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OFFICE OF THE CITY CLERK  
OAKLAND  
2008 OCT 30 PM 5:21

APPROVED AS TO FORM AND LEGALITY

*D. Lewis*

CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. 12907 C. M. S.

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**AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE  
LANDLOCKED PARCELS BEHIND LEIMERT BOULEVARD AND  
ADJACENT TO DIMOND PARK (APN 029A-1353-011-2; 029A-1353-013-2  
AND APN 029A-1354-001-1) FROM THE ALAMEDA COUNTY  
TREASURER-TAX COLLECTOR FOR A TOTAL PRICE NOT TO  
EXCEED \$ 27,000, PLUS INTEREST**

**WHEREAS**, the Board of Supervisors of Alameda County has consented to the proposed sealed bid sale of three property tax delinquent parcels adjacent to Dimond Park off Leimert Boulevard (APN 029A-1353-011-2; 029A-1353-013-2 and APN 029A-1354-001-1), which properties are described in Exhibits "A", "B" and "C", attached hereto and incorporated herein; and

**WHEREAS**, Chapter 8 of the California Revenue and Taxation Code authorizes and provides proceedings for the acquisition of said tax delinquent property by the City; and

**WHEREAS**, City staff have identified these three properties as watershed parcels within Sausal Creek adjacent to Dimond Park; and

**WHEREAS**, it is deemed to be in the public interest that the fee to said parcels be acquired by the City of Oakland for watershed, as part of a City park, for the use and enjoyment of Oakland residents; and

**WHEREAS**, the Oakland Trust for Clean Water and Safe Parks (Measure DD), passed on November 5, 2002, with 80% voter approval, provided \$4.5 million for Watershed Acquisition; and

**WHEREAS**, the Measure DD, Series 2003A Bond sale in August 2003 provided \$3 million for Watershed Acquisition, which has already been appropriated and allocated by the City Council; and

**WHEREAS**, the City wishes to purchase one, two or all three of the referenced parcels, pending the results of the environmental review, title search and other due diligence to be completed; and

**WHEREAS**, the funding for the acquisition of the property is available in the Watershed Improvement Program Watershed Acquisition Project (Fund 5320, Org. 92280, Project Number C244910); and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 (“CEQA”), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore

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

**Section 1.** The City, acting by and through its governing body, hereby requests that the referenced parcels (APN 029A-1353-011-2; 029A-1353-013-2 and APN 029A-1354-001-1) be withdrawn from public auction.

**Section 2.** The funding for the acquisition of the necessary property rights will be drawn from Measure DD 2003A Capital Improvement Fund and is available from Fund 5320, Org. 92280, Acct., Project Number C244910.

**Section 3.** The City Council hereby authorizes the purchase of the Leimert Boulevard parcels for a combined purchase price of \$27,000 plus interest.

**Section 4.** The City Administrator, or his designee, is authorized to negotiate and execute an agreement to purchase the Leimert Boulevard parcels, and to take any other action with respect to this property acquisition that is consistent with this Ordinance and its basic purpose.

**Section 5.** 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 CEQA pursuant to Section 15316 (transfer of ownership of land in order to create parks) and Section 15325 (transfer of ownership of interest in land to preserve existing natural conditions and historical resources) of the CEQA guidelines, and Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration (CA Fish and Games Code Sec. 711.4) with the County of Alameda.

**Section 6.** In accordance with the requirements of City Charter Article IV, the purchase 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 7.** 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, DEC 9 2008, 2008


PASSED BY THE FOLLOWING VOTE:

AYES            BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND  
PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: 12/11/09

Introduction Date: NOV 18 2008

ASSESSOR'S MAP 29A

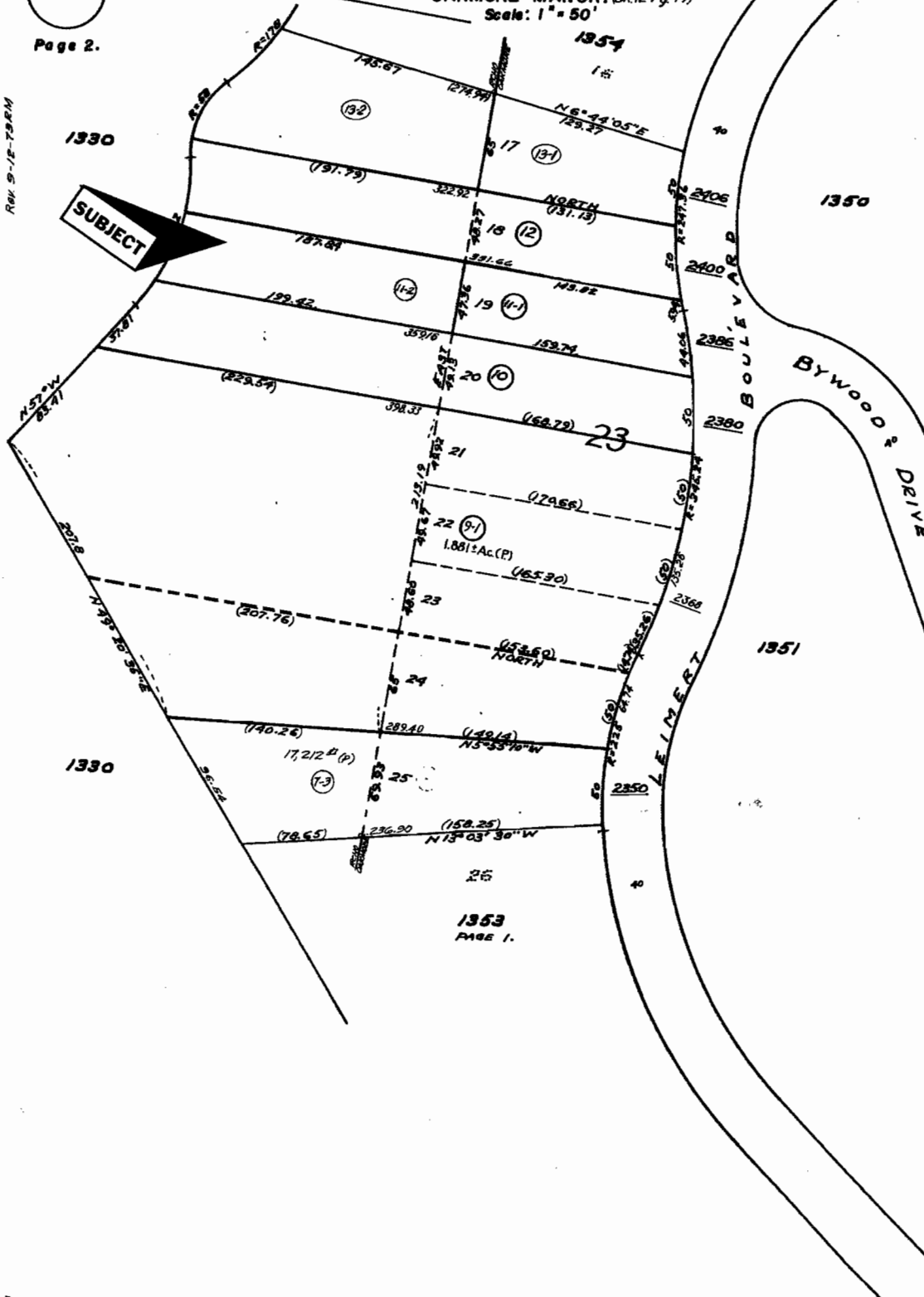
RANCHO SAN ANTONIO  
(A. M. Peralta Etal.) (Pat. Bk. A Pg. 669)  
OAKMORE MANOR. (Bk. 12 Pg. 79)  
Scale: 1" = 50'

Code Area Nos. 17-001

1353

Page 2.

REV. 9-12-75 BEM



ASSESSOR'S MAP 29A

Code Area Nos. 17-001

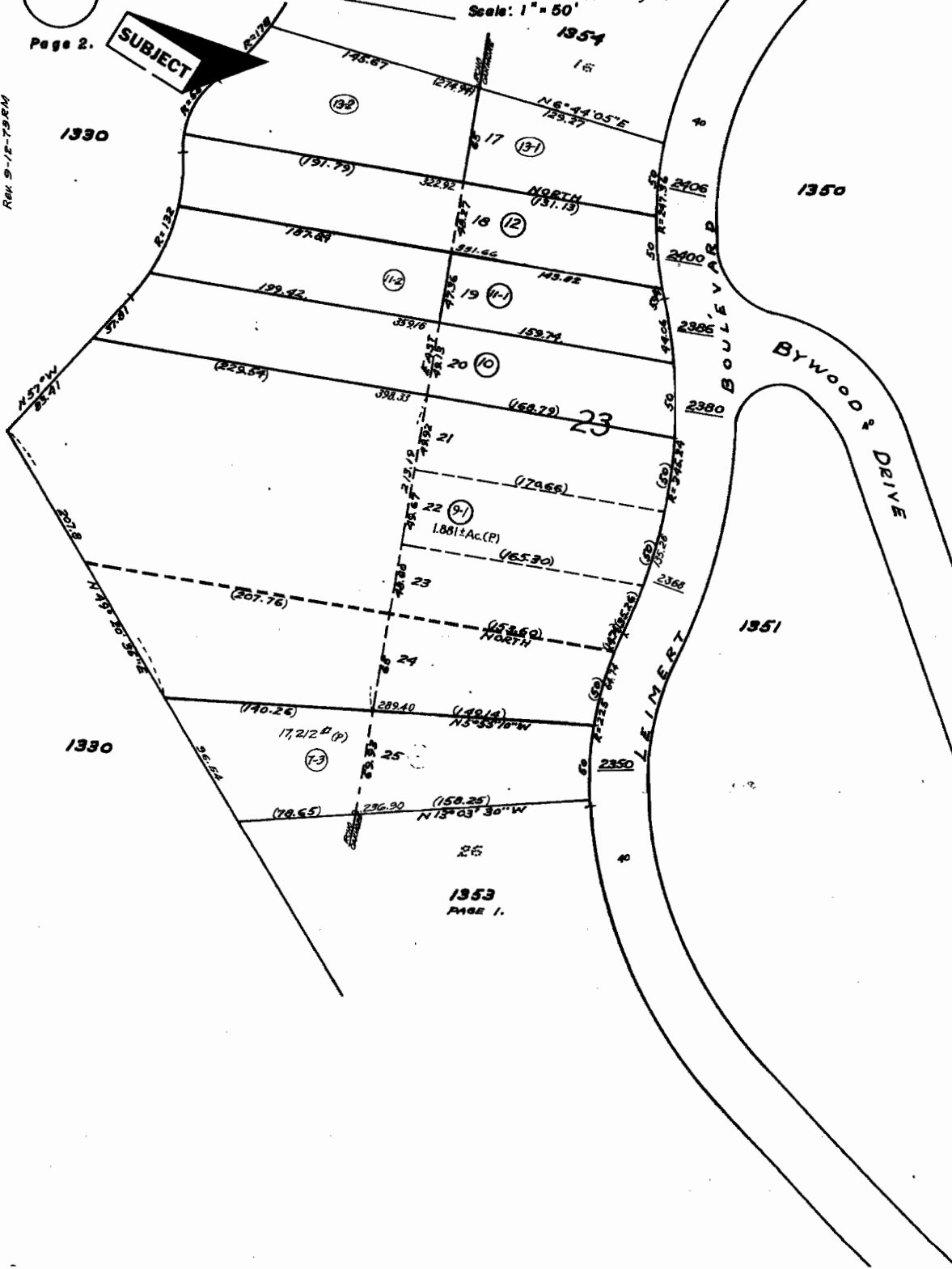
1353

RANCHO SAN ANTONIO  
(A. M. Peralta Etal.) (Pat. Bk. A Pg. 669)  
OAKMORE MANOR. (Bk. 12 Pg. 79)  
Scale: 1" = 50'

Page 2.

SUBJECT

REK 9-1E-79RM



Assessor's Map 29A.

1354

Oakmore Manor (Bk. 12 Pg. 79)

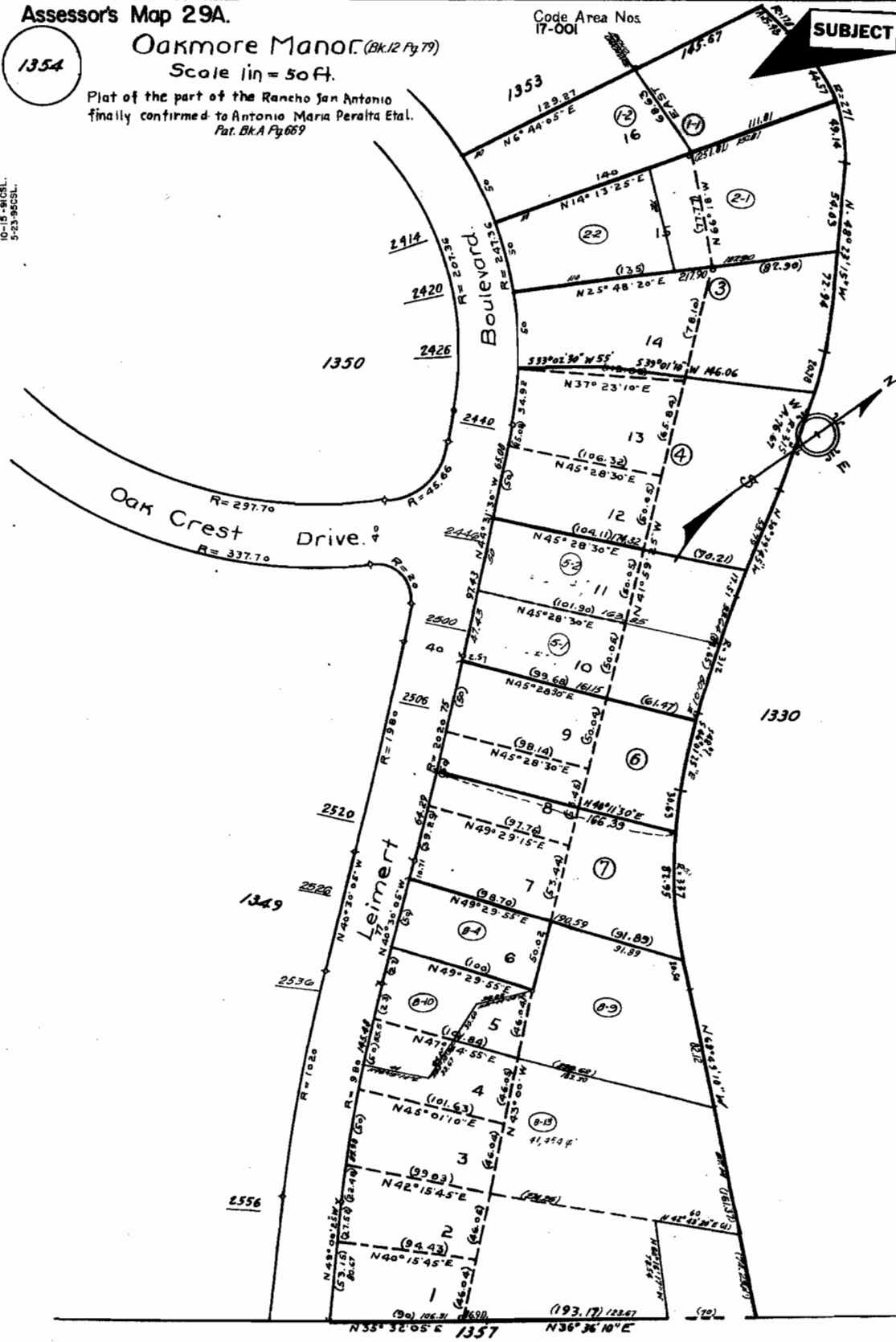
Scale 1 in = 50 ft.

Plat of the part of the Rancho San Antonio finally confirmed to Antonio Maria Peralta Etal. Pat. Bk. A Pg. 669

Code Area Nos 17-001

SUBJECT

REV. 8-11-78 R.M.  
07-15-80 C.S.L.  
9-23-80 C.S.L.



NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE LANDLOCKED PARCELS BEHIND LEIMERT BOULEVARD AND ADJACENT TO DIMOND PARK (APN 029A-1353-011-2; 029A-1353-013-2 AND APN 029A-1354-001-1) FROM THE ALAMEDA COUNTY TREASURER-TAX COLLECTOR FOR A TOTAL PRICE NOT TO EXCEED \$ 27,000 PLUS INTEREST**

This Ordinance authorizes the City Administrator to purchase from the Alameda County Treasurer-Tax Collector, up to three properties located behind Leimert Boulevard adjacent to Dimond Park.