

PKK

OAKLAND CITY COUNCIL

ORDINANCE No. 12 2 9 2 C.M.S.

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN LEASEHOLD INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN LOCATED ON 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$160,000, PLUS INTEREST THEREON AND COURT COSTS.

WHEREAS, in order to facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 190 98th Avenue (the "Property") City of Oakland v. Eller Media Company, et al., and

WHEREAS, Eller Media Company, Inc. ("Eller") a leasehold in the property owned by Moms Draying (the "Owner), the City named Owner as a defendant in the action to acquire the Owner's interests in the Property; and

WHEREAS, the City filed an eminent domain action to acquire Owner's interests in the Property and the City and Owner have agreed to settle the action with the Owner agreeing to relinquish its interests in consideration for payment by the City;

WHEREAS, the City, by resolution of the City Council on September 12, 2000 approved a settlement of the condemnation action with the Owner; and

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition **of** the Owner's interests in the Properties for the amount described below and the expenditure of project funds for that acquisition, **now therefore**

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

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire the Eller's interests in the Property as described in Exhibit A attached to this Ordinance for ~~an~~ amount not to exceed \$160,000.00, plus interest thereon and court costs,

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage

Introduced - 10/31/00

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 14 2000, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, ~~RUSSO~~^{WAN}, SPEES, AND

~~PRESIDENT DE LA FUENTE~~ - 7

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

Excused - De la Fuente - 1

ATTEST:

Ceda Floyd
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

City of Oakland
County of Alameda

EXHIBIT A
LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda, State of California, being a portion of land as described in Deed AJ-55215, recorded June 30, 1954, described as follows:

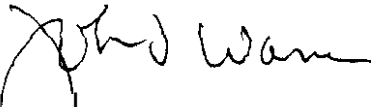
BEGINNING at the most northerly corner of said Land; thence along the northwesterly line of said Land S63°38'16"W, 272.39 feet; thence from a tangent that bears S63°38'16"W and along a curve to the left with a radius of 17.00 feet, through an angle of 122°30'05" and an arc length of 36.34 feet to the southwesterly boundary of said Land; thence along said southwesterly line S58°51'49"E, 48.10 feet; thence from a tangent that bears N52°57'12"W and along a curve to the right with a radius of 24.00 feet, through an angle of 20°50'36" and an arc length of 8.73 feet; thence N04°35'01"E, 29.30 feet; thence from a tangent that bears N42°23'35"E and along a curve to the right with a radius of 24.00 feet, through an angle of 24°58'47" and an arc length of 10.46 feet; thence from a tangent that bears N67°22'26" and along a curve to the left with a radius of 3046.00 feet, through an angle of 02°41'50" and an arc length of 143.40 feet; thence N64°40'36"E, 104.01 feet to the northeasterly boundary of said Land; thence along said northeasterly line N59°59'57"W, 16.76 feet; thence N26°21'44"W, 25.56 feet to the point of beginning

CONTAINING 10,817 square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-003-60



John T. Warren, C-22062
12/11 / 98

Date
9/30/01

Expires

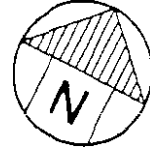


OAKLAND AIRPORT ROADWAY PROPERTY ACQUISITION

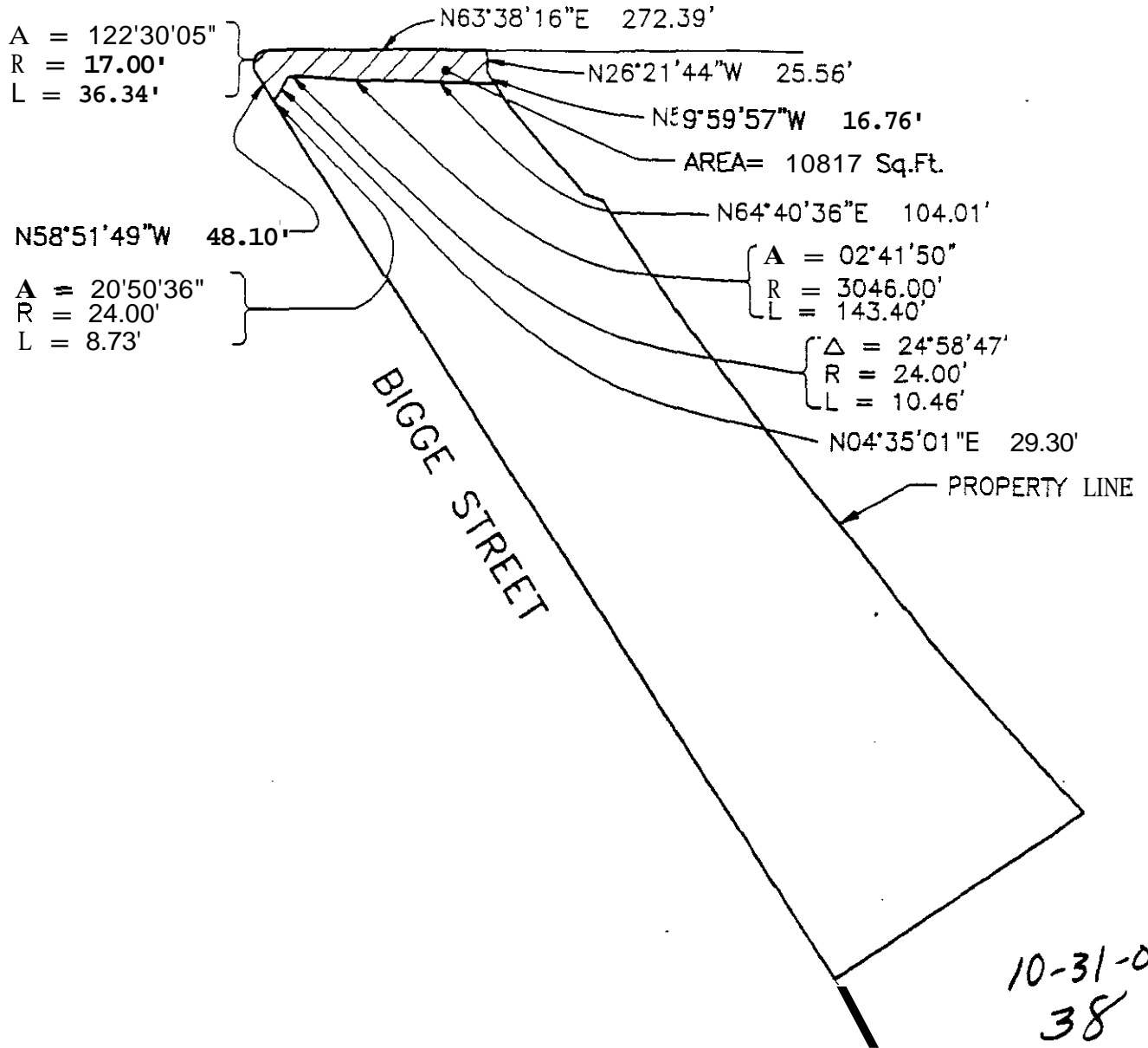
City of Oakland

County of Alameda

Assessor Parcel Number: 44-5020-3-60
 Property Address: 190 98th Avenue
 Owner: Morris Drying Company



98th AVENUE



Scale: 1"=200'

Total Parcel Area = 372,521 Sq. Ft.
 Proposed Area Taken = 10,817 Sq. Ft.
 Remaining Area = 361,704 Sq. Ft.