

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
 OFFICE OF THE CITY CLERK  
 2006 AUG 30 AM 10:51

*DeVries*  
 City Attorney

**OAKLAND CITY COUNCIL**  
 Ordinance No. **12766** C. M. S.

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO GERALD CHENEY, THE ADJOINING PROPERTY OWNER, A CITY-OWNED PARCEL CONTAINING APPROXIMATELY 7,200 SQUARE FEET, LOCATED AT THE TERMINUS OF NORTHWOOD COURT (APN# 048E-7319-40) FOR THE FAIR MARKET VALUE OF \$90,000.**

**WHEREAS**, the City of Oakland ("City") owns a 7,200 square foot, surplus parcel of land located on Northwood Court, Assessor's Parcel Number 48E-7319-40, described in Exhibit "A" attached hereto (the Property); and

**WHEREAS**, a legal description has been developed that indicated that the Property is approximately 7,200 square feet in area and that no easements encumber the property; and

**WHEREAS**, on July 20, 2005, the City Planning Commission determined the zoning classification for the parcel and supported the staff recommendation to the City Council; and

**WHEREAS**, the Property is to be sold in "AS-IS" condition and the City makes no representations regarding land use or other permitting issues that may affect the property; and

**WHEREAS**, the Property has impaired access; it has no access from Skyline Boulevard, and as access is available only from the adjoining property, the Property is not subject to the California Surplus Lands Act (California Government Code 54220-5432), but is subject to City Ordinance No. 11602 C.M.S., regarding sales of surplus city-owned property; and

**WHEREAS**, information about the surplus property was circulated pursuant to Government Code requirements and the Property may be sold through a negotiated sale; and

**WHEREAS**, Real Estate Services' market analysis of the Property indicates a market value of \$90,000; and

**WHEREAS**, Gerald Cheney, the owner of the abutting property, has tendered an offer to purchase the Property in the amount of \$90,000; and

**WHEREAS**, a non-refundable deposit in the amount of \$1,000 was received for the subject Property; and

**WHEREAS**, the Property is not legally developable as a separate parcel, without access across the adjoining property; and

**WHEREAS**, since the Property is access impaired, it is in the best interest of the City to sell the Property by negotiated sale; and.

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 (“CEQA”), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the environmental Review Regulations of the City of Oakland have been satisfied; now, therefore

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

**Section 1.** The City Council finds and determines that the herein-described real Property is not needed for any public purpose, is surplus to the needs of the City, and the City is not required to put the Property out for competitive bidding.

**Section 2.** The Property has impaired access and sale of the Property to the owner of the adjacent property is in the City's best interests.

**Section 3.** The City Council finds and determines that it is in the best City's best interest to conduct a negotiated sale of the surplus property to the adjoining property owner as outlined in Ordinance No. 11602 C.M.S.

**Section 4.** The City Administrator, or her designee, is authorized to execute and accept the Offer to Purchase and Sales Agreement from Gerald Cheney the adjoining property owner, for the sum of \$90,000, and to execute a Quitclaim Deed conveying the Property to take any and all actions necessary and to negotiate and execute any and all other documents necessary to effectuate the sale of the Property.

**Section 5.** Sale proceeds of \$90,000 will be deposited in the Surplus Property Project (1010), Real Estate Services Org. (88639), Miscellaneous Sales Account (45519), Surplus Property Project (P47010), Program (PS32).

**Section 6.** From the sales proceeds, the Real Estate Services Division's administrative costs associated with the sale of the property totaling \$1,369 shall be reimbursed to General Purpose Fund (1010), Real Estate Services Org. (88639), Miscellaneous Fees Acct. (45419), Surplus Property Project (P47010), Program (PS32).

**Section 7.** It can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment and therefore, said conveyance is exempted from the requirements of the California Environmental Quality Act (“CEQA”) by Section 15061 (b)(3) of the CEQA Guidelines (general rule).

**Section 8.** The City Administrator, or her designee, shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

**Section 9.** The Manager, Real Estate Services, or his designee, is hereby authorized to take and all actions necessary, consistent with this ordinance, to complete the sale of the Property.

**Section 10.** The Offer to Purchase Agreement for 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 11.** 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.

**OCT - 3 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

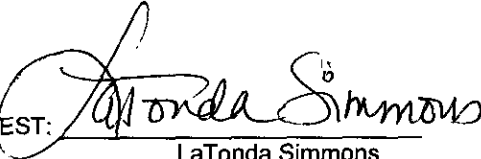
BROOKS, ~~BRUNNER~~, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND ~~DE LA FUENTE~~ - 6

NOES- 0

ABSENT- Brunner - 1

ABSTENTION- 0

Excused- De La Fuente - 1

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

Introduction Date: **SEP 19 2006**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF OAKLAND, AND IS DESCRIBED AS FOLLOWS:

**LOT 1174, FORESTLAND EXTENSION, FILED SEPTEMBER 25, 1925, MAP BOOK 4, PAGE 90, ALAMEDA COUNTY RECORDS.**

**APN 048E-7319-040**

**EXHIBIT A**



## NOTICE AND DIGEST

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO GERALD CHENEY, THE ADJOINING PROPERTY OWNER A CITY-OWNED PARCEL CONTAINING APPROXIMATELY 7,200 SQUARE FEET, LOCATED AT THE TERMINUS OF NORTHWOOD COURT (APN# 048E-7319-40) FOR THE FAIR MARKET VALUE OF \$90,000.**

The Ordinance authorizes the sale of City-owned surplus property with impaired access to the adjacent property owner for \$ 90,000.