
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE (1) DECLARING THE CITY-OWNED RESIDENTIAL REAL PROPERTY LOCATED AT 1226 73RD AVE (PROPERTY) EXEMPT SURPLUS LAND AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO: (A) LIST THE PROPERTY ON THE OPEN MARKET, (B) NEGOTIATE WITH ANY OR ALL INTERESTED PURCHASERS, AND (C) ENTER INTO AN AGREEMENT TO DISPOSE OF THE PROPERTY TO THE SELECTED PURCHASER FOR ITS FAIR MARKET VALUE AS DETERMINED BY THE CITY ADMINISTRATOR

WHEREAS, the City of Oakland ("City") owns a two-story residential building configured as a triplex with two one-bedroom units and one two-bedroom unit that contains approximately 2,400 square feet of gross living area located on an approximately 5,744 square foot lot at 1226 73rd Avenue (the "Property"); and

WHEREAS, on February 19, 1970, the City Council adopted Ordinance No. 8099 C.M.S. authorizing the purchase of the Property as needed for construction of the Hegenberger Expressway, and on March 23, 1970, the City took title to the Property; and

WHEREAS on January 17, 1989, the City Council adopted Resolution No. 65925 C.M.S. which declared the Property to be surplus and authorized a sale of the Property by auction; and

WHEREAS, on April 4, 1989, the City Council adopted Ordinance No. 11094 C.M.S. which authorized the sale of the Property to a particular buyer for \$151,000, such sale did not ultimately close for reasons unknown, and the City was unable to sell the Property despite multiple attempts; and

WHEREAS, on July 27, 1993, the City Council adopted Ordinance No. 11618 C.M.S. which authorized a lease of the Property to Catholic Charities for use as long-term housing under the United States Department of Housing and Urban Development's Shelter Plus Care Program and authorized a grant of up to \$75,000 to Catholic Charities for rehabilitation of the Property, which amount City Council increased by \$11,000 pursuant to Resolution No. 71889 C.M.S., adopted on May 30, 1995; and

WHEREAS, from approximately 1993 to 2023, the City leased the Property to various non-profit organizations, including Catholic Charities, Mercy Properties and East Oakland Community Project (“EOCP”), to provide housing for low-income households; and

WHEREAS, in or around August 2024, EOCP surrendered the Property back to the City; and

WHEREAS, in May 2025, the Property was significantly damaged by a fire and the City issued an Unsafe to Occupy order declaring the Property unsafe; and

WHEREAS, the City Administrator recommends that the City sell the Property due to the significant costs required to secure the Property and restore it to a habitable condition; and

WHEREAS, under the California Surplus Land Act (Government Code Section 54220-54233) (the “Surplus Land Act”), surplus property is defined as land owned by any local agency no longer necessary for the agency’s use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council has independently reviewed the findings for the Property and hereby formally declares the Property as “exempt surplus land” pursuant to Government Code Section 54221(f)(1)(B) of the Surplus Land Act.

SECTION 2. The City Council hereby authorizes the City Administrator to list the Property on the open market, negotiate with any or all interested purchasers, and enter into an agreement to dispose of the Property to the selected purchaser for its fair market value as determined by the City Administrator. All proceeds from the sale of the Property after expenses shall be deposited into the General Purpose Fund (GPF) fund balance.

SECTION 3. The City Council hereby finds and determines, on a separate and independent basis, that this action is exempt from further environmental review pursuant to California Environmental Quality Act (“CEQA”) Guidelines 15312 (sale of surplus property), and the “common sense” exemption (CEQA Guidelines 15061(b)(3) applies to this action.

SECTION 4. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council’s decision.

SECTION 5. All documents executed by the City Administrator pursuant to this Ordinance shall first be reviewed and approved for form and legality by the City Attorney and final documents shall be placed on file with the City Clerk.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the

Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7. Effective Date. This ordinance shall become effective immediately on 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

NOTICE AND DIGEST

ORDINANCE (1) DECLARING THE CITY-OWNED RESIDENTIAL REAL PROPERTY LOCATED AT 1226 73RD AVE (PROPERTY) EXEMPT SURPLUS LAND AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO: (A) LIST THE PROPERTY ON THE OPEN MARKET, (B) NEGOTIATE WITH ANY OR ALL INTERESTED PURCHASERS, AND (C) ENTER INTO AN AGREEMENT TO DISPOSE OF THE PROPERTY TO THE SELECTED PURCHASER FOR ITS FAIR MARKET VALUE AS DETERMINED BY THE CITY ADMINISTRATOR

This Ordinance would declare the City-owned property located at 1226 73rd Ave as exempt surplus land under the Surplus Land Act and would authorize the City Administrator to list the property on the open market, negotiate with interested purchasers, and dispose of the property to the purchaser selected by the City Administrator for the fair market value determined by the City Administrator.