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OAKLAND

2013 JUN 12 PM 3:19

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 84485 C.M.S.**

Approved as to Form and Legality

  
City Attorney

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**RESOLUTION REJECTING ALL PRIOR BIDS AND AUTHORIZING THE CITY ADMINISTRATOR TO MARKET FOR SALE SURPLUS PROPERTY LOCATED AT 3455 AND 3461 CHAMPION STREET, APN 028-0905-013-02 AND APN 028-0905-009-00 (OLD FIRE HOUSE #14), FOR THE FUTURE DEVELOPMENT OF A RESTAURANT BY ISSUING A NOTICE OF DEVELOPMENT OPPORTUNITY**

**WHEREAS**, the City of Oakland owns property located at 3455 and 3461 Champion Street within the City of Oakland (Assessor Parcel Numbers 028-0905-013-02 and 028-0905-009-00), as identified in *Exhibit A* of the Resolution (“the Property”); and

**WHEREAS**, the Property formally known as Old Fire Station Number Fourteen (14) consists of two flat parcels containing +/- 3,275 square feet building and +/- 8,244 square feet land; and

**WHEREAS**, with the exception of removing the above ground diesel fuel tank and environmental remediation, the Property shall be sold in “AS-IS” condition; and

**WHEREAS**, the City makes no representations regarding land use or other permitting issues that may affect the Property; and

**WHEREAS**, the Property has been declared surplus property and information on the City-owned parcel has been circulated to public agencies as required by the California Surplus Lands Act (Government Code Sections 54220 et seq) and there was no interest expressed or offers received from other public agencies; and

**WHEREAS**, the sale of this Property is subject to Ordinance No. 11602 C.M.S., which establishes procedures for the sale of City owned surplus real property including through a negotiated sale; and

**WHEREAS**, per Ordinance No. 11602 C.M.S., the City originally marketed this Property through a competitive bidding process; and subsequent to such marketing, the community raised concerns about the future use of the Property and its impact on the surrounding neighborhood; and

**WHEREAS**, Section 6 of Ordinance No. 11602 provides an exception to the competitive bidding requirement and the City Council may sell the Property by negotiated sale upon a finding and determination that it is in best interests of the City to do so; and

**WHEREAS**, the City finds that it is in the best interest of the City to reject all prior bids received and market the Property for development and use as a restaurant, subject to City approvals and permits, because such development and use will strengthen the City's tax base and provide other economic development benefits, such as jobs, contribute to the character and walkability of the neighborhood, and reflect the community's interest in the use of this Property; and

**WHEREAS**, the requirements of the California Environmental Quality Act ("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; and

**WHEREAS**, the Property is currently zoned CN-1, Commercial Neighborhood One and the General Plan land use classification is Neighborhood Center Mixed Use; now, therefore, be it

**RESOLVED**, that the City Council hereby finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and be it

**FURTHER RESOLVED**, that the City Council hereby finds and determines that the Property is not needed for any public purpose, is surplus to the needs of the City, and rejects all bids solicited through the prior competitive bidding processes; and be it

**FURTHER RESOLVED**, that the City Council hereby finds and determines that it is in the best interests of the City to waive the competitive bidding requirements of Ordinance No. 11602 C.M.S. and to market and sell this Property through a negotiated sale for the reasons set forth above; and be it

**FURTHER RESOLVED**, that the City Council authorizes the City Administrator or her designee to market the Property through a Notice of Development Opportunity for development of a restaurant use; and be it

**FURTHER RESOLVED**, that, with the exception of removing the above ground diesel fuel tank and environmental remediation, the Property will be sold "as-is, where is," and the City makes will make no representation as to the potential use or condition of this Property; and be it

**FURTHER RESOLVED**, that the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA under Section 15061(b)(3) (general rule exception, no significant effect on the environment), Section 15183 (projects consistent with the General Plan), and Section 15312 (Surplus Government Property Sales) of the CEQA Guidelines; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee shall cause to be filed a Notice of Exemption under CEQA with the County of Alameda; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to marketing the Property for sale for the future development of a restaurant, consistent with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED**, that the City Council authorizes staff to consider the respondents' proposed use and future development of the Property in the negotiation process; and be it

**FURTHER RESOLVED**, that the City Administrator shall return to the City Council for approval of any sale of the Property; and be it

**FURTHER RESOLVED**, that the City Attorney shall review and approve all documents and agreements related to this transaction as to form and legality, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 2 2013

**PASSED BY THE FOLLOWING VOTE:**

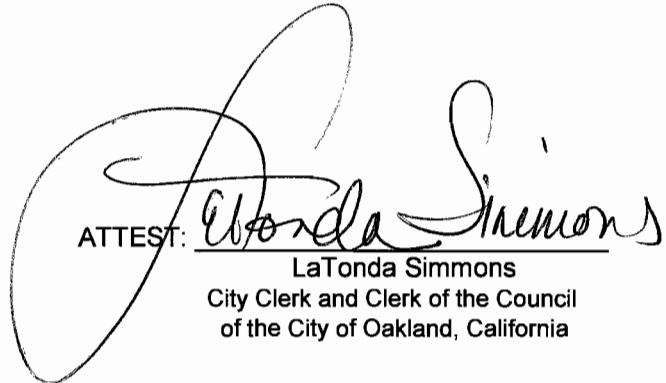
AYES - BROOKS, GALLO, ~~GIBSON, McELHANEY~~, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - Gibson McElhaneey - 1

ABSTENTION - 0

ATTEST:



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

# Exhibit A



# Exhibit A-1

