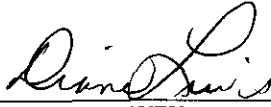


INTRODUCED BY COUNCIL MEMBER _____
DATE INTRODUCED _____


CITY ATTORNEY

2005 SEP 29 PM 2:08 ORDINANCE NO. 12709 C. M. S.

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO GERALD CHENEY, THE ADJOINING PROPERTY OWNER, APPROXIMATELY 10,600 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT THE TERMINUS OF NORTHWOOD COURT (APN# 048E-7319-043-05) FOR THE FAIR MARKET VALUE OF \$125,000.00.

WHEREAS, the City of Oakland ("City") owns a 10,600 square foot, surplus parcel of land located on Northwood Court, Assessor's Parcel Number 48E-7319-03-05, described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the Property has imparted access issues; and

WHEREAS, a legal description has been developed that indicated that the property is 10,600 square feet in area; and that no easements encumber the property; and

WHEREAS, on July 20, 2005, the City Planning Commission determined the zoning classification for the parcel and supported the staff recommendation to the City Council; and

WHEREAS, the property is to be sold in "AS-IS" condition and the City makes no representations regarding land use or other permitting issues that may affect the property; and

WHEREAS, the property has no access from Skyline Boulevard, and access is available only from the adjoining property, the property 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, information about the surplus property was circulated pursuant to Government Code requirements and the Property may be sold through a negotiated sale; and

WHEREAS, Real Estate Service' market analysis of the Property indicates a market value of \$125,000; and

WHEREAS, Gerald Cheney, the owner of the abutting property, has tendered an offer to purchase the Property in the amount of \$125,000; and

WHEREAS, a non-refundable security deposit in the amount of \$1,000 was received for the subject property; and

WHEREAS, the Property is not legally developable as a separate parcel, without access across the adjoining property; and

WHEREAS, since the property is access impaired, it is in the best interest of the City to sell the property by negotiated sale; and.

WHEREAS, it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment and therefore said conveyance is exempted from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines (general rule); 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.

SECTION 2. The Property has impaired access and sale of the Property to the adjoining or abutting owner is in the City's best interests.

SECTION 3. The City Administrator, or her designee, is authorized to execute and accept the Offer to Purchase and Sales Agreement from Gerald Cheney the adjoining property owner, for the sum of \$125,000, and to execute a Quitclaim Deed conveying the Property, and any and all other documents necessary to effectuate the sale of the Property.

SECTION 4. Ordinance No. 11602 allows the City to conduct negotiated sales of surplus property if it is determined to be in the best interest of the City.

SECTION 5. Real Estate Services Division's administrative costs associated with the sale of the property \$1,369 shall be reimbursed to Fund 1010, Org. 88639, Project P47010 (Surplus Property Program).

SECTION 6. The City Administrator, or her designee, shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 7: The Manager, Real Estate Services, or his designee, is hereby authorized to take and all actions necessary, consistent with this ordinance, to complete the sale of the Property.

SECTION 8. The Offer to Purchase Agreement for the purchase of this property 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 9. The ordinance shall take effect immediately upon its passage.

OCT 18 2005

Introduction Date:

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 01 2005
PASSED BY THE FOLLOWING VOTE:

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

NOES- 0
ABSENT- 0
ABSTENTION- 0

-8

ATTEST *LaTonda Simmons*
LA TONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 SEP 29 PM 2:28 NOTICE AND DIGEST

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO GERALD CHENEY, THE ADJOINING PROPERTY OWNER, APPROXIMATELY 10,600 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT THE TERMINUS OF NORTHWOOD COURT (APN# 048E-7319-043-05) FOR THE FAIR MARKET VALUE OF \$125,000.00.

An ordinance has been prepared authorizing the City Administrator to sell surplus City-owned property to the adjoining property owner at Northwood Court.

The City-owned property is a rectangular shaped property containing approximately 10,600 square feet. It has frontage along Skyline Boulevard but no access, and access will be across the adjoining parcel on Northwood Court. There are no City subsidies involved in the sale of the surplus property.