

2022081735

04/25/2022 11:40 AM

13 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY

MELISSA WILK, CLERK-RECORDER

RECORDING FEES: \$0.00



Recording requested by:
HARWARD AREA RECREATION
AND PARK DISTRICT

WHEN RECORDED RETURN TO:
Hayward Area Recreation and Park District
c/o General Manager
1099 E Street
Hayward, CA 94541

NO FEE DOCUMENT
Per Government Code 6103

APB
13
MP

THIS SPACE FOR RECORDER'S USE ONLY

ACCEPTANCE OF OFFER OF DEDICATION

Whereas, an Irrevocable Offer of Dedication of an interest in real property having been made by SoHay-Hayward, L.P, to the Hayward Area Recreation and Park District and recorded in the Office of the Recorder of Alameda County, State of California;


Whereas, the undersigned officer having been authorized to accept the Offer of Dedication pursuant to the authority conferred by Resolution No. R-2122-40, adopted March 21, 2022, by the Board of Directors of the Hayward Area Recreation and Park District.

NOW, THEREFORE, said Offer of Dedication is hereby accepted by the undersigned officer for the purpose of a public park, and all necessary utilities, under upon and across that land in the City of Hayward, County of Alameda, State of California described as follows:

See EXHIBIT "A" attached hereto and made a part hereof.

* Exhibit B attached

Any use of said easement and right of way by Owners, their assignees or successors in interest which is not compatible with or interferes with said easement and right of way and the rights and privileges herein accepted shall not be allowed.


James C. Wheeler
General Manager,
Hayward Area Recreation and Park District

4/22/22
Date

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of ALAMEDA)

On April 22, 2022 before me, R. GRADY, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared James C. Wheeler
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

R. Grady

(Seal)

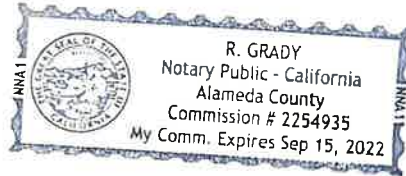




EXHIBIT A

The Board of Directors of
The Hayward Area Recreation and Park District

RESOLUTION NO. R-2122-40

RESOLUTION TO ACCEPT THE OFFER OF DEDICATION FOR THE SOHAY PARK PROJECT

WHEREAS, the Hayward Area Recreation and Park District is a California special district duly organized and existing pursuant to the laws of the State of California; and

WHEREAS, the Hayward Area Recreation and Park District is the government entity responsible for providing public parks, recreation and open space facilities within the City of Hayward; and

WHEREAS, a Park Improvement Agreement between the Hayward Area Recreation and Park District, the City of Hayward, and William Lyon Homes, Inc. ("Developer") was approved by the Board Directors on October 7, 2019 for the development of SoHay Park; and

WHEREAS, the Park Improvement Agreement required the developer to improve Parcel L and Parcel J of Tract Map 8447 with a new public park and trail; and

WHEREAS, Parcel L and Parcel J are subject to public park use restriction through December 10, 2029; and

WHEREAS, an Irrevocable Offer to Dedicate, dated August 2, 2018, was recorded on August 3, 2018 in the Official Records of Alameda County as Document No 2018-154349; and

WHEREAS, the Developer has completed construction of the SoHay Park project and provided a Certification of Completion; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Hayward Area Recreation and Park District does hereby accept the Offer of Dedication of the SoHay Park project.

DATE: March 21, 2022

INTRODUCED BY: Rick J. Hatcher

AYES: Hatcher, Hodges, Pereira and Rosen

NOES: None

ABSTAIN: None

ABSENT: Andrade

Carol Pereira
Carol Pereira (Apr 1, 2022 09:06 PDT)

Carol A. Pereira, President

Paul W Hodges, Jr
Paul W Hodges, Jr (Apr 1, 2022 10:55 PDT)

Paul W. Hodges, Jr., Secretary

Exhibit A

54606-1429235

RECORDING REQUESTED BY

North American Title

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME City of Hayward

STREET ADDRESS 777 B Street

HAYWARD, CA 94541

CITY, STATE & ZIP CODE Attn: City Manager

CERTIFIED A TRUE COPY OF THE ORIGINAL RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY ON Alameda

Under Recorder's Serial No. 2018152498

NORTH AMERICAN TITLE COMPANY, INC.

By KDover

SPACE ABOVE FOR RECORDER'S USE ONLY

IRREVOCABLE OFFER TO DEDICATE (PARK PARCEL)

Title of Document

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.
- Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
- Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (\$3.00 Additional Recording Fee Applies)

Recorded at Request of:
City of Hayward and

When Recorded Mail to and
Mail Tax Statements to:

City of Hayward
777 B Street
Hayward, California 94541
Attn: City Manager

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

APN No. 078C-0438-011-01

This Irrevocable Offer to Dedicate is recorded at the request and for the benefit of the City of Hayward and is exempt from the payment of a recording fee pursuant to Government Code Sections 27383, and 27388.1(a)(1)(D) and payment of documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

IRREVOCABLE OFFER TO DEDICATE

(Park Parcel)

August 02

THIS IRREVOCABLE OFFER TO DEDICATE is made as of ~~July~~ / , 2018 by SoHay - Hayward, L.P., a Delaware limited partnership (the "Owner").

WHEREAS, under Director's Deed (DD-032589-01-01) (the "Director's Deed") the City of Hayward, a California charter city ("City") acquired certain real property more particularly described on Exhibit A and depicted as the "Park Parcel" on the site map shown on Exhibit B (the "Park Parcel"). Under the Director's Deed, the Park Parcel is subject to a public park use restriction through December 10, 2029.

WHEREAS, William Lyon Homes, Inc., a California corporation ("Lyon") and the City, are parties to that certain Purchase and Sale Agreement dated May 16, 2017, as such may be amended from time to time (the "Purchase Agreement"), under which the City agreed to transfer the Park Parcel to Lyon.

WHEREAS, Lyon assigned the Purchase Agreement to the Owner, on or before the date hereof.

WHEREAS, the transfer of the Park Parcel is subject to the Conditions of Approval dated May 17, 2018, for General Plan Amendment, Rezoning, Vesting Tentative Map (Tract 8428) (the

"Conditions of Approval") which requires the Owner to dedicate the Park Parcel to the City or the City's designee and to construct park improvements thereon.

WHEREAS, Owner hereby agrees to irrevocably offer for dedication the Park Parcel (subject to any reserved access easements, the requirements of the California Department of Transportation ("Caltrans") as set forth in the Director's Deed, and the Revocable Offer to Dedicate (ACFC Chanel) for the benefit of the City or its designee recorded substantially concurrently herewith (collectively, the "Permitted Exceptions")) to the City or to the City's designee, as generally depicted on the attached site map.

NOW, THEREFORE, incorporating the foregoing recitals, the Owner does hereby designate and set aside for future use as described hereto and irrevocably offer to dedicate to the City or the City's designee (the Hayward Area Recreational and Park District ("HARD")), fee title to the Park Parcel, as generally depicted on the attached site map, subject to the Permitted Exceptions and the express requirement that this offer of dedication may not be accepted prior to July³¹, 2019. The precise area to be dedicated as the Park Parcel under this Agreement may be further refined through the recordation of a final map, but in no event shall the area dedicated hereunder be less than one (1) acre in size. The area to be dedicated as the Park Parcel under this Agreement must be interpreted in a manner that is consistent with the recorded final map; provided however, if there is any conflict between the terms of this Agreement and the recorded final map (as it relates to the solely to the area defined as the Park Parcel), the recorded final map shall control and compliance with the terms of dedication under the recorded final map shall constitute compliance with the terms of this Agreement.

This Irrevocable Offer to Dedicate shall continue in full force and effect until City Council or if directed by the City, the governing board of the City's designee accepts such offer or if the offer to dedicate under the final map is accepted as provided thereunder. The dedication of the Park Parcel shall be deemed to be completed, upon acceptance of this Irrevocable Offer to Dedicate by the City Council, or, if directed by the City, the governing board of the City's designee or if the offer to dedicate under the final map is accepted as provided thereunder.

If and to the extent the City accepts the dedication of the Park Parcel hereunder, the City shall take all steps necessary or required under that certain Option Agreement by and between the City and HARD, dated as of August 02, 2018, to effectuate the terms thereof and deliver fee title to the Park Parcel, at no cost, to HARD by grant deed as soon as practicable.

[Signature Page Follows]

IN WITNESS WHEREOF, Owner has caused this Irrevocable Offer to Dedicate to be executed as of the day and year first above written.

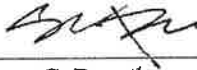
OWNER:

SOHAY - HAYWARD, L.P.,
a Delaware limited partnership

By: NP-HS LOJV GP II, LLC,
a Delaware limited liability company
General Partner

By: NP-HS LOT OPTION JOINT VENTURE II, LLC,
a Delaware limited liability company
Sole Member

By: HEARTHSTONE PROFESSIONALS - PI, L.P.,
a Delaware limited partnership

By: 
Steven C. Porath
Authorized Person

Date: August 02, 2018

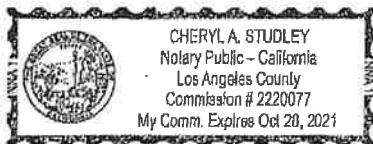
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

On JULY 30, 2018, before me, CHERYL A. STUDLEY, Notary Public, personally appeared STEVEN C. PORATH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Cheryl A. Studley
Name: CHERYL A. STUDLEY
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

All of the real property in the City of Hayward, County of Alameda, State of California,
described as follows:

APN: 078C-0438-011-01

A.P.N.: 078C-438-011-01

Exhibit A

THAT PARCEL OF LAND, IN THE CITY OF HAYWARD; COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED IN THAT GRANT DEED AF 32589, RECORDED JUNE 1, 1965, IN REEL 1516, IMAGE 973 DOCUMENT NUMBER AX74768, OFFICIAL RECORDS OF ALAMEDA COUNTY, TO THE STATE OF CALIFORNIA, DESCRIBED THEREIN:

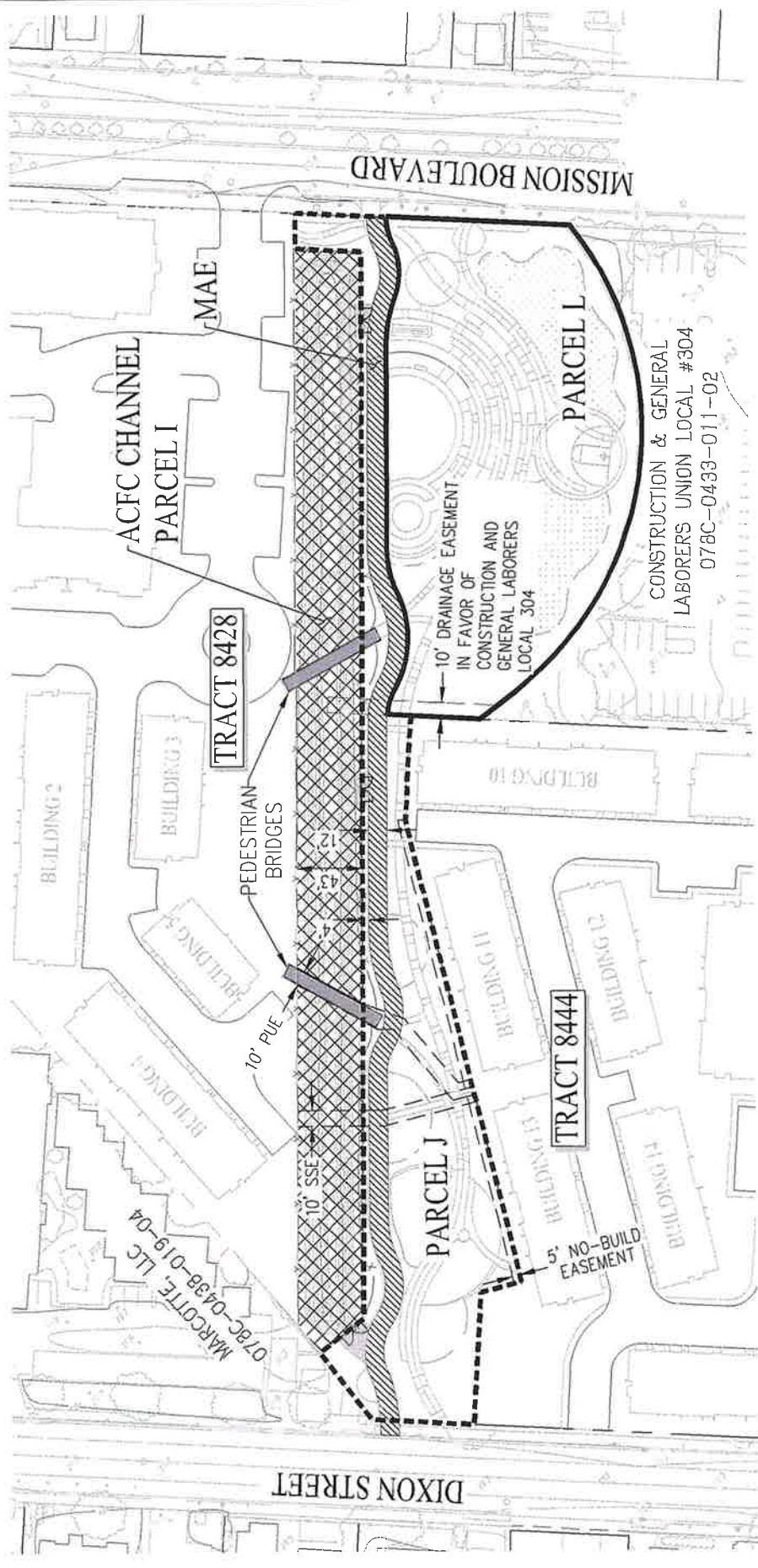
"COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N. 48°43'46" E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES; THENCE ALONG SAID SOUTHWESTERLY LINE S. 41°21'12" E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS 5. 6°46'51" W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF 91°11'09", AN ARC LENGTH OF 342.17 FEET; THENCE N. 82°02'00" W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N. 41°16'14" W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.








EXHIBIT B

SITE MAP

16331\2367415.8



LEGEND

-  MAINTENANCE ACCESS EASEMENT (MAE)
-  TO ACFC (SEE NOTE 1); the portion of Parcel J encumbered by the MAE is also called "MAE Parcel"
-  FEE PARCEL TO ACFC (PARCEL I) TO BE MAINTAINED BY ACFC
-  PUBLIC PARK (PARCEL L)
-  PUBLIC PARK (PARCEL J)
-  PEDESTRIAN BRIDGE
-  EASEMENT

NOTE:

1. MAE PROVIDES ACCESS FOR ACFC TO MAINTAIN THEIR ADJACENT CHANNEL. THE MAE IS INSTALLED AS PART OF THE PARK IMPROVEMENT PLANS.

TRACT 8428

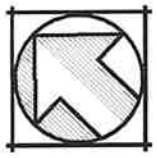
SOHAY PARK

IMPROVEMENT AGREEMENT

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: AUGUST 2019 SCALE: 1" = 100'

SAN RAMON (925) 866-0322
SACRAMENTO (916) 375-1877
WWW.CBANDG.COM



SHEET NO. **1**
OF 2 SHEETS

TRACT 8444

DIXON STREET

ELIZONDO TOLEDO PROPERTIES, LLC
APN 078C-0435-002-04

STANLEY
APN 078C-0435-003-02

EASTSIDE DEVELOPMENT CR, LLC
APN 078C-0435-004-02

CLEMENTS
APN 078C-0435-5-2

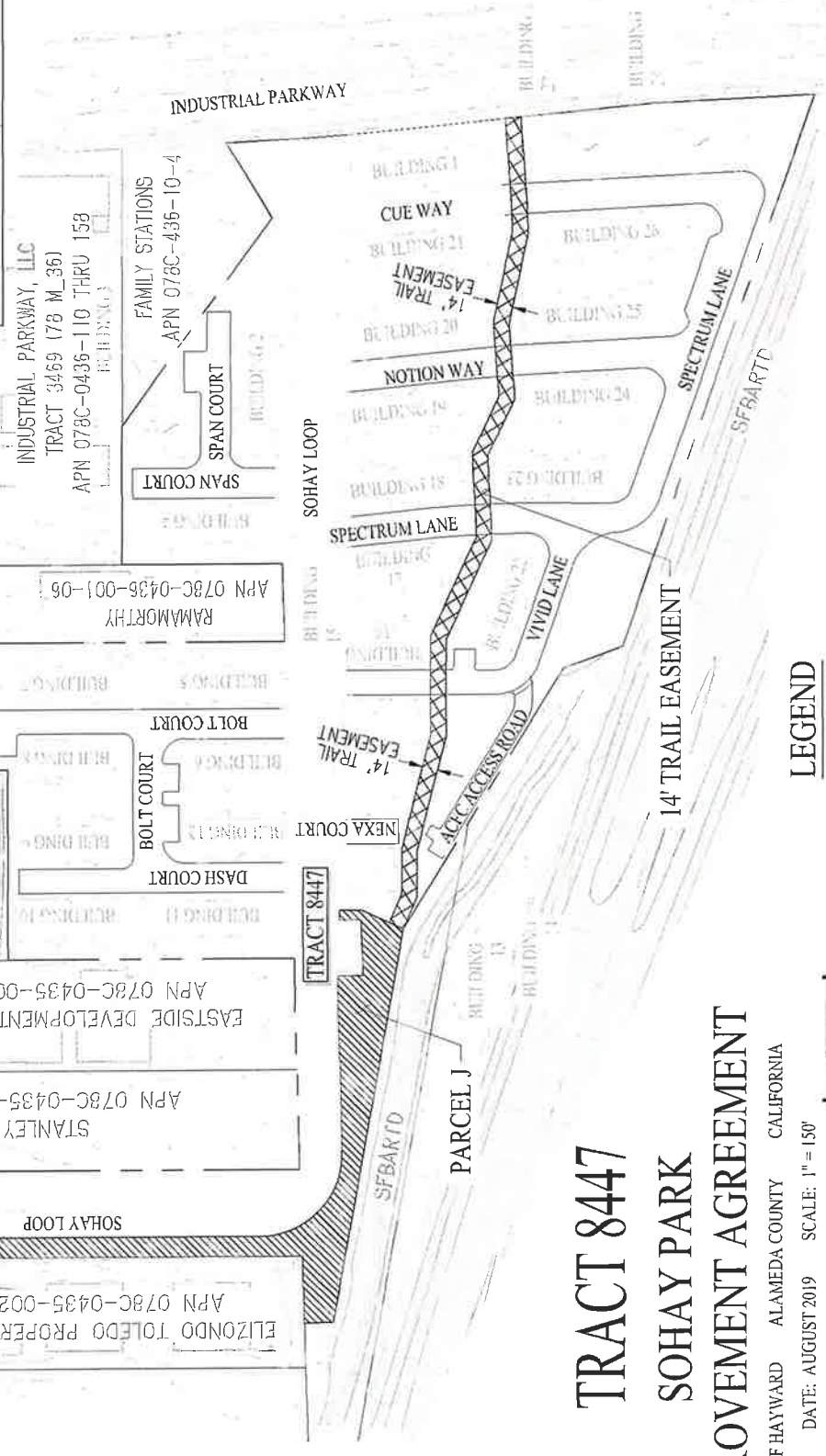
NELSON
APN 078C-0436-1-15

RAMAMORTHY
APN 078C-0436-001-06

SPAN COURT
APN 078C-436-10-4

INDUSTRIAL PARKWAY, LLC
TRACT 3469 (78 M_36)
APN 078C-110 THRU 158

PUBLIC PARK LAND OBLIGATION PER PROJECT CONDITIONS OF APPROVAL	
TRACT	AREA (ACREAGE)
8428	1.9±
8447	0.7±
TOTAL	2.6±



TRACT 8447 SOHAY PARK IMPROVEMENT AGREEMENT

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: AUGUST 2019 SCALE: 1" = 150'

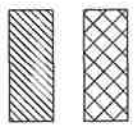
SAN RAMON (925) 866-0322
SACRAMENTO (916) 375-1877
WWW.CBANDG.COM



CIVIL ENGINEERS • SURVEYORS • PLANNERS



LEGEND



PARCEL J

TRAIL EASEMENT

SHEET NO.
2
OF 2 SHEETS