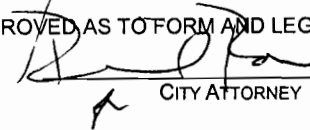


FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL MEMBER _____

2010 SEP 16 PM 3:25


CITY ATTORNEY

ORDINANCE NO. 13043 C.M.S.

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AT 9507 EDES AVENUE AT A NOMINAL PRICE TO HABITAT FOR HUMANITY EAST BAY AND AUTHORIZING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF TWELVE UNITS OF AFFORDABLE HOUSING ON THE PROPERTY

WHEREAS, the City of Oakland is the owner of the vacant lot (the "Property") in the City of Oakland, Alameda County, State of California, commonly known as 9507 Edes Avenue, Assessor's Parcel Number 45-5292-5; and

WHEREAS, Habitat for Humanity East Bay (the "Developer") proposes to develop on the Property twelve homes affordable to households earning no more than 80% of the area median income (AMI), of which two will be affordable to households earning no more than 60% of AMI, and of which three will be affordable to households earning no more than 50% of AMI; and

WHEREAS, with Ordinance No. 12534 C.M.S., passed September 16, 2003 the City Council rescinded Ordinance No. 12219 C.M.S. and authorized sale of the Property to the Redevelopment Agency of the City of Oakland for eventual development by a different developer; and

WHEREAS, the development plan with the Redevelopment Agency contemplated by Ordinance 12534 C.M.S. did not proceed; and

WHEREAS, the City is the Lead Agency for this project for purposes 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 satisfied; and

WHEREAS, the City Council has adopted Ordinance No. 11602 C.M.S., which established procedures for the sale and lease of City-owned property which is surplus; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. Sections 2 through 7 of Ordinance 12534 C.M.S. are hereby rescinded; Section 1 of that ordinance, which rescinded Ordinance 12219 C.M.S., remains in effect.

SECTION 2. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Property by negotiated sale due to the special use of the Property for the development and sale of affordable housing.

SECTION 3. The City Council authorizes the sale of the Property to the Developer at a nominal cost, in return for the commitment to develop twelve affordable homes.

SECTION 4. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because the project is exempt from CEQA pursuant to Sections 15312 (surplus government property sales), 15332 (infill housing development), and 15192 and 15194 (affordable housing) of the CEQA Guidelines.

SECTION 5. The City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

SECTION 6. The City Administrator or his or her designee is hereby authorized to negotiate and execute a Disposition and Development Agreement (“DDA”) with the Developer for the Property to govern their transfer and development.

SECTION 7. The City Administrator is also authorized to execute grant deeds to convey the Property, upon satisfaction of preconveyance conditions in the DDA.

SECTION 8. Upon completion of homes on the Property, all twelve shall be sold at an affordable price to households whose income does not exceed 80% of AMI, provided that two of the homes shall be affordable at 60% AMI, and three of the homes shall be affordable at 50% AMI.

SECTION 9. Resale restrictions will be recorded against the Property and the individual home lots after subdivision to ensure that, for a period of forty-five years, the sales price to any new buyer shall be limited so as to be affordable to a household whose income does not exceed 80% of the area median income.

SECTION 10. All documents shall be approved as to form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 19 2010, 20

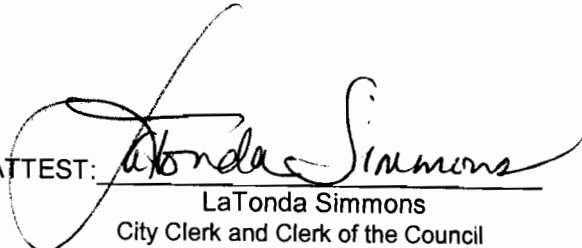
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER — 7

NOES - 0

ABSENT - 0

ABSTENTION - Reid-1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date OCT 5 2010

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AT 9507 EDES AVENUE AT A NOMINAL PRICE TO HABITAT FOR HUMANITY EAST BAY AND AUTHORIZING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF TWELVE UNITS OF AFFORDABLE HOUSING ON THE PROPERTY

This ordinance authorizes an agreement for the sale and development of the vacant lot at 9507 Edes Avenue to Habitat for Humanity East Bay. The City will provide the lot at a near-zero cost in exchange for the agreement that homes developed will be affordable to low-income households.