not exceed \$27,000 plus interest.

**FISCAL IMPACT**

APN	Area	Minimum Bid	Interest Charges	Environmental Review
029A-1353-11-2	Leimert Blvd Dimond Park	\$12,406.25	TBD	Phase I in process
029A-1353-13-2	Leimert Blvd Dimond Park	\$6,405.58	TBD	Phase I in process
029A-1354-1-1	Leimert Blvd Dimond Park	\$5,432.31	TBD	Phase I in process
<b>Subtotal</b>		<b>\$24,244.14</b>		

Funding to purchase the property has been set aside in Measure DD 2003A Capital Improvement Fund (5320), Capital Projects Environmental Services Org. (92280), Watershed Acquisition Series A-DD – Creeks and Waterways Project (C244910).

Item: \_\_\_\_\_  
Finance and Management Committee  
November 12, 2008

## **BACKGROUND**

On November 5, 2002, the voters of the City of Oakland passed Measure DD, the Oakland Trust for Clean Water and Safe Parks. Measure DD provides a total of \$4.5 million for Watershed Acquisitions. The Watershed Improvements Program is administering these funds for acquiring creekside properties of high aesthetic, habitat and/or water quality protections value.

On December 20, 2005, the City Council passed Resolution No. 79649 C.M.S. that adopted the Prioritized Watershed Preservation and Acquisition Project List. The Project List was generated for the identification of top ranked projects to determine and pursue appropriate property preservation strategies. The Project List ranks each project according to criteria previously approved by Council.

The City has submitted objection to Alameda County Treasurer-Tax Collector for the three parcels under the State of California Office of the Controller Chapter 8 process that allows the sale of tax dedeed properties to public agencies. The three parcels located immediately adjacent to Dimond Park, one lot off Leimert Boulevard, are landlocked and the owners of the subject properties have not paid the parcels' property taxes for several years. The Alameda County Treasurer-Tax Collector has proceeded to dispose of the parcels by a tax sale in order to recover the due taxes. The general objective for the acquisitions is to gain control of the sites in order to add valuable Sausal Creek watershed property to Dimond Park.

## **KEY ISSUES AND IMPACTS**

Acquisition of this parcel will continue the City of Oakland's commitment to the voter approved Measure DD Watershed Acquisitions objectives.

- ▶ Promote preservation strategies. The purchase of the Property is consistent with City Council Resolution No. 79649 C.M.S. and satisfies the objectives of Measure DD.
- ▶ Funding is available in the Measure DD 2003A Capital Improvement Fund to cover the cost of acquisition.

## **PROJECT DESCRIPTION**

The Property is located at Dimond Park and contains a portion of Sausal Creek. Acquisition of the property will protect a valuable flood storage area that positively affects the water quality and habitats of the area.

Purchasing the Property will accomplish the objectives of Measure DD. After the City's purchase, the Property will remain open space and will be available for park use with other adjacent City owned open space park property.

The acquisition is exempt under California Environmental Quality Act (CEQA), Section 15316 (Transfer of Ownership of Land in Order to Create Parks) and Section 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources). A Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) will be filed and recorded in the Recorder's Office, Alameda County.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Purchase of the property is consistent with Measure DD, by protecting open space.

**Environmental:** The project will protect a tributary of Sausal Creek. Water quality and intact wildlife habitat will be protected. The parcel will contribute to a scenic resource that provides quality of life benefits for local and regional residents.

**Social Equity:** The Property will protect an open space resource that can be accessed freely by the public.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The land will remain in its natural state. No improvements to the property are contemplated.


### **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council approve a City Ordinance authorizing the purchase of three landlocked parcels behind Leimert Boulevard, adjacent to Dimond Park, from the County of Alameda for a price not to exceed \$ 27,000 plus interest to promote open space preservation with Measure DD funds.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council approve the Ordinance.

Respectfully submitted,

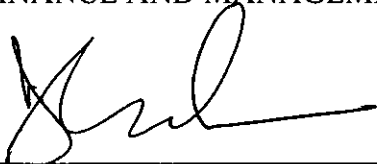
*for*   
Dan Lindheim, Director  
Community and Economic Development Agency

Reviewed by: Gregory Hunter, Deputy Director,  
Economic Development, Community and Redevelopment

Reviewed by: Frank Fanelli  
Real Estate Services Division

Prepared by: Ava Jourdain  
Real Estate Agent

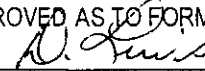
APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Finance and Management Committee  
November 12, 2008

FILED  
OFFICE OF THE CITY CLERK  
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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C. M. S.

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**AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE  
LANDLOCKED PARCELS BEHIND LEIMERT BOULEVARD AND  
ADJACENT TO DIMOND PARK (APN 029A-1353-011-2; 029A-1353-013-2  
AND APN 029A-1354-001-1) FROM THE ALAMEDA COUNTY  
TREASURER-TAX COLLECTOR FOR A TOTAL PRICE NOT TO  
EXCEED \$ 27,000, PLUS INTEREST**

**WHEREAS**, the Board of Supervisors of Alameda County has consented to the proposed sealed bid sale of three property tax delinquent parcels adjacent to Dimond Park off Leimert Boulevard (APN 029A-1353-011-2; 029A-1353-013-2 and APN 029A-1354-001-1), which properties are described in Exhibits "A", "B" and "C", attached hereto and incorporated herein; and

**WHEREAS**, Chapter 8 of the California Revenue and Taxation Code authorizes and provides proceedings for the acquisition of said tax delinquent property by the City; and

**WHEREAS**, City staff have identified these three properties as watershed parcels within Sausal Creek adjacent to Dimond Park; and

**WHEREAS**, it is deemed to be in the public interest that the fee to said parcels be acquired by the City of Oakland for watershed, as part of a City park, for the use and enjoyment of Oakland residents; and

**WHEREAS**, the Oakland Trust for Clean Water and Safe Parks (Measure DD), passed on November 5, 2002, with 80% voter approval, provided \$4.5 million for Watershed Acquisition; and

**WHEREAS**, the Measure DD, Series 2003A Bond sale in August 2003 provided \$3 million for Watershed Acquisition, which has already been appropriated and allocated by the City Council; and

**WHEREAS**, the City wishes to purchase one, two or all three of the referenced parcels, pending the results of the environmental review, title search and other due diligence to be completed; and

**WHEREAS**, the funding for the acquisition of the property is available in the Watershed Improvement Program Watershed Acquisition Project (Fund 5320, Org. 92280, Project Number C244910); 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, acting by and through its governing body, hereby requests that the referenced parcels (APN 029A-1353-011-2; 029A-1353-013-2 and APN 029A-1354-001-1) be withdrawn from public auction.

**Section 2.** The funding for the acquisition of the necessary property rights will be drawn from Measure DD 2003A Capital Improvement Fund and is available from Fund 5320, Org. 92280, Acct., Project Number C244910.

**Section 3.** The City Council hereby authorizes the purchase of the Leimert Boulevard parcels for a combined purchase price of \$27,000 plus interest.

**Section 4.** The City Administrator, or his designee, is authorized to negotiate and execute an agreement to purchase the Leimert Boulevard parcels, and to take any other action with respect to this property acquisition that is consistent with this Ordinance and its basic purpose.

**Section 5.** That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15316 (transfer of ownership of land in order to create parks) and Section 15325 (transfer of ownership of interest in land to preserve existing natural conditions and historical resources) of the CEQA guidelines, and Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration (CA Fish and Games Code Sec. 711.4) with the County of Alameda.

**Section 6.** In accordance with the requirements of City Charter Article IV, the purchase agreement shall be approved as to form and legality by the City Attorney's Office prior to execution and a copy shall be filed with the Office of the City Clerk.

**Section 7.** 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, \_\_\_\_\_, 2008

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_

ASSESSOR'S MAP 29A

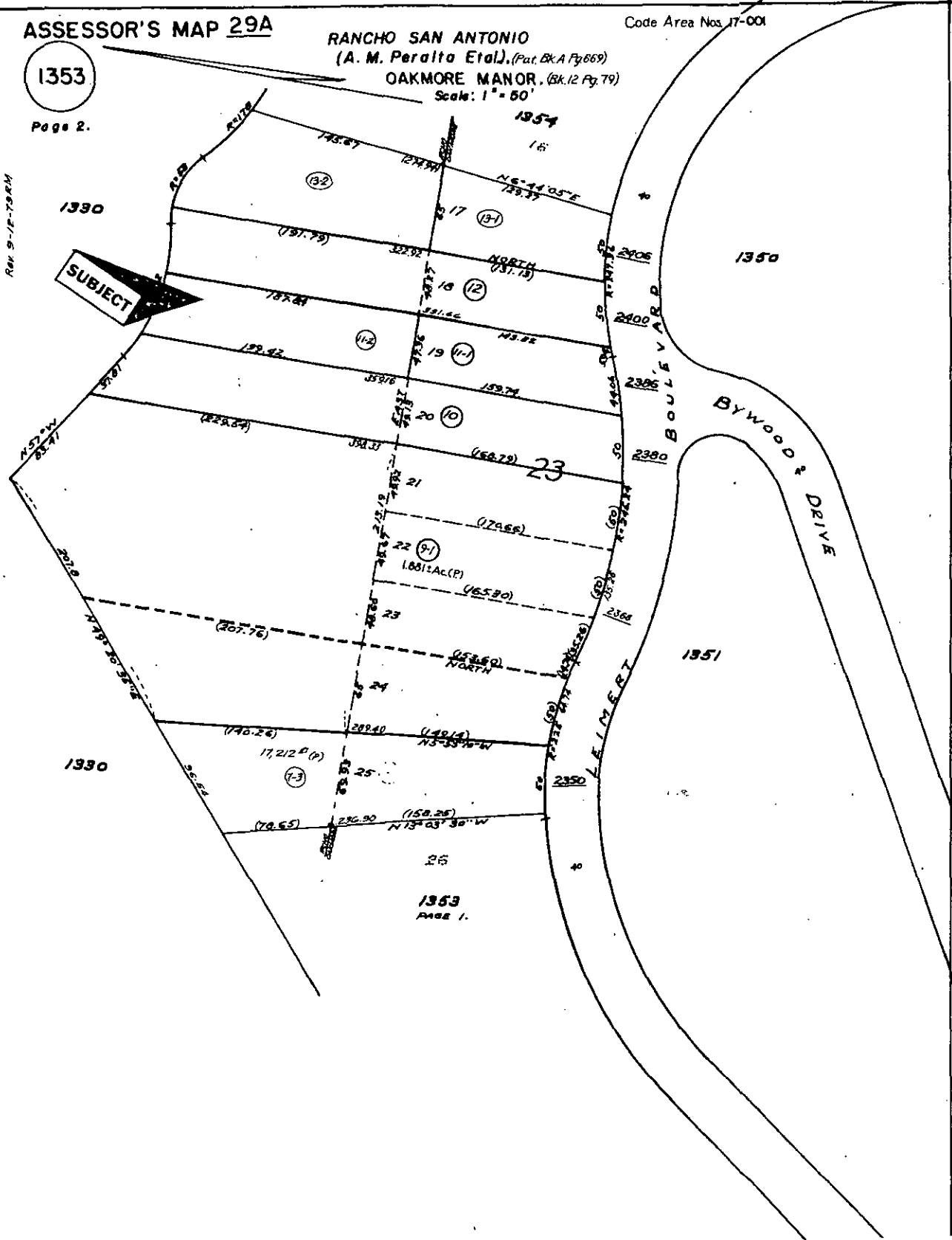
Code Area Nos. 17-001

RANCHO SAN ANTONIO  
(A. M. Peralta Etal), (Pat. Bk. A Pg. 669)  
OAKMORE MANOR, (Bk. 12 Pg. 79)  
Scale: 1" = 60'

1353

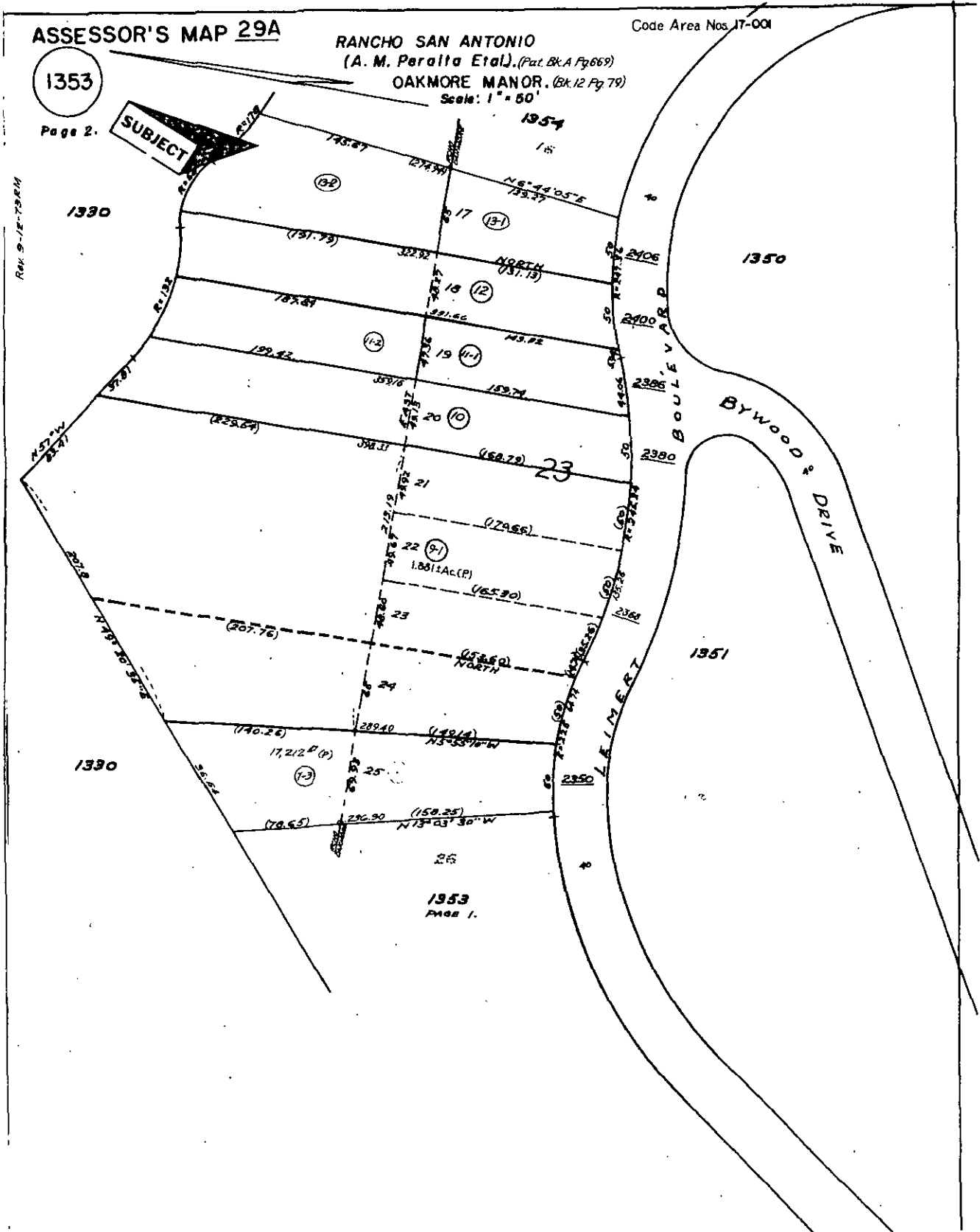
Page 2.

REV. 9-12-1984M



SUBJECT





Assessor's Map 29A.

Oakmore Manor. (Bk. 12 Pg. 79)

Scale 1 in = 50 ft.

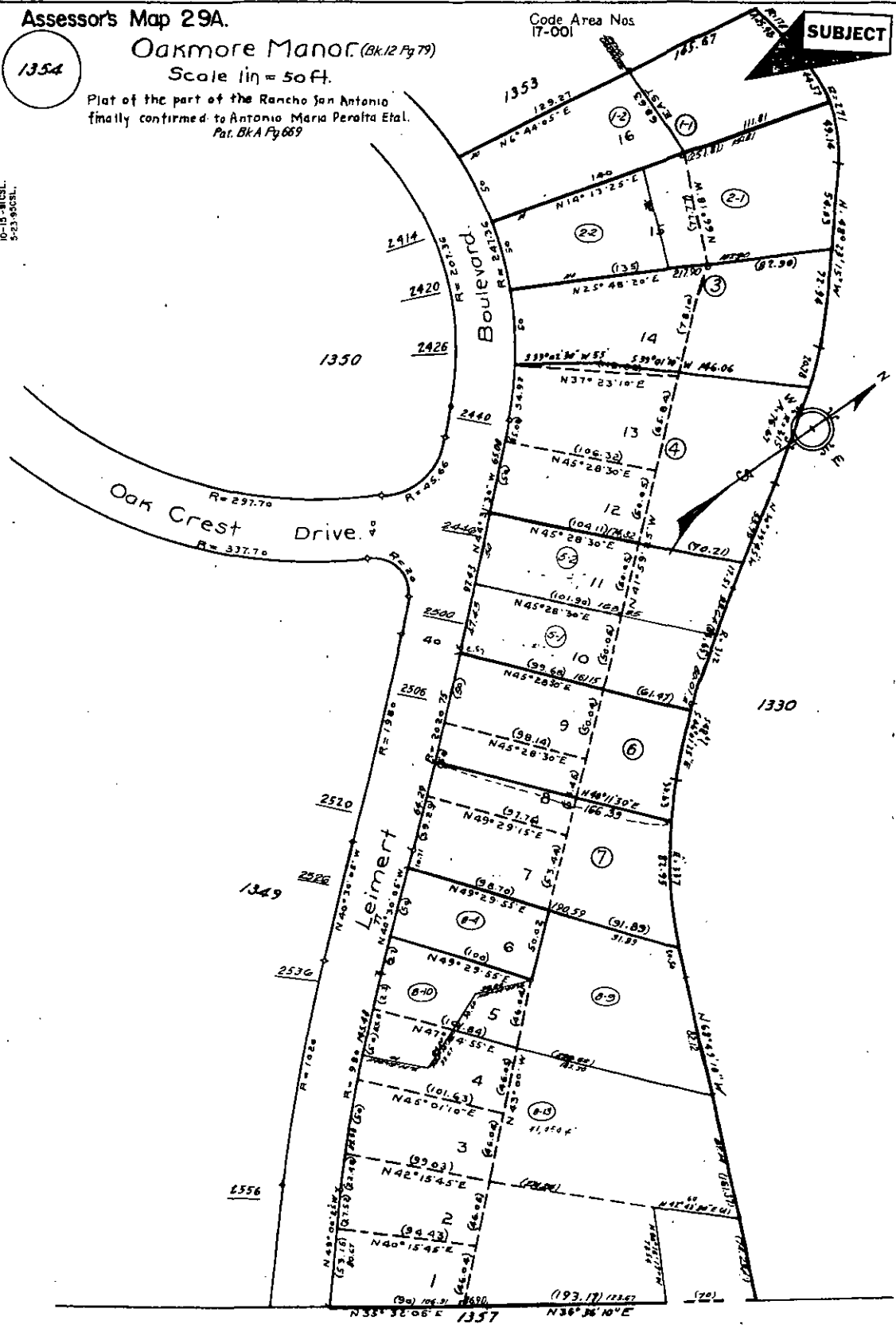
Plat of the part of the Rancho San Antonio finally confirmed to Antonio Maria Peralta Etal. Pat. BKA Pg. 689

1354

Code Area Nos 17-001

SUBJECT

REV. 8-11-2024M  
10-15-2024L  
5-23-2024L



NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE LANDLOCKED PARCELS BEHIND LEIMERT BOULEVARD AND ADJACENT TO DIMOND PARK (APN 029A-1353-011-2; 029A-1353-013-2 AND APN 029A-1354-001-1) FROM THE ALAMEDA COUNTY TREASURER-TAX COLLECTOR FOR A TOTAL PRICE NOT TO EXCEED \$ 27,000 PLUS INTEREST**

This Ordinance authorizes the City Administrator to purchase from the Alameda County Treasurer-Tax Collector, up to three properties located behind Leimert Boulevard adjacent to Dimond Park.