

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2005 SEP 29 PM 2:29

TO: Office of the City Administrator
ATTN: Deborah Edgerly, City Administrator
FROM: Community and Economic Development Agency
DATE: October 11, 2005

RE: **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.**

SUMMARY

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.

Staff recommends adoption of the Ordinance that authorizes the City of Oakland 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) for the estimated acquisition cost of \$62,000 including closing costs. Adoption of this Ordinance satisfies Mayor and City Council Priority Goal #2 (Develop a Sustainable City) and Goal #3 (Improve Oakland Neighborhoods).

FISCAL IMPACT

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. (Fund 5500, Org. 92244, Account 57414, Program IN05). The acquisition of the easements and closing costs will be in an amount not to exceed \$62,000 which are estimated as follows:

Easement Rights: 3829 and 3829 A Greenwood Avenue	\$ 48,200
Easement Rights: 3761 Park Boulevard Way	9,000
<u>Estimated closing costs and related expense</u>	<u>4,800</u>
Total acquisition costs expenses:	\$ 62,000

The easements were appraised and offers to acquire the property rights at the appraised fair market value of \$57,200 were made to the property owners. The property owners have accepted the City offers subject to approval by the Council.

BACKGROUND

In the winter of 2003 the Public Works Agency received a complaint from a property owner who resides at 3821 Greenwood Avenue. The caller was concerned about flooding under the house. The City's maintenance division responded but was unsuccessful in its attempt to clear the storm drain that ran under the structure. A camera was inserted into the drain to televise the line but the camera could not travel very far because sections of the pipe had collapsed and there were other obstructions in the line. Further investigation of the storm drain system from Greenwood Ave to Grosvenor Place revealed that the conditions of the existing clay pipeline were below the City's standard to carry storm water.

As a result of the field investigations, by mid 2004, a capital improvement project was created to study economically sound pipeline alternatives, and prepare preliminary designs that would include a set of construction documents to address the abutting property owners' concerns. After meeting with the property owners, discussing the constraints and alternatives, a route was finalized for the new storm drain line. The project design was completed in 2004. The design was created to rehabilitate the pipeline instead of replacing it. Also, except for a small portion of the new route, the proposed route would follow the existing storm drain line.

KEY ISSUES AND IMPACTS

The City's Public Works Agency has identified a pipeline in a residential neighborhood that has deteriorated and does not meet City code for transporting storm water. An alternative system, almost parallel to the existing pipeline, has been designed. The proposed drain system will also prevent any potential flooding and damage to seven abutting properties along the project route. The proposed design will rehabilitate the pipeline instead of replacing the pipeline. Rehabilitation will minimize the installation impact because the proposed drain system will be fitted within the existing line.

PROJECT DESCRIPTION

The purpose of acquiring the storm drain easements is to upgrade existing storm drain easements located in a residential neighborhood. The easements will allow the City's Public Works Agency to install a new drain system and continue to maintain the line as a City owned infrastructure.

SUSTAINABLE OPPORTUNITIES

Economic: The easements are required to improve and maintain the City's infrastructure. The City will not sustain any economic opportunities.

Environmental: The existing clay pipeline is deteriorating. In contrast, the proposed pipeline materials, comprised of plastic, will not deteriorate.

Social Equity: Installing a new drain system will prevent any future flooding and ensure that the seven properties identified in the findings report will not sustain any flood and water damage.

DISABILITY AND SENIOR CITIZEN ACCESS

Adoption of this Ordinance will have no direct impact on disabled and senior citizen access.

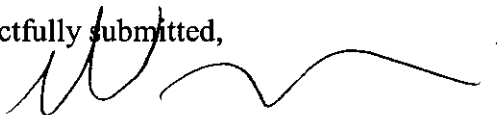
RECOMMENDATION(S) AND RATIONALE

Staff recommends acquiring the storm drain easements to allow the City's Public Works Agency to upgrade the existing pipeline along Greenwood Avenue, Bates Road, Holman Road, and Grosvenor Place.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the Ordinance that authorizes the City of Oakland 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 Ave (APN 024-0532-035-01) the estimated total acquisition cost of \$62,000 which includes closing costs.

Respectfully submitted,



DANIEL VANDERPRIEM, Director
Redevelopment, Economic Development and Housing
Community and Economic Development Agency

Forwarded by: Frank Fanelli, Manager
Real Estate Services

Prepared by: Ava M. Jourdain, Real Estate Agent
Real Estate Services

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

2005 SEP 29 PM 2: 29

ORDINANCE NO. _____ 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20005

Passed By The Following Vote:

AYES-

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

NOES-

ABSENT-
ABSTENTION-

ATTEST:

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

2005 SEP 29 PM 2: 29 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

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