

OFFICE OF THE CITY CLERK

2007 MAY 01 10:27

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12810 C. M. S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO TAX DEFAULTED PARCELS ON SUNSHINE COURT (APN 40-3319-47-3 AND APN 40-3319-47-2) FROM THE COUNTY OF ALAMEDA FOR A PRICE NOT TO EXCEED \$14,520 PLUS INTEREST, AND ACCEPTING A CONTRIBUTION OF \$14,520 PLUS INTEREST FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT FOR THE PURCHASE OF THE PROPERTIES

WHEREAS, the Board of Supervisors of Alameda County by its Resolution No. 2007-35 has given its consent to the proposed sale at public auction of two property tax delinquent parcels at Sunshine Court (APN 40-3319-47-3 and APN 40-3319-47-2), as such properties are further described in the legal descriptions attached hereto and incorporated herein as Exhibits "C" and "D", and it is deemed to be in the public interest and necessity that the fee to said parcels be acquired by the City of Oakland for redevelopment and dedication as a City public street; and

WHEREAS, Chapter 8 of the California Revenue and Taxation Code authorizes and provides proceedings for the acquisition of said tax delinquent property by the City; and

WHEREAS, City staff have identified these two sites as blighted, obsolete, and/or underutilized properties within the Central City East Redevelopment Project Area; and

WHEREAS, the City wishes to purchase one or both of the referenced parcels, pending the results of the environmental review, title search and other due diligence to be completed; and

WHEREAS, the City and Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for land costs or the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the Redevelopment Agency has authorized a contribution of Agency funds from Central City East and Coliseum Redevelopment Project Areas in a total amount of \$14,520 plus interest to the City to purchase the Sunshine Court parcels; and

WHEREAS, the acquisition of the parcels is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan), Section 15301 (existing facilities), and Section 15308 (actions by regulatory agencies to protect the environment) of the CEQA Guidelines; now, therefore,

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

Section 1: The City, acting by and through its governing body, hereby requests that the referenced Sunshine Court parcels (APN 40-3319-47-3 and APN 40-3319-47-2) be withdrawn from public auction.

Section 2: The City Council hereby authorizes the purchase of the Sunshine Court parcels for a combined purchase price of \$14,520 plus interest.

Section 3: The City Administrator, or her designee, is authorized to negotiate and execute an agreement to purchase the Sunshine Court parcels.

Section 4: The City hereby consents to and accepts and appropriates to City's Oakland Redevelopment Agency Projects Fund (7780) a contribution of \$14,520 plus interest from the Redevelopment Agency under the Cooperation Agreement for the purchase of the parcels.

Section 5: The City Council hereby finds and determines as follows:

1. That the funding of the acquisition of the Sunshine Court parcels will benefit the Central City East Redevelopment Project Area by alleviating blight conditions on those parcels such as multiple potholes, severely cracked pavement and substandard drainage, and improving public safety for Project Area residents, and will benefit the Coliseum Redevelopment Project Area by improving traffic access from Sunshine Court to International Boulevard, and improve the gateway access to Coliseum Redevelopment Project Area.
2. That since City General Funds are not used for acquisition of street properties, and since project specific funds have not been allocated by the City for financing the purchases of these parcels, no other reasonable means of financing are available to the City for the acquisition other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central City East Redevelopment Project Area and the Coliseum Redevelopment Project Area will assist in the elimination of blight in those project areas by allowing the City to repair dilapidated conditions on Sunshine Court such as multiple potholes, severely cracked pavement and substandard drainage, and convert Sunshine Court into productive use as a City

public street, and is consistent with the implementation plans adopted for the Central City East and Coliseum Project Areas.

Section 6: In accordance with the requirements of City Charter Article IV, the purchase agreement shall be approved as to form and legality by the City Attorney's Office prior to execution and a copy shall be filed with the Office of the City Clerk.

Section 7: This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 3 2007, 2007

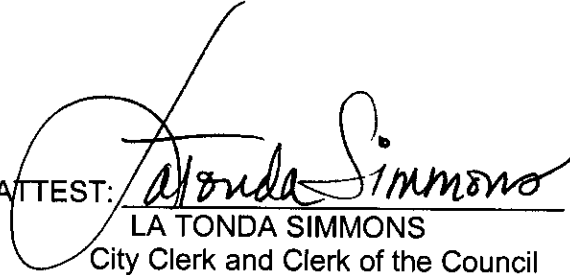
PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LA TONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: JUN 19 2007

Exhibit "C"

LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Beginning at a point on the northeastern line of East 14th Street, distant thereon, South 59° 52' East 59.79 feet from the point of intersection thereof with the western line of Lot 4, as said lot is show on that certain map attached to the Report of the Commissioner's appointed in the Successor in Trust for Partition by Louise J. Haralson vs. Anne Renwick, et al, Superior Court, Alameda County, California Case No. 2334; thence North 50° 15' East 884.41 feet; thence South 39° 45' East 20.00 feet; thence South 50° 15' West, 677.00 feet; more or less, to the said line of East 14th Street; thence North 59° 52' West along the said last mentioned line 21.29 feet to the point of beginning.

APN: 040-3319-047-03

ARB: None

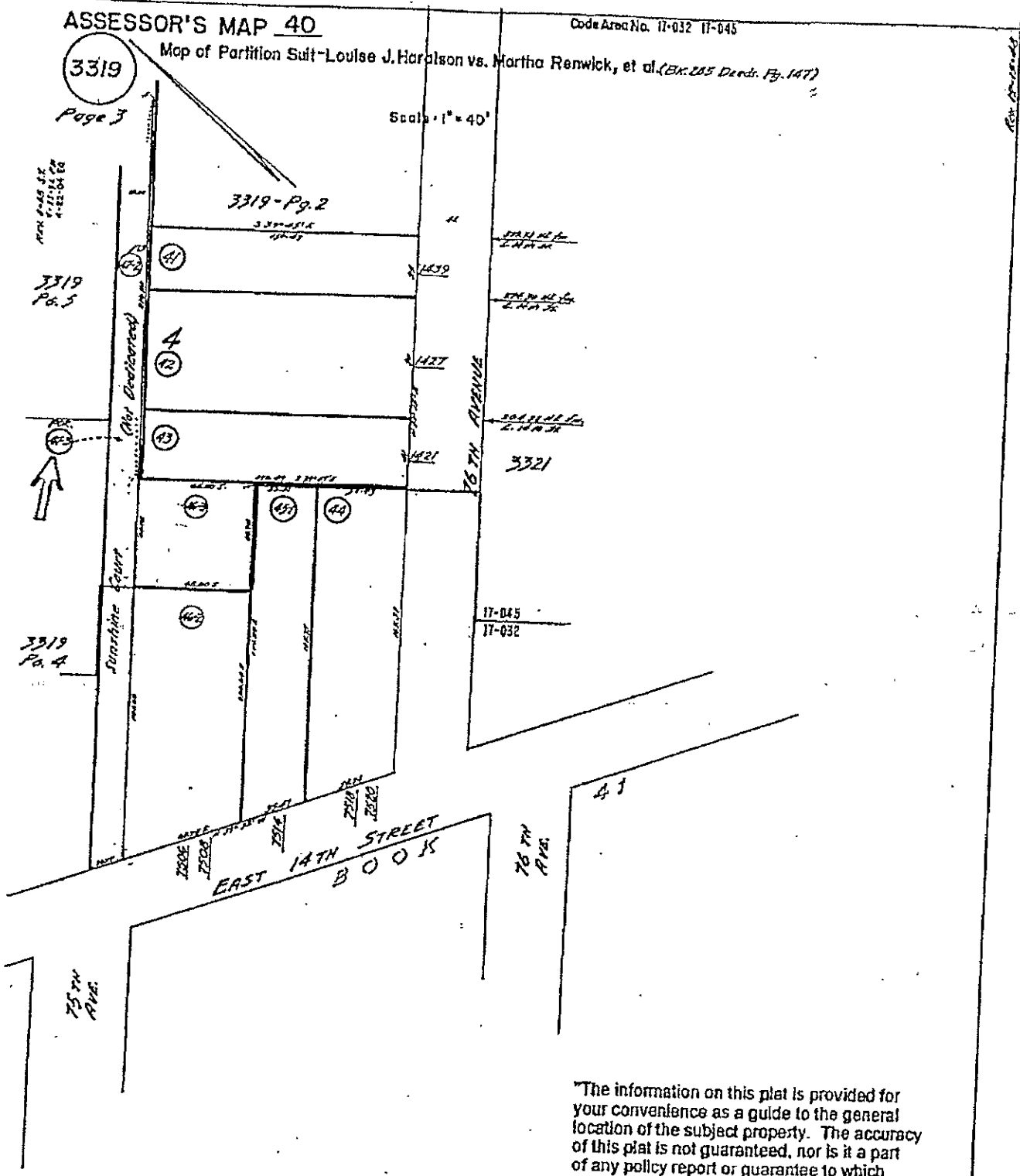
ASSESSOR'S MAP 40

Code Area No. 17-032 17-045

3319
Page 3

Map of Partition Suit-Louise J. Haralson vs. Martha Renwick, et al. (Ex. 285 Deeds Pg. 147)

Scale: 1" = 40'



"The information on this plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy report or guarantee to which it may be attached."

Description: Alameda, CA Assessor Map 40.3319 Page: 3 of 6
Order: dd Comment:

HPN106

Exhibit "D"

LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

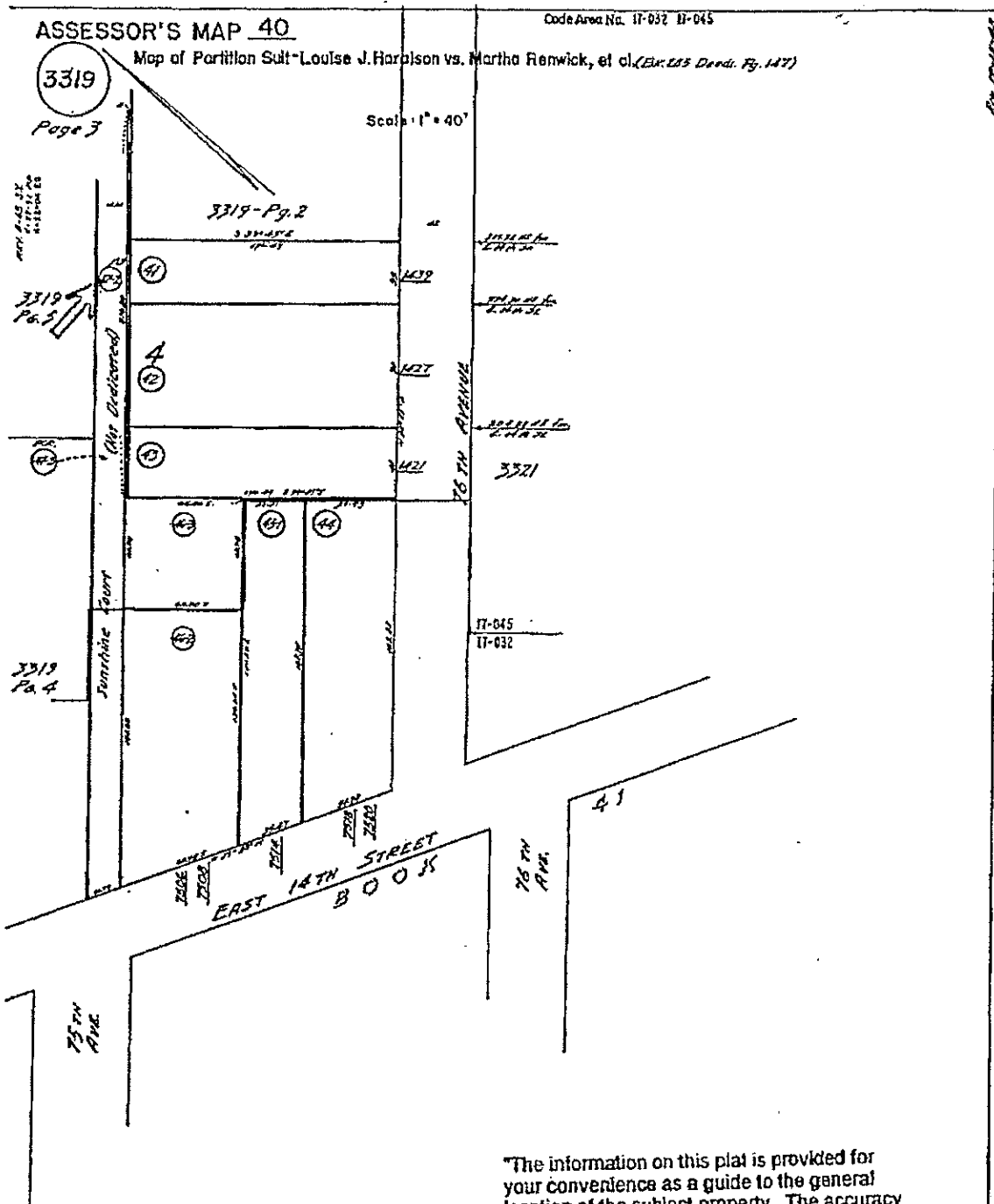
All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Portion of Lot 4, as said lot is shown on the map accompanying the report of the referee in the partition suit of Louise J. Haralson vs M. A. Renwich, et al, recorded February 24, 1885, in Book 285 of Deeds, Page 147, Alameda County Records, described as follows:

Beginning at the point of intersection of the northeastern line of East 14th Street, with the southeastern line of Private Street 19.50 feet wide, known as Sunshine Court, and secondly described in that certain deed from George Rischmuller and wife to James B. Alexander and wife, dated September 25, 1926 and recorded October 15, 1926, in Book 14332 of Official Records of Alameda County, Page 161, running thence along the said line of Sunshine Court North 50° 15' East, 215.38 feet more or less, thence continuing along the said line of Sunshine Court, North 50° 15' East, 216.80 feet, thence South 39° 45' East 0.50 of a foot, thence along the said last mentioned line South 50° 15' West, 216.80 feet, thence North 39° 45' West, 0.50 of a foot to the actual point of commencement.

APN: 040-3319-047-02

ARB: None



"The information on this plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy report or guarantee to which it may be attached."



NOTICE AND DIGEST

A CITY ORDINANCE AUTHORIZING THE PURCHASE OF TWO PARCELS ON SUNSHINE COURT FROM THE COUNTY OF ALAMEDA FOR A PRICE NOT TO EXCEED \$14,520 PLUS INTEREST AND ACCEPTING A CONTRIBUTION OF \$14,520 PLUS INTEREST IN REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT FOR THE PURCHASE OF THE PROPERTY

This Ordinance authorizes the City Administrator to purchase up to two properties from the County Of Alameda located at Sunshine Court (APN #40-3319-47-3) and Sunshine Court (APN # 40-3319-47-2)