

Deputy City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 13089 C.M.S.

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO
ACQUIRE PARCEL 029A-1330-027-03 AND PARCEL 029A-1330-009-01
FOR USE AS A PART OF THE MONTCLAIR GOLF COURSE FROM THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR \$25,000**

WHEREAS, California Department of Transportation (“Caltrans”) acquired parcels 029A-1330-027-03 and 029A-1330-009-01 (the “Parcels”) to widen Alameda Highway 237 (Warren Freeway); and

WHEREAS, the Parcels are located near the corner of Park Boulevard and Monterey Boulevard; and

WHEREAS, the total area of the Parcels is estimated at 1.5 acres; and

WHEREAS, since 1964 Caltrans has leased the Parcels to the City of Oakland for the Montclair Golf Course as an interim use; and

WHEREAS, Caltrans determined the plans to widen Warren Freeway are no longer being pursued; and

WHEREAS, Caltrans declared the Parcels excess land and offered to sell the properties to the City as a direct sale for \$25,000; and

WHEREAS, funding for the acquisition of the Parcels is from two sources: \$5,000 is available from the General Purpose Fund (1010), Emergency Contingency Reserve Organization (90611), Miscellaneous Services Account (53719), CAO Contingency Funds Project (P404410), and \$20,000 is available from the Telecommunications Land Use Fund (1770), Real Estate Organization (88639), Land Fixed Asset Number Account (57116), Undetermined Project (0000000); and

WHEREAS, the sale of the Parcels is subject to the approval of the California Transportation Commission; now, therefore

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

Section 1. The City Council hereby authorizes the City to acquire the Parcels for a purchase price of \$25,000.

Section 2. The City Council agrees, in accordance with Caltrans Right of Way Excess Land Policy, Section 16.05.09.02, to utilize the Parcels for public use.

Section 3. The City Council agrees that the Parcels will continue to be utilized as part of

Montclair Golf Course, a municipal golf course.

Section 4. The City Administrator, or his designee, is authorized to negotiate and execute all real estate documents required to acquire the property rights for the Parcels.

Section 4. The requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met because this transaction is exempt from CEQA under section 15312 (sale of surplus government property) and section 15325 (Transfers of Land to Preserve Existing Natural Conditions) of the CEQA Guidelines.

Section 5. This Ordinance shall become effective immediately upon 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, JUL 26 2011

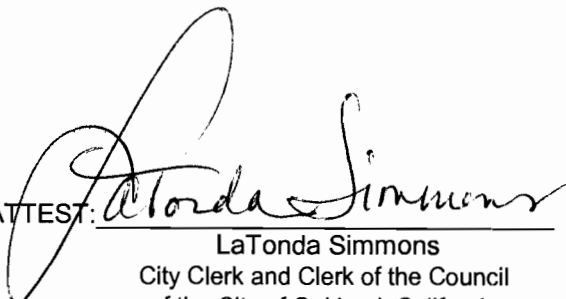
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

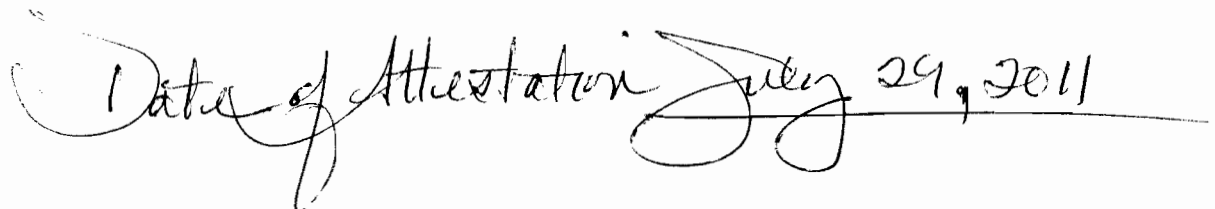
NOES- 0

ABSENT- 0

ABSTENTION- 0

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

Introduction Date JUL 19 2011



NOTICE AND DIGEST:

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACQUIRE PARCEL 029A-1330-027-03 AND PARCEL 029A-1330-009-01 FOR USE AS A PART OF THE MONTCLAIR GOLF COURSE FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR \$25,000

An Ordinance has been prepared authorizing the City Administrator and his designee to acquire Parcel 029A-1330-027-03 and Parcel 029A-1330-009-01 for use as part of the Montclair Golf Course

The parcels have been declared Excess Land by the California Department of Transportation (Caltrans)