

Ramona Miller
FILED CITY ATTORNEY

OFFICE OF THE CITY CLERK
OAKLAND

12670

ORDINANCE NO. _____

2005 APR 18 5PM 12: 12

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO COUNCIL, TO ENTER INTO AND EXECUTE A PURCHASE AND SALE AGREEMENT TO ACQUIRE TWO PARCELS OF LAND CONTAINING 21,905 SF KNOWN AS APN 029-1158-011-03 AND APN 029-1159-006-02 LOCATED ON BUTTERS DRIVE FOR OPEN SPACE FROM THE BUTTERS LAND TRUST IN AN AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) PLUS CLOSING COSTS NOT TO EXCEED EIGHT THOUSAND DOLLARS (\$8,000) FROM MEASURE DD FUNDS.

WHEREAS, the Oakland Trust for Clean Water and Safe Parks (Measure DD) was passed in November 2002 with 80% voter approval; and

WHEREAS, Measure DD provides \$4.5 million for Watershed Acquisition; and

WHEREAS, the Measure DD, Series 2003A Bond sale in August 2003 provided \$3 million for Watershed Acquisition which have already been appropriated and allocated by City Council; and

WHEREAS, the Watershed Acquisition implementation plan calls for the expenditure of \$350,000 from Project: C244910, which have already been appropriated and allocated by City Council, to be dedicated to the acquisition of properties in Butters Canyon; and

WHEREAS, Butters Land Trust is the owner of two properties located on Butters Drive (APN 029-1158-011-03 and APN 029-1159-006-02); and

WHEREAS, the necessary property rights have been appraised and an offer to acquire the property rights at their appraised fair market value has been made to the property owner; and

WHEREAS, the property owner has agreed to sell the necessary property rights to the City at their fair market value of \$150,000; and

WHEREAS, the property shall be held by the City of Oakland into perpetuity as Open Space; and

WHEREAS, the funding for the acquisition of the necessary property rights is available in the Watershed Improvement Program Watershed Acquisition Project (Fund 5320, Org. 92280, Project Number C244910).

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

SECTION 1. The City Administrator, or her designee, is authorized to enter into a Purchase and Sale Agreement to purchase a portion of the real property located at Butters Drive from Butters Land Trust for a total amount not to exceed \$150,000 plus closing costs, the legal description of which is set forth in Exhibit "A"; attached hereto and incorporated herein.

SECTION 2. The funding for the acquisition of the necessary property rights is available from the Watershed Improvement Program Watershed Acquisition Project (Fund 5320, Org. 92280, Project Number C244910).

SECTION 3. The Manager of Real Estate Services or such other City Administrator designee, as the City Administrator may determine, is hereby authorized to take all actions as may be required to carry out the intent of the terms of the Purchase and Sale Agreement and this Ordinance.

SECTION 4. The Purchase and Sale Agreement for the purchase of these property rights 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 5. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 07 2005, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LA TONDA SIMMONS

City Clerk of the Council Of the City of
Oakland and Clerk

By

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO COUNCIL, TO ENTER INTO AND EXECUTE A PURCHASE AND SALE AGREEMENT TO ACQUIRE TWO PARCELS OF LAND CONTAINING 21,905 SF KNOWN AS APN 029-1158-011-03 AND APN 029-1159-006-02 LOCATED ON BUTTERS DRIVE FOR OPEN SPACE FROM THE BUTTERS LAND TRUST IN AN AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000), PLUS CLOSING COSTS NOT TO EXCEED EIGHT THOUSAND DOLLARS (\$8,000) FROM MEASURE DD FUNDS.