

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 NEGOTIATE AND EXECUTE AN
EXTENSION OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT
BETWEEN THE CITY OF HAYWARD AND EDEN HOUSING/PACIFIC
COMPANIES FOR THE ACQUISITION AND DEVELOPMENT OF FORMER
ROUTE 238 PARCEL GROUPS 3 AND 4

WHEREAS, the State Department of Transportation (Caltrans) purchased over 400 parcels of property in the City of Hayward for the planned construction of the 238 Bypass Freeway project, which was stopped because of a lawsuit filed by La Raza Unida of Southern Alameda County; and

WHEREAS, the City and Caltrans negotiated a Purchase and Sale Agreement for the City to acquire a portion of the properties from Caltrans, that was approved by the City Council and the California Transportation Commission (CTC) in January 2016; and

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

WHEREAS, the City Council approved a resolution authorizing the City Manager to issue a Request for Proposals ("RFP") for the disposition and development of Parcel Groups 3 and 4; and

WHEREAS, the City Council approved the Exclusive Negotiating Rights Agreement (ENRA) on July 2019, and that is set to expire on May 23, 2020; and

WHEREAS, the approval of this Resolution and the authorization to negotiate an extension of the ENRA 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, the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute an amendment to extend the 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 a \$10,000 non-refundable good faith deposit upon the execution of the amendment to extend ENRA.

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