

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 EDEN HOUSING AND THE PACIFIC COMPANIES FOR A PROPOSED DEVELOPMENT LOCATED ON PARCEL GROUPS 3 AND 4

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 that expires in January 2027; and

WHEREAS, on April 3, 2018, the City Council approved a resolution authorizing the City Manager to issue a Request for Proposals (“RFP”) for the disposition and development of Parcel Groups 3 and 4; and

WHEREAS, on July 17, 2018, the City Council approved the Exclusive Negotiating Rights Agreement that was executed on November 20, 2018 and was set to expire on May 23, 2020; and

WHEREAS, on May 5, 2020, City Council approved a Resolution authorizing the City Manager to negotiate an ENRA extension, which is set to expire on June 30, 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, does not grant Eden Housing or Pacific Companies the right to develop the properties for any use, and does not constitute the approval of a project as defined by the California Environmental Quality Act pursuant to California Public Resources Code Sections 21000 et seq. and California Code of Regulations Sections 15000 et seq. (“CEQA”).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute an amendment to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing/Pacific Companies, or affiliates thereof, consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney.

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