

Oakland City Attorney

OFFICE OF THE CITY CLERK

2007 MAR -1 PM 2:05

OAKLAND CITY COUNCIL

ORDINANCE NO. 12790 C.M.S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH MICHAEL AND MARGARET CHU FOR THE CITY'S PURCHASE OF 2680 BEACONSFIELD PLACE (APN: 048D-7280-028) CONSISTING OF ABOUT 5,929 SQUARE FEET OF LAND LOCATED IN THE BEACONSFIELD CANYON FOR THE FAIR MARKET VALUE OF SEVENTY TWO THOUSAND SIXTY NINE DOLLARS (\$72,069) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.

WHEREAS, on November 5, 2002, the voters of the City of Oakland passed Measure DD that authorized the City to sell bonds to provide funds for the restoration and preservation of creeks and acquisition of watersheds; and

WHEREAS, Measure DD provides \$4.5 million for Watershed Acquisitions and the Measure DD funds are available under the Watershed Improvement Program's Watershed Acquisition Project for the purchase of 2680 Beaconsfield Place (APN: 048D-7280-028), Oakland, CA ("Property"); and

WHEREAS, the Measure DD Series 2003A Bond sale in August 2003 provided \$3 million for Watershed Acquisition, and the funds have already been appropriated and allocated by City Council; and

WHEREAS, on December 20, 2005, the Oakland City Council, by Resolution No. 79649 C.M.S., adopted the Prioritized Watershed and Acquisition Project List ("Project List"), ranking each project according to the previously approved City Council criteria identifying the top ranked projects for environmental preservation, and the project in Beaconsfield Canyon is ranked 5th on the Project List; and

WHEREAS, Michael and Margaret Chu, ("Owners") husband and wife, are the record owners of the Property consisting of about 5,929 square feet of unimproved vacant land located in Beaconsfield Canyon; and

WHEREAS, the Owners have agreed to sell the Property to the City for the fair market value of \$72,069, with the City paying closing costs not to exceed \$5,000; and

WHEREAS, The Property will continue to remain open space and will be available for park use; and

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”) the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore,

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

Section 1: The City Administrator, or her designee, is authorized to negotiate and execute a Purchase and Sale Agreement to purchase the real property located at 2680 Beaconsfield Place, (APN #048D-7280-028), the legal description of which is set forth in Exhibit “A”, attached hereto and incorporated herein, for the fair market value of \$72,069, plus closing costs not to exceed \$5,000.

Section 2: Funding to purchase the Property will be drawn from Measure DD 2003A Capital Improvement Fund (5320), Capital Projects Environmental Services Org. (92280), Watershed Acquisition A-DD – Creeks and Waterways Project (C244910), Land Account (57116).

Section 3: The Manager of Real Estate Services or other City Administrator designee is hereby authorized to negotiate and execute all agreements and take all other actions as may be required to carry out the intent and purpose of the Purchase and Sale Agreement and this Ordinance.

Section 4: The City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15316 (transfer of ownership of land in order to create parks) and Section 15325 (transfer of ownership of interest in land to preserve existing natural conditions and historical resources) of the CEQA guidelines, and the Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration with the County of Alameda.

Section 5: In accordance with the requirements of the City Charter Article IV, the Purchase and Sale Agreement shall be approved as to form and legality by the City Attorney’s Office prior to execution and a copy shall be filed with the Office of the City Clerk.

Exhibit A

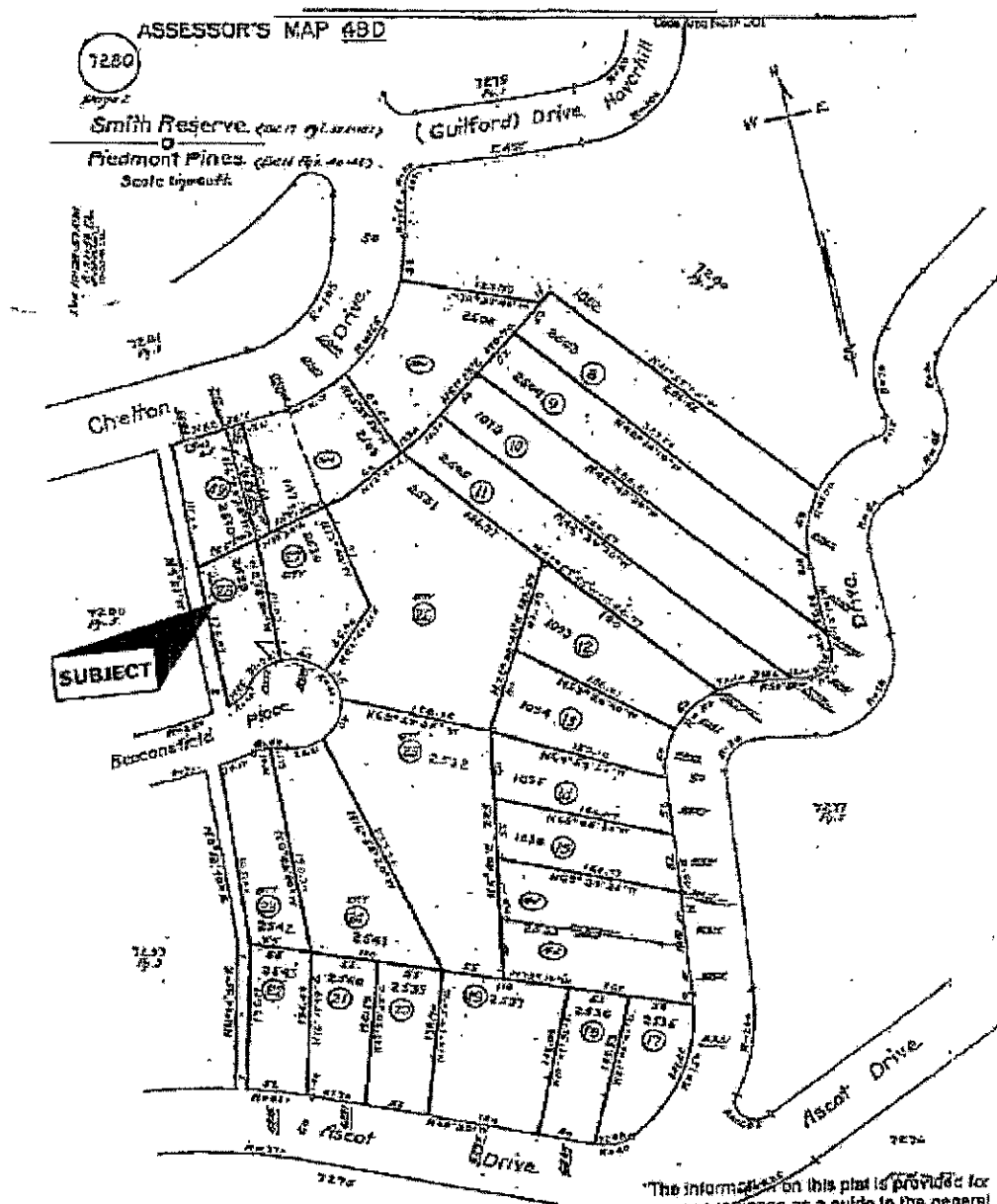
LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Lot 2529, Map of Piedmont Pines, filed October 15, 1932, in Book 14 of Maps, Pages 40 through 43, Alameda County Records.

APN: 048D-7280-028



Davis

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH MICHAEL AND MARGARET CHU FOR THE CITY'S PURCHASE OF 2680 BEACONSFIELD PLACE (APN: 048D-7280-028) CONSISTING OF ABOUT 5,929 SQUARE FEET OF LAND LOCATED IN THE BEACONSFIELD CANYON FOR THE FAIR MARKET VALUE OF SEVENTY TWO THOUSAND SIXTY NINE DOLLARS (\$72,069) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.

This Ordinance authorizes the City Administrator to purchase 2680 Beaconsfield Place) about 5,929 square feet of land located in the Beaconsfield Canyon from Michael and Margaret Chu for \$72,069 plus the closing costs not to exceed \$5,000 from Measure DD funds.