

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO: (1) NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH CALIFORNIA STATE UNIVERSITY EAST BAY FOR A ROADWAY AND UTILITY CONNECTION TO CARLOS BEE BOULEVARD FROM FORMER CALTRANS PROPERTY PARCEL GROUP 5 IN A FORM APPROVED BY THE CITY ATTORNEY; AND (2) APPROPRIATE \$295,668 FROM FUND 411 FOR THE PARCEL GROUP 5 PROJECT IN THE ROUTE 238 SETTLEMENT ADMINISTRATION PROJECT 05014

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 from Caltrans ten different parcel groups for an eleven-year period that expires in January 2027; and

WHEREAS, on July 9, 2019, the City Council adopted a resolution approving a Master Development Plan (MDP), certifying an Addendum to the 2014 General Plan Environmental Impact Report and approving issuance of a Request for Proposals from developers for a 74-lot subdivision on and Accessory Dwelling units deed restricted for affordable households on the subject site; and

WHEREAS, the MDP contemplated the City acquiring an easement agreement (Easement) from California State University East Bay (CSUEB) for a roadway and utility connection to Carlos Bee Boulevard from Parcel Group 5; and

WHEREAS, On December 16, 2019, the Council adopted a resolution authorizing the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with Trumark Properties (Developer) to design and entitle the development project consistent with the MDP and to negotiate a Disposition and Development Agreement (DDA), which are still under review and negotiation; and

WHEREAS, the City and CSUEB have agreed upon the terms of the Easement for facilitating a roadway and utility connection between Parcel Group 5 and Carlos Bee Boulevard, including for a pedestrian and bicycle trail and a temporary construction easement (TCE), as outlined in the accompanying staff report; and

WHEREAS, an appropriation of \$295,668 from Fund 411 to the Route 238 Settlement Administration Project 05014 is required to cover the cost of the Easement, and adequate funding is available from the sale proceeds of 238 Parcel Group 2 in Fund 411 for the additional appropriation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to negotiate and enter into an Easement agreement with CSUEB for a roadway and utility connection to Carlos Bee Boulevard from the former Caltrans property Parcel Group 5 in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby appropriates \$295,668 from Fund 11 to the Route 238 Settlement Administration Project 05014 to cover the cost of the Easement.

BE IT FURTHER RESOLVED, that the analysis contained in the Addendum confirmed that the proposed Parcel Group 5 project, including the roadway and utility connections between Parcel Group 5 and Carlos Bee Boulevard within the Easement area, consistent with the MDP and RFP, is within the scope of the GP EIR and will have no new or more severe significant effects and no new mitigation measures are required; and therefore, no subsequent or supplemental EIR or further CEQA review is required prior to approval of the proposed project, as described in the Addendum.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2021

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