

OFFICE OF THE CITY CLERK

REVISED

2005 NOV 17 PM 4:49

Approved as to Form and Legality

[Signature]
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO 800 CENTER LLC, THE ADJOINING PROPERTIES OWNER, APPROXIMATELY 6,900 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 1430 8TH STREET AND 816 CENTER STREET (APN# 004-0067-015 AND APN# 004-0067-017) FOR THE FAIR MARKET VALUE OF \$120,000.

WHEREAS, the City of Oakland is the owner of the vacant lots (the "Properties") in the City of Oakland, Alameda County, State of California, commonly known as 1430 8th Street (Assessor's Parcel No. 004-0067-015), and 816 Center Street (Assessor's 004-0067-017) and shown as cross-hatched parcels on the Site Maps attached hereto and made a part hereof; and

WHEREAS, on April 6, 2005, the City Planning Commission determined the zoning classification for the parcel and supported the staff recommendation to the City council; and

WHEREAS, a legal description has been developed that indicated that the Properties contain approximately 6,900 square feet in area; and that no easements encumber the Properties; and

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

WHEREAS, the City Council has adopted Ordinance No. 11602 C.M.S., which established procedures for the sale and lease of City-owned property which is surplus; and

WHEREAS, information about the surplus Properties was circulated pursuant to Government Code requirements and the Properties may be sold through a negotiated sale; and

WHEREAS, Real Estate Service' market analysis of the Properties indicates a combined market value of \$120,000 for both lots; and

WHEREAS, 800 Center, the owner of the abutting property, has tendered an offer to purchase the Properties in the amount of \$120,000; and

WHEREAS, a non-refundable security deposit in the amount of \$1,000 was received for the subject properties; and

WHEREAS, 800 Center LLC, or an affiliated entity, (the “Developer”) proposes to combine the Properties with his adjacent parcel and develop on the Properties residential housing; and

WHEREAS, it can be seen with certainty that there is no possibility that the conveyance of the Properties by the City to the Purchaser may have a significant effect on the environment and therefore said conveyance is exempted from the requirements of the California Environmental Quality Act (“CEQA”) by section 15312 of the CEQA Guidelines; now, therefore

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

SECTION 1. The City Council finds and determines that the herein-described two real properties are not needed for any public purpose, and are surplus to the needs of the City, and the City is not required to put the Properties out for competitive bidding, and the sale of the Properties to the adjoining or abutting owner is in the City's best interests.

SECTION 2. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Properties by negotiated sale due to the intended use of the Properties for the development of housing units, in numbers greater than otherwise possible due to sale to an abutting owner and subsequent combination of lots.

SECTION 3. As a condition of the sale, the City will record a quitclaim deed against the properties that will require the buyer to obtain building permits for residential development within one (1) year after the transfer. The City Administrator is authorized to and may, at her discretion, grant an extension if the appropriate governmental entity has not provided an environmental clearance for the residential development site. Further, the City Administrator is *authorized to repurchase the Properties, for up to \$120,000, the original purchase price, if the Developer fails to meet the development schedule.*

SECTION 4. The City Council determines and finds that the sale and development of the Properties is exempt from CEQA pursuant to Sections 15303 (new construction of small structures), 15312 (surplus government Properties sales) and 15332 (infill housing development) of the CEQA Guidelines.

SECTION 5. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

SECTION 6. Sales proceeds will be allocated to Community Development Block Grant Funds, Program Income, Fund (#2108).

SECTION 7. The City Administrator or her designee is hereby authorized to take any and all actions necessary, consistent with this ordinance, to complete the sale of the Properties.

SECTION 8. The Offer to Purchase Agreement for the purchase of these Properties 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 9. Effective Date. This ordinance shall become effective immediately on 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, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California