

2005 NOV 29 PM 2:00

OAKLAND CITY COUNCIL

Ordinance No. **12720** C.M.S.

ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE PERMANENT STORM DRAIN EASEMENT OF 479 SQUARE FEET ON CITY OWNED PROPERTY LOCATED AT 105TH AVENUE, OAKLAND (APN # 045-5370-020-01) TO MARINWOODS ENTERPRISES, INC. FOR THE APPRAISED MARKET VALUE OF \$2,500 PLUS MASTER FEE SCHEDULE FEES

WHEREAS, the City of Oakland (City) is the owner of a parcel of land, commonly known as APN # 045-5370-020-01 located 105th Avenue, Oakland; and

WHEREAS, Marinwoods Enterprises, Inc. is an adjacent property owner located at 105th Avenue; and

WHEREAS, Marinwoods Enterprises, Inc. submitted plans to the City of Oakland for development of their property with residential units; and

WHEREAS, the proposed development requires the property owners to provide for storm drainage of their development; and

WHEREAS, City of Oakland Public Works Agency and Community and Economic Development Agency/Building Services Division staff have reviewed and approved of the location and proposed easement to provide drainage; and

WHEREAS, the proposed nonexclusive storm drain easement will require 479 square feet of City of Oakland owned land, as shown on Exhibit A, attached hereto; 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 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Real Estate Division has determined that a nonexclusive storm drain easement will allow the property owners to meet the City of Oakland development requirements; and

WHEREAS, the Real Estate Division has determined the fair market value of the nonexclusive easement is \$ 2,500; **now therefore**

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

SECTION 1: That the City Council hereby finds and declares that City staff have reviewed and determined that the requirements to issue a nonexclusive storm drain easement have been satisfied.

SECTION 2: That the City Council hereby authorizes and directs the City Administrator or her designee to execute a nonexclusive Grant of Easement for Marinwoods Enterprises, Inc. for \$2,500, for the property located at 105th Avenue, Oakland.

SECTION 3: Real Estate Services Division's administrative costs of \$1,255 associated with the sale of the property and fair market value proceeds of \$2,500 will be placed in 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 Council has independently reviewed and considered this environmental determination and the City finds and determines that this action is exempt from CEQA pursuant to section 15061(b)(3) (general rule) of the CEQA Guidelines. The City Administrator is directed to file a Notice of Exemption.

SECTION 5: The City Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Ordinance and to complete the transaction.

SECTION 6: The City Attorney shall review and approve as to form and legality all documents and agreements necessary to grant the easement.

SECTION 7: 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: **DEC 20 2005**

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 03 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE **-8**

NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE PERMANENT STORM DRAIN EASEMENT OF 479 SQUARE FEET ON CITY OWNED PROPERTY LOCATED AT 105TH AVENUE, OAKLAND (APN # 045-5370-020-01) TO MARINWOODS ENTERPRISES, INC. FOR THE APPRAISED MARKET VALUE OF \$2,500 PLUS MASTER FEE SCHEDULE FEES

This ordinance authorizes the City Administrator to sell a nonexclusive storm drain easement across approximately 479 square feet of City-owned property to the adjoining property owner on 105th Avenue.

The easement will have minimal impact on the City's parcel.

Exhibit A

City of Oakland Storm Drain Easement
APN 045 – 5370 – 020 – 01

31

5' SEWER EASEMENT
5033 OR 341

5099 OR 148

PARCEL TWO

24 M 90
30

CITY OF
OAKLAND

MARINWOODS ENTERPRISES, INC.
INST. No. 2002600903

S78°13'00"E
29.89'

S11°47'00"W
28.00'

N11°47'00"E
10.00'

N78°13'00"W
19.89'

10'
Point of
Beginning

N11°47'00"E
18.00'

N78°13'00"W
10.00'

29

PARCEL ONE

Westerly Line
5004 OR 268

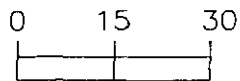
Westerly Line
PARCEL ONE
INST. No. 2002600903

5004 OR 268

N11°47'00"E

81.79'

Point of
Commencement



(IN FEET)

1 INCH = 30 FEET

CITY OF OAKLAND
APN 045-5370-020-01

AREA	
Total	479 Sq. Ft. 0.011 Acres

EXHIBIT "A"

CITY OF OAKLAND STORM DRAIN EASEMENT

APN 045-5370-020-01

OAKLAND ALAMEDA COUNTY CALIFORNIA



WORLDWIDE INC.

CIVIL ENGINEERING • LAND SURVEYING
PLANNING

111 CENTER AVE. • SUITE F • PACHECO • CA • 94553
MAILING ADDRESS • P. O. BOX 6327 • CONCORD • CA • 94524
(925) 686-9890 • FAX (925) 686-9893

DESIGNED:	STAFF
DRAWN:	STAFF
CHECKED:	AXD
SCALE:	1"=30'
DATE:	9-07-05
SHEET NO.	1 OF 4
JOB NO.	203-096

7-7-05