

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-\_\_\_\_

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING THE CITY MANAGER TO ENTER INTO THE EIGHTH  
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 2032

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 period that expires in January 2027 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 in 2020 by entering into the Seventh Amendment to the PSA; and

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

WHEREAS, in light of the current real estate market challenges (e.g. higher interest rates and construction costs) City staff and Caltrans staff have acknowledged that the deadline for the City to dispose of all of the parcel groups should be extended; and

WHEREAS, the City and Caltrans wish to extend the Term of Sale provision in the PSA five years from January 2027 to January 2032 due to current real estate market challenges; 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 Eighth Amendment to the PSA with Caltrans to extend the Term of Sale provision by five years to January 2032 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 \_\_\_\_\_, 2024

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