

# OAKLAND CITY COUNCIL

ORDINANCE No. 12299 C.M.S.



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**AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY EMINENT DOMAIN LOCATED AT 145 98<sup>TH</sup> AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98<sup>TH</sup> AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$700,000.00, INCLUDING COURT COSTS, AND ATTORNEY'S FEES, PLUS INTEREST THROUGH OCTOBER 24,2000.**

**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<sup>th</sup> Avenue (the "Property") City of Oakland v. ARE Holdings LLC, Alameda County Superior Court No. 810069-4; and

**WHEREAS**, ARE Holdings, LLC (the "Owner") owns the Property and Parking Corporation of America (the "Tenant") leases the Property, and Provident Bank ("Bank") holds a deed of trust to the property, the City has named Owner, Tenant, and Bank as defendants in the action to acquire their interests in the Property; and

**WHEREAS**, the City filed an eminent domain action to acquire Owner, Tenant, and Bank's interests in the Property and Owner, Tenant, and Bank and the City have agreed to settle the action with Owner, Tenant, and Bank 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, Tenant and Bank, together, the amount of \$700,000.00 including court costs and attorney's fees, and including all interest through October 24,2000;

**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, Tenant and Bank'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 14, 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, Tenantas and Bank's interests in **the** Property as described in the attached Exhibit A to this ordinance, for **an** amount not to exceed \$700,000.00 including court costs and attorney's fees. and including all interest through October 24,2000;

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 - 11/14/00*

IN COUNCIL, OAKLAND, CALIFORNIA, **NOV 28 2000**, 2000

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, SPEES, WAN AND  
PRESIDENT DE LA FUENTE - 8

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

ATTEST:



CEDA FLOYD

City Clerk and Clerk of the Council  
of the City of Oakland, California

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 Parcel B as described on Parcel Map No. 2618, filed November 20, 1978, in Map Book 107, Page 6, Alameda County Records, described as follows:

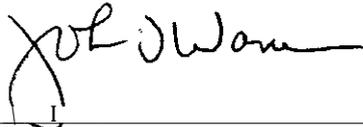
BEGINNING at the most easterly corner of said Parcel B; thence along the southeasterly line of said Parcel S63°38'16"W, 187.27 feet to the southwesterly boundary of said Parcel; thence along said southwesterly line N41°07'44"W, 39.40 feet; thence N63°38'16"E, 187.27 feet to the northeasterly boundary of said Parcel; thence along said northeasterly line S41°07'44"E, 39.40 feet to the point of beginning.

CONTAINING 7,135 square 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. 044-5020-017



John T Warren, C-22062

12/11/98

Date

9/30/01

Expires



EXHIBIT "A"

# OAKLAND AIRPORT ROADWAY PROPERTY ACQUISITION

City of Oakland

County of Alameda

Assessor Parcel Number: 44-5020-17  
Property Address: 145 98th Avenue  
Owner: ARE Holdings

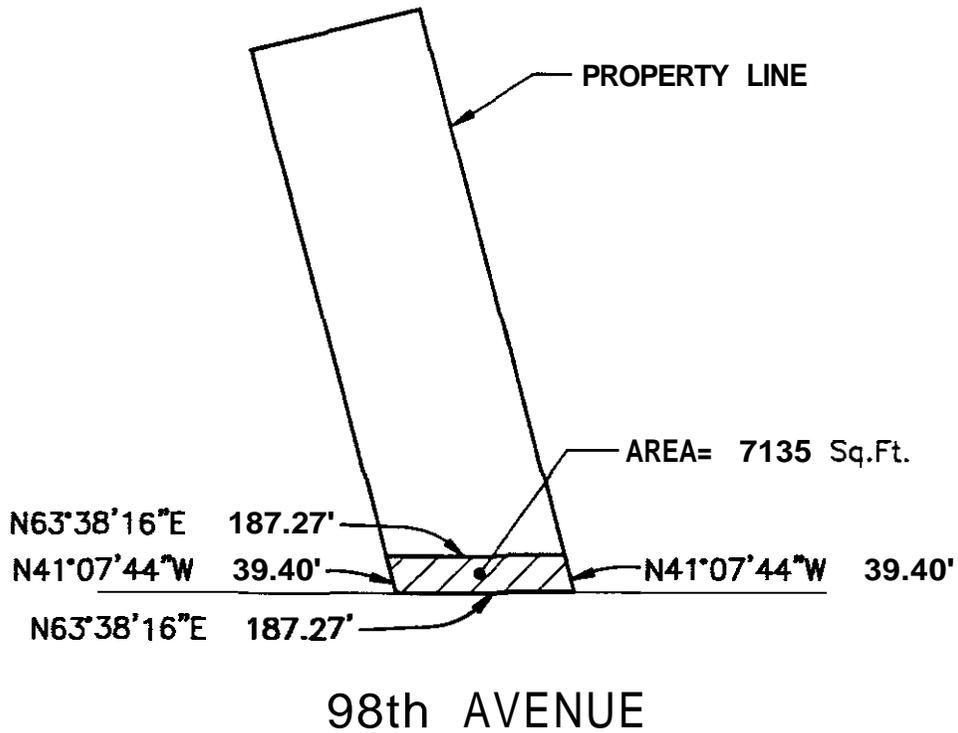
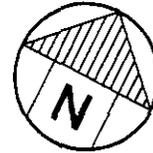


EXHIBIT "A-1"

Scale: 1"=200'

Total Parcel Area = 110,220 Sq. Ft.  
Proposed Area Taken = 7,135 Sq. Ft.  
Remaining Area = 103,085 Sq. Ft.

City Council

Re: Acquisitions of Real Property Interests – Airport Roadway Project

November 14, 2000

Page 4

**AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY EMINENT DOMAIN LOCATED AT 145 98<sup>TH</sup> AVENUE , OAKLAND, COUNTY OF ALAMEDA FOR THE 98<sup>TH</sup> AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$700,000.00, INCLUDING COURT COSTS, ATTORNEY'S FEES, AND INTEREST THROUGH OCTOBER 24, 2000**

**SUMMARY**

An ordinance has been prepared authorizing the City Manager to acquire the real property interests of ARE Holdings, LLC (owns the property), Parking Corporation of America (leases the property), and Provident Bank (holds a deed of trust to the property), (Alameda County Superior Court Case No. 810064-9) to relinquish their interests certain in real property located at 145 98<sup>th</sup> Avenue Oakland, Alameda County, California condemned in the litigation in City of Oakland v. ARE Holdinas, LLC, et al. in consideration for payment by the City in the amount of \$700,000.00 inclusive of interest thereon through October **24**, 2000, attorney's fees, and court costs. It is recommended that City Council adopt the ordinance contingent upon approval of the companion resolution authorizing settlement of the eminent domain litigation.

Very truly yours,



JOHN A. RUSSO  
City Attorney

# The Oakland Tribune

c/o ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

Legal No. **1931839**

ORIGINAL

*h*  
**FILED**  
OFFICE OF THE CITY CLERK

2000 NOV -6 PM 3:00

## PROOF OF PUBLICATION

**PUBLIC NOTICE**  
**NOTICE AND DIGEST**

AN ORDINANCE AMENDING CHAPTERS 8.44 AND 1.28 OF THE OAKLAND MUNICIPAL CODE CONCERNING SECURITY MEASURES FOR THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX

This Ordinance was introduced at the regular meeting, Tuesday evening, October 3, 2000, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening October 31, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.  
CEDA FLOYD, City Clerk

The Oakland Tribune, #1931839  
October 26, 2000

In the matter of:

### NOTICE AND DIGEST

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in Said county and state seven days a week

That the

### PUBLIC NOTICE

Of which the annexed is a printed Copy. Was published in every issue of the OAKLAND TRIBUNE, on the following dates

**OCTOBER 26, 2000**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
CHERYL POON  
Public Notice Advertising Clerk  
OCTOBER 26, 2000

WJ

**AN ORDINANCE ESTABLISHING A  
OAKLAND ARTISAN MARKETPLACE**

This Ordinance will establish a five-year pilot arts and crafts vending project entitled, "~~Oakland~~ Artisan Marketplace."

# The Tribune

c/o ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

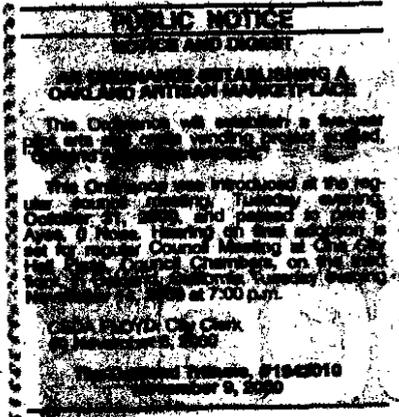
Legal No 1942010

ORIGINAL

*h*  
**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

2000 NOV 17 AM 9:33

## PROOF OF PUBLICATION



In the matter of:

### OAKLAND ARTISAN MARKET PLACE

The undersigned below deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California County of Alameda (Order Nos 237798 December 4 1951) which is published and circulated in Oakland Township in said county and state seven days a week

That the

### NOTICE AND DIGEST

of Which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE on the following dates

**NOVEMBER 9, 2000**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Cheryl Poon  
Public Notice Advertising Clerk  
NOVEMBER 9, 2000

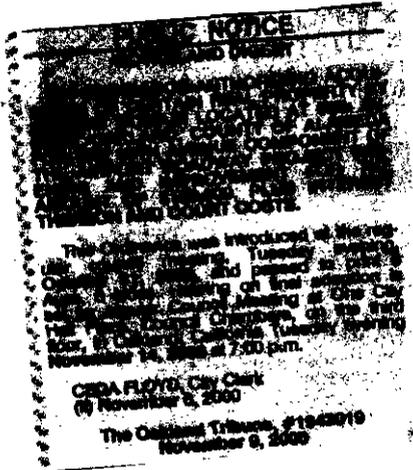
# The O Tribune

c/o ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

Legal No. **1942019**

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND  
2000 NOV 16 AM 9:38

## PROOF OF PUBLICATION



In the matter of.

### Ordinance authorizing acquisition of certain leasehold interests

The undersigned below deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California County of Alameda (Order Nos 237790 December 4 1951) which is published and circulated in Oakland Township in said county and state seven days a week

That the

### NOTICE AND DIGEST

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**NOVEMBER 9, 2000**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Cheryl Poon  
Public Notice Advertising Clerk  
NOVEMBER 9, 2000

# The Oakland Tribune

c/o ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

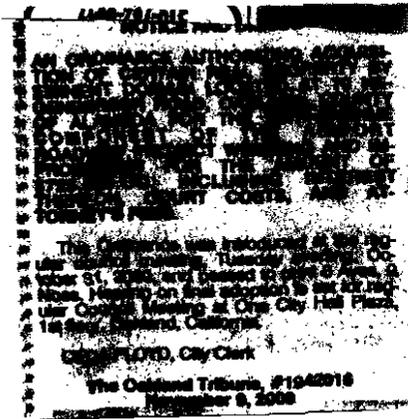
Legal No 1942016

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND  
2000 NOV 16 AM 9:38

## PROOF OF PUBLICATION

In the matter of:

**AN ORDINANCE AUTHORIZING ACQUISITION  
OF CERTAIN REAL PROPERTY BY EMINENT  
DOMAIN**



The undersigned below deposes and says that he/she was the public Notice Advertising Clerk Of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California County of Alameda (Order Nos 237798 December4 1951) which is published and circulated in Oakland Township in said county and state seven days a week

That the

### NOTICE AND DIGEST

of which the annexed is a printed copy was published in every issue of the OAKLAND TRIBUNE, on the following dates

NOVEMBER 9, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

CHERYL POON

Public Notice Advertising Clerk  
NOVEMBER 9, 2000

# The Oakland Tribune

c/o ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

Legal NO. **1952921**

ORIGINAL

0-12294

**FILED**  
OFFICE OF THE CITY CLERK  
CITY OF OAKLAND  
2000 DEC 13 PM 12 33

## PROOF OF PUBLICATION

### **PUBLIC NOTICE NOTICE AND DIGEST**

**Re: ORDINANCE SUSPENDING OAKLAND'S BURMA (MYANMAR) DIVESTMENT ORDINANCE, OAKLAND MUNICIPAL CODE, CHAPTER 2.04, ARTICLE III, SECTIONS 2.04.180 THROUGH 2.04.280**

This Ordinance was introduced at the regular council meeting, Tuesday evening, November 14, 2000, and passed to print 7 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening November 28, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st Floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune #1952921  
November 24, 2000

In the matter of:

**TUESDAY, NOVEMBER 28, 2000 AT 7:00 P.M.**

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general Circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court Of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and State seven days a week.

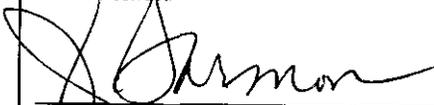
That the

### **NOTICE AND DIGEST**

or Which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates

**NOVEMBER 26, 2000**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
CHERYL POON  
Public Notice Advertising Clerk  
NOVEMBER 26, 2000

CAV

**NOTICE AND DIGEST**

**AN ORDINANCE AUTHORIZING LITTER CONTROL OFFICERS (NON-SWORN) TO ENFORCE PROVISIONS OF THE OAKLAND MUNICIPAL CODE AND CALIFORNIA PENAL CODE PROHIBITING THE DEPOSITING, DISPOSING, LITTERING, OR TRANSPORTING OF SOLID OR HAZARDOUS WASTE AND OTHER DELETERIOUS AND POLLUTANT MATERIALS ON PUBLICLY AND PRIVATELY OWNED PROPERTY, PUBLIC STREETS, AND CREEKS**

This is an ordinance amending the Oakland Municipal Code to authorize the newly created position of litter control officer to enforce certain sections of the California Penal Code and Oakland Municipal Code related to illegal dumping of trash and debris.



# City of Oakland Master Report

Office of the City Clerk  
City Hall  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612  
Ceda Floyd, City Clerk

**File Number: 000164b**

**File Number:** 000164b

**File Type:** Ordinance

**Status:** Passed

**Version:** 1

**Reference:**

**Assigned To:** Concurrent Meeting  
of the Oakland  
Redevelopment  
Agency/City Council

**File Name:** An ordinance amending the Oakland Municipal Code and authorizing Litter Control Officers (Non-sworn) to enforce provisions of Chapter 1.24, arrest and citations, to reduce illegal dumping and other blight

**Introduced:** 10/11/2000

**Requester:**

**cost:**

**Final Action:** 11/28/2000

**Notes:**

**Title:** An ordinance amending the Oakland Municipal Code and authorizing Litter Control Officers (Nan-sworn) to enforce provisions of Chapter 1.24, Arrest and Citations, to reduce illegal dumping and other blight (Introduction November 14,2000; vote count -7 Ayes; -1 Excused)

**Indexes:**

**Sponsors:**

**Attachments:**

## History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Returned:	Pass/Fail:
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*Public Safety Committee	1011712000	Scheduled	*Finance& Management Committee	1012412000		
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**Note:** The committee moved, seconded and carried a motion to accept the report with the following recommendations:

1. send to the Finance and Management Committee for scheduling on October 24, 2000
2. that the report include a financial analysis in order to determine funding sources
3. that the report will go to the City Council



# City of Oakland Master Report

Office of the City Clerk  
City Hall  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612  
Ceda Floyd, City Clerk

**File Number: 000164b**

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\*Finance & Management 10/31/2000 Approved  
Committee

**Note:** ITEM C WAS TAKEN IN CONJUNCTION WITH ITEMS G AND H

DUE TO THE PRESENCE OF COUCLMEMBER CHANG, A QUORUM **OF** THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE CONCURRENT MEETING OF THE FINANCE & MANAGEMENT COMMITTEE, AND TO CONVENE A SPECIAL MEETING OF THE FULL COUNCIL AT 10:15 a.m

The Committee moved, seconded, and carried a motion to accept a report on illegal dumping and the City's efforts regarding the enforcement of our blight laws and litter laws with the following recommendations:

1. that staff identify all possible funding sources for this program
2. that this item be placed as one of the top priorities on the budget deliberations
3. that staff patrol entrances to the City on a regular basis
4. that security cameras are sufficiently protected from damage

(By Consensus - Reid, De La Fuente, Wan and Spees - 4)

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT THIS TIME AND RECONVENED AS THE FINANCE & MANANGEMENT COMMITTEE

Concurrent Meeting of the Oakland Redevelopment Agency/City Council	11/14/2000	Approved on Introduction for Final Passage	Concurrent Meeting of the Oakland Redevelopment Agency/City Council	11/28/2000	Pass
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**Note:** The following individuals spoke on Item 21-1:  
- Jerry Grace

Agency/Councilmember Spees made a motion seconded by Vice Mayor Chang to approve Introduction of the ordinance in Item 21-1 for Final Passage on November 28, 2000, and hearing **no** objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Miley, Nadel, Spees, Wan and President Pro-Temp Reid -7; Excused: President De La Fuente -1

Concurrent Meeting of the Oakland Redevelopment Agency/City Council	11/28/2000	Approved for Final Passage			Pass
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AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. (THE SALARY ORDINANCE) TO ADD THE CLASSIFICATIONS OF DEVELOPMENT PROJECT & PROGRAM COORDINATOR, COMMUNITY ACTION AGENCY DIRECTOR, EQUIPMENT PARTS TECHNICIAN AND EQUAL OPPORTUNITY SPECIALIST, PPT AND TO AMEND THE CLASSIFICATION OF BUDGET AND GRANTS ADMINISTRATOR.

**Digest**

**An** ordinance amending the Salary Schedule Ordinance No. 12187 C.M.S. (the Salary Ordinance) to add the classifications of Development Project & Program Coordinator, Community Action Agency Director, Equipment Parts Technician and Equal Opportunity Specialist, PPT and to amend the classification of Budget and Grants Administrator.

46  
11-14-00

# The Oakland Tribune

do ANG Newspapers  
Tribune Tower, 401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6340

Legal NO. 1952925

ORIGINAL

0-12299  
**FIRED**  
OFFICE OF THE CITY CLERK  
OAKLAND  
2000 DEC 14 AM 11:31

## PROOF OF PUBLICATION

In the matter of:

### AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY

The undersigned below, **deposes** and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

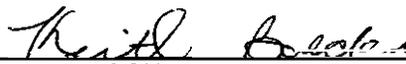
That the

### NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**NOVEMBER 26, 2000**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
CHERYL POON

Public Notice Advertising Clerk  
NOVEMBER 26, 2000

### PUBLIC NOTICE NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY EMINENT DOMAIN LOCATED AT 145 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$700,000.00, INCLUDING COURT COSTS, ATTORNEY'S FEES, AND INTEREST THROUGH OCTOBER 24, 2000.

An ordinance has been prepared authorizing the City Manager to acquire the real property interests of ARE Holdings, LLC (owns the property), Parking Corporation of America (leases the property), and Provident Bank (holds a deed of trust to the property), Alameda County Superior Court Case No. 010064-9) to relinquish their interests certain in real property located at 145 98th Avenue, Oakland, Alameda County, California, condemned in the litigation in City of Oakland v. ARE Holdings, LLC, et al. in consideration for the payment by the City in the amount of \$700,000.00 inclusive of interest thereon through October 24, 2000, attorney's fees, and court costs. It is recommended that City Council adopt the ordinance contingent upon approval of the companion resolution authorizing settlement of the eminent domain litigation.

This Ordinance was introduced at the regular council meeting, Tuesday evening, November 14, 2000, and passed to print 7 Ayes, 0 Noes. Hearing on final adoption is set for regular Council meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening November 28, 2000 at 7:00 p.m.

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CEDA FLOYD, City Clerk

The Oakland Tribune #1952925  
November 26, 2000