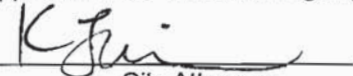


FILED  
OFFICE OF THE CITY CLERK  
Introduced By

2009 MAY -7 PM 12:50  
Councilmember

Approved For Form And Legality

  
City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE No. 12930 - C.M.S.

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR WITHOUT RETURNING TO COUNCIL TO ACQUIRE THE UNDERLYING FEE SIMPLE INTEREST OF A PORTION OF THE MANDELA PARKWAY RIGHT-OF-WAY BY AN EQUIVALENT EXCHANGE WITHOUT COMPENSATION OF A PORTION OF THE PERALTA STREET RIGHT-OF-WAY NEAR THE INTERSECTIONS OF WEST GRAND AVENUE AND 20th STREET BETWEEN THE CITY AND BRIAN COLLINS AND HEMMAT AND DOKHANCHY ASSOCIATES AND TO EXECUTE AN EQUIVALENT EXCHANGE AGREEMENT**

**WHEREAS**, Brian Collins and Hemmat and Dokhanchy Associates are the owners of the fee simple interest of a triangular shaped lot which is bounded by the intersections of Mandela Parkway, Peralta Street, 20th Street, and West Grand Avenue, and which is described in a Grant Deed, recorded March 14, 2006, series no. 2006-094365, by the Alameda County Clerk-Recorder, and which is more particularly described in *Exhibit A* attached hereto, and which is further identified by the Alameda County Assessor as parcel number 005-0421-003-00; and

**WHEREAS**, said owners have filed an application (PPE 08054) with the City Engineer of the City of Oakland, as required by the California Streets and Highways Code, and paid all fees for administrative processing, as required by the City of Oakland Master Fee Schedule, requesting that the Council of the City of Oakland vacate an unimproved portion of the Peralta Street right-of-way adjoining said parcel, without valuable consideration to the City; and

**WHEREAS**, said owners have filed a companion application with the City Engineer requesting that the City accept a quit claim, without valuable consideration to said owners, of the underlying fee simple interest in a portion of the Mandela Parkway right-of-way adjoining said parcel; and

**WHEREAS**, said vacation and quit claim have been proposed by said owners as an exchange of lands between said owners and the City which are equivalent in fair market value and in current and future rights to the record title; and

**WHEREAS**, the City Engineer has determined that said proposed quit claim of said portion of the Mandela Parkway right-of-way will not expand nor diminish the useful and usable surface area of said parcel for said owners and their representatives, heirs, successors, and assigns; and

**WHEREAS**, the City Engineer has further determined that said proposed vacation of the Peralta Street right-of-way will continue the exclusive occupancy of said land area by said owners, which has been the practice for many years of prior owners; and



**WHEREAS**, the City Engineer has determined that said proposed vacation and acquisition will not expand or diminish the surface areas of the roadways of Peralta Street and Mandela Parkway; and

**WHEREAS**, pursuant to Ordinance No. 12722 C.M.S, said owners acquired the underlying fee simple interest to said portion of the Mandela Parkway right-of-way from an auction for valuable consideration of surplus City property, as identified in a Grant Deed, recorded March 14, 2006, series no. 2006-094364, by the Alameda County Clerk-Recorder; and

**WHEREAS**, the City of Oakland previously acquired said property rights to said portions of the Mandela Parkway and Peralta Street rights-of-way from a relinquishment by the California Department of Transportation (Caltrans) of remnant portions of real properties, the air rights of which were previously occupied by the demolished section of Interstate Highway 880 (Nimitz Freeway) damage by the Loma Prieta earthquake in 1989, which are described in a deed, recorded November 2, 1961, reel 444, image 880, by the Alameda County Recorder; and

**WHEREAS**, said proposed vacation of Peralta Street would continue the exclusive use by the owners of said parcel of the unimproved portion of public right-of-way, which has been enclosed by metal fencing for more than twenty (20) years; and

**WHEREAS**, pursuant to California Streets and Highways Code section 1805, the proposed remaining fifty-two (52) feet width of Peralta Street adjacent to said proposed vacated public right-of-way will exceed the minimum required width of forty (40) feet; and

**WHEREAS**, a recent and thorough research of record title documentation and a subsequent land survey by a qualified and licensed land surveyor re-establish the metes and bounds of said parcel, with permanent markers of said property corners and public right-of-way monuments installed in the field, and the metes and bounds of said Mandela Parkway and Peralta Street properties previously relinquished by Caltrans and said fenced and unimproved portions of Peralta Street; and

**WHEREAS**, said land survey further established that said proposed vacation of Peralta Street consists of approximately 10,985 square feet (orthogonal planer projection) of land area and said proposed quit claim of Mandela Parkway right-of-way consists of approximately 13,781 square feet of land area (orthogonal planer projection); and

**WHEREAS**, said boundary survey is delineated on Parcel Map No. 9698, attached hereto as *Exhibit B*, and the limits of said proposed vacation and proposed quit claim are delineated on *Exhibit C* attached hereto; and

**WHEREAS**, the City Engineer has determined that no subsurface, surface, or above surface publicly maintained utilities are located within the portion of Peralta Street proposed for vacation or the portion of Mandela Parkway proposed for acquisition; and

**WHEREAS**, the City Engineer has further determined that said portion of Peralta Street proposed for vacation has been unimproved for pedestrian and public traffic and has been enclosed by an erected metal fence and has been wholly unmaintained by the City of Oakland for not less than five (5) years preceding the receipt of said application for said vacation; and



**WHEREAS**, pursuant to California Streets and Highways Code section 8330 et seq., the City Engineer has further determined that the said portion of Peralta Street may be summarily vacated by Resolution of the Council of the City of Oakland, at the option of its elected members; and

**WHEREAS**, said vacation of Peralta Street will add said real property to the equalized roll of the general levy of property taxes and forever relieve the City of Oakland of the responsibility and potential liability for its maintenance; and

**WHEREAS**, acquisition of the underlying fee simple interests in said portion of the Mandela Parkway right-of-way will be without valuable consideration to said owners and will not increase the City of Oakland's costs of or liability for maintaining the existing street improvements; and

**WHEREAS**, pursuant to section 15061(b)(3) of the Guidelines prescribed by the California Secretary of Resources for the requirements of the California Environmental Quality Act of 1970 (CEQA) and to the provisions of the Environmental Review Regulations of the City of Oakland, said vacation and said acquisition are categorically exempted; now, therefore,

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

**Section 1:** That the Council of the City of Oakland hereby finds that said portion of the public right-of-way of Peralta Street proposed for vacation is surplus to the needs of the City of Oakland and not required for any current or future public purpose and may be vacated to said owners as set forth in the California Streets and Highways Code.

**Section 2:** That the Council of the City of Oakland hereby finds that said vacation to said owners of said portion of the Peralta Street right-of-way, without valuable consideration to the City of Oakland, and the acquisition by the City of Oakland of the underlying fee simple interest of said portion of the Mandela Parkway right-of-way, without valuable consideration to said owners, is in the best interest of the City of Oakland and is an equivalent exchange of real property in all purposes and fair market values and record title rights and interests.

**Section 3:** That said owners promise to defend, hold harmless, and indemnify the City of Oakland and its officials, officers, employees, agents, representatives, and volunteers from any and all claim, demand, lawsuit and judgment for damages of any kind and nature whatsoever arising out of or caused by the said vacation of the public right-of-way of Peralta Street and that the hereinabove condition shall be binding upon said owners and their beneficiaries, heirs, assigns, and successors in interest and also on the successive owners of said vacated right-of-way; and be it

**Section 4:** That the City Administrator, or his or her designee, is hereby authorized, without returning to Council, to acquire, without valuable consideration to the owners of parcel no. 005-0421-003-00, said portion of the Mandela Parkway right-of-way, through an instrument acceptable to the City Attorney of the City of Oakland.

**Section 5:** The Equivalent Exchange Agreement for this property swap shall be approved as to form and legality by the Office of the City Attorney and a copy shall be filed with the Office of the City Clerk .

**Section 6:** Should any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Section 7:** This ordinance is enacted by the Council of the City of Oakland pursuant to the police powers accorded to the City by and through section 106 of the Charter of the City of Oakland and Article XI of the Constitution of the State of California.

**Section 8:** Upon final adoption or approval of a reconsideration by sufficient votes of the Council of the City of Oakland, this ordinance shall be effective on and after the day established in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~QUAN, REID~~, AND  
PRESIDENT BRUNER - 5

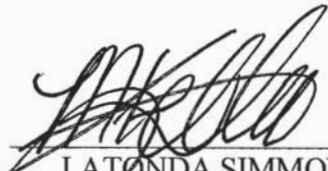
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Quan, Reid, Brooks - 3

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION

5-21-09



**CITY OF OAKLAND**  
**Agenda Report**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 APR 16 AM 8:49

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: April 28, 2009

RE: **A Report And**

- **A Resolution Relinquishing City Ownership Of An Unimproved Portion of Peralta Street, And**
- **An Ordinance Authorizing The City Administrator To Acquire Ownership Without Returning To Council Of An Improved Portion Of Mandela Parkway Through An Equivalent Exchange Of Land Located Near The Intersections Of West Grand Avenue And 20th Street Between The City Of Oakland And Brian Collins and Hemmat and Dokhanchy Associates Without Compensation**

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**SUMMARY**

Brian Collins and Hemmat and Dokhanchy Associates own a triangular shaped parcel that is bounded by Peralta Street, 20th Street, and Mandela Parkway. They purchased the eastern adjoining portion of Mandela Parkway from the City in an auction of surplus property in 2006. The owners have proposed relinquishing their ownership of this land (approximately 14,000 square feet) without cost to the City in exchange for obtaining ownership without cost to them of the western adjoining portion of Peralta Street (approximately 11,000 square feet) in order to legalize the long-standing private use of this fenced portion of right-of-way. The vacation of Peralta Street will add a quarter (0.25) of an acre to the Alameda County tax roll, and the re-acquisition of Mandela Parkway will not increase the City's cost of maintaining the roadway.

**FISCAL IMPACT**

Staff costs for processing the proposed vacation and dedication are covered by fees set by the Master Fee Schedule. The fees were paid by the applicant and deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Plan Approval (PS30). The acquisition of Mandela Parkway will not increase the cost of street maintenance, and the vacation of Peralta Street will increase the property tax base of the City.

**BACKGROUND**

The triangular shaped parcel (28,000 square feet - APN 005-0421-003-00) is located between Peralta Street and Mandela Parkway near the intersections of West Grand Avenue and 20th

Item No. \_\_\_\_\_  
Public Works Committee  
April 28, 2009

Street. In 2006, the property owners purchased 14,000 square feet of City surplus property along Mandela Parkway that adjoins the eastern side of their parcel. Caltrans previously relinquished ownership of portions of Mandela Parkway and Peralta Street without cost to the City.

When the surplus property was auctioned, the Caltrans documentation available to the City incorrectly located the relinquished land outside of the Mandela Parkway right-of-way. A subsequent survey by the owners identified that they had actually purchased a paved section of the street, which makes the auctioned land unusable. The survey further identified that an 11,000 square feet portion of the western side of their parcel, which has been fenced for many decades and used by prior owners, was actually within the Peralta Street right-of-way. Overall, the owners' survey had the effect of reducing the anticipated usable land area from 53,000 square feet (parcel plus Mandela Parkway plus Peralta Street) to 28,000 square feet (parcel only).

## **KEY ISSUES AND IMPACTS**

### **Land Exchange**

The fenced land along Peralta Street has been impassible to the public and unmaintained by the City for more than twenty (20) years. To assure that their use of Peralta Street could be continued, the owners have proposed an "even swap" (no compensation to them or the City) of the Mandela Parkway right-of-way (14,000 square feet) for the Peralta Street right-of-way (11,000 square feet). California Government Code section 7050 allows the City to acquire ownership of the Mandela Parkway right-of-way from the abutting property owner. California Streets and Highways Code section 8330 et seq. similarly allows the City to relinquish the Peralta Street right-of-way to the abutting property owner. Oakland Municipal Code Chapter 12.16 requires that sidewalk, curb, and gutter be installed and street pavement be repaired when a future permit for on-site improvements exceeds \$45,000 valuation.

### **Prior Reports**

An agenda report was originally presented to the Public Works Committee on April 8, 2008. At that meeting, staff was directed to provide additional information regarding discussion and negotiations for future development of the triangular shaped parcel. At the May 13, 2008, meeting of the Public Works Committee, staff presented a supplemental report summarizing the following:

- the site remains unoccupied and the property owners stated that they have no intention of leasing the property to any tenant that will negatively impact the site or community;
- the fence surrounding the property has been repaired to reduce illegal dumping and the property owners have made continued efforts to keep the site clean;



- the property owners have several developments in Oakland where they have acquired blighted buildings, remodeled and renovated and returned the property to the market place.
- the unresolved issue of the total land area of the property in question has been a limiting factor in any proposed development of the site and will remain so until resolved;
- the property owners are willing to present any future development plans before concerned community groups and stakeholders for discussion once the land exchange is finalized.

#### **Prior Protest**

At the May 13, 2008, meeting of the Public Works Committee, staff requested that the agenda report be rescheduled to provide time to evaluate a protest from the owner of the parcel which adjoins the southern boundary of the Collins parcel. The protest has since been withdrawn, and Mr. Collins recently requested that the proposed land exchange be presented again to the Public Works Committee for its consideration.

#### **SUSTAINABLE OPPORTUNITIES**

##### **Economic**

The proposed vacation of the Peralta Street right-of-way will increase the tax base for the City and will enhance the opportunity for the City to increase its collection of business license fees should the parcel be developed in the future.

##### **Environmental**

Construction permits for future public right-of-way improvements require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

##### **Social Equity**

The proposed vacation of the Peralta Street right-of-way will not have an adverse impact on the economic revitalization of the surrounding district.

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

Construction permits for future public right-of-way improvements will conform with State and City requirements for handicapped accessibility.

#### **RECOMMENDATIONS**

Staff recommends that the Committee accept this report and forward it to the City Council for adoption of the proposed resolutions approving an acquisition and a vacation of rights-of-way.

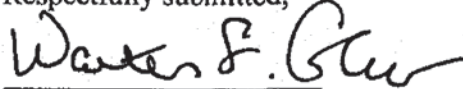
Item No. \_\_\_\_\_  
Public Works Committee  
April 28, 2009

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council accept this report and adopt the proposed

- resolution relinquishing, without compensation to the City, the underlying fee simple interest to Brian Collins and Hemmat and Dokhanchy Associates of an 11,000 square feet portion of the Peralta Street right-of-way which adjoins the western boundary of parcel no. 005-0421-003-00, and the proposed
- ordinance authorizing the City Administrator to acquire, without returning to Council and without compensation to Brian Collins and Hemmat and Dokhanchy Associates, the underlying fee simple interest of a 14,000 square feet portion of the Mandela Parkway right-of-way which adjoins the eastern boundary of parcel no. 005-0421-003-00.

Respectfully submitted,



Walter S. Cohen, Director

Community and Economic Development Agency

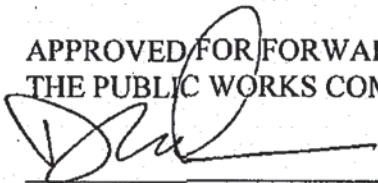
Prepared by:

Raymond M. Derania

Interim City Engineer

Building Services Division

APPROVED FOR FORWARDING TO  
THE PUBLIC WORKS COMMITTEE



Office Of The City Administrator



**DRAFT**

Introduced By \_\_\_\_\_

Councilmember \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
Approved For Form And Legality  
2009 APR 16 AM 8:50  
City Attorney

**OAKLAND CITY COUNCIL**

**ORDINANCE No. \_\_\_\_\_ C.M.S.**

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR WITHOUT RETURNING TO COUNCIL TO ACQUIRE THE UNDERLYING FEE SIMPLE INTEREST OF A PORTION OF THE MANDELA PARKWAY RIGHT-OF-WAY BY AN EQUIVALENT EXCHANGE WITHOUT COMPENSATION OF A PORTION OF THE PERALTA STREET RIGHT-OF-WAY NEAR THE INTERSECTIONS OF WEST GRAND AVENUE AND 20th STREET BETWEEN THE CITY AND BRIAN COLLINS AND HEMMAT AND DOKHANCHY ASSOCIATES**

**WHEREAS**, Brian Collins and Hemmat and Dokhanchy Associates are the owners of the fee simple interest of a triangular shaped lot which is bounded by the intersections of Mandela Parkway, Peralta Street, 20th Street, and West Grand Avenue, and which is described in a Grant Deed, recorded March 14, 2006, series no. 2006-094365, by the Alameda County Clerk-Recorder, and which is more particularly described in *Exhibit A* attached hereto, and which is further identified by the Alameda County Assessor as parcel number 005-0421-003-00; and

**WHEREAS**, said owners have filed an application (PPE 08054) with the City Engineer of the City of Oakland, as required by the California Streets and Highways Code, and paid all fees for administrative processing, as required by the City of Oakland Master Fee Schedule, requesting that the Council of the City of Oakland vacate an unimproved portion of the Peralta Street right-of-way adjoining said parcel, without valuable consideration to the City; and

**WHEREAS**, said owners have filed a companion application with the City Engineer requesting that the City accept a quit claim, without valuable consideration to said owners, of the underlying fee simple interest in a portion of the Mandela Parkway right-of-way adjoining said parcel; and

**WHEREAS**, said vacation and quit claim have been proposed by said owners as an exchange of lands between said owners and the City which are equivalent in fair market value and in current and future rights to the record title; and

**WHEREAS**, the City Engineer has determined that said proposed quit claim of said portion of the Mandela Parkway right-of-way will not expand nor diminish the useful and usable surface area of said parcel for said owners and their representatives, heirs, successors, and assigns; and

**WHEREAS**, the City Engineer has further determined that said proposed vacation of the Peralta Street right-of-way will continue the exclusive occupancy of said land area by said owners, which has been the practice for many years of prior owners; and

**WHEREAS**, the City Engineer has determined that said proposed vacation and acquisition will not expand or diminish the surface areas of the roadways of Peralta Street and Mandela Parkway; and

**WHEREAS**, pursuant to Ordinance No. 12722 C.M.S, said owners acquired the underlying fee simple interest to said portion of the Mandela Parkway right-of-way from an auction for valuable consideration of surplus City property, as identified in a Grant Deed, recorded March 14, 2006, series no. 2006-094364, by the Alameda County Clerk-Recorder; and

**WHEREAS**, the City of Oakland previously acquired said property rights to said portions of the Mandela Parkway and Peralta Street rights-of-way from a relinquishment by the California Department of Transportation (Caltrans) of remnant portions of real properties, the air rights of which were previously occupied by the demolished section of Interstate Highway 880 (Nimitz Freeway) damage by the Loma Prieta earthquake in 1989, which are described in a deed, recorded November 2, 1961, reel 444, image 880, by the Alameda County Recorder; and

**WHEREAS**, said proposed vacation of Peralta Street would continue the exclusive use by the owners of said parcel of the unimproved portion of public right-of-way, which has been enclosed by metal fencing for more than twenty (20) years; and

**WHEREAS**, pursuant to California Streets and Highways Code section 1805, the proposed remaining fifty-two (52) feet width of Peralta Street adjacent to said proposed vacated public right-of-way will exceed the minimum required width of forty (40) feet; and

**WHEREAS**, a recent and thorough research of record title documentation and a subsequent land survey by a *qualified and licensed land surveyor re-establish the metes and bounds of said parcel*, with permanent markers of said property corners and public right-of-way monuments installed in the field, and the metes and bounds of said Mandela Parkway and Peralta Street properties previously relinquished by Caltrans and said fenced and unimproved portions of Peralta Street; and

**WHEREAS**, said land survey further established that said proposed vacation of Peralta Street consists of approximately 10,985 square feet (orthogonal planer projection) of land area and said proposed quit claim of Mandela Parkway right-of-way consists of approximately 13,781 square feet of land area (orthogonal planer projection); and

**WHEREAS**, said boundary survey is delineated on Parcel Map No. 9698, attached hereto as *Exhibit B*, and the limits of said proposed vacation and proposed quit claim are delineated on *Exhibit C* attached hereto; and

**WHEREAS**, the City Engineer has determined that no subsurface, surface, or above surface publicly maintained utilities are located within the portion of Peralta Street proposed for vacation or the portion of Mandela Parkway proposed for acquisition; and

**WHEREAS**, the City Engineer has further determined that said portion of Peralta Street proposed for vacation has been unimproved for pedestrian and public traffic and has been enclosed by an erected metal fence and has been wholly unmaintained by the City of Oakland for not less than five (5) years preceding the receipt of said application for said vacation; and



**WHEREAS**, pursuant to California Streets and Highways Code section 8330 et seq., the City Engineer has further determined that the said portion of Peralta Street may be summarily vacated by Resolution of the Council of the City of Oakland, at the option of its elected members; and

**WHEREAS**, said vacation of Peralta Street will add said real property to the equalized roll of the general levy of property taxes and forever relieve the City of Oakland of the responsibility and potential liability for its maintenance; and

**WHEREAS**, acquisition of the underlying fee simple interests in said portion of the Mandela Parkway right-of-way will be without valuable consideration to said owners and will not increase the City of Oakland's costs of or liability for maintaining the existing street improvements; and

**WHEREAS**, pursuant to section 15061(b)(3) of the Guidelines prescribed by the California Secretary of Resources for the requirements of the California Environmental Quality Act of 1970 (CEQA) and to the provisions of the Environmental Review Regulations of the City of Oakland, said vacation and said acquisition are categorically exempted; now, therefore,

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

**Section 1:** That the Council of the City of Oakland hereby finds that said portion of the public right-of-way of Peralta Street proposed for vacation is surplus to the needs of the City of Oakland and not required for any current or future public purpose and may be vacated to said owners as set forth in the California Streets and Highways Code.

**Section 2:** That the Council of the City of Oakland hereby finds that said vacation to said owners of said portion of the Peralta Street right-of-way, without valuable consideration to the City of Oakland, and the acquisition by the City of Oakland of the underlying fee simple interest of said portion of the Mandela Parkway right-of-way, without valuable consideration to said owners, is in the best interest of the City of Oakland and is an equivalent exchange of real property in all purposes and fair market values and record title rights and interests.

**Section 3:** That said owners promise to defend, hold harmless, and indemnify the City of Oakland and its officials, officers, employees, agents, representatives, and volunteers from any and all claim, demand, lawsuit and judgment for damages of any kind and nature whatsoever arising out of or caused by the said vacation of the public right-of-way of Peralta Street and that the hereinabove condition shall be binding upon said owners and their beneficiaries, heirs, assigns, and successors in interest and also on the successive owners of said vacated right-of-way; and be it

**Section 4:** That the City Administrator, or his or her designee, is hereby authorized, without returning to Council, to acquire, without valuable consideration to the owners of parcel no. 005-0421-003-00, said portion of the Mandela Parkway right-of-way, through an instrument acceptable to the City Attorney of the City of Oakland.

**Section 5:** The Equivalent Exchange Agreement for this property swap shall be approved as to form and legality by the Office of the City Attorney and a copy shall be filed with the Office of the City Clerk.

**Section 6:** Should any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Section 7:** This ordinance is enacted by the Council of the City of Oakland pursuant to the police powers accorded to the City by and through section 106 of the Charter of the City of Oakland and Article XI of the Constitution of the State of California.

**Section 8:** Upon final adoption or approval of a reconsideration by sufficient votes of the Council of the City of Oakland, this ordinance shall be effective on and after the day established in section 216 of the Charter of the City of Oakland.

**IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009**

**PASSED BY THE FOLLOWING VOTE:**

**AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNER**

**NOES -**

**ABSENT -**

**ABSTENTION -**

**ATTEST:** \_\_\_\_\_

**LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California**

**DATE OF ATTESTATION \_\_\_\_\_**



## EXHIBIT A

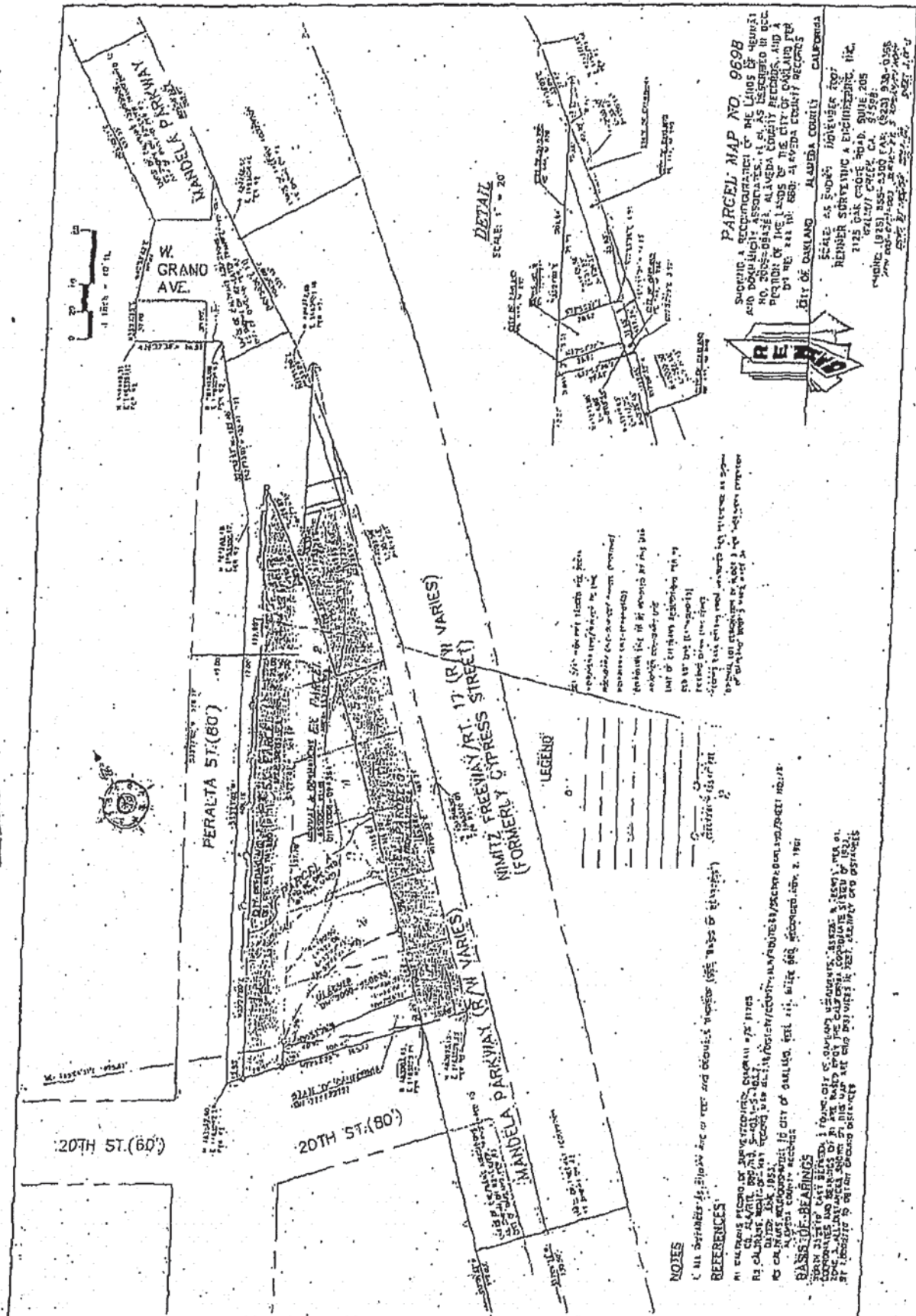
*property boundary of parcel no. 005-0421-003-00, as described in a Grant Deed, recorded March 14, 2006, series no. 2006094365, by the Alameda County Clerk-Recorder*

All those portions of lots 1, 2, 3, 4, 5, and 6 in Block 3, as said Lots and Block are shown on that certain Map entitled "Map Of Survey Of Northern Extension Of Oakland", filed November 6, 1867 in Book 5 of Maps, page 34, Alameda County records, described in the Grant Deed from Learner Investment Company to the State of California, recorded June 25, 1952, in Book 6762 of Official Records, page 503.

Excepting there from: all that portion thereof described in the Director's Deed from the State of California to Joseph D. Ballinger, a single man, recorded May 3, 1957, in Book 8355 of Official Records, page 597.

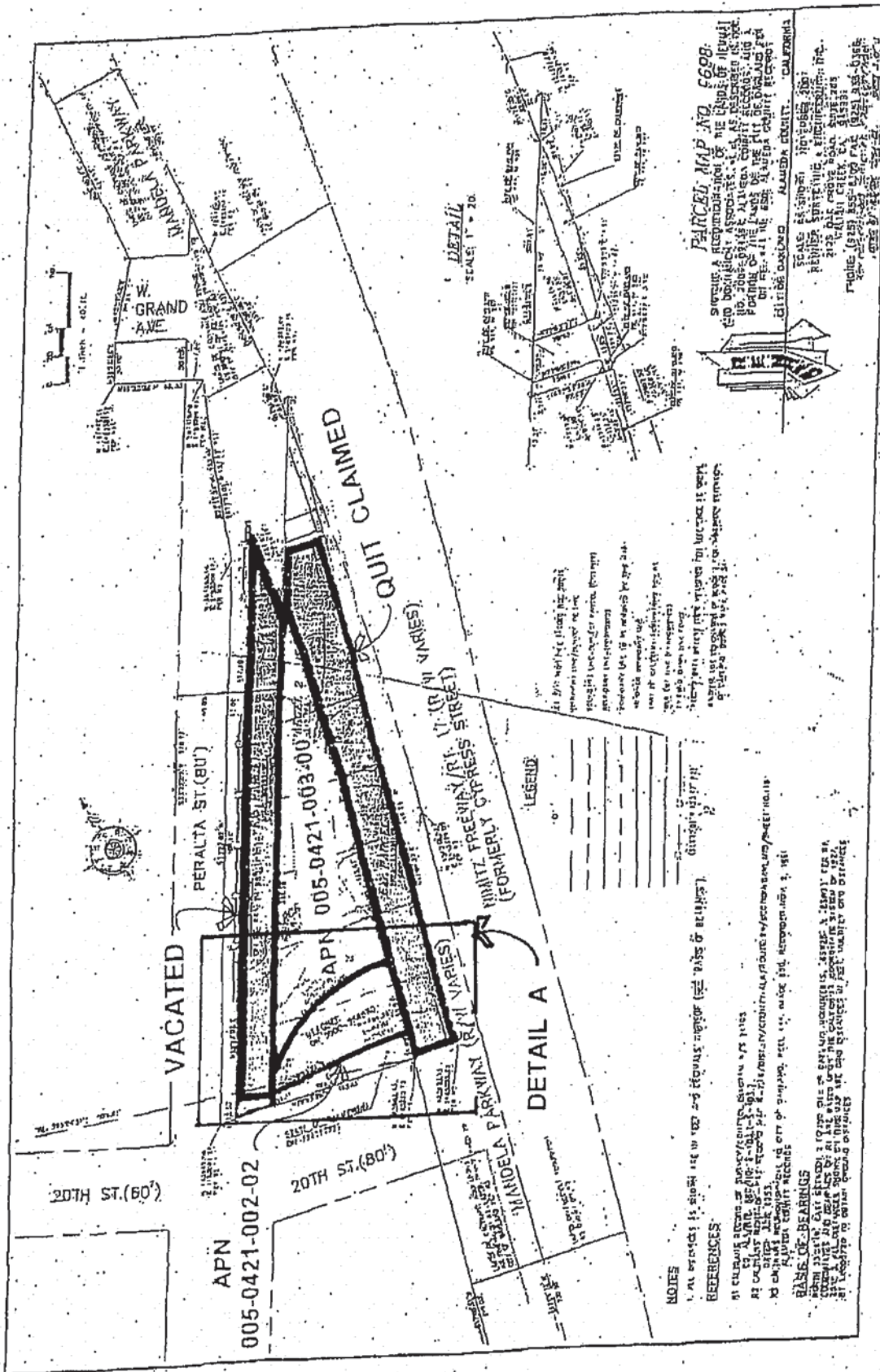
Also excepting there from: all that portion thereof as describe in the Director's Easement Deed from the State of California to Pacific Pipe Company, a California corporation, recorded June 30, 1958, in Book 8710 of Official Records, page 43.

## EXHIBIT B



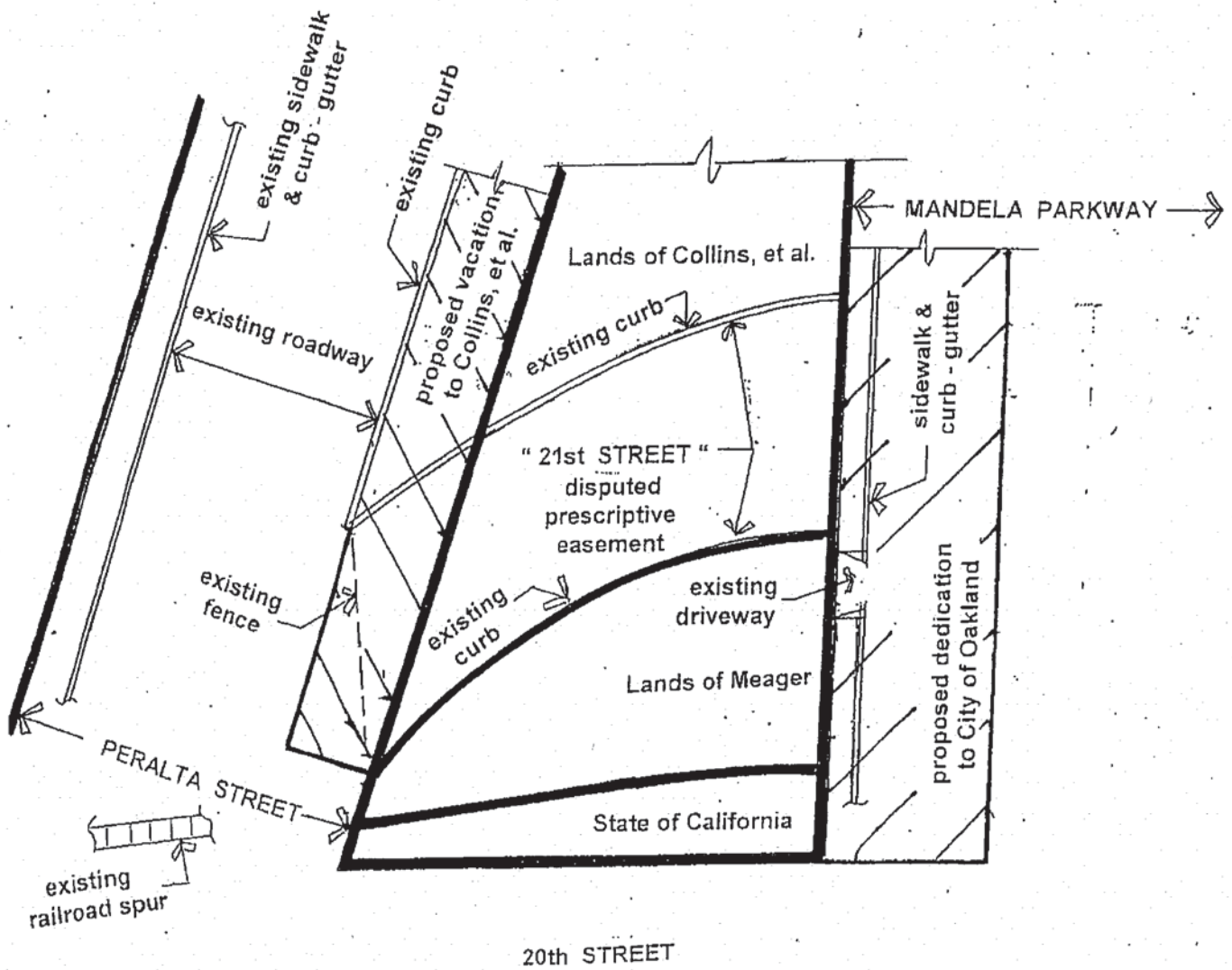


## EXHIBIT C



# EXHIBIT C

## Detail A.





## **NOTICE AND DIGEST**

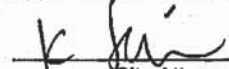
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR WITHOUT RETURNING TO COUNCIL TO ACQUIRE THE UNDERLYING FEE SIMPLE INTEREST OF A PORTION OF THE MANDELA PARKWAY RIGHT-OF-WAY BY AN EQUIVALENT EXCHANGE WITHOUT COMPENSATION OF A PORTION OF THE PERALTA STREET RIGHT-OF-WAY NEAR THE INTERSECTIONS OF WEST GRAND AVENUE AND 20th STREET BETWEEN THE CITY AND BRIAN COLLINS AND HEMMAT AND DOKHANCHY ASSOCIATES**

This ordinance would relinquish the City's ownership of approximately 11,000 square feet of the Peralta Street right-of-way without compensation to the owners of the adjoining parcel in exchange for the City acquiring ownership without compensation of approximately 14,000 square feet of the adjoining Mandela Parkway right-of-way. The Peralta Street vacation will add a quarter (0.25) of an acre of land to the Alameda County tax roll (general levy), and the Mandela Parkway acquisition will not increase the cost to the City of maintaining the existing roadway.

FILED  
OFFICE OF THE CITY CLERK  
Introduced By

2009 MAY -7 PM 12:49  
Councilmember

Approved For Form And Legality

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 81956 C.M.S.

**A RESOLUTION SUMMARILY VACATING A PORTION OF THE PERALTA STREET RIGHT-OF-WAY BETWEEN THE INTERSECTIONS OF WEST GRAND AVENUE AND 20th STREET TO BRIAN COLLINS AND HEMMAT AND DOKHANCHY ASSOCIATES**

**WHEREAS**, Brian Collins and Hemmat and Dokhanchy Associates are the owners of the fee simple interest of a triangular shaped lot which is bounded by the intersections of Mandela Parkway, Peralta Street, 20th Street, and West Grand Avenue, and which is described in a Grant Deed, recorded March 14, 2006, series no. 2006-094365, by the Alameda County Clerk-Recorder, and which is more particularly described in *Exhibit A* attached hereto, and which is further identified by the Alameda County Assessor as parcel number 005-0421-003-00; and

**WHEREAS**, said owners have filed an application (PPE 08054) with the City of Oakland, as required by the California Streets and Highways Code, and paid all fees for administrative processing, as required by the City of Oakland Master Fee Schedule, requesting that the Council of the City of Oakland vacate an unimproved portion of the Peralta Street right-of-way adjoining said parcel, without valuable consideration to the City; and

**WHEREAS**, said owners have filed a companion application with the City Engineer requesting that the City accept a quit claim, without valuable consideration to said owners, of the underlying fee simple interest in a portion of the Mandela Parkway right-of-way adjoining said parcel; and

**WHEREAS**, said vacation and quit claim have been proposed by said owners as an exchange of lands between said owners and the City which are equivalent in fair market value and in current and future rights to the record title; and

**WHEREAS**, the City Engineer has determined that said proposed quit claim of said portion of the Mandela Parkway right-of-way will not expand nor diminish the useful and usable surface area of said parcel for said owners and their representatives, heirs, successors, and assigns; and

**WHEREAS**, the City Engineer has further determined that said proposed vacation of the Peralta Street right-of-way will continue the exclusive occupancy of said land area by said owners, which has been the practice for many years of prior owners; and

**WHEREAS**, the City of Oakland previously acquired said property rights to said portion of the Peralta Street rights-of-way from a relinquishment by the California Department of Transportation of remnant portions of real properties, the air rights of which were previously occupied by the demolished section of Interstate Highway 880 (Nimitz Freeway) damaged by the Loma Prieta



earthquake in 1989, which are described in a deed, recorded November 2, 1961, reel 444, image 880, by the Alameda County Recorder; and

**WHEREAS**, said proposed vacation of Peralta Street would continue the exclusive use by the owners of said parcel of the unimproved portion of public right-of-way, which has been enclosed by metal fencing for more than twenty (20) years; and

**WHEREAS**, pursuant to California Streets and Highways Code section 1805, the proposed remaining fifty-two (52) feet width of Peralta Street adjacent to said proposed vacated public right-of-way will exceed the minimum required width of forty (40) feet; and

**WHEREAS**, a recent and thorough research of record title documentation and a subsequent land survey by a qualified licensed surveyor re-establish the metes and bounds of said parcel, with permanent markers of said property corners and public right-of-way monuments installed in the field, and the metes and bounds of said Peralta Street right-of-way previously relinquished by Caltrans and said fenced and unimproved portion of Peralta Street; and

**WHEREAS**, said land survey further established that said proposed vacation of Peralta Street consists of approximately 10,985 square feet (orthogonal planer projection) of land area; and

**WHEREAS**, said land survey is delineated on Parcel Map No. 9698, attached hereto as *Exhibit B*, and the limits of said proposed vacation and proposed quit claim are delineated on *Exhibit C* attached hereto; and

**WHEREAS**, the City Engineer has further determined that said portion of Peralta Street proposed for vacation has been unimproved for pedestrian and public traffic and has been fully enclosed by an erected metal fence and has been wholly unmaintained by the City of Oakland for not less than five (5) years preceding the receipt of said petition for said vacation; and

**WHEREAS**, pursuant to California Streets and Highways Code section 8330 et seq., the City Engineer has further determined that the said portion of Peralta Street may be summarily vacated by Resolution of the Council of the City of Oakland, at the option of its elected members; and

**WHEREAS**, said vacation of Peralta Street will add said real property to the equalized roll of the general levy of property taxes and forever relieve the City of Oakland of the responsibility and potential liability for its maintenance; and

**WHEREAS**, pursuant to the California Streets and Highways Code, sections 8333, the legislative body of a local agency may summarily vacate public right-of-way when the right-of-way has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the proposed vacation and there are no public utility facilities within the right-of-way proposed for vacation; and

**WHEREAS**, pursuant to California Streets and Highways Code Section 892, a vacation of public right-of-way may not limit public use of or impede public access for non-motorized transportation; and



**WHEREAS**, the City Engineer has determined that no subsurface, surface, or above surface publicly maintained utilities are located within the portion of Peralta Street proposed for vacation or the portion of Mandela Parkway proposed for acquisition; and

**WHEREAS**, pursuant to said sections of the California Streets and Highways Code, the City Engineer has further determined the following:

- the proposed vacation will not limit public use or impede public access for non-motorized transportation; and
- the proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety; and
- the proposed vacation does not require a dedication of a public service easement for existing and future publicly maintained utilities; and that
- the proposed vacation does not require a dedication of a public service easement for access by emergency vehicles and personnel; and
- the unimproved right-of-way proposed for vacation has been impassable for vehicular and pedestrian traffic for more than five (5) of the preceding years, and no public money has been expended for maintenance during this period of time; and, therefore,
- said portion of the Peralta Street right-of-way may be vacated summarily by Resolution of the Council of the City of Oakland; and

**WHEREAS**, pursuant to California Government Code Section 65402, the Secretary of the Planning Commission of the City of Oakland has determined the proposed vacation conforms with the adopted General Plan of the City of Oakland; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with CEQA Guidelines Section 15301 (existing facilities) this project is categorically exempted; now, therefore, be it

**RESOLVED:** That the Council of the City of Oakland hereby finds that said portion of the Peralta Street right-of-way proposed for vacation is surplus to the needs of the City of Oakland and not required for any current or future public purpose; and be it

**FURTHER RESOLVED:** That the summary vacation, without valuable consideration to the City of Oakland, of said portion of the Peralta Street right-of-way, as described and delineated in the attached *Exhibits B and C*, is hereby ordered; and be it

**FURTHER RESOLVED:** That said vacation is hereby conditioned on the acquisition by the City of Oakland, without valuable consideration, from the owners of parcel no. 005-0421-003-00 of said portion of the Mandela Parkway right-of-way, through an instrument acceptable to the City Attorney of the City of Oakland; and be it



**FURTHER RESOLVED:** That, pursuant to California Streets and Highways Code Section 8336, said vacation shall not be complete unless and until this Resolution has been filed with and recorded by the Alameda County Recorder within three-hundred and sixty-five (365) consecutive days following approval of this Resolution by the Council of the City of Oakland; and be it

**FURTHER RESOLVED:** That the conditions of this Resolution shall equally bind the representatives of the owner and its heirs, successors, assigns, beneficiaries, and successors in interest.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 5 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~,  
AND PRESIDENT BRUNNER - 7

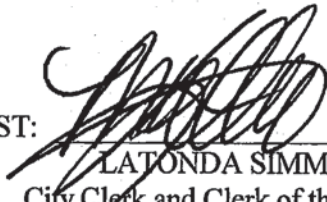
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**CITY OF OAKLAND**  
**Agenda Report**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 APR 16 AM 8:49

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: April 28, 2009

RE: **A Report And**

- **A Resolution Relinquishing City Ownership Of An Unimproved Portion of Peralta Street, And**
- **An Ordinance Authorizing The City Administrator To Acquire Ownership Without Returning To Council Of An Improved Portion Of Mandela Parkway Through An Equivalent Exchange Of Land Located Near The Intersections Of West Grand Avenue And 20th Street Between The City Of Oakland And Brian Collins and Hemmat and Dokhanchy Associates Without Compensation**

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**SUMMARY**

Brian Collins and Hemmat and Dokhanchy Associates own a triangular shaped parcel that is bounded by Peralta Street, 20th Street, and Mandela Parkway. They purchased the eastern adjoining portion of Mandela Parkway from the City in an auction of surplus property in 2006. The owners have proposed relinquishing their ownership of this land (approximately 14,000 square feet) without cost to the City in exchange for obtaining ownership without cost to them of the western adjoining portion of Peralta Street (approximately 11,000 square feet) in order to legalize the long-standing private use of this fenced portion of right-of-way. The vacation of Peralta Street will add a quarter (0.25) of an acre to the Alameda County tax roll, and the re-acquisition of Mandela Parkway will not increase the City's cost of maintaining the roadway.

**FISCAL IMPACT**

Staff costs for processing the proposed vacation and dedication are covered by fees set by the Master Fee Schedule. The fees were paid by the applicant and deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Plan Approval (PS30). The acquisition of Mandela Parkway will not increase the cost of street maintenance, and the vacation of Peralta Street will increase the property tax base of the City.

**BACKGROUND**

The triangular shaped parcel (28,000 square feet - APN 005-0421-003-00) is located between Peralta Street and Mandela Parkway near the intersections of West Grand Avenue and 20th

Item No. \_\_\_\_\_  
Public Works Committee  
April 28, 2009



Street. In 2006, the property owners purchased 14,000 square feet of City surplus property along Mandela Parkway that adjoins the eastern side of their parcel. Caltrans previously relinquished ownership of portions of Mandela Parkway and Peralta Street without cost to the City.

When the surplus property was auctioned, the Caltrans documentation available to the City incorrectly located the relinquished land outside of the Mandela Parkway right-of-way. A subsequent survey by the owners identified that they had actually purchased a paved section of the street, which makes the auctioned land unusable. The survey further identified that an 11,000 square foot portion of the western side of their parcel, which has been fenced for many decades and used by prior owners, was actually within the Peralta Street right-of-way. Overall, the owners' survey had the effect of reducing the anticipated usable land area from 53,000 square feet (parcel plus Mandela Parkway plus Peralta Street) to 28,000 square feet (parcel only).

## **KEY ISSUES AND IMPACTS**

### **Land Exchange**

The fenced land along Peralta Street has been impassible to the public and unmaintained by the City for more than twenty (20) years. To assure that their use of Peralta Street could be continued, the owners have proposed an "even swap" (no compensation to them or the City) of the Mandela Parkway right-of-way (14,000 square feet) for the Peralta Street right-of-way (11,000 square feet). California Government Code section 7050 allows the City to acquire ownership of the Mandela Parkway right-of-way from the abutting property owner. California Streets and Highways Code section 8330 et seq. similarly allows the City to relinquish the Peralta Street right-of-way to the abutting property owner. Oakland Municipal Code Chapter 12.16 requires that sidewalk, curb, and gutter be installed and street pavement be repaired when a future permit for on-site improvements exceeds \$45,000 valuation.

### **Prior Reports**

An agenda report was originally presented to the Public Works Committee on April 8, 2008. At that meeting, staff was directed to provide additional information regarding discussion and negotiations for future development of the triangular shaped parcel. At the May 13, 2008, meeting of the Public Works Committee, staff presented a supplemental report summarizing the following:

- the site remains unoccupied and the property owners stated that they have no intention of leasing the property to any tenant that will negatively impact the site or community;
- the fence surrounding the property has been repaired to reduce illegal dumping and the property owners have made continued efforts to keep the site clean;

- the property owners have several developments in Oakland where they have acquired blighted buildings, remodeled and renovated and returned the property to the market place.
- the unresolved issue of the total land area of the property in question has been a limiting factor in any proposed development of the site and will remain so until resolved;
- the property owners are willing to present any future development plans before concerned community groups and stakeholders for discussion once the land exchange is finalized.

### **Prior Protest**

At the May 13, 2008, meeting of the Public Works Committee, staff requested that the agenda report be rescheduled to provide time to evaluate a protest from the owner of the parcel which adjoins the southern boundary of the Collins parcel. The protest has since been withdrawn, and Mr. Collins recently requested that the proposed land exchange be presented again to the Public Works Committee for its consideration.

## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

The proposed vacation of the Peralta Street right-of-way will increase the tax base for the City and will enhance the opportunity for the City to increase its collection of business license fees should the parcel be developed in the future.

### **Environmental**

Construction permits for future public right-of-way improvements require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

### **Social Equity**

The proposed vacation of the Peralta Street right-of-way will not have an adverse impact on the economic revitalization of the surrounding district.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Construction permits for future public right-of-way improvements will conform with State and City requirements for handicapped accessibility.

## **RECOMMENDATIONS**

Staff recommends that the Committee accept this report and forward it to the City Council for adoption of the proposed resolutions approving an acquisition and a vacation of rights-of-way.

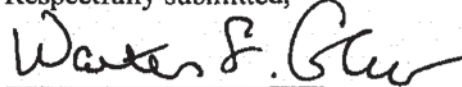


**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council accept this report and adopt the proposed

- resolution relinquishing, without compensation to the City, the underlying fee simple interest to Brian Collins and Hemmat and Dokhanchy Associates of an 11,000 square feet portion of the Peralta Street right-of-way which adjoins the western boundary of parcel no. 005-0421-003-00, and the proposed
- ordinance authorizing the City Administrator to acquire, without returning to Council and without compensation to Brian Collins and Hemmat and Dokhanchy Associates, the underlying fee simple interest of a 14,000 square feet portion of the Mandela Parkway right-of-way which adjoins the eastern boundary of parcel no. 005-0421-003-00.

Respectfully submitted,



Walter S. Cohen, Director

Community and Economic Development Agency

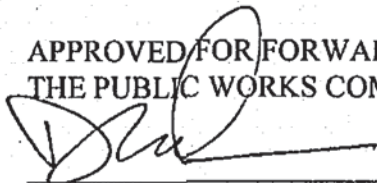
Prepared by:

Raymond M. Derania


Interim City Engineer

Building Services Division

APPROVED FOR FORWARDING TO  
THE PUBLIC WORKS COMMITTEE



Office Of The City Administrator

  
OFFICE OF THE CITY CLERK  
OAKLAND  
CITY ATTORNEY  
2005 DEC 28 AM 9:58

## OAKLAND CITY COUNCIL

ORDINANCE N° 12722 C.M.S.

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE OFFER TO PURCHASE AGREEMENTS TO SELL TO BRIAN COLLINS AND MEHRDAD DOKHANCHI (HIGHEST BIDDER) APPROXIMATELY 11,500 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT MANDELA PARKWAY (APN# 005-0421-000) FOR THE FAIR MARKET VALUE OF \$415,000; JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 6,800 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 632 14<sup>TH</sup> STREET (APN# 003-0071-024) FOR THE FAIR MARKET VALUE OF \$ 1,150,000; KEVIN BAO PHAN (HIGHEST BIDDER) APPROXIMATELY 11,390 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 862/850 98<sup>TH</sup> AVENUE (APN# 045-5230-001-01 AND 045-5230-003-03) FOR THE FAIR MARKET VALUE OF \$ 630,000; AND JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 5,932 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 569 HIGH STREET/HOWARD STREET (APN# 033-2250-001-04) FOR THE FAIR MARKET VALUE OF \$500,000.**

**WHEREAS**, the City of Oakland (City) currently owns eight surplus land parcels that the City Council recommended be sold by oral competitive bids at a public auction, pursuant to Ordinance 11602 C.M.S.; and

**WHEREAS**, the City Council adopted Resolution No. 79530 C.M.S., on October 18, 2005, authorizing the Real Estate Services Division to conduct a public auction and receive oral bids at 3:00 P. M. on Friday, November 18<sup>th</sup>, in Hearing Room 3 at City Hall; and

**WHEREAS**, the Official Notice of Public Auction of the eight properties was advertised in the City's official newspaper the Oakland Tribune, "For Sale" signs were posted on the properties, and the Official Notice of Sale was posted on the City's web site; and

**WHEREAS**, bids and non-refundable security deposits in the amount of \$115,600 were received for four (4) of the eight (8) surplus properties at the Public Auction; and

**WHEREAS**, each property is to be sold in "AS-IS" condition and the City makes no representations with respect to the land use or other permitting issues that may affect these properties or with respect to buyer's ability to develop or improve these properties; and

**WHEREAS**, the right, title and interest in these properties shall be conveyed by Quitclaim Deed and subject to all matters of public record; and



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

**WHEREAS**, the sale of each property authorized by the City Council shall be awarded to the highest bidder meeting the conditions specified in the Auction Notice and Purchase and Sales Agreement; and

**WHEREAS**, the City reserves the right to reject any and all offers and waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the City; and

**WHEREAS**, it can be said with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment and therefore said conveyance is exempted from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines (general rule); now, therefore

**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 and is surplus to the needs of the City.

**SECTION 2:** The City Administrator, or her designee, is authorized to accept the offers and execute the Offer to Purchase Agreements for the following City-owned surplus properties from 1) Brian Collins and Mehrdad Dokhanchi (highest bidder), approximately 11,500 square feet located at Mandela Parkway (APN# 005-0421-00) for the fair market value of \$415,000; 2) Julia B. Kim (highest bidder), approximately 6,800 square feet located at 632 14<sup>th</sup> Street (APN# 003-0071-024) for the fair market value of \$1,150,000; 3) Kevin Bao Phan (highest bidder), approximately 11,390 square feet located at 862/850 98<sup>th</sup> Avenue (APN# 045-5230-001-01 & 045-5230-003-03) for the fair market value of \$630,000; and 4) Julia B. Kim (highest bidder), approximately 5,932 square feet located at 569 High Street/Howard Street (APN# 033-2250-001-04) for the fair market value of \$500,000; and to execute on each Property a Quitclaim Deed conveying the Property.

**SECTION 3:** The net sale proceeds of \$2,563,180 will be placed in the General Purpose Fund (#1010), Real Estate Organization (# 88639), Sale of Land Account (# 48111), Surplus Property Disposition (# P47010), Real Estate Program (# PS32). The sale proceeds will be applied toward the Fiscal Year 2005-07 budget.

**SECTION 4:** The net sales proceeds of \$2,563,180 deposited in the Surplus Property Disposition Project (# P47010) shall be applied to meet Real Estate Services' Fiscal Year 2005-07 budget requirement.

SECTION 5: Real Estate Services Division's administrative costs associated with the sale of the properties in the amount of \$20,675 shall be reimbursed to the General Purpose Fund (#1010), Real Estate Organization (# 88639), Acquisition of Real Property (account #57120), Surplus Property Disposition (P47010), Real Estate Services Program (PS32).

SECTION 6: Net sales proceeds shall be reduced by \$131,820 to reimburse Self Insurance Liability (#1100), Liability Claims Unit Organization (# 90321), Acquisition of Real Property (Account # 57120) for the funds used to purchase 862-850 98th Avenue for costs associated with eminent domain action on the 98th Avenue street widening project.

SECTION 7: The City Administrator, or her designee, shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 8: The Manager, Real Estate Services, or his designee, is hereby authorized to take any and all actions necessary and execute documents, consistent with this ordinance, to complete the sale of the Property.

SECTION 9: 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 10: This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

Introduction Date:

**QAN 17 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006  
PASSED BY THE FOLLOWING VOTE:

**FEB 07 2006**

AYES

BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND  
PRESIDENT DE LA FUENTE

NOES-


ABSENT-

ABSTENTION-

**000**

**-8**

ATTEST:

  
**LA TONDA SIMMONS**  
City Clerk and Clerk of the Council  
of the City of Oakland, California



# CITY OF OAKLAND

OFFICE OF THE CITY CLERK

## Agenda Report

2005 OCT 23 AM 9:57

TO: Office of the City Administrator  
ATTN: Deborah Edgerly, City Administrator  
FROM: Community and Economic Development Agency  
DATE: January 10, 2006

**RE: An Ordinance authorizing the City Administrator to accept the Offer to Purchase Agreements to sell to Brian Collins and Mehrdad Dokhanchi (highest bidder) approximately 11,500 square feet of City owned surplus real property located at Mandela Parkway (APN# 005-0421-00) for the fair market value of \$415,000; Julia B. Kim (highest bidder) approximately 6,800 square feet of City owned surplus real property located at 632 14<sup>th</sup> Street (APN# 003-0071-024) for the fair market value of \$1,150,000; Kevin Bao Phan (highest bidder) approximately 11,390 square feet of City owned surplus real property located at 862/850 98<sup>th</sup> Avenue (APN# 045-5230-001-01 & 045-5230-003-03) for the fair market value of \$630,000; and Julia B. Kim (highest bidder) approximately 5,932 square feet of City owned surplus real property located at 569 High Street/Howard Street (APN# 033-2250-001-04) for the fair market value of \$500,000.**

### SUMMARY

The City Council approved the public auction of the City-owned surplus properties. Resolution 79530 C.M.S., dated October 18, 2005, authorized the City of Oakland (City) to conduct a public auction for the sale of eight (8) surplus properties (Attachment A) owned by the City. The official noticing of the public auction was advertised in the Oakland Tribune newspaper; the Montclarion, El Mensajero, Sing-Tao and the Korean Times; "For Sale" signs were posted on the properties and the Auction Notice was posted on the City's web site. Four of the eight surplus properties were sold at the auction. Approval of the City Council is requested to sell the four City-owned surplus properties sold at the public auction conducted on November 18, 2005 to the highest bidder(s).

The sale, if accepted by the City Council, will be awarded to the highest bidder(s) meeting the conditions specified in the Auction Notice and the Offer to Purchase Agreement. The City reserves the right to reject any and all offers, and waive any informality or irregularity in any offer, or to accept any offer deemed in the best interest of the City.

Staff recommends adoption of this Ordinance authorizing the City Administrator to sell the four City-owned surplus properties sold at the Public Auction to the following high bidders: (1) Brian Collins and Mehrdad Dokhanchi (Mandela Parkway parcel); (2) Julia B. Kim (14<sup>th</sup> Street parcel); (3) Kevin Bao Phan (98<sup>th</sup> Avenue parcel); and (4) Julia B. Kim (High and Howard Street parcel).

Item #: \_\_\_\_\_

Finance and Management Committee  
January 10, 2006

Adoption of this Ordinance satisfies Mayor and City Council Goals by providing opportunities to facilitate new development and by reducing blight and nuisance.

### FISCAL IMPACT

In the Fiscal Year 2005-07 City Budget, the Real Estate Division was tasked with generating one time General Purpose fund revenue in the amount of \$2.56 million dollars through its Asset Management Program. The Real Estate Division identified eight surplus land parcels and prepared them for public auction.

Bids were received on four (4) of the eight (8) properties auctioned. The total dollar amount of the high bids for the four properties is \$2,695,000. The successful bidders (buyers) are responsible for and are required to pay all closing costs including, but not limited to, recording fees, property transfer and sales tax and title insurance.

City Council passed Resolution 79082 C.M.S. in March 2005 authorizing the City to acquire Parcel 3 (862 – 850 98<sup>th</sup> Avenue) for \$326,820 through eminent domain actions against the property owner, Thrifty Oil. The City Attorney's office provided \$131,820 of that acquisition price from their litigation fund to complete the purchase at that time. The highest bid for Parcel 3 (862 – 850 98<sup>th</sup> Avenue) at the auction on November 18, 2005 was \$630,000. Upon approval of this Ordinance, proceeds from the sale of this property will be reduced by \$131,820 to reimburse the City Attorney's Self Insurance Liability (# 1100), Liability Claims Unit Organization (# 90321), Acquisition of Real Property (account # 57120), for a net profit to the City of \$498,180.

The Real Estate Services Division requests reimbursement of all administrative costs associated with the sale of the properties in the amount of \$25,675. Funds will reimburse the General Purpose Fund (#1010), Real Estate Organization (# 88639), Miscellaneous Contract Services (Account #54919); Surplus Property Disposition Project (P47010); Real Estate Services Program (PS32).

City Owned Surplus Properties	Highest Amount Bid	Reimbursable Costs		Totals
		City Attorney's Litigation Fund	Real Estate Administrative Costs	
Mandela Parkway	\$ 415,000			\$ 415,000
14 <sup>th</sup> Street	1,150,000			1,150,000
98 <sup>th</sup> Avenue	630,000	\$131,820		498,180
High and Howard Street	500,000			500,000
Total Auction Bid amounts	\$ 2,695,000			\$ 2,563,180
Less Real Estate Services Administrative Costs			\$ 25,675	( 25,675)
Net Proceeds to General Fund				\$ 2,537,505



The net sale proceeds of \$2,537,505 will be placed in the General Purpose Fund (#1010), Real Estate Organization (# 88639), Sale of Land Account (#48111), Surplus Property Disposition Project (#P47010), Real Estate Program (#PS32). The sale proceeds will be applied toward the Fiscal Year 2005-07 budget requirement.

In addition, the City will receive its share of future property taxes once the properties are returned to the property tax rolls and will save the ongoing maintenance costs associated with these properties. The purchasers are responsible for all escrow and closing costs and liability exposure.

## **BACKGROUND**

Real Estate Services is continuing its efforts to generate additional revenue and reduce the City of Oakland's maintenance and liability expenses through the proactive identification and disposal of surplus property. The City plans to hold additional auctions until it disposes of all excess surplus property.

## **KEY ISSUES AND IMPACTS**

Real Estate Services conducted a Public Auction and received oral bids on four of the eight properties on November 18, 2005, in City Hall, Hearing Room 3 at 3:00 P.M. The successful bidders for each property, upon making the highest bid, delivered to the City cash, a cashier's check, or money order for a nonrefundable earnest money deposit in an amount representing at least ten percent (10%) of the minimum bid price for each property. Any successful bidder's failure or refusal to complete the purchase of any properties will result in forfeiture of the respective deposit to the City. The successful bidder will be required to complete the transaction within 14 days after the City Council approves the sale.

The Real Estate Services Division will try to sell the four properties that were not sold at the auction to interested parties via a negotiated sale. If Real Estate Services is successful, we will then come back to the City Council for approval of the sales.

These properties are presently a burden on the City because of maintenance and liability concerns and were sold "as is". Selling these properties will maximize the City's economic and non-economic returns by returning the property to the property tax rolls, eliminating ongoing maintenance costs, reducing future litigation exposure and generating additional property tax revenue to the City.

The right, title and interest in each property shall be conveyed by Quitclaim Deed and subject to all matters of public record. The City of Oakland does not assume any liability for possible encumbrances of any kind on these properties. No warranty is made by the City of Oakland relative to the ground locations, property lines or the accuracy of the public records and/or the assessor's parcel maps related to these properties.

### **SUSTAINABLE OPPORTUNITIES**

- Economic:** The sale of these properties will take underutilized sites and produce increased revenue for the City from documentary transfer taxes, property taxes and development and permit fees when developed.
- Environmental:** Private ownership of the property will relieve the City of ongoing abatement issues for weed abatement and fire suppression. Some of the properties are in proximity to major public transportation nodes. Development of the properties will likely encourage use of public transit by project residents and possible retail customers, which will ease general pressure on the region's congested transportation infrastructure.
- Social Equity:** The sale of the properties 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.

### **DISABILITIES AND SENIOR CITIZEN ACCESS**

Adoption of this Ordinance will have no direct impact on disabled and senior citizen access.

### **RECOMMENDATION AND RATIONALE**

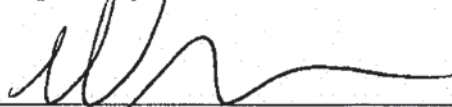
Staff recommends that the City Council approve the Ordinance authorizing the City Administrator to accept the Offer to Purchase Agreements and to sell the properties to the four highest bidders.



**ACTION REQUESTED OF THE CITY COUNCIL**

Adoption of the Ordinance is required to authorize the City Administrator to accept the Offer to Purchase Agreements and to sell the properties to the four highest bidders: (1) Brian Collins and Mehrdad Dokhanchi (Mandela Parkway); (2) Julia B. Kim (14<sup>th</sup> Street); (3) Kevin Bao Phan (98<sup>th</sup> Avenue); and (4) Julia B. Kim (High and Howard Street). Staff also requests that the City Administrator be authorized to deposit the net sales proceeds of \$2,537,505 into the Surplus Property Disposition Project P47010 to meet their Fiscal Year 2005-07 budget requirement.

Respectfully submitted,



DANIEL VANDERPRIEM, Director  
Redevelopment, Economic Development and Housing  
Community and Economic Development Agency

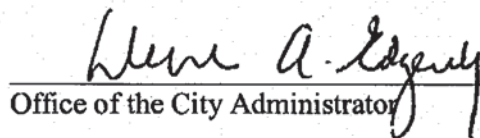
Forwarded by:

Frank Fanelli, Manager  
Real Estate Services

Prepared by:

William Wilkins, Supervising Real Estate Agent  
Real Estate Services

APPROVED FOR FORWARDING TO THE  
FINANCE AND MANAGEMENT COMMITTEE

  
Office of the City Administrator

Item #: \_\_\_\_\_  
Finance and Management Committee  
January 10, 2006

**EXHIBIT A****RESULTS OF THE CITY OF OAKLAND SURPLUS PROPERTY AUCTION  
HELD NOVEMBER 18, 2005**

The City of Oakland offered the following eight (8) parcels of real property for sale to the highest bidder at public auction.

ASSESSOR PARCEL NUMBER			BUYER	DEPOSIT	HIGH BID
1	005-0421-00	Mandela Parkway/20 <sup>th</sup> Street	Brian Collins, Mehrdad Dokhanchi	\$ 22,000	\$ 415,000
2	003-0071-024	632 - 14 <sup>th</sup> Street	Julie B. Kim	\$ 67,000	\$ 1,150,000
3	045-5230-001-01 & 045-5230-003-03	862 - 850 98 <sup>TH</sup> Avenue	Kevin Bao Phan	\$ 16,000	\$ 630,000
4	048H-7602-012	Grand View Drive	No Bidder	-0-	No Bids Received
5	048H-7602-013	Grand View Drive	No Bidder	-0-	No Bids Received
6	048H-7602-014	Grand View Drive	No Bidder	-0-	No Bids Received
7	048H-7602-015	Grand View Drive	No Bidder	-0-	No Bids Received
8	033-2250-001-04	569 High Street/Howard Street	Julia B. Kim	\$ 10,600	\$ 500,000

City of Oakland  
Real Estate Services  
Frank Ogawa Plaza, Suite 4314  
Oakland, CA 94612  
Office: (510) 238-3541, Fax: (510)-238-2240



OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2005 SEP 29 PM 2:28

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY

**RESOLUTION No. 79530 C.M.S.**

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO CONDUCT A PUBLIC AUCTION FOR THE SALE OF EIGHT CITY-OWNED SURPLUS PROPERTIES; ASSESSOR PARCEL NUMBERS: 005-0421-00 (20<sup>TH</sup> AND MANDELA PARKWAY); 003-0071-024 (632 - 14<sup>TH</sup> STREET); 045-5230-001-01 AND 045-5230-003-03 (ASSEMBLED - 862 - 850 98<sup>TH</sup> AVENUE); 048H-7602-012, 048H-7602-013, 048H-7602-014, 048H-7602-015 (4 PARCELS - BETWEEN 1530 AND 1580 GRAND VIEW DRIVE); AND 033-2250-001-04 (569 HIGH STREET/HOWARD STREET).**

**WHEREAS**, City Ordinance No. 11602 C.M.S. authorizes and establishes procedures for the sale of City-owned surplus real property; and

**WHEREAS**, the City of Oakland (City) currently owns eight (8) 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, in its meeting of July 6, 2005, concurred with the Real Estate Services Division recommendation and determined the appropriate zoning classification of seven properties shown in Exhibit "A", and such recommendation must be forthcoming for Parcel No. 8 prior to sale of that Parcel; and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now therefore be it

**RESOLVED:** That the Real Estate Services Division is authorized to conduct a public auction and receive oral bids on November 18<sup>th</sup>, 2005 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 \$2,000 increment; 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:** If any property is not sold through the auction process then the manager of Real Estate Services can proceed to sell the property(ies) through a negotiated sale as outlined in Ordinance #11602 C.M.S.; 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; and be it

**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 the City Litigation fund and Gas Tax fund be reimbursed and Real Estate Services be reimbursed for all costs associated with the public auction and sale of the properties through the Surplus Property Program (Project P4710); and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because it is exempt from CEQA pursuant to Section 15312 (surplus government property sales) of the CEQA Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

**FURTHER RESOLVED:** That the City Administrator or her 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:** That this Resolution has been approved by the Office of the City Attorney as to form and legality.

**OCT 18 2005**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005  
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, [REDACTED], NADEL, REID, QUAN, KERNIGHAN,  
AND PRESIDENT DE LA FUENTE -7

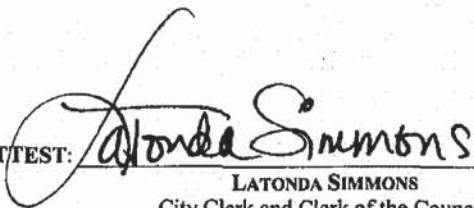
NOES-

ABSENT-

ABSTENTION-

Excused - Chang - 1

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## EXHIBIT A

**CITY-OWNED SURPLUS PROPERTIES  
PUBLIC AUCTION PROPERTIES**

#	ASSESSOR PARCEL NUMBER (APN)	ADDRESS	SIZE (sq. ft.)	DEVELOPMENT CHALLENGES	STATUS	DEPOSIT	MIN BID
1	005-0421-00	Mandela Parkway/20 <sup>th</sup> Street	11,500 +/-	General Plan is Business Mix, Zoning is M-30/S-4 parcel is located in the Right of Way	Vacant lot. Month to month lease	\$ 22,000	\$ 222,000
2	003-0071-024	632 - 14 <sup>th</sup> Street	6,800	General Plan is Central Business District, Zoning is C-51/-17	Vacant lot Month to month lease	\$ 67,000	\$ 670,000
3	045-5230-001-01 & 045-5230-003-03	862 - 850 98 <sup>TH</sup> Avenue	11,390	General Plan is Business Mix, Zoning is M-40	Vacant lot	\$ 16,000	\$ 160,000
4	048H-7602-012	Grand View Drive	14,574	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
5	048H-7602-013	Grand View Drive	15,471	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
6	048H-7602-014	Grand View Drive	16,230	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
7	048H-7602-015	Grand View Drive	16,400	General Plan is Hillside Residential, Zoning is R-30/S-14/S-18. Steep down slope lot	Vacant lot	\$ 40,000	\$ 400,000
8	033-2250-001-04	569 High Street/Howard Street	5,932	General Plan is Estuary, Zoning is M-40	Vacant lot	\$ 10,600	\$ 106,000



**James, Barbara**

---

**From:** Fanelli, Frank  
**Sent:** Wednesday, February 01, 2006 4:22 PM  
**To:** Nadel, Nancy  
**Cc:** Wilkins, William; Derania, Ray  
**Subject:** RE: 21st St. and Mandela

Nancy... Mr. Meagher spoke with Bill of my office as well as to the title company (Financial Title) who is giving title insurance and clear title to the auction buyer of this property. Mr. Meagher owns the abutting property. The City parcel was SOLD in its AS IS Condition. The Buyer has acknowledged that they have completed their Due Diligence on the City property, and is aware that 21<sup>st</sup> Street exists and is part of the City parcel that they acquired. The City has NOT vacated the street. If the buyer wants to vacate the street, then they have to go through a Public street vacation process. Bill informed Mr. Meagher of the same. The bottom line is that the title company will insure the buyers title to the property they purchased from the City. I think that Mr. Meagher thinks that he may own to the middle of 21<sup>st</sup> street and would like to have that property...however, the title company states that the City owns the entire width of 21<sup>st</sup> street. If there are any questions please give me a call...frank

---

**From:** Nadel, Nancy  
**Sent:** Wednesday, February 01, 2006 1:17 PM  
**To:** Fanelli, Frank  
**Subject:** 21st St. and Mandela

Dear Frank,

I met with Jim Meagher about the issue of the curved "21<sup>st</sup> St" through the parcel that was just auctioned. He insists this is a public right of way. The parcel we sold doesn't designate 21<sup>st</sup> as a street going through the parcel. Please explain.

Nancy

2/2/2006

**James, Barbara**

---

**From:** James, Barbara  
**Sent:** Tuesday, January 17, 2006 3:18 PM  
**To:** 'Brian Collins'  
**Subject:** RE: Mandela Parkway Property

Tonight is the first reading of the Ordinance before council. It is item #24 on the Agenda. For additional information go the [oaklandnet.com/](http://oaklandnet.com/) website highlights/ agenda meetings & scroll down to the item. You can read the entire report. If it is approved tonight, it will have a final reading in 2 weeks 1/31. After council approval, the City Administrator will sign the contract.

---

**From:** Brian Collins [mailto:[bcollins@naibtcommercial.com](mailto:bcollins@naibtcommercial.com)]  
**Sent:** Monday, January 16, 2006 10:51 AM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway Property

Any updates from the meetings?

**NAI BT Commercial**

Brian Collins  
Senior Sales Associate

NAI BT Commercial  
555 - 12th Street, Suite 1400  
Oakland, CA 94607

direct 510-267-6036  
cel 510-459-7428  
main 510-465-8000  
fax 510-465-1350  
[bcollins@naibtcommercial.com](mailto:bcollins@naibtcommercial.com)

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---

**From:** James, Barbara [mailto:[BEJames@oaklandnet.com](mailto:BEJames@oaklandnet.com)]  
**Sent:** Tuesday, December 06, 2005 2:10 PM  
**To:** Brian Collins  
**Subject:** Mandela Parkway Property

Good Afternoon Brian: Attached is an information form the City requires all bidders

1/17/2006



complete by December 21. The City requires information on the verification of funds. Please complete the form and call me at 238-6362, and I will pick it up at your office. I also am waiting for a new contract with all three buyers signatures. It is my understanding that you plan to use Financial Title Company for the escrow. What is the status of the escrow? Please update me. Thanks

<<Letter to Purchaser Mandela.doc>>

Barbara James

Real Estate Agent

City of Oakland

CEDA Real Estate Services

510-238-6362

**James, Barbara**

---

**From:** James, Barbara  
**Sent:** Tuesday, December 06, 2005 3:49 PM  
**To:** 'Brian Collins'  
**Subject:** RE: Mandela Parkway Property

*Niel - ccc  
375-1521*

Escrow No. 43104052

Financial Title – 180 Grand. Escrow Officer: Mechelle Terrell 645-9230

Regarding access: We will make arrangements with the tenant; give us a week's notice.

---

**From:** Brian Collins [mailto:bcollins@naibtcommercial.com]  
**Sent:** Tuesday, December 06, 2005 2:58 PM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway Property

Thanks Barbara. I was able to figure out how to make the changes to the contract. I will get it signed by my partners and I hope to have everything to you by Fri.

As far as escrow...I am assuming you deposited the funds with Financial Title? I do not have any other updates at this point. Is there something new I should know about?

## **NAI BT Commercial**

Commercial Real Estate Services, Worldwide.

Brian Collins  
Senior Sales Associate

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Oakland, CA 94607

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12/6/2005



---

**From:** James, Barbara [mailto:BEJames@oaklandnet.com]  
**Sent:** Tuesday, December 06, 2005 2:10 PM  
**To:** Brian Collins  
**Subject:** Mandela Parkway Property

Good Afternoon Brian: Attached is an information form the City requires all bidders complete by December 21. The City requires information on the verification of funds. Please complete the form and call me at 238-6362, and I will pick it up at your office. I also am waiting for a new contract with all three buyers signatures. It is my understanding that you plan to use Financial Title Company for the escrow. What is the status of the escrow? Please update me. Thanks

<<Letter to Purchaser Mandela.doc>>

Barbara James

Real Estate Agent

City of Oakland

CEDA Real Estate Services

510-238-6362

**James, Barbara**

---

**From:** Brian Collins [bcollins@naibtcommercial.com]  
**Sent:** Tuesday, November 22, 2005 3:16 PM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway parcel

We'll pick Financial Title Company with Niels,

Problem with modifying the doc is that the changes show up like a legal doc (they are tracked)...is that ok?

**NAI BT Commercial**

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Senior Sales Associate

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---

**From:** James, Barbara [mailto:BEJames@oaklandnet.com]  
**Sent:** Tuesday, November 22, 2005 12:27 PM  
**To:** Brian Collins  
**Subject:** RE: Mandela Parkway parcel

Revise the contract to add any other purchasers and have them sign. Where are you going to open the escrow? I will be in the office tomorrow & can pick up the revised contract.

---

**From:** Brian Collins [mailto:bcollins@naibtcommercial.com]  
**Sent:** Tuesday, November 22, 2005 11:49 AM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway parcel

We might as well add Ed, so we have three total members

11/23/2005



# NAI BT Commercial

Commercial Real Estate Services, Worldwide.

Brian Collins  
Senior Sales Associate

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---

**From:** James, Barbara [<mailto:BEJames@oaklandnet.com>]  
**Sent:** Tuesday, November 22, 2005 11:36 AM  
**To:** Brian Collins  
**Subject:** RE: Mandela Parkway parcel

Do you want to add him & prepare another revised contract? I will be in the office tomorrow.

---

**From:** Brian Collins [<mailto:bcollins@naibtcommercial.com>]  
**Sent:** Tuesday, November 22, 2005 11:37 AM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway parcel

Barbara,

Thanks. I will get back to you after Thanksgiving holiday. However, I forgot to mention, my other Partner, Ed Hemmat was left off of the revised contract.

# NAI BT Commercial

Commercial Real Estate Services, Worldwide.

Brian Collins  
Senior Sales Associate

11/23/2005

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---

**From:** James, Barbara [<mailto:BEJames@oaklandnet.com>]  
**Sent:** Monday, November 21, 2005 11:57 AM  
**To:** Brian Collins  
**Subject:** Mandela Parkway parcel

<<FINAL PURCHASE AGREE-MANDELA. BC.doc>>

Barbara James

Real Estate Agent

City of Oakland

CEDA Real Estate Services

510-238-6362



**James, Barbara**

---

**From:** James, Barbara  
**Sent:** Tuesday, November 22, 2005 11:36 AM  
**To:** 'Brian Collins'  
**Subject:** RE: Mandela Parkway parcel

Do you want to add him & prepare another revised contract? I will be in the office tomorrow.

---

**From:** Brian Collins [mailto:bcollins@naibtcommercial.com]  
**Sent:** Tuesday, November 22, 2005 11:37 AM  
**To:** James, Barbara  
**Subject:** RE: Mandela Parkway parcel

Barbara,

Thanks. I will get back to you after Thanksgiving holiday. However, I forgot to mention, my other Partner, Ed Hemmat was left off of the revised contract.

**NAI BT Commercial**

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---

**From:** James, Barbara [mailto:BEJames@oaklandnet.com]  
**Sent:** Monday, November 21, 2005 11:57 AM  
**To:** Brian Collins  
**Subject:** Mandela Parkway parcel

, 11/22/2005

*e mailed to Brian 11/27/05*

Dear Brian:

Congratulations on your successful bid to purchase the parcel at Mandela Parkway and Peralta Street, Oakland ("Property").

The City of Oakland request that you provide a written verification of your source of funds to cover the remaining balance of the purchase price and all closing or purchasing expenses to complete the transaction.

To verify your source of funds, or prequalification for a line of credit or a new loan to compete the purchase of this property, please provide the following information, sign and return this questionnaire to me or before December 21, 2005.

1. Name of Financial Institution: \_\_\_\_\_
2. Address of Financial Institution: \_\_\_\_\_
3. Account No.: \_\_\_\_\_
4. Account Balance: \_\_\_\_\_
5. Name of officer to confirm account balance: \_\_\_\_\_
6. Telephone number of officer to confirm account balance: \_\_\_\_\_
7. Name of loan officer to confirm prequalification for a loan or a line of credit \_\_\_\_\_
8. Telephone number of loan officer to confirm prequalification \_\_\_\_\_

The undersigned Purchaser provides this information with the understanding that the City may rely on the accuracy of these statements in processing the purchase of the Property.

Purchaser:

\_\_\_\_\_  
Name of Purchaser

Date: \_\_\_\_\_



<<FINAL PURCHASE AGREE-MANDELA. BC.doc>>

Barbara James

Real Estate Agent

City of Oakland

CEDA Real Estate Services

510-238-6362

## James, Barbara

---

**From:** James, Barbara  
**Sent:** Tuesday, December 06, 2005 2:10 PM  
**To:** 'Brian Collins'  
**Subject:** Mandela Parkway Property

**Attachments:** Letter to Purchaser Mandela.doc

Good Afternoon Brian: Attached is an information form the City requires all bidders complete by December 21. The City requires information on the verification of funds. Please complete the form and call me at 238-6362, and I will pick it up at your office. I also am waiting for a new contract with all three buyers signatures. It is my understanding that you plan to use Financial Title Company for the escrow. What is the status of the escrow? Please update me. Thanks



Letter to  
Purchaser Mandela.doc

Barbara James  
Real Estate Agent  
City of Oakland  
CEDA Real Estate Services  
510-238-6362



## James, Barbara

---

**From:** James, Barbara  
**Sent:** Monday, November 21, 2005 2:41 PM  
**To:** 'bcollins@naibtcommercial.com'  
**Subject:** confirmation of funds

**Attachments:** Letter to Purchaser .BC.doc

Brian: Attached is a request for verification of your source of funds to cover the remaining balance of the purchase price and closing costs. After you have completed the form, either call or email me & I'll pick it up, as I will need the original. Call me at 238-6362, if you have any questions. Thank you

Barbara James



Letter to  
Purchaser .BC.doc (

Real Estate Agent  
City of Oakland  
CEDA Real Estate Services  
510-238-6362

Dear Purchaser:

Congratulations on your successful bid to purchase the parcel at Mandela Parkway and Peralta Street ("Property").

The City of Oakland request that you provide a written verification of your source of funds to cover the remaining balance of the purchase price and all closing or purchasing expenses to complete the transaction.

To verify your source of funds, please provide the following information, sign and return this questionnaire to me or before December 21, 2005.

1. Name of Financial Institution: \_\_\_\_\_
2. Address of Financial Institution: \_\_\_\_\_
3. Account No.: \_\_\_\_\_
4. Account Balance: \_\_\_\_\_
5. Name of officer to confirm account balance: \_\_\_\_\_
6. Telephone number of officer to confirm account balance: \_\_\_\_\_

The undersigned Purchaser provides this information with the understanding that the City may rely on the accuracy of these statements in processing the purchase of the Property.

Purchaser:

\_\_\_\_\_  
Name of Purchaser

Date: \_\_\_\_\_

Case File Number ZR05-485

*Passed*

October 19, 2005

<b>#8</b>	<b>Location:</b>	<b>Between Mandela Parkway and Peralta Street, north of 20<sup>th</sup> Street (Partial APN 005-0421-) 2101 Mandela Parkway (est.)</b>
	<b>Proposal:</b>	To determine the appropriate zoning classification of one, City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.
	<b>Owner/Applicant:</b>	City of Oakland
	<b>Contact Person/Phone Number:</b>	City of Oakland Real Estate Division/ Bill Wilkins (510)238-6358
	<b>Case File Number:</b>	<b>ZR05-485</b>
	<b>Planning Permits Required:</b>	Zoning Review for confirmation of zoning
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	M-30 General Industrial/ S-4 Design Review Combining Zone
	<b>Environmental Determination:</b>	Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales
	<b>Historic Status:</b>	No historic record
	<b>Service Delivery District:</b>	1
	<b>City Council District:</b>	3
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Determination of zoning classification and recommendations to City Council based on staff report.
	<b>Finality of Decision:</b>	<i>Recommendation to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Laura Kaminski</b> at (510) 238-6809 or by email at <a href="mailto:lkaminski@oaklandnet.com">lkaminski@oaklandnet.com</a>

**SUMMARY**

Per Ordinance 11602 C.M.S., adopted June 29, 1993, the Planning Commission is required to determine the appropriate zoning classification for any City-owned surplus property that is 2,500 square feet or larger prior to its sale. The City's Real Estate Division requests zoning review of one property located in West Oakland, at Mandela Parkway and Peralta Street. Surplus property is defined as real property owned or controlled by the City which is not needed by the City for public purposes. The Real Estate Division contacted all potentially affected public agencies to determine if the property is needed for public purposes, and no agency expressed interest in retaining the properties. The decision to dispose will bring savings to the City, be relieving the City of maintenance and insurance expenses, and putting the properties back onto the tax rolls.

California Code Section 65402 also requires that the sale of publicly-owned real property be submitted to and reported upon by the planning agency as to conformity with the adopted General Plan. Sale of the subject properties conforms to Oakland's adopted General Plan.

**PROPERTY DESCRIPTION**

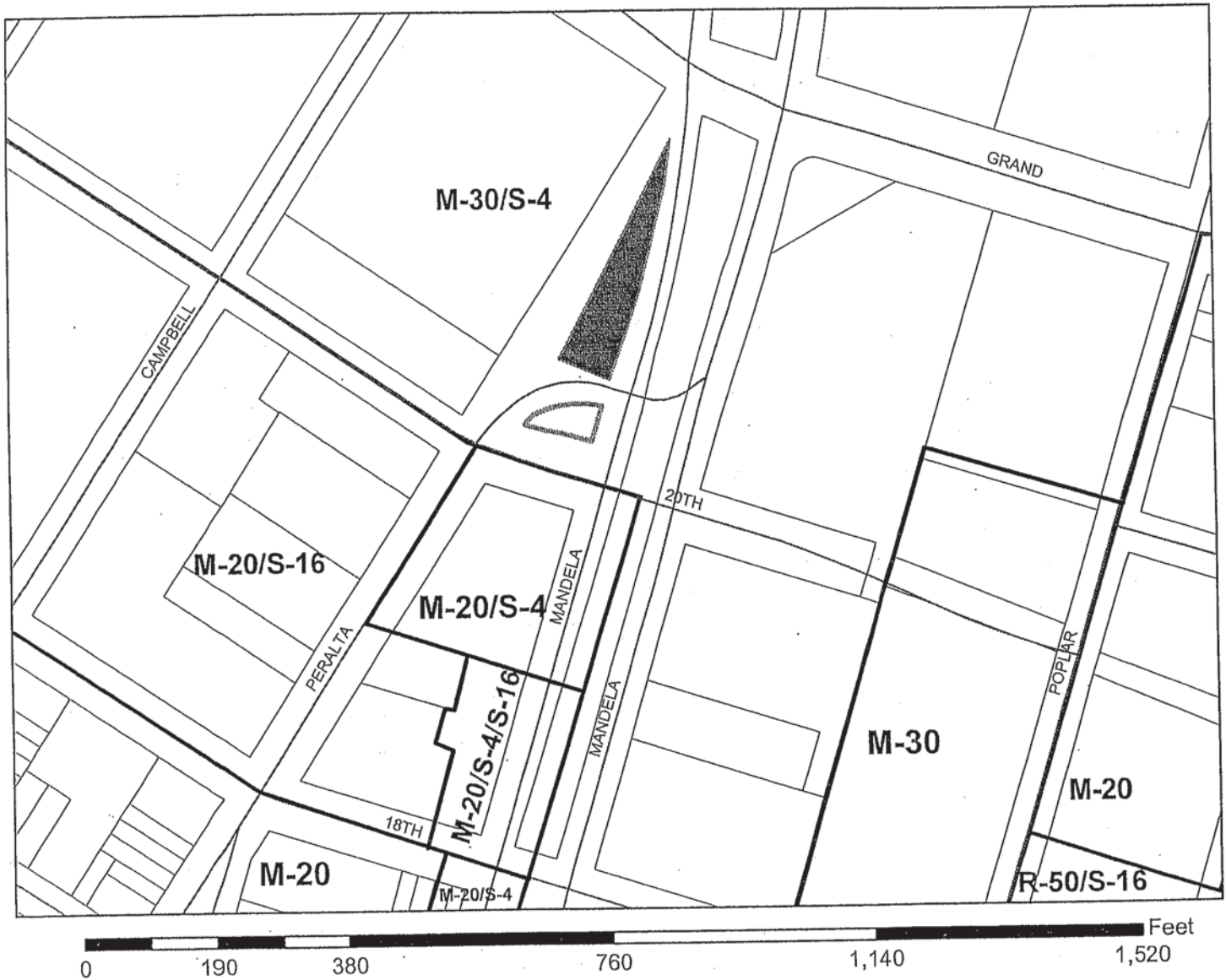
The site in question is located in West Oakland, fronting onto Mandela Parkway and Peralta Street. The property is approximately 18,000 square feet in size, triangular in shape, flat, primarily vacant (there are some scattered smaller structures on the property), and surrounded by predominantly industrial uses.

**GENERAL PLAN ANALYSIS**

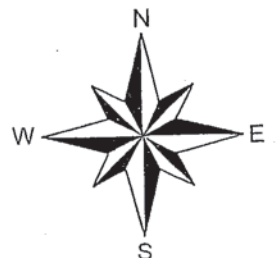
California Code Section 65402 requires that no real property acquired for public purposes shall be disposed of until it is demonstrated that the disposition conforms to the adopted general plan.



# CITY OF OAKLAND PLANNING COMMISSION



Case File: ZR05-485  
Applicant: City of Oakland  
Address: Between Mandela Parkway and Peralta St.  
North of 20th St.  
Zone: M-30



The General Plan land use classification for the property is Business Mix. The Business Mix classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The maximum FAR for this classification is 4.0. The property is in the M-30 General Industrial zone which is compatible with the general plan, and appropriate for the types of businesses and physical character currently surrounding the site.

State Law requires the City of Oakland to make a finding of General Plan conformance prior to the city's disposing of any property. The text of the section is below.

*65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments (sic) for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments (sic) for street widening, or alignment projects are of a minor nature.*

Staff believes that the General Plan of Business Mix is appropriate as this matches the zoning, the surrounding General Plan designation, as well as the development pattern of the neighborhood.

#### **ZONING ANALYSIS**

The property in question is currently zoned M-30 General Industrial. The M-30 zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The property's location on Mandela Parkway provides very good access to the regional transportation network and thus excellent mobility for goods and services. The surrounding context is mainly warehouse and manufacturing activities. Thus, the M-30 zoning designation seems appropriate given the range of activities it encourages, and the transportation infrastructure identified as needed to support these activities. The S-4 Design Review zone also applies that requires design review for the construction or alteration of exterior appearance.

#### **ENVIRONMENTAL DETERMINATION**

Sales of surplus government property are exempt from the California Environmental Quality Act (CEQA) per Section 15312 of the California Administrative Code.

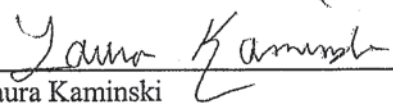
#### **KEY ISSUES AND IMPACTS**

Ordinance 11602 C.M.S. requires that surplus real property equal to or larger than 2,500 square feet be sold through a competitive bidding process. Development of this site in accordance with the M-30 development standards would not result in any adverse environmental impacts on the surrounding area.


**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Affirm that sale of the subject property conforms with the City of Oakland's General Plan, Land Use and Transportation Element.
3. Confirm the existing M-30 General Industrial/S-4 Design Review zoning of the properties located at Mandela Parkway/Peralta with partial APN 005 -0421-, 2101 Mandela Parkway, (est.).

Prepared by:

  
\_\_\_\_\_  
Laura Kaminski  
Planner II

Approved by:

  
\_\_\_\_\_  
GARY PATTON  
Deputy Director of Planning and Zoning

**ATTACHMENTS:**

- A. Request letter from Real Estate Division
- B. Copy of Ordinance 11602



# CITY OF OAKLAND

## Inter-Office Memo

TO: CEDA, Planning and Building  
ATTN: Gary Patton  
FROM: Real Estate Division  
DATE: September 13, 2005

---

RE: Zoning Review of City-owned Property

The following property is considered to be surplus of the needs of the City of Oakland. It is requested that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 11602 C.M.S.

Location: Mandela Parkway/ Peralta St.

Assessor's Parcel Nos.: 005-0421-??? No APN assigned

Area of Parcel (sq. ft.) 18,000 sq.ft. (approximately)

Existing Improvements: None

Purpose of Acquisition: Caltrans Relinquishment

Current Zoning: M-30

Reason for disposal: Excess to the City's needs

City owned property within 300 feet: No

Recommendation: Sell at auction.

Real Estate Agent for field review: Bill Wilkins - Extension 6358

Assemblage: NO\_\_Total Sq.Ft.

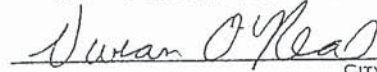
Comments:

William Wilkins  
Real Estate Services



Attachment: Assessor's Map  
Related information from Real Estate Division files



ORDINANCE No. 11602 C. M. S.AN ORDINANCE ESTABLISHING PROCEDURES FOR  
SALE OF CITY-OWNED SURPLUS REAL PROPERTY

WHEREAS, pursuant to Section 1001 of the Charter of the City of Oakland, the City Council desires to establish uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, by Ordinance No. 7952 C.M.S. dated March 18, 1969, as amended by Ordinance No. 8642 C.M.S. dated September 5, 1972, the City Council authorized the sale of City-owned surplus real property; and

WHEREAS, existing legislation is in need of consolidation and updating to allow the City of Oakland to implement uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, the Office of Public Works, Real Estate Division, is responsible for all real estate services, and has recommended that the City Council rescind previous City legislation related to surplus property sales and establish updated procedures; now, therefore

The Council of the City of Oakland does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance the following definitions shall apply:

- (a) CITY MANAGER: The City Manager of the City of Oakland or an officer expressly designated to act for the City Manager. Designations shall be made in writing by the City Manager and filed with the City Clerk.
- (b) SURPLUS REAL PROPERTY: All real property owned or controlled by the City which is not needed by the City for public purposes.

Section 2. Zoning: The City Planning Commission shall review the zoning classification of City-owned surplus real property and determine the appropriate zoning classification prior to the sale of the property. Planning Commission zoning review classification reviews shall be limited to surplus real properties equal to or larger than 2,500 square feet in area. After such surplus real property is sold, the zoning classification of such property shall not be reclassified for a period of two years unless the application for rezoning contains a statement in detail of the changes in circumstances which in the opinion of the applicant justify such a zoning reclassification and which changes in the opinion of the City Planning Commission do, in fact, justify a zoning reclassification.



Section 3. Notification to Public Agencies: In order to determine public agency interest in the acquisition of City-owned surplus real property, a solicitation of interest shall be sent to public agencies within Alameda County. Said agencies shall be allowed sixty (60) days to express an interest in the purchase of said property.

Section 4. Negotiated Sales: For City-owned surplus real properties of less than 2,500 square feet, the City Planning Commission may recommend that due to size, shape and utility, the property should be sold to the adjoining or abutting property owners. The City Council by resolution or ordinance may authorize the negotiated sale of such property to an adjoining or abutting property owner at its fair market value.

Section 5. Competitive Bidding: No surplus real property equal to or larger than 2,500 square feet shall be sold except after calling for oral or written competitive bids, unless otherwise authorized by resolution or ordinance of the City Council as set forth in this Ordinance. Such call for competitive bid shall be by City Council resolution.

Each resolution authorizing the sale of surplus real property by competitive bid shall contain the following:

- (a) The time and place bids are to be received.
- (b) The minimum acceptable bid on each parcel.
- (c) The statement regarding zoning and the zoning classification required by Section 2 herein.
- (d) A description of each parcel.
- (e) The amount and type of deposit required of the successful bidder. Said deposit shall be subject to retention by the City if the successful bidder fails or refuses to complete the transaction.
- (f) Whether bids are to be oral or by sealed bids.
- (g) The minimum amount of increase of each bid if oral bids are to be received.
- (h) When the balance of the bid price must be paid.
- (i) A directive to the City Clerk requiring the advertisement in the official newspaper of the City which shall contain the foregoing information.

Advertising of the sale of surplus real property shall be published by the City Clerk in the official newspaper of the City for at least three (3) calendar days; the first day of such advertising shall be not less than ten calendar days prior to the date set for receiving said bids. Bids shall be received in public at the time and place specified in the notice calling for bids. The sale, if accepted by the City Council, shall be awarded to the highest bidder meeting the conditions specified in the notice calling for the sale of the property. The City Council shall have the right to accept or reject any and all bids. If the highest bidder fails or refuses to complete the transaction, the property may subsequently be sold through negotiation to the next highest bidder willing to meet the same minimum advertised terms and conditions.

If no bids are received after advertising the property as required by this Ordinance, the surplus real property may subsequently be sold through negotiation; such sale to be approved by the City Council.

Section 6. Exceptions to Bidding Requirements: Upon the finding and determination, in each instance by the City Council by ordinance or resolution, that any one or more of the following conditions exist, the restrictions and provisions of this Ordinance shall not apply:

- (a) The surplus real property is to be sold to another public agency or entity which has the power of eminent domain.
- (b) Calling for bids on a competitive basis is impractical, unavailing or impossible.
- (c) In other cases when specifically authorized by the City Council after a finding and determination by the City Council that it is in the best interests of the City to sell such surplus property by negotiated sale.

Section 7. The following enumerated officers and employees of the City of Oakland shall not as principal, agent, attorney or otherwise, be directly or indirectly interested in the sale of any City-owned surplus real property: Mayor, Members of the City Council, Members of the City Planning Commission, City Auditor, City Attorney, City Manager, City Clerk, Director of Finance, Director of City Planning, Director of Planning and Building, Director of Public Works, Real Estate Services Manager and employees of the Real Estate Division, and any other City employee who, because of his or her position with the City, has a potential conflict of interest or a potential advantage over other bidders.

Section 8. The City Manager is directed to prepare the appropriate procedures necessary to carry out the intent of this Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, **JUN 29 1993**, 19 \_\_\_\_\_

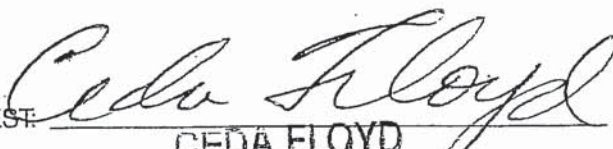
PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, ~~MOORE~~, OGAWA, SPEES, WOODS-JONES, and PRESIDENT, - 8  
HARRIS

NOES— NONE

ABSENT— MOORE, - 1

ABSTENTION— NONE

ATTEST:   
**CEDA FLOYD**  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**James, Barbara**

---

**From:** Hayes, Gil  
**Sent:** Tuesday, September 27, 2005 8:07 AM  
**To:** James, Barbara  
**Cc:** Fanelli, Frank; Wilkins, William  
**Subject:** Peralta/Cypress Sale

Barbara:

I have made a preliminary review of the deeds that you sent me on the 22<sup>nd</sup>. Based on a quick read of the text there appear to be two problems that need to be addressed

- 1) The City may not actually have received fee title to the land from the State. Rather the document seems to relinquish only the rights to use the land as a street. This is repeated twice in the document.
- 2) A condition of transfer appears to have been based the City's previous acceptance and agreement to control and maintain the roads and pedestrian ways
- 3) From the initial review it appears that the parcel covers from the east side of Peralta to the west side of the old freeway site. If so this includes the small roadway between the parcels. Is this the intent?
- 4) The State also reserved an easement across the property for access into the freeway. Even with the freeway gone, the easement would likely still be valid as long as the State owns the old freeway site (I am not certain if they still do.)



I note that there was to be a title report ordered. Was it received and, if so, to whom does it vest the fee title?

Drop me a quick note on this.. the deed itself is fairly complex and with several references that need to be researched. If we actually own all of the land and own the contiguous streets it may be simpler to re-write it to simply sell a triangular wedge that is defined by the street right-of-ways. It all depends on who owns what.

**g**

**Gilbert E. Hayes, PS, PE**  
 City Land Surveyor - City of Oakland  
 7101 Edgewater Drive  
 Oakland, California; 94621  
 510-615-5597

10/17/2005



**Cc:** Fanelli, Frank; Wilkins, William  
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 City Land Surveyor - City of Oakland  
 7101 Edgewater Drive  
 Oakland, California; 94621  
 510-615-5597

*we are selling the  
 underlying fee.  
 They can vacate  
 street if they want to.*



**James, Barbara**

---

**From:** James, Barbara  
**Sent:** Tuesday, September 27, 2005 9:42 AM  
**To:** Hayes, Gil  
**Cc:** Wilkins, William  
**Subject:** RE: Peralta/Cypress Sale

The Title Co. (Financial Title Co) is doing a search & will insure title to a new purchaser. Financial Title will accept the fact that everything that Cal Trans relinquished to the City is now owned by the City; however, they are checking to see what CalTrans actually owned. Prelim ordered 9/16/05. It should be here in about a week, (it's complicated). More information will be forth coming as I receive it.

The auction properties are now on the City's home page web site.

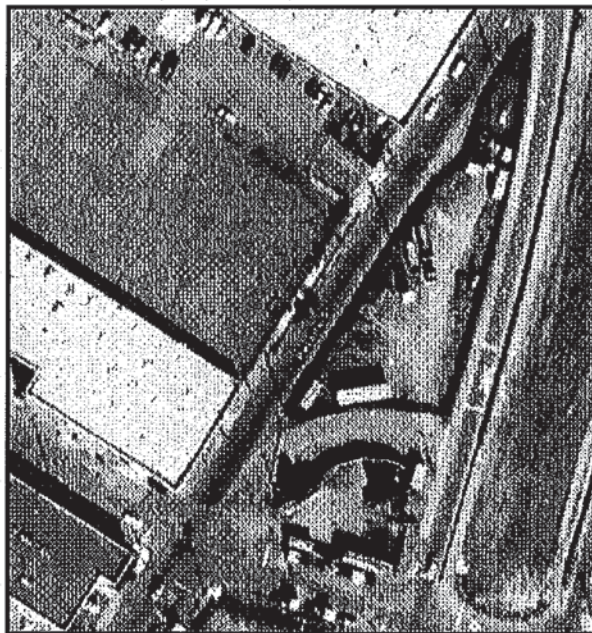
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**Gilbert E. Hayes**, PS, PE  
City Land Surveyor - City of Oakland  
7101 Edgewater Drive  
Oakland, California; 94621  
510-615-5597

**CITY OF OAKLAND**

**Memorandum**

**TO:** Public Works Agency  
**ATTN:** Gil Hayes, City Land Surveyor  
**FROM:** Barbara James  
**DATE:** September 22, 2005  
**RE:** **City Auction of Surplus Property**  
**APN # 005-0421-002-02 and 033-2250-001-04**

---

This memo is request for a legal description for the above-referenced parcels. These parcels are included in the City's surplus sale auction scheduled for November 2005. Attached is additional information on the parcels.

Please contact me at 6362, when the check is ready for pick-up or if you have any questions.

Thank you

cc: Frank Fanelli, William Wilkins – CEDA RES

# CITY OF OAKLAND

## Inter-Office Memo

TO: CEDA, Planning and Building  
ATTN: Gary Patton  
FROM: Real Estate Division  
DATE: April 20, 2005

---

RE: Zoning Review of City-owned Property

The following property is considered to be surplus of the needs of the City of Oakland. It is requested that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 11602 C.M.S.

Location: Mandela Parkway/ Peralta St.

Assessor's Parcel Nos.: 005-0421-??? No APN assigned

Area of Parcel (sq. ft.) 18,000 sq.ft. (approximately)

Existing Improvements: None

Purpose of Acquisition: Caltrans Relinquishment

Current Zoning: M-30

Reason for disposal: Excess to the City's needs

City owned property within 300 feet: No

Recommendation: Sell at auction.

Real Estate Agent for field review: Bill Wilkins - Extension 6358

Assemblage: NO \_Total Sq.Ft.

Comments:

William Wilkins  
Real Estate Services

Attachment: Assessor's Map  
Related information from Real Estate Division files



**James, Barbara**

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**From:** Fanelli, Frank  
**Sent:** Tuesday, September 27, 2005 10:11 AM  
**To:** Hayes, Gil; James, Barbara  
**Cc:** Wilkins, William  
**Subject:** RE: Peralta/Cypress Sale

Gil...that sounds good to me...I just want to sell it...we should re-write the deed and legal...but we need a survey...frank

---

**From:** Hayes, Gil  
**Sent:** Tuesday, September 27, 2005 9:59 AM  
**To:** James, Barbara  
**Cc:** Wilkins, William; Fanelli, Frank  
**Subject:** RE: Peralta/Cypress Sale

If we do own it, and all of the contiguous streets, then it may be a good time to re-write the deed and use a trick from the Navy's book (Oak Knoll) and convey title via a Quit Claim .. that will give us some extra coverage should there ever be a title issue .. what do you think?

g

**Gilbert E. Hayes, PS, PE**  
 City Land Surveyor - City of Oakland  
 7101 Edgewater Drive  
 Oakland, California; 94621  
 510-615-5597

-----Original Message-----

**From:** James, Barbara  
**Sent:** Tuesday, September 27, 2005 9:42 AM  
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**Cc:** Wilkins, William  
**Subject:** RE: Peralta/Cypress Sale

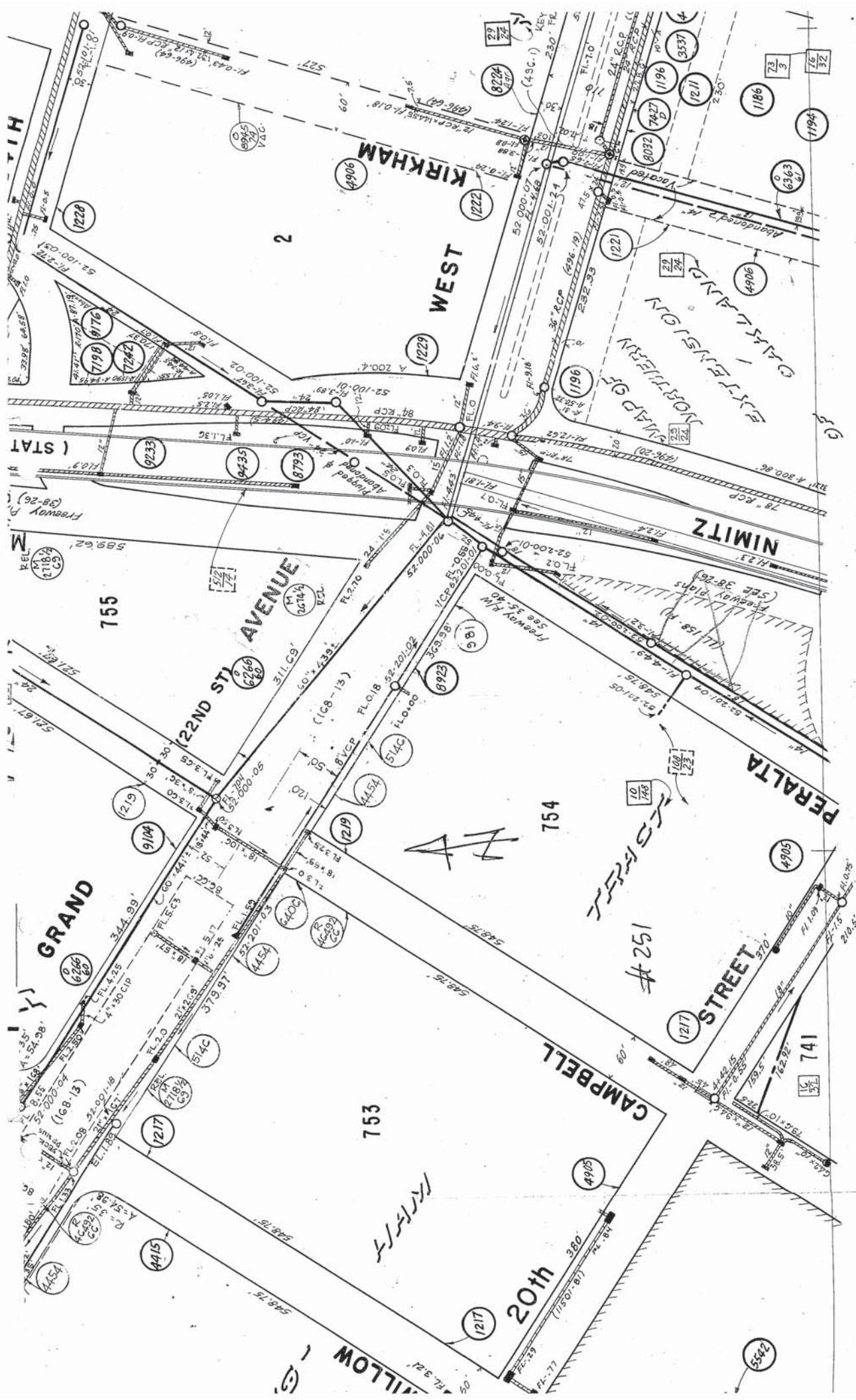
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The auction properties are now on the City's home page web site.

---

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**Sent:** Tuesday, September 27, 2005 8:07 AM  
**To:** James, Barbara

9/27/2005





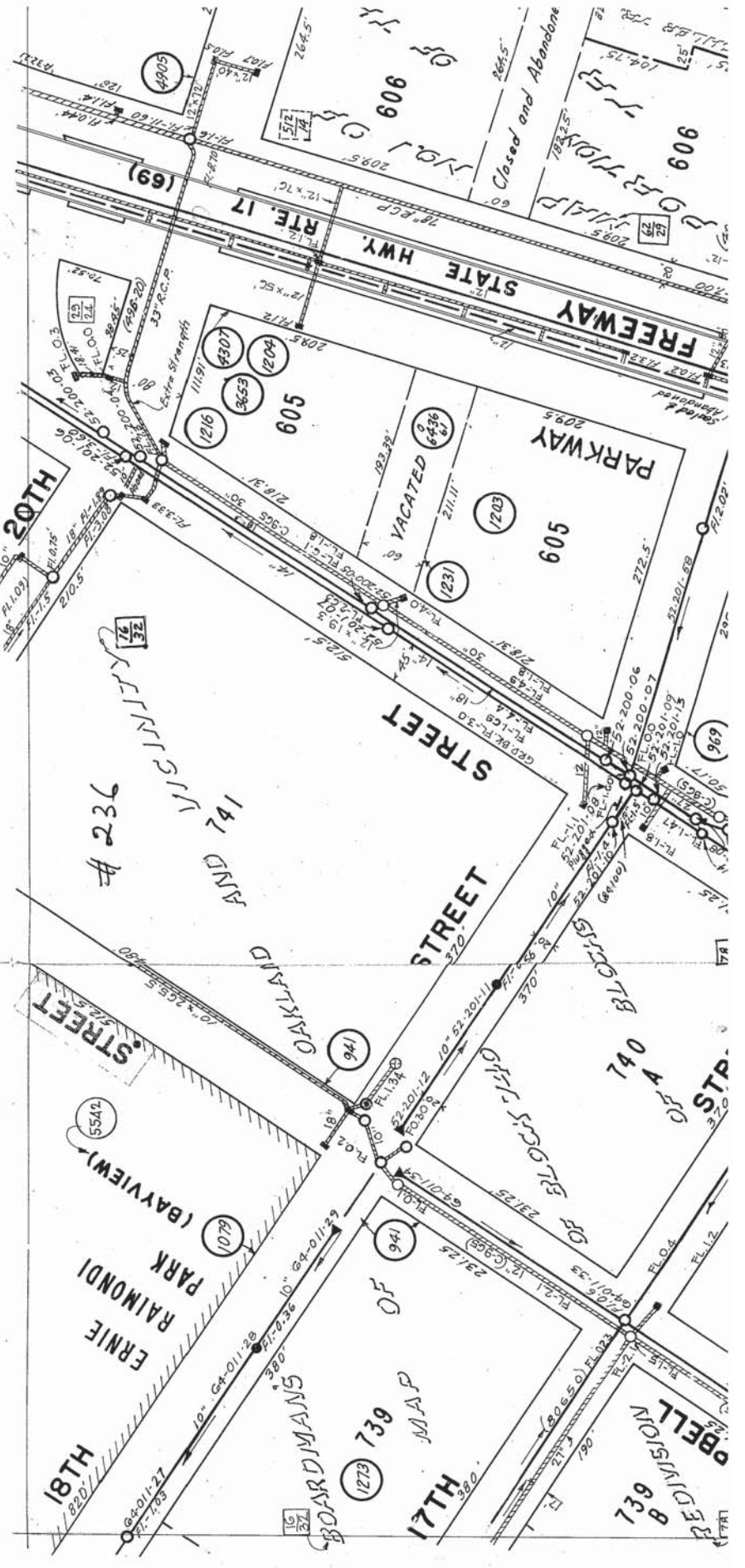
1,482,000

1,483,000



251

484,000





CITY OF OAKLAND

Inter-Office Memo

TO: CEDA, Planning and Building  
ATTN: Gary Patton  
FROM: Real Estate Division  
DATE: September 13, 2005

---

RE: Zoning Review of City-owned Property

The following property is considered to be surplus of the needs of the City of Oakland. It is requested that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 11602 C.M.S.

Location: Mandela Parkway/ Peralta St.

Assessor's Parcel Nos.: 005-0421-??? No APN assigned

Area of Parcel (sq. ft.) 18,000 sq.ft. (approximately)

Existing Improvements: None

Purpose of Acquisition: Caltrans Relinquishment

Current Zoning: M-30

Reason for disposal: Excess to the City's needs

City owned property within 300 feet: No

Recommendation: Sell at auction.

Real Estate Agent for field review: Bill Wilkins - Extension 6358

Assemblage: NO\_\_Total Sq.Ft.

Comments:

William Wilkins  
Real Estate Services

Attachment: Assessor's Map  
Related information from Real Estate Division files



005-0421





ASSESSOR'S MAP 5

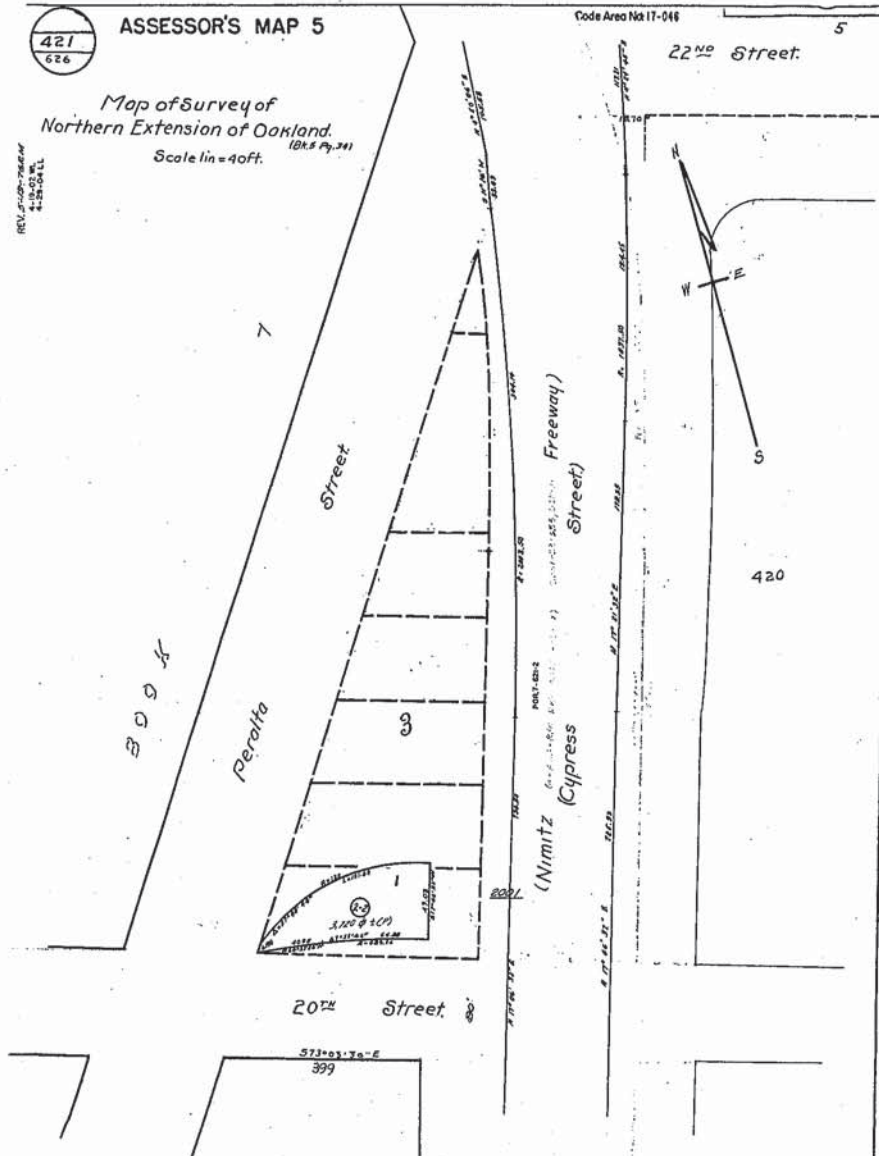
Map of Survey of  
Northern Extension of Oakland.  
(Dist. 5, Pg. 34)  
Scale 1 in = 40 ft.

REV. 5-10-78  
4-10-78  
4-10-78

Code Area No 17-046

5

22<sup>ND</sup> Street.



005-0421-



**CITY OF OAKLAND**  
**Inter-Office Memo**

TO: Various City Departments  
FROM: CEDA, Real Estate Division  
DATE: April 19, 2005

RE: Parcels: APN: See the attached list of parcels

The attached City-owned properties were identified as potential surplus property and available for auction or sale to the adjacent property owner. Prior to circulating this potential surplus property to outside agencies pursuant to the Government Code your input is requested as to whether your Department/Agency has any public interest or need for this property or can identify existing City infrastructure or program(s) that may require that the property to be retained.

Please return this notice to: REAL ESTATE DIVISION, Attention: William Wilkins Extension 6358, Please respond by May 30, 2005.

APN 005-0421 -

<input type="checkbox"/> CEDA, Housing Development	Attn: Sean Rogan
<input type="checkbox"/> Fire Services Agency	Attn: Daniel Farrell
<input type="checkbox"/> LEA, Library Services	Attn: Julie Odojin
<input type="checkbox"/> LEA, Parks & Recreation	Attn: Audree Jones-Taylor
<input type="checkbox"/> Maintenance Svcs (PWA)	Attn: Bruce Saunders
<input checked="" type="checkbox"/> Engineering & Design (PWA)	Attn: Fuad Sweiss / GVS AMIRZEHNI / G SANTOSO
<input type="checkbox"/> Police Services Agency	Attn: Wayne Tucker
<input type="checkbox"/> CEDA	Attn: Dan Vanderpriem
<input type="checkbox"/> Environmental Services	Attn: Lesley Estes
<input type="checkbox"/> Environmental Services	Attn: Mark Gomez
<input type="checkbox"/> Building Services (PWA)	Attn: Ray Derania

CS 5/9/05

Our department is:

**OBTAIN EASEMENT IF IT IS NECESSARY FOR SEWER PIPE (10' EASEMENT)**

☒ Not interested in the parcel. ☐ Interested in using the parcel.

Do not proceed with the disposal of this property for the following reasons:

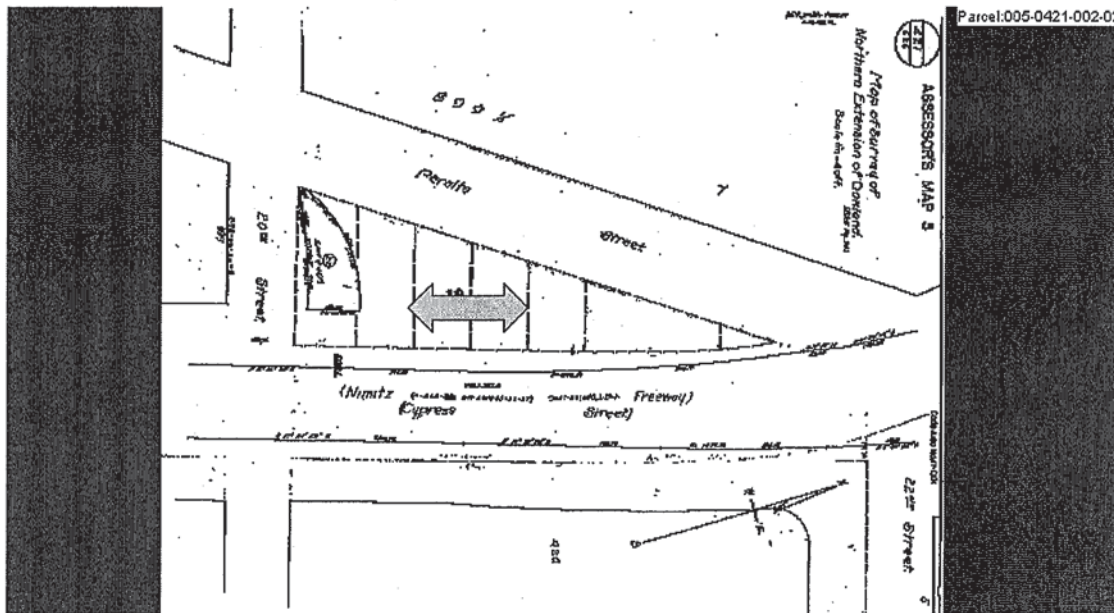
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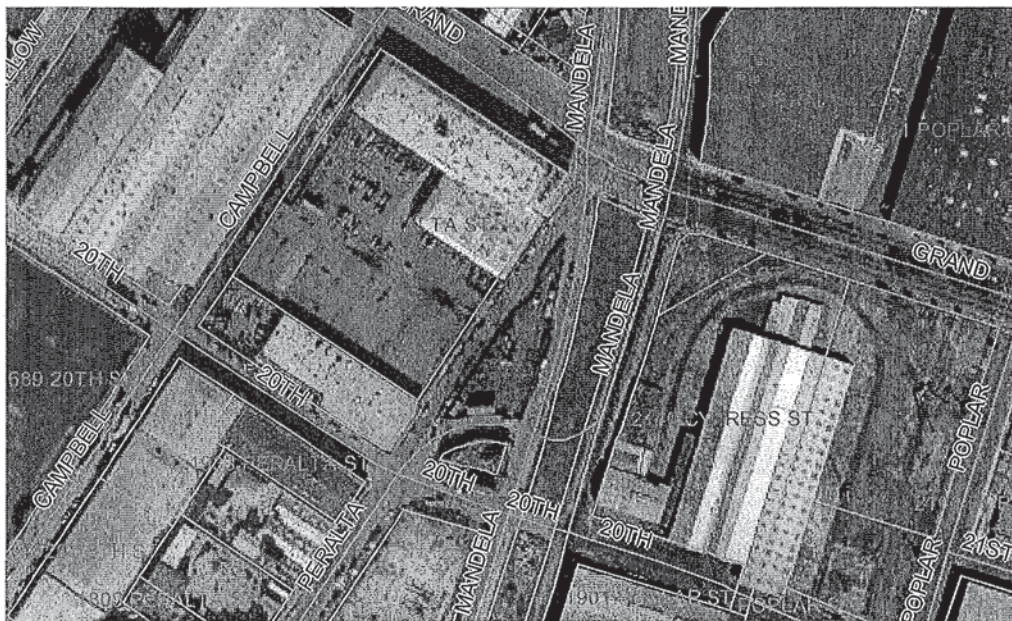
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POSSIBLE AUCTION PARCEL



-1251  
# 236



005-0421-

- (1) Zoning is M-30/ S-4 (to be verified)
- General Plan is Business Mix
- Land Area to be determined
- including area of street vacation

POSSIBLE AUCTION PARCELS



## CIRCULATION LIST OF PUBLIC AGENCIES WITHIN ALAMEDA COUNTY

Bay Area Rapid Transit District  
Robin Hill, Real Estate Director  
P.O. Box 12688  
1330 Broadway, Suite 1800  
Oakland, California 94612  
464-6888

Oakland Redevelopment Agency  
James Rinehart, Agency Administrator  
1333 Broadway, 9th Floor  
Oakland, California 94612  
238-3692

Oakland Housing Authority  
Harold Davis, Executive Director  
1619 Harrison Street  
Oakland, California 94612  
874-1520

Port of Oakland  
Attn: Real Estate Director  
530 Water Street  
Oakland, California 94607  
272-1100

East Bay Municipal Utilities District  
Becky Lamoreaux, Real Estate Director  
375-11th Street  
Oakland, California 94612  
835-3000

East Bay Regional Parks District  
Robert Doyle, Assistant General Manager  
6500 Broadway  
Oakland, California 94618  
531-9300 - extension 2318

Oakland Unified School District  
Attention: Bob Long  
1025 Second Street  
Oakland, California 94606  
835-8261

Alameda County Public Works Agency  
John Fenstermacher, Real Estate Director  
399 Elmhurst Street  
Hayward, California 94544  
670-5585

Revised 2/92



# CITY OF OAKLAND



CITY HALL • 1333 BROADWAY • OAKLAND, CALIFORNIA 94612

Office of Public Works

August 3, 1992

(510) 238-3961

FAX: (510) 238-2233

TDD (510) 839-6451

## SURPLUS PROPERTY DISPOSAL

R.E.D. File No. 4701.2

Surplus Parcel No. N/A

Assessor's Parcel No. adjacent to 005-0421-002-02

Location: 2021 Cypress (Mandela Parkway) Street

The City of Oakland hereby gives notice of its intent to dispose of the surplus property described on the enclosures.

State status allow an entity desiring to purchase the surplus property up to 60 days from receipt of this notice to notify the selling agency (City) of its intent to purchase the property for park, recreation or open space purposes, or low and moderate income housing purposes. It will be appreciated if we receive your response within 30 days. Additional 60 days is provided by law to reach agreement with the selling agency on the price for the property. If the price is not mutually agreed upon during the 60 day period, the City may dispose of the property in the normal manner.

You may use the individual enclosures to state your agency's intent to purchase and state your offered price, or a letter is acceptable.

The notice of intent to purchase should be addressed to:

City of Oakland  
Real Estate Division  
1330 Broadway, Suite 1001  
Oakland, CA 94612

If you need additional information, please contact the undersigned at 238-3541.

Sincerely,

  
Mark Bryant  
Real Estate Agent

Enclosures

# CITY OF OAKLAND



CITY HALL • 1333 BROADWAY • OAKLAND, CALIFORNIA 94612

Office of Public Works

August 3, 1992

(510) 238-3961  
FAX: (510) 238-2233  
TDD (510) 839-6451

## SURPLUS PROPERTY NOTICE

R.E.D. File No. 4701.2

Surplus Parcel No. N/A

Assessor's Parcel No. adjacent to 005-0421-002-02

Pursuant to Government Code Regulations, the following is offered to Public Agencies within Alameda County:

Location: 2021 Cypress (Mandela Parkway) Street

Description: Vacant land (triangular shape) at intersection of Peralta and Cypress (Mandela Parkway) Street and West Grand Avenue

Land Area\*: Approximately 18,483 sq.ft.

Zoning: M-30 (general industrial zone)

Interested in the property: (circle one) Yes No

This agency proposes to use the property for: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Price Offered: \$ \_\_\_\_\_

Agency: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

(Please sign and return one copy)

\*See enclosed plat of property



REUNG M2674  $\frac{1}{2}$ -60

71  
72

PERVAH

15

BE LEASED.

14073

RAILROAD TRACKS

57.

Overhead

1/2 way

4

Limit

EXPRESS

20TH

GRAND

157

57

MAP SHOWING AREA TO BE  
LEASED TO FOSTER AND  
KLEISER COMPANY.

OAKLAND, CALIFORNIA

MARCH 20, 1963



## CIRCULATION LIST OF PUBLIC AGENCIES WITHIN ALAMEDA COUNTY

Bay Area Rapid Transit District  
Robin Hill, Real Estate Director  
P.O. Box 12688  
1330 Broadway, Suite 1800  
Oakland, California 94612  
464-6888

Oakland Redevelopment Agency  
James Rinehart, Agency Administrator  
1333 Broadway, 9th Floor  
Oakland, California 94612  
238-3692

Oakland Housing Authority  
Harold Davis, Executive Director  
1619 Harrison Street  
Oakland, California 94612  
874-1520

Port of Oakland  
Attn: Real Estate Director  
530 Water Street  
Oakland, California 94607  
272-1100

East Bay Municipal Utilities District  
Becky Lamoreaux, Real Estate Director  
375-11th Street  
Oakland, California 94612  
835-3000

East Bay Regional Parks District  
Robert Doyle, Assistant General Manager  
6500 Broadway  
Oakland, California 94618  
531-9300 - extension 2318

Oakland Unified School District  
Attention: Bob Long  
1025 Second Street  
Oakland, California 94606  
835-8261

Alameda County Public Works Agency  
John Fenstermacher, Real Estate Director  
399 Elmhurst Street  
Hayward, California 94544  
670-5585

Revised 2/92

TO Jim Rinehart - O.E.D.E. DATE Aug 4, 1992  
FROM Mark Bryant - Real Estate SUBJECT Review for Agency  
interest in City-owned  
properties.

Please review the subject properties for possible  
interest by ORA. Please respond on or before  
10-4-92.

SIGNED

Mark Bryant - x6363

PLEASE REPLY HERE

TO

DATE

SIGNED

INSTRUCTIONS - FILL IN TOP PORTION, REMOVE DUPLICATE (YELLOW) AND FORWARD REMAINING  
PARTS WITH CARBONS. TO REPLY, FILL IN LOWER PORTION AND SNAP OUT CARBONS. RETAIN  
TRIPLICATE (PINK) AND RETURN ORIGINAL

FORM M103

DUPLICATE

**CITY OF OAKLAND**  
**Interoffice Letter**

To: Planning Dept. Attention: Alvin James Date: August 3, 1992

From: Real Estate Division

Subject: Zoning Review of Surplus Land R.E.D. File #4701.2

The following property is considered to be surplus of the needs of the City of Oakland. It is forwarded requesting that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 7952 C.M.S.

Location: 2021 Cypress (Mandela Parkway) Street (map attached)

Assessor's Parcel No. Adjacent to 005-0421-002-02

Area of Parcel (sq. ft.) 18,483 sq.ft.

Existing Improvements: None

Purpose of Acquisition: (yr. 1960) Relinquishment from State (Caltrans)

Current Zoning: M-30 (General Industrial Zone)

Reason for disposal: Non-essential remnant (eliminate maintenance responsibility)


City owned property within 300 feet: No

Recommendation: Sell as surplus property at public auction

Real Estate Agent for field review: Mark Bryant - extension 3541

Assemblage: No Total Sq.Ft. Assemblage:                     

Comments: Working with State (Caltrans) on clearing title in  
in favor of City.

  
Warren Branscum, CREA  
Supervisor, Realty Operations



R/W 20'  
 Curb 38'  
 G-276  
 Rev'd 11-2-60

39  
24

PERALTA

20TH

RAILROAD TRACKS

ST.

CYPRESS

CYPRESS

ST.

ST.

ST.

WEST GRAND

BLOCK  
 AREA TO BE LEASED  
 1  
2  
3  
4  
5  
6

CURB LINE  
 CURB LINE

Overhead

Nimitz Freeway

MAP SHOWING AREA TO BE  
 LEASED TO FOSTER AND  
 KLEISER COMPANY

OAKLAND, CALIFORNIA MARCH 20, 1963

**CITY OF OAKLAND**  
**Interoffice Letter**

To: Development Srvs. Attention: Joan Curtis Date: August 3, 1992

From: Real Estate Division

Subject: R.E.D. File No. 4701.2 Parcel No. 005-0421-002-02 <sup>Adjacent to</sup>

Attached for your review is information regarding 1 surplus parcel.  
Return this notice to:

Real Estate Division  
Attn: Mark Bryant  
Ext: 3541

This parcel(s) should be reviewed for:

- Easements (utility, access, etc.) and rights of way not of public record.
- Easements and or rights of way that the City wishes to have reserved.

Your response to this request is essential before the Real estate Division can proceed with the sale of this property. Your response is requested on or before Sept 3, 1992. Map(s) showing parcel location are attached to this request.

Special comments: Subject parcel is triangular shaped, vacant land  
-(18,483 sq. ft.)

Our department has noted the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**CITY OF OAKLAND**  
**Interoffice Letter**

To: Engr/Design Svcs. Attention: Kenneth Wong Date: August 3, 1992

From: Real Estate Division

Subject: R.E.D. File No. 4701.2

Adjacent to  
Parcel No: 005-0421-002-02

Attached for your review is information regarding 1 surplus parcel.  
Return this notice to:

Real Estate Division  
Attn: Mark Bryant  
Ext: 3541

This parcel(s) should be reviewed for:

- Easements (utility, access, etc.) and rights of way not of public record.
- Easements and or rights of way that the City wishes to have reserved.

Your response to this request is essential before the Real estate Division can proceed with the sale of this property. Your response is requested on or before Sept 3, 1992. Map(s) showing parcel location are attached to this request.

Special comments: Subject parcel is triangular shaped, vacant land  
(18,483 sq. ft.)

Our department has noted the following: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



# CITY OF OAKLAND

## Interoffice Letter

To: Various Depts. Attention: See Below Date: August 3, 1992

From: Real Estate Division

Subject: R.E.D. File No. 4701.2 Adjacent to:  
Parcel No. 005-0421-002-02

Attached for your review is information regarding 1 surplus parcel. Return this notice to: REAL ESTATE DIVISION, Attention: Mark Bryant Extension 3541, indicating whether you have any interest in using the above-referenced parcel(s) for City use. Please respond by 9/3/92. Map(s) showing parcel location are attached to this request.

Special Comments: Vacant land (18,483 sq.ft.) triangular shape at intersection of Peralta and Cypress (Mandela Parkway) Streets

<u>Community Development</u>	Attn: Antoinette Hewlett/ Roy Schweyer
<u>Fire Department</u>	Attn: Lamont Ewell
<u>General Services</u>	Attn: James Ashley
<u>Library</u>	Attn: Susanna Gilden
<u>Parks &amp; Recreation</u>	Attn: Herbye White
<u>Maintenance Services</u>	Attn: Al Lenzini
<u>Police Department</u>	Attn: George Hart

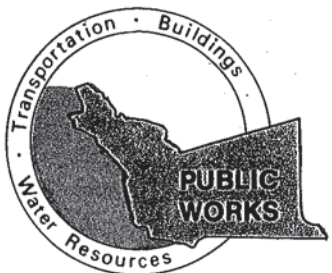
Our department is:

not interested in any of the parcels.

interested in the following parcels \_\_\_\_\_

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Title: \_\_\_\_\_



COUNTY OF ALAMEDA  
PUBLIC WORKS AGENCY

399 Elmhurst Street • Hayward, CA 94544-1395  
(510) 670-5480

RECEIVED AUG 18 1992

August 13, 1992

Mr. Mark Bryant  
Real Estate Agent  
City of Oakland  
City Hall  
1333 Broadway  
Oakland, California 94612

Dear Mr. Bryant:

Re: Zone 12 R/W - General  
Your R.E.D. File No. 4701.2  
Property location 2021 Cypress Street (Mandela Parkway)

A thank you for advising Alameda County Public Works Agency of the availability of the referenced city-owned property. Please be advised that neither the County Road Fund nor Alameda County Flood Control and Water Conservation District has a need for the property.

Yours truly,

John W. Fenstermacher  
Chief, Real Estate Division

mbc:A62945

# REGIONAL PARKS

## EAST BAY REGIONAL PARK DISTRICT

August 13, 1992

RECEIVED AUG 14 1992

BOARD OF DIRECTORS  
James H. Duncan, *President*  
Jocelyn Combs, *Vice President*  
Ted Radke, *Treasurer*  
Oliver Holmes, *Secretary*  
Harlan Kessel  
John O'Donnell  
Carroll Williams  
Pat O'Brien  
*General Manager*

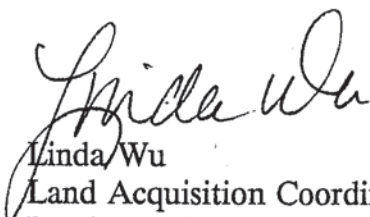
City of Oakland  
Real Estate Division  
1330 Broadway, Suite 1001  
Oakland, CA 94612

Re: R.E.D. File No. 2032.25  
R.E.D. File No. 4701.2

To Whom It May Concern:

Thank you for the opportunity to review the property owned and offered by the City of Oakland referred to above, APN: 041-4162-032-04 (portion) and adjacent to 005-0421-002-02. The East Bay Regional Park District is not interested in acquiring this property at this time.

Sincerely,

  
Linda Wu  
Land Acquisition Coordinator  
Land Acquisition Department  
(510) 635-0138 ext. 2608

letter.29





RECEIVED AUG 13 1992

RECEIVED  
AUG 05 1992

**LIBRARY  
BUSINESS OFFICE**

Parcel No. 005-0421-002-02 Adjacent to:

Title: Admin Svc Mgr



COUNTY OF ALAMEDA  
PUBLIC WORKS AGENCY

399 Elmhurst Street • Hayward, CA 94544-1395  
(510) 670-5480

RECEIVED AUG 18 1992

August 13, 1992

Mr. Mark Bryant  
Real Estate Agent  
City of Oakland  
City Hall  
1333 Broadway  
Oakland, California 94612

Dear Mr. Bryant:

Re: Zone 12 R/W - General  
Your R.E.D. File No. 4701.2  
Property location 2021 Cypress Street (Mande Parkway)

A thank you for advising Alameda County Public Works Agency of the availability of the referenced city-owned property. Please be advised that neither the County Road Fund nor Alameda County Flood Control and Water Conservation District has a need for the property.

Yours truly,

John W. Fenstermacher  
Chief, Real Estate Division

mbc:A62945

**CITY OF OAKLAND**  
**Interoffice Letter**

To: Development Svcs. Attention: Joan Curtis Date: August 3, 1992

From: Real Estate Division

Subject: R.E.D. File No. 4701.2 Adjacent to  
Parcel No. 005-0421-002-02

Attached for your review is information regarding 1 surplus parcel.  
Return this notice to:

Real Estate Division  
Attn: Mark Bryant  
Ext: 3541

This parcel(s) should be reviewed for:

- Easements (utility, access, etc.) and rights of way not of public record.
- Easements and or rights of way that the City wishes to have reserved.

Your response to this request is essential before the Real estate Division can proceed with the sale of this property. Your response is requested on or before Sept 3, 1992. Map(s) showing parcel location are attached to this request.

Special comments: Subject parcel is triangular shaped, vacant land  
(18,483 sq. ft.)

Our department has noted the following: ACTIVE STORM SYSTEM  
IN EASEMENT AS SHOWN. - Wrong parcel studied

Date: 8-7-92 Name: Jim Osallo  
Title: ENR Tech

→ The correct property (map attached) has no ~~not~~ involvement with  
any utilities. ~~Mark~~ Confirmed with Development Services on  
8-10-92. - Mark Bryant



R/W  $\frac{51}{40}$   
 Const  $\frac{38}{26}$   
 G-276  
 Reung M26V 1-60

19  
24

PERALTA

ST.  
RAILROAD TRACKS

20TH

CYPRESS

CYPRESS

BLOCK  
AREA TO BE LEASED.

Alameda  
Freeway  
Overhead

ST.

ST.

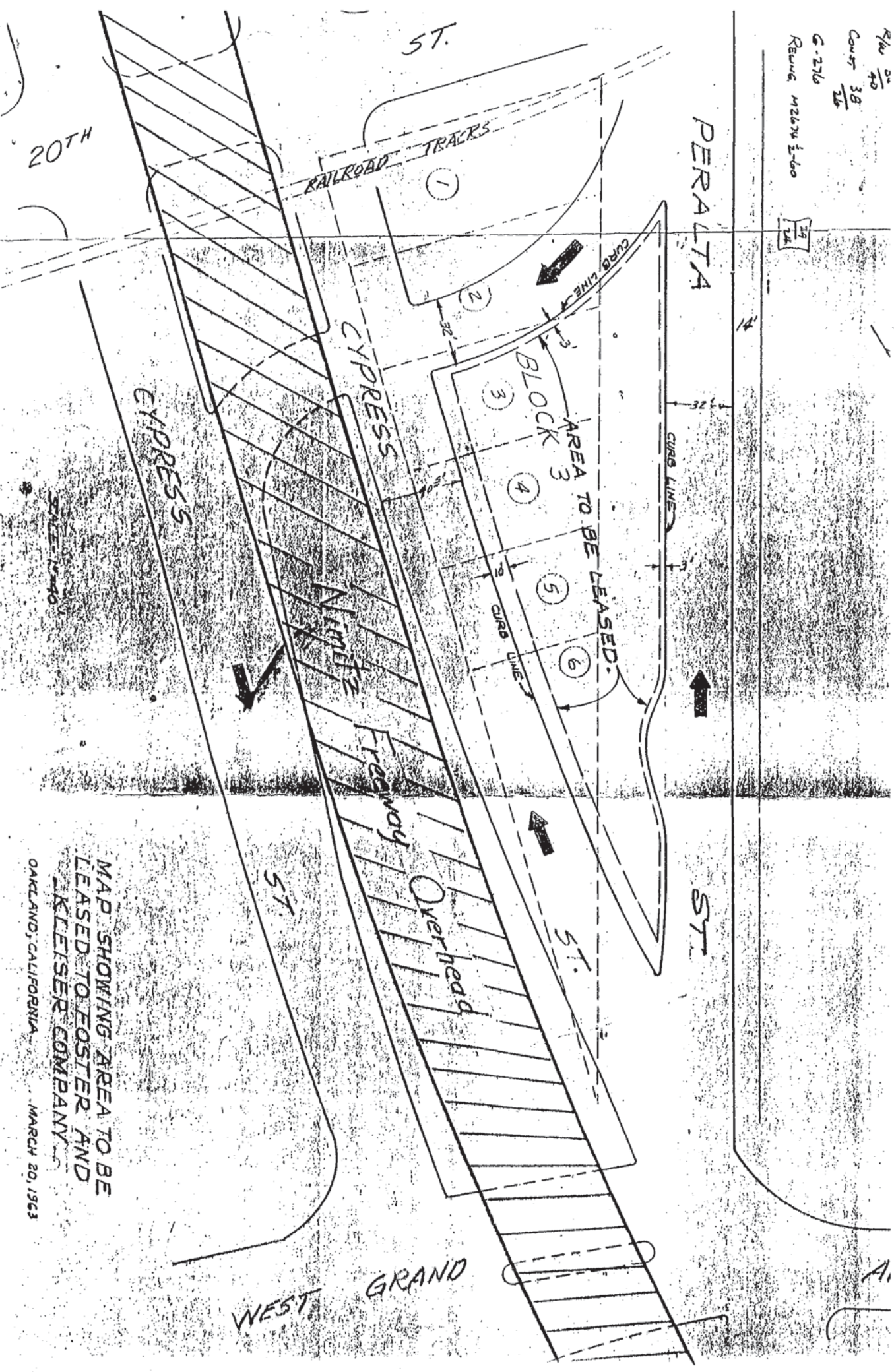
ST.

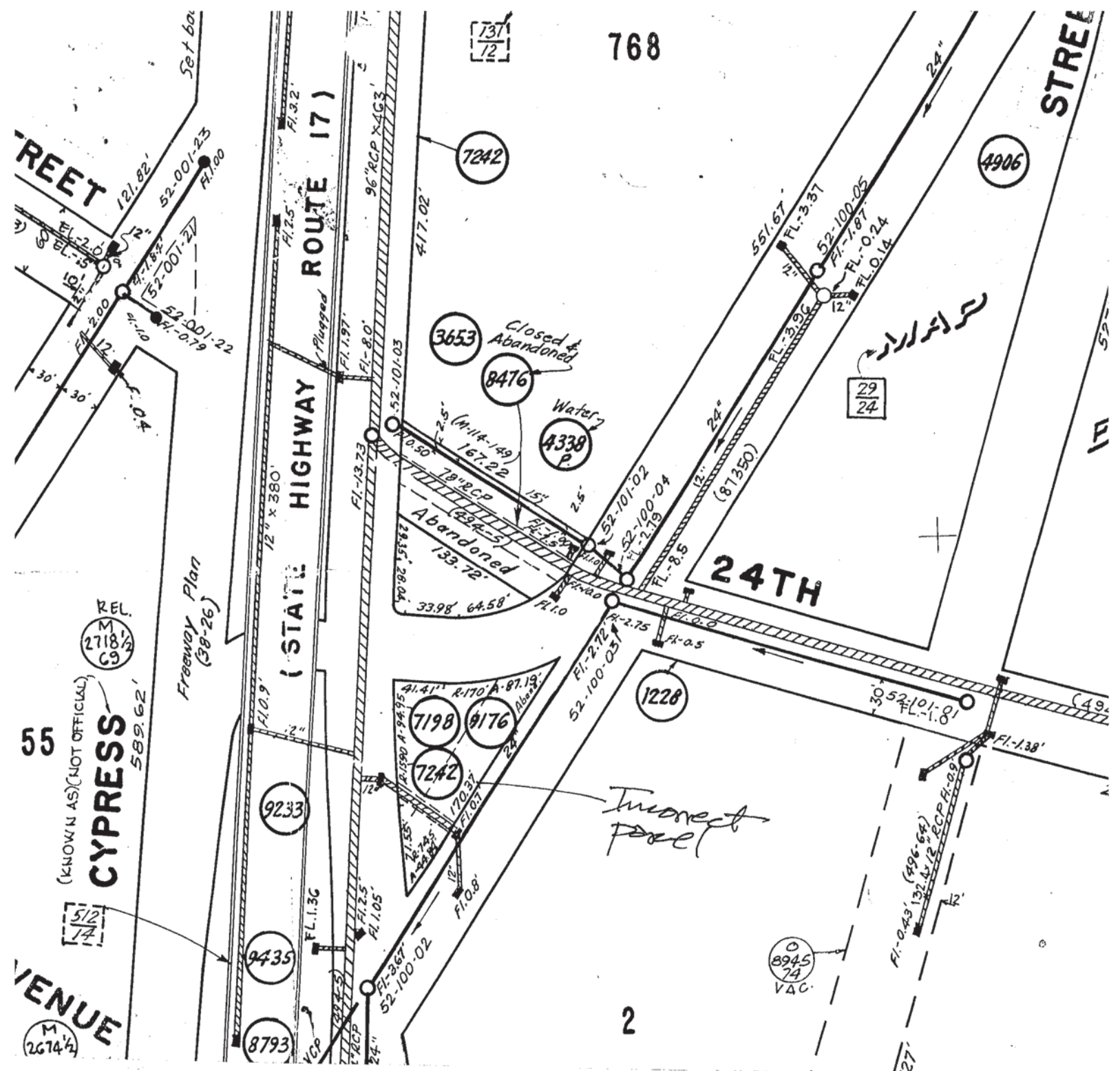
WEST GRAND

MAP SHOWING AREA TO BE  
 LEASED TO FOSTER AND  
 KLEISER COMPANY

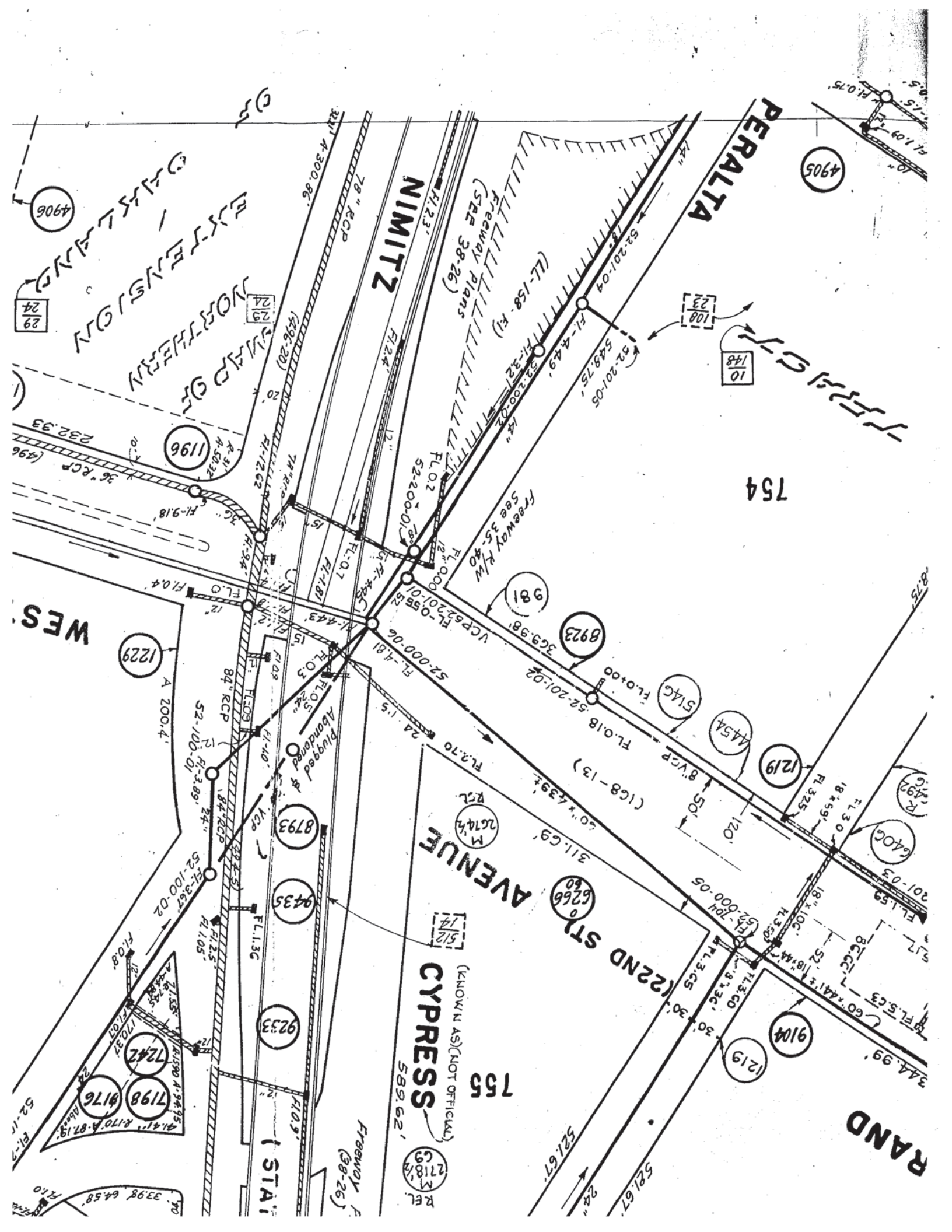
OAKLAND, CALIFORNIA

MARCH 20, 1963











CITY OF OAKLAND  
Interoffice Letter

RECEIVED AUG 12 1992

To: Engr/Design Srvs. Attention: Kenneth Wong Date: August 3, 1992

From: Real Estate Division

Subject: R.E.D. File No. 4701.2

Adjacent to  
Parcel No: CDS 0421-002-02

Attached for your review is information regarding 1 surplus parcel.  
Return this notice to:

Real Estate Division  
Attn: Mark Bryant  
Ext: 3541

This parcel(s) should be reviewed for:

- Easements (utility, access, etc.) and rights of way not of public record.
- Easements and or rights of way that the City wishes to have reserved.

Your response to this request is essential before the Real estate Division can proceed with the sale of this property. Your response is requested on or before Sept 3, 1992. Map(s) showing parcel location are attached to this request.

Special comments: Subject parcel is triangular shaped, vacant land  
(18,483 sq. ft.)

Our department has noted the following: NO SANITARY OR STORM EASEMENTS  
APPEAR TO EXIST, HOWEVER AN EXISTING SANITARY SEWER LINE, AS SHOWN  
ON THE ATTACHED SHEET, MAY BE ON THE SUBJECT PROPERTY WHICH WOULD  
REQUIRE AN EASEMENT TO BE RETAINED. CHECK TITLE REPORT

Date: 8-11-92

Name: Kenn Wong

Title: Supervising Civil Engineer

R/W  $\frac{35}{40}$   
 Cost  $\frac{38}{11}$   
 G-276  
 Reung M2674 ± 60

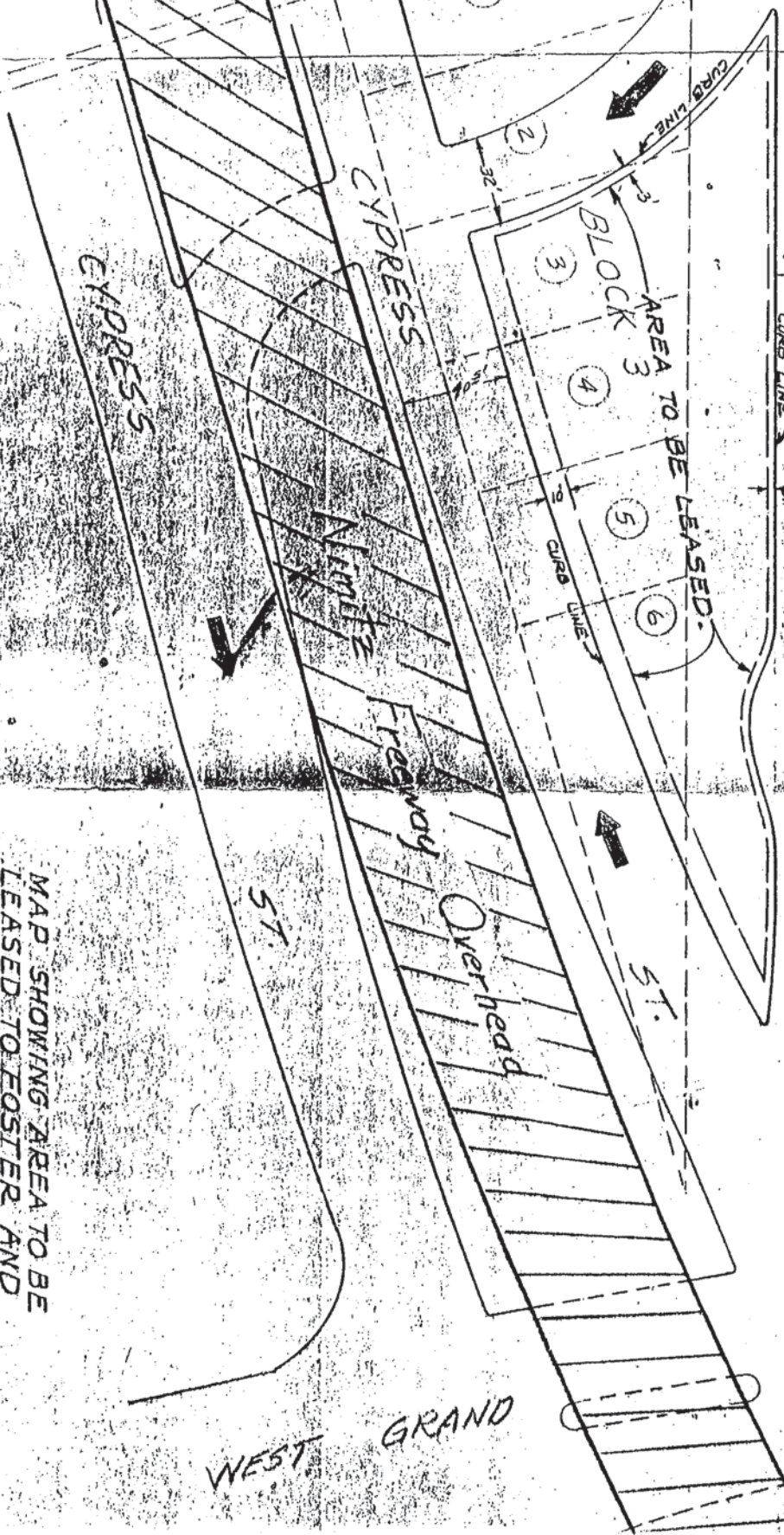
14

PERALTA

ST.

ST.  
RAILROAD TRACKS

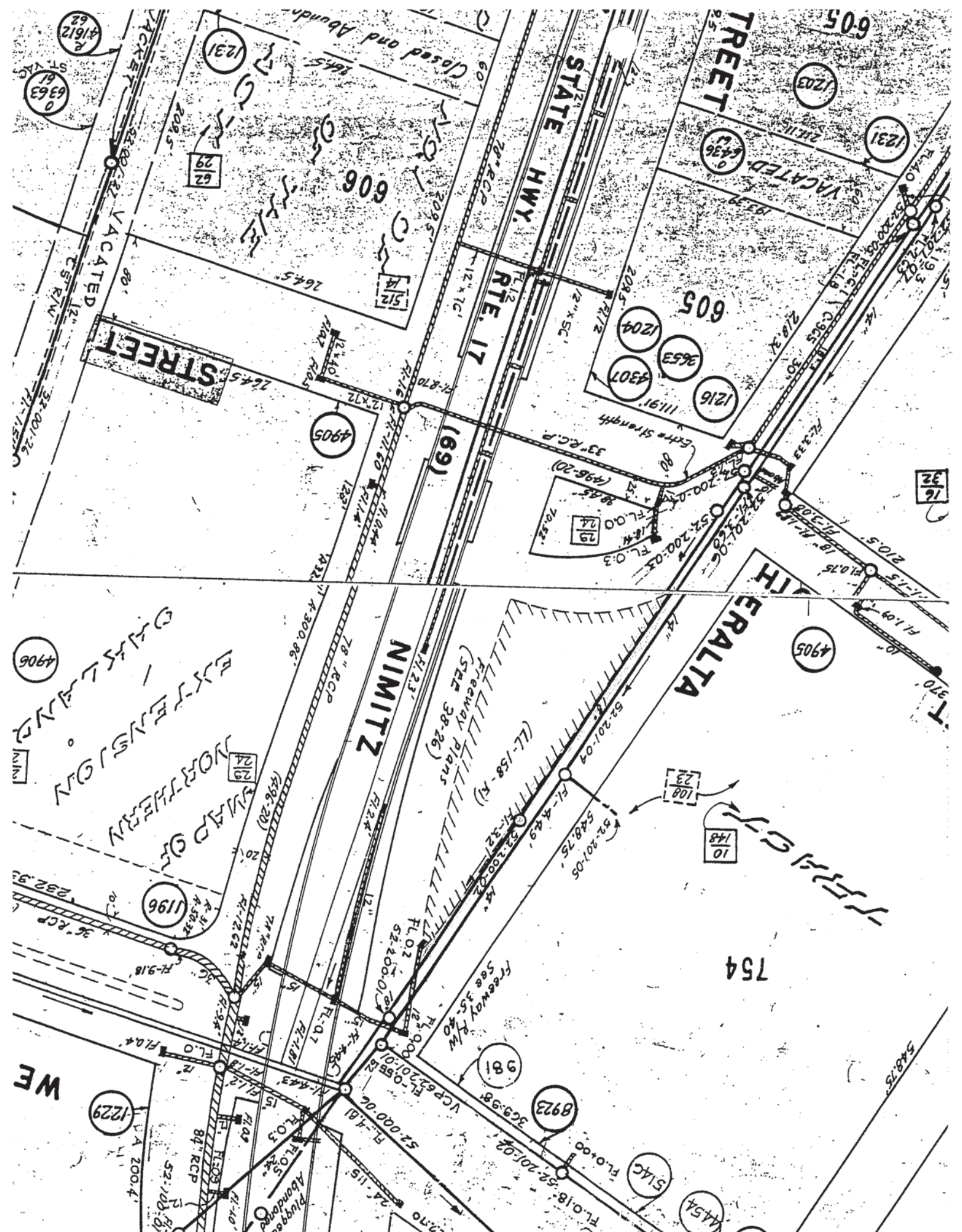
20TH



SCALE: 1" = 40'

MAP SHOWING AREA TO BE  
 LEASED TO FOSTER AND  
 KLEISER COMPANY  
 OAKLAND, CALIFORNIA  
 MARCH 20, 1963







CITY OF OAKLAND



CITY HALL • 1333 BROADWAY • OAKLAND, CALIFORNIA 94612

Office of Public Works

July 30, 1992

(510) 238-3961

FAX: (510) 238-2233

TDD (510) 839-6451

CalTrans - District 4  
R/W - Excess Lands Section  
P.O. Box 7791  
San Francisco, California 94120-7791  
Attn: Leslie Wong

Re: State Relinquishment #22030

Dear Ms. Wong:

Per our phone conversation, I am enclosing a copy of the above-referenced relinquishment of the State's fee interest in certain streets and pedestrian ways to the City of Oakland. The relinquishment was granted in November 1961 as a part of the original I-880 (Cypress Freeway Viaduct) Project. Also enclosed is a copy of a map showing the subject parcel that is believed to have been a part of that relinquishment.

The City of Oakland intends to market this property for sale in the fall to eliminate maintenance responsibility. Title to this property is unclear and impossible to describe because an assessor's parcel number was never assigned.

Please review the attached information to determine that this remaining parcel was a part of the State's relinquishment. Also, please provide the most current as-built street alignment maps of this area that clearly delineate the subject parcel.

The right of way maps showing ownerships prior to the realignment of the streets and as-built maps are essential to clarify the ownership and boundary lines of the subject parcel. The City desires to resolve these issues within the next 60-90 days. Please call me upon receipt of this letter at 510-238-6363 to discuss this request.

Sincerely,

  
Mark Bryant  
Real Estate Agent

cc: Warren Branscum, OPW Real Estate

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
**DIVISION OF HIGHWAYS**  
DISTRICT IV  
150 OAK STREET  
SAN FRANCISCO 2, CALIFORNIA  
UNDERHILL 3-0222

ADDRESS ALL COMMUNICATIONS TO  
P. O. BOX 3366, RINCON ANNEX  
SAN FRANCISCO 19

November 29, 1961

PLEASE REFER  
TO FILE NO.

IV-Ala-69-Oak  
Relinquishment  
No. 22030

Honorable City Council  
City of Oakland  
14th and Washington Streets  
Oakland, California

Gentlemen:

Attached for your files is a copy of the resolution of the California Highway Commission, as recorded on November 2, 1961, relinquishing to the City of Oakland, superseded highway, frontage roads and pedestrian ways between the 5th Avenue Overhead and the Bay Bridge Distribution Structure, Road IV-Ala-69-Oak..

Copies of this resolution are also being transmitted for the City Planning Commission, the City Manager and the City Engineer.

Very truly yours,

J. P. SINCLAIR  
Assistant State Highway Engineer

By

  
H. B. SMITH

Supervising Right of Way Agent

Attachment

cc: Wayne E. Thompson, City Manager  
John A. Morin, City Engineer  
City Planning Commission

AS136869

RELINQUISHMENT OF STATE HIGHWAY  
IN THE CITY OF OAKLAND, ROAD IV-Ala-69-Oak  
RELINQUISHMENT NO. 22030

WHEREAS, a portion of the State highway within the City of Oakland, along 7th and Cypress Streets between Kirkham and 8th Streets, road IV-Ala-69-Oak, hereinafter particularly described, has been superseded by a change in the location of said highway; and

WHEREAS, the California Highway Commission on September 29, 1939 and on December 13, 1950 adopted resolutions declaring a certain section of State highway Route 69 in the City of Oakland between the west end of the Fifth Avenue Overhead and its intersection with State highway Route 5 at the Distribution Structure, road IV-Ala-69-Oak, to be a freeway; and

WHEREAS, the State of California has acquired rights of way for and has constructed certain frontage roads and pedestrian ways in the City of Oakland between 7th and 34th Streets, road IV-Ala-69-Oak, in connection with said freeway; and

WHEREAS, by freeway agreement dated February 13, 1953 and by freeway maintenance agreement dated December 23, 1957 between the City of Oakland and the State of California, the city agreed to accept control and maintenance of said frontage roads and pedestrian ways upon relinquishment thereof to said city by the State of California; and

WHEREAS, this Commission has found and determined, and does hereby find and determine, that it is desirable and in the public interest that said superseded State highway, frontage roads and pedestrian ways be relinquished to the City of Oakland for use as city streets;

NOW, THEREFORE, IT IS VOTED by the California Highway Commission that it relinquish, and it does hereby relinquish to the City of Oakland, effective upon the recordation of a certified copy hereof with the Recorder of Alameda County, those certain portions of superseded State highway, frontage roads and pedestrian ways in said city, together with the right of way and appurtenances thereof, described as follows:

PARCEL 1:

COMMENCING at the most easterly corner of that certain 3202 square foot parcel of land described as Parcel 2 in the Director's Deed to Key Pipe & Supply Company, a corporation, recorded August 25, 1954 in Volume 7407, at page 309, Official Records of Alameda County, said corner being on the northerly line of 7th Street (100 feet wide); thence, from a tangent which bears S. 23°22'46" E., along a curve to the left with a radius of 1229 feet, through an angle of 6°24'12", an arc length of 137.35 feet to the southerly line of said 7th Street; thence along said southerly street line, N. 73°20'06" W., 388.24

AS136869

RECORDED AT REQUEST OF STATE OF CALIFORNIA =  
AT 2:17 P.M. NOV - 2 1961



feet to the intersection of said southerly line with the westerly line of Cypress Street (100 feet wide) produced across said 7th Street; thence along said westerly line produced across said 7th Street N.  $17^{\circ}06'32''$  E., 100.00 feet to said northerly line of 7th Street produced across said Cypress Street; thence along said northerly line produced N.  $73^{\circ}20'06''$  W., 24.81 feet to a point of cusp; thence, from a tangent which bears S.  $73^{\circ}20'06''$  E., along a curve to the left with a radius of 25 feet, through an angle of  $89^{\circ}33'22''$ , an arc length of 39.08 feet to said westerly line of Cypress Street; thence along last said street line N.  $17^{\circ}06'32''$  E., 273.94 feet to the southerly line of 8th Street (80 feet wide); thence N.  $14^{\circ}59'50''$  E., 80.05 feet to the general westerly right of way line for the State freeway in the City of Oakland, road IV-Ala-69-Oak; thence along said right of way line N.  $11^{\circ}49'20''$  E., 239.31 feet, N.  $12^{\circ}19'14''$  E., 60.21 feet, from a tangent which bears N.  $13^{\circ}07'02''$  E., along a curve to the right with a radius of 2050.50 feet, through an angle of  $3^{\circ}59'30''$ , an arc length of 142.85 feet and N.  $17^{\circ}06'32''$  E., 987.47 feet to the northerly line of 13th Street (60 feet wide); thence along last said street line S.  $72^{\circ}53'28''$  E., 49.20 feet; thence S.  $13^{\circ}40'10''$  W., 63.29 feet to a line parallel with and distant 32 feet westerly, at right angles from the "F1" and "L3" lines of the Department of Public Works' survey for the said freeway; thence S.  $17^{\circ}06'32''$  W., along said parallel line, 924.30 feet; thence S.  $15^{\circ}02'57''$  W., 144.67 feet; thence from a tangent which bears S.  $11^{\circ}11'00''$  W., along a curve to the left with a radius of 1211.37 feet, through an angle of  $18^{\circ}31'50''$ , an arc length of 391.78 feet to the southerly line of said 8th Street; thence along last said line N.  $72^{\circ}53'43''$  W., 25.41 feet to the easterly line of said Cypress Street (100 feet wide); thence along last said street line S.  $17^{\circ}06'32''$  W., 272.78 feet; thence along a tangent curve to the left with a radius of 25 feet, through an angle of  $90^{\circ}26'38''$ , an arc length of 39.46 feet to said northerly line of 7th Street; thence along last said street line S.  $73^{\circ}20'06''$  E., 168.21 feet to the point of commencement.

A length of 0.41 of a mile, more or less, and being a portion of superseded State highway Route 69 and a frontage road in the City of Oakland including portions of 7th and Cypress Streets.

#### ✓ PARCEL 2:

COMMENCING at the southwesterly corner of that 7874 square foot parcel of land conveyed to the State of California by deed recorded June 9, 1955 in Volume 7685, at page 539, Official Records of Alameda County, said corner being on the northerly line of 14th Street (80 feet wide); thence along the general westerly right of way line for State freeway, road IV-Ala-69-Oak, N.  $17^{\circ}06'32''$  E., 394.25 feet, along a tangent curve to the right with a radius of 1010 feet, through an angle of  $2^{\circ}54'08''$ , an arc length of 51.16 feet, N.  $20^{\circ}00'40''$  E., 323.52 feet, N.  $19^{\circ}19'38''$  E., 60.05 feet, N.  $17^{\circ}06'32''$  E., 919.03 feet, from a tangent which bears N.  $71^{\circ}05'18''$  W., along a curve to the left with a radius of 120 feet, through an angle of  $57^{\circ}48'44''$ , an arc length of 121.08 feet, S.  $33^{\circ}27'02''$  W., 18.41 feet, N.  $72^{\circ}53'28''$  W., 41.68 feet, N.  $33^{\circ}27'02''$  E., 406.16 feet, N.  $22^{\circ}13'01''$  E., 133.47

AS136869



feet, N.  $56^{\circ}32'58''$  W., 66.54 feet, N.  $33^{\circ}27'02''$  E., 30.00 feet, N.  $42^{\circ}57'47''$  E., 60.84 feet, N.  $5^{\circ}40'14''$  E., 623.53 feet, N.  $5^{\circ}30'55''$  E., 206.94 feet, N.  $4^{\circ}16'57''$  E., 491.11 feet, N.  $6^{\circ}38'54''$  W., 78.44 feet, from a tangent which bears S.  $56^{\circ}32'58''$  E., along a curve to the left, with a radius of 10 feet, through an angle of  $119^{\circ}10'05''$ , an arc length of 20.80 feet, N.  $4^{\circ}16'57''$  E., 163.81 feet, along a tangent curve to the left with a radius of 565 feet; through an angle of  $3^{\circ}44'55''$ , an arc length of 36.97 feet, N.  $4^{\circ}50'10''$  E., 125.28 feet, N.  $4^{\circ}16'57''$  E., 388.71 feet, N.  $26^{\circ}31'33''$  W., 61.66 feet, from a tangent which bears N.  $76^{\circ}47'32''$  E., along a curve to the left, with a radius of 50 feet, through an angle of  $75^{\circ}18'21''$ , an arc length of 65.72 feet, N.  $1^{\circ}29'11''$  E., 42.89 feet, N.  $13^{\circ}12'28''$  W., 166.32 feet and from a tangent which bears N.  $72^{\circ}37'17''$  E., along a curve to the left with a radius of 55 feet, through an angle of  $12^{\circ}44'33''$ , an arc length of 12.23 feet; thence S.  $13^{\circ}12'28''$  E., 160.24 feet; thence S.  $1^{\circ}29'11''$  W., 53.97 feet; thence along a tangent curve to the right with a radius of 59.50 feet, through an angle of  $42^{\circ}28'51''$ , an arc length of 44.12 feet; thence N.  $76^{\circ}47'32''$  E., 37.48 feet; thence S.  $13^{\circ}12'28''$  E., 60.11 feet; thence S.  $4^{\circ}16'57''$  W., 1319.90 feet; thence S.  $5^{\circ}38'28''$  W., 398.96 feet; thence S.  $2^{\circ}02'06''$  E., 67.70 feet; thence S.  $8^{\circ}32'20''$  W., 179.60 feet; thence S.  $5^{\circ}50'23''$  W., 202.97 feet; thence S.  $4^{\circ}50'06''$  W., 105.58 feet; thence S.  $11^{\circ}16'00''$  W., 33.09 feet; thence from a tangent which bears S.  $8^{\circ}24'25''$  W., along a curve to the right with a radius of 2002.50 feet, through an angle of  $8^{\circ}42'07''$ , an arc length of 304.14 feet; thence S.  $17^{\circ}06'32''$  W., 730.50 feet; thence N.  $72^{\circ}53'28''$  W., 12.38 feet; thence S.  $17^{\circ}06'32''$  W., 289.51 feet; thence S.  $20^{\circ}00'40''$  W., 382.62 feet; thence along a tangent curve to the left with a radius of 970 feet, through an angle of  $2^{\circ}54'08''$ , an arc length of 49.13 feet; thence S.  $17^{\circ}06'32''$  W., 460.52 feet to a point distant N.  $72^{\circ}53'28''$  W., 65.00 feet from Engineer's Station 214+95.00 on the "F1" line of the Department of Public Works' survey for road IV-Ala-69-Oak; thence N.  $72^{\circ}53'28''$  W., 40.00 feet to the southerly prolongation of the westerly line of aforesaid 7874 square foot parcel; thence along said southerly prolongation N.  $17^{\circ}06'32''$  E., 66.27 feet to the point of commencement.

A length of 0.92 of a mile, more or less, including 0.05 of a mile, more or less, of pedestrian way.

### PARCEL 3:

COMMENCING at the most northerly corner of that 17,586 square foot parcel of land conveyed to the State of California by deed recorded September 7, 1954 in Volume 7417, at page 289, Official Records of Alameda County; thence N.  $72^{\circ}53'28''$  W., 21.70 feet; thence from a tangent that bears N.  $4^{\circ}59'37''$  E., along a curve to the right with a radius of 1267.21 feet, through an angle of  $8^{\circ}43'06''$ , an arc length of 192.82 feet to a point distant S.  $76^{\circ}17'17''$  E., 32.79 feet from Engineer's Station 201+79.76 P.C.C. on the "F1B" line of the Department of Public Works' survey for State freeway, road IV-Ala-69-Oak; thence N.  $15^{\circ}04'38''$  E., 149.54 feet; thence N.  $17^{\circ}06'32''$  E., 1118.95 feet; thence N.  $73^{\circ}12'25''$  E., 89.16 feet; thence N.  $17^{\circ}06'32''$  E., 61.71 feet; thence N.  $20^{\circ}14'27''$  E., 103.67 feet; thence along a tangent curve to the left with a



radius of 1229 feet, through an angle of  $12^{\circ}23'54''$ , an arc length of 265.95 feet; thence N.  $6^{\circ}21'16''$  E., 63.90 feet; thence from a tangent which bears N.  $4^{\circ}51'48''$  E., along a curve to the right with a radius of 1171 feet, through an angle of  $9^{\circ}31'42''$ , an arc length of 194.74 feet; thence N.  $10^{\circ}40'24''$  E., 37.03 feet; thence N.  $7^{\circ}46'50''$  E., 54.78 feet; thence N.  $14^{\circ}27'08''$  E., 215.74 feet; thence N.  $13^{\circ}06'17''$  E., 74.18 feet; thence N.  $17^{\circ}06'32''$  E., 725.92 feet; thence N.  $17^{\circ}21'32''$  E., 178.35 feet; thence from a tangent which bears N.  $18^{\circ}31'46''$  E., along a curve to the left with a radius of 1897.50 feet, through an angle of  $4^{\circ}39'49''$ , an arc length of 154.45 feet; thence N.  $11^{\circ}24'45''$  E., 117.21 feet; thence N.  $11^{\circ}41'08''$  E., 34.46 feet; thence from a tangent that bears N.  $8^{\circ}54'45''$  E., along a curve to the left with a radius of 1557 feet, through an angle of  $11^{\circ}28'30''$ , an arc distance of 311.83 feet to a point of reverse curvature, thence along a tangent curve to the right with a radius of 1643 feet, through an angle of  $3^{\circ}40'56''$ , an arc length of 105.59 feet; thence N.  $1^{\circ}32'00''$  E., 38.00 feet, N.  $3^{\circ}21'10''$  E., 54.20 feet to a point distant S.  $85^{\circ}43'03''$  E., 32.00 feet from Engineer's Station 243+85.20 on the "F1" line for said freeway; thence along a line parallel with and distant 32.00 feet easterly, at right angles, from said "F1" line and its northerly prolongation known as the "F1B" line, N.  $4^{\circ}16'57''$  E., 1725.00 feet; thence S.  $89^{\circ}20'00''$  E., 125.10 feet to a point on the general easterly right of way line for said State freeway, road IV-Ala-69-Oak, thence along said right of way line S.  $76^{\circ}47'32''$  W., 75.33 feet, along a line parallel with and distant 85.00 feet easterly, at right angles, from said "F1" line and its northerly prolongation S.  $4^{\circ}16'57''$  W., 1710.24 feet to a point distant S.  $85^{\circ}43'03''$  E., 85.00 feet from said Engineer's Station 243+85.20 and along a tangent curve to the left with a radius of 1590 feet, through an angle of  $1^{\circ}00'37''$ , an arc length of 28.04 feet to the southwesterly line of that 4267 square foot parcel of land conveyed to Rockwell Manufacturing Company, a corporation, by Director's Deed recorded January 11, 1955 under Recorder's Serial No. AK 2771, Official Records of Alameda County; thence along the southwesterly, southerly and southeasterly lines of said 4267 square foot parcel and along the southeasterly line of that parcel of land conveyed to last said company by Director's Deed recorded October 25, 1956 in Volume 8186, at page 417, Official Records of Alameda County, S.  $56^{\circ}32'58''$  E., 38.27 feet, S.  $85^{\circ}43'03''$  E., 10.69 feet and along a tangent curve to the left with a radius of 120 feet, through an angle of  $45^{\circ}59'48''$ , an arc length of 96.34 feet to the center line of 24th Street (60 feet wide); thence along last said center line S.  $56^{\circ}32'58''$  E., 34.00 feet; thence S.  $33^{\circ}27'02''$  W., 49.28 feet to a line concentric with and distant 50.00 feet southeasterly, measured radially to the curve described above with a radius of 120 feet; thence along said concentric line, from a tangent which bears S.  $61^{\circ}31'24''$  W., along a curve to the right with a radius of 170 feet, through an angle of  $32^{\circ}45'33''$ , an arc length of 97.20 feet; thence N.  $85^{\circ}43'03''$  W., 41.41 feet to the southerly continuation of that curve described above with a radius of 1590 feet, said curve being the general easterly right of way line mentioned above, thence along last said right of way line from a tangent which bears S.  $0^{\circ}47'46''$  W., along said curve to the left with a radius of 1590 feet, through an angle of  $3^{\circ}25'18''$ , an arc length of 94.95 feet, S.  $3^{\circ}50'15''$  E.,



82.06 feet, S. 4°16'57" W., 94.39 feet, from a tangent which bears S. 2°33'40" E., along a curve to the right with a radius of 800 feet, through an angle of 14°21'10", an arc length of 200.40 feet, S. 0°19'13" W., 114.90 feet, from a tangent which bears N. 72°53'28" W., along a curve to the left with a radius of 31 feet, through an angle of 93°00'23", an arc length of 50.32 feet to a point of reverse curvature, along a tangent curve to the right with a radius of 2810 feet, through an angle of 6°08'04", an arc length of 300.86 feet to a point of reverse curvature, along a tangent curve to the left with a radius of 590 feet, through an angle of 3°07'41", an arc length of 32.21 feet, S. 17°06'32" W., 687.00 feet, S. 13°21'19" W., 80.17 feet, S. 14°22'34" W., 209.74 feet, S. 7°32'41" W., 60.85 feet, from a tangent which bears S. 9°16'09" W., along a curve to the right with a radius of 650.50 feet, through an angle of 18°32'21", an arc length of 210.48 feet, S. 14°37'19" W., 80.08 feet, from a tangent which bears S. 7°55'31" W., along a curve to the right with a radius of 1240 feet, through an angle of 12°18'56", an arc length of 266.53 feet, S. 20°14'27" W., 103.35 feet, S. 17°06'32" W., 60.49 feet, S. 27°12'49" E., 69.41 feet, S. 50°23'00" W., 95.69 feet, from a tangent which bears N. 72°53'28" W., along a curve to the left with a radius of 28 feet, through an angle of 90°, an arc length of 43.98 feet and S. 17°06'32" W., 1354.86 feet to the point of commencement.

A length of 1.15 miles, more or less, including 0.08 of a mile, more or less, of pedestrian way.

A total length of 2.48 miles, more or less, including 0.13 of a mile, more or less, of pedestrian ways.

EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the parcels hereby relinquished in and to the adjacent and adjoining freeway lying easterly of PARCELS 1 and 2 and lying westerly of PARCEL 3 of said relinquished parcels, except at such points as now are or may be established by resolution of this Commission.

The bearings and distances used in the above descriptions are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000706 to obtain ground level distances.

The purpose of this resolution is to vest in the City of Oakland as city streets and pedestrian ways all of the State of California's right, title and interest in and to the portions of the State highway hereby relinquished.

SEAL  
AFFIXED

THIS IS TO CERTIFY That the foregoing is a full and correct copy of the original resolution passed by the California Highway Commission at its meeting regularly called and held on the 25th day of October, 1961, in the City of Santa Monica, a majority of the members of said Commission being present and voting therefor.

Dated this 31st day of October, 1961.

G. N. COOK  
ASSISTANT SECRETARY OF THE  
CALIFORNIA HIGHWAY COMMISSION

421  
626

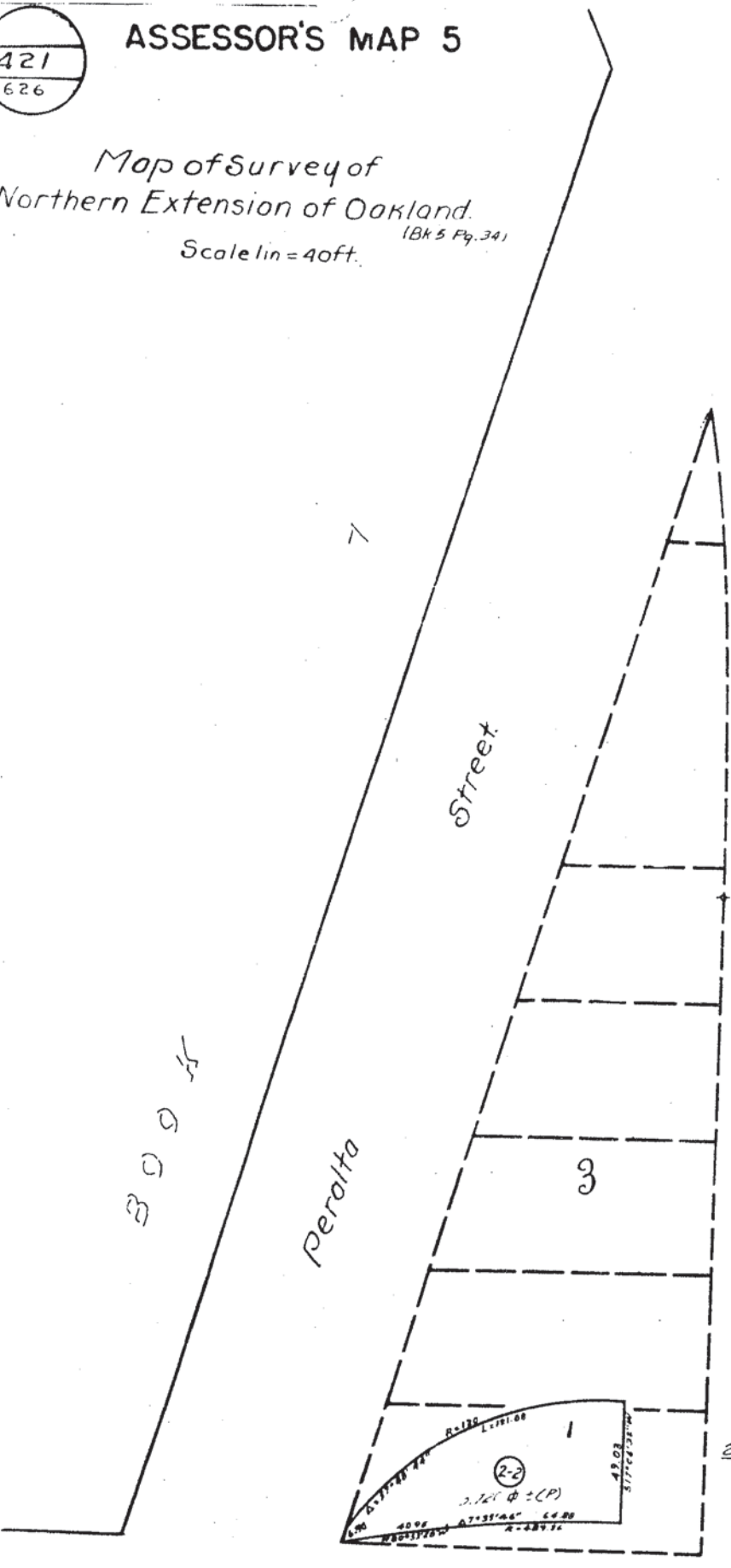
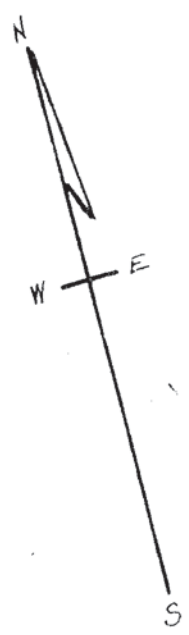
# ASSESSOR'S MAP 5

Map of Survey of  
Northern Extension of Oakland.  
Scale 1 in = 40 ft.  
(Bk 5 Pg. 34)

REV. 10-1-76

Code Area No. 17-001

22<sup>ND</sup> Street



Freeway  
(Street)

Nimitz  
(Cypress  
Street)

420

20<sup>TH</sup> Street

573°03'30"E  
300



AS136869

RELINQUISHMENT OF STATE HIGHWAY  
IN THE CITY OF OAKLAND, ROAD IV-Ala-69-Oak  
RELINQUISHMENT NO. 22030

WHEREAS, a portion of the State highway within the City of Oakland, along 7th and Cypress Streets between Kirkham and 8th Streets, road IV-Ala-69-Oak, hereinafter particularly described, has been superseded by a change in the location of said highway; and

WHEREAS, the California Highway Commission on September 29, 1939 and on December 13, 1950 adopted resolutions declaring a certain section of State highway Route 69 in the City of Oakland between the west end of the Fifth Avenue Overhead and its intersection with State highway Route 5 at the Distribution Structure, road IV-Ala-69-Oak, to be a freeway; and

WHEREAS, the State of California has acquired rights of way for and has constructed certain frontage roads and pedestrian ways in the City of Oakland between 7th and 34th Streets, road IV-Ala-69-Oak, in connection with said freeway; and

WHEREAS, by freeway agreement dated February 13, 1953 and by freeway maintenance agreement dated December 23, 1957 between the City of Oakland and the State of California, the city agreed to accept control and maintenance of said frontage roads and pedestrian ways upon relinquishment thereof to said city by the State of California; and

WHEREAS, this Commission has found and determined, and does hereby find and determine, that it is desirable and in the public interest that said superseded State highway, frontage roads and pedestrian ways be relinquished to the City of Oakland for use as city streets;

NOW, THEREFORE, IT IS VOTED by the California Highway Commission that it relinquish, and it does hereby relinquish to the City of Oakland, effective upon the recordation of a certified copy hereof with the Recorder of Alameda County, those certain portions of superseded State highway, frontage roads and pedestrian ways in said city, together with the right of way and appurtenances thereof, described as follows:

PARCEL 1:

COMMENCING at the most easterly corner of that certain 3202 square foot parcel of land described as Parcel 2 in the Director's Deed to Key Pipe & Supply Company, a corporation, recorded August 25, 1954 in Volume 7407, at page 309, Official Records of Alameda County, said corner being on the northerly line of 7th Street (100 feet wide); thence, from a tangent which bears S. 23°22'46" E., along a curve to the left with a radius of 1229 feet, through an angle of 6°24'12", an arc length of 137.35 feet to the southerly line of said 7th Street; thence along said southerly street line, N. 73°20'06" W., 388.24

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11

RECORDED AT REQUEST OF STATE OF CALIFORNIA =  
AT 2:14 P.M. NOV - 2 1961  
Recorder Alameda County CALIF

feet to the intersection of said southerly line with the westerly line of Cypress Street (100 feet wide) produced across said 7th Street; thence along said westerly line produced across said 7th Street N.  $17^{\circ}06'32''$  E., 100.00 feet to said northerly line of 7th Street produced across said Cypress Street; thence along said northerly line produced N.  $73^{\circ}20'06''$  W., 24.81 feet to a point of cusp; thence, from a tangent which bears S.  $73^{\circ}20'06''$  E., along a curve to the left with a radius of 25 feet, through an angle of  $89^{\circ}33'22''$ , an arc length of 39.08 feet to said westerly line of Cypress Street; thence along last said street line N.  $17^{\circ}06'32''$  E., 273.94 feet to the southerly line of 8th Street (80 feet wide); thence N.  $14^{\circ}59'50''$  E., 80.05 feet to the general westerly right of way line for the State freeway in the City of Oakland, road IV-Ala-69-Oak; thence along said right of way line N.  $11^{\circ}49'20''$  E., 239.31 feet, N.  $12^{\circ}19'14''$  E., 60.21 feet, from a tangent which bears N.  $13^{\circ}07'02''$  E., along a curve to the right with a radius of 2050.50 feet, through an angle of  $3^{\circ}59'30''$ , an arc length of 142.85 feet and N.  $17^{\circ}06'32''$  E., 987.47 feet to the northerly line of 13th Street (60 feet wide); thence along last said street line S.  $72^{\circ}53'28''$  E., 49.20 feet; thence S.  $13^{\circ}40'10''$  W., 63.29 feet to a line parallel with and distant 32 feet westerly, at right angles from the "F1" and "L3" lines of the Department of Public Works' survey for the said freeway; thence S.  $17^{\circ}06'32''$  W., along said parallel line, 924.30 feet; thence S.  $15^{\circ}02'57''$  W., 144.67 feet; thence from a tangent which bears S.  $11^{\circ}11'00''$  W., along a curve to the left with a radius of 1211.37 feet, through an angle of  $18^{\circ}31'50''$ , an arc length of 391.78 feet to the southerly line of said 8th Street; thence along last said line N.  $72^{\circ}53'43''$  W., 25.41 feet to the easterly line of said Cypress Street (100 feet wide); thence along last said street line S.  $17^{\circ}06'32''$  W., 272.78 feet; thence along a tangent curve to the left with a radius of 25 feet, through an angle of  $90^{\circ}26'38''$ , an arc length of 39.46 feet to said northerly line of 7th Street; thence along last said street line S.  $73^{\circ}20'06''$  E., 168.21 feet to the point of commencement.

A length of 0.41 of a mile, more or less, and being a portion of superseded State highway Route 69 and a frontage road in the City of Oakland including portions of 7th and Cypress Streets.

#### ✓ PARCEL 2:

COMMENCING at the southwesterly corner of that 7874 square foot parcel of land conveyed to the State of California by deed recorded June 9, 1955 in Volume 7685, at page 539, Official Records of Alameda County, said corner being on the northerly line of 14th Street (80 feet wide); thence along the general westerly right of way line for State freeway, road IV-Ala-69-Oak, N.  $17^{\circ}06'32''$  E., 394.25 feet, along a tangent curve to the right with a radius of 1010 feet, through an angle of  $2^{\circ}54'08''$ , an arc length of 51.16 feet, N.  $20^{\circ}00'40''$  E., 323.52 feet, N.  $19^{\circ}19'38''$  E., 60.05 feet, N.  $17^{\circ}06'32''$  E., 919.03 feet, from a tangent which bears N.  $71^{\circ}05'18''$  W., along a curve to the left with a radius of 120 feet, through an angle of  $57^{\circ}48'44''$ , an arc length of 121.08 feet, S.  $33^{\circ}27'02''$  W., 18.41 feet, N.  $72^{\circ}53'28''$  W., 41.68 feet, N.  $33^{\circ}27'02''$  E., 406.16 feet, N.  $22^{\circ}13'01''$  E., 133.47

AS136869



feet, N.  $56^{\circ}32'58''$  W., 66.54 feet, N.  $33^{\circ}27'02''$  E., 30.00 feet, N.  $42^{\circ}57'47''$  E., 60.84 feet, N.  $5^{\circ}40'14''$  E., 623.53 feet, N.  $5^{\circ}30'55''$  E., 206.94 feet, N.  $4^{\circ}16'57''$  E., 491.11 feet, N.  $6^{\circ}38'54''$  W., 78.44 feet, from a tangent which bears S.  $56^{\circ}32'58''$  E., along a curve to the left, with a radius of 10 feet, through an angle of  $119^{\circ}10'05''$ , an arc length of 20.80 feet, N.  $4^{\circ}16'57''$  E., 163.81 feet, along a tangent curve to the left with a radius of 565 feet; through an angle of  $3^{\circ}44'55''$ , an arc length of 36.97 feet, N.  $4^{\circ}50'10''$  E., 125.28 feet, N.  $4^{\circ}16'57''$  E., 388.71 feet, N.  $26^{\circ}31'33''$  W., 61.66 feet, from a tangent which bears N.  $76^{\circ}47'32''$  E., along a curve to the left, with a radius of 50 feet, through an angle of  $75^{\circ}18'21''$ , an arc length of 65.72 feet, N.  $1^{\circ}29'11''$  E., 42.89 feet, N.  $13^{\circ}12'28''$  W., 166.32 feet and from a tangent which bears N.  $72^{\circ}37'17''$  E., along a curve to the left with a radius of 55 feet, through an angle of  $12^{\circ}44'33''$ , an arc length of 12.23 feet; thence S.  $13^{\circ}12'28''$  E., 160.24 feet; thence S.  $1^{\circ}29'11''$  W., 53.97 feet; thence along a tangent curve to the right with a radius of 59.50 feet, through an angle of  $42^{\circ}28'51''$ , an arc length of 44.12 feet; thence N.  $76^{\circ}47'32''$  E., 37.48 feet; thence S.  $13^{\circ}12'28''$  E., 60.11 feet; thence S.  $4^{\circ}16'57''$  W., 1319.90 feet; thence S.  $5^{\circ}38'28''$  W., 398.96 feet; thence S.  $2^{\circ}02'06''$  E., 67.70 feet; thence S.  $8^{\circ}32'20''$  W., 179.60 feet; thence S.  $5^{\circ}50'23''$  W., 202.97 feet; thence S.  $4^{\circ}50'06''$  W., 105.58 feet; thence S.  $11^{\circ}16'00''$  W., 33.09 feet; thence from a tangent which bears S.  $8^{\circ}24'25''$  W., along a curve to the right with a radius of 2002.50 feet, through an angle of  $8^{\circ}42'07''$ , an arc length of 304.14 feet; thence S.  $17^{\circ}06'32''$  W., 730.50 feet; thence N.  $72^{\circ}53'28''$  W., 12.38 feet; thence S.  $17^{\circ}06'32''$  W., 289.51 feet; thence S.  $20^{\circ}00'40''$  W., 382.62 feet; thence along a tangent curve to the left with a radius of 970 feet, through an angle of  $2^{\circ}54'08''$ , an arc length of 49.13 feet; thence S.  $17^{\circ}06'32''$  W., 460.52 feet to a point distant N.  $72^{\circ}53'28''$  W., 65.00 feet from Engineer's Station 214+95.00 on the "F1" line of the Department of Public Works' survey for road IV-Ala-69-Oak; thence N.  $72^{\circ}53'28''$  W., 40.00 feet to the southerly prolongation of the westerly line of aforesaid 7874 square foot parcel; thence along said southerly prolongation N.  $17^{\circ}06'32''$  E., 66.27 feet to the point of commencement.

A length of 0.92 of a mile, more or less, including 0.05 of a mile, more or less, of pedestrian way.

### PARCEL 3:

COMMENCING at the most northerly corner of that 17,586 square foot parcel of land conveyed to the State of California by deed recorded September 7, 1954 in Volume 7417, at page 289, Official Records of Alameda County; thence N.  $72^{\circ}53'28''$  W., 21.70 feet; thence from a tangent that bears N.  $4^{\circ}59'37''$  E., along a curve to the right with a radius of 1267.21 feet, through an angle of  $8^{\circ}43'06''$ , an arc length of 192.82 feet to a point distant S.  $76^{\circ}17'17''$  E., 32.79 feet from Engineer's Station 201+79.76 P.C.C. on the "F1B" line of the Department of Public Works' survey for State freeway, road IV-Ala-69-Oak; thence N.  $15^{\circ}04'38''$  E., 149.54 feet; thence N.  $17^{\circ}06'32''$  E., 1118.95 feet; thence N.  $73^{\circ}12'25''$  E., 89.16 feet; thence N.  $17^{\circ}06'32''$  E., 61.71 feet; thence N.  $20^{\circ}14'27''$  E., 103.67 feet; thence along a tangent curve to the left with a



radius of 1229 feet, through an angle of  $12^{\circ}23'54''$ , an arc length of 265.95 feet; thence N.  $6^{\circ}21'16''$  E., 63.90 feet; thence from a tangent which bears N.  $4^{\circ}51'48''$  E., along a curve to the right with a radius of 1171 feet, through an angle of  $9^{\circ}31'42''$ , an arc length of 194.74 feet; thence N.  $10^{\circ}40'24''$  E., 37.03 feet; thence N.  $7^{\circ}46'50''$  E., 54.78 feet; thence N.  $14^{\circ}27'08''$  E., 215.74 feet; thence N.  $13^{\circ}06'17''$  E., 74.18 feet; thence N.  $17^{\circ}06'32''$  E., 725.92 feet; thence N.  $17^{\circ}21'32''$  E., 178.35 feet; thence from a tangent which bears N.  $18^{\circ}31'46''$  E., along a curve to the left with a radius of 1897.50 feet, through an angle of  $4^{\circ}39'49''$ , an arc length of 154.45 feet; thence N.  $11^{\circ}24'45''$  E., 117.21 feet; thence N.  $11^{\circ}41'08''$  E., 34.46 feet; thence from a tangent that bears N.  $8^{\circ}54'45''$  E., along a curve to the left with a radius of 1557 feet, through an angle of  $11^{\circ}28'30''$ , an arc distance of 311.83 feet to a point of reverse curvature, thence along a tangent curve to the right with a radius of 1643 feet, through an angle of  $3^{\circ}40'56''$ , an arc length of 105.59 feet; thence N.  $1^{\circ}32'00''$  E., 38.00 feet, N.  $3^{\circ}21'10''$  E., 54.20 feet to a point distant S.  $85^{\circ}43'03''$  E., 32.00 feet from Engineer's Station 243+85.20 on the "F1" line for said freeway; thence along a line parallel with and distant 32.00 feet easterly, at right angles, from said "F1" line and its northerly prolongation known as the "F1B" line, N.  $4^{\circ}16'57''$  E., 1725.00 feet; thence S.  $89^{\circ}20'00''$  E., 125.10 feet to a point on the general easterly right of way line for said State freeway, road IV-Ala-69-Oak, thence along said right of way line S.  $76^{\circ}47'32''$  W., 75.33 feet, along a line parallel with and distant 85.00 feet easterly, at right angles, from said "F1" line and its northerly prolongation S.  $4^{\circ}16'57''$  W., 1710.24 feet to a point distant S.  $85^{\circ}43'03''$  E., 85.00 feet from said Engineer's Station 243+85.20 and along a tangent curve to the left with a radius of 1590 feet, through an angle of  $1^{\circ}00'37''$ , an arc length of 28.04 feet to the southwesterly line of that 4267 square foot parcel of land conveyed to Rockwell Manufacturing Company, a corporation, by Director's Deed recorded January 11, 1955 under Recorder's Serial No. AK 2771, Official Records of Alameda County; thence along the southwesterly, southerly and southeasterly lines of said 4267 square foot parcel and along the southeasterly line of that parcel of land conveyed to last said company by Director's Deed recorded October 25, 1956 in Volume 8186, at page 417, Official Records of Alameda County, S.  $56^{\circ}32'58''$  E., 38.27 feet, S.  $85^{\circ}43'03''$  E., 10.69 feet and along a tangent curve to the left with a radius of 120 feet, through an angle of  $45^{\circ}59'48''$ , an arc length of 96.34 feet to the center line of 24th Street (60 feet wide); thence along last said center line S.  $56^{\circ}32'58''$  E., 34.00 feet; thence S.  $33^{\circ}27'02''$  W., 49.28 feet to a line concentric with and distant 50.00 feet southeasterly, measured radially to the curve described above with a radius of 120 feet; thence along said concentric line, from a tangent which bears S.  $61^{\circ}31'24''$  W., along a curve to the right with a radius of 170 feet, through an angle of  $32^{\circ}45'33''$ , an arc length of 97.20 feet; thence N.  $85^{\circ}43'03''$  W., 41.41 feet to the southerly continuation of that curve described above with a radius of 1590 feet, said curve being the general easterly right of way line mentioned above, thence along last said right of way line from a tangent which bears S.  $0^{\circ}47'46''$  W., along said curve to the left with a radius of 1590 feet, through an angle of  $3^{\circ}25'18''$ , an arc length of 94.95 feet, S.  $3^{\circ}50'15''$  E.,



82.06 feet, S. 4°16'57" W., 94.39 feet, from a tangent which bears S. 2°33'40" E., along a curve to the right with a radius of 800 feet, through an angle of 14°21'10", an arc length of 200.40 feet, S. 0°19'13" W., 114.90 feet, from a tangent which bears N. 72°53'28" W., along a curve to the left with a radius of 31 feet, through an angle of 93°00'23", an arc length of 50.32 feet to a point of reverse curvature, along a tangent curve to the right with a radius of 2810 feet, through an angle of 6°08'04", an arc length of 300.86 feet to a point of reverse curvature, along a tangent curve to the left with a radius of 590 feet, through an angle of 3°07'41", an arc length of 32.21 feet, S. 17°06'32" W., 687.00 feet, S. 13°21'19" W., 80.17 feet, S. 14°22'34" W., 209.74 feet, S. 7°32'41" W., 60.85 feet, from a tangent which bears S. 9°16'09" W., along a curve to the right with a radius of 650.50 feet, through an angle of 18°32'21", an arc length of 210.48 feet, S. 14°37'19" W., 80.08 feet, from a tangent which bears S. 7°55'31" W., along a curve to the right with a radius of 1240 feet, through an angle of 12°18'56", an arc length of 266.53 feet, S. 20°14'27" W., 103.35 feet, S. 17°06'32" W., 60.49 feet, S. 27°12'49" E., 69.41 feet, S. 50°23'00" W., 95.69 feet, from a tangent which bears N. 72°53'28" W., along a curve to the left with a radius of 28 feet, through an angle of 90°, an arc length of 43.98 feet and S. 17°06'32" W., 1354.86 feet to the point of commencement.

A length of 1.15 miles, more or less, including 0.08 of a mile, more or less, of pedestrian way.

A total length of 2.48 miles, more or less, including 0.13 of a mile, more or less, of pedestrian ways.

EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the parcels hereby relinquished in and to the adjacent and adjoining freeway lying easterly of PARCELS 1 and 2 and lying westerly of PARCEL 3 of said relinquished parcels, except at such points as now are or may be established by resolution of this Commission.

The bearings and distances used in the above descriptions are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000706 to obtain ground level distances.


The purpose of this resolution is to vest in the City of Oakland as city streets and pedestrian ways all of the State of California's right, title and interest in and to the portions of the State highway hereby relinquished.

SEAL  
AFFIXED

THIS IS TO CERTIFY That the foregoing is a full and correct copy of the original resolution passed by the California Highway Commission at its meeting regularly called and held on the 25th day of October, 1961, in the City of Santa Monica, a majority of the members of said Commission being present and voting therefor.

Dated this 31st day of October, 1961.

G. N. COOK  
ASSISTANT SECRETARY OF THE  
CALIFORNIA HIGHWAY COMMISSION

  
OFFICE OF THE CITY CLERK  
OAKLAND  
CITY ATTORNEY  
2005 DEC 28 AM 9:58

## OAKLAND CITY COUNCIL

ORDINANCE N° 12722 C.M.S.

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE OFFER TO PURCHASE AGREEMENTS TO SELL TO BRIAN COLLINS AND MEHRDAD DOKHANCHI (HIGHEST BIDDER) APPROXIMATELY 11,500 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT MANDELA PARKWAY (APN# 005-0421-000) FOR THE FAIR MARKET VALUE OF \$415,000; JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 6,800 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 632 14<sup>TH</sup> STREET (APN# 003-0071-024) FOR THE FAIR MARKET VALUE OF \$ 1,150,000; KEVIN BAO PHAN (HIGHEST BIDDER) APPROXIMATELY 11,390 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 862/850 98<sup>TH</sup> AVENUE (APN# 045-5230-001-01 AND 045-5230-003-03) FOR THE FAIR MARKET VALUE OF \$ 630,000; AND JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 5,932 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 569 HIGH STREET/HOWARD STREET (APN# 033-2250-001-04) FOR THE FAIR MARKET VALUE OF \$500,000.**

**WHEREAS**, the City of Oakland (City) currently owns eight surplus land parcels that the City Council recommended be sold by oral competitive bids at a public auction, pursuant to Ordinance 11602 C.M.S.; and

**WHEREAS**, the City Council adopted Resolution No. 79530 C.M.S., on October 18, 2005, authorizing the Real Estate Services Division to conduct a public auction and receive oral bids at 3:00 P. M. on Friday, November 18<sup>th</sup>, in Hearing Room 3 at City Hall; and

**WHEREAS**, the Official Notice of Public Auction of the eight properties was advertised in the City's official newspaper the Oakland Tribune, "For Sale" signs were posted on the properties, and the Official Notice of Sale was posted on the City's web site; and

**WHEREAS**, bids and non-refundable security deposits in the amount of \$115,600 were received for four (4) of the eight (8) surplus properties at the Public Auction; and

**WHEREAS**, each property is to be sold in "AS-IS" condition and the City makes no representations with respect to the land use or other permitting issues that may affect these properties or with respect to buyer's ability to develop or improve these properties; and

**WHEREAS**, the right, title and interest in these properties shall be conveyed by Quitclaim Deed and subject to all matters of public record; and



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

**WHEREAS**, the sale of each property authorized by the City Council shall be awarded to the highest bidder meeting the conditions specified in the Auction Notice and Purchase and Sales Agreement; and

**WHEREAS**, the City reserves the right to reject any and all offers and waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the City; and

**WHEREAS**, it can be said with certainty that there is no possibility that the conveyance of the Property by the City to the Purchaser may have a significant effect on the environment and therefore said conveyance is exempted from the requirements of the California Environmental Quality Act ("CEQA") by section 15061(b)(3) of the CEQA Guidelines (general rule); now, therefore

**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 and is surplus to the needs of the City.

**SECTION 2:** The City Administrator, or her designee, is authorized to accept the offers and execute the Offer to Purchase Agreements for the following City-owned surplus properties from 1) Brian Collins and Mehrdad Dokhanchi (highest bidder), approximately 11,500 square feet located at Mandela Parkway (APN# 005-0421-00) for the fair market value of \$415,000; 2) Julia B. Kim (highest bidder), approximately 6,800 square feet located at 632 14<sup>th</sup> Street (APN# 003-0071-024) for the fair market value of \$1,150,000; 3) Kevin Bao Phan (highest bidder), approximately 11,390 square feet located at 862/850 98<sup>th</sup> Avenue (APN# 045-5230-001-01 & 045-5230-003-03) for the fair market value of \$630,000; and 4) Julia B. Kim (highest bidder), approximately 5,932 square feet located at 569 High Street/Howard Street (APN# 033-2250-001-04) for the fair market value of \$500,000; and to execute on each Property a Quitclaim Deed conveying the Property.

**SECTION 3:** The net sale proceeds of \$2,563,180 will be placed in the General Purpose Fund (#1010), Real Estate Organization (# 88639), Sale of Land Account (# 48111), Surplus Property Disposition (# P47010), Real Estate Program (# PS32). The sale proceeds will be applied toward the Fiscal Year 2005-07 budget.

**SECTION 4:** The net sales proceeds of \$2,563,180 deposited in the Surplus Property Disposition Project (# P47010) shall be applied to meet Real Estate Services' Fiscal Year 2005-07 budget requirement.

SECTION 5: Real Estate Services Division's administrative costs associated with the sale of the properties in the amount of \$20,675 shall be reimbursed to the General Purpose Fund (#1010), Real Estate Organization (# 88639), Acquisition of Real Property (account #57120), Surplus Property Disposition (P47010), Real Estate Services Program (PS32).

SECTION 6: Net sales proceeds shall be reduced by \$131,820 to reimburse Self Insurance Liability (#1100), Liability Claims Unit Organization (# 90321), Acquisition of Real Property (Account # 57120) for the funds used to purchase 862-850 98th Avenue for costs associated with eminent domain action on the 98th Avenue street widening project.

SECTION 7: The City Administrator, or her designee, shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 8: The Manager, Real Estate Services, or his designee, is hereby authorized to take any and all actions necessary and execute documents, consistent with this ordinance, to complete the sale of the Property.

SECTION 9: 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 10: This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

Introduction Date:

**JAN 17 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006  
PASSED BY THE FOLLOWING VOTE:

**FEB 07 2006**

AYES                      BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN, AND  
                                 PRESIDENT DE LA FUENTE

**- 8**


NOES-

ABSENT-

ABSTENTION-

**ΦΦΦ**

ATTEST:

  
LA TONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California



NOTICE AND DIGEST

2005 DEC 28 AM 9:57

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE OFFER TO PURCHASE AGREEMENTS TO SELL TO BRIAN COLLINS AND MEHRDAD DOKHANCHI (HIGHEST BIDDER) APPROXIMATELY 11,500 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT MANDELA PARKWAY (APN# 005-0421-000) FOR THE FAIR MARKET VALUE OF \$415,000; JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 6,800 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 632 14<sup>TH</sup> STREET (APN# 003-0071-024) FOR THE FAIR MARKET VALUE OF \$ 1,150,000; KEVIN BAO PHAN (HIGHEST BIDDER) APPROXIMATELY 11,390 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 862/850 98<sup>TH</sup> AVENUE (APN# 045-5230-001-01 & 045-5230-003-03) FOR THE FAIR MARKET VALUE OF \$ 630,000; AND JULIA B. KIM (HIGHEST BIDDER) APPROXIMATELY 5,932 SQUARE FEET OF CITY OWNED SURPLUS REAL PROPERTY LOCATED AT 569 HIGH STREET/HOWARD STREET (APN# 033-2250-001-04) FOR THE FAIR MARKET VALUE OF \$500,000.**

An ordinance has been prepared authorizing the City Administrator to sell surplus City-owned property to the highest bidder for four city owned parcels.

The City-owned properties are no longer required for City use and have been sold in accordance with Government Code and City Ordinance 11602 C.M.S. There are no City subsidies involved in the sale of the surplus property.

# CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033  
Community and Economic Development Agency  
Real Estate Services

March 21, 2012

Office (510) 238-3541

FAX (510) 238-2240

TDD (510) 839-6451

**Clerk, Board of Supervisors**  
1221 Oak Street, Suite 536  
Oakland, CA 94612  
510-208-44949

**Alameda County Assessor's Office**  
1221 Oak Street, Room 145  
Oakland, CA 94612

**Assessment Appeals Application Processing**  
P.O. Box 1499  
Oakland, CA 94612  
510-272-3854

**RE: Parcels - APNs: 005-0421-004-00, 005-0421-003-00 – Mandela Parkway/20<sup>th</sup> Street**

To Whom It May Concern:

In October of 2005, City of Oakland conducted a surplus public Property Auction and proceeded to sell the subject property at Mandela Parway/20<sup>th</sup> Street to (Hemmat & Dokhanchy Associates (a California general Partnership), Brian Collins (an individual) and Henry Wong (an individual) as tenants-in-common "the Buyers").

After obtaining City Council approval, In March 2006 the property was recorded in the name of the Buyers. However, shortly thereafter, the initial findings of a survey of the area that was sold to the Buyers disclosed that the City had erroneously sold them a significant portion of Mandela Parkway, which happens to be in the right of way and the portion(s) of property that were intended to be sold to the Buyers were not transferred in the sale. As a result, the property was erroneously recorded and the City retained title to the majority (approximately 15,000 Square feet or about 2/3) of the subject property which was in the right of way.



In order to correct what had taken place, the entire block that contained the subject property, neighboring streets, and abandoned streets required new legal descriptions and surveys. Additionally, special coordination was required by public works Agency, the State of California, the City Attorney and the City of Oakland Real Estate Department to transfer the correct area of the property.

It is important to point out a significant portion of the property that was intended to be transferred to the Buyers belonged to the State of CA before Loma Prieta Earth Quake. The nature of completing the survey was extremely complicated without (1) a previously existing legal description, (2) accurate parcel maps, or (3) clear chain of title. This process was finally completed in 2011 with the cooperation of all parties. However, currently, as of the date of this letter, the Buyers are still waiting for a response from the city to approve a final parcel map so that the Buyers may enjoy rights of ownership.

During this entire time frame, the "usable and developable" portion of the property was still controlled by the City and the Buyers were virtually prohibited from their ability to sell, utilize or develop the site as would have been normally permitted under the existing zoning. Furthermore, as the property was owned by the City during the timeframe, the Buyer's should not have been responsible for property taxes during the timeframe. During the process it was agreed that the Buyer's would retain title during the timeframe until such time the correction was made. The intention was to complete the corrective action in one step in order for all property rights to be transferred correctly. It was never intended that the Buyer's would be required to incur carrying costs associated with Property Taxes since they did not receive proper and exact property rights/area from the City of Oakland.

City is in full support of an abatement of the property taxes previously paid and that were accumulated up until the point that the final corrective deeds were recorded. We appreciate your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hamid Ghaemmaghani', with a long horizontal flourish extending to the right.

Hamid Ghaemmaghani  
Supervising Real Estate Agent

*The City of Oakland shall not be bound by or to any lease, license, purchase and / or sales agreement, contract or other instrument or modification thereof, nor to any oral statement made by any person, unless the same has been transcribed into writing and signed by the appropriate officer(s) of the City of Oakland.*



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**From:** Kashi, Kevin  
**Sent:** Thursday, March 20, 2014 11:39 AM  
**To:** Wald, Zachary; Reese, Anthony  
**Subject:** RE: Mandela Parkway

I am not familiar.

Anthony; can you help?

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**From:** Wald, Zachary  
**Sent:** Thursday, March 20, 2014 11:33 AM  
**To:** Kashi, Kevin  
**Subject:** FW: Mandela Parkway

Kevin –

This may be out of the blue. But, I just met with Brian Collins and Mehrdad Dokhanchy, who have been through the ringer purchasing surplus property from the City that turned out to be part of the right of way on Mandela Parkway.

I'm wondering if you are familiar with this situation?

Zac

Zachary Wald  
Chief of Staff for Lynette McElhaney  
Oakland City Councilmember, District 3  
510-238-7032

---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Wednesday, March 19, 2014 12:35 PM  
**To:** Wald, Zachary  
**Cc:** [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Henry Wong  
**Subject:** FW: Mandela Parkway

Zach,

Thank you again for the meeting with us today. Please see my latest correspondence with Kiran. Additionally I have attached the letter from Hamid, which was insufficient according to the county.

What we believe we need, is a letter drafted by the City Attorney's office, and signed by City Attorney, Public Works, and Real Estate stating that the transaction was "null and void". When the attached letter



was drafted, we did not realize that we needed to emphasize the position that the transaction was “null and void” and should not have been sold to us, per my email below.

Thank you for your help on this.

Sincerely,

<image003.jpg>

**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428 | Fax 510.225.3954  
DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Brian Collins

**Sent:** Wednesday, March 05, 2014 11:14 AM

**To:** 'Jain, Kiran C'

**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner; [mprado@oaklandnet.com](mailto:mprado@oaklandnet.com)

**Subject:** RE: Mandela Parkway

Kiran,

Thank you for getting back to me. For some time now, we have been requesting assistance from the City, in our communication and claim regarding property taxes with the County, and there has been little or no action.

We realize that this is not a typical situation, but the fact remains that due to the City's negligence and/or not following proper procedure, they sold a property which should not have been sold, in a public sale/auction. This occurred without proper due diligence on their part in determining this property as excess, and as result we have been damaged. Prior to the sale, they should have surveyed the property and created the proper legal descriptions and plots, and conducted the proper street vacations. We should have not been left with the burden of this. To date, we have tried to be reasonable and act in good faith rather than pursuing legal action.

We have had a number of talks with the County, and they have informed us that in order for us to have any decent probability of success in a claim for abatement and refund of property taxes (for time period of 2006-2011), we need the City of Oakland to issue a letter from the city agencies of authority.....ie. signed by someone of authority in Public Works, Real Estate, and City Attorney's office, which essentially says that the initial transaction was “null and void”, until June 9 2011, when the intended transaction virtually occurred.

We respectfully disagree with your assertion that the circumstances are not verifiable. Among other things, how can you consider the fact that the City transferred us part of Mandela Parkway, an unverifiable event? The circumstances are absolutely verifiable, including but not limited to, the following:

- 1) In October of 2005 The City held a public auction whereby we were the winning bidder, and the property was transferred to us in March of 2006
- 2) In the fall of 2006 a survey showed the property sold to us contained a significant portion of the Public Right of Way on Mandela Parkway.
- 3) From 2006-2011, we had to pay for all of the costs, including payment and accrual of property taxes to unwind the mess.

- 4) In order to correct the transfer, the City also needed to Vacate a portion of Peralta Street, which was represented as part of and intended to be sold to us in 2006.
- 5) The intended transfer finally occurred on June 9, 2011

Through these verifiable facts, it is obvious that the City should not have sold the property to us in 2006. What should have occurred, is that we should have transferred the property back to the City and then had it transferred back to us when everything was sorted out. However, we were forced to retain title and cover all the expenses during the unwinding of the mess from 2006-2011. Therefore, we need a statement from the City agencies of authority stating that the transaction was "null and void" until corrected in 2011.

We are simply asking the City to take some accountability and help us in dealing with the County by writing a letter. Nothing we are asking should create any further liability on the City's part. They have our money from the sale plus other fees which they forced us to pay to correct everything. We are not asking for a refund, we are simply asking for a letter.

We are requesting that you reconsider your willingness to assist us and would appreciate a response by Friday 3/7/2014.

PS. On a related but different topic, we continue to assert our position that the City should waive any City fees relating to approving and establishing the correct parcel map for the property. We have had an incomplete application in with the City regarding this since 2011.

Sincerely,

<image003.jpg>

**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428  
DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Jain, Kiran C [<mailto:KJain@oaklandcityattorney.org>]  
**Sent:** Wednesday, March 05, 2014 7:59 AM  
**To:** Brian Collins  
**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner  
**Subject:** Re: Mandela Parkway

Brian,

When we last spoke I mentioned that our office does not typically draft the type of letter you are seeking, particularly since the facts and circumstances cannot be verified other than relying on the legislation that was passed with respect to this property disposition. I have since confirmed this understanding.

If the staff reports that accompanied the legislation is helpful, let us know. This information should also be readily available online through LegiStar.

Kiran

On Mar 4, 2014, at 7:47 PM, "Brian Collins" <[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)> wrote:



Kiran,

It has been months and we have not heard from you.

Can you please give us an update?

Thank you.

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**

CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428  
DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Golde, James [<mailto:JGolde@oaklandnet.com>]

**Sent:** Tuesday, October 15, 2013 3:37 PM

**To:** Brian Collins; Jain, Kiran C

**Cc:** henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)

**Subject:** RE: Mandela Parkway

Brian,

Please contact the city Attorney's office directly. I have forwarded them your request. The Attorney is Kiran Jain 510-238-3837 or see her email address as she is cc'd.

Regards,

**JamesGolde**

Manager | Real Estate Services

City of Oakland  
250 Frank H. Ogawa Plaza, Suite 4314  
Oakland, CA. 94612

510-238-6354 | [jgolde@oaklandnet.com](mailto:jgolde@oaklandnet.com)

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---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]

**Sent:** Tuesday, October 15, 2013 3:26 PM

**To:** Golde, James; Lane, Patrick

Cc: henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)

Subject: RE: Mandela Parkway

James,

Any updates?

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**

CALIFORNIA CAPITAL & INVESTMENT GROUP

300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612

Direct 510.463.6356 | Mobile 510.459.7428

DRE License: 01328261

[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Golde, James [<mailto:JGolde@oaklandnet.com>]

**Sent:** Thursday, August 29, 2013 9:14 AM

**To:** Brian Collins; Lane, Patrick

**Subject:** RE: Mandela Parkway

Brian,

The City Attorney's office has your request and draft letter. Like I told you on the phone it will be up to them what response if any they want to send.

Regards,

**JamesGolde**

Manager | Real Estate Services

City of Oakland

250 Frank H. Ogawa Plaza, Suite 4314

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---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]

**Sent:** Wednesday, August 28, 2013 5:25 PM

**To:** Lane, Patrick; Golde, James

**Subject:** RE: Mandela Parkway



James,

Any updates?

I have made contact with First American Title's attorney. I have processed a claim with them regarding this, and I am hoping they will assist us in getting this done, between them the City and the Assesor, hopefully everyone can get on the same page.

Her name is Aimee Hui, and she may give you a call soon.

**Aimee Hui, Esq.**  
**Boss Law Firm, APLC**

---

**1888 Kalakaua Ave., Suite C-312 | Honolulu, HI 96815**  
**T (808) 373-7776 | F (808) 373-7711**  
[ahui@bosslawfirm.com](mailto:ahui@bosslawfirm.com)  
[www.bosslawfirm.com](http://www.bosslawfirm.com)

Sincerely,

<image001.jpg>

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[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Lane, Patrick [<mailto:PSLane@oaklandnet.com>]

**Sent:** Wednesday, August 07, 2013 2:05 PM

**To:** Golde, James; Brian Collins

**Subject:** FW: Mandela Parkway

James – Here is the information and draft letter that is required regarding the Mandela Parkway Property we discussed today. I just talked to Brian Collins and he said he would need the letter by next Friday, for a meeting with the county the following week. If you can't meet that schedule, he needs to know that and try to reschedule the meeting. Brian's contact info is below.

Brian – Can you confirm which attorneys from the City were working on this previously? It will speed up the review of the letter by the Attorney's Office.

Patrick Lane [<mailto:pslane@oaklandnet.com>]  
Redevelopment Manager, City Of Oakland  
Office of Neighborhood Investment  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland CA 94612  
tel (510) 238-7362  
fax (510) 238-3691

---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]

**Sent:** Thursday, July 25, 2013 5:35 PM

**To:** Lane, Patrick

Cc: Mehrdad Dokhanchy; [henry\\_pm@yahoo.com](mailto:henry_pm@yahoo.com)

**Subject:** Mandela Parkway

Patrick,

Thank you again for your assistance here. I understand you are busy, so an intro to a contact with the City Attorney's office who may give us attention on this is all I need.

Please see the attached.

Sincerely,

<image001.jpg>

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## Golde, James

---

**From:** Golde, James  
**Sent:** Friday, April 11, 2014 4:50 PM  
**To:** Jain, Kiran C  
**Subject:** FW: Mandela Parkway Null and Void Land Sale  
**Attachments:** Letter from City of Oakland re P Taxes 2012 (2).pdf; 12930 CMS mandela parkway.pdf; Mandela Parkway City Attorney 07252013.docx; Exhibit A - Ordinance 12722.pdf

Kiran,

Next week lets discuss what my conversation with Brian revealed. Have a nice weekend.

James

---

**From:** Brian Collins  
**Sent:** Wednesday, March 05, 2014 11:14 AM  
**To:** 'Jain, Kiran C'  
**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner; 'mprado@oaklandnet.com'  
**Subject:** RE: Mandela Parkway

Kiran,

Thank you for getting back to me. For some time now, we have been requesting assistance from the City, in our communication and claim regarding property taxes with the County, and there has been little or no action.

We realize that this is not a typical situation, but the fact remains that due to the City's negligence and/or not following proper procedure, they sold a property which should not have been sold, in a public sale/auction. This occurred without proper due diligence on their part in determining this property as excess, and as result we have been damaged. Prior to the sale, they should have surveyed the property and created the proper legal descriptions and plots, and conducted the proper street vacations. We should have not been left with the burden of this. To date, we have tried to be reasonable and act in good faith rather than pursuing legal action.

We have had a number of talks with the County, and they have informed us that in order for us to have any decent probability of success in a claim for abatement and refund of property taxes (for time period of 2006-2011), we need the City of Oakland to issue a letter from the city agencies of authority.....ie. signed by someone of authority in Public Works, Real Estate, and City Attorney's office, which essentially says that the initial transaction was "null and void", until June 9 2011, when the intended transaction virtually occurred.

We respectfully disagree with your assertion that the circumstances are not verifiable. Among other things, how can you consider the fact that the City transferred us part of Mandela Parkway, an unverifiable event? The circumstances are absolutely verifiable, including but not limited to, the following:

- 1) In October of 2005 The City held a public auction whereby we were the winning bidder, and the property was transferred to us in March of 2006
- 2) In the fall of 2006 a survey showed the property sold to us contained a significant portion of the Public Right of Way on Mandela Parkway.
- 3) From 2006-2011, we had to pay for all of the costs, including payment and accrual of property taxes to unwind the mess.

- 4) In order to correct the transfer, the City also needed to Vacate a portion of Peralta Street, which was represented as part of and intended to be sold to us in 2006.
- 5) The intended transfer finally occurred on June 9, 2011

Through these verifiable facts, it is obvious that the City should not have sold the property to us in 2006. What should have occurred, is that we should have transferred the property back to the City and then had it transferred back to us when everything was sorted out. However, we were forced to retain title and cover all the expenses during the unwinding of the mess from 2006-2011. Therefore, we need a statement from the City agencies of authority stating that the transaction was "null and void" until corrected in 2011.

We are simply asking the City to take some accountability and help us in dealing with the County by writing a letter. Nothing we are asking should create any further liability on the City's part. They have our money from the sale plus other fees which they forced us to pay to correct everything. We are not asking for a refund, we are simply asking for a letter.

We are requesting that you reconsider your willingness to assist us and would appreciate a response by Friday 3/7/2014.

PS. On a related but different topic, we continue to assert our position that the City should waive any City fees relating to approving and establishing the correct parcel map for the property. We have had an incomplete application in with the City regarding this since 2011.

Sincerely,



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DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Jain, Kiran C [<mailto:KJain@oaklandcityattorney.org>]  
**Sent:** Wednesday, March 05, 2014 7:59 AM  
**To:** Brian Collins  
**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner  
**Subject:** Re: Mandela Parkway

Brian,

When we last spoke I mentioned that our office does not typically draft the type of letter you are seeking, particularly since the facts and circumstances cannot be verified other than relying on the legislation that was passed with respect to this property disposition. I have since confirmed this understanding.

If the staff reports that accompanied the legislation is helpful, let us know. This information should also be readily available online through LegiStar.

Kiran

On Mar 4, 2014, at 7:47 PM, "Brian Collins" <[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)> wrote:

Kiran,



It has been months and we have not heard from you.

Can you please give us an update?

Thank you.

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
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Direct 510.463.6356 | Mobile 510.459.7428  
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[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

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**From:** Golde, James [<mailto:JGolde@oaklandnet.com>]

**Sent:** Tuesday, October 15, 2013 3:37 PM

**To:** Brian Collins; Jain, Kiran C

**Cc:** henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)

**Subject:** RE: Mandela Parkway

Brian,

Please contact the city Attorney's office directly. I have forwarded them your request. The Attorney is Kiran Jain 510-238-3837 or see her email address as she is cc'd.

Regards,

**JamesGolde**

Manager | Real Estate Services

City of Oakland  
250 Frank H. Ogawa Plaza, Suite 4314  
Oakland, CA. 94612

510-238-6354 | [jgolde@oaklandnet.com](mailto:jgolde@oaklandnet.com)

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Any updates?

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**To:** Brian Collins; Lane, Patrick

**Subject:** RE: Mandela Parkway

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Regards,

**JamesGolde**

Manager | Real Estate Services

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**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]

**Sent:** Wednesday, August 28, 2013 5:25 PM

**To:** Lane, Patrick; Golde, James

**Subject:** RE: Mandela Parkway

James,

Any updates?

I have made contact with First American Title's attorney. I have processed a claim with them regarding this, and I am hoping they will assist us in getting this done, between them the City and the Assesor, hopefully everyone can get on the same page.

Her name is Aimee Hui, and she may give you a call soon.

**Aimee Hui, Esq.**  
**Boss Law Firm, APLC**

---

1888 Kalakaua Ave., Suite C-312 | Honolulu, HI 96815  
T (808) 373-7776 | F (808) 373-7711  
[ahui@bosslawfirm.com](mailto:ahui@bosslawfirm.com)  
[www.bosslawfirm.com](http://www.bosslawfirm.com)

Sincerely,

<image001.jpg>

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Direct 510.463.6356 | Mobile 510.459.7428  
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[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

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**From:** Lane, Patrick [<mailto:PSLane@oaklandnet.com>]  
**Sent:** Wednesday, August 07, 2013 2:05 PM  
**To:** Golde, James; Brian Collins  
**Subject:** FW: Mandela Parkway

James – Here is the information and draft letter that is required regarding the Mandela Parkway Property we discussed today. I just talked to Brian Collins and he said he would need the letter by next Friday, for a meeting with the county the following week. If you can't meet that schedule, he needs to know that and try to reschedule the meeting. Brian's contact info is below.

Brian – Can you confirm which attorneys from the City were working on this previously? It will speed up the review of the letter by the Attorney's Office.

Patrick Lane [<mailto:pslane@oaklandnet.com>]  
Redevelopment Manager, City Of Oakland  
Office of Neighborhood Investment  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland CA 94612  
tel (510) 238-7362  
fax (510) 238-3691

---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Thursday, July 25, 2013 5:35 PM  
**To:** Lane, Patrick  
**Cc:** Mehrdad Dokhanchy; [henry\\_pm@yahoo.com](mailto:henry_pm@yahoo.com)  
**Subject:** Mandela Parkway

Patrick,

Thank you again for your assistance here. I understand you are busy, so an intro to a contact with the City Attorney's office who may give us attention on this is all I need.

Please see the attached.



Sincerely,

<image001.jpg>

**Brian Collins, SIOR**  
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300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428  
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## Golde, James

---

**From:** Bailey, Ain  
**Sent:** Thursday, August 22, 2013 2:56 PM  
**To:** Golde, James  
**Subject:** FW: Mandela Parkway - draft letter Buyer is seeking from City Attorney

FYI

---

**From:** Lee, Heather  
**Sent:** Thursday, August 22, 2013 2:54 PM  
**To:** Bailey, Ain; Jain, Kiran C  
**Cc:** Parker, Barbara; Moreno, Doryanna; Millner, Dianne; Hall, Randolph  
**Subject:** RE: Mandela Parkway - draft letter Buyer is seeking from City Attorney

Ain—I am asking Kiran Jain to work on this. Tx.

Heather B. Lee  
Supervising Deputy City Attorney, Land Use/Development/Real Estate  
Office of the City Attorney  
One Frank H. Ogawa Plaza, 6th Floor  
Oakland CA 94612  
Tel: 510.238.3838  
Fax: 510.238.6500  
e-mail: [hlee@oaklandcityattorney.org](mailto:hlee@oaklandcityattorney.org)  
On the web at <http://www.oaklandcityattorney.org>  
*Please consider the environment before printing this email*

---

**From:** Bailey, Ain  
**Sent:** Wednesday, August 21, 2013 11:00 AM  
**To:** Lee, Heather  
**Cc:** Parker, Barbara; Moreno, Doryanna; Millner, Dianne; Hall, Randolph  
**Subject:** FW: Mandela Parkway - draft letter Buyer is seeking from City Attorney

Hello Heather,

Please see attached for an Attorney's request form from the Office of Neighborhood Investment regarding a letter request from a property owner who feels that he was damaged by the purchase of his Mandela Parkway property to the City.

Please let me know who is assigned so that I may alert, James Golde, the requesting staff member.

Thank you,

Ain

---

**From:** Hunter, Gregory  
**Sent:** Tuesday, August 20, 2013 1:57 PM  
**To:** Bailey, Ain  
**Subject:** FW: Mandela Parkway - draft letter Buyer is seeking from City Attorney

Ain,

Please send to City Attorney's office for assignment to an attorney.

GH

---

**From:** Golde, James  
**Sent:** Monday, August 12, 2013 10:48 AM  
**To:** Hunter, Gregory ([GHunter@oaklandnet.com](mailto:GHunter@oaklandnet.com))  
**Subject:** FW: Mandela Parkway - draft letter Buyer is seeking from City Attorney

Gregory,

Can you forward this to the proper channels in Legal? I think it's Doryanna Moreno and Barbara Parker.

The buyer who feels he was damaged by the purchase of this property is asking for a letter from the City Attorney's Office to use for tax issues with Alameda assessor's office. They have forwarded a letter as a draft.

This is not a new item but the attorneys who worked on rectifying the sale in 2011 are no longer with the City of Oakland. One of the buyers, Brian Collins contact info is below.

Regards,

**JamesGolde**  
Manager | Real Estate Services  
510-238-6354

---

**From:** Lane, Patrick  
**Sent:** Wednesday, August 07, 2013 2:05 PM  
**To:** Golde, James; Brian Collins  
**Subject:** FW: Mandela Parkway

James – Here is the information and draft letter that is required regarding the Mandela Parkway Property we discussed today. I just talked to Brian Collins and he said he would need the letter by next Friday, for a meeting with the county the following week. If you can't meet that schedule, he needs to know that and try to reschedule the meeting. Brian's contact info is below.

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**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Thursday, July 25, 2013 5:35 PM  
**To:** Lane, Patrick  
**Cc:** Mehrdad Dokhanchy; [henry\\_pm@yahoo.com](mailto:henry_pm@yahoo.com)  
**Subject:** Mandela Parkway

Patrick,

Thank you again for your assistance here. I understand you are busy, so an intro to a contact with the City Attorney's office who may give us attention on this is all I need.

Please see the attached.

Sincerely,



**Brian Collins, SIOR**  
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DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

## Golde, James

---

**From:** Jain, Kiran C  
**Sent:** Tuesday, April 08, 2014 3:16 PM  
**To:** Golde, James  
**Subject:** RE: Mandela Parkway Null and Void Land Sale

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Yes, let's talk tomm, also on Hegenberger Rd?

---

**From:** Golde, James  
**Sent:** Tuesday, April 08, 2014 2:25 PM  
**To:** Jain, Kiran C  
**Subject:** FW: Mandela Parkway Null and Void Land Sale

Kiran,

See attached letter. Can we speak on this matter when you have a few minutes?

Thanks,

James

---

**From:** Wald, Zachary  
**Sent:** Tuesday, April 08, 2014 1:55 PM  
**To:** Golde, James  
**Subject:** Mandela Parkway Null and Void Land Sale

James –

Hello there – I don't believe we've met...

Since you are on the email chain below, I guess that you are familiar with this situation where the City sold part of the Mandela right of way to a private party. The letter from former real estate staff Hamid is really the best summary.

Is it possible for real estate to send a letter saying that the original transaction was null and void?

Yours,

Zac

Zachary Wald  
Chief of Staff for Lynette McElhaney  
Oakland City Councilmember, District 3  
510-238-7032

---

**From:** Wald, Zachary  
**Sent:** Friday, March 21, 2014 2:25 PM  
**To:** 'Brooks, Rodney, BOS Dist 5'  
**Subject:** FW: Mandela Parkway

Zachary Wald  
Chief of Staff for Lynette McElhaney  
Oakland City Councilmember, District 3  
510-238-7032

---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Wednesday, March 19, 2014 12:35 PM  
**To:** Wald, Zachary  
**Cc:** [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Henry Wong  
**Subject:** FW: Mandela Parkway

Zach,

Thank you again for the meeting with us today. Please see my latest correspondence with Kiran. Additionally I have attached the letter from Hamid, which was insufficient according to the county.

What we believe we need, is a letter drafted by the City Attorney's office, and signed by City Attorney, Public Works, and Real Estate stating that the transaction was "null and void". When the attached letter was drafted, we did not realize that we needed to emphasize the position that the transaction was "null and void" and should not have been sold to us, per my email below.

Thank you for your help on this.

Sincerely,



**Brian Collins, SIOR**  
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**To:** 'Jain, Kiran C'  
**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner; 'mprado@oaklandnet.com'  
**Subject:** RE: Mandela Parkway

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We realize that this is not a typical situation, but the fact remains that due to the City's negligence and/or not following proper procedure, they sold a property which should not have been sold, in a public sale/auction. This occurred without



proper due diligence on their part in determining this property as excess, and as result we have been damaged. Prior to the sale, they should have surveyed the property and created the proper legal descriptions and plots, and conducted the proper street vacations. We should have not been left with the burden of this. To date, we have tried to be reasonable and act in good faith rather than pursuing legal action.

We have had a number of talks with the County, and they have informed us that in order for us to have any decent probability of success in a claim for abatement and refund of property taxes (for time period of 2006-2011), we need the City of Oakland to issue a letter from the city agencies of authority.....ie. signed by someone of authority in Public Works, Real Estate, and City Attorney's office, which essentially says that the initial transaction was "null and void", until June 9 2011, when the intended transaction virtually occurred.

We respectfully disagree with your assertion that the circumstances are not verifiable. Among other things, how can you consider the fact that the City transferred us part of Mandela Parkway, an unverifiable event? The circumstances are absolutely verifiable, including but not limited to, the following:

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Through these verifiable facts, it is obvious that the City should not have sold the property to us in 2006. What should have occurred, is that we should have transferred the property back to the City and then had it transferred back to us when everything was sorted out. However, we were forced to retain title and cover all the expenses during the unwinding of the mess from 2006-2011. Therefore, we need a statement from the City agencies of authority stating that the transaction was "null and void" until corrected in 2011.

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Sincerely,



**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428  
DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

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**From:** Jain, Kiran C [<mailto:KJain@oaklandcityattorney.org>]  
**Sent:** Wednesday, March 05, 2014 7:59 AM  
**To:** Brian Collins  
**Cc:** Golde, James; henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); Dianne Millner  
**Subject:** Re: Mandela Parkway

Brian,

When we last spoke I mentioned that our office does not typically draft the type of letter you are seeking, particularly since the facts and circumstances cannot be verified other than relying on the legislation that was passed with respect to this property disposition. I have since confirmed this understanding.

If the staff reports that accompanied the legislation is helpful, let us know. This information should also be readily available online through LegiStar.

Kiran

On Mar 4, 2014, at 7:47 PM, "Brian Collins" <[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)> wrote:

Kiran,

It has been months and we have not heard from you.

Can you please give us an update?

Thank you.

Sincerely,

<image001.jpg>

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Direct 510.463.6356 | Mobile 510.459.7428  
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**From:** Golde, James [<mailto:JGolde@oaklandnet.com>]  
**Sent:** Tuesday, October 15, 2013 3:37 PM  
**To:** Brian Collins; Jain, Kiran C  
**Cc:** henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)  
**Subject:** RE: Mandela Parkway

Brian,

Please contact the city Attorney's office directly. I have forwarded them your request. The Attorney is Kiran Jain 510-238-3837 or see her email address as she is cc'd.

Regards,

**JamesGolde**

Manager | Real Estate Services

City of Oakland  
250 Frank H. Ogawa Plaza, Suite 4314

Oakland, CA. 94612

510-238-6354 | [jgolde@oaklandnet.com](mailto:jgolde@oaklandnet.com)

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**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Tuesday, October 15, 2013 3:26 PM  
**To:** Golde, James; Lane, Patrick  
**Cc:** henry; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)  
**Subject:** RE: Mandela Parkway

James,

Any updates?

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**  
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Direct 510.463.6356 | Mobile 510.459.7428  
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**From:** Golde, James [<mailto:JGolde@oaklandnet.com>]  
**Sent:** Thursday, August 29, 2013 9:14 AM  
**To:** Brian Collins; Lane, Patrick  
**Subject:** RE: Mandela Parkway

Brian,

The City Attorney's office has your request and draft letter. Like I told you on the phone it will be up to them what response if any they want to send.

Regards,

**JamesGolde**

Manager | Real Estate Services

City of Oakland  
250 Frank H. Ogawa Plaza, Suite 4314  
Oakland, CA. 94612

510-238-6354 | [jgolde@oaklandnet.com](mailto:jgolde@oaklandnet.com)

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**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Wednesday, August 28, 2013 5:25 PM  
**To:** Lane, Patrick; Golde, James  
**Subject:** RE: Mandela Parkway

James,

Any updates?

I have made contact with First American Title's attorney. I have processed a claim with them regarding this, and I am hoping they will assist us in getting this done, between them the City and the Assesor, hopefully everyone can get on the same page.

Her name is Aimee Hui, and she may give you a call soon.

**Aimee Hui, Esq.**  
**Boss Law Firm, APLC**

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1888 Kalakaua Ave., Suite C-312 | Honolulu, HI 96815  
T (808) 373-7776 | F (808) 373-7711  
[ahui@bosslawfirm.com](mailto:ahui@bosslawfirm.com)  
[www.bosslawfirm.com](http://www.bosslawfirm.com)

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**  
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**From:** Lane, Patrick [<mailto:PSLane@oaklandnet.com>]  
**Sent:** Wednesday, August 07, 2013 2:05 PM  
**To:** Golde, James; Brian Collins  
**Subject:** FW: Mandela Parkway

James – Here is the information and draft letter that is required regarding the Mandela Parkway Property we discussed today. I just talked to Brian Collins and he said he would need the letter by next Friday, for a meeting with the county the following week. If you can't meet that schedule, he needs to know that and try to reschedule the meeting. Brian's contact info is below.

Brian – Can you confirm which attorneys from the City were working on this previously? It will speed up the review of the letter by the Attorney's Office.

Patrick Lane [<mailto:pslane@oaklandnet.com>]  
Redevelopment Manager, City Of Oakland  
Office of Neighborhood Investment  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland CA 94612  
tel (510) 238-7362  
fax (510) 238-3691

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**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Thursday, July 25, 2013 5:35 PM  
**To:** Lane, Patrick  
**Cc:** Mehrdad Dokhanchy; [henry\\_pm@yahoo.com](mailto:henry_pm@yahoo.com)  
**Subject:** Mandela Parkway

Patrick,

Thank you again for your assistance here. I understand you are busy, so an intro to a contact with the City Attorney's office who may give us attention on this is all I need.

Please see the attached.

Sincerely,

<image001.jpg>

**Brian Collins, SIOR**  
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Date: July 25, 2013

Clerk, Board of Supervisors  
Assessment Appeals Board  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Re: Vacant Land Located at Peralta Street @ Mandela Parkway; APN(s) including but not limited to: 005-0421-004-00, 005-0421-003, and 005-0421-003-4 – Oakland, CA

To Whom It May Concern:

**Background:**

In October of 2005, City of Oakland conducted a surplus public Property Auction and proceeded to sell the subject property at Mandela Parway/20<sup>th</sup> Street to (Hemmat & Dokhanchy Associates (a California general Partnership), Brian Collins (an individual) and Henry Wong (an individual) as tenants-in-common “the buyers”. – (see attached Exhibit A - ordinance no. 12722). The property was recorded in the name of the buyers March 16, 2006. Please also see the attached Exhibit B depicting a graphical representation of what was sold to the buyers. APN – 005-0421-003.

However, shortly thereafter, the initial findings of a survey by Renner disclosed that the City had sold them a property that contained a significant portion of Mandela Parkway which was an active commercial thoroughfare located in the Public Right of Way.

The nature of completing the survey was extremely complicated without a correct version of (1) a correct legal description which separated out the portion of Mandela Parkway, (2) accurate parcel maps, and (3) clear chain of title given prior ownership by the State of California. This process was finally completed via Quitclaim Deed (Exhibit C) on June 9, 2011 (the “Correction Date”) (pursuant to ordinance no. 12930 - Exhibit D) with the cooperation of all parties. Careful and special research and coordination was required by the public works agency, the State of California, the City Attorney and the City of Oakland Real Estate Department to correctly transfer the property.

During this entire time frame and discovery process (3/16/2006 – 6/9/2011), the "usable and developable" portion of the property was still controlled by the City, and the Buyers were prohibited from their legal ability to sell, lease, utilize, or develop the site until 6/9/2011.

**Legal Basis:**

It is extremely important to note that Ordinance No. 12722 was adopted pursuant to Ordinance No. 11602 (see attached Exhibit E), which establishes the procedures for the sale of City-owned surplus real property, on the basis that Section 1(b) is true. “SURPLUS REAL PROPERTY” by its very definition is “All real property owned or controlled by the City which is not needed by the City for public purposes.”

Additionally, because property within the right of way was sold, it would have required a general vacation of public right-of-way pursuant to the California Streets and Highway Code (section 8300).



This is generally a three step process whereby public announcements are made, and then two (2) concurrent hearings by the City Council are held. During this process the City makes determinations concerning public notification, public access and easements, right-of-way ownership, the General Plan and CEQA. This public process to complete the vacation was never held.

**Conclusion:**

Especially with emphasis on the fact that a vacation process was not held, it is clear that the City did not follow proper procedure and therefore could not sell the subject property. Based on these facts, it is clear that the initial transaction was NULL & VOID. Additionally, even though the initial legal description contained a portion of the property that was intended to be sold, the entire transaction was NULL & VOID because a correct legal description that clearly separated Mandela Parkway from the rest of the property did not exist, and therefore the Buyer's could not have actually owned any portion of the property without the other. The date of the correction deed should be used as the correct date whereby the buyers held legal title.

Please do not hesitate to contact us with any further question.

Sincerely,