

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: July 17, 2007

RE: **Resolution Authorizing An Interim Loan For The Amount Of One Hundred Eighty-Five Thousand Dollars (\$185,000) To Butters Land Trust For Their Acquisition Of Real Property Located On Butters Drive Between Robinson And Brunell Drives**

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### SUMMARY

As directed by the Finance and Management Committee at the July 10, 2007 meeting, a resolution has been prepared to authorize an interim loan for the amount of \$185,000 to Butters Land Trust for their acquisition of a property located on Butters Drive between Robinson and Brunell Drives. This loan will bridge the period of time between the first and second reading of an ordinance being considered by the Council for the City to acquire a nearby property in Butters Canyon for an amount of \$185,000. This report and resolution has been prepared per the direction of the Finance and Management Committee on July 10, 2007.

### FISCAL IMPACT

Funds totaling \$185,000 will be loaned to Butters Land Trust for a period not to exceed ninety days. The loan will be drawn against City of Oakland General Fund (Fund 1010, Organization 00000, Account 12611). The loan will be secured by property owned by Butters Land Trust that is equal to or greater in value than the loan amount.

### BACKGROUND

The City of Oakland and Butters Land Trust have been partnering for several years to protect property in Butters Canyon. To date the City has purchased two properties in the Canyon. On July 10, 2007 staff presented to the Finance and Management Committee a report and an ordinance to authorize City acquisition of a third property on Butters Drive located between Robinson and Brunell Drive for the amount of \$185,000 plus closing costs not to exceed \$5,000. This ordinance will receive its introduction (first reading) on July 17, 2007 and, due to the Annual Recess, final passage will not occur until September 18, 2007. The long period of time

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between the first and second reading threatens Butters Land Trust's ability to acquire another critical property in Butters Canyon.

### **KEY ISSUES AND IMPACTS**

The provision of an interim loan to Butters Land Trust will enable the Land Trust to purchase another property of significance in Butters Canyon. Assisting Butters Land Trust in acquiring this property will continue the City's commitment to the voter approved Measure DD Watershed Acquisition objectives to protect intact riparian habitats. Not providing the interim loan to Butters Land Trust to acquire this property could mean losing an essential opportunity to fulfill the goals and intent of voter supported Measure DD.

The loan is exempt under California Environmental Quality Act (CEQA), Section 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources). A Notice of Exemption and Environmental Declaration (California Fish and Game Code Section 711.4) will be filed and recorded in the Alameda County Recorder's Office.

### **SUSTAINABLE OPPORTUNITIES**

Economic: Providing this loan for the acquisition of a parcel by Butters Land Trust contributes to efforts to protect open space. The project will conserve a scenic resource that provides quality of life benefits for local and regional residents.

Environmental: Providing this loan will help protect Peralta Creek. Water quality will be preserved and intact wildlife habitat will be protected.

Social Equity: Providing this loan will help protect an open space resource. Located on a bike throughway, a preserved Butters Canyon will improve the social connections between the upstream and downstream neighborhoods.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The land will remain in its natural state. No improvements to the property are contemplated.

### **RECOMMENDATION**

Staff recommends the provision of an interim loan in the amount of \$185,000 to Butters Land Trust for their acquisition of a property located on Butters Drive Between Robinson and Brunell Drives. This loan will allow Butters Land Trust to purchase a property to conserve a riparian corridor and protect habitat and water quality and further the City's commitment to voter approved Measure DD watershed acquisition objectives.

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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



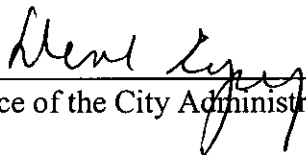
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**CLAUDIA CAPPIO**  
Development Director  
Community and Economic Development Agency

Reviewed by:  
Lesley Estes, Supervisor  
Watershed Improvement Program

Prepared by:  
Markley Bavinger, Program Specialist  
Watershed Improvement Program

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:



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City Attorney

OFFICE OF THE CLERK  
2007 JUN 12 PM 5:31

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING AN INTERIM LOAN FOR THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$185,000) TO BUTTERS LAND TRUST FOR THEIR ACQUISITION OF REAL PROPERTY LOCATED ON BUTTERS DRIVE BETWEEN ROBINSON AND BRUNELL DRIVES**

**WHEREAS**, the City of Oakland and Butters Land Trust have been working in partnership for several years to protect riparian habitat properties in Butters Canyon; and

**WHEREAS**, Butters Land Trust is currently seeking to acquire a property in Butters Canyon (the Project) that is a critical link in the conservation of the entire Canyon and requires immediate access to funds to secure its purchase; and

**WHEREAS**, the City of Oakland has acquired two parcels and is currently considering an ordinance to acquire a third property in Butters Canyon for the amount of one hundred eighty-five thousand dollars (\$185,000); and

**WHEREAS**, the City Ordinance to acquire the third parcel requires two readings and a final determination will not be possible until Council reconvenes from its Annual Recess on September 18, 2007; and

**WHEREAS**, should the City Council authorize acquisition of the third parcel, Butters Land Trust will use the proceeds from the sale to repay the interim loan; and

**WHEREAS**, the funding for the interim loan is available in the City of Oakland General Fund; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to provide an interim loan in an amount not to exceed \$185,000 to Butters Land Trust, to be used for acquisition of a parcel in Butters Canyon; and be it

**FURTHER RESOLVED:** That loan funds shall be allocated from the General Fund (Fund 1010, Organization 00000, Account 12611); and be it

**FURTHER RESOLVED:** That the loan shall be for a maximum term of ninety (90) days with an interest rate of zero percent; and be it

**FURTHER RESOLVED:** That the loan shall be secured by a deed of trust on a parcel owned by Butters Land Trust, with available equity of \$185,000 or more, subject to the approval of the City Administrator, or her designee; and be it

**FURTHER RESOLVED:** That the loan funds will be reserved for a period of no more than ninety (90) days from the date of this Resolution; and be it

**FURTHER RESOLVED:** That the making of the loan shall be contingent on and subject to such other appropriate terms and conditions as the City Manager or his or her designee may establish; and be it

**FURTHER RESOLVED:** That the City Council hereby appoints the City Administrator or her designee as agent of the City to conduct negotiations, execute documents, administer the loan, extend or modify the repayment terms, and take any other action with respect to the loan consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination and the City Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because the Project is exempt from CEQA pursuant to Section 15325 (Transfers of Ownership Interest in Land to Preserve Existing Natural conditions and Historical Resources) of the CEQA Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Section 711.4) for the Project; and be it

**FURTHER RESOLVED:** That all loan documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007  
PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
            La Tonda Simmons  
            City Clerk and Clerk of the Council  
            of the City of Oakland, California