

OAKLAND CITY COUNCIL

ORDINANCE No. 12 285 C.M.S.

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INTRODUCED BY COUNCILMEMBER _____

REVISED

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN LOCATED AT 155, 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$323,757.45, PLUS INTEREST THEREON AND COURT COSTS

WHEREAS, in order to facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 155 98th Avenue (the "Property") City of Oakland v. California Glass Company, et al., and

WHEREAS, California Glass Company, et al., Barbara J. Peri and Leonard L. Silvani, and Bank of America Trust and Savings Corporation (the "Owners") owns the Property, the City named Owner as a defendant in the action to acquire the Owners' interests in the Property; and

WHEREAS, the City filed an eminent domain action to acquire Owners' interests in the Property and the City and Owners have agreed to settle the action with the Owners agreeing to relinquish its interests in consideration for payment by the City;

WHEREAS, the Airport Roadway Project, in Resolution No. 74844, dated March 16, 1999, authorized City staff to initiate acquisition, site clearance and relocation activities;

WHEREAS, the City, by resolution of the City Council on September 12, 2000 approved a settlement of the condemnation action with the Owners; and

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Owners' interests in the Properties for the amount described below and the expenditure of project funds for that acquisition, now therefore

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

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire the Owners' interests in the Property for an amount not to exceed \$323,757.45, plus interest thereon and court costs,

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

Introduced - Oct. 3, 2000

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 17 2000, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, ^{WAN}RUSSO, SPEES, AND
~~PRESIDENT DE LA FUENTE - 17~~

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

Excused - De la Fuente - 1

Celia Floyd
City Clerk
26
10/3/00