

OAKLAND CITY COUNCIL

R 11

ORDINANCE No. 12 3 0 2 C.M.S.

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY EMINENT DOMAIN LOCATED AT 190 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$775,000.00, PLUS INTEREST AND COURT COSTS.

WHEREAS, in order to facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 145 – 98" Avenue (the "Property") City of Oakland v. Enterprise Rental Car. et al., Alameda County Superior Court No. 810064-9; and

WHEREAS, Moms Drayintg (the "Owner") owns the Property and Enterprise Rental Car (the "Tenant") leases the Property, the City has named Owner, and Tenant as defendants in the action to acquire their interests in the Property; and

WHEREAS, the City filed an eminent domain action to acquire Owner and Tenant's interests in the Property and Owner and Tenant and the City have agreed to settle the action with Owner and Tenant agreeing to relinquish their interests and waive any and all claims against the City arising out of the condemnation action, including but not limited to, all court costs, interest, attorneys fees, litigation expenses, land, improvements, fixtures and equipment and personal property, loss of goodwill, in consideration for payment by the City to Owner and Tenant, together, the amount of \$775,000.00 plus interest and court costs;

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Owner and Tenant's interests in the Property for the amount described below and the expenditure of project funds for that acquisition

WHEREAS, the City, by resolution of the City Council on November 28, 2000 approved a settlement of the condemnation action with Owner, **Bank** and Tenant; and **now therefore**

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

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire the Owners and Tenant's interests in the Property as described in the attached Exhibit A to this ordinance, for an amount not to exceed \$775,000.00 plus interest and court costs.

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage

Introduced - 11/28/00

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 12 2000, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, ~~CHANG~~, MILEY, NADEL, REID, SPEES, WAN AND
PRESIDENT DE LA FUENTE - 7

NOES- *None*

ABSENT- *Chang - 1*

ABSTENTION- *None*

ATTEST:

Ceda Floyd
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

City of Oakland
County of Alameda

LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda, State of California, being a portion of land as described in Deed AJ-55215, recorded June 30, 1954, described as follows:

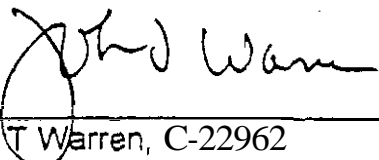
BEGINNING at the most northerly comer of said Land; thence along the northwesterly line of said Land **S63°38'16"W**, 272.39 feet; thence from a tangent that bears **S63°38'16"W** and along a curve to the left with a radius of 17.00 feet, through an angle of **122°30'05"** and an arc length of 36.34 feet to the southwesterly boundary of said Land; thence along said southwesterly line **S58°51'49"E**, 48.10 feet; thence from a tangent that bears **N52°57'12"W** and along a curve to the right with a radius of 24.00 feet, through an angle of **20°50'36"** and an arc length of 8.73 feet; thence **N04°35'01"E**, 29.30 feet; thence from a tangent that bears **N42°23'35"E** and along a curve to the right with a radius of 24.00 feet, through an angle of **24°58'47"** and an arc length of 10.46 feet; thence from a tangent that bears **N67°22'26"** and along a curve to the left with a radius of 3046.00 feet, through an angle of **02°41'50"** and an arc length of 143.40 feet; thence **N64°40'36"E**, 104.01 feet to the northeasterly boundary of said Land; thence along said northeasterly line **N59°59'57"W**, 16.76 feet; thence **N26°21'44"W**, 25.56 feet to the point of beginning

CONTAINING 10,817square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-003-60



John T Warren, C-22962
12/11/98

Date
9/30/01

Expires



36
NOV 28 2000