

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SEVENTH AMENDMENT TO THE PURCHASE AND SALE AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CITY OF HAYWARD FOR THE 238 EXCESS PROPERTIES TO EXTEND THE TERM OF SALE FOR FIVE ADDITIONAL YEARS TO JANUARY 2027

WHEREAS, the City of Hayward ("City") and the State of California, acting by and through its Department of Transportation ("Caltrans") entered into that certain Purchase and Sale Agreement ("PSA") effective January 20, 2016, which PSA sets forth the terms and conditions for the Department's sale to City of certain Route 238 Excess Properties; and

WHEREAS, the PSA with Caltrans allows the City to buy and dispose of ten different parcel groups for a six-year period that expires in January 2022 pursuant to the "Term of Sale" provision in the PSA; and

WHEREAS, the PSA allows for amendment or modification of the PSA by writing executed by all parties; and

WHEREAS, the parties amended the PSA on several occasions, most recently on December 11, 2017 by entering into the Sixth Amendment to the PSA; and

WHEREAS, the City has made substantial progress in the disposal of the properties subject to the PSA; and

WHEREAS, the Covid-19 pandemic which began in early 2020 has caused business closures, shelter in place orders, and a severe economic slowdown in California and the nation as a whole; and

WHEREAS, there is no foreseeable end to the Covid-19 pandemic causing market uncertainties and resulting in difficulties in financing land transactions like those contemplated by the PSA, and those impacts are likely to impact financing for years to come; and

WHEREAS, the City and Caltrans wish to extend the Term of Sale provision in the PSA five years from January 2022 to January 2027 to reflect the unforeseen global pandemic and its impacts on the sale of the properties subject to the PSA; and

WHEREAS, the authorization for the amendment of the PSA taken in furtherance of the disposition of 238 properties is exempt under the California Environmental Quality Act (CEQA) under Gov. Code Section 14528.65 and under 14 Cal Code Regs. Section 15061(b)(3).

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 a Seventh Amendment to the PSA with Caltrans to extend the Term of Sale provision by five years to January 2027 and to make other related amendments consistent with the terms generally outlined in this Resolution and the accompanying staff report, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

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