

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION DECLARING THE REAL PROPERTY LOCATED ON
LONGCROFT DRIVE (APN 48D-7277-32) TO BE DONATED TO THE
CITY OF OAKLAND AS "SURPLUS LAND" PURSUANT TO
GOVERNMENT CODE SECTION 54221(B)(1)**

WHEREAS, City of Oakland ("City") residents, Magon C. Patel and Marilyn Hall Patel ("Owner"), have offered to make a donation of a parcel of land to the City; and

WHEREAS, the real property is a vacant hillside parcel of 5985 square feet on Longcroft Drive, Oakland, CA 94603 (APN 48D-7277-32) (the "Property") in a residential zoning district; and

WHEREAS, Section 2.04.160, *et seq.*, of the Oakland Municipal Code authorizes the City to acquire gifts and donations over \$50,000 by Resolution; and

WHEREAS, the fair market value of the Property is approximately \$60,000-\$70,000; and

WHEREAS, concurrently with this Resolution, the City Council has authorized the City Administrator to accept the donation of the Property; and

WHEREAS, the Property, once acquired by donation, is not necessary for the governmental use, but is suitable for future sale and residential development; and

WHEREAS, the California Surplus Land Act, Government Code Section 54220 *et seq.*, ("SLA") requires local agencies to formally declare City-owned property as surplus land prior to taking actions to dispose of such properties and to issue Notices of Availability to eligible entities; and

WHEREAS, it is the City's policy, as well as State law, to prioritize affordable housing in the disposition of public lands; and

WHEREAS, this declaration of surplus land does not obligate the City to dispose of the Property for less than fair market value; and now, therefore, be it

RESOLVED: that the above recitals are integral to this Resolution and are incorporated herein; and be it

FURTHER RESOLVED: that the City Council has independently reviewed the findings for the Property and hereby formally declares the Property as “surplus land” pursuant to Government Code Section 54221(b)(1); and be it

FURTHER RESOLVED: that the City Council finds and determines, after independent review and consideration, that this action results in no binding commitment by the City to authorize or advance the disposition of any of the Surplus Properties; will not result in a direct or indirect physical change in the environment; and does not constitute an “approval” of a “project” pursuant to CEQA Guidelines Sections 15004 and 15352; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator to issue Notices of Availability for the Property that is compliant with the State SLA.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California