

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2005 MAR 10 PM 4:55

TO: Fellow Councilmembers
FROM: Vice Mayor Jane Brunner
DATE: March 22, 2005

RE: An Ordinance Authorizing The City Of Oakland To Purchase A Vacant Land Parcel, Assessor Parcel Number 014-1272-033, From The Alameda County Tax Assessor Office For The Continued Use As A Neighbor Pocket Park For The Cost Of Delinquent Property Taxes And Closing Costs Estimated At \$7,500.

SUMMARY

An Ordinance has been prepared authorizing the City of Oakland to purchase a vacant land parcel, assessor parcel number 014-1272-033, from the Alameda County Tax Assessor office for the continued use as a neighbor pocket park for the cost of delinquent property taxes and closing costs estimated at \$7,500.

FISCAL IMPACT

The purchase of this parcel will be funded entirely by Council District One Pay-Go.

BACKGROUND

The Trust for Public Land acquired the parcel from CALTRANS in 1977, and conveyed the parcel to the Ayala Land Trust (Trust) in 1980. The irregularly shaped 3,840 square foot parcel abuts the freeway and serves as a freeway buffer in the residential area, as well as neighborhood open space that contains a climbing structure, park bench, landscaping and rear fence.

The Trust has not been active for some time and therefore the property taxes have not been paid allowing the County Tax Office to put the open space parcel up for public sale on March 23, 2005.

The County will allow the City to purchase the property for back taxes under Chapter 8, Section 3800 of the Revenue and Taxation Code.

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The subject parcel has been owned by the Ayala Land Trust since 1980 and has been regularly improved and maintained by neighborhood volunteers. Although committed to providing the necessary maintenance and purchasing required equipment, the Land Trust is unable to assume the additional burden of taxes on the parcel.

The Ayala Land Trust actually has two parcels in the area: the subject parcel and an addition parcel at the corner of Ayala and Martin, both in North Oakland. The Ayala Land Trust is relinquishing both parcels. The Ayala and Martin parcel is being sold to an adjoining property owner who has agreed to maintain it as open space and will also contribute funds towards the continued maintenance of the subject parcel. The neighborhood volunteers affiliated with the Ayala Land Trust have agreed to continue maintaining the parcel.

RECOMMENDATIONS:


I recommend that the Council authorize the purchase of this parcel with Council District 1 Pay Go funds. I also recommend that we direct staff to negotiate with neighborhood representatives to work out an arrangement to minimize any additional maintenance cost to the City of Oakland.

Respectfully Submitted,



Vice Mayor Jane Brunner
City Councilmember, District 1

Prepared By:



Justin Horner, Chief of Staff
Office of the Vice Mayor

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY ATTORNEY

DRAFTORDINANCE NO. ~~2005~~ MAR 10 PM 6:28. M. S.

AN ORDINANCE AUTHORIZING THE CITY OF OAKLAND TO PURCHASE A VACANT LAND PARCEL, ASSESSOR PARCEL NUMBER 014-1272-033, FROM THE ALAMEDA COUNTY TAX ASSESSOR OFFICE FOR THE CONTINUED USE AS A NEIGHBOR POCKET PARK FOR THE COST OF DELINQUENT PROPERTY TAXES AND CLOSING COSTS ESTIMATED AT \$7,500.

WHEREAS, the Ayala Land Trust("Trust") owns an irregular shaped 3,840 square foot, vacant parcel of land, Assessor Parcel Number 014-1272-033, located at the 5700 Block of Ayala Street , described in Exhibit "A" attached hereto (the Property); and

WHEREAS, Trust for Public Land acquired the parcel from CALTRANS in 1977, and conveyed the parcel to the Ayala Land Trust (Trust) in 1980. The irregularly shaped 3,840 square foot parcel abuts the freeway and serves as a freeway buffer in the residential area, as well as neighbourhood open space that contains a climbing structure, park bench, landscaping and rear fence; and

WHEREAS, Since 1980, the Property is has been used as an infill neighbourhood park; and

WHEREAS, The Land Trust is unable to assume the additional burden of taxes on the parcel and therefore the property taxes have not been paid allowing the County Tax Office to put the open space parcel up for delinquent tax sale; and

WHEREAS, The County will allow the City to purchase the property for back taxes under Chapter 8, Section 3800 of the Revenue and Taxation Code; and

WHEREAS, the City Councilmember of District 1 wants to ensure that the property continues its use as a infill park to service the community; and

WHEREAS, The subject property has been identified for tax sale and the County of Alameda tax office will be conducting an auction on March 23, 2005 on all properties that are delinquent with outstanding property taxes, and

WHEREAS, The County tax record indicates a delinquent tax lien of \$6,700 for the subject Property; and

WHEREAS, the Councilmember for District One would recommends that the Council authorize the purchase of this parcel with Council District One Pay Go funds and direct staff to negotiate with neighbourhood representatives to work out an arrangement to minimize any additional maintenance cost to the City of Oakland.; now therefore:

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FINANCE & MANAGEMENT CMTE.
MAR 22 2005

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 needed for use as Public Park, and the purchase of the Property is in the City's best interests.

SECTION 2. Council authorize the purchase of this parcel with Council District One Pay Go funds and direct staff to negotiate with neighbourhood representatives to work out an arrangement to minimize any additional maintenance cost to the City of Oakland.

SECTION 3. The City Administrator or her designee, is hereby authorized to take all actions as may be required to carry out the intent of this Ordinance to purchase the vacant land parcel, assessor parcel number 014-1272-033, from the Alameda County Tax Assessor office for the continued use as a neighbour pocket park for the cost of delinquent property taxes and closing costs estimated at \$7,500.

SECTION 4. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005
PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
City Clerk and Clerk of the Council
of the City of Oakland, California

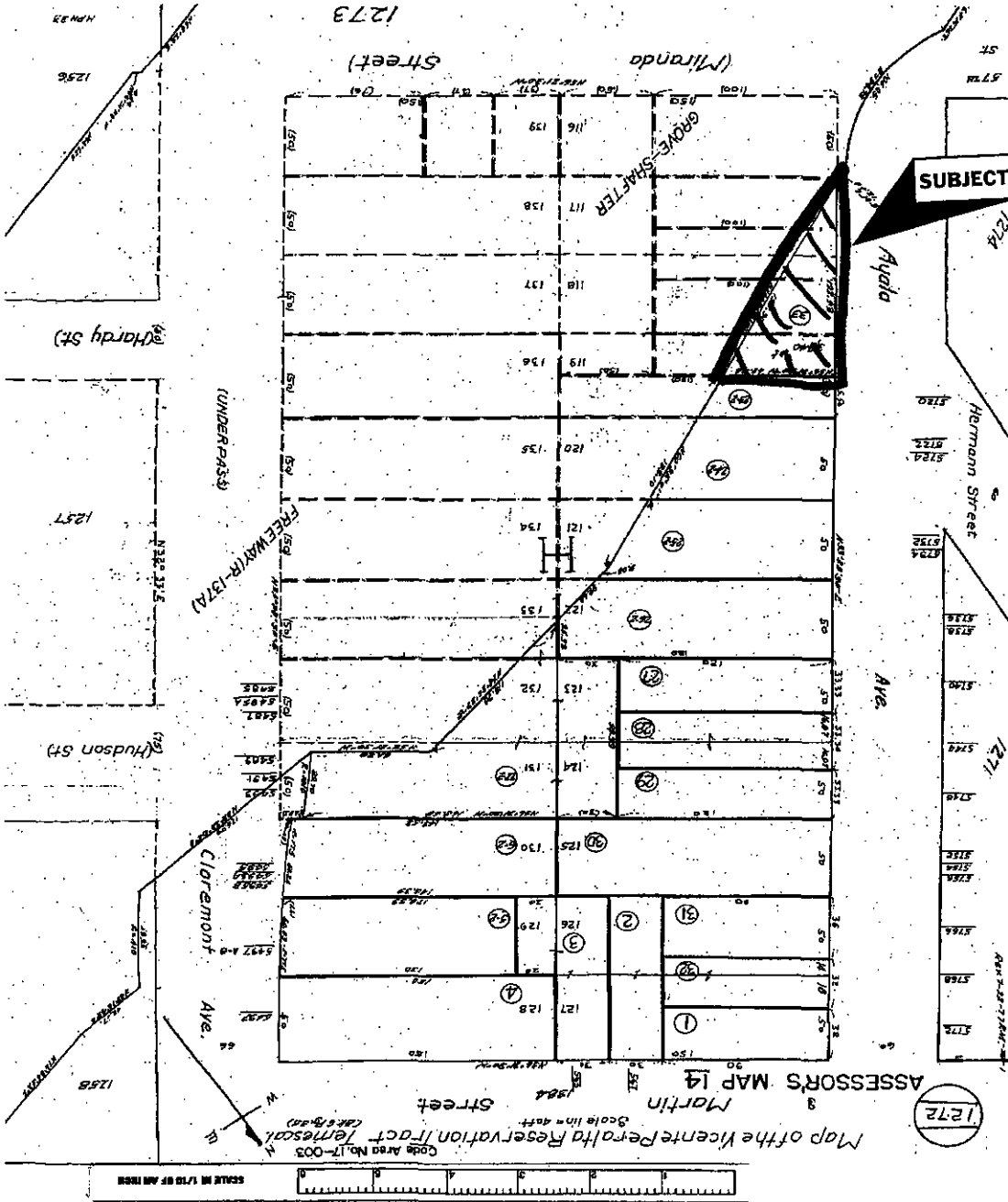


Exhibit "A"

1 Assessors Parcel Map for the parcel number 014-1272-033-00 was found

AYALA AVE OAKLAND, CA 94609-1506

Map 1 of 1



Save/View in .TIF format (014 -1272-00 -0700-flm-scn-0040-000)

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FINANCE & MANAGEMENT CMTE.
MAR 22 2005