

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

RESOLUTION DECLARING THE VACATED RIGHT-OF-WAY OF VALLEY STREET BETWEEN 4th STREET AND C STREET EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221; AUTHORIZING THE CITY MANAGER TO NEGOTIATE DISPOSITION OF THE PROPERTY TO THE ADJACENT PROPERTY OWNERS; FINDING THAT THE ACTION IS EXEMPT FROM ENVIRONMENTAL REVIEW

WHEREAS, the Surplus Land Act (Government Code section 54220, et seq.) imposes procedural steps that a local agency must follow before disposing of, or negotiating disposition of surplus land; and

WHEREAS, Government Code section 54221(b)(1) requires a local agency to declare property as surplus and not necessary for the agency's use, during a regular public meeting, prior to taking any action to dispose of the property; and

WHEREAS, land shall be declared surplus land or exempt surplus land as supported by written findings, before a local agency may take action to dispose of the property; and

WHEREAS, property declared exempt surplus need not be made available for development of affordable housing prior to disposition, pursuant to Government Code section 54222.3; and

WHEREAS, surplus land that is a former street, right-of-way, or easement that is to be conveyed to an owner of adjacent property is considered exempt surplus land pursuant to Government Code section 54221(f)(1)(E); and

WHEREAS, surplus land that is less than one-half acre and is not contiguous to land owned by a state or local agency that is used for open-space or low-and moderate-income housing purposes is considered exempt surplus land pursuant to Government Code section 54221(f)(1)(B); and

WHEREAS, the City Council adopted Resolution 23-085 vacating 3,566.37 square feet of the right-of-way of Valley Street, between 4th Street and C Street in a noticed public meeting on April 11, 2023 in compliance with the requirements of the Streets and Highways Code Section 8320 etc., a true and correct copy of Resolution 23-085 is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the vacated right-of-way is not needed for the City's operations or use; and

WHEREAS, the vacated right-of-way adjoins two lots that are privately owned, and each adjoining lot is developed with a single-family residence, an aerial map of the location is attached as Exhibit B hereto and incorporated herein; and

WHEREAS, the vacated right-of-way is eligible to be declared exempt surplus land as provided in Government Code section 54221(f)(1)(E) because it is a former street right-of-way or easement which will be offered to the owners of the adjoining lots; and

WHEREAS, the City's Director of Public Works has received an inquiry from the owner of one of the lots adjoining the vacated right-of-way to acquire the vacated right-of-way for merger with their adjoining lot; and

WHEREAS, the vacated right-of-way is eligible to be declared exempt surplus land as provided in Government Code section 54221(f)(1)(B) because it is less than one-half acre (21,780 square feet) in area and is not contiguous to land owned by a state or local agency that is used for open space or low/moderate income housing; and

WHEREAS, the vacated right-of-way is eligible to be declared exempt surplus land, notwithstanding the provisions of Government Code section 54221(f)(2) because it is not located within a coastal zone, is not adjacent to a historical unit of the State Parks System, is not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and is not within the Lake Tahoe region as defined in section 66905.5 of the Government Code; and

WHEREAS, no negotiations regarding disposition of the vacated right-of-way can take place until the land has been declared exempt surplus pursuant to the Surplus Land Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines as follows:

1. The former street right-of-way vacated pursuant to Resolution 23-085 is exempt surplus land that is not necessary for the City's use.
2. The former street right-of-way vacated pursuant to Resolution 23-085 is exempt surplus land pursuant to Government Code section 54221(f)(1)(B) because it is less than one-half acre (21,780 square feet) in area (3,566.37 square feet) and is not contiguous to land owned by a state or local agency that is used for open space or low/moderate income housing.
3. The former street right-of-way vacated pursuant to Resolution 23-085 is exempt surplus land pursuant to Government Code section Government Code section 54221(f)(1)(E) because it is a former street, right-of-way, or easement that will be conveyed to the owners of the adjacent properties.

