

2005 OCT 27 PM 12: 02

Approved as to Form and Legality
[Signature]
Oakland City Attorney's Office

OAKLAND CITY COUNCIL
12712

Ordinance No. _____ C.M.S.

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO 800 CENTER LLC, THE ADJOINING PROPERTIES OWNER, APPROXIMATELY 6,900 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 1430 8TH STREET AND 816 CENTER STREET (APN# 004-0067-015 AND APN# 004-0067-017) FOR THE FAIR MARKET VALUE OF \$120,000.

WHEREAS, the City of Oakland is the owner of the vacant lots (the "Properties") in the City of Oakland, Alameda County, State of California, commonly known as 1430 8th Street (Assessor's Parcel No. 004-0067-015), and 816 Center Street (Assessor's 004-0067-017) and shown as cross-hatched parcels on the Site Maps attached hereto and made a part hereof; and

WHEREAS, on April 6, 2005, the City Planning Commission determined the zoning classification for the parcel and supported the staff recommendation to the City council; and

WHEREAS, a legal description has been developed that indicated that the Properties contain approximately 6,900 square feet in area; and that no easements encumber the Properties; and

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

WHEREAS, the City Council has adopted Ordinance No. 11602 C.M.S., which established procedures for the sale and lease of City-owned property which is surplus; and

WHEREAS, information about the surplus Properties was circulated pursuant to Government Code requirements and the Properties may be sold through a negotiated sale; and

WHEREAS, Real Estate Service' market analysis of the Properties indicates a combined market value of \$120,000 for both lots; and

WHEREAS, 800 Center LLC, the owner of the abutting property, has tendered an offer to purchase the Properties in the amount of \$120,000; and

WHEREAS, a non-refundable security deposit in the amount of \$1,000 was received for the subject properties; and

WHEREAS, 800 Center LLC, or an affiliated entity, (the “Developer”) proposes to combine the Properties with his adjacent parcel and develop on the Properties residential housing; and

WHEREAS, the requirements of 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 two real properties are not needed for any public purpose, and are surplus to the needs of the City, and the City is not required to put the Properties out for competitive bidding, and the sale of the Properties to the adjoining or abutting owner is in the City's best interests.

SECTION 2. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Properties by negotiated sale due to the intended use of the Properties for the development of housing units, in numbers greater than otherwise possible due to sale to an abutting owner and subsequent combination of lots.

SECTION 3. As a condition of the sale, the City will record a grand deed against the properties that will require the buyer to develop housing on the site as well as to obtain building permits within one (1) year after the transfer.

SECTION 4. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because the sale and development of the Properties is exempt from CEQA pursuant to Sections 15303 (new construction of small structures), 15312 (surplus government Properties sales) and 15332 (infill housing development) of the CEQA Guidelines.

SECTION 5. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

SECTION 6. Sales proceeds will be allocated to Community Development Block Grant Funds, Program Income, Fund (#2108).

SECTION 7. The City Administrator or her designee is hereby authorized to take and all actions necessary, consistent with this ordinance, to complete the sale of the Properties.

SECTION 8. The Offer to Purchase Agreement for the purchase of these Properties 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 9. 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.

Introduction Date: NOV 15 2005

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 06 2005, 2005

PASSED BY THE FOLLOWING VOTE:

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

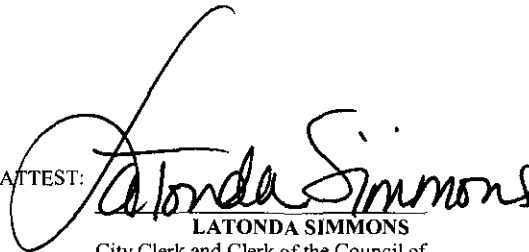
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST:


LATONDA SIMMONS

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

ASSESSOR'S MAP 4

Code Area Nos. 17-046 17-014

w.p.

67

Scale: 1" = 60'

OAKLAND AND VICINITY (BOARDMAN) (Bk.17 Pg.14)
EIGHTH ST. TRACT (Bk.7 Pg.22)

Drawn: 11-68 RG
Revised: 2-25-61 AM
7-19-68 CS.L.
6-22-69 BY
4-19-02 WL

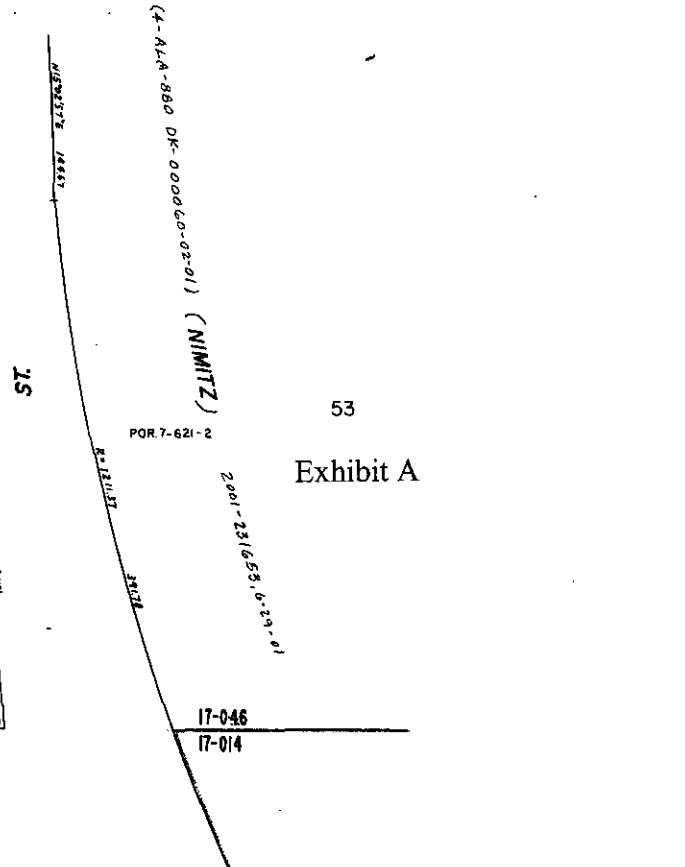
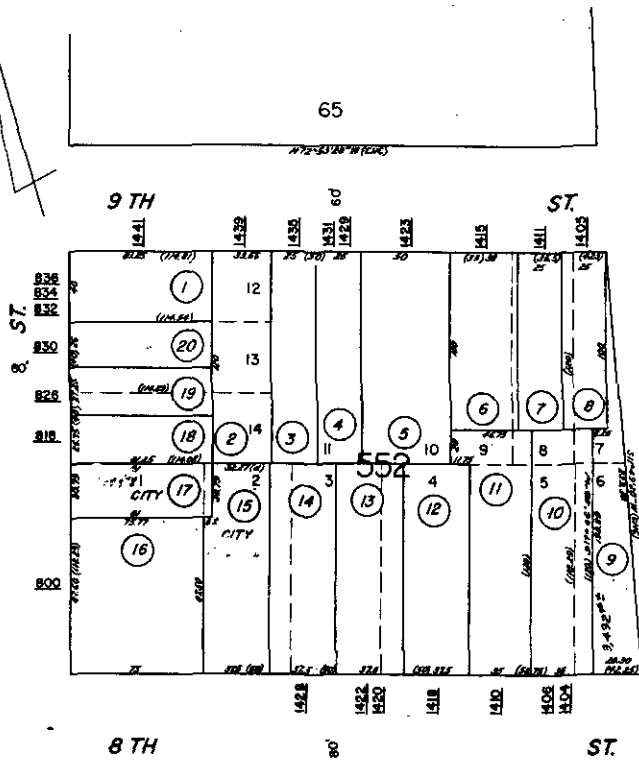


Exhibit A

79

CENTER ST.

7 TH ST.

109

100

71

A.C.M.

Reference:

100'

CYPRESS ST.

108

69

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 OCT 27 PM 12: 02

NOTICE AND DIGEST

A CITY ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO SELL TO 800 CENTER LLC, THE ADJOINING PROPERTY OWNER, APPROXIMATELY 6,900 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 1430 8TH STREET AND 816 CENTER STREET (APN# 004-0067-015 AND APN# 004-0067-017) FOR THE FAIR MARKET VALUE OF \$120,000.

An ordinance has been prepared authorizing the City Administrator to sell surplus City-owned property to the adjoining property owner at 8th and Center Streets.

The City-owned property is two rectangular shaped properties containing approximately 6,900 square feet. The two parcels have frontage along 8th Street and Center Street. There are no City subsidies involved in the sale of the surplus property.