  
Deputy City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. 12949 - C.M.S.**

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**AN ORDINANCE AUTHORIZING 1) THE SALE AT NO COST OF ONE CITY-OWNED SINGLE FAMILY DWELLING AT 453 ASHTON AVENUE AND TWO CITY-OWNED PARCELS AT 2656 AND 2660 98<sup>TH</sup> AVENUE TO THE ROTARY CLUB OF OAKLAND, INC., FOR THE DEVELOPMENT OF AFFORDABLE HOUSING BY THE PERALTA COMMUNITY COLLEGE DISTRICT UNDER THE CITY/PERALTA/ROTARY HOUSE PROJECT, AND 2) THE ALLOCATION OF \$10,000 FROM THE PROCEEDS OF EACH SALE TO THE LANEY COLLEGE TOOL FUND**

**WHEREAS**, the City of Oakland is the owner of three properties in the City of Oakland, Alameda County, State of California at 453 Ashton Avenue, APN: 045-5292-014, and two lots at 2656 98<sup>th</sup> Avenue, APN: 048-5617-009, and 2660 98<sup>th</sup> Avenue, APN: 048-5617-010 (together, the "Properties"); and

**WHEREAS**, the City desires to transfer ownership of the Properties to the Rotary Club of Oakland, Inc., or an affiliated entity ("Developer") for development by the Peralta Community College District under the City/Laney College/Rotary Club Partnership Program, established pursuant to Resolution No 76207 C.M.S., passed January 9, 2001, which was created to provide a "hands-on" construction training program for students enrolled in construction technology classes at Laney College, and the agreements entered into under the Program; and

**WHEREAS**, Developer proposes to develop on the Properties three homes affordable to low and moderate income households; and

**WHEREAS**, the City is the Lead Agency for this project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

**WHEREAS**, the City Council has adopted Ordinance No. 11602 C.M.S., which established procedures for the sale and lease of City-owned property which is surplus; now, therefore

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

**Section 1.** The City Council hereby authorizes the sale of the Properties to the Developer at no cost, in return for the commitment to develop three homes affordable to low-and moderate-income households under the City/Laney College/Rotary Club Partnership Program.

**Section 2.** The City Administrator is authorized to negotiate and execute agreements and execute grant deeds as needed to convey the Properties to the Developer.

**Section 3.** Upon completion of homes on the Properties, they shall be sold to low-and moderate-income first-time homebuyers at a price affordable to low-and moderate- income households.

**Section 4.** Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Properties by negotiated sale due to the intended use of the Properties for the development and sale of affordable housing units under the City/Laney College/Rotary Club Partnership Program.

**Section 5.** The City Council hereby authorizes \$10,000 from the proceeds of each sale to be allocated to the Laney College Tool Fund.

**Section 6.** The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because the sale and development of the Properties is exempt from CEQA pursuant to Sections 15303 (new construction of small structures), 15312 (surplus government property sales), 15280 (lower-income housing projects), and 15332 (infill housing development) of the CEQA Guidelines.

**Section 7.** The City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

**Section 8.** All documents shall be approved as to form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 7 2009

**PASSED BY THE FOLLOWING VOTE:**

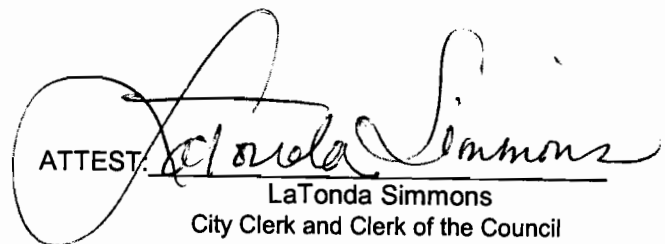
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date: JUN 16 2009

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

DATE OF ATTESTATION: 7/9/09