

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT BETWEEN THE CITY OF HAYWARD AND EDEN HOUSING/PACIFIC COMPANIES FOR THE ACQUISITION AND DEVELOPMENT OF FORMER ROUTE 238 PARCEL GROUPS 3, 4 AND A PORTION OF PARCEL GROUP 2

WHEREAS, the City Council approved the distribution of a Request For Proposals (RFP) for the acquisition and development of former Route 238 parcel groups 3 and 4; and

WHEREAS, the City received three proposals in response to the RFP and has determined that the proposal from the development group Eden Housing and Pacific Companies best fits the City's objectives for the development of the properties.

WHEREAS, the approval of this Resolution and the authorization to negotiate an exclusive negotiating rights agreement in itself does not obligate either party to acquire or convey any property, does not grant Eden Housing or Pacific Companies the right to develop the properties for any use, and does not constitute the approval of a project as defined by the California Environmental Quality Act pursuant to California Public Resources Code Sections 21000 et seq. and California Code of Regulations Sections 15000 et seq. ("CEQA").

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to negotiate and execute an Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing/Pacific Companies, or affiliates thereof, consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney, and providing for Eden Housing/Pacific Companies to make the following payments upon the execution of the ENRA: (1) a \$10,000 non-refundable good faith deposit; and (2) a \$40,000 reimbursement deposit to pay for City staff, legal and project coordination, and other consultant and third party costs related to the ENRA, the DDA and the transactions contemplated thereunder.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

MAYOR:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward