

INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

ORDINANCE NO. _____ C. M. S.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH EMILY RAY TRUSTEE FOR THE EMILY RAY TRUST OF 1992 FOR THE CITY'S ACQUISITION OF REAL PROPERTY LOCATED AT 7318 INTERNATIONAL BOULEVARD, OAKLAND, CALIFORNIA, IN THE AMOUNT OF \$391,105, EXCLUDING CLOSING COSTS

WHEREAS, the City of Oakland's International Boulevard Streetscape Project appears in the Five Year Capital Improvement Program CIP 2002/07 and will consist of a decorative metal fence, new sidewalk, curbs and groundcover along with a landmark monument feature that will be installed on the corner of International Boulevard, and the installation of new street trees and pedestrian scale streetlights to supplement the existing streetlights; and

WHEREAS, the International Boulevard Streetscape Project requires the acquisition of the property located at 7318 International Boulevard, as shown in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Emily Ray Trust of 1992 ("Owner") is the owner of the Property; and

WHEREAS, the Owner rejected as inadequate the amount that the City offered to purchase the Property, and threatened to sue the City for inverse condemnation and other causes of action; and

WHEREAS, by a City resolution adopted concurrently herewith, the City has agreed to settle the dispute with the Owner by paying the Owner \$391,105.00 to purchase the Property, (subject to existing rights, if any, related to an existing advertising sign on the Property) to avoid threatened litigation that could expose the City to unknown liability and attorney fees; and

WHEREAS, the funding for the acquisition of the Property is available in the International Boulevard/MacArthur Street Improvement Project (Fund 5500, Org. 92242, Account 57111, Project Number C167620; and

WHEREAS, the City is the Lead Agency for this sale for purpose of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, 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 under CEQA section 15300, the project is consistent with a Class 1 Categorical Exemption, as supported by the finding that project does not have a significant effect on the environment.

10.3002
ORA/COUNCIL
MAY 4 2004 APR 20 2004

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

- SECTION 1. The City Manager, or her designee, is authorized to enter into a Purchase and Sale Agreement for the City's purchase of the Property, the legal description of which is set forth in Exhibit "A"; attached hereto and incorporated herein, from the Emily Ray Trust of 1992 in the amount of \$391,105.00, excluding closing costs.
- SECTION 2. The City hereby approves and appropriates funds for the acquisition of the Property and closing costs from Fund 5500, Org. 92242, Account 57111, Project Number C167620.
- SECTION 3. The Manager of Real Estate Services or such other City Manager designee, as the City Manager may determine, is hereby authorized to execute a Purchase and Sale Agreement, and to take all actions as may be required to carry out the intent of terms of this Ordinance.
- SECTION 4. All documents shall be approved as to form and legality by the City Attorney's Office.
- SECTION 5. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004
PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT "A"

Lot 3, as said lot is shown on the Map entitled, "Map of the Searles Tract, Brooklyn, Tp., Alameda Co., Cal." filed April 16, 1891, in Book 10 of Maps, at Page 75, in the office of the County Recorder of Alameda County.

Assessor's Parcel No: 040-3317-032

PM

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH EMILY RAY, TRUSTEE FOR THE EMILY RAY TRUST OF 1992, FOR THE CITY'S ACQUISITION OF REAL PROPERTY LOCATED AT 7318 INTERNATIONAL BOULEVARD, OAKLAND, CALIFORNIA, IN THE AMOUNT OF \$391,105, EXCLUDING CLOSING COSTS

An Ordinance has been prepared authorizing the City Manager, or her designee, to enter into a Purchase and Sale Agreement with Emily Ray Trustee for the Emily Ray Trust of 1992 to allow the City to acquire the property located at 7318 International Boulevard, Oakland, California, that is required for the International Boulevard Streetscape Project.

10.3cc

ORA/COUNCIL
MAY 4 2004

~~20
APR 2 2004~~