

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2005 SEP 29 PM 2:28

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY

RESOLUTION No. 79530 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO CONDUCT A PUBLIC AUCTION FOR THE SALE OF EIGHT CITY-OWNED SURPLUS PROPERTIES: ASSESSOR PARCEL NUMBERS: 005-0421-00 (20TH AND MANDELA PARKWAY); 003-0071-024 (632 – 14TH STREET); 045-5230-001-01 AND 045-5230-003-03 (ASSEMBLED – 862 – 850 98TH AVENUE); 048H-7602-012, 048H-7602-013, 048H-7602-014, 048H-7602-015 (4 PARCELS – BETWEEN 1530 AND 1580 GRAND VIEW DRIVE); AND 033-2250-001-04 (569 HIGH STREET/HOWARD STREET).

WHEREAS, City Ordinance No. 11602 C.M.S. authorizes and establishes procedures for the sale of City-owned surplus real property; and

WHEREAS, the City of Oakland (City) currently owns eight (8) surplus properties shown in Exhibit “A” that the Real Estate Services Division recommends be sold by oral competitive bids at a public auction; and

WHEREAS, the City Planning Commission, in its meeting of July 6, 2005, concurred with the Real Estate Services Division recommendation and determined the appropriate zoning classification of seven properties shown in Exhibit “A”, and such recommendation must be forthcoming for Parcel No. 8 prior to sale of that Parcel; 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 be it

RESOLVED: That the Real Estate Services Division is authorized to conduct a public auction and receive oral bids on November 18th, 2005 in Hearing Room 3 at City Hall; and be it

FURTHER RESOLVED: The minimum acceptable bid for each property is shown on Exhibit “A” and each acceptable bid shall be raised in \$2,000 increment; and be it

FURTHER RESOLVED: Each property is sold in “as-is” condition and the City of Oakland makes no representation as to the potential use or condition of this property; and be it

FURTHER RESOLVED: The Planning Commission of the City of Oakland is instructed not to recommend an application for zoning reclassification of each property for a period of two years from the date of sale by the City unless the application contains a statement in detail of the changes in circumstances which in the opinion of the Planning Commission do, in fact, justify a zoning reclassification; and be it

FURTHER RESOLVED: Bidder making the highest bid for each property shall, upon making the highest bid, deliver to the City by cash, cashier's check or money order, a deposit of not less than ten percent (10%) of the minimum bid price for each property. Any successful bidder's failure or refusal to complete the purchase of any property as required by this resolution shall result in a forfeiture of the respective deposit to the City of Oakland; and be it

FURTHER RESOLVED: The balance of the amount between the highest bid and the required deposit for each property shall be payable to the City of Oakland by cash, cashier's check or money order, and delivered to the Manager of Real Estate Services or the delegated representative within 14 days after acceptance of the bid and approval of the sale to the successful bidder by the City Council. The successful bidder shall pay all recoding fees, transfer and sales taxes as required by law; and be it

FURTHER RESOLVED: If any property is not sold through the auction process then the manager of Real Estate Services can proceed to sell the property(ies) through a negotiated sale as outlined in Ordinance #11602 C.M.S.; and be it

FURTHER RESOLVED: In the event that the high bidder defaults in completion of the sale, the City may, at its sole discretion, offer the property to the second highest bidder. If the second high bidder accepts the option, the deposit requirement and the terms of the purchase shall be the same as stated in the Notice of Sale; and be it

FURTHER RESOLVED: The instrument of transfer of title for each property shall be a Quitclaim deed delivered to each successful bidder or assignee, upon payment to the City of the entire amount of the highest bid for each property; and be it

FURTHER RESOLVED: The City Council reserves the right to reject any and all bids without stated cause; and be it

FURTHER RESOLVED: That the Real Estate Division is hereby directed to advertise not less than four days in the official newspaper of the City of Oakland, as well as on Channel 10 (KTOP) not less than ten days prior to the auction date, a notice calling for oral bids in accordance with the provisions of this resolutions and/or the purchase and sales agreement; and be it

FURTHER RESOLVED: The successful bidder, upon making the required deposit, will be required to sign a purchase agreement containing provisions for forfeiture of deposit and/or bonds for breach of any conditions set forth in this Resolution and/or the Purchase and Sales Agreement; and be it

FURTHER RESOLVED: That the City Litigation fund and Gas Tax fund be reimbursed and Real Estate Services be reimbursed for all costs associated with the public auction and sale of the properties through the Surplus Property Program (Project P4710); and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because it is exempt from CEQA pursuant to Section 15312 (surplus government property sales) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Resolution and to complete the transaction; and be it

FURTHER RESOLVED: That this Resolution has been approved by the Office of the City Attorney as to form and legality.

OCT 18 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, [REDACTED], NADEL, REID, QUAN, KERNIGHAN,
AND PRESIDENT DE LA FUENTE -7

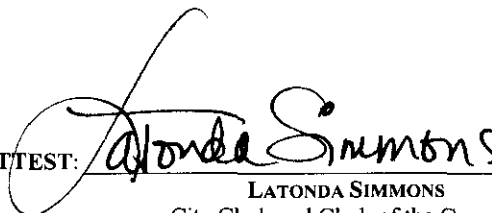
NOES-

ABSENT-

ABSTENTION-

Excused - Chang - 1

ATTEST:



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

**CITY-OWNED SURPLUS PROPERTIES
PUBLIC AUCTION PROPERTIES**

#	ASSESSOR PARCEL NUMBER (APN)	ADDRESS	SIZE (sq. ft.)	DEVELOPMENT CHALLENGES	STATUS	DEPOSIT	MIN BID
1	005-0421-00	Mandela Parkway/20 th Street	11,500 +/-	General Plan is Business Mix, Zoning is M-30/S-4 parcel is located in the Right of Way	Vacant lot. Month to month lease	\$ 22,000	\$ 222,000
2	003-0071-024	632 - 14 th Street	6,800	General Plan is Central Business District, Zoning is C-51/-17	Vacant lot Month to month lease	\$ 67,000	\$ 670,000
3	045-5230-001-01 & 045-5230-003-03	862 - 850 98 TH Avenue	11,390	General Plan is Business Mix, Zoning is M-40	Vacant lot	\$ 16,000	\$ 160,000
4	048H-7602-012	Grand View Drive	14,574	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
5	048H-7602-013	Grand View Drive	15,471	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
6	048H-7602-014	Grand View Drive	16,230	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
7	048H-7602-015	Grand View Drive	16,400	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
8	033-2250-001-04	569 High Street/Howard Street	5,932	General Plan is Estuary, Zoning is M-40	Vacant lot	\$ 10,600	\$ 106,000