

*[Signature]*  
CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND

ORDINANCE NO. \_\_\_\_\_

C. M. S.

2004 JAN 29 PM 1:01

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH FRANK L. CIANGI AND ANGELIQUE B. CIANGI THE ADJOINING PROPERTY OWNERS FOR 1,500 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT 51<sup>ST</sup> STREET AND DESMOND STREET FOR THE FAIR MARKET VALUE OF \$1,500.**

**WHEREAS**, the City of Oakland ("City") owns a 1,500 square foot, vacant parcel along located at the southwesterly corner of 51<sup>st</sup> and Desmond Street, Assessor's Parcel Number 013-1137-003-02 described in Exhibit "A" attached hereto (the Property); and

**WHEREAS**, the Property is a remnant of the 51<sup>st</sup> Street Road Widening Improvement Project which has been completed; and

**WHEREAS**, a legal description has been developed that indicated that the Property is 1,500 square feet in area; and that no easements encumber the Property; and

**WHEREAS**, the Property being less than 5,000 square feet is not subject to the California Surplus Lands Act (California Government Code 54220-5432), but is subject to City Ordinance No. 11602, C.M.S., covering sales of surplus city-owned property; and

**WHEREAS**, the surplus property was circulated pursuant to Government Code surplus property requirements, the Property may be sold through a negotiated sale; and

**WHEREAS**, the Property being less than 2,500 square feet is not subject to Planning Commission zoning review, and is subject to all other procedures of City Ordinance No. 11602, C.M.S., for sale of City-owned properties; and

**WHEREAS**, Real Estate Services market analysis of the Property indicates a market value of \$1,500; and

**WHEREAS**, the Property is not legally developable as a separate parcel, the sale is conditioned upon it being merged with the adjoining property at 4975 Desmond Street; and

**WHEREAS**, Frank L. Ciangi and Angelique B. Ciangi, the owners of the abutting property, have tendered an offer to purchase the Property in the amount of \$1,500, the City's appraised value, and has executed an Offer to Purchase Agreement in that amount; now therefore:

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

*10.20CC*  
**ORACOUNCIL**

**MAR 16 2004**

SECTION 1. The City Council finds and determines that the herein-described real property is not needed for any public purpose, is surplus to the needs of the City, and the City is not required

to put the Property out for competitive bidding, and the sale of the Property to the adjoining or abutting owner is in the City's best interests.

SECTION 2. The City Manager is authorized to execute the Offer to Purchase Agreement from Frank B. Ciangi and Angelique B. Cinagi for the sum of \$1,500 and to execute a deed conveying the Property subject to a deed restriction prohibiting any vehicular ingress and egress from 51<sup>st</sup> Street.

SECTION 3. Real Estate Services Division 's administrative costs associated with the sale of the property \$1,000 shall be reimbursed to Fund 1010, Org. 88639, Project P47010 (Surplus Property Program) and the remaining funds shall go to the Public Works Department, since the property was originally purchased as part of a street-widening project.

SECTION 4: The City Manager or his designee is hereby authorized to take and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

SECTION 5. The City Attorney shall approve the Offer to Purchase Agreement as to form and legality.

SECTION 6. The Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004  
PASSED BY THE FOLLOWING VOTE:

A YES            BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND  
                      PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
                  **CEDA FLOYD**  
                  City Clerk and Clerk of the Council  
                  of the City of Oakland, California

*10.20 CC*

**ORA/COUNCIL**

**MAR 16 2004**



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NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH FRANK L. CIANGI AND ANGELIQUE B. CIANGI THE ADJOINING PROPERTY OWNERS FOR 1,500 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT 51<sup>ST</sup> AND DESMOND STREET FOR THE FAIR MARKET VALUE OF \$1,500.**

An Ordinance has been prepared authorizing the City Manager to enter into Purchase and Sales Agreements for the sale of a City-owned surplus property located at Desmond and 51<sup>st</sup> Street to the adjoining property owners at its fair market value. The Real Estate Division is renewing its efforts to generate additional revenue and reduce the City's maintenance expenses through the proactive identification and disposal of surplus property. The City-owned property located at 51<sup>st</sup> and Desmond Street has been declared surplus property and available for disposal.

The Real Estate staff reinitiated discussions with the adjoining property owners, Frank L. Ciangi and Angelique B. Ciangi for the purchase of this City-owned surplus property. A legal description was developed which determined that the irregular surplus property strip contains approximately 1,500 square feet and not capable of independent development. An agreement was reached to purchase the surplus property at its fair market value of \$1,500.

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