

2005 SEP 29 PM 2: 29

ORDINANCE NO. 12710 C. M. S.

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACQUIRE PERMANENT STORM DRAIN EASEMENTS FROM MORTIMER HOWARD FOR PROPERTIES LOCATED AT 3761 PARK BOULEVARD WAY (ASSESSOR PARCEL NUMBER 024-0532-043-01) AND 3829 GREENWOOD AVENUE (ASSESSOR PARCEL NUMBER 024-0532-035-01) FOR THE APPRAISED FAIR MARKET VALUE OF \$57,200 PLUS CLOSING COSTS OF \$4,800.**

**WHEREAS**, The City of Oakland's Capital Improvement Project "The Storm Drainage Improvement from Greenwood Avenue to Grosvenor Place" is included in the City's approved 2003 -2008 Five-Year Capital Improvement Program and will install a new storm drain line that will eliminate flooding along Greenwood Avenue, Bates Road, Holman Road, and Grosvenor Place and shown in Exhibits A and B; and

**WHEREAS**, The Public Works Agency requires to acquire two permanent storm drain easements from Mortimer Howard for properties located at 3761 Park Boulevard Way (APN 024-0532-043-01) and 3829 Greenwood Avenue (APN 024-0532-035-01) to begin and complete work on the storm drain; and

**WHEREAS**, Mortimer Howard is the owner of properties located at 3761 Park Boulevard Way (APN 024-0532-043-01) and 3829 Greenwood Avenue (APN 024-0532-035-01), located in the City of Oakland; and

**WHEREAS**, the necessary property rights have been appraised and an offer to acquire the property rights at the appraised value has been made to the property owner; and

**WHEREAS**, the property owner has agreed to sell the necessary property rights to the City at the fair market value of \$57,200; 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; and

**WHEREAS**, funding for the acquisition of the property rights is available from the project C221810 titled The Storm Drainage Improvement from Greenwood Avenue to Grosvenor Place; and

**WHEREAS**, funds for this project are located in (Fund 5500, Org. 92244, Account 57414, Program IN05); therefore

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

SECTION 1. The City Administrator, or her designee, is authorized to execute documents necessary to proceed with the acquisition of the necessary property rights, the legal descriptions of which are set forth in Exhibit B and C; attached hereto and incorporated herein, from Mortimer Howard Inc. for the amount of \$57,200 plus closing cost.

SECTION 2. The City Administrator, or her designee, is authorized and directed to execute the Purchase Agreements to acquire these property rights.

SECTION 3. The Manager of Real Estate Services is hereby authorized to take all actions as may be required to carry out the terms of the Purchase Agreement and this Ordinance.

SECTION 4. The City Council has independently reviewed and considered this environmental determination, and the Council finds and determines, based on the information in the staff report accompanying this resolution, that this action complies with CEQA because it is exempt from CEQA pursuant to section 15061(b)(3) (general rule) and section 15304 (minor alterations) 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 the Project.

SECTION 6. The Purchase Agreement for the purchase of these property rights 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 7. Real Estate Services Division's administrative costs associated with the obtaining of the easement shall be reimbursed to Fund 1010, Org. 88639, Project P47010 (Surplus Property Program).

SECTION 8. This Ordinance shall take effect immediately upon its final passage.

Introduction Date: **OCT 18 2005**  
IN COUNCIL, OAKLAND, CALIFORNIA, **NOV 01 2005**, 20005

Passed By The Following Vote:

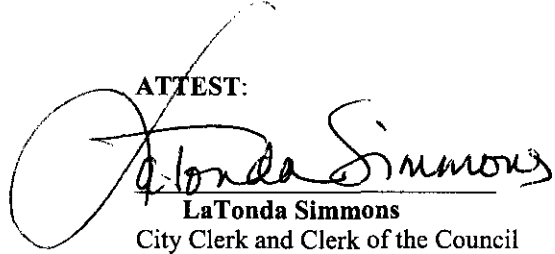
AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND PRESIDENT DE LA FUENTE

NOES-  - 8

ABSENT-  
ABSTENTION-

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ATTEST:

A large, stylized handwritten signature in black ink, reading "LaTonda Simmons". The signature is written over a horizontal line.

**LaTonda Simmons**

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

OFFICE OF THE CITY CLERK  
OAKLAND

2005 SEP 29 PM 2: 25 NOTICE AND DIGEST

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACQUIRE PERMANENT STORM DRAIN EASEMENTS FROM MORTIMER HOWARD FOR PROPERTIES LOCATED AT 3761 PARK BOULEVARD WAY (ASSESSOR PARCEL NUMBER 024-0532-043-01) AND 3829 GREENWOOD AVENUE (ASSESSOR PARCEL NUMBER 024-0532-035-01) FOR THE APPRAISED FAIR MARKET VALUE OF \$57,200 PLUS CLOSING COSTS OF \$4,800**

An ordinance has been prepared authorizing the City of Oakland (City) to acquire two permanent storm drain easements from Mortimer Howard for properties located at 3761 Park Boulevard Way (APN 024-0532-043-01) and 3829 Greenwood Avenue (APN 024-0532-035-01). The property rights are required to install a new storm drain line that will eliminate flooding along Greenwood Avenue, Bates Road, Holman Road, and Grosvenor Place and shown in Exhibits A and B. The Public Works Agency has requested that the property rights be obtained and the new drainage system be installed by December 1, 2005. The storm drain easements will be acquired at the appraised fair market value of \$57,200, plus closing costs of \$4,800.