

2014 DEC -4 PM 2:27

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C. M. S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF A CITY- OWNED SURPLUS VACANT LOT APN: 048H-7520-066 LOCATED ON THE WEST SIDE OF TUNNEL ROAD NEXT TO 2245 TUNNEL ROAD TO ZAFER YASA FOR TWO HUNDRED THOUSAND DOLLARS (\$200,000) AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT FOR THIS SALE.

WHEREAS, the City of Oakland ("City") owns a vacant down sloping lot consisting of about 13,975 square feet (APN: 048H-7520-066) located on the west side of Tunnel Road next to 2245 Tunnel Road shown as Parcel A on the attached Parcel Map No. 8045("Property"); and

WHEREAS, pursuant to Ordinance No. 11602 C.M.S., which established procedures for the sale of City owned surplus real property and pursuant to Ordinance No. 13185 which establishes the procedures for disposition of City-owned property for development, staff recommends adopting this Ordinance authorizing the City Administrator to enter into a Purchase and Sale agreement with Zafer Yasa or an affiliated entity approved by the City Administrator for the sale of the Property,

WHEREAS, the Property is to be sold in "AS-IS" condition and the City makes no representations regarding land use or other permitting issues that may affect the property; and

WHEREAS, market analysis establishes the Property's estimated value at \$200,000; and

WHEREAS, the Real Estate Division communicated with all potentially affected public agencies to determine whether the Property is needed for public purposes, and no agency expressed any interest in retaining the Property; and

WHEREAS, the Property's general plan classification is Hillside Residential and the Property is zoned RH-3, S-10, and S-11 consistent with the area's current residential uses; and

WHEREAS, The Geotechnical Feasibility Study, City Owned Property, between 2245 and 2333 Tunnel Road, Oakland, California, dated May 27, 2010, Project No. 401627001 from Ninyo and Moore, Geotechnical and Environmental Sciences Consultant, concludes "Based on the results of our feasibility study, it is our preliminary opinion that residential development of the site is feasible from a geotechnical perspective."

WHEREAS, after the Property is sold to Zafer Yasa, the City will receive property taxes and will save the cost of Property maintenance; 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 Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. In compliance with Ordinance No. 11602 C.M.S., and Ordinance No. 13185 C.M.S the City Administrator and / or his designee is authorized negotiate and execute all documents and take other actions with necessary to sale of the Property to Zafer Yasa.

Section 3. The City Council finds and determines that the Property is not needed for any public purpose, is surplus to the needs of the City, and the City has met the requirements of the Government Code regarding the sale of surplus land. The sale of the Property to the Zafer Yasa is in the City's best interest resulting in returning the Property to the tax rolls, generating revenue for the General Fund and removing the Property from City's maintenance responsibility.

Section 4. The City Administrator, or his designee, is authorized to enter into the Purchase and Sale Agreement for the sales price of \$200,000 with Zafer Yasa, and to execute a Quitclaim Deed conveying the Property.

Section 5. The sales proceeds will be deposited into the General Purpose Fund (1010), Real Estate Services Organization (88639), Sale of Land (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

Section 6. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Ordinance, that it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment, and therefore this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15312 (Surplus Government Property Sales) of the CEQA guidelines;

Section 7. The City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action.

Section 8. The City Administrator and his or her designee are hereby authorized to negotiate and execute, amend, modify or extend all agreements, and to take any and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

Section 9. The Purchase and Sale Agreement and any other documents necessary for the sale of this 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 10. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

Section 9. 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:

BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST. _____
LaTonda Simmons
City Clerk and Clerk of Council
of the City of Oakland, California

DATE OF ATTESTATION _____