

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-__

Introduced by Council Member _____

RESOLUTION APPROVING GOVERNMENT CODE SECTION 52201 SUMMARY REPORT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH WILLIAM LYON HOMES, INC FOR SPECIFIED PROPERTIES LOCATED IN SOUTH HAYWARD NEAR DIXON AND VALLE VISTA AVENUES AND MAKING SPECIFIED FINDINGS IN ASSOCIATION THEREWITH.

WHEREAS, the City and William Lyon Homes, Inc. (the "Developer"), entered into an Exclusive Negotiation Rights Agreement, dated as of (the "ENRA") regarding the potential development of several properties in the Mission/Dixon/Valle Vista Corridor in October 2015; and

WHEREAS, the City and the Developer successfully completed both phases of the ENRA in March 2017 and now desire to enter into a Purchase and Sale Agreement (the "PSA") for the transfer of specified properties; and

WHEREAS, the properties subject of the PSA, have been or will be acquired from Caltrans and other public agencies for the purpose of exchange which is not subject to the requirements of California Government Code Section 54220 *et seq.*, and for the creation of economic opportunity pursuant to Government Code Section 52000 *et seq.*, which is an alternative to any other authority granted by law to cities to dispose of city-owned property; and

WHEREAS, under Government Code Section 37350 the City may purchase, lease, receive, hold, and enjoy real and personal property and control and dispose of it for the common benefit; and

WHEREAS, pursuant to the Local Alternative Transportation Improvement Program (LATIP) statutes, under Government Code Section 14528.65(a)(2) the sale of the Caltrans properties are exempt from the priorities and procedures regarding the disposal of residential property under Government Code Section 54235 *et. seq.*; and

WHEREAS, sale of the identified properties will further the public purpose of economic development creating jobs, homes, parks, and vibrancy in an area that has suffered from historic under development as a result of the proposed and now defunct freeway project, all of which serve the common benefit; and

WHEREAS, the property subject of the PSA will be subject to the Hayward Affordable Housing Ordinance Article 17, Section 10-17.100 *et seq.*, and will result in the construction of housing that contribute to the attainment of the affordable housing goals set forth in the 2015-2023 Housing Element of the General Plan of the City of Hayward; and

WHEREAS, the City has placed on file a copy of the summary report called for in Government Code Section 52201 (the "Section 52201 Summary Report"), and has made the Section 52201 Summary Report available for public inspection and copying pursuant Government Code Section 52201; and

WHEREAS, as further outlined in the Staff Report accompanying this Resolution and incorporated into this Resolution by this reference (the "Staff Report"), the City has determined that the sale of the properties pursuant to the PSA will create economic opportunity and: (1) result in an increase of property tax revenues to all property tax collecting entities, and will result in an increase of at least 15 percent of total property tax resulting from the project at full implementation when compared to the year prior to the property being acquired by the City; and (2) creation of affordable housing, to meet the demonstrated affordable housing need and attainment of the affordable housing goals set forth in the 2015-2023 Housing Element of the General Plan of the City of Hayward; (3) result in the creation of approximately 420 full-time equivalent (FTE) temporary construction jobs and an estimated 60 permanent jobs (associated with the commercial space) without any investment of City funds; and

WHEREAS, as further outlined in the Staff Report and the Section 52201 Summary Report, the City is not providing any form of financial assistance to the Developer; and

WHEREAS, the City Council conducted a duly noticed public hearing on the PSA and the 52201 Summary Report pursuant to Government Code Section 52201, for the purpose of receiving the input and comments of the public on the PSA and the 52201 Summary Report; and

WHEREAS, the transfer contemplated under the PSA is expressly conditioned on the completion of all appropriate environmental documentation under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds that the above recitals are true and correct and have served, together with the Section 52201 Summary Report and the Staff Report, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52200.2, the City Council hereby finds that the sale of the properties pursuant to the PSA will create economic opportunity and result in: (1) an increase of property tax revenues to all property tax collecting entities, and will result in an increase of at least 15 percent of total property tax resulting from the project at full implementation when compared to the year prior to the property being acquired by the City; (2) progress toward the attainment of the affordable housing goals set forth in the 2015-2023 Housing Element of the General Plan of the City of Hayward; and (3) result in the creation of approximately 420 temporary and 60 permanent jobs (without public investment). This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52201, the City Council hereby finds that the consideration to be paid under the PSA is not less than the fair market value at its highest and best use. This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52201, the City Council hereby approves the Section 52201 Summary Report, in substantially the form on file with the City Clerk, and approves execution by the the City Manager of the PSA and all ancillary documents in a form to be approved by the City Attorney and consistent with the terms and conditions identified in the accompanying staff report.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 37350, the City Council hereby finds that the disposition of the Property pursuant to the PSA is for the common benefit.

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the office of the City Clerk, at 777 B Street, Fourth Floor, Hayward, CA 94541

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

IN COUNCIL, HAYWARD, CALIFORNIA

, 2017

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