

## CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA • 5<sup>th</sup> FLOOR, OAKLAND, CALIFORNIA 94612

ECONOMIC & WORKFORCE DEVELOPMENT

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**TO: Eligible Entities**

**FROM: Alexa Jeffress, Director, Economic & Workforce Development**

**DATE: October 26, 2020**

**RE: NOTICE OF AVAILABILITY AND OFFER TO CONVEY *SURPLUS PROPERTY* PURSUANT TO  
GOVERNMENT CODE SECTION 54220 et seq.**

### **To Whom It May Concern:**

Pursuant to Government Code Section 54220 et seq., as it may be amended, the City of Oakland ("City") is hereby giving notice of availability and its intent to convey its 100% interest in the property identified as Assessor Parcel Number ("APN") 039-3291-020 and commonly known as "73<sup>rd</sup> and Foothill" (the "Site") by lease. Pursuant to Government Code Section 54222, the City is hereby providing this written offer to your agency/organization to lease said property for certain purposes or uses consistent with your agency's/organization's mission. Please be advised that the City is concurrently providing this written offer to all eligible entities designated in Government Code Section 54222.

If your agency/organization desires to lease the Site, you have up to 60 days from the date of this offer to notify the City of your intent. Priority shall be given to the development designated in Section 54222(a) to any offers received. Your response should include a description of your intended development proposal. If you submit a response, the City will enter into good faith negotiations with your agency/organization to discuss your proposed development proposal or use and to determine a mutually satisfactory lease terms.

The notice of intent may be received either via physical or electronic submittals. Please address electronic submittals of the notice of intent to purchase or lease to [rparikh@oaklandca.gov](mailto:rparikh@oaklandca.gov) or physical submittals should be addressed as follows:

**Rupa Parikh**  
**Urban Economic Analyst**  
**City of Oakland**  
**250 Frank Ogawa Plaza, Suite 5313**  
**Oakland, CA 94612**

Information on the City's surplus properties and the Surplus Land Act and disposition process is available at: <https://www.oaklandca.gov/resources/surplus-land-act>.

#### **ABOUT THE PROPERTY**

The Property is a triangular-shaped lot located at the corner of 73rd Ave and Foothill Blvd, on a major commercial intersection in East Oakland. The Property does not currently have a street address, but the assessor parcel number ("APN") is 039-3291-020. Zoned as CC-1 ("Community Commercial"), the site is approximately 1.22 acres (53,160 square feet) in size, and adjacent to the Eastmont Mall. Specific land use restrictions do exist and are listed in an attachment to this notice. All off-site improvements and public utilities are available to the Property.

The site's legal description, parcel map, and land use restrictions of the property are attached.

If you need additional information, please contact Rupa Parikh at (510) 238-2970 or via email at [rparikh@oaklandca.gov](mailto:rparikh@oaklandca.gov).

**LEGAL DESCRIPTION**

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

PARCEL ONE:

PARCEL A, PARCEL MAP 7755, FILED JULY 19, 2002, BOOK 266 OF PARCEL MAPS, PAGES 46 AND 47, ALAMEDA COUNTY RECORDS.

PARCEL TWO:

NON-EXCLUSIVE RECIPROCAL EASEMENTS APPURTENANT TO PARCEL ONE FOR THE PURPOSES OF PARKING, ACCESS, DRAINAGE, ENCROACHMENTS AND UTILITIES AS CONTAINED IN AND UPON THE TERMS AND CONDITIONS SET FORTH IN THAT CERTAIN "AMENDED AND RESTATED AGREEMENT FOR GRANT OF RECIPROCAL EASEMENTS" RECORDED MARCH 13, 2007 AS INSTRUMENT NO. 2007-103162 OF ALAMEDA COUNTY OFFICIAL RECORDS SAID PURPOSES BEING MORE PARTICULARLY STATED THEREIN IN SECTION 2 THEREOF.

APN: 039-3291-020



### **Eastmont Town Center – Tenant Exclusives & Use Restrictions**

<b>McDonald's</b>	<p>Prohibits space from being occupied as a "restaurant", which applies to any type of food service establishment serving any amount of the following:</p> <ul style="list-style-type: none"><li>- Hamburgers or any other type of beef products served in sandwich form;</li><li>- Chicken;</li><li>- Pizza or Pizza Bread;</li><li>- Eggs or egg substitutes, pancakes, French toast, cereal or waffle products;</li><li>- Tacos, Burritos, Tamales, Enchiladas, Fajitas or Nachos;</li><li>- Fish;</li><li>- Ice Cream;</li><li>- Frozen Yogurt;</li><li>- Cookies</li></ul> <p>In addition, the following restaurants are prohibited within the described areas: Arby's, Baskin Robins, Big Boy, Blimpies, Bresslers, Brown's Chicken, Burger Chef, Burger King, Carl's Jr., Carrow's, Checkers, Church's Chicken, Del Taco, Denny's, Domino's, El Pollo Loco, Fuddrucker's, Haagen-Das, Hardee's, In and Out Burger, Jack-in-the-Box, KFC, Little Caesar's, Mr. Submarine, Mrs. Fields, Nathan's, Numero Uno, Papa Ginos, Perkins, Pizza Hut, Ponderosa, Popeye's Chicken, Rally's, Rax, Round Table, Roy Rogers, Shakeys, Shoney's, Sizzler, Subway Sandwiches, Taco Bell, TCBY Yogurt, Wendy's, White Castle</p>
<b>Auto Zone</b>	<p>Prohibits the use or occupancy of any part of the [Entire Premises] as an auto parts store or for the sale of any automobile parts, supplies and/or accessories. This restriction shall not apply to any business whose principal business is a drug-store and/or pharmacy, grocery store, department store, variety store, hardware store, home improvement store or any other seller of a broad mix of general merchandise which sells auto (or similar) parts as an incidental part of its general merchandise business; provided that no business sells automobile carburetors, starters, brakes, alternators, fuel pumps, water pumps or other coolant pumps for off-premises installation.</p>
<b>Taco Bell</b>	<p>No part of the Property shall be leased or used for a food outlet selling more than Ten Percent (10%) Mexican Style Food.</p>