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OFFICE OF THE CITY CLERK
CITY OF OAKLAND
REVISED
2003 JUN 4 PM 12:51

RESOLUTION No. 77963 **C.M.S.**

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO CONDUCT A PUBLIC AUCTION FOR THE SALE OF ELEVEN CITY-OWNED SURPLUS PROPERTIES

WHEREAS, the City of Oakland (City) currently owns eleven 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 has concurred with the Real Estate Services Division recommendation and determined the appropriate zoning classification of each property shown in Exhibit "A"; now therefore be it

RESOLVED: That the Real Estate Services Division is authorized to conduct a public auction and receive oral bids at 3:00 P.M. on Friday, October 3, 2003, 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 increments as specified in Official Notice of Sale (Exhibit "B"); 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: 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.

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 Real Estate Services be reimbursed for all costs associated with the public auction and sale of the properties through the Surplus Property Program (Project P47010); and be it

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


JUL 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND PRESIDENT DE LA FUENTE **8**

NOES-
ABSENT-
ABSTENTION-

ATTEST 
CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

ATTACHMENT "A"

NOTICE OF PUBLIC AUCTION

THE CITY OF OAKLAND REAL PROPERTY AUCTION

The City of Oakland is recommending the following eleven (11) parcels of real property for sale to the highest bidder at public auction.

CITY OWNED- SURPLUS PROPERTIES

	ASSESSOR PARCEL NUMBER (APN)	ADDRESS	SIZE (sq. ft.)	Date Purchased	Gas Tax Funds	Development Challenges	Improved	Min. Bid.
1	045-5304-057-02, 056	600-620 98 th Avenue	11,145	1985	Yes	General Plan inconsistency	vacant	\$140,000
2	045-5276-002-02	670-700 98 th Avenue	10,547	1985	Yes	General Plan inconsistency	vacant	\$130,000
3	044-4989-006	9327 "E" Street	27,774	1989	No	General Plan inconsistency	vacant	\$175,000
4	048-6854-002-06	Sequoyah @ Heafey Road	13,125	1956	No	Creek side Property	vacant	\$65,000
5	048-6854-003-02	Sequoyah @ Heafey Road	8,050	1956	No	Creek side Property	vacant	\$65,000
6	048-6869-007	Keller/W of Surrey Lane	91,476	1957	No	Creek side Property	vacant	\$160,000
7	048-6818-001-01	Keller/Sequoyah	74,008	1964	Yes	Creek side Property	vacant	\$80,000
8	048D-7302-059	6558 Girvin Drive	8,000	1995	No	Existing Foundations	vacant	\$65,000
9	048D-7303-067	6298 Westover Drive	7,768	1995	No	Existing Foundations	vacant	\$65,000
10	048D-7303-068	6300 Westover Drive	7,242	1995	No	Existing Foundations	vacant	\$65,000
11	048H-7606-051-04	Gravatt Drive	57,935	1956	No	Creek side Property	vacant	\$240,000

Information regarding this auction and any future auctions will be available on the City of Oakland's web site (www.Oaklandnet.com) or contact:

City of Oakland, Real Estate Services Division, 250 Frank H. Ogawa Plaza, Suite 4314, Oakland, CA 94612, (510) 238-3541



OFFICIAL NOTICE OF SALE

NOTICE IS HEREBY GIVEN that bids will be received by the Real Estate Services Division on behalf of the City of Oakland (the "City"), Hearing Room 3 in City Hall, Oakland, California on **FRIDAY October 3, 2003 AT 3:00 P.M.**, for the purchase of several City-owned surplus properties located in Oakland, California (the "Property") under the following terms and conditions:

TERMS: THIS TRANSACTION WILL BE AN ALL CASH SALE.

DEPOSIT: All bidders must present, at the time of the auction, either CASH or a CASHIER'S CHECK or a MONEY ORDER made payable to the City of Oakland in the amount of the required deposit to participate in the auction process. No personal checks will be accepted. The minimum acceptable bid for each property shall be as shown in Exhibit "A"; bids shall be increased in increments of not less than \$500.00 more than the prior bid.

The bidder making the highest bid for each property shall, upon making the highest bid, deliver to the City of Oakland by cash, cashier's check or a 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 Notice of Sale shall result in a forfeiture of the respective deposit to the City of Oakland.

The successful bidder, upon making the mandatory deposit, will be required to sign a Purchase and Sales Agreement containing provisions for forfeiture of deposit and/or bonds for breach of any conditions set forth in this Notice of Sale and/or the Purchase and Sales Agreement.

Forfeiture of Deposit: The deposit shall be nonrefundable in the event of the successful bidder's failure or refusal to complete the purchase of any property as required by this Notice of Sale.

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 Oakland City Council. The successful bidder shall pay all recording fees, documentary transfer and sales taxes including, if any, personal property sale taxes as required by law.

Second Highest Bid: 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 this notice of sale.

Exhibit "B"

All sales are subject to the approval of the Oakland City Council. If the sale is not approved, the deposit money will be refunded without interest. The City Council reserves the right to reject any and all bids without stated cause.

Each property shall be sold in "as-is" condition. The successful bidder agrees that, as of close of escrow, it will be acquiring the property in an "as-is" condition with all faults and conditions then existing on the property, including any hazardous substances or hazardous waste that may be located on, under, or around the property, whether known or unknown, and successful bidder assumes all responsibilities for such faults and conditions.

The Planning Commission of the City of Oakland is instructed not to recommend for approval 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 does, in fact, justify a zoning reclassification.

The right, title and interest in the property to be sold shall not exceed that vested in the City of Oakland and the sale is subject to all title exceptions and reservations whether or not of record. The City of Oakland does not assume any liability for possible encumbrances on the property. The successful bidder may obtain a policy of title insurance at their own expense.

The instrument of transfer of title for each property shall be a Quitclaim Deed delivered to each successful bidder, upon payment to the City of the entire amount of the highest bid for each property.

Should the successful bidder desire a survey of the property, this may be accomplished by an independent survey at the bidder's expense. No warranty is made by the City of Oakland relative to the ground locations or property line.

The City of Oakland makes no representation as to the potential use of this property. The successful bidder shall be responsible for checking and complying with local building codes and ordinance. The successful bidder is responsible for their own due diligence related to the property.

The property is not assessed for real property taxes while vested in the City of Oakland. It will, however, be assessed for real property taxes after transfer into private ownership.

Questions concerning the properties should be addressed to:

City of Oakland
Real Estate Division
250 Frank H. Ogawa Plaza
Oakland, California 94612
(510) 238-3541