

Oakland City Attorney

OFFICE OF THE CLERK OF THE CITY COUNCIL  
OAKLAND, CALIFORNIA

2007 JUN 28 PM 1:51

## OAKLAND CITY COUNCIL

### ORDINANCE NO. 12824 C. M. S.

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**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, EXECUTE AND ACQUIRE PROPERTY RIGHTS IN AN 11,960 SQUARE FOOT PARCEL OF LAND LOCATED ON BUTTERS DRIVE BETWEEN ROBINSON AND BRUNELL DRIVES, FOR OPEN SPACE FROM THE BUTTERS LAND TRUST FOR THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (((\$185,000) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.**

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**WHEREAS**, the Oakland Trust for Clean Water and Safe Parks (Measure DD) was passed on November 5, 2002, with 80% voter approval; and

**WHEREAS**, Measure DD provides \$4.5 million for Watershed Acquisition; and

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

**WHEREAS**, the Watershed Acquisition implementation plan calls for the expenditure of \$350,000 from Project: C244910 (Watershed Improvement Program Watershed Acquisition Project), which has already been appropriated and allocated by City Council, to be dedicated to the acquisition of properties in Butters Canyon; and

**WHEREAS**, Butters Land Trust is the owner of a parcel of land located on Butters Drive between Robinson and Brunell Drives (APN 029-1167-012), that the City desires to retain as open space; and

**WHEREAS**, the necessary property rights have been appraised and an offer to acquire the property rights at their appraised fair market value has been made to the property owner; and

**WHEREAS**, the property owner has agreed to sell the necessary property rights in the land to the City at its fair market value of \$185,000; and

**WHEREAS**, the property shall be held in perpetuity as Open Space; and

**WHEREAS**, the funding for the acquisition of the necessary property rights is available in Measure DD Fund (5320); Capital Projects - Environmental Services Organization(92280); Watershed Acquisition Project (C244910); 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,

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

**Section 1.** The City Administrator, or her designee, is authorized to negotiate and acquire the necessary property rights in the real property located at Butters Drive (APN 029-1167-012) from Butters Land Trust for a total amount not to exceed \$185,000 plus closing costs not to exceed \$5,000.

**Section 2.** The funding for the acquisition of the necessary property rights will be allocated from Measure DD Fund (5320); Capital Projects – Environmental Services Organization (92280); Watershed Acquisition Project (C244910).

**Section 3.** The Manager of Real Estate Services or such other City Administrator designee, as the City Administrator may determine, is hereby authorized to take all actions as may be required to carry out the intent of the terms 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 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 with the County of Alameda.

**Section 5.** In accordance with the requirements of the City Charter Article IV, the acquisition of the necessary property rights 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 take effect 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:

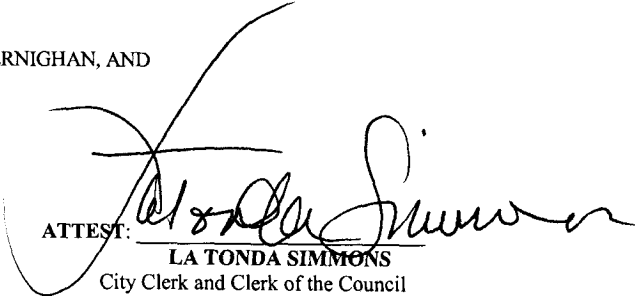
AYES BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND  
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Kernighan - 1

ABSTENTION- 0

ATTEST:

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

Introduction Date: **JUL 17 2007**



NOTICE AND DIGEST

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, EXECUTE AND ACQUIRE PROPERTY RIGHTS IN AN 11,960 SQUARE FOOT PARCEL OR LAND LOCATED ON BUTTERS DRIVE BETWEEN ROBINSON AND BRUNELL DRIVES, FOR OPEN SPACE FROM BUTTERS LAND TRUST FOR THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$185,000) PLUS CLOSING COSTS NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR THE MEASURE DD WATERSHED ACQUISITION PROJECT.**

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This Ordinance authorizes the City Administrator to acquire property rights to a parcel of land containing 11,960 square feet of unimproved land from Butters Land Trust for \$185,000 plus closing costs not to exceed \$5,000 from Measure DD funds.