

ORDINANCE NO. 12521 2001 JUN 12 PM 2:33

ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH ELENA DELGADILLO THE ADJOINING PROPERTY OWNER FOR 2,213 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT EAST 17TH STREET AND 42ND AVENUE IN THE AMOUNT OF \$2,213.00

WHEREAS, the City of Oakland ("City") owns a 2,213 square foot, vacant parcel of land located at the northeast corner of East 17th Street and 42nd Avenue, adjacent to Assessor's Parcel Number 033-2148-003, described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the Property is a remnant of the 42nd Avenue Road Widening Improvement Project which has been completed; and

WHEREAS, a legal description has been developed that indicates that the Property is 2,213 square feet in area; and that no easements encumber the property; and

WHEREAS, there will be a deed restriction prohibiting vehicular ingress or egress from 42nd Avenue; 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 Property being less than 2,500 square feet is not subject to Planning Commission zoning review, but 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 \$2,213.00; and

WHEREAS, the Property is not legally developable as a separate parcel and the sale is conditioned upon it being merged with the adjoining property at 4121 East 17th Street; and

WHEREAS, Elena Delgadillo, the owner of the abutting property, has tendered an offer to purchase the Property in the amount of \$2,213, at its fair market value, and has executed a Offer to Purchase Agreement in that amount; 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 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 and accept the Offer to Purchase Agreement from Elena Delgadillo for the sum of \$2,213.00, and to execute a deed conveying the Property subject to a deed restriction prohibiting any vehicular ingress and egress from 42nd Avenue.
- SECTION 3. The City Manager or his designee is hereby authorized to take all actions as may be required to carry out the intent of terms of the Option to Purchase Agreement and this Ordinance.
- SECTION 4. The Option to Purchase Agreement for this Property shall be approved as to form and legality by the City Attorney's Office.
- SECTION 5. Real Estate Division 's administrative costs associated with the sale of the property \$1,500 shall be reimbursed to Fund 1010, Org.88639, Acct-48111, Project P47010 Surplus Property Program and the remaining \$713.00 shall go to the Public Works Agency, since the Property was originally purchased as part of a street-widening project.
- SECTION 6. This Ordinance shall take effect immediately upon its passage.

Introduction Date:

JUL 1 5 2003

IN COUNCIL, OAKLAND, CALIFORNIA, **JUL 2 9 2003**, 2003
PASSED BY THE FOLLOWING VOTE:


AYES BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND
 PRESIDENT DE LA FUENTE — 8

NOES-

ABSENT-

ABSTENTION-

ATTEST


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