


CITY ATTORNEY

ORDINANCE NO. 12646 C. M. S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JAN 13 PM 8:19

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH TUAN NGUYEN, THONG NGUYEN AND CARL NGUYEN (THE ADJOINING PROPERTY OWNERS) FOR SALE OF SURPLUS CITY REAL PROPERTY LOCATED AT 7TH AND CASTRO STREETS FOR THE FAIR MARKET VALUE OF \$191,000.

WHEREAS, the City of Oakland ("City") owns a 4,100 square foot, surplus parcel of land located at 7th and Castro Streets, portions of Assessor's Parcel Numbers 001-027-024, 001-027-025 and 001-027-3, described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the Property is a remnant of the construction of the State Highway Routes 17 and 24 (I-980) which has been completed; and

WHEREAS, a legal description has been developed that indicated that the property is 4,100 square feet in area; and that no easements encumber the property; and

WHEREAS, the property is to be sold in "AS-IS" condition and the City makes no representations with respect to land use or other permitting issues that may affect the property.

WHEREAS, the property being less than 5,000 square feet is not subject to the California Surplus Lands Act (California Government Code 54220-5432), but is subject to City Ordinance No. 11602, C.M.S., covering sales of surplus city-owned property; and

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

WHEREAS, the Property being more than 2,500 square feet is subject to Planning Commission zoning review, and is subject to all other procedures of City Ordinance No. 11602, C.M.S., for sale of City-owned properties; and

WHEREAS, Real Estate Services market analysis of the Property indicates a fair market value of \$80,000; and

WHEREAS, the Property was offered to both adjoining property owners for the appraisal value of \$80,000; and

WHEREAS, both adjoining owners expressed an interest in purchasing the property; and

WHEREAS, the Real Estate Division conducted a closed bid on the property to the adjacent property owners; and

WHEREAS, the Real estate Division reached an agreement to sell this property to the highest bidder; and

WHEREAS, Tuan Nguyen, Thong Nguyen and Carl Nguyen, the owners of the abutting property, have tendered an offer to purchase the Property in the amount of \$191,000; and

WHEREAS, a non-refundable security deposit in the amount of \$20,000 was received for the subject property; and

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

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

SECTION 1. The City Council finds and determines that the herein-described real property is not needed for any public purpose, is surplus to the needs of the City, and the City is not required to put the property out for competitive bidding, and the sale of the Property to the adjoining or abutting owner is in the City's best interests.

SECTION 2. The City Administrator, or her designee, is authorized to execute and accept the Offer to Purchase Agreement from Tuan Nguyen, Thong Nguyen and Carl Nguyen, the adjoining property owners, for the sum of \$191,000, and to execute a Quitclaim Deed conveying the Property.

SECTION 3. After reimbursing Real Estate Services \$1,369 administrative costs associated with the sale of the property (Fund 1010, Project P47010) Surplus Property Program, the remaining sale proceeds of \$189,631 will be placed into the City's General Fund.

SECTION 4: The Manager, Real Estate Services, or his designee, is hereby authorized to take and all actions necessary, consistent with this ordinance, to complete the sale of the Property.

SECTION 5. The Offer to Purchase Agreement for the purchase of this property 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 6. The ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, **FEB 15 2005**, 2005
PASSED BY THE FOLLOWING VOTE:

AYES BROOKS, BRUNNER, CHANG, NADEL, ~~REID~~QUAN, ~~WAX~~, AND
NOES- 0 PRESIDENT DE LA FUENTE - 7
ABSENT- 0
ABSTENTION- 0

LaTonda Simmons
ATTEST: LaTonda Simmons
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

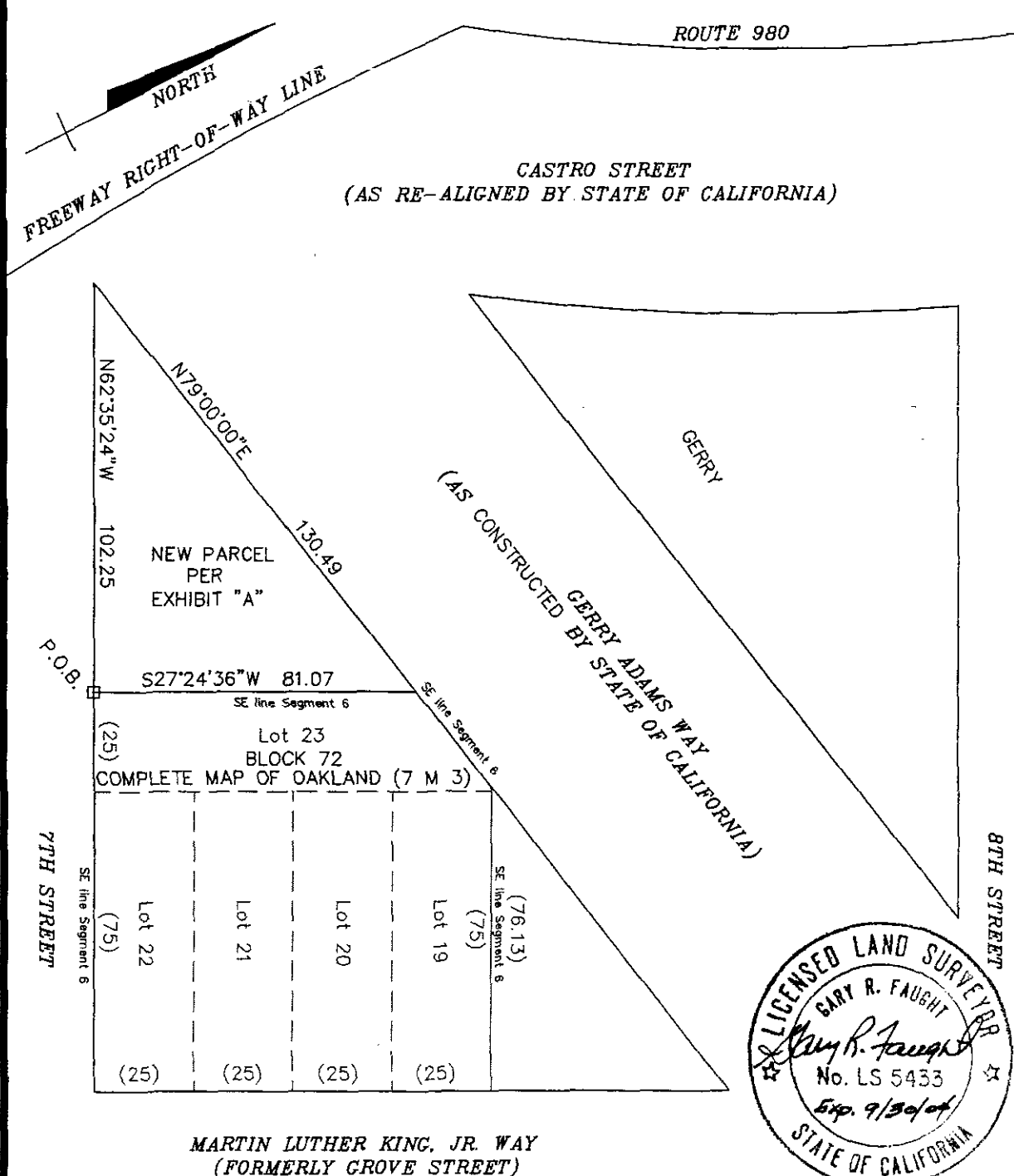
Introduction Date: **FEB 01 2005**

EXHIBIT "A"

(EASTERLY CORNER 7TH AND CASTRO STREETS)

(PTN. SEGMENT 6, RELEQUISHMENT IN THE COUNTY OF ALAMEDA,
RECORDED JUNE 19, 1986, RECORDERS SERIAL NO. 86-144426)

(PTN. BLOCK 72, COMPLETE MAP OF OAKLAND, BY J. KELLERSBERGER,
RECORDED IN BK. 7 OF MAPS, AT PG. 3, ALAMEDA COUNTY RECORDS)



() = RECORD DATA

DATED July 23, 2004