

FILED
OFFICE OF THE CITY
OAKLAND

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND
AGENDA REPORT**

2010 MAR 11 PM 3: 57

TO: Office of the City/Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: March 23, 2010

RE: **A City Ordinance Authorizing The Sale Of Vacant Land Located On 66th Avenue At Joe Morgan Way, Adjacent To The Oakland-Alameda County Coliseum Complex In The Coliseum Redevelopment Project Area, To The Redevelopment Agency Of The City Of Oakland For \$1,000,000
And
An Agency Resolution Authorizing The Purchase Of Vacant Land Located On 66th Avenue At Joe Morgan Way, Adjacent To The Oakland-Alameda County Coliseum Complex In The Coliseum Redevelopment Project Area , From The City Of Oakland For \$1,000,000, And Authorizing Up To \$10,000 For Real Estate Closing Costs**

SUMMARY

The Redevelopment Agency of the City of Oakland (the "Agency") is proposing to purchase 2.17 acres of former City Right of Way, depicted on *Exhibit A* to the Ordinance, for \$1,000,000. This action is taken to provide a key property to the Agency for future development, while providing the City of Oakland (the "City") with funds for the Fiscal Year ("FY") 2009-2010 Budget.

FISCAL IMPACTS

Funds for the purchase of the 66th Avenue parcel are available in the Coliseum Area Redevelopment Project TAB Series 2006T in Fund 9456, Capital Improvement Project – Economic Development Organization (94800), Land Acquisition Project (Project T315820). Proceeds from the property sale will be deposited in the General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32). There is no City or County Real Estate Transfer Taxes associated with this transaction. This money has been allocated for budget balancing in the General Purpose Fund for 2009-10.

BACKGROUND

The City of Oakland owns an approximately 2.17 acre parcel of unused, former street right of way that was vacated in February of 2010. Although the entire parcel consists of 2.17 acres, approximately half, or 1.08 acres, of the parcel is covered by an Alameda County Flood Control

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easement that leaves the net useable area of the parcel at 1.09 acres or 47,351 square feet. The property is located immediately adjacent to the Oakland-Alameda County Coliseum with access available from 66th Avenue. The parcel is vacant and landscaped. The land is zoned C-36 Gateway Boulevard Service Commercial and the General Plan is Regional Commercial. The Agency would like to acquire the parcel from the City with the intent to redevelop the property in the future. At this time, the Agency has not identified a developer or a specific project for the property. The property was appraised and the sale price represents the fair market value of the property.

KEY ISSUES AND IMPACTS

The parcel will be conveyed from the City to the Agency for future development and the City will generate \$1,000,000 for the General Fund. These funds are already accounted for in the 2009-10 General Fund budget balancing legislation of February 2010.

SUSTAINABLE OPPORTUNITIES

Economic: The Agency plans to use this site for a future project to stimulate growth in the area. The project contractor is typically required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. A future project will improve neighborhood conditions and make the neighborhood area more attractive to current and prospective tenants and businesses that can provide employment within Oakland. Any project is typically subject to City and Agency program goals for Local and Small Local Business Enterprises and other standard programs.

Environmental: The acquisition of the 66th Avenue parcel is expected to contribute to smart growth by stimulating neighborhood infill development. Contractors for future infill projects will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: The proposed acquisition will provide a positive stimulus to the neighborhood for growth and stability.

DISABILITY AND SENIOR CITIZEN ACCESS

Seniors and people with disabilities will benefit from the improved design, access and housing that the future projects will provide.

RECOMMENDATIONS AND RATIONALE

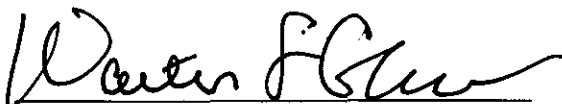
Staff recommends that the Council approve this action which will provide the Coliseum Redevelopment Project Area with a valuable site for a future development project and also assist the City to meet its goal to balance the Fiscal Year 2009-2010 budget revenue expectation.

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ACTION REQUESTED OF THE CITY COUNCIL

Council is requested to adopt the City ordinance authorizing the sale of the Property, and the Agency is requested to adopt the Agency resolution authorizing the purchase of this site from the City for a price not to exceed \$1,000,000, and closing costs not to exceed \$10,000.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Reviewed by: Frank Fanelli, Manager
Real Estate Division

Prepared by: William Wilkins
Real Estate Division

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City/Agency Administrator

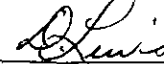
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FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAR 11 PM 3:57

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____



City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

A CITY ORDINANCE AUTHORIZING THE SALE OF VACANT LAND LOCATED ON 66TH AVENUE AT JOE MORGAN WAY, ADJACENT TO THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX IN THE COLISEUM REDEVELOPMENT PROJECT AREA, TO THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND FOR \$1,000,000

WHEREAS, the City of Oakland (the "City") owns approximately 2.17 acres of real property located on 66th Avenue at Joe Morgan Way, adjacent to the Oakland-Alameda County Coliseum complex in the Coliseum Redevelopment Project Area (the "Property"), more fully described in *Exhibit A*; and

WHEREAS, the Redevelopment Agency desires to purchase the Property from the City for redevelopment purposes; and

WHEREAS, California Health and Safety Code Section 33220 authorizes any public body, with or without consideration, to sell or convey property to a redevelopment agency to aid in the undertaking of redevelopment projects; and

WHEREAS, Health and Safety Code Section 33391 authorizes a redevelopment agency to purchase real property in a project survey area for purposes of redevelopment; 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 met; now, therefore

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

Section 1. Pursuant to 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 to the Redevelopment Agency, since the Property is undeveloped, located in a redevelopment project area, and the Agency is responsible for promoting redevelopment in Oakland's project areas.

Section 2. The City Council hereby authorizes the conveyance of the Property to the Redevelopment Agency for \$1,000,000 in cash.

Section 3. The City Administrator, or his designee, is authorized to execute a Quitclaim Deed conveying the Property, and to negotiate and execute any and all other documents necessary to effectuate the sale of the Property.

Section 4. Proceeds from the property sale shall be deposited as follows: \$1,000,000 to the General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

Section 5. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Ordinance, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b) (3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan), and Section 15312 (Surplus Government Property Sales) of the CEQA guidelines.

Section 6. The City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action.

Section 7. The Manager, Real Estate Services is hereby authorized to take any and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

Section 8. All agreements related to 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 9. 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, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

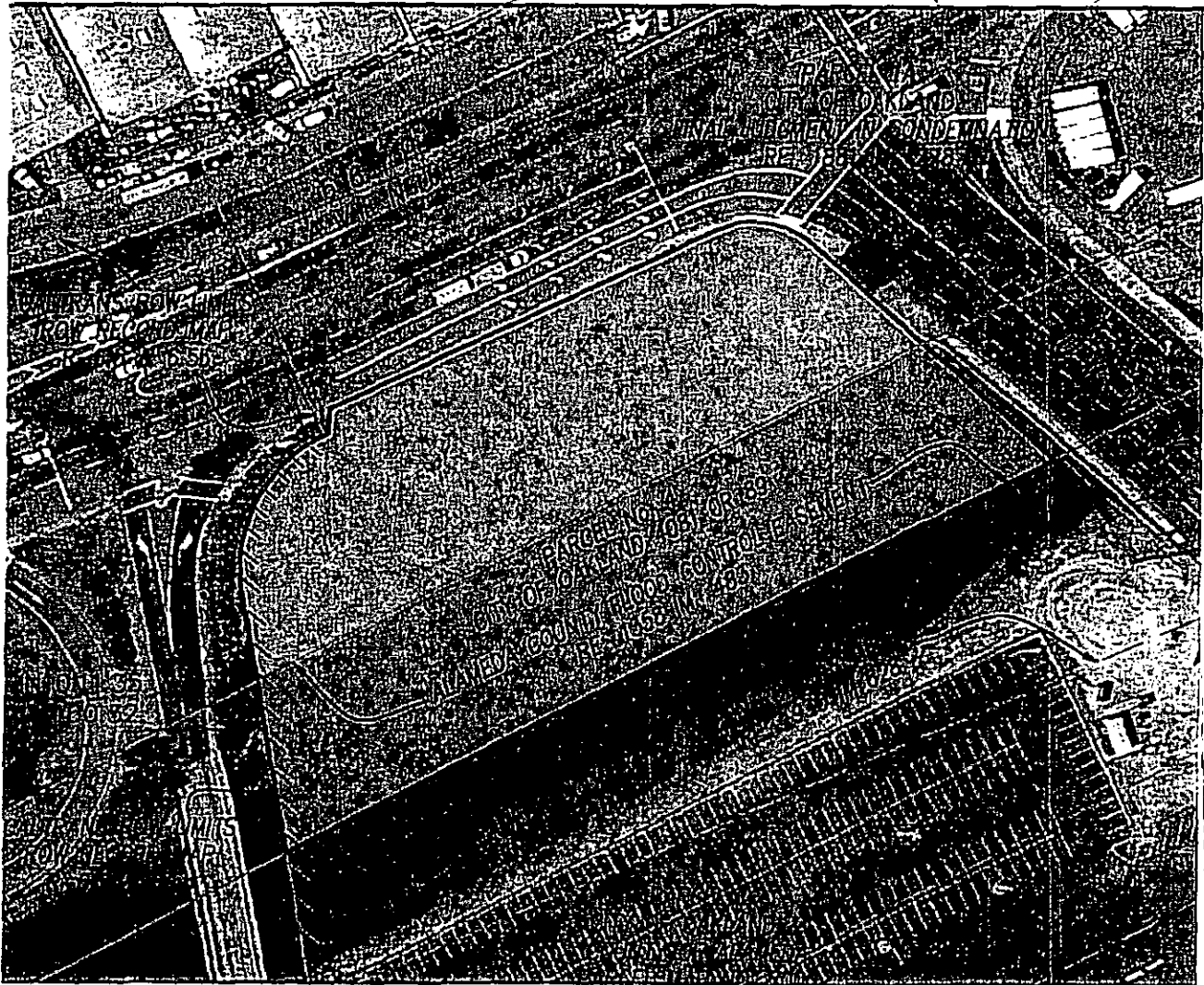
EXHIBIT "A"

TOTAL AREA OF PARCEL:

94,598 SQ FT. OF GROUND AREA (2.17 ACRES) MORE OR LESS

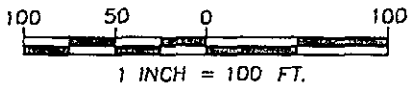
AREA OF PARCEL EXCLUDING ACFC&WCD EASEMENT:

47,351 SQ FT OF GROUND AREA (1.09 ACRES) MORE OR LESS



223 PM-84-85

All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.0000708.



TOWILL | Surveying, Mapping
and GIS Services
1127 Webster Street, Suite 1
Oakland, CA 94607

Scale: 1"=100'

Date: Oct. 16, 2009

Legal Description EXHIBIT "B"
CITY OF OAKLAND, COUNTY OF ALAMEDA
STATE OF CALIFORNIA

P.N.: 12903-101

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NOTICE AND DIGEST

A CITY ORDINANCE AUTHORIZING THE SALE OF VACANT LAND LOCATED ON 66TH AVENUE AT JOE MORGAN WAY, ADJACENT TO THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX IN THE COLISEUM REDEVELOPMENT PROJECT AREA, TO THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND FOR \$1,000,000,

This Ordinance authorizes the sale of City-owned Property to the Oakland Redevelopment Agency for the fair market value of \$1,000,000..

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAR 11 PM 3:57

Approved As To Form And Legality:



Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE PURCHASE OF VACANT LAND LOCATED ON 66TH AVENUE AT JOE MORGAN WAY, ADJACENT TO THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX IN THE COLISEUM REDEVELOPMENT PROJECT AREA, FROM THE CITY OF OAKLAND FOR \$1,000,000, AND AUTHORIZING UP TO \$10,000 FOR REAL ESTATE CLOSING COSTS

WHEREAS, the City of Oakland (the "City") owns approximately 2.17 acres of real property located on 66th Avenue at Joe Morgan Way, adjacent to the Oakland-Alameda County Coliseum complex in the Coliseum Redevelopment Project Area (the "Property"); and

WHEREAS, the Redevelopment Agency desires to purchase the Property from the City for redevelopment purposes; and

WHEREAS, Health and Safety Code (the "Code") Section 33220 authorizes any public body, with or without consideration, to sell or convey property to a redevelopment agency to aid in the undertaking of redevelopment projects; and

WHEREAS, Code Section 33391 authorizes a redevelopment agency to purchase real property within a project survey area or for purposes of redevelopment; and

WHEREAS, the Agency proposes to acquire the Property for land banking purposes, and intends to hold it while the Agency develops a plan for its re-use; and

WHEREAS, the acquisition and future re-use of this Property will reduce blight and prevent further deterioration of the land and improvements in the Coliseum Redevelopment Project Area; 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 met; and

WHEREAS, the property has been appraised for \$1,000,000; and

WHEREAS, the cost of real estate closing is estimated to be \$10,000; and

WHEREAS, the funding for the acquisition of the property is available from Coliseum Area Redevelopment Project TAB Series 2006T in Fund 9456, Capital Improvement Project – Economic Development Organization (#94800), Land Acquisition Project (Project T315820); now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby authorizes the purchase and acceptance from the City of the Property for the purchase price of \$1,000,000, plus closing costs of up to \$10,000; and be it

FURTHER RESOLVED: That \$1,010,000 will be allocated from the Coliseum Area Redevelopment Project TAB Series 2006 (Taxable) Bond Fund (9456), Capital Improvement Project – Economic Development Organization (94800), Land Acquisition Project (Project T315820); and be it

FURTHER RESOLVED: That the Agency Administrator or his designee, is authorized to negotiate and execute, modify, amend and extend a purchase and sale agreement, and any other documents necessary for the purchase of the Property, including an acceptance of the Property from the City, consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: The Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15061(b) (3) (no possibility of significant environmental impact) and Section 15312 (surplus government property sales) of the CEQA guidelines; and be it

FURTHER RESOLVED: That by agreement with the City, the City Administrator or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action; and be it

FURTHER RESOLVED: That all documents related to these transactions shall be reviewed and approved by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES-KERNIGHAN, NADEL, QUAN, DE LA FUENTE, BROOKS, REID, KAPLAN, AND
CHAIRPERSON BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California