

CITY OF OAKLAND

OFFICE OF THE CITY CLERK

Agenda Report

20070313 PM 2:05

TO: Office of the City Administrator
ATTN: Deborah Edgerly, City Administrator
FROM: Community and Economic Development Agency
DATE: March 13, 2007

RE: **Ordinance Authorizing the City Administrator to Negotiate and Execute A Purchase and Sale Agreement with Michael and Margaret Chu for the City's Purchase of 2680 Beaconsfield Place (APN # 048D-7280-028) Consisting of About 5,929 Square Feet of Land Located in the Beaconsfield Canyon for the Fair Market Value of Seventy Two Thousand Sixty Nine Dollars (\$72,069) Plus Closing Costs not to Exceed Five Thousand Dollars (\$5,000) for the Measure DD Watershed Acquisition Project.**

SUMMARY

An Ordinance has been prepared authorizing the City Administrator, or her designee, to negotiate and execute a Purchase And Sale Agreement with property owners Michael and Margaret Chu, husband and wife, for the acquisition of 2680 Beaconsfield Place (APN # 048D-7280-028), 5,929 square feet of land located in Beaconsfield Canyon, for \$72,069 plus the closing costs not to exceed \$5,000 from Measure DD funds. The property will be held by the City of Oakland, will remain in its natural condition with native trees and undergrowth, and be permanently protected as open space.

The Owners have agreed to sell the property to the City for the fair market value of \$72,069 with the City paying all closing cost not to exceed \$5,000. The purchase price is consistent with the appraised fair market value of the property. Staff recommends the adoption of this Ordinance authorizing the City to purchase the property.

FISCAL IMPACT

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).

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 utilizing these funds for acquiring creekside properties of high aesthetic, habitat and/or water quality protections value.

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Finance and Management Committee
March 13, 2007

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 project in Beaconsfield Canyon is ranked fifth on the Project List.

The Owners have agreed to sell the property to the City for the fair market value of \$72,069 with the City paying closing costs not to exceed \$5,000.

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. The City has acquired other properties in the Beaconsfield Canyon under the old Measure K Open Space Acquisition Bond. Real Estate staff has been in ongoing negotiations with the property owners for over 10 years on the purchase of this property for the preservation of the canyon.

- ▶ Promote preservation strategies. The project in the Beaconsfield Canyon ranks fifth on the City's adopted Prioritized Watershed Preservation and Acquisition Project List. 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 in Beaconsfield Canyon and contains a portion of a headwater tributary 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 of 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.

ENVIRONMENTAL IMPACTS

The property will continue to remain open space and will be available for park use. The project 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) of the CEQA guidelines. 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.

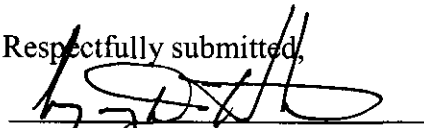
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the Ordinance authorizing the City Administrator to negotiate and execute a Purchase and Sale Agreement for the acquisition of the property in Beaconsfield Canyon to promote open space preservation within the Sausal Creek Headwaters area, for an amount not to exceed Seventy-Two Thousand Sixty-Nine dollars (\$72,069) plus closing costs not to exceed Five Thousand dollars (\$5,000) from Measure DD funds.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the Ordinance.

Respectfully submitted,

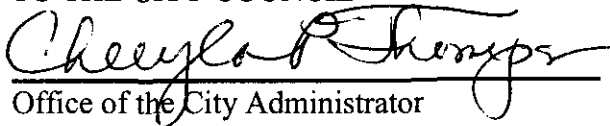


GREGORY HUNTER,
Interim Director of Redevelopment

Reviewed by:
Frank Fanelli, Manager Real Estate Services

Prepared by:
Ed Kawamoto, Real Estate Agent

APPROVED AND FORWARDED
TO THE CITY COUNCIL



Office of the City Administrator

2007 MAR -1 PM 2:05

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C. M. S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH MICHAEL AND MARGARET CHU FOR THE CITY'S PURCHASE OF 2680 BEACONSFIELD PLACE (APN: 048D-7280-028) CONSISTING OF ABOUT 5,929 SQUARE FEET OF LAND LOCATED IN THE BEACONSFIELD CANYON FOR THE FAIR MARKET VALUE OF SEVENTY TWO THOUSAND SIXTY NINE DOLLARS (\$72,069) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.

WHEREAS, on November 5, 2002, the voters of the City of Oakland passed Measure DD that authorized the City to sell bonds to provide funds for the restoration and preservation of creeks and acquisition of watersheds; and

WHEREAS, Measure DD provides \$4.5 million for Watershed Acquisitions and the Measure DD funds are available under the Watershed Improvement Program's Watershed Acquisition Project for the purchase of 2680 Beaconsfield Place (APN: 048D-7280-028), Oakland, CA ("Property"); and

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

WHEREAS, on December 20, 2005, the Oakland City Council, by Resolution No. 79649 C.M.S., adopted the Prioritized Watershed and Acquisition Project List ("Project List"), ranking each project according to the previously approved City Council criteria identifying the top ranked projects for environmental preservation, and the project in Beaconsfield Canyon is ranked 5th on the Project List; and

WHEREAS, Michael and Margaret Chu, ("Owners") husband and wife, are the record owners of the Property consisting of about 5,929 square feet of unimproved vacant land located in Beaconsfield Canyon; and

WHEREAS, the Owners have agreed to sell the Property to the City for the fair market value of \$72,069 , with the City paying closing costs not to exceed \$5,000; and

WHEREAS, The Property will continue to remain open space and will be available for park use; 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 Regulation 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 Administrator, or her designee, is authorized to negotiate and execute a Purchase and Sale Agreement to purchase the real property located at 2680 Beaconsfield Place, (APN #048D-7280-028), the legal description of which is set forth in Exhibit “A”, attached hereto and incorporated herein, for the fair market value of \$72,069, plus closing costs not to exceed \$5,000.

Section 2: Funding to purchase the Property will be drawn from Measure DD 2003A Capital Improvement Fund (5320), Capital Projects Environmental Services Org. (92280), Watershed Acquisition A-DD – Creeks and Waterways Project (C244910), Land Account (57116).

Section 3: The Manager of Real Estate Services or other City Administrator designee is hereby authorized to negotiate and execute all agreements and take all other actions as may be required to carry out the intent and purpose of the Purchase and Sale Agreement and this Ordinance.

Section 4: 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 the Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration with the County of Alameda.

Section 5: In accordance with the requirements of the City Charter Article IV, the Purchase and Sale 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 6: 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, _____, 2007
PASSED BY THE FOLLOWING VOTE:

AYES BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, 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

Exhibit A

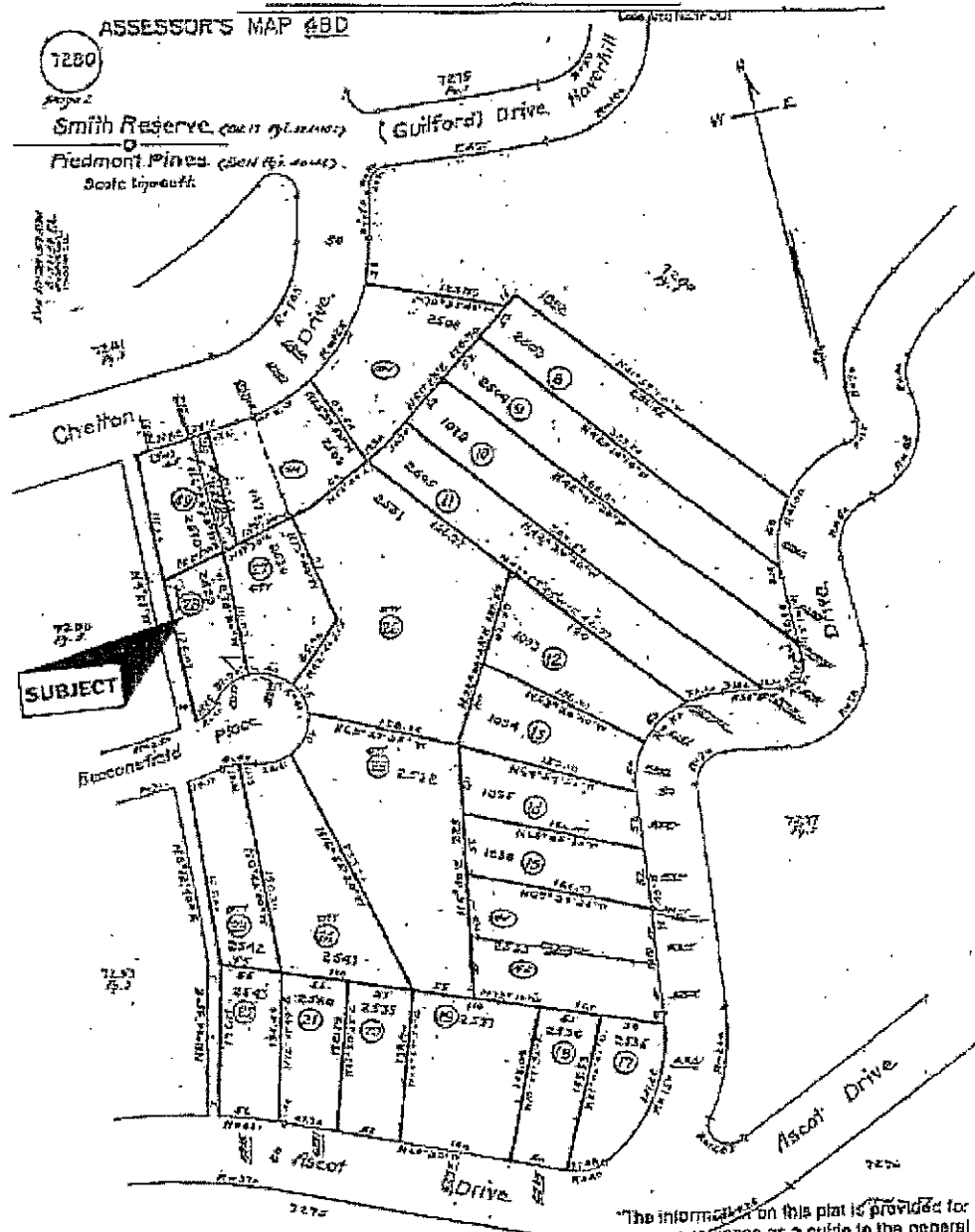
LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Lot 2529, Map of Piedmont Pines, filed October 15, 1932, in Book 14 of Maps, Pages 40 through 43, Alameda County Records.

APN: 048D-7280-028



"The information on this plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy report or guarantee to which it may be attached"

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH MICHAEL AND MARGARET CHU FOR THE CITY'S PURCHASE OF 2680 BEACONSFIELD PLACE (APN: 048D-7280-028) CONSISTING OF ABOUT 5,929 SQUARE FEET OF LAND LOCATED IN THE BEACONSFIELD CANYON FOR THE FAIR MARKET VALUE OF SEVENTY TWO THOUSAND SIXTY NINE DOLLARS (\$72,069) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.

This Ordinance authorizes the City Administrator to purchase 2680 Beaconsfield Place) about 5,929 square feet of land located in the Beaconsfield Canyon from Michael and Margaret Chu for \$72,069 plus the closing costs not to exceed \$5,000 from Measure DD funds.