

[Signature]
CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

ORDINANCE NO. 12520 C. M. S.

2003 JUN 12 PM 2:31

ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH ELVA TAPIA AND ALFRED GUERRERO THE ADJOINING PROPERTY OWNERS FOR 3,020 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT BANCROFT AND 92ND AVENUE FOR THE FAIR MARKET VALUE OF \$10,000.

WHEREAS, the City of Oakland ("City") owns a 3,020 square foot, vacant parcel of land located at the Southeast corner of Bancroft and 92nd Avenue, Assessor's Parcel Number 046-5473-001-02 described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the Property is a remnant of the Bancroft Road Widening Improvement Project which has been completed; and

WHEREAS, a legal description has been developed that indicated that the Property is 3,020 square feet in area; and that no easements encumber the Property; and

WHEREAS, the Property being less than 5,000 square feet 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., covering sales of surplus city-owned property; and

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

WHEREAS, the Property being more than 2,500 square feet is subject to Planning Commission zoning review, and is subject to all other procedures of City Ordinance No. 11602, C.M.S., for sale of City-owned properties; and

WHEREAS, Real Estate Services market analysis of the Property indicates a market value of \$10,000; and

WHEREAS, the Property is not legally developable as a separate parcel, the sale is conditioned upon it being merged with the adjoining property at 2206 92nd Avenue; and

WHEREAS, Elva Tapia and Alfred Guerrero, the owners of the abutting property, have tendered an offer to purchase the Property in the amount of \$10,000, the City's appraised value, and has executed an Offer to Purchase Agreement in that amount; 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, and the sale of the Property to the adjoining or abutting owner is in the City's best interests.

SECTION 2. The City Manager is authorized to execute the Offer to Purchase Agreement from Elva Tapia and Alfred Guerrero for the sum of \$10,000 and to execute a deed conveying the Property subject to a deed restriction prohibiting any vehicular ingress and egress from Bancroft Avenue.

SECTION 3. Real Estate Services Division 's administrative costs associated with the sale of the property \$3,000 shall be reimbursed to Fund 1010, Org. 88639, Project P47010 (Surplus Property Program) and the remaining funds shall go to the Public Works Department, since the property was originally purchased as part of a street-widening project.

SECTION 4: The City Manager or his designee is hereby authorized to take and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

SECTION 5. The City Attorney shall approve the Offer to Purchase Agreement as to form and legality.

SECTION 6. The Ordinance shall take effect immediately upon its passage.

Introduction Date: JUL 15 2003

JUL 29 2003

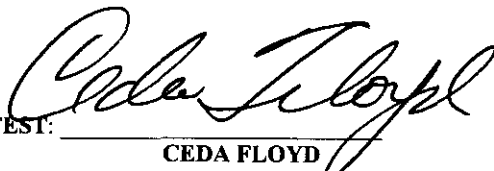
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003
PASSED BY THE FOLLOWING VOTE:

AYES BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND
 PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California