



DATE: September 20, 2022
TO: Mayor and City Council
FROM: Assistant City Manager/Development Services Director
SUBJECT: Adopt a Resolution Authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay, to the Hayward Area Recreation and Park District

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay to the Hayward Area Recreation and Park District (HARD).

SUMMARY

The SoHay development of Route 238, Parcel Group 1 included the relocation and expansion of Valle Vista Park. The Developer, HARD, and the City of Hayward entered into a Park Improvement Agreement (Attachment III) to govern the development and ultimate property transfers for the park. The park improvements are now complete and staff recommends Council authorize granting the “MAE Parcel” to HARD in accordance with the agreement.

BACKGROUND

The SoHay Mixed Use Development consists of a cohesive, mixed-use, transit-oriented project with a total of 472 residential units, approximately 20,000 square feet of commercial space, 2.46 acres of public parks and trails, and related site improvements. HARD previously owned and operated the Valle Vista Park on approximately 1 acre of land within the project development limits. The Park Improvement Agreement included transfer of the existing park property to the Developer for residential use in exchange for a newly constructed park and trails on Parcels J and L of Tract Map 8428 (Attachment IV).

Consistent with the agreement, Parcel J was dedicated to and accepted by the City on the Tract Map. Parcel L was offered for dedication to HARD on the Tract Map and subsequently accepted by the HARD Board (Attachment V). The Park Improvement Agreement also obligates the City to transfer the “MAE Parcel” to HARD following completion of improvements.

DISCUSSION

The SoHay development includes improvements on both sides of an existing Alameda County Flood Control and Water Conservation District (“Flood Control”) channel, which was reserved as Parcel I on the Tract Map. In addition to Parcel I, a Maintenance Access Easement (“MAE”) was reserved for the benefit of Flood Control over a portion of the City-owned Parcel J. The MAE was improved with a paved trail that served a dual purpose for the Flood Control’s maintenance activities and as a public trail extending through the development.

The Park Improvement Agreement specified that the City transfer the “MAE Parcel” as a separate parcel to HARD. Since the MAE area is only a portion Parcel J and not established as a separate legal parcel on the Tract Map 8428, the proposed grant deed will create the “MAE Parcel” as intended in the Park Improvement Agreement. Per Government Code Section 66428 any conveyance of land to or from another government entity is exempt from the requirement of a Parcel Map and may be conveyed by deed. Additionally, conveyance of land to another government entity is exempt from the Surplus Land Act.

The “MAE Parcel” is subject to the Maintenance Access Easement in favor of the Flood Control and reservation of water line easements, sanitary sewer easements, and public utilities easements as shown on Tract Map 8428. The City will retain the remainder of Parcel J in fee title ownership.

The grant deed of the “MAE Parcel” was contemplated and evaluated as part of the Mitigated Negative Declaration approved along with Vesting Tentative Map Application 201704129 with Council Resolution 18-075.

ECONOMIC AND FISCAL IMPACT

Redevelopment of the SoHay mixed use development is expected to have a significant positive economic and fiscal benefit to the City. Granting of the “MAE Parcel” to HARD is a part of the larger SoHay development.

STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES

The public trail located within the “MAE Parcel” supports Enhance Community Safety and Quality of Life and Invest in Infrastructure priorities in the City’s Strategic Roadmap by providing pedestrian and bicycle facilities and connections that promote recreation and alternate modes of transportation.

NEXT STEPS

The City Manager will execute the grant deed for the “MAE Parcel.” HARD’s Board of Directors will need to accept the grant deed prior to recording with Alameda County and formal transfer of title.

Prepared by: Scott Wikstrom, Development Services Engineer

Recommended by: Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager