

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

# OAKLAND CITY COUNCIL



City Attorney

2007 FEB 15 PM 8:13

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

**A RESOLUTION ESTABLISHING PROCEDURES FOR REVIEWING OFFERS FOR DONATIONS AND GIFTS OF REAL ESTATE AND FOR RECOMMENDING THAT THE CITY COUNCIL ACCEPT OR DECLINE SUCH OFFERS FOR REAL PROPERTY VALUED IN EXCESS OF \$500,000 DOLLARS**

**WHEREAS**, upon occasion, private and public entities offer to gift land parcels to the City of Oakland; and

**WHEREAS**, currently, staff practice is to make an administrative decision to accept or reject such gifts based upon a number of factors, including the projected cost of on-going maintenance, environmental hazards at the property, public benefit and other considerations, and to present the offer to City Council only when there is a recommendation to accept the property offer; and

**WHEREAS**, despite potential steep future costs to the City, an offer for donation of parcels with high market value or in key locations could result in the City Council's willingness to accept the parcels, notwithstanding maintenance, remediation or other estimated costs; now therefore be it

**RESOLVED:** Under the new protocol, CEDA Real Estate will administer the internal process to assess the value and costs of parcels of land that are offered to the City; and be it

**FURTHER RESOLVED:** That the offer of gifts of land of any value shall trigger a notification to requisite City agencies and departments and to the Councilmember of the district in which the parcel is located; and be it

**FURTHER RESOLVED:** That should staff's initial review raise environmental, maintenance or other concerns about the parcel to be donated, or other property surrounding such parcel, the prospective donor of the parcel shall pay the costs for the City's due diligence review (i.e. reviews of preliminary title report, Phase 1 environmental assessment, most recent appraisal; inspection of the property, etc.) of the land parcel prior to staff presenting its recommendation to the City Council; however, should the donor be financially unable to pay for the due diligence review, staff shall seek City Council authorization for such funding; and be it

**FURTHER RESOLVED:** That staff shall complete its due diligence review and address all its concerns about the property to be donated prior to submitting its report and recommendations to the City Council; however, when time constraints imposed by the prospective donor or a third party entity restrict the timeframe to accept the parcel before all due diligence is completed, staff shall provide a status report and recommendations to the City Council; and be it

**FURTHER RESOLVED:** That all offers for gifts of land assessed at \$500,000 or more shall be presented to the City Council for its decision to accept or decline the gift.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

*D. Lewis*

City Attorney

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Deleted: COUNCIL ACCEPT

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