

*U. Miller* FILED

CITY ATTORNEY  
OFFICE OF THE CITY CLERK  
OAKLAND

ORDINANCE NO. 12615 C. M. S. 2004 JUN 10 PM 4:48

**AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE SALE OF CITY-OWNED PROPERTY AT 3615 AND 3619 35<sup>TH</sup> AVENUE AT FAIR MARKET VALUE (\$279,000) TO COLLINS/PBA FOR THE DEVELOPMENT OF A MIXED-USE PROJECT.**

**WHEREAS**, the City of Oakland ("City") owns a 11,280 square foot vacant lots consisting of 2 parcels of land located at the northwest corner of 35<sup>th</sup> and MacArthur Blvd., Assessor's Parcel Numbers 028-0957-009-02 and 011-03, described in Exhibit "A" attached hereto (the Property); and

**WHEREAS**, the Property is a remnant of the 35th Avenue Road Widening Improvement Project in the Laurel District which has been completed; 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**, in compliance with Ordinance No. 11602 C.M.S., the Property was offered to other public agencies for their use, and none of these entities was interested in purchasing the Property; and

**WHEREAS**, in compliance with the law of the State of California Surplus Property Act, the Property was offered to affordable housing developers, park authorities, and the Oakland Unified School District for their use, and none of these entities was interested in purchasing the Property; and

**WHEREAS**, the City of Oakland issued an RFP for development of the Property in 1999 and 2000, but were not able to successfully negotiate a project with the respondents; and

**WHEREAS**, the City of Oakland issued a third RFP for the development of the Property in 2004, to which Collins/PBA (the "Developer") submitted a proposal; and

**WHEREAS**, the Developer proposes to develop on the Property a multi-use project consisting of seven two-story rental town homes and a ground floor commercial space of approximately 720 square feet; and

**WHEREAS**, the City is the Lead Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for 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. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is found and determined to be in the best interest of the City to sell the Property to the Developer in accordance with the proposal submitted in response to an RFP issued in March, 2004.
- SECTION 2. The City Council authorizes the sale of the Property to the Developer at fair market value, \$279,000.
- SECTION 3. 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 project is exempt from CEQA pursuant to Class 32, Section 15332 of the CEQA Guidelines: urban infill project under five acres.
- SECTION 4. The City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.
- SECTION 5. The City Administrator or his designee, is hereby authorized to negotiate and execute a Purchase and Sale Agreement with the Developer for the Property, to govern transfer and development of the Property.
- SECTION 6. The City Administrator is also authorized to execute a grant deed to convey the Property, upon satisfaction of pre-conveyance conditions in the Purchase and Sale Agreement.
- SECTION 7. Real Estate Division's administrative costs associated with the sale of the property, \$1,000 shall be reimbursed to Fund 1010, Org. 88639, Acct 48111, Project P47010 and to the Surplus Property Program \$113,425, with the remainder of \$164,575 to go to the Public Works Agency gas tax fund (2230), since the Property was originally purchased with gas tax funds for street-widening purposes.
- SECTION 8. All documents shall be approved as to form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2004  
PASSED BY THE FOLLOWING VOTE:

AYES BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~WU~~, WAN, AND  
PRESIDENT DE LA FUENTE - 7

NOES- 0

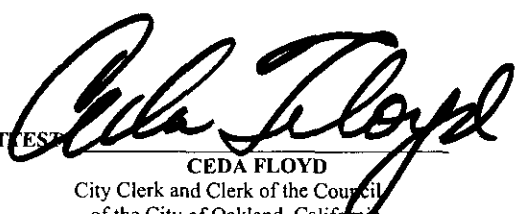
ABSENT- REID - 1

ABSTENTION- 0

Introduction Date:

JUL 6 2004

ATTEST

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

*EXHIBIT - "A"*  
**DETAILED LEGAL DESCRIPTION**

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as Follows:

Assessor's Book # 0228, page #94, map of subdivision of Fruitvale Heights, tract #5513 of Alameda County Records. Known as civic address :3619 35<sup>th</sup> Avenue , Oakland, Ca. 94612.

APN # 28-0957-009-02

APN# 28-0957-011-03