

OAKLAND CITY COUNCIL

ORDINANCE NO. 12823 C. M. S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH OLIVET INSTITUTIONAL MISSIONARY BAPTIST CHURCH FOR THE CITY'S PURCHASE OF 3233 MARKET STREET, A SPECIAL USE BUILDING, FOR THE FAIR MARKET VALUE OF EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000) PLUS REAL ESTATE CLOSING COSTS.

WHEREAS, the City of Oakland Office of Parks and Recreation has indicated that they intend to acquire a site for a teen youth center in West Oakland and the Council member for the District has identified an available site for sale at 3233 Market Street; (APN 009-0721-001); and

WHEREAS, the parcel at 3233 Market Street is currently improved, with an 8,182 square foot vacant building owned by the Olivet Institutional Missionary Baptist Church; and

WHEREAS, the City wishes to purchase the referenced 11,130 square foot parcel for a teen center, pending the satisfactory results of the environmental review, title search and other due diligence to be completed; and

WHEREAS, Olivet Institutional Missionary Baptist Church has offered to sell 3233 Market Street to the City for the price of \$850,000, determined to be the fair market value by the Real Estate Services Department, plus customary real estate closing costs; and

WHEREAS, the City has funds available from PayGo Funds and Municipal Funds (Fund 5500), Priority Funds (Fund 1010) to purchase the property; and

WHEREAS, the acquisition of the parcel is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b) (3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan), Section 15301 (existing facilities), no significant external changes are planned for the existing building and Section 15303 of the CEQA Guidelines; now, therefore

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

Section 1: The City Administrator, or her designee, is authorized to negotiate and execute a Purchase and Sale Agreement to purchase the real property located at 3233 Market Street, (APN 009-0721-001), the legal description of which is set forth in Exhibit "A", attached hereto and incorporated herein, for the fair market value of \$850,000, plus customary real estate closing costs.

Section 2: Funding to purchase the Property will be allocated from PayGo Funds and Municipal Funds (Fund (5500), Priority Funds (Fund 1010) and other carryforward funds set aside in District 3. (WHICH CARRYOVER FUNDS??? NEED TO SPECIFY)

Section 3: The Manager of Real Estate Services or other City Administrator designee is hereby authorized to take all actions as may be required to carry out the intent and purpose of the Purchase and Sale Agreement and this Ordinance.

Section 4: That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan), Section 15301 (existing facilities), and Section 15308 (actions by regulatory agencies to protect the environment) of the CEQA Guidelines, and an Environmental Report, pursuant to and the Council directs the City Administrator to file a Notice of Exemption with the County of Alameda.

Section 5: In accordance with the requirements of the City Charter Article IV, the Purchase and Sale Agreement shall be approved as to form and legality by the City Attorney's Office prior to execution and a copy shall be filed with the Office of the City Clerk.

Section 6: 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.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 18 2007, 2007

PASSED BY THE FOLLOWING VOTE:

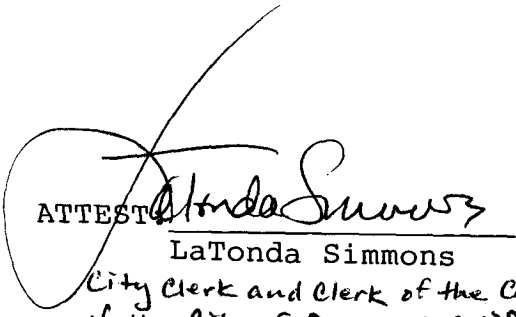
AYES BROOKS, BRUNNER, CHANG, ~~KERNIGHAN~~, NADEL, REID, QUAN, AND
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Kernighan - 1

ABSTENTION- 0

ATTEST


LaTonda Simmons

City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: JUL 17 2007

Exhibit A

The land referred to in this Report is described as follows:

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Lots 8 and 9, "Map of the College View Tract, a part of Plot No. 10 of Kellersberger's Map of the Ranchos of D. & V. Peralta", filed March 23, 1872, Map Book 3, Page 19, Alameda County Records.

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH OLIVET INSTITUTIONAL MISSIONARY BAPTIST CHURCH FOR THE CITY'S PURCHASE OF 3233 MARKET STREET, A SPECIAL USE BUILDING, FOR THE FAIR MARKET VALUE OF EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000) PLUS REAL ESTATE CLOSING COSTS.

This Ordinance authorizes the City Administrator to purchase 3233 Market Street from Olivet Institutional Missionary Baptist Church for \$850,000 plus customary Real Estate closing costs for a future teen youth center in West Oakland.