

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-\_\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXTENSION OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BETWEEN THE CITY OF HAYWARD AND TRUMARK PROPERTIES, LLC FOR A PROPOSED DEVELOPMENT LOCATED PARCEL GROUP 5: BUNKER HILL

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 16, 2019, the City Council adopted a resolution approving a Master Development Plan, 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, on December 16, 2019, the City Council approved the Exclusive Negotiating Rights Agreement (ENRA) which is set to expire on June 16, 2021; and

WHEREAS, the approval of this Resolution and the authorization to negotiate an extension of the exclusive negotiating rights agreement in itself does not obligate either party to acquire or convey any property and does not grant Trumark Properties the right to develop the properties for any use, and does not constitute the approval of a project.

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 an amendment to extend the ENRA with Trumark Properties, LLC consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney, and providing for the non-refundable extension payment of \$10,000, as outlined in the First Amendment to Exclusive Negotiating Agreement between the City of Hayward and Trumark Properties, LLC.

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