

OFFICE OF THE CITY CLERK  
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INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2003 NOV 20 PM 12:27

APPROVED AS TO FORM AND LEGALITY  
*Brian J. Kelly*  
CITY ATTORNEY

**ORDINANCE NO. \_\_\_\_\_ C. M. S.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO PURCHASE AND SALES AGREEMENT FOR THE SALE OF A CITY OWNED SURPLUS PROPERTY (APN 045-5276-022-02) FROM THE NEGOTIATED SALE CONDUCTED ON OCTOBER 24, 2003 TO THE HIGHEST BIDDER: THE HOTHEM TRUST IN THE AMOUNT OF \$170,000**

**WHEREAS**, the City of Oakland (City) currently owns surplus properties that the Finance Committee and City Council recommended be sold by oral competitive bids at a public auction, pursuant to Ordinance 11602 C.M.S.; and

**WHEREAS**, these properties are in-fill lots that have some development challenges such as creek-side status, slope development and zoning or General Plan inconsistencies; and

**WHEREAS**, each property is to be sold in "AS-IS" condition and the City makes no representations with respect to the land use or other permitting issues that may affect these properties or with respect to buyer's ability to develop or improve these properties; and

**WHEREAS**, the right, title and interest in these properties shall be conveyed by Quitclaim Deed and subject to all matters of public record; and

**WHEREAS**, the City Council adopted Resolution No. 77963 C.M.S., dated July 15, 2003, which authorized the Real Estate Services Division to conduct a public auction and receive oral bids at 3:00 P.M. on Friday, October 3, 2003, in Hearing Room 3 at City Hall; and

**WHEREAS**, the Official Notice of Public Auction of the eleven properties was advertised in the newspaper, and "For Sale" signs were posted on the properties, and the Official Notice of Public Auction was posed on the City's web site; and

**WHEREAS**, Ordinance 11602 C.M.S. allows the City to conduct a negotiated sale with interested buyers subject to City Council approval, if no bids were received or the bid amount is not acceptable; and

**WHEREAS**, the subject property did not sell at the original Public Auction and the City was negotiating with various interested buyers for the property located at 670-700 98<sup>th</sup> Ave.; and

**WHEREAS**, the Real Estate Division reached an agreement to sell this property through a negotiated sale process on October 24, 2003, in the amount of \$170,000; and

**WHEREAS**, a nonrefundable security deposit in the amount of \$17,000 was received for the subject parcel; and

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**DEC 1 6 2003**

**WHEREAS**, the successful bidder's failure or refusal to complete the purchase of the property as required shall result in a forfeiture of their respective security deposit to the City; and

**WHEREAS**, the City reserves the right to reject any and all offers and waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the City.

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

SECTION 1. The City Manager, or his designee, is authorized to enter into Purchase and Sales Agreements for the sale of an ordinance authorizing the city manager to enter into purchase and sales agreements for the sale of a city owned surplus property from the negotiated sale conducted on October 24, 2003 to the high bidder: (APN-045-5276-022-02 for \$170,000) Hothem Trust;

SECTION 2. After reimbursing Real Estate Services \$5,000 for all related costs associated with the public auction and sale of the properties (Fund 1010, Org. 88639, Project P47010), the remaining sales proceeds of \$165,000 will be placed into the City's General Fund.

SECTION 3. The Manager of Real Estate Services or such other City Manager designee, as the City Manager may determine, is hereby authorized to take all actions as may be required to carry out the intent of terms of the Purchase and Sales Agreement and this Ordinance and Ordinance 11602 C.M.S.

SECTION 4. The Purchase and Sales Agreement for the purchase of these property rights 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 5. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003  
PASSED BY THE FOLLOWING VOTE:

AYES                    BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND  
                              PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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ATTEST: \_\_\_\_\_  
**CEDA FLOYD**

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

**Introduction Date:**  
**DEC 2 2003**

NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO PURCHASE AND SALES AGREEMENT FOR THE SALE OF A CITY OWNED SURPLUS PROPERTY (APN 045-5276-022-02) FROM THE NEGOTIATED SALE CONDUCTED ON OCTOBER 24, 2003 TO THE HIGHEST BIDDER: THE HOTHM TRUST IN THE AMOUNT OF \$170,000**

An Ordinance has been prepared authorizing the City Manager to enter into Purchase and Sales Agreement for the sale of a City-owned surplus property by a negotiated sale following the Public Auction on October 24, 2003, to the following bidder: the Hothem Trust in the amount of \$170,000

The Finance Committee and City Council recommended the Public Auction of eleven city-owned surplus properties on July 15, 2003 (Resolution 77963 C.M.S.) authorized the City of Oakland (City) to conduct a public auction on October 2, 2003, for the sale of eleven (11) surplus properties. The official noticing of the Public Auction was advertised in the Oakland Tribune newspaper; "For Sale" signs were posted on the properties and the Auction Notice was posted on the City's web site. This property was one of the city-owned surplus properties that did not sell at the Public Auction. If no bids are received or the bid amount is not acceptable Ordinance 11602 C.M.S. allows the City to conduct a negotiated sale with interested buyers subject to City Council approval. Therefore, the Real Estate Division conducted a negotiated sale process with several interested buyers and reached an agreement on October 24, 2003 with the Hothem Trust in the amount of \$170,000.

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