

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

RESOLUTION VACATING THE FORMER WHITESELL STREET RIGHT-OF-WAY
(WITH RESERVATION OF UTILITY EASEMENTS), DECLARING THE CITY-
OWNED PORTION OF THE FORMER RIGHT-OF-WAY AND ADJACENT CITY-
OWNED PARCEL EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT
CODE SECTION 54221, AUTHORIZING NEGOTIATION OF DISPOSITION, AND
FINDING THE ACTION EXEMPT FROM CEQA REVIEW

WHEREAS, California Streets and Highways Code section 8330(a) authorizes summary vacation of a street or highway that has been superseded by relocation; and

WHEREAS, Streets and Highways Code section 8340 authorizes a public entity to reserve from vacation of a street or highway, easements for sanitary sewers and storm drains, and pipe, conduit and other structures for the conveyance of water; and

WHEREAS, California Government Code section 54221(f)(1)(E) specifies that surplus land that is a former street, right-of-way, or easement, and is conveyed to an owner of an adjacent property is exempt from the requirements of the Surplus Land Act; and

WHEREAS, Government Code section 54221(f)(1)(B) specifies that surplus land that is less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes is exempt from the requirements of the Surplus Land Act; and

WHEREAS, in 2013 the City of Hayward acquired a portion of the property at 25500 Whitesell Street from Rohm and Haas Company to facilitate the I-880/SR-92 Reliever Route and the realignment of Whitesell Street; and

WHEREAS, as part of that transaction the City obtained a remnant parcel (see Attachment IV), approximately 0.48 acres (20,900 square feet) in size, located northeast of Breakwater Avenue and west of the current alignment of Whitesell Street, which was not required for the street realignment project and remains under City ownership; and

WHEREAS, as a result of the transaction, the City acquired fee title to the easterly half (approximately 0.32 acres) of the former Whitesell Street right-of-way as the adjoining owner to the east (see Attachment III and IV), resulting in total City ownership of approximately 0.8 acres (the remnant parcel and the easterly half of the vacated right-of-way); and

WHEREAS, the City's Director of Public Works has received interest from the adjoining property owner at 3832 Bay Center Place to acquire the City-owned properties for consolidation with their existing industrial holdings, in connection with a proposed industrial development project; and

WHEREAS, the former Whitesell Street right-of-way described herein is surplus and has been superseded by relocation and is no longer needed for street or other city purposes; and

WHEREAS, the 0.48 acre city-owned remainder parcel is surplus and no longer needed for city purposes; and

WHEREAS, the portion of the former Whitesell Street right-of-way owned in fee by the City is eligible to be declared exempt surplus land as provided in Government Code section 54221(f)(1)(E) because it is a former street right-of-way or easement which will be offered to the owner of the adjoining property; and

WHEREAS, the 0.48 acre city-owned remainder parcel is eligible to be declared exempt surplus land as provided in Government Code section 54221(f)(1)(B) because it is less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open space or low/moderate income housing; and

WHEREAS, the former Whitesell Street right-of-way owned in fee by the City and the 0.48 acre remainder parcel are not located within a coastal zone, are not adjacent to a historical unit of the State Parks System, are not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and are not within the Lake Tahoe region as defined in section 66905.5 of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and declares as follows:

1. The former alignment of the Whitesell Street right-of-way described in Attachment III and IV is vacated pursuant to Streets and Highways Code section 8330(a) as being superseded by relocation.

2. The public convenience and necessity requires that the vacation be subject to reservation and exception of easements pursuant to Streets and Highways Code sections 8340 and 8341 to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across the street or highway proposed to be vacated and, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits and other convenient structures, equipment, and fixtures for the transportation or distribution of water; and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated, specifically, the existing 15-inch storm drain line and 12-inch water main.
3. The city-owned portion of the former alignment of the Whitesell Street right-of-way is declared exempt surplus land pursuant to Government Code section 54221(f)(1)(E) because it is a former street, right-of-way, or easement that will be offered to the owner of the adjacent property.
4. The 0.48-acre city-owned remainder parcel is declared exempt surplus land as provided in Government Code section 54221(f)(1)(B) because it is less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open space or low/moderate income housing.
5. Both city-owned properties that have been declared exempt surplus herein are not located within a coastal zone, are not adjacent to a historical unit of the State Parks System, are not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and are not within the Lake Tahoe region as defined in section 66905.5 of the Government Code.

BE IT FURTHER RESOLVED, the City Clerk is directed to file a certified copy of this resolution, attested by the City Clerk under seal, with recorder of the County of Alameda.

BE IT FURTHER RESOLVED, that the from the date of recordation of this resolution, the former alignment of the Whitesell Street right-of-way vacated herein shall no longer be a street right-of-way.

BE IT FURTHER RESOLVED, that the City Manager, City Clerk, or their designee, are authorized to take any additional actions necessary to comply with the requirements of the Surplus Land Act and Surplus Land Act Guidelines, including but not limited to filing a copy of this resolution with the California Department of Housing and Community Development (HCD).

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to negotiate the disposition of this Exempt Surplus Land to the adjoining property owner, subject to applicable City procedures and requirements.

BE IT FURTHER RESOLVED, that the vacation of the right of way, designation of the vacated street right-of-way and 0.48 remainder parcel as exempt surplus land, and contemplated disposition of the surplus land does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Reference is hereby made to the maps attached hereto as Attachment III (depicting the 0.64 acres former Whitesell Street right-of-way to be vacated) and Attachment IV (depicting the 0.48 acres City-owned fee parcel together with the easterly 0.32 acres half of the 0.64 acres vacated right-of-way subject to disposition under the Surplus Land Act), which are also on file in the office of the City Clerk; and City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Alameda County Recorder.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward