



# City of Oakland

Office of the City Clerk  
Oakland City Hall,  
1 Frank H. Ogawa Plaza,  
Room 201  
Oakland, California 94612

## Legislation Text

---

**File #:** 003589, **Version:** 2

---

**Subject:** Surplus Real Property-East 17th Street and 42nd Avenue  
**From:** Community and Economic Development Agency  
**Recommendation:** Approve Final Passage (Second Reading) of an Ordinance authorizing the City Manager to enter into an offer to purchase agreement with Elena Delgadillo the adjoining property owner for 2,213 square feet of surplus real property located at East 17th Street and 42nd Avenue in the amount of \$2,213.00  
OFFICE OF THE CITY CLERK,  
CITY OF OAKLAND

Agenda Report 200" JUN 1 2 Pt 1 2: 32

**TO:** Office of the City Manager  
**ATTN:** Robert C. Bobb  
**FROM:** Community and Economic Development Agency  
**DATE:** June 24, 2003

**RE:** ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH ELENA DELGADILLO THE ADJOINING PROPERTY OWNER FOR 2,213 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT EAST 17TH STREET AND 42ND AVENUE IN THE AMOUNT OF \$2,213.00.

### SUMMARY

Ci@ Council approval is requested for the sale of a City-owned surplus property located at East 17th Street and 42nd Avenue to the adjoining property owner at its fair market value. The Real Estate Division is renewing its efforts to generate additional revenue and reduce the City's maintenance expenses through the proactive identification and disposal of surplus property. The City-owned property located at East 17th Street and 42nd Avenue has been declared surplus property and available for disposal.

Due to a variety of reasons, the City of Oakland (City) has been unable to dispose of this surplus property. The staff reinitiated discussions with the adjoining property owner, Elena Delgadillo for the purchase of this City-owned surplus property. A legal description was developed which determined that the irregular surplus property strip contains 2,213 square feet. After further negotiations, an agreement was reached to purchase the surplus property at its fair market value of \$2,213.

Staff recommends adoption of the Ordinance authorizing the City Manager to enter into an Offer to Purchase Agreement with Elena Delgadillo for the surplus property located at East 17th Street and 42nd Avenue at its fair market value. Adoption of this Resolution satisfies Mayor and City Council Goals by providing opportunities to facilitate development, and by reducing blight and

nuisance.

## FISCALIMPACT

The Real Estate Division will recover \$ 1,500 for their staff time, document preparation, appraisal fee, and administrative costs associated with the sale of the property which shall be reimbursed to the Surplus Property Program (Fund 1010, Org.89639, Project P47010). The remaining \$713.00 shall go to the Public Works Agency, since the Property was originally purchased as part of a street-widening project.

Itella io.v ct--  
O"Council  
July 15,2003 iag t ec  
40 June 24, 2

Robert C. Bobb Page 2  
June 24, 2003

In addition, the Oakland Redevelopment Agency will receive its share of the future property taxes once the property has been returned to the property tax rolls and the City will save the ongoing maintenance costs associated with the property. The purchaser will be responsible for all escrow and closing costs and liability exposure.

## BACKGROUND

The City-owned property is a vacant rectangular shaped property containing approximately 2,213 square feet. It has frontage along East 17<sup>th</sup> Street and 42<sup>d</sup> Avenue and is not capable of independent development. The proposed sale would be conditioned upon the property being merged with the adjoining property located at 4121 East 17<sup>th</sup> Street. After assembling the City-owned property with the adjoining property, the development densities beyond the existing zoning levels would not be increased. The sale would also be conditioned upon a deed restriction prohibiting any ingress and egress from 42<sup>d</sup> Avenue.

The City's Real Estate Division has determined the fair market value of the surplus property to be \$2,213. The adjoining property owner has agreed to purchase the surplus property at its fair market value of \$2,213. There are no city subsidies involved in the sale of the surplus property.

## KEY ISSUES AND IMPACTS

This property is presently a burden on the City because of maintenance and liability concerns. The selling of this property will maximize the City's economic and non-economic returns by getting the property back on the property tax rolls, eliminating the ongoing maintenance, reducing future litigation exposure and generating additional property tax revenue to the City.

Disposition of this surplus property will be conditioned upon the property being merged with the adjoining property at 4121 East 17<sup>th</sup> Street. In addition, Ordinance No. 5119 C.M.S. restricts the

owners of the abutting land from ingress and egress from 42nd Avenue and will be deed restricted to reflect that situation.

#### SUSTAINABLE OPPORTUNITIES

**Economic:** The sale of this property will make blighted and underutilized sites available for development and increase tax revenue for the City.

**Environmental:** This property is close to major public transportation nodes and may encourage use of BART and AC Transit, which will case general pressure on the region's congested transportation infrastructure.

**Social Equity:** The sale of this property will provide an opportunity for citizens to participate in owning real estate in the City of Oakland and assist in promoting real estate activity in the area, which is consistent with the environmental and recreational goals of the City.

Item\_L@-Pcjc  
ORA/Council  
July 15, 2003

Robert C. Bobb Page 3  
June 24, 2003

#### DISABILITIES AND SENIOR CITIZEN ACCESS

Adoption of this Ordinance will have no direct impact on disabled and senior citizen access. However, any public improvements that may be required will provide appropriate access for disabled citizens and senior citizens.

#### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the Ordinance authorizing the City Manager to enter into an Offer to Purchase Agreement with Elena Delgadillo the adjoining property owner for 2,213 square feet of surplus real property located at East 17 1h Street and 42dAvenue in the amount of \$2,213.

Respectfully submitted,

ROBERT C. BOBB  
City Manager for the  
Community and Economic Development Agency

APPROVED FOR FORWARDING TO THE

FINANCE AND MANAGEMENT COMMITTEE

Prepared by:  
Frank Fanelli, Manager  
Real Estate Services

Item 10-ti CIC/  
ORA/Council  
July 15, 2003

Finance an

INTRODUCED BY COLLEEN LEMBER APPROVED AS TO OPN., @A@, \_ECALIT@  
We

OFFICE 0@ T@17 C. IT i '@ILER@

ORDINANCE NO. dMJR I/ PM 2:33

ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OFFER TO PURCHASE AGREEMENT WITH ELENA DELGADILLO THE ADJOINING PROPERTY OWNER FOR 2,213 SQUARE FEET OF SURPLUS REAL PROPERTY LOCATED AT EAST 17TH STREET AND 42ND AVENUE IN THE AMOUNT OF \$2,213.00

WHEREAS, the City of Oakland ("City") owns a 2,213 square foot, vacant parcel of land located at the northeast corner of East 17th Street and 42nd Avenue, adjacent to Assessor's Parcel Number 033-2 148-003, described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the Property is a remnant of the 42nd Avenue Road Widening Improvement Project which has been completed; and

WHEREAS, a legal description has been developed that indicates that the Property is 2,213 square feet in area; and that no easements encumber the property; and

WHEREAS, there will be a deed restriction prohibiting vehicular ingress or egress from 42nd Avenue; and

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. 1 1602, C.M.S., covering sales of surplus City-owned property; and

WHEREAS, the Property being less than 2,500 square feet is not subject to Planning Commission zoning review, but 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 market value of \$2,213.00; and

WHEREAS, (liv Property is not legally developable as a separate parcel and the sale is conditioned upon it being merged with the adjoining property at 412 t East 17th Street; and

WHEREAS. Elena Delgadillo, the owner of the abutting property, has tendered an offer to purchase the Property in the amount of \$2,' 13, at its fair market value, and has executed a Offer to Purchase Aareement in that amourit@ now therefore:

Item ID-  
ORATC-ouncil  
July 15, 2003

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

SECTION 1. The City Council finds and determines that the tierein-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 Mana.ger is authorized to execute and accept the Offer to Purchase Agreement from Elena Delgadillo for the sum of \$2,213.00. and to execute a deed conveying the Property subject to a deed restriction prohibiting any vehicular ingress and earess from 42nd Avenue.

SECTION 3. The City Manager or his designee is hereby authorized to take all actions as may be I required to carry out the intent of terms of the Option to Purchase Agreement and this Ordinance.

SECTION 4. The Option to Purchase Agreement for this Property shall be approved as to form and legality by the City Attorney's Office.

SECTION 5. Real Estate Division 's administrative costs associated with the sale of the property S 1,500 shall be reimbursed to Fund 1010, Org.88639, Aect-481 I 1, Project P47010 Sur-plus Property Program and the remaining \$713.00 shall go to the Public Works Agency, since the Property was originally purchased as part of a street-widening

project.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA. 2003  
PASSED BY THE FOLLOWING VOTE:

AYES BROOKS, BR!,TNNEFL CHANG. NADEL. QUA\_N.REID. WAN. AND  
PRESIDENT DE LA FUFNTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:  
CFnAFLOYD  
Ciw Clerk and  
ofEheCirvo Item  
la \_ - V  
ORA/Council

July 15, 2003

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
OFFER TO PURCHASE AGREEMENT WITH ELENA DELGKDILLO THE  
ADJOINING PROPERTY OWNER FOR 2,213 SQUARE FEET OF SURPLUS  
REAL PROPERTY LOCATED AT EAST 17TH STREET AND 42ND AVENUE  
IN THE AMOUNT OF \$2,213.00

An Ordinance has been prepared authorizing the City Manager to sell a City-owned surplus real property located at East 17th Street and 42nd Avenue to the adjoining property owner for its fair market value of \$2,213.00. The City-owned property is a vacant rectangular shaped property containing approximately 2,213 square feet. It has frontage along East 17th Street and 42nd Avenue and is not capable of independent development. The proposed sale would be conditioned upon the property being merged with the adjoining property located at 412t East 17th Street After assembling the City-owned property with the adjoining property, the development densities beyond the existing

zoning levels would not be increased. The proposed sale would also be conditioned upon a deed restriction prohibiting any ingress and egress from 42" Avenue.

The adjoining property owner has agreed to purchase the surplus property at its fair market value of \$2,213.00. There are no City subsidies involved in the sale of the surplus property.

item 10.  
ORA/@City Council

J111Y 15, 2003