

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

2009 JUN 11 PM 4: 13

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: June 23, 2009

RE: **An Ordinance Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute A Purchase And Sale Agreement With Chabot-Dunsmuir LP For City Acquisition Of Seven Parcels Totaling Approximately 64 Acres Located Northwest Of Dunsmuir Ridge (the "Property"), Subject To A Conservation Easement In Favor Of The East Bay Regional Park District ("District"), For One Million Twenty-Five Thousand Dollars (\$1,025,000), Plus One Hundred Thousand Dollars (\$100,000) For Closing Costs And Ninety- Five Thousand Dollars (\$95,000) For Capital and Other Costs, From Measure DD Funds, And To Grant The District A Recreational Trail Easement Over And Across The Property And Other Adjacent City-Owned Lands**

---

**SUMMARY**

An Ordinance has been prepared authorizing the City Administrator, without returning to Council, to negotiate and execute a purchase and sale agreement with Chabot-Dunsmuir LP for City acquisition of seven parcels totaling approximately 64 acres located northwest of Dunsmuir Ridge (the "Property"), subject to a conservation easement in favor of the East Bay Regional Park District ("District"), for one million twenty-five thousand dollars (\$1,025,000), plus one hundred thousand dollars (\$100,000) for closing costs and ninety-five thousand dollars (\$95,000) for capital and other costs, from Measure DD Funds, and to grant the District a recreational trail easement over and across the Property and other adjacent City-owned lands.

On November 5, 2002, the voters of the City passed Measure DD, which authorized the City to sell bonds to provide funds for the restoration and preservation of creeks and acquisition of watersheds. Measure DD funds are available under the Watershed Improvement Program's Watershed Acquisition Project to cover the purchase price, closing costs, and capital costs for the approximately 64 acre parcel (APNs: 048-6165-059-03, 048-6165-075-04, 048-6165-076-01, 048-6166-041-07, 048-6179-011-02, 048-6247-002-10, and 048-6254-001) (the "Property").

On December 20, 2005, the Oakland City Council passed Resolution No. 79649 C.M.S adopting the Prioritized Watershed Preservation and Acquisition Project List ("Project List"), which ranked the Property third in terms of priority for acquisition.

Item: \_\_\_\_\_  
Public Works Committee  
June 23, 2009

Chabot-Dunsmuir ("Owner"), a California limited partnership, owns the Property consisting of approximately 64 acres of unimproved vacant land located northwest of the Dunsmuir House and northwest of Dunsmuir Ridge Open Space. The Owner has agreed to sell the Property for a total cash purchase price of \$2,925,000, which is less than the appraised fair market value of \$3,600,000, as of July 16, 2008.

For tax planning purposes, the Owner has expressed an interest in selling the conservation easement to the District for \$1,900,000 (as part of the \$2,925,000 purchase price), conditioned on the District's payment of its share of the closing costs, and the City's purchase of the Property for \$1,025,000, subject to the conservation easement and the City's payment of its share of closing costs, not to exceed \$100,000.

In addition to the purchase price and the closing costs, the capital costs associated with the City's purchase of the Property would not exceed \$95,000, for the installation of gates and bollards at main access points, survey work to identify boundaries, one-time clean up expenses, and the removal of vegetation and debris to reduce fire risk.

The District's interest in purchasing the conservation easement from the Owner is conditioned on the City's grant of a recreational trail easement over and across a section of the Property plus adjacent City owned lands (Dunsmuir Ridge Open Space), as shown on the District's map (*Attachment A*). The length of this trail easement (alignment to be determined) is about 1.6 miles stretching from the City-owned land to the District's Anthony Chabot Regional Park near the Goldenrod Trail. The City's grant of the recreational trail easement will be conditioned on the District's agreement to pay for the installation and maintenance of the new easement trail, and to indemnify the City from any liability relating to the trail easement.

By acquiring the Property, the City will be able to complete a Measure DD project, and leverage its funds to complete the purchase by granting the District the recreational trail easement. As the property owner, the City will be responsible for maintaining the Property. The City has no funding source available for on-going maintenance, except for the Oakland Fire Department's site maintenance activities related to wildfire protection through the Wildfire Prevention District. The open space maintenance staffing was eliminated in the October 2008 revised budget, and further reductions are proposed for park maintenance effective July 1, 2009.

## FISCAL IMPACT

The fiscal impact to the City includes:

1. Estimated cost to purchase the Property. The estimated total cost to purchase the Property is \$1,220,000 including the purchase price (\$1,025,000), closing costs (not to exceed \$100,000) and capital costs (not to exceed \$95,000). The funding is available

Item: \_\_\_\_\_  
Public Works Committee  
June 23, 2009

from Measure DD 2003A Capital Improvement Fund (5320) Watershed Acquisitions Creeks and Waterways Project (C244910).

2. Estimated maintenance cost of the Property. There is no funding available for on-going maintenance. However, funding is available for on-going fire abatement activities through the Wildfire Protection District. To minimize the City's maintenance costs associated with this Property, staff recommends keeping this property closed to the public until appropriate maintenance funding is provided. The details of the estimated annual maintenance cost of the Property are shown on **Attachment B** entitled "Projected Annual Maintenance Cost of New Property." This cost is expected to increase over the years due to inflation.
3. Estimated cost associated with the trail. As an element of the transaction, the City will grant a recreational trail easement to the District. Designation of this trail as a regional trail will likely increase use of this and adjacent City-owned property, thereby increasing the risks of liability and claims against the City on adjacent lands. (See attached **Attachment C** entitled "Projected Annual Cost Associated with Recreational Trail Easement").

## BACKGROUND

The City of Oakland included \$4.5 million for Watershed Preservation and Acquisition in Measure DD that passed November 2002. Following passage of Measure DD, the City conducted public outreach and meetings to identify creekside properties of high aesthetic, habitat and/or water quality protections value. The identified properties were assessed and a prioritized list of properties for preservation and acquisition was drafted. On December 20, 2005, City Council passed Resolution No. 79649 C.M.S., adopting the Prioritized Watershed Preservation and Acquisition List and authorizing staff to initiate negotiations with property owners. The Property ranked third on the priority list adopted by Council.

An important objective of Measure DD is to leverage outside monies to sufficiently fund Measure DD projects. To obtain additional monies for preservation of the Property, the City approached the District for matching funds. In June 2008, the District's Board of Directors approved a project list for Measure WW, a \$500 million park bond extension measure that included \$1.9 million for the purchase of a conservation easement on the Property and \$450,000 to construct the Dunsmuir Heights to Chabot Regional Trail. On-going maintenance of this regional trail will be funded through the District's General Fund. Measure WW passed on November 4, 2008.

The Property is located northwest of the Dunsmuir House and northwest of the Dunsmuir Ridge Open Space within the City of Oakland. The Property consists of moderate to steep hills.

Item: \_\_\_\_\_  
Public Works Committee  
June 23, 2009

According to the United State Geological Survey, the elevation ranges between 200 and 600 feet. The Property has several dirt roads used for fire roads. The majority of the Property is comprised of intact, healthy bay and oak woodlands. Approximately 7,500 linear feet of San Leandro creek tributaries cross the Property. A quarter-acre perennial seep is located in the Property's northwest corner.

Access to the Property is limited to the following: 1) about 20.29 feet of frontage on the southeast side of Malcolm Avenue, 2) about 35 feet of frontage at the end of Lochard Street, and 3) about 50 feet of frontage on an easement at the west side of Kerrigan Drive.

According to the preliminary report of title from Old Republic Title Company, dated March 26, 2009, the Seller, Chabot-Dunsmuir LP, a California limited partnership, is the record owner of the Property, which consists of the seven assessor's tax parcels totaling  $64 \pm$  acres. The taxes and assessments on the Property for the fiscal year 2008-2009, now due but unpaid, including penalty, is \$26,868.57. The Seller will be responsible for all unpaid taxes at the date of sale. The Property is subject to covenants, conditions, and restrictions in favor of the Chabot Park Highlands Homeowners Association and other adjacent property owners requiring their consent for any building, lot splits, or subdivision.

A development summary, made publicly available by the Seller in July 2006, indicated that the Seller planned to construct 61 single-family homes ranging in price from \$900,000 to \$2,500,000, with the size ranging from 2,100 to 4,610 square feet. The Seller has submitted several pre-proposal applications to the City but does not have a formal application to obtain entitlements under review.

The District retained Magaretta J. Darnall, MAI, SRA, to appraise the Property. According to the appraisal, the fair market value of the Property as of July 16, 2008 was \$3,600,000, or about \$1.28 per square foot based on the land area of 64.4 acres. Since the date of this appraisal, real estate market conditions have deteriorated, and any decrease in market value may not be captured in the appraisal's valuation of the Property.

The Seller has proposed selling the Property to the District and the City for a total purchase price of \$2,925,000, with an initial nonrefundable deposit of \$100,000, and an additional nonrefundable deposit of \$500,000. These deposits will be paid by District. The Seller requires that escrow on the sale close by December 31, 2009.

Subject to obtaining its Board's approval, the District is interested in acquiring a conservation easement from the Seller over and across the Property for \$1,900,000 conditioned on the following: 1) City Council authorization to purchase the Property subject to District's conservation easement, and 2) City's grant of a recreational trail easement over and across the Property and other adjacent City-owned land.

City staff is interested in acquiring the Property subject to the conservation easement in favor of the District for \$1,025,000, plus estimated closing costs not to exceed \$100,000 and capital costs associated with transferring the property to public ownership not to exceed \$95,000. The capital costs include installation of gates and bollards at main access points, survey work to identify boundaries, one-time clean-up costs, and costs to remove vegetation and debris to reduce fire risk.

Funding for the City's total purchase costs of \$1,220,000 is available and has been set aside within Measure DD 2003A Capital Improvement Fund (5320) Watershed Acquisitions Creeks and Waterways Project (C244910). The Measure DD Funds are not available for on-going maintenance costs, so other funds must be identified for City maintenance of the Property. There is no funding available for on-going maintenance, except for on-going fire abatement activities through the Wildfire Protection District.

After its purchase of the Property, the City will grant the District a recreational trail easement over and across a small section of the Property, plus other City owned lands as shown on the attached District map. The New Dunsmuir Heights to Chabot Regional Trail, which is about 8,600 feet or 1.6 miles (alignment to be determined) will begin at the City owned land and extend to District's Anthony Chabot Regional Park near the Goldenrod Trail. The District, at no cost to the City, agrees to install trails, maintain the easement area, and indemnify and hold the City harmless from any claims or liability related to the proposed easement. To minimize the City's maintenance costs, staff recommends keeping the proposed easement area and Property closed to the public until appropriate maintenance funding is provided.

This Property is one of the largest, never developed, privately-owned properties in Oakland. Acquisition of the Property would connect several large City of Oakland properties including the Dunsmuir House & Gardens, the City's Dunsmuir Ridge Open Space, and the Lake Chabot Golf Course. Beyond these City holdings is the East Bay Regional Park District's Anthony Chabot Regional Park. The grant of the recreational trail easement to the District will connect these properties and provide public access to District's existing trails. The District's Anthony Chabot Regional Park provides public parking and directional signs for the public's use of the District's trail. The City's entrance to the proposed recreational trail does not provide such accommodations.

The importance of this purchase extends beyond Oakland. The regional significance of protecting the Property as an open space resource has led to its identification as a priority property for preservation within several documents prepared for regional agencies, including the California Coastal Conservancy and numerous non-governmental environmental organizations, the Association of Bay Area Governments, the Bay Area Open Space Council, and the San

Francisco Bay Joint Venture Project, an organization established under The Migratory Bird Treaty Act to restore wetlands and wildlife habitat in San Francisco Bay watersheds.

## KEY ISSUES AND IMPACTS

The key issue is whether the City should purchase the Property subject to the conservation easement from the Owner and then grant a recreational trail easement over and across a section of the Property and other adjacent City owned lands to the District. Staff recommends the passage and adoption of this Ordinance to cause the City to purchase the Property and to grant a recreational trail easement for the following reasons:

1. The total purchase price to the Owner of the Property (\$2,925,000) is less than the appraised fair market value (\$3,600,000), as of July 16, 2008.
2. Funding required for property acquisition, closing costs and related capital costs is available and has been set aside within Measure DD 2003A Capital Improvement Fund (5320) Watershed Acquisitions Creeks and Waterways Project (C244910).
3. Protection of this open space will achieve the objectives of the City's voter supported Measure DD to preserve watershed lands. The Property is on the Measure DD Prioritized Watershed Preservation and Acquisition Project List approved by Council in December 2005 in Resolution No. 79649 C.M.S.
4. The Property contributes to the Council's goals to a) develop a sustainable city and b) build community and foster livable neighborhoods by conserving significant natural resources and providing recreational facilities and trees.
5. The Property is identified as a priority conservation site by the California Coastal Conservancy, the Association of Bay Area Governments, the Bay Area Open Space Council, the San Francisco Bay Joint Venture Project, and the Greenbelt Alliance.
6. According to the Oakland Fire Department, preservation of the Property would protect against the increased fire risk associated with property development.
7. A large and diverse community of Oakland residents has publicly expressed support for this acquisition, and many have expressed opposition to development of the Property
8. The Property will connect several large open space areas including the City's Dunsmuir House & Gardens, Dunsmuir Ridge Open Space, Lake Chabot Golf

Item: \_\_\_\_\_  
Public Works Committee  
June 23, 2009

Course, and District's Anthony Chabot Regional Park.

9. Preservation will protect downstream water quality, provide flood storage and protection, and reduce impacts to downstream infrastructure and property.
10. Protection of the Property will further the City's commitment to maintaining healthy habitats and urban forest resources and will protect a mile and a half of San Leandro creek tributaries, a perennial seep, sensitive riparian habitat, locally rare and listed California native plant species, and possible Alameda Whipsnake habitat.
11. The District will pay \$1,900,000 for the easement and at no cost to the City will install trails, maintain the easement area, and indemnify and hold the City harmless from any claims or liability arising out of or related to the easement.

## **PROJECT DESCRIPTION**

The Property is located northwest of the Dunsmuir House and northwest of the Dunsmuir Ridge Open Space. Approximately 7,500 lineal feet of San Leandro creek tributaries cross the Property. Acquisition of the property will protect a valuable flood storage area that positively affects the water quality and habitats of the area.

The purchase 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 City owned park property.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The Property will continue to remain open space.

**Environmental:** Preservation of the property will protect downstream water quality, provide flood storage and protection, and reduce impacts to downstream infrastructure and property.

**Social Equity:** The Property will continue to be accessible to the public in accordance with existing ordinance.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Disabled and senior citizens will have access to the Property in accordance with any existing ordinance.

## **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council approve this Ordinance authorizing the City Administrator to negotiate and execute a Purchase Agreement causing the acquisition of the Property for the following reasons:

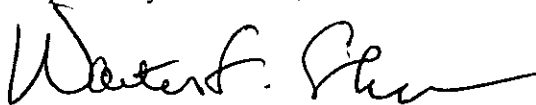
1. Promote preservation strategies. On the City's adopted Prioritized Watershed Preservation and Acquisition Project List, the Property is ranked third. The purchase of the Property is consistent with the City Council Resolution No. 79649 C.M.S., accomplishes the objectives of Measure DD and the property contributes to the Council's goals to, a) develop a sustainable city and, b) build community and foster livable neighborhoods by conserving significant natural resources and providing recreational facilities and trees.
2. Availability of funds for the purchase of the Property. The available funds from Measure DD and the District will cover the cost of acquisition and all associated capital costs. The District will pay \$1,900,000 for the easement and at no cost to the City will install trails, maintain the easement area, and indemnify and hold the City harmless from any claims or liability arising out of or related to the easement. The available funds from Oakland Wildfire Assessment District will cover part of the costs to maintain the Property.



**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends the City Council approve the ordinance.

Respectfully submitted,



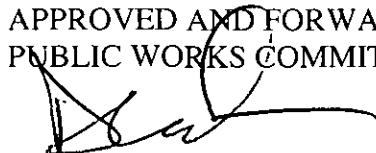
Walter S. Cohen, Director  
Community and Economic Development Agency

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

Reviewed by: Frank Fanelli, Manager  
Real Estate Services Division

Prepared by: Edwin Kawamoto

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachments:

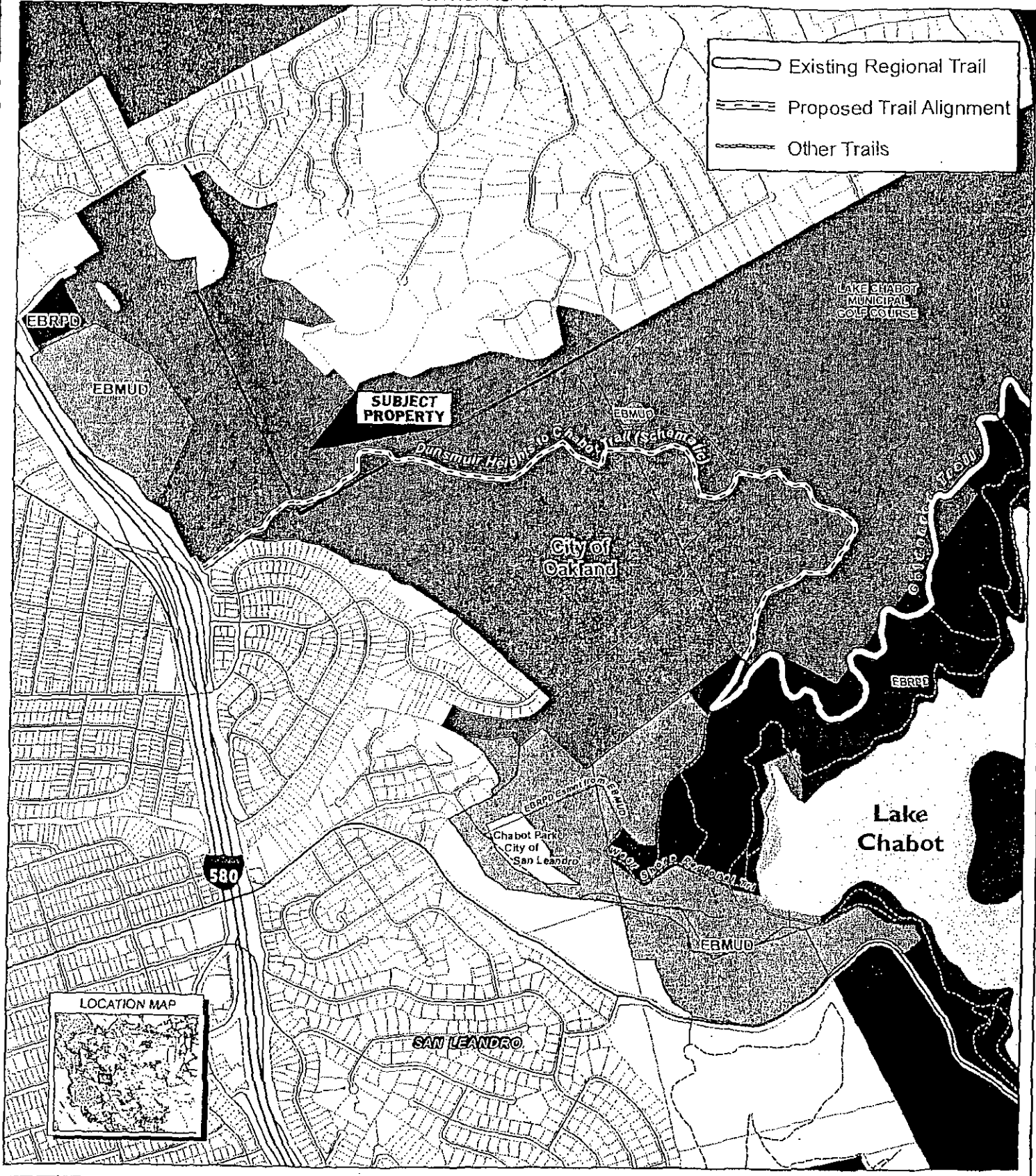
1. Attachment "A" entitled "Dunsmuir to Anthony Chabot Regional Trail Proposed Trail Alignment Study Area"
2. Attachment "B" entitled "Projected Annual Maintenance Costs of New Property"
3. Attachment "C" entitled "Projected Annual Cost Associated with Recreational Trail Easement"

Item: \_\_\_\_\_  
Public Works Committee  
June 23, 2009

Existing Regional Trail

Proposed Trail Alignment

Other Trails



**DUNSMUIR HEIGHTS TO CHABOT REGIONAL TRAIL  
PROPOSED TRAIL ALIGNMENT STUDY AREA**



Environmental Programs  
 t/bstone/mxd/projects/trails/  
 other\_reg/trails/dunsmuir-to-chabot\_bv.mxd  
 May 14, 2009

ATTACHMENT "B"

**Projected Annual Maintenance Costs of New Property**

<i>Description</i>	<i>Annual Cost</i>	<i>Comments</i>
Fire Abatement	\$5,000-\$10,000	Paid by Wildfire Prevention District
Maintenance: Illegal Dumping / Litter / Homelessness / Graffiti / Vandalism / Access Gate Damage	\$4,000-\$8,000	Assumes 12-24 Incidents per Year*

\* It is unknown how many incidents will occur, however, current PWA staffing levels make it unlikely that City Staff will be available to respond

ATTACHMENT "C"

**Projected Annual Cost Associated with Recreational Trail Easement**

<i>Description</i>	<i>Annual Cost</i>	<i>Comments</i>
Maintenance: Additional Litter / Homelessness / Graffiti	\$0-\$4,000	Assumes 0-12 Incidents per Year*

\* It is unknown how many incidents will occur, however, current PWA staffing levels make it unlikely that City Staff will be available to respond

*R. Lewis*

City Attorney

INTRODUCED BY COUNCIL MEMBER  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 JUN 11 PM 4:07 OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO COUNCIL, TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH CHABOT-DUNSMUIR LP FOR CITY ACQUISITION OF SEVEN PARCELS TOTALING APPROXIMATELY 64 ACRES LOCATED NORTHWEST OF DUNSMUIR RIDGE (THE "PROPERTY"), SUBJECT TO A CONSERVATION EASEMENT IN FAVOR OF THE EAST BAY REGIONAL PARK DISTRICT ("DISTRICT"), FOR ONE MILLION TWENTY-FIVE THOUSAND DOLLARS (\$1,025,000), PLUS ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR CLOSING COSTS AND NINETY-FIVE THOUSAND DOLLARS (\$95,000) FOR CAPITAL AND OTHER COSTS, FROM MEASURE DD FUNDS, AND TO GRANT THE DISTRICT A RECREATIONAL TRAIL EASEMENT OVER AND ACROSS THE PROPERTY AND OTHER ADJACENT CITY-OWNED LANDS

**WHEREAS**, on November 5, 2002, the voters of the City of Oakland passed Measure DD which authorized the City to sell bonds to fund the restoration and preservation of creeks and acquisition of watersheds in Oakland; and

**WHEREAS**, Measure DD bond proceeds are available under the Watershed Improvement Program's Watershed Acquisition Project to cover the purchase price (\$1,025,000), closing costs (not to exceed \$100,000) and capital costs (not to exceed \$95,000) for the approximately 64 acre parcel (APNs: 048-6165-059-03, 048-6165-075-04, 048-6165-076-01, 048-6166-041-07, 048-6179-011-02, 048-6247-002-10, and 048-6254-001) (the "Property"); and

**WHEREAS**, on December 20, 2005, the Oakland City Council passed Resolution No. 79649 C.M.S. adopting the Prioritized Watershed Preservation and Acquisition Project List ("Project List"), which included and ranked the Property third in terms of priority for acquisition; and

**WHEREAS**, Chabot-Dunsmuir LP, a California limited partnership ("Owner"), owns the Property, consisting of approximately 64 acres of unimproved vacant land located to the northwest of the Dunsmuir House and northwest of Dunsmuir Ridge Open Space; and

**WHEREAS**, the Owner has agreed to sell the Property for a total cash purchase price of \$2,925,000, which is less than the appraised fair market value of \$3,600,000, as of July 16, 2008; and

**WHEREAS**, the Owner has agreed to sell a conservation easement to the District for \$1,900,000 (as part of the \$2,925,000 purchase price) conditioned upon the District's payment of its share of the closing costs and the City's purchase of the Property, subject to the conservation easement; and

**WHEREAS**, the Owner has also agreed to sell the Property, subject to the District's conservation easement, to the City for the purchase price of \$1,025,000 (as part of the \$2,925,000 purchase price) plus the City's payment of the City's share of closing costs, not to exceed \$100,000; and

**WHEREAS**, the capital costs associated with the City's purchase of the Property will not exceed \$95,000, for the installation of gates and bollards at main access points, survey work to identify boundaries, one-time clean up expenses, and the removal of vegetation and debris; and

**WHEREAS**, the District's purchase of the conservation easement from the Owner is conditioned on the City's grant of a recreational trail easement over and across the Property plus adjacent City-owned lands (Dunsmuir Ridge Open Space), extending about 1.6 miles beginning at the City-owned land and extending to the District's Anthony Chabot Regional Park near the Goldenrod Trail; and

**WHEREAS**, the City's grant of the recreational trail easement will be conditioned on the District's agreement to pay for the installation and maintenance of the new easement trail, and the indemnification of the City relating to the use and maintenance of the trail easement; and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for 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 Administrator, or his designee, is authorized to enter into a Purchase and Sale Agreement and to grant a recreational trail easement to the District, consistent with this ordinance.

**Section 2.** The funding for acquisition of the Property plus the payment for the closing and capital costs is available from Measure DD 2003A Capital Improvement Fund (5320) Watershed Acquisitions Creeks and Waterways Project (C244910).

**Section 3.** The Manager of Real Estate Services or other City Administrator Designee is authorized to take all necessary actions to complete the acquisition of the Property from the Owner and to grant the recreational trail easement to the District consistent with the intent of this Ordinance.

**Section 4.** The purchase and sale Agreement, the grant of the recreational trail easement, and all other documents necessary to effectuate the acquisition of the Property shall be approved as to form and legality by the City Attorney's Office and a copy shall be filed with the Office of the City Clerk.

**Section 5.** 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 (under California Fish and Game Code Section 711.4) with the County of Alameda.

**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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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

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

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

## NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO COUNCIL, TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH CHABOT-DUNSMUIR LP FOR CITY ACQUISITION OF SEVEN PARCELS TOTALING APPROXIMATELY 64 ACRES LOCATED NORTHWEST OF DUNSMUIR RIDGE (THE "PROPERTY"), SUBJECT TO A CONSERVATION EASEMENT IN FAVOR OF THE EAST BAY REGIONAL PARK DISTRICT ("DISTRICT"), FOR ONE MILLION TWENTY-FIVE THOUSAND DOLLARS (\$1,025,000), PLUS ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR CLOSING COSTS AND NINETY-FIVE THOUSAND DOLLARS (\$95,000) FOR CAPITAL AND OTHER COSTS, FROM MEASURE DD FUNDS, AND TO GRANT THE DISTRICT A RECREATIONAL TRAIL EASEMENT OVER AND ACROSS THE PROPERTY AND OTHER ADJACENT CITY-OWNED LANDS**

This Ordinance authorizes City acquisition of approximately 64 acres located northwest of Dunsmuir Ridge , subject to a conservation easement in favour of the East Bay Regional Park District, and grant of a recreational trail easement to the District across the Property and other adjacent City-owned lands.