



CITY of OAKLAND
OFFICE of PARKS & RECREATION

CITY OF OAKLAND
Interoffice Memorandum

TO: Parks and Recreation Advisory Commission
FROM: Audree V. Jones-Taylor, Director
DATE: January 9, 2009
SUBJECT: Request from William Wilkins, Supervising Real Estate Agent for The City of Oakland to Sell the Adjacent Property at 4683 Benevides Avenue, Oakland, CA

SUMMARY

The Office of Parks and Recreation (OPR) received a request from The City and the adjacent property owners wish to settle and resolve a dispute which involves the adjacent owners allegation that they had established an easement by prescription across the proposed license area for use as access prior to the City's acquisition of the property for park land. City staff has agreed that, subject to Council approval, City will sale the property subject to the terms and conditions of a Purchase and Sale Agreement and the Hartings - Cordray agree that they will buy the property in order to accomplish such settlement and resolution to the dispute.

The proposed area totals approximately 2,000 square feet in area and is located along the westerly edge of Dimond Park adjacent to the easterly edge of the Licensees property located at 4683 and 4689 Benevides Avenue in the City of Oakland. The proposed license area is improved as driveway with brick pavers, and has been in such condition for a significant number of years.

FISAL IMPACT

There will be no negative fiscal impact on the Office of Parks and Recreation. Proposed legislation to authorize the sale will ask Council to set aside the sale proceeds to acquire replacement open space land in the immediate area of Dimond Park. The proposed sale price will be determined by an impartial appraisal prepared by a licensed real estate appraiser selected and paid for by the buyer and approved by appropriate City real estate staff. All costs of the proposed sale will be paid by the buyer in conjunction with the purchase and sale agreement.

KEY ISSUES

Sale of the property will resolve an ongoing dispute and preclude the possibility of a future lawsuit involving the City for access. Staff from OPR, Planning, Council District Offices and the Real Estate Division of CEDA has reviewed the proposal and are in support of a sale of the property involved, subject to Council approval. Real Estate will draw up the agreement, and oversee the transaction. The property is improved as part of the existing driveway for the adjacent property and has been for a long period of time. The proposed sale area does bear a significant impact on the use of the balance of the adjacent park property.

Parks and Recreation Advisory Commission
January 9, 2009
Item #12A

RECOMMENDATION

Staff recommends that the Parks and Recreation Advisory Commission approve the request from the City and the adjacent property owners to sell the property approximately 2,000 square feet in the area and is located along the westerly edge of Dimond Park adjacent to the easterly edge of the Licensees property located at 4683 and 4689 Benevides Avenue, Oakland.

Respectfully Submitted,



Audree V. Jones-Taylor
Director



CITY OF OAKLAND
Interoffice Memorandum

TO: Parks and Recreation Advisory Commission
FROM: William Wilkins, Supervising Real Estate Agent
DATE: January 5, 2009
SUBJECT: Unresolved access issue at Dimond Park

SUMMARY

The City and the adjacent property owners wish to settle and resolve a dispute which involves the adjacent owners allegation that they had established an easement by prescription across the proposed license area for use as access prior to the City's acquisition of the property for park land. City staff has agreed that, subject to Council approval, City will sale the property subject to the terms and conditions of a Purchase and Sale Agreement and the Hartings - Cordray agree that they will buy the property in order to accomplish such settlement and resolution to the dispute.

The proposed area totals approximately 2,000 square feet in area and is located along the westerly edge of Dimond Park adjacent to the easterly edge of the Licensees property located at 4683 and 4689 Benevides Avenue in the City of Oakland. The proposed license area is improved as driveway with brick pavers, and has been in such condition for a significant number of years.

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Parks and Recreation Advisory Commission

April 9, 2008

RECOMMENDATION

Staff recommends that subject to Council approval, and the terms and conditions to be detailed in a purchase and sales agreement to be executed upon such approval, the property be sold to the adjacent property owners.

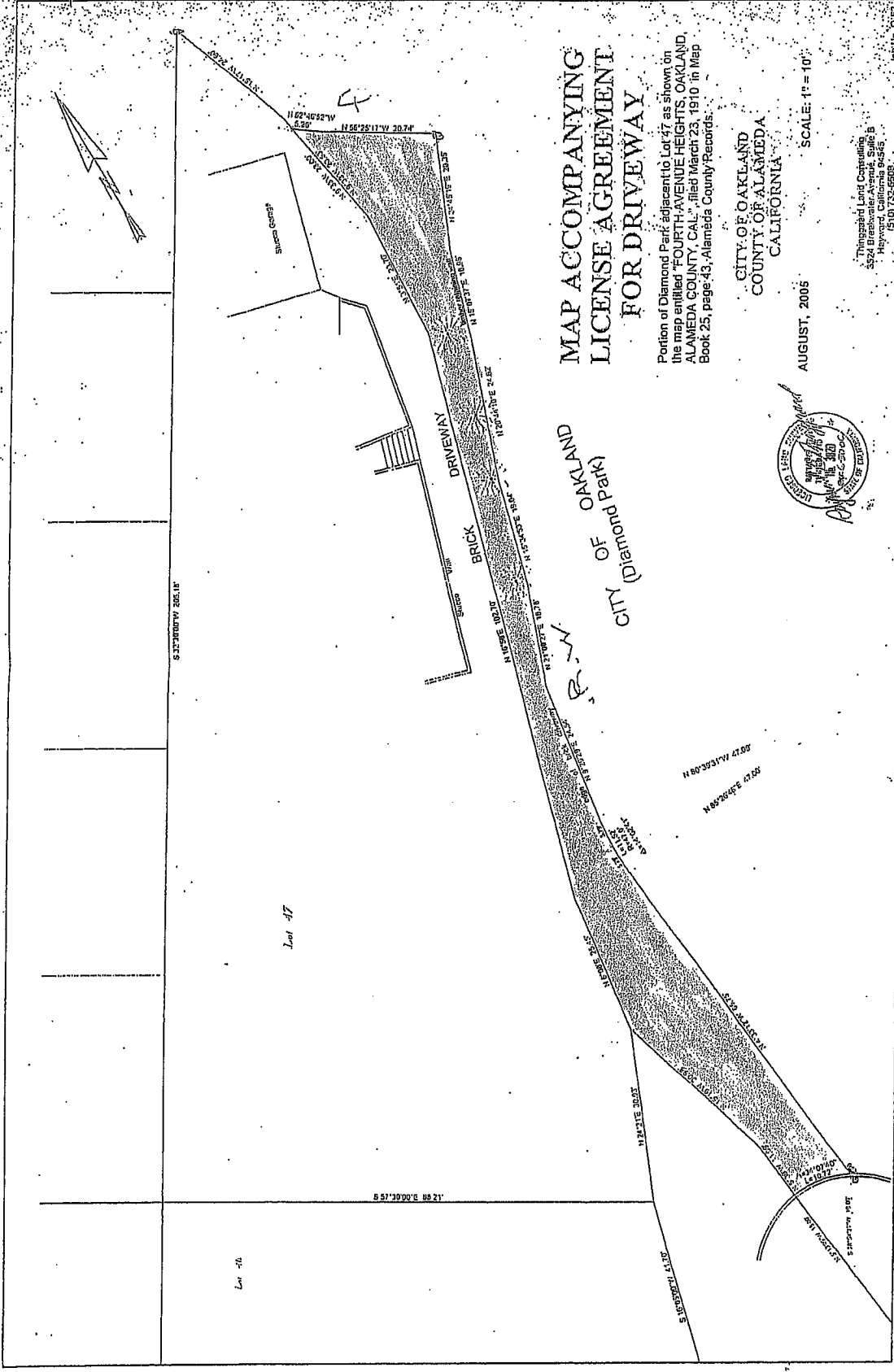
Attachments:

A – Driveway Photo

B – Plot Plan

Respectfully Submitted,

William W. Wilkins
Supervising Real Estate Agent
CEDA Real Estate Division



**MAP ACCOMPANYING
LICENSE AGREEMENT
FOR DRIVEWAY**

Portion of Diamond Park adjacent to Lot 47 as shown on the map entitled "FOURTH AVENUE HEIGHTS, OAKLAND, ALAMEDA COUNTY, CAL.", filed March 23, 1910 in Map Book 25, page 43, Alameda County Records.

CITY OF OAKLAND
COUNTY OF ALAMEDA
CALIFORNIA

AUGUST, 2005 SCALE: 1" = 10'

Thompson Land Corporation
5524 Broadway Avenue, Suite B
Hayward, California 94555
(510) 733-5600

CITY OF OAKLAND
(Diamond Park)



Exhibit D