

## OAKLAND CITY COUNCIL

Ordinance No. 12711 C.M.S.

---

**A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO CORNELIUS INVESTMENT GROUP, LLC, THE ADJOINING PROPERTY OWNER, APPROXIMATELY 4,350 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT OAKDALE AVENUE (APN# 037A-2785-006) FOR THE FAIR MARKET VALUE OF \$85,000.**

**WHEREAS**, the City of Oakland ("City") owns a 4,350 square foot, surplus parcel of land located on Oakdale Avenue, Assessor's Parcel Number 037A-2785-006, described in Exhibit "A" attached hereto (the Property); and

**WHEREAS**, on October 19, 2005, the City Planning Commission determined the zoning classification for the parcel and supported the staff recommendation to the City Council; and

**WHEREAS**, a legal description has been developed that indicates the property is 4,350 square feet in area; and the existing sewer line can be relocated by the purchaser at their own expense; and

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

**WHEREAS**, the property, less than 5,00 square feet in size, 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 City surplus property requirements, the Property may be sold through a negotiated sale; and

**WHEREAS**, Real Estate Services' market analysis of the Property indicated a market value of \$85,000 as impaired by the existing sewer line; and

**WHEREAS**, Stanley Cornelius, DBA Cornelius Investment Group, LLC, the owner of the abutting property, has tendered an offer to purchase the Property in the amount of \$85,000; and

**WHEREAS**, a non-refundable security deposit in the amount of \$1,000 was received for the subject property; 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 exempt from the requirements of the California Environmental Quality Act ("CEQA") by section 15312 of the CEQA Guidelines; now, therefore

**THE CITY 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, and the sale of the Property to the adjoining or abutting owner is in the City's best interests.

**SECTION 2.** The City Administrator, or her designee, is authorized to execute and accept the Offer to Purchase and Sales Agreement from Cornelius Investment Group, LLC, the adjoining property owner, for the sum of \$85,000, and to execute a Quitclaim Deed conveying the Property that will include a reservation of easement for the sewer line, and any and all other documents necessary to effectuate the sale of the Property.

**SECTION 3.** Real Estate Services Division's administrative costs associated with the sale of the property \$1,369 shall be reimbursed to the General Purpose Fund (#1010), Real Estate Org. (#88639), Sale of Land Account (#48111), Real Estate Surplus Property Project (#P47010), Real Estate Program (#PS32).

**SECTION 4:** The City Administrator, or her designee, is hereby authorized to take any and all actions necessary, consistent with this ordinance, to complete the sale of the Property.

**SECTION 5.** The City Administrator is hereby directed to file a Notice of Exemption.

**SECTION 6.** 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 7. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

*Introduction date: NOVEMBER 1, 2005*  
**NOV 15 2005**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

**- 8**

NOES - *Ø*  
ABSENT - *Ø*  
ABSTENTION - *Ø*

ATTEST: *Latonda Simmons*  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

# Chimes Terrace, ASSESSORS MAP 37A

Scale 1 in = 40 ft. (S.S. 29.3)  
N50°18'15"E

2785

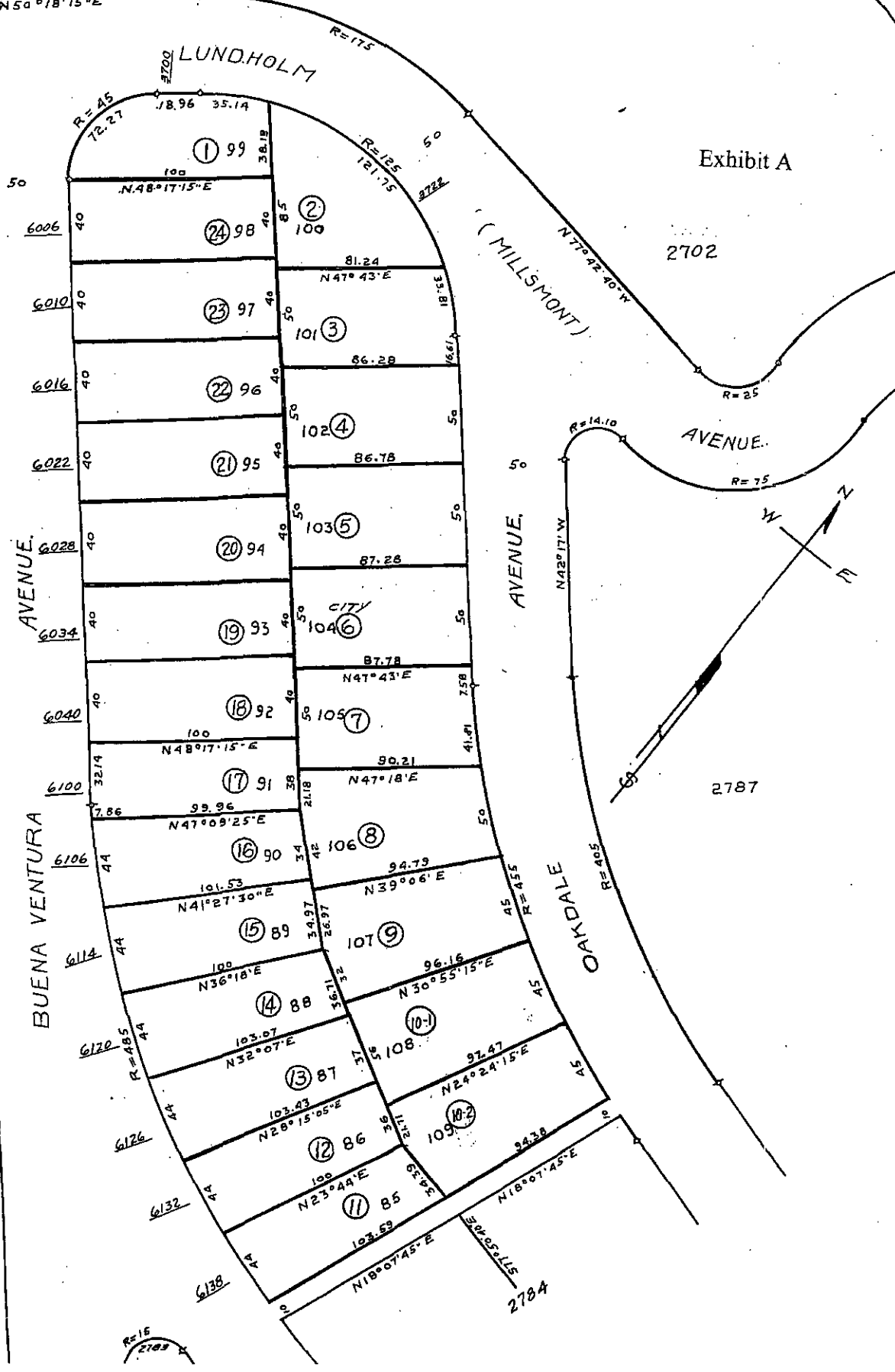


Exhibit A

2702

AVENUE.



2787

2784

NOTICE AND DIGEST

2005 OCT 13 PM 6:59

**A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO CORNELIUS INVESTMENT GROUP, LLC, THE ADJOINING PROPERTY OWNER, APPROXIMATELY 4,350 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT OAKDALE AVENUE (APN# 037A-2785-006) FOR THE FAIR MARKET VALUE OF \$85,000.00.**

An ordinance has been prepared authorizing the City Administrator to sell surplus City-owned property to the adjoining property owner on Oakdale Avenue.

The City-owned property is a rectangular shaped property containing approximately 4,350 square feet. The property is presently encumbered by a sewer line in the middle of the property. There are no City subsidies involved in the sale of the surplus property.