



OAKLAND CITY COUNCIL
ORDINANCE No. 12822 C.M.S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A NEW LEASE WITH THE EAST OAKLAND BOXING ASSOCIATION FOR CITY PROPERTY LOCATED AT 816-828 98TH AVENUE FOR ZERO RENT IN EXCHANGE FOR IN-KIND SERVICES AS AUTHORIZED BY ORDINANCE NO. 11722 C.M.S., FOR A TERM OF FIVE (5) YEARS, WITH THE CITY HAVING THE OPTION TO GRANT ONE ADDITIONAL FIVE YEAR TERM UNDER THE SAME TERMS AND CONDITIONS.

WHEREAS, the East Oakland Boxing Association (“EOBA”) is a non-profit youth development organization that provides free year round services to children and youth ages 5-20 including academic tutoring, mentoring, arts and crafts, computers, health and nutrition classes (taught by a certified chef and registered dietician), organic gardening, camping, field trips and physical education (“Youth Services”) at an estimated cost that exceeds \$7,500 per month or \$90,000 per year; and

WHEREAS, the City owns 816 98th Avenue, Oakland, California (“Property”), consisting of about 17,150 square feet, improved with the following:

- a. Building (about 3,000 square feet) including a boxing ring with locker rooms,
- b. Building (about 2,500 square feet) including homework space, library, and computer rooms,
- c. Enclosed garden, basketball court, and parking area,

with an estimated fair market rental value of \$3,750 per month or \$45,000 per year as of June 1, 2007; and

WHEREAS, Ordinance No. 11722 C.M.S. established a policy that permits rental of City-owned property for fair market rent with recognition for in-kind services; and

WHEREAS, pursuant to City Council Resolution No. 64956 C.M.S., passed on October 27, 1987, authorizing a two-year lease, the City and EOBA entered into a Rental Agreement (“Rental Agreement”) as of October 30, 1987, and EOBA continues to lease the Property under a month-to-month tenancy for the rental payment of \$1 per month in exchange for EOBA providing the Youth Services; and

WHEREAS, the in-kind value to the City of the services provided by EOBA results in a benefit or cost savings to the City of \$7,500 per month or \$90,000 per year which exceeds the

fair market value of the Property, estimated at \$3,750 per month or \$45,000 per year, resulting in a net benefit or net saving of \$45,000 per year to the City; and

WHEREAS, EOBA proposes to lease the Property for five (5) years at zero rent with a mutual ninety-day right of termination, and at City’s option, the Lease may be extended for an additional 5-year term; and

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”) the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore

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

SECTION 1. The City Administrator, or her designee, is hereby authorized to enter into a five-year Lease Agreement, with a five-year option for City renewal, with EOBA for zero rent in exchange for service, consistent with this Ordinance.

SECTION 2. The Manager of Real Estate Services or other City Administrator Designee, is hereby authorized and directed to take all necessary actions to negotiate and complete the Lease and any amendments, modifications and extensions thereto, and to exercise the option at her discretion, consistent with the intent of this Ordinance.

SECTION 3. The City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA guidelines, and Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Sec. 711.4) with the County of Alameda.

SECTION 4. The Lease 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 5. This Ordinance shall become effective immediately on the final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 18 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, ~~YERGEN~~, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

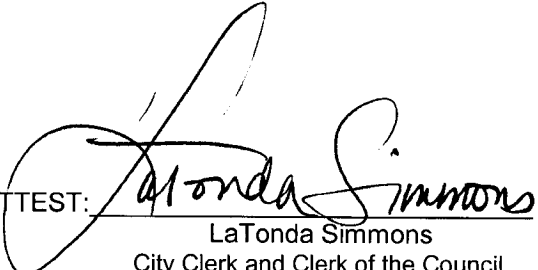
NOES- 0

ABSENT- Kernighan - 1

ABSTENTION- 0

Introduction Date:

JUL 17 2007

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



NOTICE AND DIGEST

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This Ordinance authorizes the City Administrator to negotiate and execute a new lease with a five year lease for zero rent, in exchange for in-kind services and an option to grant one additional five year extension at 816-828 98th Avenue, Oakland.