

ORDINANCE NO. 12698 C. M. S.

2005 JUN 16 PM 6:34

**A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT TO SELL TO 5110 TELEGRAPH LLC., THE ADJOINING PROPERTY OWNERS, APPROXIMATELY 4,600 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTIES (PORTIONS OF ASSESSOR PARCEL NUMBER (S): 014-1226-008-00, 014-1226-009-01, 014-1226-007-02, 014-1226-006-02, 014-1226-005-02, 014-1226-004-03, 014-1226-003-03) LOCATED AT 51<sup>ST</sup> STREET AND TELEGRAPH AVENUE FOR THE FAIR MARKET VALUE OF \$246,000; APPROPRIATING THE PROCEEDS OF THE SALE INTO THE REAL ESTATE SURPLUS PROPERTY PROJECT**

WHEREAS, the City of Oakland ("City") owns a 4,636 square foot, surplus parcel of land located at 51<sup>st</sup> Street and Telegraph Avenue, (Portions Of Assessor Parcel Number (s): 014-1226-008-00, 014-1226-009-01, 014-1226-007-02, 014-1226-006-02, 014-1226-005-02, 014-1226-004-03, 014-1226-003-03) identified in Exhibits "A" and "B" attached hereto (the Properties); and

WHEREAS, the Properties are remnants of the City's 51<sup>st</sup> Street Widening Project which has been completed; and

WHEREAS, a survey and appraisal have been completed that indicate that the Properties contain approximately 4,636 square feet in area; and

WHEREAS, the Properties are to be sold in "AS-IS" condition and the City makes no representations with respect to land use or other permitting issues that may affect the Properties.

WHEREAS, the Properties, being less than 5,000 square feet, are exempt from the California Surplus Lands Act (California Government Code 54220-5432), but are subject to City Ordinance No. 11602, C.M.S., covering sales of surplus city-owned property; and

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

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

WHEREAS, Real Estate Services appraisal of the Properties indicates a fair market value of \$246,000; and

WHEREAS, the Real Estate Division offered the Properties to an adjoining property owner for the appraised value of \$246,000; and

WHEREAS, the adjoining owner expressed an interest in purchasing the Properties; and

WHEREAS, the Real Estate Division reached a tentative agreement to sell the subject Properties; and

WHEREAS, 5110 Telegraph LLC., the owners of the abutting property (Purchaser), has offered to purchase the Properties for the amount of \$246,000; and

WHEREAS, it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchasers may have a significant effect on the environment and therefore said conveyance is exempt from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines; 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 Properties are not needed for any public purpose, are surplus to the needs of the City, and the City is not required to put the properties out for competitive bidding, and the sale of the Properties to the adjoining or abutting owner is in the City's best interests.

SECTION 2. The City Administrator, or her designee, is authorized to accept, negotiate, execute, modify or amend a Purchase and Sale Agreement with 5110 Telegraph LLC., adjoining property owner, for the sum of \$246,000, and to execute a Quitclaim Deed and any and all other documents necessary to effectuate the sale of the Property.

SECTION 3. After reimbursing Real Estate Services \$1,889 that will be placed into the City's General Purpose Fund 1010, Surplus Property Disposition Project (P47010) for administrative costs associated with the sale of the Properties for Surplus Property Program, the sale proceeds of \$246,000 less closing costs will be placed into the City's General Purpose Fund 1010, Surplus Property Disposition Project (P47010).

SECTION 4: The Manager, Real Estate Services, or his designee, is hereby authorized to take any and all actions necessary, consistent with this ordinance, to complete the sale of the Properties.

SECTION 5. The City Administrator is hereby directed to file a Notice of Exemption.

SECTION 6. The Purchase and Sale Agreement for the purchase of the Properties 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 7. The ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2005, 2005  
PASSED BY THE FOLLOWING VOTE:

AYES ~~4250~~, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND  
PRESIDENT DE LA FUENTE -7

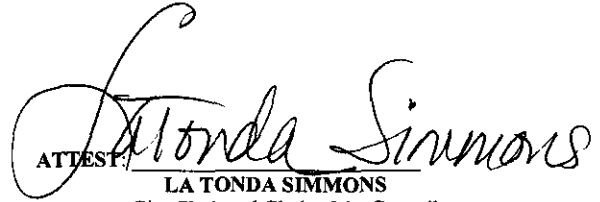
NOES-  $\phi$

ABSENT- BROOKS - 1

ABSTENTION-  $\phi$

*Introduction date: July 19, 2005*

ATTEST:



LA TONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California



