

2009 OCT 15 PM 3:12

OAKLAND CITY COUNCIL
ORDINANCE No. 12978 C.M.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF 3508 BUTTERS DRIVE, A 14,567 SQUARE FEET LOT LOCATED IN THE BUTTERS CANYON, FROM VICTOR VAN, ET AL., FOR ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) PLUS CLOSING COSTS NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000) FROM MEASURE DD FUNDS

WHEREAS, on November 5, 2002, the voters of the City 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, on December 20, 2005, the Oakland City Council passed Resolution No. 79646 C.M.S adopting the Prioritized Watershed and Acquisition Project List, which included and ranked the Butters Drive property high in terms of priority for acquisition; and

WHEREAS, the purchase of the property at 3508 Butters Drive (APN#029-1167-011), Oakland, CA (the "Property") for open space will achieve the objectives for Measure DD, to preserve watershed lands, provide flood storage and protection, and reduce impacts to downstream infrastructure and other properties; and

WHEREAS, Measure DD funds are available under the Watershed Improvement Program's Watershed Acquisition Project to cover the purchase price (\$150,000) and closing costs (not to exceed \$10,000) for the Property, consisting of approximately 14,567 square feet of land, as shown on the Aerial Map and Tax Assessor's Map attached hereto as Exhibit A; and

WHEREAS, the owners of the Property, as tenants in common, include:

1. Victor Van, an unmarried man as to undivided 50% interest in the Property,
2. Loi Khanh Cao, an unmarried man as to undivided 12.50% interest in the Property,
3. Eric Huynh, an unmarried man as to undivided 12.50% interest in the Property,
4. Minn H. Lee and Quyn H. Lee, husband and wife as to undivided 25 % interest in the Property, and

the individual owners will hereinafter be referred to collectively as the "Owners"; and

WHEREAS, the Owners have agreed to sell the Property for the fair market value of \$150,000 plus closing costs not to exceed \$10,000; and

WHEREAS, the requirements of 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 Administrator, or his designee, is authorized to enter into an Agreement to purchase the Property, consistent with this ordinance.

Section 2. The funding for the acquisition of the Property plus the payment for the closing costs will be 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 negotiate, execute, amend, extend all agreements, and to take all other necessary actions to complete the acquisition of the Property from the Owner.

Section 4. The Agreement to purchase 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 15325 (Transfer of ownership of interest in land to preserve existing natural condition 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, NOV 17 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT BRUNNER~~ - 7

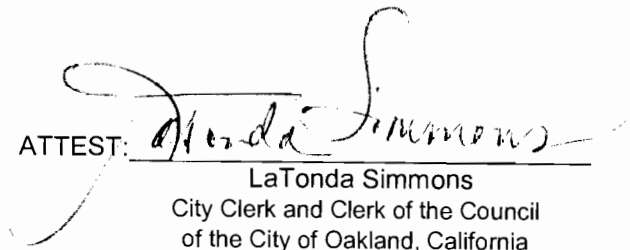
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brunner - 1

ATTEST:


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

Introduction Date: NOV 3 2009

DATE OF ATTESTATION: 11-24-09

Exhibit "A": Tax Assessor's Map of 3508 Butters Drive (APN #029-1167-011)

Code Area No. 17-001

Assessor's Map 29.

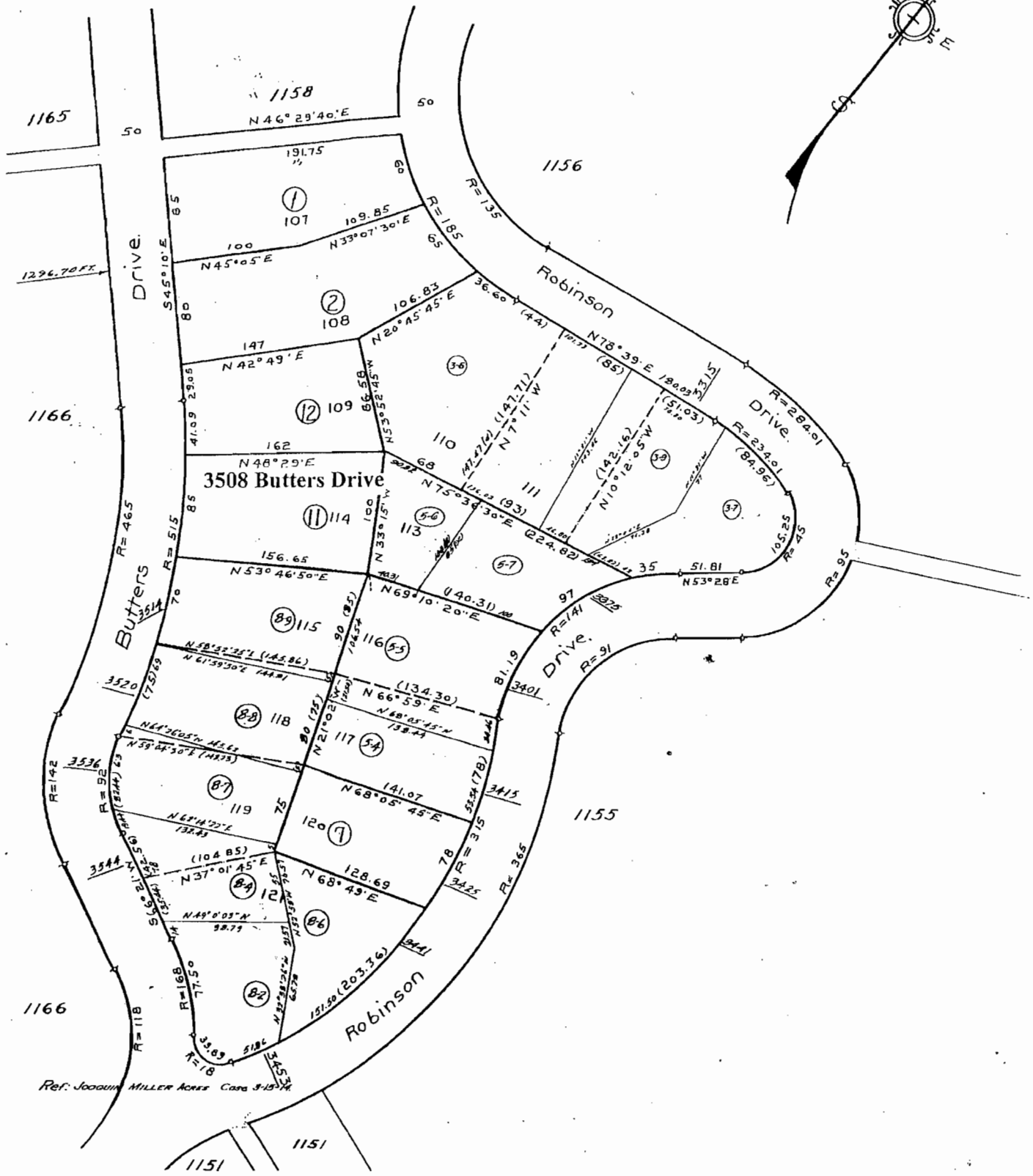
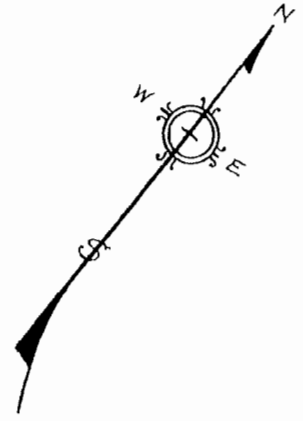
7447

Plat of the part of the Rancho San Antonio finally confirmed to Antonio Maria Peralta Etal. (PAT. BK. A Pg. 669)

Scale 1 in = 60 ft.

Lot: Numbers are not Official.

Rev. 2-2-61 A.Y.
3-2-61 B.Y.
3-2-61 C.Y.
3-2-61 D.Y.



Ref: JOSEPH MILLER ACRES Carta 3-15-74

Exhibit "A": Aerial Map of 3508 Butters Drive



Legend

- Selected Features
- Contours
- City Facilities Footprint
- Parcels
- Major Sts
- Streets
- Water
- Land



It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

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