

**REVISED**  
11-4-03

OFFICE OF THE CITY CLERK

OAKLAND

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

2003 NOV -6 PM 3:06

APPROVED AS TO FORM AND LEGALITY

*[Signature]*  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C. M. S.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO PURCHASE AND SALES AGREEMENTS FOR THE SALE OF CITY OWNED SURPLUS PROPERTIES FROM THE PUBLIC AUCTION CONDUCTED ON OCTOBER 3 2003 TO THE FOLLOWING HIGH BIDDERS: (3-APN 044-4986-006 for \$ 227,000) OAKLAND COMMUNITY HOUSING, INC.; (4-APN 048-6854-002-06 and 5-APN 048-6854-003-02 for \$ 100,000, 7-APN 048-6818-001-01 for \$ 135,000) HIRST SHAFER CONSTRUCTION AND DEVELOPMENT, INC.; (6-APN 048-6869-007 for \$ 240,000) AMELIA LIM; (8-APN 048D-7302-059 for \$ 81,000) HENRY HERNANDEZ; AND (11-APN 048H-7606-051-04 for \$ 455,000) TRACI ANN McKNIGHT; AND REJECTING THE FOLLOWING HIGH BIDDERS: (1-APN 045-5304-057-02,056 for \$ 140,000) JEFF KU; (9-APN 048D-7303-067 for \$ 50,000 & 10-APN 048D-7303-068 for \$ 50,000) WAYNE HUEY

WHEREAS, the City of Oakland (City) currently owns eleven surplus properties that the Finance Committee and City Council recommended be sold by oral competitive bids at a public auction, pursuant to Ordinance 11602 C.M.S.; and

WHEREAS, these properties are in-fill lots that have some development challenges such as creek-side status, slope development and zoning or General Plan inconsistencies; and

WHEREAS, each property is to be sold in "AS-IS" condition and the City makes no representations with respect to the land use or other permitting issues that may affect these properties or with respect to buyer's ability to develop or improve these properties; and

WHEREAS, the right, title and interest in these properties shall be conveyed by Quitclaim Deed and subject to all matters of public record; and

WHEREAS, some of these properties may contain a watercourse and be subject to the restrictions of the City's Creek Protection Ordinance and to a deed restriction that "no grading or excavation shall be performed and no structures shall be constructed within 20 feet of the top of the creek's banks. Furthermore, the City accepts no liability for the maintenance of these watercourses or for future erosion or landslide damage to the land or structures on these properties; and

WHEREAS, certain improvements may be located on some of these properties, such as previously constructed foundations that may need to be removed, require additional City approvals or conditions which may limit the use and development of these properties. No representations on this subject or impact on future development is made by the City of Oakland or to the potential effect of these improvements on the use or development of these properties; and

10.15CC  
ORA/COUNCIL  
NOV 18 2003

**WHEREAS**, the City Council adopted Resolution No. 77963 C.M.S., dated July 15, 2003, which authorized the Real Estate Services Division to conduct a public auction and receive oral bids at 3:00 P.M. on Friday, October 3, 2003, in Hearing Room 3 at City Hall; and

**WHEREAS**, the Official Notice of Public Auction of the eleven properties was advertised in the newspaper, and "For Sale" signs were posted on the properties, and the Official Notice of Public Auction was posed on the City's web site; and

**WHEREAS**, bids and nonrefundable security deposits in the amount of \$154,500 were received for ten (10) of the eleven (11) surplus properties at the Public Auction; and

**WHEREAS**, Ordinance 11602 C.M.S. allows the City to conduct a negotiated sale with interested buyers subject to City Council approval, if no bids were received or the bid amount is not acceptable; and

**WHEREAS**, the City Council at their November 4, Council meeting rejected the high bidders on the following properties: (1-APN 045-5304-057-02,056 for \$ 140,000) Jeff Ku; (9-APN 048D-7303-067 for \$ 50,000 & 10-APN 048D-7303-068 for \$ 50,000) Wayne Huey and instructed staff to refund their security deposits in the amount of \$48,000 and to negotiate with various interested buyer for sale of these properties; and

**WHEREAS**, the City is negotiating with various interested buyers for the property that was not auctioned located at 670-700 98<sup>th</sup> Ave.; and

**WHEREAS**, any successful bidder's failure or refusal to complete the purchase of any property as required shall result in a forfeiture of the respective security deposit to the City; and

**WHEREAS**, the sale, if accepted by the City Council, shall be awarded to the highest bidder meeting the conditions specified in the Auction Notice and Purchase and Sales Agreement; and

**WHEREAS**, the City reserves the right to reject any and all offers and waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the City.

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

SECTION 1. The City Manager, or his designee, is authorized to enter into Purchase and Sales Agreements for the sale of City-owned surplus properties from the Public Auction conducted on October 3, 2003, to the following high bidders: (3) Oakland Community Housing, Inc.; (4,5,7) Hirst Shafer Construction and Development, Inc.; (6) Amelia Lim; (8) Henry Hernandez; and (11) Traci Ann McKnight and rejected the high bidders on the following properties: (1-APN 045-5304-057-02,056 for \$ 140,000) Jeff Ku; (9-APN 048D-7303-067 for \$ 50,000 & 10-APN 048D-7303-068 for \$ 50,000) Wayne Huey and instructed staff to refund their security

deposits in the amount of \$48,000 and to negotiate with various interested buyer for sale of these properties; and

SECTION 2. After reimbursing Real Estate Services \$75,000 for all related costs associated with the public auction and sale of the properties (Fund 1010, Org. 88639, Project P47010), the remaining sales proceeds will be placed into the City's General Fund.

SECTION 3. The Manager of Real Estate Services or such other City Manager designee, as the City Manager may determine, is hereby authorized to take all actions as may be required to carry out the intent of terms of the Purchase and Sales Agreement and this Ordinance and Ordinance 11602 C.M.S.

SECTION 4. The Purchase and Sales 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, \_\_\_\_\_, 2003  
PASSED BY THE FOLLOWING VOTE:

AYES                    BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND  
                              PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

**CEDA FLOYD**  
City Clerk and Clerk of the Council of the  
City of Oakland, California

**REVISED**  
**11-4-03**

NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO PURCHASE AND SALES AGREEMENTS FOR THE SALE OF CITY OWNED SURPLUS PROPERTIES FROM THE PUBLIC AUCTION CONDUCTED ON OCTOBER 3 2003 TO THE FOLLOWING HIGH BIDDERS: (3-APN 044-4986-006 for \$ 227,000) OAKLAND COMMUNITY HOUSING, INC.; (4-APN 048-6854-002-06 and 5-APN 048-6854-003-02 for \$ 100,000, 7-APN 048-6818-001-01 for \$ 135,000) HIRST SHAFER CONSTRUCTION AND DEVELOPMENT, INC.; (6-APN 048-6869-007 for \$ 240,000) AMELIA LIM; (8-APN 048D-7302-059 for \$ 81,000) HENRY HERNANDEZ; AND (11-APN 048H-7606-051-04 for \$ 455,000) TRACI ANN McKNIGHT; AND REJECTING THE FOLLOWING HIGH BIDDERS: (1-APN 045-5304-057-02,056 for \$ 140,000) JEFF KU; (9-APN 048D-7303-067 for \$ 50,000 & 10-APN 048D-7303-068 for \$ 50,000) WAYNE HUEY**

An Ordinance has been prepared authorizing the City Manager to enter into Purchase and Sales Agreements for the sale of City-owned surplus properties from the Public Auction conducted on October 3, 2003, to the following high bidders: (3) Oakland Community Housing, Inc.; (4,5,7) Hirst Shafer Construction and Development, Inc.; (6) Amelia Lim; (8) Henry Hernandez; and (11) Traci Ann McKnight and rejected the high bidders on the following properties: (1-APN 045-5304-057-02,056 for \$ 140,000) Jeff Ku; (9-APN 048D-7303-067 for \$ 50,000 & 10-APN 048D-7303-068 for \$ 50,000) Wayne Huey and instructed staff to refund their security deposits and to negotiate with various interested buyers for sale of these properties.

10.15CC  
ORA/COUNCIL  
NOV 18 2003