

ORDINANCE NO. -N.S.

AUTHORIZING PURCHASE OF PROPERTY FOR THE LOWER CODORNICES CREEK PROJECT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1.

The Council finds as follows:

- a. In order to accomplish the goal of restoration and maintenance to lower Codornices Creek and provide a walking and bike trail to its residents, the City Council has authorized the Lower Codornices Creek Restoration and Site Improvement Project.
- b. It is necessary to acquire abandoned assessor's parcel 060-2385-010 from the County of Alameda in order to accomplish the Lower Codornices Creek Restoration and Site Improvement Project.

Section 2.

The City Council further finds as follows:

The City of Berkeley has joined with the City of Albany and the University of California in preparing a restoration plan for Lower Codornices Creek located between San Pablo Avenue west to the Southern Pacific Railroad. With the City of Albany as project lead, The Waterways Restoration Institute, a consulting group that specializes in creek restoration work, has prepared the plans that will provide for a floodplain area, a pedestrian/bicycle trail along the creek, and creek habitat restoration measures. The project is in the process of obtaining all permits and authorizations necessary for construction to start in the Spring of 2006.

Section 3.

- a. That the City Manager is hereby authorized to execute an agreement attached herein as Exhibit A to purchase tax defaulted property known as assessor's parcel 060-2385-010 for back taxes currently at \$1,647.54 plus closing costs not to exceed a total cost of \$2,200.00.

Section 4.

That an allocation of \$2,200 in Budget Code 450-5801-450-3038 is available to fund the purchase of the property and all related escrow fees and closing costs.

Section 5.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 15, 2005, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

## Exhibit A

### AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2005, by and between the **Board of Supervisors of Alameda County**, State of California, and the **City of Berkeley** ("Purchaser"), pursuant to the provisions of Division 1, Part 6, Chapter 8, of the Revenue and Taxation Code.

The real property situated within said county, hereinafter set forth and described in this agreement is Tax-Defaulted and is subject to the power of sale by the Tax Collector of said County for the nonpayment of taxes, pursuant to provisions of law.

#### TERMS AND CONDITIONS

It is mutually agreed as follows:

- 1) that as provided by Revenue and Taxation Code §3800, the cost of giving notice of this agreement shall be paid by the PURCHASER and is not included in the amount for the real property, and
- 2) that the PURCHASER agrees to pay the sum of \$1,647.54 for the real property described in Exhibit "A" within 30 days after the date this agreement becomes effective. Upon payment of said sum to the Tax Collector shall execute and deliver a deed conveying title to said property to PURCHASER.
- 3) That the PURCHASER agrees to use the parcel for public purpose under the following intent:

Recontour the existing creek for conservation purposes and flood control as well as granting public access.
- 4) That, if said PURCHASER is a Taxing Agency as defined in Revenue and Taxation Code §121 or any other agency that receives its revenue share under the provisions of Division 1, Part 8, Chapter 3 of the Revenue and Taxation Code, it will not share in the distribution of the payment required by the Agreement as defines by §3791 and §3720 of the Revenue and Taxation Code.

If all of any portion of any individual parcel listed in Exhibit "A" is redeemed prior to the effective date of this agreement, this agreement shall be null and void as to that individual parcel. This agreement shall also become null and void and the right of redemption restored upon the PURCHASER'S failure to comply with the terms and conditions of this agreement.

**The undersigned hereby agrees to the Terms and Conditions of this Agreement and are**

**duly authorized to sign for said agencies.**

ATTEST:

\_\_\_\_\_  
(Purchaser)

(Seal)

By \_\_\_\_\_

ATTEST:

BOARD OF SUPERVISORS

\_\_\_\_\_  
Clerk of the Board of Supervisors

By \_\_\_\_\_

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Chairman

Pursuant to the provisions of Section 3775 of the Revenue and Taxation Code, the governing body of the City of Berkeley hereby agrees to the sale price as provided in this agreement.

ATTEST: CITY OF BERKELEY

\_\_\_\_\_  
Deputy

By \_\_\_\_\_  
City Manager (Seal)

This agreement was submitted to me before final execution by the Board of Supervisors and I have compared the same with the records of Alameda County relating to the real property described therein.

\_\_\_\_\_  
Alameda County Tax Collector

Pursuant to the provisions of Section 3795 of the Revenue and Taxation Code, the Controller approves the foregoing agreement this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STEVE WESTLY, CALIFORNIA STATE CONTROLLER

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

**Exhibit "A"**

<u>Description</u>	<u>First Year Delinquent</u>	<u>Default Number</u>	<u>Purchase Price</u>
60-2385-10	1971/1972	280425	\$1,647.54

# Project Location

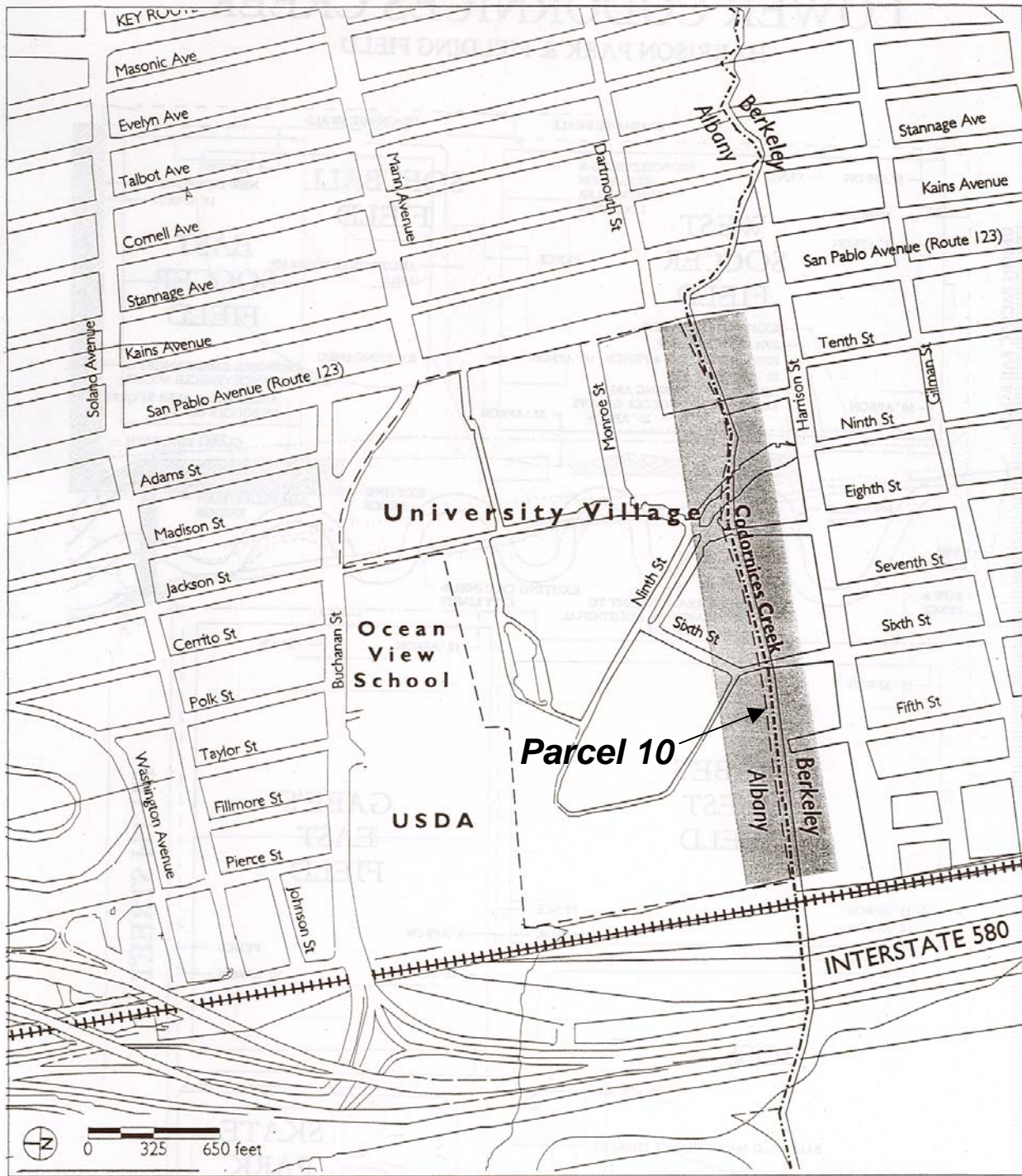






FIGURE 2

-  Proposed Project Area
-  University Village Boundaries
-  Albany/Berkeley City Limits
-  Union Pacific Railroad

## LOCAL LOCATION

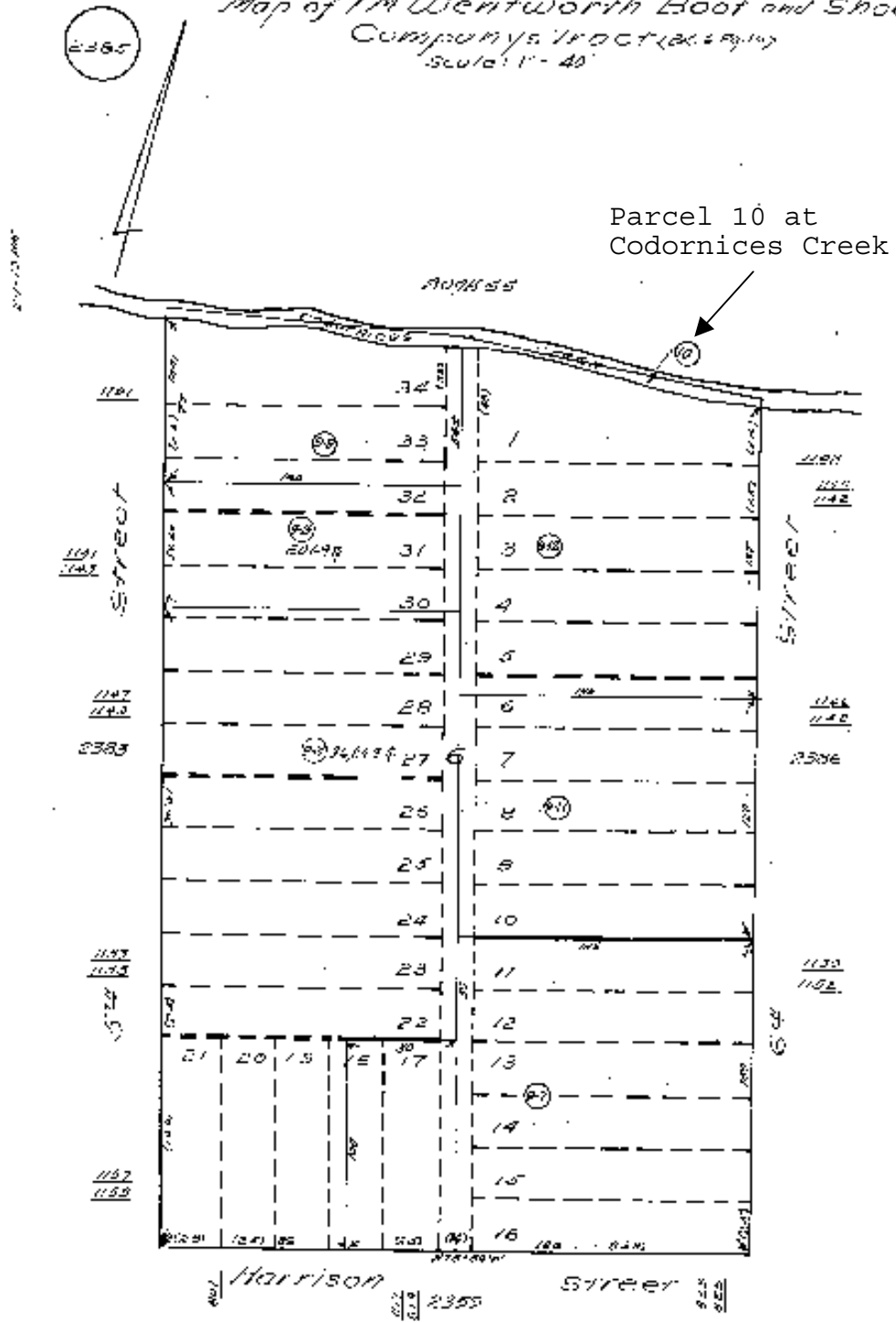
CODORNICES CREEK IMPROVEMENTS PLAN  
PROJECT INITIAL STUDY

**Assessor's Parcel**

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ASSESSOR'S MAP 60

Map of M Wentworth Boot and Shoe  
Company's Tract (see map)  
Scale: 1" = 40'



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**Parcel 10**

ASSESSOR'S MAP 60

Code Area No.13-000

Map of I.M. Wentworth Boot and Shoe Company's Tract (BK. 6 Pg. 16)  
Scale: 1" = 40'

2385

2-1-79 AM  
MB 62-1-2

Parcel 10 at  
Codornices Creek

