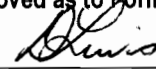


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2010 FEB 25 PM 8:14

Approved as to Form and Legality



CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13001 C. M. S.**

**AN ORDINANCE AUTHORIZING THE SALE OF TWO CITY-OWNED SURPLUS VACANT LOTS LOCATED BETWEEN 1522 GRAND VIEW DRIVE AND 1600 GRAND VIEW DRIVE, VALUED AT TWO HUNDRED THOUSAND DOLLARS (\$200,000) EACH, TO HILLSIDE HOMES INC., FOR THE TOTAL FAIR MARKET VALUE OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000)**

**WHEREAS**, the City of Oakland ("City") owns Property consisting of two parcels located between 1522 and 1600 Grand View Drive (APNs: 048H-7602-014, and 048H-7602-015), depicted on Exhibit A (the "Property"); and

**WHEREAS**, legal descriptions have been developed that indicate that the Property is approximately 32,000 square feet in area; and

**WHEREAS**, the Property is to be sold in "AS-IS" condition and the City makes no representations regarding land use or other permitting issues that may affect the property; and

**WHEREAS**, information regarding City surplus property was circulated pursuant to Government Code requirements and the Property was originally offered for sale to general public at the City of Oakland, Real Estate Services Surplus Property Auction on November 18, 2005; and

**WHEREAS**, there were no bids for the Property at the Auction; and

**WHEREAS**, in compliance with Ordinance No. 11602 C.M.S., the Real Estate Services Division, marketed the Property for four years before receiving a bid and proposing this sale of the Property; and

**WHEREAS**, market analysis establishes the Property's fair market value at \$200,000 for each lot, for a total Property value of \$400,000; and

**WHEREAS**, Hill Side Homes, Inc., has tendered an offer to purchase the Property for the full sale price of \$400,000, with a portion of the price to be paid in the current fiscal year ("FY") and the balance to be paid in FY 2010-2011, and to pay closing costs, as well; and

**WHEREAS**, after the Property is sold to Hill Side Homes, Inc., the City will receive property taxes and will save the cost of Property maintenance; 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 Council finds and determines that the herein-described real property is not needed for any public purpose, is surplus to the needs of the City, and the City has met the requirements of the Government Code regarding the sale of surplus land.

**Section 2.** The sale of the Property to Hill Side Homes, Inc. is in the City's best interest as it returns a property to the tax rolls, generates revenue for the General Fund and removes the Property from City maintenance responsibility.

**Section 3.** The City Administrator, or his designee, is authorized to accept the Offer to Purchase from Hills Side Homes, Inc., for the sum of \$400,000, and to execute Quitclaim Deeds conveying the Property. Hillside Homes Inc. must pay the City \$250,000 before June 30, 2010 to acquire the first lot, and an additional \$150,000 by November 1, 2010, for the second lot.

**Section 4.** The sales proceeds will be placed in General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

**Section 5.** Pursuant to Ordinance No. 11602 C.M.S., the City Administrator may conduct a negotiated sale of the surplus Property because such sale is in the best interest of the City.

**Section 6.** The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Ordinance, that it can be seen with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment, and therefore this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15312 (Surplus Government Property Sales) of the CEQA guidelines;

**Section 7.** The City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action.

**Section 8.** The City Administrator and the Manager, Real Estate Services are hereby authorized to negotiate and execute, amend, modify or extend all agreements, and to take any and all actions necessary, consistent with this Ordinance, to complete the sale of the Property.

**Section 9.** The Purchase and Sales Agreement and any other documents necessary for the sale of this property 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 10.** 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.

APR 20 2010

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

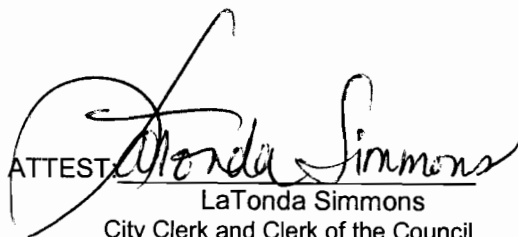
AYES- ~~6~~ ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks- 1

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

Introduction Date: MAR 16 2010

DATE OF ATTESTATION: \_\_\_\_\_

# Exhibit "A"

## Grand View Lots

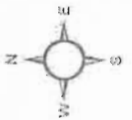


- Legend**
- Selected Features
  - City Limits
  - Wildfire Assessment District
  - Parcels
  - Freeways
  - Major Sts
  - Streets
  - Water
  - Land

It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510) 238-3911.

Printed: 2/8/2010 2:53:09 PM



## **NOTICE AND DIGEST**

**AN ORDINANCE AUTHORIZING THE SALE OF TWO CITY-OWNED SURPLUS VACANT LOTS LOCATED BETWEEN 1522 GRAND VIEW DRIVE AND 1600 GRAND VIEW DRIVE TO HILLSIDE HOMES FOR THE TOTAL FAIR MARKET VALUE OF FOUR HUNDRED THOUSAND DOLLARS \$400,000**

An Ordinance has been prepared authorizing the City Administrator to sell surplus City-owned Property to Hill Side Homes, Inc.

The City-owned property consist of two rectangular shaped residential zoned parcels, Assessor Parcel Numbers, (APN: 048H-7602-014, and 048H-7602-015) on the hill side containing approximately thirty two thousand (32,000) square feet. The Property is surplus to the City. There are no City subsidies involved in the sale of this surplus property.