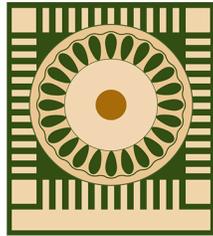


# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, September 20, 2022**

**7:00 PM**

**Council Chamber and Virtual Platform (Zoom)**

**City Council**

**CITY COUNCIL MEETING**

NOTICE: The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

*How to observe the Meeting:*

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

*How to submit written Public Comment:*

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

*How to provide live Public Comment during the City Council Meeting:*

Participate in the Council Chambers or click link below to join the meeting:  
<https://hayward.zoom.us/j/82458011571?pwd=R1FQQklzVUJTWFR4a01SRGkyRlBDUT09>

Meeting ID: 824 5801 1571

Password: CC9/20@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 824 5801 1571

Password: 9666713702

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CALL TO ORDER: Mayor Halliday**

**Pledge of Allegiance: Council Member Lamnin**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PUBLIC COMMENTS**

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff.

**CITY MANAGER'S COMMENTS**

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

**ACTION ITEMS**

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

**CITY COMMISSIONS AND KEEP HAYWARD CLEAN AND GREEN TASK FORCE**

1. [APPT 22-002](#) City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Planning Commission and Personnel Commission (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

**CONSENT**

2. [MIN 22-103](#) Approve the City Council Minutes of the City Council Meeting on July 5, 2022

**Attachments:** [Attachment I Draft Minutes of 7/5/2022](#)

3. [MIN 22-106](#) Approve the City Council Minutes of the Special City Council Meeting on July 12, 2022

**Attachments:** [Attachment I Draft Minutes of 7/12/2022](#)

4. [MIN 22-107](#) Approve the City Council Minutes of the Special City Council Meeting on August 9, 2022

**Attachments:** [Attachment I Draft Minutes of 8/9/2022](#)

5.     [MIN 22-108](#)     Approve the City Council Minutes of the Special City Council Meeting on September 6, 2022
- Attachments:**   [Attachment I Draft Minutes of 9/6/2022](#)
6.     [CONS 22-500](#)   Adopt a Resolution Accepting Revisions to the City of Hayward Conflict of Interest Code
- Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Designated Positions](#)  
                          [Attachment IV Disclosure Categories 092022](#)  
                          [Attachment V Provisions of the Code 092922](#)  
                          [Attachment VI 2022 Local Agency Biennial Notice](#)
7.     [CONS 22-482](#)   Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates to Provide Paratransit Consulting Services for the Hayward Operated Paratransit Program in an Amount Not-to-Exceed \$100,000
- Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Single Source Justification Form](#)
8.     [CONS 22-508](#)   Adopt Resolutions Authorizing the City Manager to 1) Execute a Professional Services Agreement with Raftelis to Prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Studies and Connection Fee Study in an Amount Not-to-Exceed \$200,000 and Transfer \$10,000 from the Water Fund to Recycled Water Fund, and 2) Appropriate \$200,000 from the Utilities Enterprise Funds
- Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution - PSA with Raftelis](#)  
                          [Attachment III Resolution - Appropriation of Funds](#)

9.        [CONS 22-494](#)      Adopt a Resolution Authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay, to the Hayward Area Recreation and Park District

**Attachments:**    [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Park Improvement Agreement](#)  
[Attachment IV Tract 8428](#)  
[Attachment V HARD Park Acceptance](#)

### WORK SESSION

*Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.*

10.       [WS 22-029](#)        Firearms Regulations: Review and Discuss Regulations Related to Firearms (Report from Assistant City Manager/Development Services Director Ott and Police Chief Chaplin)

**Attachments:**    [Attachment I Staff Report](#)  
[Attachment II Links to Additional Information](#)

### COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

**COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

**ADJOURNMENT****NEXT MEETING, September 27, 2022, 7:00 PM****PUBLIC COMMENT RULES**

*Any member of the public desiring to address the Council shall limit their address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time.*

**PLEASE TAKE NOTICE**

*That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*

**PLEASE TAKE FURTHER NOTICE**

*That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the City website, Cable Channel 15 - KHRT, and YouTube. \*\*\**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov).*

*Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.*



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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**File #:** APPT 22-002

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Planning Commission and Personnel Commission

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) confirming fifteen (15) appointments and ten (10) reappointments to the City's Commissions and Task Force as follows: Community Services Commission (6); Keep Hayward Clean and Green Task Force (11); Library Commission (2); Personnel Commission (3); and Planning Commission (3). The resolution also identifies three selected alternates. Table 1 provides information by meeting body.

**SUMMARY**

The annual recruitment for City Commissions and the Keep Hayward Clean and Green Task Force (KHCG TF) was conducted from April 5, 2022 through June 16, 2022. There were thirteen vacancies at the beginning of the recruitment and by the end, there were fourteen due to the resignation of one additional member. Forty-five (45) applications were received by the submission deadline and thirty-nine (39) applicants qualified to be considered for appointment. Following a process for evaluating requests for reappointment, reviewing attendance records and overall performance of eligible members of the City's Commissions and KHCG TF, the Council approved ten requests for reappointment as presented in Table 1. The Council also accepted ten recommendations for KHCG TF service from the KHCGTF Subcommittee. Following a pre-screening process and twenty interviews, the Council selected five applicants for service on the Community Services Commission, Personnel Commission, and Keep Hayward Clean and Green Task Force. The resolution confirming the appointment and reappointment of members (Attachment II) contains the names by meeting body.

**ATTACHMENTS**

Attachment I Staff Report

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**File #:** APPT 22-002

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Attachment II Resolution



**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Planning Commission and Personnel Commission

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) confirming fifteen (15) appointments and ten (10) reappointments to the City's Commissions and Task Force as follows: Community Services Commission (6); Keep Hayward Clean and Green Task Force (11); Library Commission (2); Personnel Commission (3); and Planning Commission (3). The resolution also identifies three selected alternates. Table 1 provides information by meeting body.

### **SUMMARY**

The annual recruitment for City Commissions and the Keep Hayward Clean and Green Task Force (KHCG TF) was conducted from April 5, 2022 through June 16, 2022. There were thirteen vacancies at the beginning of the recruitment and by the end, there were fourteen due to the resignation of one additional member. Forty-five (45) applications were received by the submission deadline and thirty-nine (39) applicants qualified to be considered for appointment. Following a process for evaluating requests for reappointment, reviewing attendance records and overall performance of eligible members of the City's Commissions and KHCG TF, the Council approved ten requests for reappointment as presented in Table 1. The Council also accepted ten recommendations for KHCG TF service from the KHCGTF Subcommittee. Following a pre-screening process and twenty interviews, the Council selected five applicants for service on the Community Services Commission, Personnel Commission, and Keep Hayward Clean and Green Task Force. The resolution confirming the appointment and reappointment of members (Attachment II) contains the names by meeting body.

## BACKGROUND AND DISCUSSION

During the special Council meeting on June 28, 2022<sup>1</sup>, and as provided for in the Council Member Handbook, the Council reviewed eight reappointment requests and the annual report of Council’s appointed bodies comprising members’ attendance records, completion of mandatory trainings, and identified ten members who were invited to meet with Council due to their attendance at meetings being below the seventy-five percent requirement of total meetings attended from September 2021 to May 2022. Following the June 28, 2022 meeting, one member was found to be excused from meetings and one was able to clarify the attendance roster. Based on attendance records, two members were dismissed and vacated their seats. The two vacated seats belong to Keep Hayward Clean and Green Task Force members Caleb Davis and Krysta Penfield. Keep Hayward Clean and Green Task Force members Lopez and Maldonado also resigned due to meeting schedule conflicts. Table 1 summarizes all filled seats and approved requests for reappointment by meeting body. Tables 2 through 6 summarize information by meeting body.

**TABLE 1: SUMMARY OF FILLED VACANCIES AND APPROVED REAPPOINTMENTS**

| Body                | Filled Seats | Approved Reappointment(s) | Total     |
|---------------------|--------------|---------------------------|-----------|
| CSC <sup>2</sup>    | 2            | 4                         | 6         |
| KHCGTF <sup>3</sup> | 11           | 0                         | 11        |
| LC <sup>4</sup>     | 0            | 2                         | 2         |
| Pers C <sup>5</sup> | 2            | 1                         | 3         |
| PC <sup>6</sup>     | 0            | 3                         | 3         |
|                     |              |                           | <b>25</b> |

**TABLE 2: COMMUNITY SERVICES COMMISSION (CSC):**

| # | Name of Commissioner | Date Appointed | Term Expires | Seeking Reappointment | Resigned |
|---|----------------------|----------------|--------------|-----------------------|----------|
| 1 | Artavia Berry        | 9/10/19        | 9/30/22      | x                     |          |
| 2 | Arti Garg            | 9/18/18        | 9/30/22      | x                     |          |
| 3 | Lacei Ramirez-Amodei | 9/21/21        | 9/30/22      | x                     |          |
| 4 | Collin Thormoto      | 9/21/21        | 9/30/22      | x                     |          |
| 5 | Tatiana Backlund     | 9/21/21        | 9/30/25      |                       | 2/22/22  |
| 6 | Corina Vasare        | 9/18/18        | 9/30/25      |                       | 6/20/22  |

<sup>1</sup> 6/28/22 Staff Report: [CITY OF HAYWARD - File #: WS 22-026 \(legistar.com\)](#)

<sup>2</sup> [Community Services Commission](#)

<sup>3</sup> [Keep Hayward Clean and Green Task Force](#)

<sup>4</sup> [Library Commission](#)

<sup>5</sup> [Personnel Commission](#)

<sup>6</sup> [Planning Commission](#)

**TABLE 3: KEEP HAYWARD CLEAN AND GREEN TASK FORCE (KHCG TF):**

| #  | Name               | Date Appointed | Term Expires | Not Seeking Reappointment | Resigned | Vacated |
|----|--------------------|----------------|--------------|---------------------------|----------|---------|
| 1  | Michael Chand      | 9/21/21        | 9/30/25      |                           | 5/03/22  |         |
| 2  | Raul Chavez        | 9/15/20        | 9/30/23      |                           | 5/17/22  |         |
| 3  | Reanne Meighan     | 9/15/20        | 9/30/23      |                           | 5/17/22  |         |
| 4  | Adam Murphy        | 9/10/19        | 9/30/23      |                           | 11/16/21 |         |
| 5  | Edward Moore       | 9/15/20        | 9/30/24      |                           | 6/07/22  |         |
| 6  | Adithya Naresh     | 9/18/18        | 9/30/22      |                           | 5/17/22  |         |
| 7  | Chiemeka Okoronkwo | 9/10/19        | 9/30/23      |                           | 9/28/21  |         |
| 8  | Gerald Sannebeck   | 9/15/20        | 9/30/24      |                           | 10/20/21 |         |
| 9  | Esther Lopez       | 9/10/19        | 9/30/23      |                           | 7/12/22  |         |
| 10 | Ron Maldonado      | 9/15/20        | 9/30/24      |                           | 7/12/22  |         |
| 11 | Bert Manzo         | 9/18/18        | 9/30/22      | x                         |          |         |
| 12 | Wilfredo Hoffer    | 9/15/20        | 9/30/22      | x                         |          |         |
| 13 | Krysta Penfield    | 9/15/20        | 9/30/24      |                           |          | 7/12/22 |
| 14 | Caleb Davis        | 9/21/21        | 9/30/24      |                           |          | 7/12/22 |

**TABLE 4: LIBRARY COMMISSION (LC):**

| # | Name of Commissioner | Date Appointed | Term Expires | Seeking Reappointment |
|---|----------------------|----------------|--------------|-----------------------|
| 1 | Shonda Goward        | 9/21/21        | 9/30/22      | x                     |
| 2 | Shareen Purcell      | 3/22/22        | 9/30/22      | x                     |

**TABLE 5: PERSONNEL COMMISSION (PERS C):**

| # | Name of Commissioner | Date Appointed | Term Expires | Seeking Reappointment | Not Seeking Reappointment |
|---|----------------------|----------------|--------------|-----------------------|---------------------------|
| 1 | Denise Thompson      | 9/10/19        | 9/30/22      | x                     |                           |
| 2 | Nicolia Gooding      | 9/15/18        | 9/30/22      |                       | x                         |
| 3 | Zheefong He          | 9/15/18        | 9/30/22      |                       | x                         |

**TABLE 6: PLANNING COMMISSION (PC):**

| # | Name of Commissioner | Date Appointed | Term Expires | Seeking Reappointment |
|---|----------------------|----------------|--------------|-----------------------|
| 1 | Ray Bonilla Jr.      | 9/19/17        | 9/30/22      | x                     |
| 2 | Brigitte Lowe        | 9/21/21        | 9/30/22      | x                     |
| 3 | Zachariah Oquenda    | 1/26/21        | 9/30/22      | x                     |

**TABLE 7: KEEP HAYWARD CLEAN AND GREEN TASK FORCE RECOMMENDATIONS (KHCG TF):**

| #  | Name                          |
|----|-------------------------------|
| 1  | Lucas C. Banks                |
| 2  | Margaret S. Barton            |
| 3  | Terence C. Candell            |
| 4  | Tammy R. Cooper               |
| 5  | Pekon Gupta                   |
| 6  | Shalin Patel                  |
| 7  | Regneel Prasad                |
| 8  | Jagdeep Singh                 |
| 9  | Chandrakala (Chandu) Siramdas |
| 10 | Katlin M. Turner              |
| 11 | Suyog Zambre                  |

On July 7, 2022, the KHCG TF Subcommittee, comprised of KHCG TF Members Bert Manzo, Jean Yee-Yu, Jeffrey Haman, and Tom Ferreira interviewed fifteen applicants who had indicated KHCG TF as their first and only preference for service. Eleven applicants, selected by the Subcommittee, were recommended to the Council.

Members of the Council reviewed and pre-screened all applications and individually communicated their selections to the City Clerk as provided in the July 12, 2022<sup>7</sup> staff report. There were thirteen applicants who received at least three points. In an effort to create a good ratio and pool of applicants for service on the Community Services Commission, four applicants who received two points were added to the list of selected individuals. Therefore, a total of twenty-five applicants were invited to interview with the Council on July 12, 2021, during a special Council meeting conducted via the Zoom platform. The July 12, 2022, staff report provides information of pre-selected applicants and all the particulars related to the selection/interview process.

<sup>7</sup> July 12, 2022 Staff Report: [CITY OF HAYWARD - File #: RPT 22-073 \(legistar.com\)](#)

Following the interviews, the Council selected individuals for service as outlined in Attachment II.

As the Council found more qualified candidates than available seats to appoint, the Council established a list of alternates for the Community Services Commission as shown in Attachment II. The Council also agreed to extend the Planning Commission alternate term of Arti Garg by one year.

The Alternate List will be valid for one year and would expire when Council appoints new members during the annual appointment process. The City Clerk will follow the process for appointing from the Alternate List which will involve two separate actions on the same Council agenda: 1) resolution accepting the resignation of a member; and 2) resolution recommending an alternate from the alternate list to fill the vacated position for the remainder of the unexpired term. The City Clerk will ensure the alternate continues to be interested in serving and would confirm the alternate's eligibility status prior to recommending them for service.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

#### **STRATEGIC ROADMAP**

This agenda item relates to a project outlined in the Council's Strategic Roadmap. This agenda item relates to a project outlined in the Council's Strategic Roadmap. Staff engaged a UC Berkeley student and City Clerk intern, Lydia Vasquez, to help collect and analyze data pertaining to the composition of members of Council's appointed bodies. These efforts sought to eliminate racial inequities, mitigate unintended consequences, and advance the goals of the Commitment for an Inclusive, Equitable and Compassionate Community and the 2020 Racial Equity Action Plan. The City made great progress with the passage of Measure OO in November of 2018 which made it possible for Hayward residents to be civically engaged regardless of whether they are registered or eligible to be registered to vote. During this recruitment staff continued recruitment efforts with an equity lens in mind and focused efforts in areas lacking representation in current meeting bodies. It is staff's goal to have Council's appointed bodies from diverse backgrounds reflecting a diverse, equitable and inclusive community. Results of the analysis conducted revealed the desire to have more representation from more blue-collar residents and lower income communities.

#### **PUBLIC CONTACT**

Information about the annual recruitment was disseminated via various channels. Table 8 below provides a summary of the outreach efforts related to the recruitment. The agenda was posted in accordance with the Brown Act and selected applicants were invited to interview with the Council.

**TABLE 8: OUTREACH SUMMARY**

| <b>2022 Outreach Efforts</b>                       | <b>Date</b>            | <b>Attendance/Reach</b> |
|--|------------------------|-------------------------|
| City Newsletter - The Stack                        | 4/5/2022, 4/12/2022    | 64,113                  |
| 49th Annual Hawaiian May Day                       | 5/7/22                 | citywide                |
| April 23 Earth Poster Day – Weekes Park            | 4/23/22                | 80 attendees            |
| Hayward’s 1 <sup>st</sup> Literary Hop in Downtown | 4/30/22                | citywide                |
| The Pioneer Advertising (CSU-East Bay)             | Graduation Issue       | CSUEB students          |
| Social Media: Facebook                             | 4/8/2022 - 6/15/2022   | 7,197 followers         |
| Social Media: Twitter                              | 4/7/2022 - 6/16/2022   | 6,265 followers         |
| Social Media: NextDoor                             | 4/7/2022, 6/10/2022    | 35,864 followers        |
| Social Media: Instagram                            | 4/7/2022 - 6/13/2022   | 3,829 followers         |
| Water bill mailer / insert & Excise Tax bills      | 3/25/22 – mid May 2022 | 48,500 reached          |

**NEXT STEPS**

Following Council’s action, oaths of affirmation will be administered to newly appointed members.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_\_

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

RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS OF THE COMMUNITY SERVICES COMMISSION, KEEP HAYWARD CLEAN AND GREEN TASK FORCE, LIBRARY COMMISSION, PERSONNEL COMMISSION AND PLANNING COMMISSION

WHEREAS, the City conducted its annual recruitment for the Community Services Commission, Keep Hayward Clean and Green Task Force and Personnel Commission; and

WHEREAS, the City Council reviewed forty-five applications, accepted eleven recommendations from the Keep Hayward Clean and Green Task Force Subcommittee and interviewed twenty-three eligible applicants on July 12, 2022; and

WHEREAS, the City Council selected a total of seven members.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby confirm the appointment of the following as members of the commissions and task force, for the terms as designated.

**APPOINTMENTS**

**Community Services Commission**

|                |                             |                |
|----------------|-----------------------------|----------------|
| Jagdeep Singh  | (Succeeds Tatiana Backlund) | September 2025 |
| Lenita Wheeler | (Succeeds Corina Vasaure)   | September 2025 |

**Personnel Commission**

|                  |                            |                |
|------------------|----------------------------|----------------|
| Jadesola Edwards | (Succeeds Nicolía Gooding) | September 2026 |
| Lucy Woo         | (Succeeds Zheefong He)     | September 2026 |

**Keep Hayward Clean and Green Task Force**

|                       |                               |                |
|-----------------------|-------------------------------|----------------|
| Lucas Banks           | (Succeeds Raul Chavez)        | September 2023 |
| Margaret Barton       | (Succeeds Wilfredo Hoffer)    | September 2026 |
| Terence Candell       | (Succeeds Gerald Sanebeck)    | September 2024 |
| Tammy Cooper          | (Succeeds Adithya Naresh)     | September 2026 |
| Pekon Gupta           | (Succeeds Michael Chand)      | September 2025 |
| Gordean Lum-Villiados | (Succeeds Chiemeka Okoronkwo) | September 2023 |
| Shalin Patel          | (Succeeds Adam Murphy)        | September 2023 |
| Regneel Prasad        | (Succeeds Edward Moore)       | September 2024 |
| Chandrakala Siramdas  | (Succeeds Krysta Penfield)    | September 2024 |
| Katlin M. Turner      | (Succeeds Bert Manzo)         | September 2026 |
| Suyog Zambre          | (Succeeds Reanne Meighan)     | September 2023 |

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the reappointment of the below-named persons as members of the Community Services Commission, for terms as designated.

**REAPPOINTMENTS****Community Services Commission**

|                      |                |
|----------------------|----------------|
| Artavia Berry        | September 2026 |
| Arti Garg            | September 2026 |
| Lacei Ramirez-Amodei | September 2026 |
| Collin Thormoto      | September 2026 |

**Library Commission**

|                 |                |
|-----------------|----------------|
| Shonda Goward   | September 2026 |
| Shareen Purcell | September 2026 |

**Personnel Commission**

|                 |                |
|-----------------|----------------|
| Denise Thompson | September 2026 |
|-----------------|----------------|

**Planning Commission**

|                   |                |
|-------------------|----------------|
| Ray Bonilla Jr.   | September 2026 |
| Brigitte Lowe     | September 2026 |
| Zachariah Oquenda | September 2026 |

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the selection of the below-named individuals as alternates to fill unexpired vacancies.

**ALTERNATES**

| <b><u>Name</u></b> | <b><u>Meeting Body</u></b>    |
|--------------------|-------------------------------|
| Elena Lepe         | Community Services Commission |
| Elaine Alvite      | Community Services Commission |
| Arti Garg          | Planning Commission           |

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 22-103

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the City Council Meeting on July 5, 2022

**RECOMMENDATION**

That the Council approves the City Council meeting minutes of July 5, 2022.

**SUMMARY**

The City Council held a meeting on July 5, 2022.

**ATTACHMENTS**

Attachment I Draft Minutes of July 5, 2022



## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTd09>

**Tuesday, July 5, 2022, 7:00 p.m.**

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The City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

**Pledge of Allegiance:** Council Member Zermeño

Present: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday

Absent: COUNCIL MEMBER Andrews

### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:15 p.m., with Council Member Andrews and Council Member Zermeño absent and no public comment, regarding two items: (1) conference with legal counsel pursuant to Government Code section 54956.9 regarding RLW, LLC v. City of Hayward, et al., U.S.D.C., N.D. CA, No. 21-cv-06767-SK; and (2) conference with legal counsel pursuant to Government Code section 54956.9 concerning Justin Nishioka v. City of Hayward, Alameda County Superior Court, Case No. RG 20078266. City Attorney Lawson reported that Item 1 was discussed, and Council provided direction to counsel but took no reportable action. Mayor Halliday reported that Item 2 was discussed, and Council provided direction but took no reportable action. The closed session adjourned at 6:40 p.m.

### **PUBLIC COMMENTS**

Ms. Susan Gehlke, Hayward resident and Hayward Concerned Citizens member, expressed concern she could not report illegal fireworks activity through the Hayward Police Department (HPD) phone line and wondered if there were other options; and inquired about statistics on violations and citations issued.

Ms. Mary Beth Bykowsky, analyst with the California Department of Insurance, provided information on how Safer from Wildfires, an interagency partnership, works to reduce wildfire risk and invited all to seek more information at [insurance.ca.gov](https://insurance.ca.gov).

Ms. TJ, Hayward Concerned Citizens member, noted illegal fireworks appeared to be concentrated in South Hayward, requested the City debrief residents on the number of complaints received by HPD and the number of citations issued, and suggested the fireworks ordinance be amended as needed based on information received.

Ms. Elena Lepe inquired about information on funding opportunities through the American Rescue Plan Funding for local restaurants and homeless individuals.

## CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) City staff will summarize efforts prior to the Fourth of July, what was observed, and the effectiveness of the ordinance related to fireworks; and noted that firework violations could also be reported via Access Hayward; and 2) due to staffing challenges at the Weekes Branch Library, services will be held Tuesday through Saturday, and regular services will resume August 22, 2022.

## CONSENT

1. Approve the City Council Meeting Minutes of the City Council Meeting on June 21, 2022  
**MIN 22-089**

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously with Council Member Andrews absent, to approve the minutes of the City Council Meeting on June 21, 2022.

2. Adopt an Ordinance of the City of Hayward Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement **CONS 22-429**

Staff report submitted by Police Chief Chaplin and City Clerk Lens, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the ordinance.

|          |  |
|----------|--|
| AYES:    | COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño<br>MAYOR Halliday |
| NOES:    | None   |
| ABSENT:  | COUNCIL MEMBER Andrews   |
| ABSTAIN: | None   |

Ordinance 22-06, "An Ordinance of the City of Hayward, California, Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement"

3. Adopt an Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services **CONS 22-440**

Staff report submitted by City Clerk Lens, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the ordinance.



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AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Ordinance 22-07, “An Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services”

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Consolidated Engineering Labs, Signet Testing Labs, and Apex Testing Laboratories in an Amount Not-to-Exceed \$200,000 Annually Per Firm for Three Years for On-Call Material Testing and Special Inspection Services **CONS 22-397**

Staff report submitted by Public Works Director Ameri dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-189, “Resolution Authorizing the City Manager to Negotiate and Execute Agreements with Consolidated Engineer Labs, Signet Testing Labs, and Apex Testing Laboratories in an Amount Not-to-Exceed \$200,000 Annually per Firm for Three Years for on Call Material Testing and Special Inspection Services”

5. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff’s Office for Receipt of FY 2019 Byrne Justice Assistance Grant (JAG) funds in the Amount of \$36,891 **CONS 22-410**

Staff report submitted by Police Chief Chaplin dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-190, “Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff’s Office for Receipt of the FY 2019 Byrne Justice Assistance Grant (JAG) Funds in the Amount of \$36,891.00”

6. Adopt a Resolution Authorizing the City Manager to Appropriate \$640,000 for the SR-92/Whitesell Interchange - Project Initiation Document Project No. 05334 **CONS 22-415**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-191, “Resolution Authorizing City Manager to Appropriate a Total of \$640,000 for the SR-92/Whitesell Interchange – Project Initiation Document (PID) Project No. 05334”

7. Adopt a Resolution Approving Addendum No. 1 and Awarding a Contract to GSW Construction, Inc., for the Willimet Way & I-880 Sanitary Sewer Main Installation Project, Project No. 07717, in an Amount of \$770,218 with the Addition of \$85,000 in Administrative Change Orders and Appropriating Additional Funds in an Amount of \$543,675 **CONS 22-416**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



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AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-192, "Resolution Approving Addendum No. 1, Awarding a Contract to GSW Construction, Inc., for the Willimet Way & I-880 Sanitary Sewer Main Installation Project, Project No. 07717, in an Amount of \$770,218 in Addition to \$85,000 in Administrative Change Orders, and Appropriating Additional Funds in an Amount of \$543,675"

8. Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2023 for Old Highlands Area Road Improvement Assessment District **CONS 22-418**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-193, " Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2023 for the Old Highlands Area Road Improvement Assessment District"

9. Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Water Pollution Control Facility's (WPCF) Switchgear Rehabilitation Project, Project No. 07656 **CONS 22-419**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-194, “ Resolution Approving the Plans and Specifications for the Water Pollution Control Facility’s (WPCF) Switchgear Rehabilitation Project, Project No. 07656, and Calling for Bids to Be Received by August 16, 2022”

10. Adopt a Resolution Approving the Final Map of Tract 8581, a 47 Lot Subdivision on a 5.4 Acre Site located at 1000 La Playa Drive to Allow the Construction of 47 Single Family Homes, a Common Open Space Parcel, and Related Site Improvements; Applicant/Owner: D.R. Horton Bay, Inc., Application No. 202200670 **CONS 22-424**

Staff report submitted by Development Services Director Claussen, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-195, “ Resolution Approving the Final Map of Tract 8581, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Improvement Agreement and Related Other Documents”

11. Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to Ranger Pipelines, Inc., for the Sewer Line Improvements Project, Project No. 07761, in the Amount of \$11,087,925 in Addition to Approving \$1,108,793 in Administrative Construction Contingency, and Appropriating Additional Funds in an Amount of \$3,067,915 **CONS 22-431**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



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AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-196, “ Resolution Approving Addendum No. 1 and No. 2, Awarding a Contract to Ranger Pipelines, Inc., for the Sewer Line Improvements Project, Project No. 07761, in the Amount of \$11,087,925 and Approving \$1,108,793 in Administrative Construction Contingency, and Appropriating Additional Funds in an Amount of \$3,067,915”

12. Adopt a Resolution Authorizing the Single Source Agreement with Western Energy Systems for Services to the Cogeneration Engine System at the Water Pollution Control Facility (WPCF) in an Amount Not-to-Exceed \$507,710 Plus Administrative Change Orders in the Amount of Ten Percent of the Contract Price for a Total of \$558,500 **CONS 22-433**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-197, “ Resolution Authorizing the Single Source Agreement with Western Energy Systems for Services to the Jenbacher Cogeneration Engine for the Water Pollution Control Facility (WPCF) Cogeneration System in an Amount Not-to-Exceed \$507,710 Plus Administrative Change Orders in an Amount Equal to Ten Percent of the Contract”

13. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Applied Pavement Technology, Inc., to Provide Consulting Engineering Services for the Airport Pavement Management Program (PMP) Update at Hayward Executive Airport Project in an Amount of \$227,000 **CONS 22-434**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-198, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Applied Pavement Technology, Inc., for the Airport Pavement Management Program Update at the Hayward Executive Airport”

14. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Brown and Caldwell for the Preliminary Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760, in an Amount Not-to-Exceed \$3,849,711 **CONS 22-436**

Staff report submitted by Public Works Director Ameri dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-199, “Resolution Authorizing the City Manager to Execute an Agreement with Brown and Caldwell, in an Amount Not-to-Exceed \$3,849,711 for the Preliminary Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760”

15. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$313,375 from Bunker Hill by Trumark Homes, LLC to the La Vista Park Project, Project No. 06914 **CONS 22-437**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.



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It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-200, “Resolution Authorizing the City Manager to Accept and Appropriate \$313,375 from Bunker Hill by Trumark Homes, LLC. to the La Vista Park Project, Project No. 06914”

16. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands through October 15, 2022 **CONS 22-438**

Staff report submitted by Assistant City Manager Youngblood, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-201, “Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands Through October 15, 2022”

17. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kitchell for Construction Management for the Stack Center in an Amount Not-to-Exceed \$520,000 **CONS 22-443**

Staff report submitted by Acting Assistant City Manager Claussen, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-202, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kitchell for Construction Management Services for Phase 1 Construction of the South Hayward Youth & Family Center Project, Not-to-Exceed \$520,000”

18. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$210,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for Use by the Hayward Police Department **CONS 22-444**

Staff report submitted by Police Chief Chaplin, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-203, “ Resolution Authorizing the City Manager to Accept and Appropriate \$210,000 in Grant Funding from the California Office of Traffic Safety for Use by the Hayward Police Department”

19. Adopt a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (MOU) Between the City of Hayward and Tiburcio Vasquez Health Center (TVHC) for a Lease to Operate the Firehouse Clinic (FHC) and to Appropriate the Rent from TVHC to CIP Project FD010 for Building Maintenance, Upgrades, and Improvements in Service Delivery **CONS 22-449**

Staff report submitted by Fire Chief Contreras, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



## CITY COUNCIL MEETING

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AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-204, "Adopt a Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Tiburcio Vasquez Health Center for the Operation of a Firehouse Clinic at 28300 Huntwood Ave., South Hayward"

20. Adopt a Resolution Authorizing the Hayward Police Department to Enter into A Five-Year Agreement with Axon Enterprises, Inc. For the Purchase of Axon Fleet Vehicle Dash Cameras with Automated License Plate Reading Technology **CONS 22-429**

Staff report submitted by Chief Police Chaplin, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Andrews  
ABSTAIN: None

Resolution 22-205, "Resolution Authorizing the Hayward Police Department to Enter into a Five-Year Agreement with Axon Enterprises, Inc. for the Purchase of Axon Fleet Vehicle Dash Cameras with Automated License Plate Reading Technology"

## LEGISLATIVE BUSINESS

21. City of Hayward Homelessness Update: 1) Receive Results of 2022 Point-in-Time Count Results; 2) Receive an Update on City of Hayward Homelessness Efforts; 3) Adopt Resolutions for FY2023 Homelessness Related Professional Services Agreements (Continued from June 28, 2022) **LB 22-018**

Staff report submitted by Acting Assistant City Manager Claussen, dated July 5, 2022, was filed.

City Manager McAdoo introduced Management Analyst II Lobedan and Management Analyst II Cole-Bloom who provided a synopsis of the staff report which included: results of the 2022 Homeless Point in Time Count, update on Let's House Hayward! Reduction Strategic Plan; update on the Winter Warming Shelter expansion and Day Resource Center; and updates on the Hayward Navigation Center and Hotel Annex.

Discussion ensued among members of the City Council and City staff regarding: the City's collaboration with Bay Area Community Services (BACS) and South Hayward Parish regarding referrals for the Hayward Navigation Center; staff's participation in countywide and regional discussions regarding planning and allocation of resources; staff's work with a consultant to perform an initial assessment of implementing a safe parking program; current process to obtain information on the Hayward Navigation Center and how to qualify for service; data available on individuals opting out of resources provided via the Hayward Navigation Center; data of participants entering the program and information on where individuals were moving to and privacy rights; conversations with BACS on how to continue funding for services; Home Together 2026 Countywide Plan responsibilities among cities and counties and prioritization of services at the city level to ensure continuity of care; importance of holding organizations accountable and ensuring that Hayward residents were being served; and job programs for unhoused individuals.

Mayor Halliday opened the public hearing at 7:53 p.m.

Ms. Ro Aguilar, Hayward resident, supported the Hotel Annex program which provided independence, stability, privacy, and safety; and suggested the City study the cost of leasing a hotel long term.

Ms. Elena Lepe stated that homelessness numbers seemed to be concentrated in certain areas, wanted to see projections for 2023, and asked what outreach programs were available for families.

Mr. Warren Cushman, Alameda County Mental Health Advisory Board member, spoke about the correlation between mental health and homelessness; shared his personal experience; noted there may be opportunities for the City to procure mental health funds at the County and State levels; pointed out the challenges of individuals who have physical disabilities to receive services from shelters, and stressed the importance of cities in Alameda County to work together.

Mr. Tom Ferreira, Hayward resident and Hayward Concerned Citizens member, commented that other cities should also assist in providing services to address homelessness, and urged the City to focus on efforts to increase affordable housing and eliminate in-lieu fees.

Mayor Halliday closed the public hearing at 8:05 p.m.

Members of the City Council commended City staff and the Homelessness-Housing Task Force for their efforts addressing housing needs.



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**Tuesday, July 5, 2022, 7:00 p.m.**

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Council Member Lamnin appreciated the dedication to reduce homelessness, appreciated the contribution of \$82,000 by the Hayward Rotary Club for the purchase of a trailer for the Hayward Navigation Center, and hoped that other local shelter programs share data in future reports to achieve a more accurate reporting of homelessness in the city. Council Member Lamnin made a motion to approve staff's recommendation.

Council Member Wahab seconded the motion; recommended that, as the City enters into housing agreements, it should have authority over operations such as presence of onsite security; requested more data be shared by providers of housing services, including substance abuse and mental health services with some elements that can remain private, to hold providers accountable and ensure success of the programs; and emphasized prioritizing the senior homeless population as it is expected to triple in the next decade.

Council Member Márquez commended Council Member Lamnin for leading the efforts on the City Council related to addressing homelessness in the city, commended staff for collaborating with surrounding cities on a regional issue, stated that an emphasis needs to be placed with state and federal lobbyists to identify revenue streams coupled with county commitments, and underscored the City set a good blueprint for the region and hoped that more cities will get on board to provide services similar to Hayward.

Mayor Halliday noted that cities were striving to improve services for the homeless population and efforts were being made to have better dialogue and cooperation from the county to meet the needs related to mental health and substance abuse treatment; added that being homeless also exacerbated physical disabilities; and was optimistic that more efforts were being placed in Hayward to address these issues.

It was moved by Council Member Lamnin, seconded by Council Member Wahab, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño  
MAYOR Halliday

NOES: None

ABSENT: COUNCIL MEMBER Andrews

ABSTAIN: None

Resolution 22-206, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for an Amount Not to Exceed \$2,050,000"

Resolution 22-207, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Bay Area Community Services (BACS) for Fiscal Year 2022-2023 Hayward Navigation Center Operations for an Amount Not-to-Exceed \$2,465,604”

Resolution 22-208, “Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Annex Contract Amount by \$628,975 for an Amount Not to Exceed \$1,838,365 and Extend Services through January 31, 2023”

## **WORK SESSION**

22. Housing Element: Work Session on the Housing Resources, Inventory and Housing Plan of the 2023-2031 Housing Element **WS 22-027**

Staff report submitted by Acting Assistant City Manager/Acting Development Services Director Claussen, dated July 5, 2022, was filed.

City Manager McAdoo introduced Principal Planner Schmidt who provided a synopsis of the staff report.

Mayor Halliday opened the public comment section at 8:42 p.m.

Mr. Kenneth Do, Nor Cal Carpenters Local Union 713 field representative, noted that before approval of the Housing Element, there needs to be a commitment to apprenticeship programs, livable wages, medical and retirement benefits; and urged the Council to adopt these labor standards as requirements for the Housing Element.

Ms. Ro Aguilar emphasized the importance to state a goal in the Housing Element to provide housing opportunities for lower income individuals and enable them to become homeowners, build wealth, and join the middle class; stressed that increasing inclusionary affordable housing was a way to accomplish the goal; and advised against leaving decisions up to developers.

Mr. Warren Cushman stated that the affordable housing goal in the Housing Element was important to persons with disabilities; shared that people with disabilities live in high/low density areas, use public transportation, and need pedestrian access; and expressed the importance of an equity lens approach to housing needs.

Ms. Elena Lepe, with El Puente Comunitario, underscored the importance of housing for low-income, persons with disabilities and the elderly; urged the City to be mindful of eviction upon the sale of a property; and asked the City to listen to the community’s needs and provide inclusionary housing options.



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Council Chamber and Virtual Platform (Zoom)**

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**Tuesday, July 5, 2022, 7:00 p.m.**

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Mayor Halliday closed the public comment period at 8:51 p.m.

Discussion ensued among members of the City Council, City staff, and Mr. Jason Montague with Rincon Consultants regarding: criteria for identifying inventory sites such as size, density, structure age, improvement to land value ratio and GIS analysis; policy of project labor agreements and hiring local; the Inclusionary Housing Ordinance; factors involved in the production of housing such as zoning designations, construction costs, and residual land value; Accessory Dwelling Unit (ADU) income analysis for the Association of Bay Area Governments (ABAG) region; policies related to homeownership under Goal 2 to assist in the development of affordable housing; preservation of at risk of conversion from affordable to market rate housing; and vacant site in front of Chabot College.

Members of the City Council commended staff for the extensive outreach related to updates to the proposed Housing Element.

Council Member Salinas cautioned staff to not take away economic development catalyst opportunities while identifying potential housing sites; was concerned about incrementally encroaching on space with mixed use; asked staff to analyze including specific language in the Housing Element regarding the policy of project labor agreements; urged staff to work with CSUEB and Chabot College in exploring housing opportunities and partnering them with creative housing solutions for students; and appreciated the extensive and deliberate community engagement done by staff.

Council Member Márquez thanked staff for the comprehensive engagement efforts; expressed sites had been identified in the past with Regional Housing Need Allocation (RHNA) projections, but projects had not yet been developed; urged staff to be creative in increasing density near public transportation; asked staff to report on how many Hayward residents qualified for Measure A1 Housing Bond and the Down Payment Assistance program; and asked if American Rescue Plan Act (ARPA) and other funding mechanisms were being tracked and applied towards increasing homeownership.

Council Member Wahab asked staff to research the potential to include project labor agreements in housing projects and consider incorporating language about livable wages or local hire; had concerns that the AMI (average median income) for families in Hayward was significantly lower than the AMI for Alameda County and individuals who have a greater AMI were still unable to purchase a home; stressed the importance of prioritizing homeownership and providing housing units that were of appropriate and dignified size; suggested the criteria for the Minor Home Repair program also include safety improvements such as the installation of beams to support earthquake-resistant buildings; was concerned about rental monopolies and evictions; hoped that plans for ADUs could be expedited; requested a report on the number of complaints from tenants, complaints from tenants' rights groups, and evictions; and stressed the importance of adequate parking and developments that are environmentally

friendly.

Council Member Lamnin appreciated the community and City Council input reflected in the draft documents, and dedicated outreach conducted; acknowledged the progress being made for the creation of affordable housing; underscored the importance of protecting industrial/commercial sites; inquired if Economic Development anticipated any auto use for the former Hayward Chevrolet site; and noted her questions were already addressed via the Agenda Questions and Answers Log.

Mayor Halliday emphasized that Hayward has been proactively building housing for various income levels but the challenge has been the lack of funding for affordable housing and homeownership opportunities; emphasized the City's role was to zone for housing and work with developers to permit housing; hoped that when reparation discussions occur, the state provide funding to compensate for some of the inequities; noted that housing needs neighborhood-serving commercial development and transportation options; mentioned that Southland Mall could incorporate housing units similar to the Santana Row model with housing over commercial; and noted there were challenges with the availability of water supply which pits environmental concerns with urban demands for water supply and recommended this be addressed in the Housing Element; and was proud of residents who advocated for diverse housing types.

## **PUBLIC HEARING**

23. LLAD 96-1 Assessment Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Reconfirm Maximum Base Assessment Amounts, Confirm the Assessment Diagrams and Fiscal Assessments, Order the Levy and Collection of Fiscal Assessments; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Special Revenue Funds for Consolidated Landscaping and Lighting Assessment District (LLAD) No. 96-1, Zones 1 through 18, for Fiscal Year 2023 **PH 22-040**

Staff report submitted by Maintenance Services Director, Rullman, dated July 5, 2022, was filed.

Maintenance Services Director Rullman announced the report and introduced Mr. Kyle Tankard with SCI Consulting Group who provided an overview of the three public hearings consisting of: 1) Landscaping and Lighting Assessment District (LLAD) No. 96-1, Zones 1 through 18; 2) Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane; and 3) Maintenance District No. 2 - Eden Shores Storm Water Buffer and Facilities.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:53 p.m.

Council Member Salinas made a motion and Council Member Lamnin seconded the motion. The motion included an amendment to the FY 2023 assessment amount for LLAD Zone 14 (Fund 282) from \$704.16 to \$638.65.



## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdycz09>

Tuesday, July 5, 2022, 7:00 p.m.

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It was moved by Council Member Salinas, seconded by Council Member Lamnin with an amendment to change the assessment amount for Zone 14 from \$704.16 to \$683.65. The motion carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBERS Andrews, Zermeño  
ABSTAIN: None

Resolution 22-209, “ Resolution Approving the Final Engineer’s Report, Reconfirming Maximum Base Assessments, Confirming the Assessment Diagrams and Fiscal Assessments, and Ordering Levy and Collection of Fiscal Assessments for Fiscal Year 2023 for the Landscaping and Lighting Assessment District No. 96-1, Zones 1-18”

Resolution 22-210, “ Resolution Approving Funding Recommendations and Appropriating Special Revenue Funds for Consolidated Landscaping and Lighting Assessment District No. 96-1, Zones 1 Through 18 for Fiscal Year 2023”

Council Member Zermeño was participating in the meeting via the Zoom platform and his connection dropped during the public hearing.

24. Maintenance District No. 1 Public Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Maximum Base Assessment Rate, Confirm the Fiscal Assessment Rate, Confirm the Assessment Diagram, Order the Levy and Collection of Fiscal Assessment; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Revenue and Expenditure Budgets for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane, for Fiscal Year 2023 **PH 22-041**

Staff report submitted by Maintenance Services Director Rullman, dated July 5, 2022, was filed.

Mr. Kyle Tankard with SCI Consulting Group provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:58 p.m.

Council Member Salinas made a motion and Council Member Márquez seconded the motion.

Mayor Halliday expressed frustration at the rejection of an increased assessment and inclusion of an annual inflation factor via the Proposition 218 Election in 2021 and underscored this has placed the district in debt to the County which was a significant amount.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBERS Andrews, Zermeño  
ABSTAIN: None

Resolution 22-211, “Resolution Approving the Engineer’s Report, Reconfirming Maximum Base Assessment Rate, Confirming the Assessment Diagram and Fiscal Assessment, and Ordering Levy and Collection of Fiscal Assessments for Fiscal Year 2023 for Maintenance District No. 1: Storm Drainage Pumping Station and Storm Drain - Pacheco Way, Stratford Road, and Ruus Lane”

Resolution 22-212, “Resolution Approving Funding Recommendations and Appropriating the Special Revenue Funds for Maintenance District No. 1 For Fiscal Year 2023

25. Maintenance District No. 2 Public Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Maximum Base Assessment Rate, Confirm the Fiscal Assessment Rate, Confirm the Assessment Diagram, Order the Levy and Collection of Fiscal Assessment; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Revenue and Expenditure Budgets for Maintenance District No. 2 – Eden Shores Storm Water Buffer and Facilities, for Fiscal Year 2023 **PH 22-042**

Staff report submitted by Maintenance Services Director, Rullman, dated July 5, 2022, was filed.

Mr. Kyle Tankard with SCI Consulting Group provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:03 p.m.

It was moved by Council Member Salinas, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the resolutions.



**CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdYdz09>  
**Tuesday, July 5, 2022, 7:00 p.m.**

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AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBERS Andrews, Zermeño  
ABSTAIN: None

Resolution 22-213, “Resolution Approving the Final Engineer’s Report, Confirming Maximum Base Assessment Amount, Confirming the Fiscal Assessment Rate, Confirming the Assessment Diagram, and Ordering the Levy and Collection of the Fiscal Assessment for Fiscal Year 2023 for Maintenance District No. 2: Eden Shores Water Buffer Zone and Pre-Treatment Pond”

Resolution 22-214, “Resolution Approving Funding Recommendations and Appropriating the Special Revenue Funds for Maintenance District No. 2 for Fiscal Year 2023

**LEGISLATIVE BUSINESS**

26. Cal Cities 2022 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 7-9, 2022 (Report from City Clerk Lens) **LB 22-019**

Staff report submitted by City Clerk Lens, dated July 5, 2022, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:09 p.m.

Council Member Salinas nominated Mayor Halliday as the voting delegate to the Cal Cities Annual Conference.

Council Member Lamnin seconded the motion with an amendment to nominate Council Member Salinas as the alternate delegate to the Cal Cities Annual Conference.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBERS Andrews, Zermeño  
ABSTAIN: None

Resolution 22-215, "Resolution Designating a Voting Delegate and an Alternate Voting Delegate as Hayward's Representatives to the Cal Cities 2022 Annual Conference"

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Mayor Halliday noted that a special City Council meeting was scheduled to be held on July 12, 2022 to conduct annual interviews and select members for service on City Commissions and the Keep Hayward Clean and Green Task Force; and noted the City Council will be in summer recess until September 20, 2022 but will hold two special meetings in August and September to pass resolutions to allow City Council, Committees, Commissions, and Task Forces to hold continued teleconferenced public meetings pursuant to AB 361.

Council Member Wahab requested that City Manager McAdoo provide updated COVID-19 statistics, commenting that COVID-19 cases were spiking once again and that public health announcements and information on testing centers should continue to be shared with the public via social media platforms.

### **COUNCIL REFERRALS**

There were none.

### **ADJOURNMENT**

Mayor Halliday adjourned the special City Council meeting at 10:14 p.m.

### **APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

### **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 22-106

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on July 12, 2022

**RECOMMENDATION**

That the Council approves the Special City Council meeting minutes of July 12, 2022

**SUMMARY**

The City Council held a special meeting on July 12, 2022.

**ATTACHMENTS**

Attachment I Draft Minutes of July 12, 2022



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/88230336572?pwd=NFVHbUJFTXhzTzltRFlyODZGU3FHQT09>

**Tuesday, July 12, 2022, 5:15 p.m.**

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The special City Council meeting was called to order by Mayor Halliday at 5:15 p.m. The City Council held a virtual meeting via the Zoom platform.

**Pledge of Allegiance:** Mayor Halliday

Present:

Virtual Platform (Zoom): Council Members Andrews, Lamnin, Márquez, Salinas, Wahab  
Mayor Halliday

Absent: Council Member Zermeño

**PUBLIC COMMENTS**

There were none.

Mayor Halliday announced that Council Referral Number 6 would be heard after Consent Item 3.

**CONSENT**

1. Approve the City Council Meeting Minutes of the City Council Meeting on June 28, 2022  
**MIN 22-090**

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried unanimously with Council Member Zermeño absent, to approve the minutes of the City Council Meeting on June 28, 2022.

2. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-453**

Staff report submitted by City Clerk Lens, dated July 12, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab,  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Zermeño  
ABSTAIN: None

Resolution 22-216, "Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency"

3. Adopt a Resolution Approving the Transfer and Appropriation of \$140,671.91 for the Tract 8058 Access and Utilities Project, Project No. 08058, and Approving a Total Construction Contingency/Administrative Change Order Budget of \$229,901.91 **CONS 22-459**

Staff report submitted by Public Works, Ameri and City Attorney, Lawson, dated July 12, 2022, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Zermeño  
ABSTAIN: None

Resolution 22-217, "Resolution Approving the Transfer and Appropriation of \$140,671.91 for the Tract 8058 Access and Utilities Project, Project No. 08058, and Approving Construction Contingency/Administrative Change Order Budget in Amount of \$229,901.91"

## **CITY COMMISSIONS INTERVIEWS**

4. Annual City Commissions Interviews: Interview Applicants for Community Services Commission and Personnel Commission; and Consider Keep Hayward Clean and Green Task Force (KHCGTF) Applicants Selected by the KHCGTF Subcommittee **RPT 22-073**

The City Council interviewed fifteen applicants; two applicants did not show. The Council also met with five current members whose attendance was below the 75% attendance requirement. The City Council concurred to allow KHCGTF Members Adom, Elwali, Hankins, Horner, Martinez, and Community Services Commissioner Cerna to continue to serve.

## **SELECTION**

5. Selection of Members for Service on the Community Services Commission, Personnel Commission and Confirmation of Members for the Keep Hayward Clean and Green Task Force **ACT 22-071**

Formal action will be taken on September 20, 2022, during the City Council meeting.



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Virtual Platform (Zoom)**  
<https://hayward.zoom.us/j/88230336572?pwd=NFVHbUJFTXhzTzltRFlyODZGU3FHQT09>  
**Tuesday, July 12, 2022, 5:15 p.m.**

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**Community Services Commission**

MÁRQUEZ, MOTION to reappoint Community Services Commission Members Berry, Garg, Ramirez-Amodei, and Thormoto, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

MÁRQUEZ, MOTION to select Jagdeep Singh and Lenita Wheeler (members) and Elena Lepe and Elaine Alvite (alternates) for the Community Services Commission, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

**Library Commission**

WAHAB, MOTION to reappoint Library Commission Members Goward and Purcell, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

**Personnel Commission**

WAHAB, MOTION to reappoint Personnel Commission Member Thompson, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

SALINAS, MOTION to select Jadesola Edwards and Lucy Woo for the Personnel Commission, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

**Planning Commission**

WAHAB, MOTION to reappoint Planning Commission Members Bonilla Jr., Lowe, and Oquenda; and extend the term of Alternate Garg by one year ending in 2023, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

**Keep Hayward Clean and Green Task Force (KHCGTF)**

ANDREWS, MOTION to accept the recommendation from the KHCGTF Subcommittee (Attachment III) for new members of the KHCGTF with an amendment to exclude Jagdeep Singh and add Gordean Lum-Villiados in his place, APPROVED, 6:0:1 (AYES: Andrews, Lamnin, Márquez, Salinas, Wahab, Halliday; ABSENT: Zermeño)

## COUNCIL REFERRALS

6. City Council Referral: Action for Sophia Mason and Other Children at Risk (Report from Councilmembers Andrews, Lamnin, and Márquez) **RPT 22-074**

Referral memorandum submitted by Council Members Andrews, Lamnin and Márquez, dated July 12, 2022, was filed.

The referral sought Council's action for Sophia Mason and other children at risk. Council Member Andrews indicated the requested action included: 1) send a letter to the Alameda County Board of Supervisors in support of an independent investigation regarding the child welfare case and death of Sophia Mason; and 2) send a letter to state representatives in support of Piqui's Law: Keeping Children Safe from Family Violence SB 616 (Rubio); and urged that the current reward set by the Merced Police Department be increased from \$3,000 to \$170,000, from any Federal or State available sources, to match the reward for information regarding the death of Gabby Petito.

Mayor Halliday clarified that the letter to the Alameda County Board of Supervisors be addressed to Supervisor Valle and the second letter sent to U.S. Representative Eric Swalwell, California State Senator Bob Wieckowski, and California State Assembly Member Bill Quirk.

Discussion ensued about the amount of the reward when looking for suspects.

Council Member Wahab supported the referral, and asked staff to review the City's reward amount and, if possible, increased for minors.

Council Member Márquez clarified that the reward amount is generated by the non-profit organization Crime Stoppers, supported the referral and flagging the matter for state and federal representatives to support increasing the reward to find out what happened and correct situations from happening again to any young children, and gave condolences to the family of Sophia Mason.

There being no public comment, Mayor Halliday opened and closed the public comment section at 5:18 p.m.

Mayor Halliday noted staff would draft the letters and have them reviewed by members of the City Council before sending them to the representatives.

It was moved by Council Member Andrews, seconded by Council Members Lamnin and Márquez, and carried by the following roll call vote, to approve the referral and follow procedures to support increasing the reward set by Merced from \$3,000 to \$170,000.



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/88230336572?pwd=NFVHbUJFTXhzTzltRFlyODZGU3FHQT09>

**Tuesday, July 12, 2022, 5:15 p.m.**

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AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab,  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Zermeño  
ABSTAIN: None

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 10:39 p.m.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
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**File #:** MIN 22-107

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on August 9, 2022

**RECOMMENDATION**

That the Council approves the Special City Council meeting minutes of August 9, 2022

**SUMMARY**

The City Council held a special meeting on August 9, 2022.

**ATTACHMENTS**

Attachment I Draft Minutes of August 9, 2022



## **SPECIAL CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/86750790396?pwd=RTJCSGdMTjAyMFd1ZjhZUmFycnhjZz09>

**Tuesday, August 9, 2022, 5:30 p.m.**

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The special City Council meeting was called to order by Mayor Halliday at 5:30 p.m. The City Council held a virtual meeting via the Zoom platform.

**Pledge of Allegiance:** Council Member Andrews

Present:

Virtual Platform (Zoom): Council Members Andrews, Lamnin, Salinas, Zermeño, Wahab  
Mayor Halliday

Absent: Council Member Márquez

### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:02 p.m., with Council Member Márquez absent, regarding conference with property negotiators pursuant to Government Code section 54956.8 concerning 23950 Mission Blvd, Hayward, CA 94544, APN: 445-0001-002-00. Assistant City Attorney Vigilia indicated there was no reportable action regarding the item. The closed session adjourned at 5:29 p.m.

### **PUBLIC COMMENTS**

There were none.

### **CITY MANAGER'S COMMENTS**

There were none.

### **CONSENT**

1. Adopt a Resolution Authorizing the City Manager to: (1) Execute a Standard Agreement or Other Executing Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development or Other State Agency; (2) Accept and Appropriate Funds Awarded by the California State Legislature Under Assembly Bill 178 in an Amount Up to \$5.7 Million for Mission Paradise; and (3) Allocate Funds Totaling Up to \$5.7 Million to EAH's Mission Paradise Project to Develop 76 Units of Affordable Senior Housing as Included in Assembly Bill 178 **CONS 22-470**

Staff report submitted by Acting Assistant City Manager  
Claussen, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-218, “Resolution Authorizing the City Manager to: 1) Execute a Standard Agreement or Other Executing Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development or Other State Agency; and 2) Accept and Appropriate Funds Awarded by the California State Legislature Under Assembly Bill 178 in the Amount Up to \$5.7 Million for Mission Paradise ; and 3) Allocate Up to \$5.7 Million to EAH’s Mission Paradise Project to Develop 76 Units of Affordable Senior Housing as Included in Assembly Bill 178”

2. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gray-Bowen-Scott for Consulting Services to Support SR-92/Whitesell Interchange - Project Initiation Document, Project No. 05334, in an Amount Not-To-Exceed \$171,300 **CONS 22-471**

Staff report submitted by Public Works Director Ameri, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-219, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gray-Bowen-Scott for Consulting Services to Support SR-92/Whitesell Interchange – Project Initiation Document, Project No. 05334 in an Amount Not-to-Exceed \$171,300”

3. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-473**



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Virtual Platform (Zoom)**  
<https://hayward.zoom.us/j/86750790396?pwd=RTJCSGdMTjAyMFd1ZjhZUmFycnhjZz09>  
**Tuesday, August 9, 2022, 5:30 p.m.**

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Staff report submitted by City Clerk Lens, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-220, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency”

4. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 with St. Francis Electric, Inc., for Traffic Signal and Streetlight Maintenance Project Nos. 05187 and 05189 Whereby Increasing the Professional Services Agreement by \$300,000 for a Total Not-To Exceed Amount of \$1,164,000 **CONS 22-474**

Staff report submitted by Public Works Director Ameri, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-221, “Resolution Authorizing the City Manager to Execute Amendment No. 3 Agreement with St. Francis Electric, Inc., for Traffic Signal and Streetlight Maintenance Project Nos. 05187 and 05189 Whereby Increasing the Professional Services by \$300,000 for a Total Not-to-Exceed Amount of \$1,164,000”

5. Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Police Department Roof Replacement - 300 W. Winton Ave CIP Project No. 07203, in an Amount Not-to-Exceed \$1,160,865 **CONS 22-475**

Staff report submitted by Maintenance Services Director Rullman, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-222, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with the Garland Company for the Hayward Police Department Headquarters Roof Replacement, Project 07203 in an Amount Not-to-Exceed \$1,160,865”

Resolution 22-223, “Resolution Authorizing the Transfer of \$5,902,372 from the Workers’ Compensation Fund to the General Fund”

6. Adopt a Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 256 (Kalra), Also Known as the California Racial Justice for All Act **CONS 22-476**

Staff report submitted by Acting Assistant City Manager Claussen, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-224, “Resolution Authorizing the Mayor to Sign Letters of Support for Assembly Bill 256 (KALRA), also Known as the California Racial Justice for All Act”

7. Adopt Resolutions 1) Appropriating a \$627,554 Community Development Block Grant Award to Bay Area Community Services (BACS) to Acquire the St. Regis Retirement Center; and 2) Authorizing the City Manager to Negotiate and Approve a \$2 Million Loan to BACS for Down Payment Assistance to Acquire the St. Regis Retirement Center and Authorizing an Amendment to the FY 2023 Operating Budget by \$2 Million in the General Fund **CONS 22-477**



**SPECIAL CITY COUNCIL MEETING**  
**777 B Street, Hayward, CA 94541**  
**Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/86750790396?pwd=RTJCSGdMTjAyMFd1ZjhZUmFycnhjZz09>  
**Tuesday, August 9, 2022, 5:30 p.m.**

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Staff report submitted by Assistant City Manager Ott and Finance Director Claussen, dated August 9, 2022, was filed.

It was moved by Council Member Wahab, seconded by Council Member Salinas, and carried by the following roll call vote, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-225, “Resolution Appropriating a \$627,554 Community Development Block Grant (CDBG) Award to Bay Area Community Services (BACS) to Acquire the St. Regis Retirement Center”

Resolution 22-226, “Resolution Authorizing the City Manager to Negotiate and Approve a \$2 Million Loan to Bay Area Community Services (BACS) for Down Payment Assistance to Acquire St. Regis Retirement Center”

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Andrews announced that the Downtown Hayward Street Party would be held on August 18, 2022 and encouraged all to attend.

Council Member Salinas shared that approximately 1,200 children participated in the Words for Lunch summer program at Mia’s Dream Come True Playground and Heritage Plaza; and thanked Library staff and volunteers for their participation with reading activities, Hayward Unified School District for providing lunches, Hayward Area Recreation and Park District for partnering to allow use of the sites, and students and parents for their participation.

Mayor Halliday shared information about August 6, 2022, activities she attended which included a presentation of a proclamation to Hayward Farmer’s Market honoring National Farmer’s Market Week, a Drag Queen Story Time event at the downtown library, a ribbon cutting ceremony for the Breastfeeding and Pumping Station at the downtown library, and Chinese dance performances by the youth; and thanked Library staff for coordinating these events.

Council Member Wahab suggested staff consider, if there were available funds, public restroom facilities in the Heritage Plaza that would be self-cleaning and remain open 24/7.

**COUNCIL REFERRALS**

There were none.

**ADJOURNMENT**

Mayor Halliday adjourned the special City Council meeting at 5:46 p.m.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

---

Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 22-108

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve the City Council Minutes of the Special City Council Meeting on September 6, 2022

**RECOMMENDATION**

That the Council approves the City Council meeting minutes of September 6, 2022

**SUMMARY**

The City Council held a meeting on September 6, 2022.

**ATTACHMENTS**

Attachment I Draft Minutes of September 6, 2022



## SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

### Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85088916394?pwd=dkt3aXp5ZzRqYkY4Z3RQTkRrUVJwQT09>

Tuesday, September 6, 2022, 5:00 p.m.

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The special City Council meeting was called to order by Mayor Halliday at 5:08 p.m. The City Council held a virtual meeting via the Zoom platform.

### Pledge of Allegiance: Mayor Halliday

Present:

Virtual Platform (Zoom): Council Members Andrews, Lamnin, Salinas, Zermeño, Wahab  
Mayor Halliday

Absent: Council Member Márquez

### PUBLIC COMMENTS

There were none.

### CONSENT

Consent Item No. 1 was removed from the Consent Calendar to allow for a separate vote.

1. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Traffic Signal Modification at Huntwood/Industrial and Huntwood/Sandoval Intersections Project, Project No. 05737 **CONS 22-478**

Staff report submitted by Public Works Director Ameri, dated September 6, 2022, was filed.

The item was pulled from the Consent Calendar by Council Member Wahab. Public Works Director Ameri provided clarity about the proposed project improvement related to peer-to-peer communications, and hybrid video detection for bikes and queue cutters.

Council Member Zermeño commended Public Works Director Ameri on the recommended improvements.

It was moved by Council Member Wahab, seconded by Mayor Halliday, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Salinas, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBER Márquez  
ABSTAIN: None

Resolution 22-227, “Resolution Approving Plans and Specifications and Call for Bids for Traffic Signal Modification at Huntwood/Industrial and Huntwood/Sandoval Intersections Project, Project No. 05737”

2. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-481**

Staff report submitted by City Clerk Lens, dated September 6, 2022, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Wahab, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: COUNCIL MEMBERS Márquez, Salinas  
ABSTAIN: None

Resolution 22-228, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the Covid 19 State of Emergency”

Council Member Salinas was participating via the Zoom platform and lost connection during the vote for Item 2.

#### **INFORMATIONAL ITEM**

3. Informational Report on Cal Cities 2022 Annual Conference Scheduled for September 7-9, 2022 **RPT 22-082**

Staff report submitted by Assistant City Manager Ott, dated September 6, 2022, was filed.

The item was presented as general information for Council and the public; there was no action taken or requests to speak on the item.

#### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Lamnin reported she attended the 100<sup>th</sup> Anniversary celebration of the Bom Jesus Milagroso Hall on behalf of Mayor Halliday and presented a proclamation to the Counsel General of Portugal, faith leadership and community leadership from the Portuguese community.



**SPECIAL CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Virtual Platform (Zoom)**

*<https://hayward.zoom.us/j/85088916394?pwd=dkt3aXp5ZzRqYkY4Z3RQTkRrUVJwQT09>*

**Tuesday, September 6, 2022, 5:00 p.m.**

---

Council Member Andrews recognized staff who worked on Russell City, acknowledged Alameda County Board Education Trustee Knowles for organizing the picnic at Kennedy Park and thanked dignitaries who attended the event.

City Manager McAdoo shared that the first community meeting for the Russell City Reparative Justice project would be held on September 13, 2022, via Zoom and in person at City Hall.

Council Member Salinas congratulated the Hayward Chamber of Commerce for hosting a well-attended Downtown Hayward Street Party event and thanked City staff for their efforts towards the success of the event.

**ADJOURNMENT**

Mayor Halliday adjourned the special City Council meeting at 5:20 p.m.

**APPROVED**

---

Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

---

Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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**File #:** CONS 22-500

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Accepting Revisions to the City of Hayward Conflict of Interest Code

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) accepting revisions to the Conflict of Interest Code for the City of Hayward.

**SUMMARY**

City staff have reviewed its Conflict of Interest Code and determined that an amendment is necessary to reflect organizational changes. The City's amended code is not effective until approved by the Council.

**ATTACHMENTS**

|                |   |
|----------------|---|
| Attachment I   | Staff Report                            |
| Attachment II  | Resolution                              |
| Attachment III | Designated Positions                    |
| Attachment IV  | Disclosure Categories                   |
| Attachment V   | Provisions of Conflict of Interest Code |
| Attachment VI  | 2022 Local Agency Biennial Notice       |



**DATE:** September 20, 2022  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT** Adopt a Resolution Accepting Revisions to the City of Hayward Conflict of Interest Code

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) accepting revisions to the Conflict of Interest Code for the City of Hayward.

### **SUMMARY**

City staff have reviewed its Conflict of Interest Code and determined that an amendment is necessary to reflect organizational changes. The City's amended code is not effective until approved by the Council.

### **BACKGROUND AND DISCUSSION**

The Political Reform Act of 1974 requires every government agency to review its conflict of interest code biennially to determine whether amendments are required. City Administrative Rule, Section 9.1, is the City's Conflict of Interest Code (Code). The Code designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to the positions requires that all investments, business positions, interests in real property, and sources of income that may be affected materially by the decisions made by those holding designated positions be reported.

The City's last Conflict of Interest Code update was approved on September 29, 2020. The list of designated positions (Attachment III) has been updated to include new positions and minor changes shown in **bold and red** text.

There are three components of the Code: designated positions, disclosure categories, and terms of the Code.

**Designated Positions:** The Code must list all designated positions. Pursuant to Government Code Section 82019<sup>1</sup>, a designated employee is an employee, officer, member, or consultant of

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<sup>1</sup> Gov. Code Section 82019  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=82019](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=82019)

an agency whose position is designated in the Code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. Individuals holding positions listed in Attachment III are designated individuals who must file Statements of Economic Interests (Form 700).

The City of Hayward continues to use the State's Fair Political Practices Commission (FPPC) Form 804 (Agency Report of New Positions) and FPPC Form 805 (Agency Report of Consultants) to identify new positions and consultants who participate in making governmental decisions on behalf of the City.

The designations of Mayor, Council Member, Planning Commissioner, City Manager, City Attorney, and Finance Director are required by State law to file disclosure of their economic interests under Government Code Section 87200<sup>2</sup>.

Individuals holding designated positions file the Form 700 with the City Clerk. Form 700 statements are available for public inspection and reproduction according to FPPC regulations.

***Disclosure Categories:*** The Code requires disclosure of the types of investment, interests in real property, sources of income, and business positions that may be affected by the decision-making of designated positions. Disclosure Categories are included in Attachment IV.

***Terms of the Code:*** The terms of the Code comprise the main body of the Code and provide provisions for reporting financial interests and disqualification procedures among others. The FPPC recommends that cities incorporate by reference Regulation 18730, Title 2, Division 6 of the California Code of Regulations. Regulation 18730-Provisions of Conflict of Interest Codes<sup>3</sup> (Attachment V) contains all the information required to be contained in the City's Code.

## **FISCAL IMPACT**

There is no fiscal impact associated with this agenda item.

## **STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

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<sup>2</sup> Gov. Code Section 87200

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=87200&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=87200&lawCode=GOV)

<sup>3</sup> Regulation 18730 <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/NonsubstantiveAmendments/18730.Provisions-of-Conflict-of-Interest-Codes.pdf>

## **NEXT STEPS**

Upon adoption of the proposed resolution, Administrative Rule 9.1 (City's Conflict of Interest Code) will be revised and distributed to Form 700 (Statement of Economic Interests) filers; added to NetFile, the City's electronic filing system; and distributed to the FPPC.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal stroke extending to the right.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_\_

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

RESOLUTION ACCEPTING ADDITIONS TO THE CITY OF HAYWARD  
CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 requires every local government agency to review its Conflict of Interest Code biennially to determine if it must be amended; and

WHEREAS, the City Administrative Rule Section 9.1 is the City's Conflict of Interest Code for the City of Hayward; and

WHEREAS, most additions to the Conflict of Interest Code reflects recent organizational changes.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby accepts the additions to the Conflict of Interest Code for the City of Hayward.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022.

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

| DESIGNATIONS                                  | CATEGORIES           |
|---|----------------------|
| <b>City Attorney Department</b>               |                      |
| Assistant City Attorney                       | 2, 3, 5, 6, 7        |
| Deputy City Attorney I/II                     | 2, 3, 5, 6, 7        |
| <b>Senior Assistant City Attorney</b>         | <b>2, 3, 5, 6, 7</b> |
| <b>City Clerk Department</b>                  |                      |
| City Clerk                                    | 1                    |
| Deputy City Clerk                             | 2, 3                 |
| <b>City Manager Department</b>                |                      |
| Assistant City Manager                        | 1                    |
| Community Services Manager                    | 1                    |
| Deputy City Manager                           | 2, 3, 5, 6, 7        |
| Communications and Marketing Officer          | 2, 3, 6              |
| Digital Application Developer                 | 3                    |
| Economic Development Manager                  | 2, 3, 5, 6, 7        |
| Economic Development Specialist               | 2, 3, 5, 6, 7        |
| Housing Development Specialist                | 2, 4, 5, 6, 7        |
| Housing Manager                               | 1                    |
| Management Analyst I/II                       | 2, 4, 5, 6           |
| <b>Development Services Department</b>        |                      |
| Assistant Planner                             | 2, 4, 5, 6, 7        |
| Assistant/Associate Engineer                  | 2, 4, 5, 6, 7        |
| Associate Planner                             | 2, 4, 5, 6, 7        |
| Building Inspector                            | 2, 4, 5, 6, 7        |
| City Building Official                        | 2, 3, 5, 6           |
| Code Enforcement Manager                      | 2, 3, 5, 6           |
| Code Enforcement Inspector I/II               | 2, 5                 |
| Deputy Director of Development Services       | 1                    |
| Landscape Architect                           | 2, 4, 5, 6, 7        |
| Management Analyst I/II                       | 2, 4, 5, 6           |
| Plan Checker                                  | 2, 4, 5, 6, 7        |
| Plan Check Engineer                           | 2, 4, 5, 6, 7        |
| Planning Manager                              | 2, 3, 5, 6, 7        |
| Principal Planner                             | 2, 4, 5, 6, 7        |
| Senior Building Inspector/Structural          | 2, 4, 5, 6, 7        |
| Senior Building Inspector/Electrical          | 2, 4, 5, 6, 7        |
| Senior Building Inspector/Plumbing/Mechanical | 2, 4, 5, 6, 7        |
| Senior Civil Engineer                         | 2, 4, 5, 6, 7        |
| Senior Code Enforcement Inspector             | 2, 5                 |
| Senior Planner Checker                        | 2, 4, 5, 6, 7        |
| Senior Planner                                | 2, 4, 5, 6, 7        |
| Supervising Building Inspector                | 2, 4, 5, 6, 7        |

| <b>Development Services Department (Cont.)</b> |               |
|--|---------------|
| Supervising Plan Checker/Expediter             | 2, 4, 5, 6, 7 |
| <b>Finance Department</b>                      |               |
| Accounting Manager                             | 2,3,5,6,7     |
| Budget Officer                                 | 2,3,5,6,7     |
| Deputy Director of Finance                     | 2, 3, 5, 6, 7 |
| Management Analyst I/II                        | 2,3,5,6,7     |
| Revenue Manager                                | 2,3,5,6,7     |
| Purchasing and Services Manager                | 2,3,5,6,7     |
| Senior Accountant                              | 2, 3, 5, 6, 7 |
| <b>Fire Department</b>                         |               |
| Battalion Chief                                | 2,4,5,6       |
| Deputy Fire Chief                              | 2,3,5,6       |
| Emergency Medical Service Coordinator          | 2,4,5,6       |
| Environmental Specialist                       | 2,4,5,6       |
| Fire Chief                                     | 2,4,5,6       |
| Fire Marshal                                   | 2,3,5,6       |
| Fire Prevention Inspector                      | 2,4,5,6       |
| Fire Protection Engineer                       | 2,4,5,6       |
| Fire Services Supervisor                       | 2,4,5,6       |
| Fire Training Officer                          | 2,4,5,6       |
| Hazardous Materials Investigator               | 2,4,5,6       |
| Hazardous Materials Program Coordinator        | 2,4,5,6       |
| Management Analyst II                          | 2,4,5,6       |
| Staff Captain (Assistant Fire Marshal)         | 2,4,5,6       |
| Staff Captain (Emergency Services Officer)     | 2,4,5,6       |
| Staff Captain (Public Education Officer)       | 2,4,5,6       |
| Training Officer                               | 2,4,5,6       |
| <b>Human Resources Department</b>              |               |
| <b>Deputy Human Resources Director</b>         | <b>1</b>      |
| Human Resources Analyst I/ II                  | 4             |
| Human Resources Director                       | 1             |
| Human Resources Technician                     | 4             |
| Senior Human Resources Analyst                 | 4             |
| <b>Library Services Department</b>             |               |
| Education Services Manager                     | 4, 7          |
| Library Director                               | 1             |
| Library Operations Manager                     | 4,7           |
| Management Analyst I/II                        | 2,4,7         |
| Supervising Librarian I                        | 4, <b>7</b>   |

| <b>Maintenance Services Department</b>            |                |
|---|----------------|
| Administrative Supervisor                         | 2,4,5,6        |
| Director of Maintenance Services                  | 1              |
| Facilities & Building Manager                     | 2,4,5,6        |
| Fleet Maintenance Manager                         | 2,4            |
| Landscape Maintenance Manager                     | 2,4            |
| <b>Landscape Maintenance Supervisor</b>           | <b>2,4</b>     |
| Management Analyst I/II                           | 2,4,5,6        |
| Street Maintenance Manager                        | 2,4            |
| <b>Street Maintenance Supervisor</b>              | <b>2,4</b>     |
| <b>Police Department</b>                          |                |
| Animal Services Administrator                     | 4,7            |
| Communications Administrator                      | 2,4,5          |
| <b>Deputy Police Chief</b>                        | <b>1</b>       |
| Jail Administrator                                | 2, 4           |
| Management Analyst I/II                           | 2,4,5,6        |
| Operations Support Services Manager               | 2,4,5          |
| Personnel and Training Administrator              | 2,4,5          |
| Personnel and Training Lieutenant                 | 2,4,5          |
| Personnel and Training Sergeant                   | 2,4,5          |
| Police Captain                                    | 2,4,5,6,7      |
| Police Chief                                      | 1              |
| Police Program Analyst                            | 2,4,5,6,7      |
| Property and Evidence Administrator               | 2,4            |
| Records Administrator                             | 2,4,5          |
| Senior Management Analyst                         | 2, 4, 5, 6, 7  |
| Youth and Family Services Administrator           | 2,4,5,7        |
| <b>Department of Public Works &amp; Utilities</b> |                |
| <b>Administrative Supervisor</b>                  | <b>2,4,5,6</b> |
| Airport Business Supervisor                       | 2,4,5,6        |
| Airport Manager                                   | 2,4,5,6        |
| Airport Operations Supervisor                     | 2,4,5,6        |
| Assistant Director of Public Works                | 2,4,5,6        |
| Deputy Director of Public Works                   | 2,3,5,6        |
| Director of Public Works                          | 1              |
| Environmental Services Manager                    | 2,4,5,6        |
| Management Analyst I/II                           | 2,4,5,6        |
| <b>Real Property Manager</b>                      | <b>1</b>       |
| Senior Civil Engineer                             | 2,4,5,6        |
| Senior Management Analyst                         | 2,4,5,6        |
| Senior Transportation Engineer                    | 2,4,5,6        |
| Senior Utilities Engineer                         | 2,4,5,6        |
| Senior Water Resources Engineer                   | 2,4,5,6        |

| <b>Department of Public Works &amp; Utilities (Cont.)</b>           |           |
|---|-----------|
| Solid Waste Program Manager   | 2,4,5,6   |
| Supervising Construction Inspector                                  | 2,4,5,6   |
| Transportation Manager  | 2,4,5,6   |
| Utilities Engineering Manager                                       | 2,4,5,6   |
| Utilities Field Services Supervisor                                 | 2,4,5,6   |
| Utilities Operations and Maintenance Manager                        | 2,4,5,6   |
| Utilities Operations and Maintenance Supervisor                     | 2,4,5,6   |
| Wastewater Collection System Supervisor                             | 2,4,5,6   |
| Water Pollution Control Administrator                               | 2,4,5,6   |
| Water Pollution Control Facility Manager                            | 2,4,5,6   |
| Water Pollution Control Facility Laboratory Supervisor              | 2,4,5,6   |
| Water Pollution Control Facility Operations and Maintenance Manager | 2,4,5,6   |
| Water Pollution Control Facility Maintenance Supervisor             | 2,4,5,6   |
| Water Pollution Control Facility Operations Supervisor              | 2,4,5,6   |
| Water Resources Manager   | 2,4,5,6   |
| <b>Technology Services Department</b>                               |           |
| <b>Deputy Information Technology Director</b>                       | <b>1</b>  |
| Information Systems Manager   | 2,3       |
| Information Technology Manager                                      | 2, 3      |
| Network Systems Specialist  | 2,4       |
| Information Technology Director                                     | 1         |
| <b>Advisors, Consultants, and Volunteers</b>                        |           |
| Associated Community Action Program                                 | 1         |
| Community Services Commission                                       | 2,4,5,6,7 |
| Council Economic Development Committee                              | 2,4,5,6,7 |
| Deferred Compensation Committee                                     | 2,3,5,6,7 |
| Investment Advisory Committee                                       | 2,3,5,6,7 |
| Program and Project Consultants                                     | 2,4,5,6,7 |
| Small Business Revolving Loan Fund Committee                        | 2,4,7     |
| <b>Government Code Section 87200 Designated Officers</b>            |           |
| City Attorney   | 1         |
| City Council  | 1         |
| City Manager  | 1         |
| Director of Finance   | 1         |
| Planning Commission   | 1         |

**DISCLOSURE CATEGORIES**

**CATEGORY 1**

All designated positions in this category shall disclose all sources of income, all investments and management positions with business entities, and all interests in real property located in the City of Hayward.

Designated positions in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

**CATEGORY 2**

All designated positions in this category shall disclose all interests in real property located in the City of Hayward.

Designated positions in this category must complete Form 700 Statement of Economic Interests Schedule B: Interest in Real Property.

**CATEGORY 3**

All designated positions in this category shall disclose investments, management positions with business entities and sources of income from business entities, which provide services, supplies, materials, machinery or equipment of the type utilized by the City of Hayward.

Designated positions in this category must complete the following schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts

#### **CATEGORY 4**

All designated positions in this category shall disclose investments, management positions with business entities and sources of income from business entities which provide services, supplies, materials, machinery or equipment of the type utilized by the designated person's department, division, board, commission, committee or task force.

Designated positions in this category must complete the following schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts

#### **CATEGORY 5**

All designated positions in this category shall disclose all investments, management positions with business entities and sources of income from business entities, and interests in real property, which are subject to the regulatory, permit or licensing authority of the City of Hayward.

Designated positions in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

#### **CATEGORY 6**

All designated positions in this category shall disclose all investments, management positions with business entities and sources of income from business entities which engage in land development, construction or the acquisition or sale of real property, and all interests in real property in the City of Hayward.

Designated positions in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

## **CATEGORY 7**

All designated positions in this category shall disclose all investments, management positions with business entities and sources of income (including gifts, loans, travel payments, or income from a nonprofit organization) if the source is of the type to receive grants or other monies from or through the City of Hayward.

Designated positions in this category must complete the following schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts

1 Amend 2 Cal. Code Regs., Section 18730 to read:

2 **§ 18730. Provisions of Conflict of Interest Codes.**

3 (a) Incorporation by reference of the terms of this regulation along with the designation  
 4 of employees and the formulation of disclosure categories in the Appendix referred to below  
 5 constitute the adoption and promulgation of a conflict of interest code within the meaning of  
 6 Section 87300 or the amendment of a conflict of interest code within the meaning of Section  
 7 87306 if the terms of this regulation are substituted for terms of a conflict of interest code  
 8 already in effect. A code so amended or adopted and promulgated requires the reporting of  
 9 reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7  
 10 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest  
 11 code are in addition to other requirements of the Political Reform Act, such as the general  
 12 prohibition against conflicts of interest contained in Section 87100, and to other state or local  
 13 laws pertaining to conflicts of interest.

14 (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant  
 15 to this regulation are as follows:

16 (1) Section 1. Definitions.

17 The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political  
 18 Practices Commission (Regulations 18110, *et seq.*), and any amendments to the Act or  
 19 regulations, are incorporated by reference into this conflict of interest code.

20 (2) Section 2. Designated Employees.

21 The persons holding positions listed in the Appendix are designated employees. It has  
 22 been determined that these persons make or participate in the making of decisions which may  
 23 foreseeably have a material effect on economic interests.

1 (3) Section 3. Disclosure Categories.

2 This code does not establish any disclosure obligation for those designated employees  
3 who are also specified in Section 87200 if they are designated in this code in that same capacity  
4 or if the geographical jurisdiction of this agency is the same as or is wholly included within the  
5 jurisdiction in which those persons must report their economic interests pursuant to article 2 of  
6 chapter 7 of the Political Reform Act, Sections 87200, et seq.

7 In addition, this code does not establish any disclosure obligation for any designated employees  
8 who are designated in a conflict of interest code for another agency, if all of the following apply:

9 (A) The geographical jurisdiction of this agency is the same as or is wholly included  
10 within the jurisdiction of the other agency;

11 (B) The disclosure assigned in the code of the other agency is the same as that required  
12 under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

13 (C) The filing officer is the same for both agencies. <sup>1</sup>

14 Such persons are covered by this code for disqualification purposes only. With respect to  
15 all other designated employees, the disclosure categories set forth in the Appendix specify which  
16 kinds of economic interests are reportable. Such a designated employee shall disclose in ~~his or~~  
17 ~~her~~ the employee's statement of economic interests those economic interests ~~he or she~~ the  
18 employee has which are of the kind described in the disclosure categories to which ~~he or she~~ the  
19 employee is assigned in the Appendix. It has been determined that the economic interests set  
20 forth in a designated employee's disclosure categories are the kinds of economic interests which  
21 ~~he or she~~ the employee foreseeably can affect materially through the conduct of ~~his or her~~ the  
22 employee's office.

23 (4) Section 4. Statements of Economic Interests: Place of Filing.

1 The code reviewing body shall instruct all designated employees within its code to file  
2 statements of economic interests with the agency or with the code reviewing body, as provided  
3 by the code reviewing body in the agency's conflict of interest code. <sup>2</sup>

4 (5) Section 5. Statements of Economic Interests: Time of Filing.

5 (A) Initial Statements. All designated employees employed by the agency on the effective  
6 date of this code, as originally adopted, promulgated and approved by the code reviewing body,  
7 shall file statements within 30 days after the effective date of this code. Thereafter, each person  
8 already in a position when it is designated by an amendment to this code shall file an initial  
9 statement within 30 days after the effective date of the amendment.

10 (B) Assuming Office Statements. All persons assuming designated positions after the  
11 effective date of this code shall file statements within 30 days after assuming the designated  
12 positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

13 (C) Annual Statements. All designated employees shall file statements no later than April

14 1. If a person reports for military service as defined in the Servicemember's Civil Relief  
15 Act, the deadline for the annual statement of economic interests is 30 days following ~~his or her~~  
16 the person's return to office, provided the person, or someone authorized to represent the  
17 person's interests, notifies the filing officer in writing prior to the applicable filing deadline that  
18 ~~he or she~~ the person is subject to that federal statute and is unable to meet the applicable  
19 deadline, and provides the filing officer verification of ~~his or her~~ the person's military status.

20 (D) Leaving Office Statements. All persons who leave designated positions shall file  
21 statements within 30 days after leaving office.

22 (5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

1 Any person who resigns within 12 months of initial appointment, or within 30 days of the date of  
2 notice provided by the filing officer to file an assuming office statement, is not deemed to have  
3 assumed office or left office, provided ~~he or she~~ the person did not make or participate in the  
4 making of, or use ~~his or her~~ the person's position to influence any decision and did not receive or  
5 become entitled to receive any form of payment as a result of ~~his or her~~ the person's  
6 appointment. Such persons shall not file either an assuming or leaving office statement.

7 (A) Any person who resigns a position within 30 days of the date of a notice from the  
8 filing officer shall do both of the following:

9 (1) File a written resignation with the appointing power; and

10 (2) File a written statement with the filing officer declaring under penalty of perjury that  
11 during the period between appointment and resignation ~~he or she~~ the person did not make,  
12 participate in the making, or use the position to influence any decision of the agency or receive,  
13 or become entitled to receive, any form of payment by virtue of being appointed to the position.

14 (6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

15 (A) Contents of Initial Statements.

16 Initial statements shall disclose any reportable investments, interests in real property and  
17 business positions held on the effective date of the code and income received during the 12  
18 months prior to the effective date of the code.

19 (B) Contents of Assuming Office Statements.

20 Assuming office statements shall disclose any reportable investments, interests in real  
21 property and business positions held on the date of assuming office or, if subject to State Senate  
22 confirmation or appointment, on the date of nomination, and income received during the 12

1 months prior to the date of assuming office or the date of being appointed or nominated,  
2 respectively.

3 (C) Contents of Annual Statements. Annual statements shall disclose any reportable  
4 investments, interests in real property, income and business positions held or received during the  
5 previous calendar year provided, however, that the period covered by an employee's first annual  
6 statement shall begin on the effective date of the code or the date of assuming office whichever  
7 is later, or for a board or commission member subject to Section 87302.6, the day after the  
8 closing date of the most recent statement filed by the member pursuant to Regulation 18754.

9 (D) Contents of Leaving Office Statements.  
10 Leaving office statements shall disclose reportable investments, interests in real property, income  
11 and business positions held or received during the period between the closing date of the last  
12 statement filed and the date of leaving office.

13 (7) Section 7. Manner of Reporting.  
14 Statements of economic interests shall be made on forms prescribed by the Fair Political  
15 Practices Commission and supplied by the agency, and shall contain the following information:

16 (A) Investment and Real Property Disclosure.  
17 When an investment or an interest in real property <sup>3</sup> is required to be reported, <sup>4</sup> the statement  
18 shall contain the following:

- 19 1. A statement of the nature of the investment or interest;
- 20 2. The name of the business entity in which each investment is held, and a general  
21 description of the business activity in which the business entity is engaged;
- 22 3. The address or other precise location of the real property;

1           4. A statement whether the fair market value of the investment or interest in real property  
2 equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

3           (B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the  
4 statement shall contain:

5           1. The name and address of each source of income aggregating \$500 or more in value, or  
6 \$50 or more in value if the income was a gift, and a general description of the business activity,  
7 if any, of each source;

8           2. A statement whether the aggregate value of income from each source, or in the case of  
9 a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater  
10 than \$10,000, or greater than \$100,000;

11           3. A description of the consideration, if any, for which the income was received;

12           4. In the case of a gift, the name, address and business activity of the donor and any  
13 intermediary through which the gift was made; a description of the gift; the amount or value of  
14 the gift; and the date on which the gift was received;

15           5. In the case of a loan, the annual interest rate and the security, if any, given for the loan  
16 and the term of the loan.

17           (C) Business Entity Income Disclosure. When income of a business entity, including  
18 income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

19           1. The name, address, and a general description of the business activity of the business  
20 entity;

21           2. The name of every person from whom the business entity received payments if the  
22 filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

1 (D) Business Position Disclosure. When business positions are required to be reported, a  
2 designated employee shall list the name and address of each business entity in which ~~he or she~~  
3 the employee is a director, officer, partner, trustee, employee, or in which ~~he or she~~ the employee  
4 holds any position of management, a description of the business activity in which the business  
5 entity is engaged, and the designated employee's position with the business entity.

6 (E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving  
7 office statement, if an investment or an interest in real property was partially or wholly acquired  
8 or disposed of during the period covered by the statement, the statement shall contain the date of  
9 acquisition or disposal.

10 (8) Section 8. Prohibition on Receipt of Honoraria.

11 (A) No member of a state board or commission, and no designated employee of a state or  
12 local government agency, shall accept any honorarium from any source, if the member or  
13 employee would be required to report the receipt of income or gifts from that source on ~~his or her~~  
14 the member's or employee's statement of economic interests.

15 (B) This section shall not apply to any part-time member of the governing board of any  
16 public institution of higher education, unless the member is also an elected official.

17 (C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this  
18 section.

19 (D) This section shall not limit or prohibit payments, advances, or reimbursements for  
20 travel and related lodging and subsistence authorized by Section 89506.

21 (8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

22 (A) No member of a state board or commission, and no designated employee of a state or  
23 local government agency, shall accept gifts with a total value of more than \$520 in a calendar

1 year from any single source, if the member or employee would be required to report the receipt  
2 of income or gifts from that source on ~~his or her~~ the member's or employee's statement of  
3 economic interests.

4 (B) This section shall not apply to any part-time member of the governing board of any  
5 public institution of higher education, unless the member is also an elected official.

6 (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this  
7 section.

8 (8.2) Section 8.2. Loans to Public Officials.

9 (A) No elected officer of a state or local government agency shall, from the date of ~~his or~~  
10 ~~her~~ the election to office through the date that ~~he or she~~ the officer vacates office, receive a  
11 personal loan from any officer, employee, member, or consultant of the state or local government  
12 agency in which the elected officer holds office or over which the elected officer's agency has  
13 direction and control.

14 (B) No public official who is exempt from the state civil service system pursuant to  
15 subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while  
16 he or she holds office, receive a personal loan from any officer, employee, member, or consultant  
17 of the state or local government agency in which the public official holds office or over which  
18 the public official's agency has direction and control. This subdivision shall not apply to loans  
19 made to a public official whose duties are solely secretarial, clerical, or manual.

20 (C) No elected officer of a state or local government agency shall, from the date of ~~his or~~  
21 ~~her~~ the election to office through the date that ~~he or she~~ the officer vacates office, receive a  
22 personal loan from any person who has a contract with the state or local government agency to  
23 which that elected officer has been elected or over which that elected officer's agency has

1 direction and control. This subdivision shall not apply to loans made by banks or other financial  
2 institutions or to any indebtedness created as part of a retail installment or credit card transaction,  
3 if the loan is made or the indebtedness created in the lender's regular course of business on terms  
4 available to members of the public without regard to the elected officer's official status.

5 (D) No public official who is exempt from the state civil service system pursuant to  
6 subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while  
7 ~~he or she~~ the official holds office, receive a personal loan from any person who has a contract  
8 with the state or local government agency to which that elected officer has been elected or over  
9 which that elected officer's agency has direction and control. This subdivision shall not apply to  
10 loans made by banks or other financial institutions or to any indebtedness created as part of a  
11 retail installment or credit card transaction, if the loan is made or the indebtedness created in the  
12 lender's regular course of business on terms available to members of the public without regard to  
13 the elected officer's official status. This subdivision shall not apply to loans made to a public  
14 official whose duties are solely secretarial, clerical, or manual.

15 (E) This section shall not apply to the following:

16 1. Loans made to the campaign committee of an elected officer or candidate for elective  
17 office.

18 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild,  
19 brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first  
20 cousin, or the spouse of any such persons, provided that the person making the loan is not acting  
21 as an agent or intermediary for any person not otherwise exempted under this section.

22 3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

23 4. Loans made, or offered in writing, before January 1, 1998.

1 (8.3) Section 8.3. Loan Terms.

2 (A) Except as set forth in subdivision (B), no elected officer of a state or local  
3 government agency shall, from the date of ~~his or her~~ the officer's election to office through the  
4 date ~~he or she~~ the officer vacates office, receive a personal loan of \$500 or more, except when  
5 the loan is in writing and clearly states the terms of the loan, including the parties to the loan  
6 agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments  
7 shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

8 (B) This section shall not apply to the following types of loans:

9 1. Loans made to the campaign committee of the elected officer.

10 2. Loans made to the elected officer by his or her spouse, child, parent, grandparent,  
11 grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,  
12 uncle, or first cousin, or the spouse of any such person, provided that the person making the loan  
13 is not acting as an agent or intermediary for any person not otherwise exempted under this  
14 section.

15 3. Loans made, or offered in writing, before January 1, 1998.

16 (C) Nothing in this section shall exempt any person from any other provision of Title 9 of  
17 the Government Code.

18 (8.4) Section 8.4. Personal Loans.

19 (A) Except as set forth in subdivision (B), a personal loan received by any designated  
20 employee shall become a gift to the designated employee for the purposes of this section in the  
21 following circumstances:

22 1. If the loan has a defined date or dates for repayment, when the statute of limitations for  
23 filing an action for default has expired.

1           2. If the loan has no defined date or dates for repayment, when one year has elapsed from  
2 the later of the following:

3           a. The date the loan was made.

4           b. The date the last payment of \$100 or more was made on the loan.

5           c. The date upon which the debtor has made payments on the loan aggregating to less  
6 than \$250 during the previous 12 months.

7           (B) This section shall not apply to the following types of loans:

8           1. A loan made to the campaign committee of an elected officer or a candidate for  
9 elective office.

10          2. A loan that would otherwise not be a gift as defined in this title.

11          3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which  
12 the creditor has taken reasonable action to collect the balance due.

13          4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which  
14 the creditor, based on reasonable business considerations, has not undertaken collection action.  
15 Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this  
16 paragraph has the burden of proving that the decision for not taking collection action was based  
17 on reasonable business considerations.

18          5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately  
19 discharged in bankruptcy.

20          (C) Nothing in this section shall exempt any person from any other provisions of Title 9  
21 of the Government Code.

22          (9) Section 9. Disqualification.

1 No designated employee shall make, participate in making, or in any way attempt to use  
2 ~~his or her~~ the employee's official position to influence the making of any governmental decision  
3 which ~~he or she~~ the employee knows or has reason to know will have a reasonably foreseeable  
4 material financial effect, distinguishable from its effect on the public generally, on the official or  
5 a member of ~~his or her~~ the official's immediate family or on:

6 (A) Any business entity in which the designated employee has a direct or indirect  
7 investment worth \$2,000 or more;

8 (B) Any real property in which the designated employee has a direct or indirect interest  
9 worth \$2,000 or more;

10 (C) Any source of income, other than gifts and other than loans by a commercial lending  
11 institution in the regular course of business on terms available to the public without regard to  
12 official status, aggregating \$500 or more in value provided to, received by or promised to the  
13 designated employee within 12 months prior to the time when the decision is made;

14 (D) Any business entity in which the designated employee is a director, officer, partner,  
15 trustee, employee, or holds any position of management; or

16 (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating  
17 \$500 or more provided to, received by, or promised to the designated employee within 12  
18 months prior to the time when the decision is made.

19 (9.3) Section 9.3. Legally Required Participation.

20 No designated employee shall be prevented from making or participating in the making  
21 of any decision to the extent ~~his or her~~ the employee's participation is legally required for the  
22 decision to be made. The fact that the vote of a designated employee who is on a voting body is

1 needed to break a tie does not make ~~his or her~~ the employees' participation legally required for  
2 purposes of this section.

3 (9.5) Section 9.5. Disqualification of State Officers and Employees.

4 In addition to the general disqualification provisions of section 9, no state administrative  
5 official shall make, participate in making, or use ~~his or her~~ the official's ~~official~~ position to  
6 influence any governmental decision directly relating to any contract where the state  
7 administrative official knows or has reason to know that any party to the contract is a person  
8 with whom the state administrative official, or any member of ~~his or her~~ the official's immediate  
9 family has, within 12 months prior to the time when the official action is to be taken:

10 (A) Engaged in a business transaction or transactions on terms not available to members  
11 of the public, regarding any investment or interest in real property; or

12 (B) Engaged in a business transaction or transactions on terms not available to members  
13 of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

14 (10) Section 10. Disclosure of Disqualifying Interest.

15 When a designated employee determines that ~~he or she~~ the employee should not make a  
16 governmental decision because ~~he or she~~ the employee has a disqualifying interest in it, the  
17 determination not to act may be accompanied by disclosure of the disqualifying interest.

18 (11) Section 11. Assistance of the Commission and Counsel.

19 Any designated employee who is unsure of ~~his or her~~ the duties under this code may request  
20 assistance from the Fair Political Practices Commission pursuant to Section 83114 and  
21 Regulations 18329 and 18329.5 or from the attorney for ~~his or her~~ the employee's agency,  
22 provided that nothing in this section requires the attorney for the agency to issue any formal or  
23 informal opinion.

1 (12) Section 12. Violations.

2 This code has the force and effect of law. Designated employees violating any provision  
3 of this code are subject to the administrative, criminal and civil sanctions provided in the  
4 Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a  
5 violation of the disqualification provisions of this code or of Section 87100 or 87450 has  
6 occurred may be set aside as void pursuant to Section 91003.

7 \_\_\_\_\_

8 <sup>1</sup> Designated employees who are required to file statements of economic interests under  
9 any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may  
10 expand their statement of economic interests to cover reportable interests in both jurisdictions,  
11 and file copies of this expanded statement with both entities in lieu of filing separate and distinct  
12 statements, provided that each copy of such expanded statement filed in place of an original is  
13 signed and verified by the designated employee as if it were an original. See Section 81004.

14 <sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in  
15 agencies who make and retain copies of statements and forward the originals to the filing officer.

16 <sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property  
17 does not include the principal residence of the filer.

18 <sup>4</sup> Investments and interests in real property which have a fair market value of less than  
19 \$2,000 are not investments and interests in real property within the meaning of the Political  
20 Reform Act. However, investments or interests in real property of an individual include those  
21 held by the individual's spouse and dependent children as well as a pro rata share of any  
22 investment or interest in real property of any business entity or trust in which the individual,

1 spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10  
2 percent or greater.

3 <sup>5</sup> A designated employee's income includes ~~his or her~~ the employee's community  
4 property interest in the income of ~~his or her~~ the employee's spouse but does not include salary or  
5 reimbursement for expenses received from a state, local or federal government agency.

6 <sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of  
7 the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In  
8 addition, the disclosure of persons who are clients or customers of a business entity is required  
9 only if the clients or customers are within one of the disclosure categories of the filer.

10 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-  
11 87302, 89501, 89502 and 89503, Government Code.

## 2022 Local Agency Biennial Notice

Name of Agency: City of Hayward

Mailing Address: 777 B Street, Hayward, CA 94580

Contact Person: Miriam Lens Phone No. (510) 583-4401

Email: miriam.lens@hayward-ca.gov Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that *(check one BOX)*:

**An amendment is required. The following amendments are necessary:**

*(Check all that apply.)*

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other *(describe)* \_\_\_\_\_

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is over five years old, amendments may be necessary.)

### Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

Kelly McAdoo

September 12, 2022

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

*(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 22-482

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates to Provide Paratransit Consulting Services for the Hayward Operated Paratransit Program in an Amount Not-to-Exceed \$100,000

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute a Professional Services Agreement with Nelson Nygaard Consulting Associates (Nelson/Nygaard) to provide paratransit consulting services for the Hayward Operated Paratransit (HOP) program in an amount not-to-exceed \$100,000, in a form to be approved by the City Attorney.

**SUMMARY**

The HOP program provides paratransit and related services to eligible enrolled residents and their attendants who live in Hayward, the unincorporated areas of San Leandro, Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.

Since the onset of the COVID-19 pandemic, the demand for paratransit services has changed and many services providers, including HOP service partners, have had to adapt service delivery models in order to meet resident needs while maintaining safe practices. Staff continues to work with these agencies to safely resume services. However, at the conclusion of FY 2021, the majority of HOP service providers did not meet their targeted goals.

Due to these ongoing challenges and potential long-term impacts to public transportation and paratransit services, staff is recommending completing a comprehensive evaluation of the HOP program in order to evaluate existing conditions and HOP services to ensure compliance, identify current needs and service gaps, and determine initial implementation processes.

**ATTACHMENTS**

Attachment I      Staff Report

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**File #:** CONS 22-482

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Attachment II      Resolution  
Attachment III      Single Source Justification Form



**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates to Provide Paratransit Consulting Services for the Hayward Operated Paratransit Program in an Amount Not-to-Exceed \$100,000

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Due to these ongoing challenges and potential long-term impacts to public transportation and paratransit services, staff is recommending completing a comprehensive evaluation of the HOP program in order to evaluate existing conditions and HOP services to ensure compliance, identify current needs and service gaps, and determine initial implementation processes.

**BACKGROUND**

The City of Hayward submits an Annual Paratransit Program Plan to the Alameda County Transportation Commission (Alameda CTC) detailing the proposed parameters of paratransit

service for seniors (70+) and people with certified disabilities. The HOP program, administered by the City's Community Services Division, provides paratransit and related services to eligible enrolled riders and their attendants who live in Hayward, the unincorporated areas of San Leandro, Castro Valley, San Lorenzo, Ashland, and Cherryland.

In 2000, Alameda County voters approved the reauthorization of Measure B, the half-cent transportation sales tax, to deliver essential transportation services and improvements. In November 2014, voters approved Measure BB, authorizing the extension of Measure B to invest in capital projects addressing local transportation needs and programs that improve countywide transportation systems through March 31, 2022. The full one-cent sales tax authorized by Measure BB began on April 1, 2022, and will extend through March 31, 2045. The HOP program is funded in its entirety by Alameda County Measure B/BB Direct Local Distribution, administered by Alameda CTC.

In February each year, the City of Hayward submits an Annual Paratransit Program Plan to the Alameda CTC presenting the proposed parameters of eligible paratransit service for subsequent fiscal year. Alameda CTC staff reviews the City's program plans and provides initial feedback. In April 2022<sup>1</sup>, the proposed FY 2022-2023 Annual Paratransit Program Plan was presented to the Council and approved. The finalized FY 2022-2023 plan was presented to and unanimously approved by the Alameda CTC's Paratransit Advisory and Planning Committee (PAPCO) in late April.

## **DISCUSSION**

The HOP currently operates seven (7) paratransit and transportation related programs to provide a broad range of mobility options in addition to those offered by public transit. Over the last two years, several HOP services have been discontinued due to various reasons, including staffing shortages, operational challenges, and the inability to secure required insurance coverage.

Additionally, the COVID-19 pandemic continues to impact HOP services and participants. Throughout the County, the demand for services and types of services have changed, resulting in some service gaps. Many of HOP service providers have adapted their service delivery model to continue services while adhering to Federal, State, and local guidelines, yet others are no longer available. Staff continues to work with these agencies and have requested updated plans for how the agencies plan to safely resume services. At the conclusion of FY 2021, the majority of HOP service providers did not meet their targeted goals and continue to struggle to keep up with a changing mobility landscape.

Due to these ongoing challenges and potential long-term impacts to public transportation and paratransit services, staff recommends a comprehensive evaluation of the HOP program and requests a single source approval for Nelson\Nygaard Consulting Associates to complete the evaluation.

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<sup>1</sup> April 5, 2022, Staff Report and Attachments  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5542822&GUID=839C9074-3043-45D0-89CE-E6F4B284F7B9&Options=&Search=>

Staff received a quote from Nelson\Nygaard in the amount of \$90,000 for the proposed evaluation and implementation plan. Given the scope of work, staff is recommending a not-to-exceed amount of \$90,000 for the proposed services and \$10,000 for additional services that the City may authorize if needed, for a total not-to-exceed contract amount of \$100,000. Staff has reviewed the costs for similar work performed for other agencies and believes that the negotiated contract amount is reasonable.

The proposed scope of work is as follows:

| Task                                      | Cost      |
|---|-----------|
| Evaluate existing conditions              | \$20,000  |
| Peer reviews of relevant programs         | \$6,000   |
| Community engagement                      | \$30,000  |
| Identify needs and gaps from prior tasks  | \$14,000  |
| Identify initial implementation processes | \$20,000  |
| Additional Services                       | \$10,000  |
| Total                                     | \$100,000 |

Nelson\Nygaard is a transportation planning firm committed to mobility, accessibility, and sustainability for all, with experience managing a wide range of multi-faceted paratransit programs. Per Alameda CTC Memorandum 6.9<sup>2</sup>, Nelson\Nygaard was awarded a two-year contract with the option to extend for an additional three years to support Alameda CTC’s paratransit coordination. As part of their agreement, Nelson\Nygaard coordinates, monitors, prepares reports, researches, advises Alameda CTC staff on funding programs for seniors and people with disabilities, and provides technical assistance to support the implementation of local paratransit programs, including city-based programs such as HOP.

Neighboring jurisdictions, including the City of San Leandro that had historically partnered with HOP to administer the TNC on-demand service, are also in contract with Nelson\Nygaard to conduct similar consulting projects. Nelson\Nygaard is uniquely positioned to support local jurisdictions that administer city-based paratransit programs, such as the City of Hayward. If approved, Nelson\Nygaard would evaluate existing conditions and HOP services to ensure compliance, identify needs and service gaps, and identify initial implementation processes.

**ECONOMIC IMPACT**

The HOP is solely funded by Alameda County Measure B/BB funds. The services offer cost-effective transportation alternatives for eligible residents on fixed incomes. Caregivers also benefit when loved ones have reliable transportation options.

**FISCAL IMPACT**

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<sup>2</sup> April 15, 2021, Alameda CTC Memorandum 6.9  
[https://www.alamedactc.org/wp-content/uploads/2021/04/6.9\\_COMM\\_Para\\_Contract\\_Award\\_20210422.pdf](https://www.alamedactc.org/wp-content/uploads/2021/04/6.9_COMM_Para_Contract_Award_20210422.pdf)

On April 5, 2022, Council adopted a resolution approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and budget. Furthermore, this project is programmed in the Alameda CTC approved FY 2022-2023 Annual Paratransit Program Plan Application for Measure BB Funding. Per Resolution 22-079, Council authorized an additional \$100,000 in FY 2023 for Research, Marketing, and Data Collection. These funds are sufficient for the proposed evaluation.

The program costs, including research marketing and data collection costs, are entirely offset by the City's Measure B/BB Paratransit special revenue fund derived from Measure B/BB sales tax revenues administered by Alameda CTC. This is no impact to the City's General Fund.

### **STRATEGIC ROADMAP**

The HOP program provides specialized services to seniors and individuals with certified disabilities and collaborates with Hayward Public Works to implement infrastructure improvements to increase safety and walkability in the City. This project intends to identify HOP service gaps and address unmet needs which supports the Strategic Priorities of Enhance Community Safety & Quality of Life and Invest in Infrastructure.

### **PUBLIC CONTACT**

No public contact has been made related to this item. However, community outreach and engagement will be conducted as part of the evaluation. The public will have an opportunity to provide comments prior to the implementation of any major changes to the HOP program.

### **NEXT STEPS**

If Council approves, the City Manager will execute the single source agreement with Nelson/Nygaard for paratransit consulting services (Attachment III). The proposed evaluation and initial implementation process is expected to be completed in FY 2023.

*Prepared by:* Carol Lee, Management Analyst

*Recommended by:* Monica Davis, Community Services Manager  
Jennifer Ott, Assistant City Manager

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH NELSON NYGAARD CONSULTING ASSOCIATES, TO PROVIDE PARATRANSIT CONSULTING SERVICES FOR THE HAYWARD OPERATED PARATRANSIT (HOP) PROGRAM IN AN AMOUNT NOT-TO-EXCEED \$100,000

WHEREAS, voters approved the 20-year Measure BB half-cent transportation sales tax on November 4, 2014 and the funding agreement of the measure between the Alameda County Transportation Commission and the City of Hayward; and

WHEREAS, the full one-cent sales tax authorized by Measure BB began April 1, 2022, and will extend through March 31, 2045; and

WHEREAS, the HOP program is funded in its entirety by Alameda County Measure B/BB Direct Local Distribution, administered by Alameda County Transportation Commission; and

WHEREAS, the City's HOPO program is designed to complement and supplement the East Bay Paratransit service when it is unable to provide service or meet the needs of HOP participants who are seniors (70+) and people with certified disabilities; and

WHEREAS, HOP engages community partners to carry out all services through the Annual Paratransit Program Plan subject to Measure B/BB funding availability; and

WHEREAS, since the onset of the COVID-19 pandemic, the demand for paratransit services has changed and many HOP service partners, have had to adapt service delivery models in order to meet resident needs while maintaining safe practices; and

WHEREAS, staff continues to work with these agencies to safely resume services, but at the conclusion of FY 2021, the majority of HOP service providers did not meet their targeted goals; and

WHEREAS, due to these ongoing challenges and potential long-term impacts to public transportation and paratransit services, staff is recommending completing a comprehensive evaluation of the HOP program in order to evaluate existing conditions and HOP services to ensure compliance, identify current needs and service gaps, and determine initial implementation processes; and

WHEREAS, Nelson Nygaard Consulting Associates (Nelson\Nygaard) is a transportation planning firm committed to mobility, accessibility, and sustainability for all, with experience managing a wide range of multi-faceted paratransit programs

WHEREAS, Nelson\Nygaard coordinates, monitors, prepares reports, researches, advises Alameda CTC staff on funding programs for seniors and people with disabilities, and provides technical assistance to support the implementation of local paratransit programs, including city-based programs such as HOP; and

WHEREAS, Nelson\Nygaard is uniquely positioned to support local jurisdictions that administer city-based paratransit programs, such as the City of Hayward; and

WHEREAS, staff is requesting single source approval for Nelson\Nygaard to evaluate existing conditions and HOP services to ensure compliance, identify needs and service gaps, and identify initial implementation processes; and

WHEREAS, on April 5, 2022, Council adopted Resolution 22-079, approving the FY 2023 Measure B/BB Annual Paratransit Program Plan and budget, authorizing an additional \$100,000 from Fund 217 (Measure B Paratransit Operations) in FY 2023 for Research, Marketing, and Data Collection; and

WHEREAS, these funds are sufficient for the proposed evaluation; and

WHEREAS, program costs, including research marketing and data collection costs, are entirely offset by the City's Measure B/BB Paratransit special revenue fund derived from Measure B/BB sales tax revenues and this is no impact to the City's General Fund.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute a single source professional services agreement with Nelson Nygaard Consulting Associates, to provide paratransit consulting services for the Hayward Operated Paratransit program in an amount not-to-exceed \$100,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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



777 B STREET • HAYWARD • CA • 94541-5007

**SINGLE SOURCE/SOLE SOURCE JUSTIFICATION****Purchasing and Services Division**

510-583-4800 • 510-583-3600 FAX

[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

**Instructions:** Use this form whenever a specific product or services is required and no other acceptable alternatives is available and/or suitable. Please submit this form to the Purchasing Division **completed with the approval of the City Manager or Assistant City Manager.**

Section 1: Type of Justification – Check **ONLY ONE** BOX below.

- SINGLE SOURCE JUSTIFICATION:** Item or services being requested has unique performance features not found in other items but is available on the open market from multiple sources. Specific brand or manufacturer is required to complete task but it can be obtained from more than once source at the time.
- SOLE SOURCE JUSTIFICATION:** Item or services being requested has unique performance features not found in other items **and is available only from a single manufacturer or from single dealer with exclusive distribution rights.**

Section 2: Required Information

*All questions below must be fully completed to support a sole brand or sole source procurement. Attach any additional information to expand justification.*

**1. What is the particular product/services and the vendor chosen?**

Nelson\Nygaard Consulting Associates (Nelson\Nygaard) is being recommended to provide specialized paratransit services in the form of a comprehensive evaluation of Hayward Operated Paratransit (HOP) program. Nelson\Nygaard will evaluate existing conditions and HOP services to ensure compliance, identify needs and service gaps, and identify initial implementation processes.

**2. What are the unique performance features of the product/service you have specified that are not available from any other source? Be specific.**

Nelson\Nygaard serves as consultants to the Alameda County Transportation Commission (Alameda CTC), supporting a range of transportation services and programs to support access throughout the county, including public transit, ADA paratransit, city-based paratransit programs, and organizations that provide volunteer drivers and/or training on how to travel using these services.

**3. Why are these specific performance features required to perform its intended function? Explain why the design/performance features are essential.**

As the consultant supporting Alameda CTC's accessible transportation services available in Alameda County, Nelson\Nygaard is uniquely positioned to support local jurisdictions who administer city-based paratransit programs, such as the City of Hayward. The Nelson\Nygaard team has expertise in the management and oversight of transportation services and programs that support seniors and people with disabilities, including: public meeting facilitation and coordination; administration and coordination of local, regional, state and federal grant funding; outreach and information services; coordination with partner agencies; development and management of countywide initiatives; and technical assistance.

**4. Explain efforts made to obtain best possible price. What is the anticipated cost for this purchase? Why do you consider the price to be fair and reasonable?**

Nelson\Nygaard will work with staff to prepare a detailed budget reflecting time and materials, but the initial scope of work include the following items and cost estimates:

- Evaluate existing conditions - \$20,000
  - Description and demographics of Hayward and surrounding unincorporated areas
  - Description of existing transportation options – City and non-City, and performance
  - Special focus on unincorporated areas, e.g. what is outside of East Bay Paratransit Service area
  - Funding landscape
- Peer reviews of relevant programs - \$6,000
  - What do these tell us about options and best practices?
  - Discuss with staff in small training meeting/workshop
- Community engagement - \$30,000
  - Determine methods – survey, social media? Workshops/open houses? Set up TAC?
  - Attend existing stakeholder meetings, online? In-person?

- Identify needs and gaps from prior tasks - \$14,000
  - Match strategies to needs
  - Develop strategies and prioritize, stakeholders involved in prioritization?
- Identify initial implementation processes - \$20,000
  - Marketing and outreach
  - Modifications/improvements to existing programs/policies
  - Development/launch of new programs
  - Plan to set up performance metrics and monitoring systems
  - Final report

**5. What other comparable products or services are available and why were they rejected and does not meet the department’s needs? State specific reasons to include manufacturer, brand name, model and vendor name.**

Nelson\Nygaard is uniquely positioned to provide services having direct knowledge of both the City’s existing Paratransit Program as well as extensive stakeholder input from involvement with Paratransit Advisory and Planning Committee (PAPCO) and related advocacy on behalf of seniors and people with disabilities.

**Section 3: Certification**

I am aware of the requirement for competitive bidding and the established criteria for justification of sole source purchases. As an authorized department representative, I have gathered the required technical information and have made a concentrated effort to review comparable products and services for this purchase.

|   |   |
|---|---|
| Requestor – Print Name:<br>Monica E. Davis, CSD Manager                 | Date:<br>August 17, 2022  |
| Department Head Signature:<br><i>Jennifer Ott</i><br>17D3BA463BE24F0... | Department:<br>Community Services Division – Office of the City Manager |

**Section 4: Approval/Endorsement**

|  |                 |                 |
|--|-----------------|-----------------|
| Director of Finance:<br><i>Dustin Claussen</i><br>87DE996A10944/ | Dustin Claussen | Date: 8/18/2022 |
| City Manager/Asst:<br><i>Kelly McAdoo</i><br>38D5F24F5EFE4F8...  | Kelly McAdoo    | Date: 8/18/2022 |

Revised 08/07/15



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 22-508

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt Resolutions Authorizing the City Manager to 1) Execute a Professional Services Agreement with Raftelis to Prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Studies and Connection Fee Study in an Amount Not-to-Exceed \$200,000 and Transfer \$10,000 from the Water Fund to Recycled Water Fund, and 2) Appropriate \$200,000 from the Utilities Enterprise Funds

**RECOMMENDATION**

That Council adopts two resolutions:

1. Authorizing the City Manager to execute a professional service agreement (PSA) with Raftelis, in a form to be approved by the City Attorney, to prepare the FY24 and FY25 water, wastewater, recycled water (Utilities) rate study and connection fee study in an amount not -to-exceed \$200,000, and transfer \$10,000 from the Water System Operating Fund to the Recycled Water Operating Fund (Attachment II); and
2. Appropriating \$95,000 in the Water System Operating Fund, \$95,000 in the Wastewater Operating Fund, and \$10,000 in the Recycled Water Operating Fund for a total of \$200,000 for this project (Attachment III).

**SUMMARY**

The purpose of utility rate studies is to recommend rate structures that will fully recover operating costs and maintenance of the utilities system infrastructure, maintain adequate utilities enterprise fund balances, and comply with all applicable laws and regulations, including Proposition 218 and Proposition 26. Proposition 218 requires that property-based fees not exceed the cost of providing service, and Proposition 26 allows Council to approve fees imposed as a condition of property development. The City reviews and prepares utility rate studies every two years. Connection fees are reviewed periodically as new infrastructure is constructed and future capital improvements are needed to serve new development. The purpose of connection fee studies is to recommend fees that will ensure that new development fairly and adequately contributes to the cost of existing and planned infrastructure.

Staff recommends that Council approve a PSA with Raftelis, in an amount not-to-exceed \$200,000, for

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**File #:** CONS 22-508

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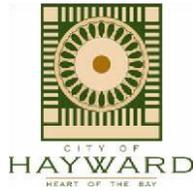
preparation of the FY24 and FY25 utilities rates and connection fees to ensure continued compliance with Proposition 218 for utilities rates, as well as that new development fairly and adequately contributes to the cost of existing and planned infrastructure. Staff also recommends that the work be funded from the Water System Operating Fund, Wastewater Operating Fund, and Recycled Water Operating Fund and a total of \$200,000 be appropriated from the fund balances for this service.

**ATTACHMENTS**

Attachment I Staff Report

Attachment II Resolution - PSA with Raftelis

Attachment III Resolution - Appropriation of Funds



**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to 1) Execute a Professional Services Agreement with Raftelis to Prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Studies and Connection Fee Study in an Amount not-to-Exceed \$200,000 and Transfer \$10,000 from the Water Fund to Recycled Water Fund, and 2) Appropriate \$200,000 from the Utilities Enterprise Funds

## **RECOMMENDATION**

That Council adopts two resolutions:

1. Authorizing the City Manager to execute a professional service agreement (PSA) with Raftelis, in a form to be approved by the City Attorney, to prepare the FY24 and FY25 water, wastewater, recycled water (Utilities) rate study and connection fee study in an amount not-to-exceed \$200,000, and transfer \$10,000 from the Water System Operating Fund to the Recycled Water Operating Fund (Attachment II); and
2. Appropriating \$95,000 in the Water System Operating Fund, \$95,000 in the Wastewater Operating Fund, and \$10,000 in the Recycled Water Operating Fund for a total of \$200,000 for this project (Attachment III).

## **SUMMARY**

The purpose of utility rate studies is to recommend rate structures that will fully recover operating costs and maintenance of the utilities system infrastructure, maintain adequate utilities enterprise fund balances, and comply with all applicable laws and regulations, including Proposition 218 and Proposition 26. Proposition 218 requires that property-based fees not exceed the cost of providing service, and Proposition 26 allows Council to approve fees imposed as a condition of property development. The City reviews and prepares utility rate studies every two years. Connection fees are reviewed periodically as new infrastructure is constructed and future capital improvements are needed to serve new development. The purpose of connection fee studies is to recommend fees that will

ensure that new development fairly and adequately contributes to the cost of existing and planned infrastructure.

Staff recommends that Council approve a PSA with Raftelis, in an amount not-to-exceed \$200,000, for preparation of the FY24 and FY25 utilities rates and connection fees to ensure continued compliance with Proposition 218 for utilities rates, as well as that new development fairly and adequately contributes to the cost of existing and planned infrastructure. Staff also recommends that the work be funded from the Water System Operating Fund, Wastewater Operating Fund, and Recycled Water Operating Fund and a total of \$200,000 be appropriated from the fund balances for this service.

## **BACKGROUND**

The City's utilities enterprises are funded solely by revenues generated from usage rates and service fees and do not rely on General Fund monies. The utilities rates support related system operating and maintenance costs, including staffing, debt service obligations, and replacements. In addition, the water rates cover costs, including wholesale water purchases, and the wastewater rate supports costs associated with the Industrial Pretreatment Program, consisting of permitting, inspection, and monitoring of industrial wastewater to ensure compliance with all federal, State, and local discharge regulations for protection of the Water Pollution Control Facility and the public waters. The Council approved the last water and sewer rate adjustments in July 2021 for FY22 and FY23. The most recent water rate study was completed by an external consultant to ensure compliance of all applicable laws and regulations, including Proposition 218.

The recycled water rate pays for the costs of treatment and delivery of recycled water to customers and is determined through an assessment of revenue requirements and anticipated recycled water purchase volumes. The recycled water rate study was last prepared by staff in 2019.

Water and sewer connection fees are paid to connect a new development to the public water and sewer system and are used to fund improvement and expansion of water and sewer systems to accommodate the development and to defray the expenses paid by customers over the recent years for development and improvement of the systems. The fees also cover an incremental cost of future expansion and improvements necessary to accommodate new developments. Water connection fees were last adjusted in October 2015 and the sewer connection fees have not been adjusted since October 2011.

While the City periodically prepares rate studies in house, the laws and regulations related to utilities rates and fees have become increasingly complex and subject to new laws. The current water usage and service fees were prepared with consultant support. Staff recommends that the full suite of FY24 and FY25 utilities rates and fees be developed by a consultant to ensure that the City is in compliance with all applicable requirements.

## **DISCUSSION**

Staff issued a Request for Proposals on July 11, 2022, to three qualified consulting firms to obtain professional services for preparation of the FY24 and FY25 utilities rates study and connection fee study. The scope of work includes development of long-term financial

plans, costs of service analysis, and proposed utilities usage and service fees for water, wastewater, and recycled water service consistent with industry standards and Proposition 218, as well as proposed connection fees for water and wastewater that will ensure new development fairly and adequately contributes to the cost of existing and planned infrastructure.

The City received proposals from two qualified firms: NBS and Raftelis. The proposals were evaluated and ranked by a team of staff members based on qualifications, experience, proposed work plan, and the reasonableness of the labor hours and rates. Based on this objective evaluation, staff recommends that the City execute an agreement with Raftelis.

Raftelis has proposed a knowledgeable and experienced project team, with extensive experience in utilities rate studies and connection fee studies specific to public agencies. Raftelis prepared Hayward’s water rate study in 2020, and has experience with other agencies who, like Hayward, purchase water from the San Francisco Public Utilities Commission (SFPUC), including Alameda County Water District, City of Palo Alto, City of San Jose, and Coastside County Water District. The firm demonstrated knowledge of Proposition 218 requirements and has prepared a work plan and detailed schedule to meet the City’s requirements and timeline, including sufficient time for City staff review. The number of labor and hourly rates are reasonable for the scope of work.

**ECONOMIC IMPACT**

There are no direct economic impact associated with approving this item. Staff will return to the Council with recommendations for rate and fee adjustments, if justified, once the studies have been completed.

**FISCAL IMPACT**

Staff is requesting a total of \$10,000 be transferred from the Water System Operating Fund (Fund 605) to the Recycled Water Operating Fund (Fund 630).

Additionally, Staff is requesting a total of \$200,000 be appropriated from the Water System Operating Fund, Wastewater System Operating Fund, and Recycled Water Operating Fund as follows:

| <b>Fund</b>                   | <b>Amount</b>    |
|-------------------------------|------------------|
| Water System Operating Fund   | \$95,000         |
| Wastewater Operating Fund     | \$95,000         |
| Recycled Water Operating Fund | \$10,000         |
| <b>Total</b>                  | <b>\$200,000</b> |

There will be no impact to the General Fund.

## **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to one of the Council's six Strategic Priorities.

## **SUSTAINABILITY FEATURES**

There are no direct sustainability features associated with this item.

## **PUBLIC CONTACT**

The public will be engaged during the Council review of the draft rates.

## **NEXT STEPS**

If Council approves staff's recommendation, staff will take the steps necessary to execute a PSA with Raftelis and prepare the FY24 and FY25 utilities rates and connection fees in compliance with all mandated requirements and submittal deadlines. If any utilities connection fees adjustments are proposed, staff will consider including the proposed fees as part of the Master Fee Schedule process around March 2023. Council is scheduled to consider the utilities rate adjustments in a work session around April 2023 and hold a public hearing around June 2023.

*Prepared by:* Trang Nguyen, Management Analyst

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS TO PREPARE THE FY24 AND FY25 WATER, WASTEWATER, RECYCLED WATER RATE STUDY AND CONNECTION FEE STUDY IN AN AMOUNT NOT TO EXCEED \$200,000 AND TRANSFER \$10,000 FROM WATER OPERATING FUND TO RECYCLED WATER OPERATING FUND

WHEREAS, the cost-of-service analysis of the Utilities rates and connection fees are reviewed and prepared every two years; and

WHEREAS, the purpose of the Utilities Rates Studies is to recommend Utilities rate structures that will fully recover operating costs and maintenance of the Utilities system infrastructure, maintain adequate Utilities enterprise fund balances and comply with all applicable laws and regulations, including Proposition 218, which requires that property-based fees not exceed the cost of providing service; and

WHEREAS, the purpose of the connection fee studies is to recommend fees that will ensure that new development fairly and adequately contributes to the cost of existing and planned infrastructure; and

WHEREAS, the City issued a Request for Proposals to three qualified firms for professional services to prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Study and Connection Fee Study; and

WHEREAS, the City received two proposals, and after objectively evaluating proposals, has determined that Raftelis possesses the necessary experience and technical skills to perform the work; and

WHEREAS, the City has available funds in the Water System Operating Fund (Fund 605) to support the \$10,000 transfer to the Recycled Water System Operating Fund (Fund 630).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute a professional services agreement with Raftelis for preparation of the FY24 and FY25 Water, Wastewater, Recycled Water Rate Study and Connection Fee Study in an amount not to exceed \$200,000 in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that City Manager is hereby authorized and directed to transfer \$10,000 from the Water System Operating Fund (Fund 605) to the Recycled Water System Operating Fund (Fund 630).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE A TOTAL OF \$200,000 FOR THE FY24 AND FY25 WATER, WASTEWATER, RECYCLED WATER RATE STUDY AND CONNECTION FEE STUDY

WHEREAS, the cost-of-service analysis of the Utilities rates and connection fees are reviewed and prepared every two years; and

WHEREAS, the City issued a Request for Proposals to three qualified firms for professional services to prepare the FY24 and FY25 Water, Wastewater, Recycled Water Rate Study and Connection Fee Study; and

WHEREAS, the City received two proposals, and after objectively evaluating proposals, has determined that Raftelis possesses the necessary experience and technical skills to perform the work; and

WHEREAS, the City has available funds in the Water System Operating Fund (Fund 605) to support the \$10,000 transfer to the Recycled Water System Operating Fund (Fund 630),

WHEREAS, Council authorized entering into a professional services agreement with Raftelis to receive \$200,000 for the FY24 and FY25 water, wastewater, recycled water rate study and connection fee study; and

WHEREAS, the City has available funds in the Water System Operating Fund (Fund 605) and the Wastewater System Operating Fund (Fund 610).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to appropriate \$95,000 in the Water System Operating Fund (Fund 605), \$95,000 in the Wastewater System Operating Fund (Fund 610), and \$10,000 in the Recycled Water System Operating Fund (Fund 630) for a total of \$200,000.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 22-494

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Adopt a Resolution Authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay, to the Hayward Area Recreation and Park District

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay to the Hayward Area Recreation and Park District (HARD).

**SUMMARY**

The SoHay development of Route 238, Parcel Group 1 included the relocation and expansion of Valle Vista Park. The Developer, HARD, and the City of Hayward entered into a Park Improvement Agreement (Attachment III) to govern the development and ultimate property transfers for the park. The park improvements are now complete and staff recommends Council authorize granting the “MAE Parcel” to HARD in accordance with the agreement.

**ATTACHMENTS**

|                |                            |
|----------------|----------------------------|
| Attachment I   | Staff Report               |
| Attachment II  | Resolution                 |
| Attachment III | Park Improvement Agreement |
| Attachment IV  | Tract 8428                 |
| Attachment V   | HARD Park Acceptance       |



**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director

**SUBJECT:** Adopt a Resolution Authorizing a Grant Deed for the “MAE Parcel” of Tract 8428, SoHay, to the Hayward Area Recreation and Park District

**RECOMMENDATION**

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**SUMMARY**

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**BACKGROUND**

The SoHay Mixed Use Development consists of a cohesive, mixed-use, transit-oriented project with a total of 472 residential units, approximately 20,000 square feet of commercial space, 2.46 acres of public parks and trails, and related site improvements. HARD previously owned and operated the Valle Vista Park on approximately 1 acre of land within the project development limits. The Park Improvement Agreement included transfer of the existing park property to the Developer for residential use in exchange for a newly constructed park and trails on Parcels J and L of Tract Map 8428 (Attachment IV).

Consistent with the agreement, Parcel J was dedicated to and accepted by the City on the Tract Map. Parcel L was offered for dedication to HARD on the Tract Map and subsequently accepted by the HARD Board (Attachment V). The Park Improvement Agreement also obligates the City to transfer the “MAE Parcel” to HARD following completion of improvements.

**DISCUSSION**

The SoHay development includes improvements on both sides of an existing Alameda County Flood Control and Water Conservation District (“Flood Control”) channel, which was reserved as Parcel I on the Tract Map. In addition to Parcel I, a Maintenance Access Easement (“MAE”) was reserved for the benefit of Flood Control over a portion of the City-owned Parcel J. The MAE was improved with a paved trail that served a dual purpose for the Flood Control’s maintenance activities and as a public trail extending through the development.

The Park Improvement Agreement specified that the City transfer the “MAE Parcel” as a separate parcel to HARD. Since the MAE area is only a portion Parcel J and not established as a separate legal parcel on the Tract Map 8428, the proposed grant deed will create the “MAE Parcel” as intended in the Park Improvement Agreement. Per Government Code Section 66428 any conveyance of land to or from another government entity is exempt from the requirement of a Parcel Map and may be conveyed by deed. Additionally, conveyance of land to another government entity is exempt from the Surplus Land Act.

The “MAE Parcel” is subject to the Maintenance Access Easement in favor of the Flood Control and reservation of water line easements, sanitary sewer easements, and public utilities easements as shown on Tract Map 8428. The City will retain the remainder of Parcel J in fee title ownership.

The grant deed of the “MAE Parcel” was contemplated and evaluated as part of the Mitigated Negative Declaration approved along with Vesting Tentative Map Application 201704129 with Council Resolution 18-075.

## **ECONOMIC AND FISCAL IMPACT**

Redevelopment of the SoHay mixed use development is expected to have a significant positive economic and fiscal benefit to the City. Granting of the “MAE Parcel” to HARD is a part of the larger SoHay development.

## **STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES**

The public trail located within the “MAE Parcel” supports Enhance Community Safety and Quality of Life and Invest in Infrastructure priorities in the City’s Strategic Roadmap by providing pedestrian and bicycle facilities and connections that promote recreation and alternate modes of transportation.

## **NEXT STEPS**

The City Manager will execute the grant deed for the “MAE Parcel.” HARD’s Board of Directors will need to accept the grant deed prior to recording with Alameda County and formal transfer of title.

*Prepared by:* Scott Wikstrom, Development Services Engineer

*Recommended by:* Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read "Kelly McAdoo", with a long horizontal stroke extending to the right.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_\_

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

RESOLUTION AUTHORIZING A GRANT DEED FOR THE MAE PARCEL OF TRACT 8428, SOHAY, TO THE HAYWARD AREA RECREATION AND PARK DISTRICT (HARD)

WHEREAS, the City Council of the City of Hayward by Resolution No. 18-075 approved a General Plan Amendment, Zone Change, and Vesting Tentative Map (Tract 8428) for a project commonly known as the SoHay Mixed Use Development which include conditions of approval requiring the redevelopment of Valle Vista Park owned and operated by HARD; and

WHEREAS, the City of Hayward, HARD, and William Lyon Homes, Inc (the "Developer") entered into a Park Improvement Agreement for the Valle Vista Park Relocation, Expansion, and Improvement dated December 20, 2019; and

WHEREAS, the Developer and its successors have completed construction of the park improvements and HARD, by Resolution No. R2122-40, has acknowledged completion and accepted the offer of dedication for the Parcel L of Tract 8428; and

WHEREAS, the Park Improvement Agreement requires the City, following completion of park improvements to grant the area known as the MAE Parcel, a portion of Parcel J of Tract 8428 to HARD; and

WHEREAS, the MAE Parcel can more properly be described as the "MAE" (Maintenance Access Easement) as shown on that Map "Tract 8428", filed December 12, 2018 in Book 359 of Maps a Pages 1-11, Alameda County Records; and

WHEREAS, pursuant to Government Code Section 66428 any conveyance of land to or from another government entity is exempt from the requirement of a Parcel Map and may be conveyed by deed and similarly is exempt from the Surplus Land Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to execute a grant deed for the MAE Parcel to HARD. Reference is hereby made to the description of the MAE Parcel attached hereto as Exhibit A.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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

**EXHIBIT A**  
**Legal Description**  
**MAE Parcel, Tract 8428**

All that real property situates in the City of Hayward, County of Alameda, State of California described as follows:

The area designated as "MAE" (Maintenance Access Easement) as shown on that Map "Tract 8428", filed December 12, 2018 in Book 359 of Maps at Pages 1-11, Alameda County Records.

**PARK IMPROVEMENT AGREEMENT**  
(Sohay Mixed Use Development-  
Valle Vista Park Relocation, Expansion And Improvement)

This PARK IMPROVEMENT AGREEMENT (“*Agreement*”) is made and entered into on ~~September 20~~<sup>December 20</sup>, 2019 (“*Effective Date*”) by and among the CITY OF HAYWARD, a municipal corporation (“*City*”); the HAYWARD AREA RECREATION AND PARK DISTRICT, a California special district (“*HARD*”); and WILLIAM LYON HOMES, INC., a California corporation (the “*Developer*”). Developer, City and HARD shall be collectively referred to herein as the “*Parties*” and each shall be singularly referred to herein as a “*Party*”.

**RECITALS**

- A. On May 8, 2018, pursuant to Resolution No. 18-075 (“*Resolution*”), the Hayward City Council (“*City Council*”) approved Developer’s request for a General Plan Amendment (“*GPA*”), Zone Change and Vesting Tentative Map (Tract 8428) (“*VTM*”) for a project commonly known as the SoHay Mixed Use Development, and adopted the related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, subject to specified conditions of approval attached to the Resolution as Exhibit I.a (collectively, “*COAs*” and individually, “*COA*”). For purposes of this Agreement, the GPA, Zone Change and VTM shall be collectively referred to herein as the “*Project Approvals*”.
- B. The SoHay Mixed Use Development consists of a cohesive, mixed-use, transit-oriented project on vacant, under-utilized parcels, with a total of approximately four hundred seventy two (472) residential units; approximately twenty thousand (20,000) square feet of commercial space; approximately 2.46 acres of public parks and trails; and related site improvements (collectively, “*Project*”). The Project will be located on an approximately twenty five (25)-acre site that is roughly bounded by Mission Boulevard on the east, the BART tracks on the west, Industrial Parkway on the south, and Valle Vista Avenue on the north (“*Project Site*”), as more particularly described in the legal description, which is attached hereto as Exhibit 1 and shown on the Project Site Map, which is attached hereto as Exhibit 2, both of which are incorporated by reference.
- C. HARD previously owned and operated the Valle Vista Park, on an approximate one (1) acre parcel of land located on property identified on the VTM as “*Lot 5*”. In June 2017, HARD's governing board adopted a resolution authorizing HARD to enter into an option agreement whereby HARD would, upon City's exercise of the option, transfer to the City, or the City's designee, the existing Valle Vista Park (“*Existing Park*”) (upon which Developer would thereafter develop a portion of the Project’s residential uses), and Developer would improve and offer to dedicate to HARD a public park and provide easements for trail facilities comprising approximately 2.65 acres of land within the Project Site (“*HARD Option Agreement*”). Pursuant to COA No. 36, City and HARD

entered into that certain HARD Option Agreement for the acquisition of Lot 5, which Developer acquired on August 3, 2018, for the appraised fair market value.

- D. The Developer acquired fee title to Lot 5 and the remainder of the Project Site from the City pursuant to terms of that certain Purchase and Sale Agreement dated May 16, 2017, as such may be amended from time to time (the "**Purchase Agreement**"). Within the Project Site and consistent with the COAs, the Purchase Agreement and that certain Irrevocable Offer to Dedicate, dated as of August 2, 2018 and recorded on August 3, 2018 in the Official Records of Alameda County as Document No. 2018-1543498 (the "**Park Irrevocable Offer**"), Developer intends to improve a portion of the land identified as Parcel 10 (approximately 1.0 acres) as depicted as Parcel L on the Project Site Map ("**Park Site**") and the adjacent lands described as Parcels J and portions of Parcels L and Parcel O on Tract Map 8447 along with Parcel J on Tract Map 8428 with a new public park and related trails and pedestrian bridges. Parcel 10, including the Park Site, is subject to a public park use restriction through December 10, 2029, as evidenced under that certain Director's Deed (DD-032589-01-01) (the "**Director's Deed**").
- E. Developer has agreed to relocate the Existing Park and expand the park amenities. Specifically, the Developer intends to: (1) improve the Park Site in accordance with the terms of this Agreement and the Park Irrevocable Offer and to dedicate the improved Park Site to HARD; (2) improve the approximately 0.4-acre MAE Parcel (defined in Section 3.6 below) with trail improvements in accordance with the terms of this Agreement and the Park Irrevocable Offer (and the City thereafter intends to convey the improved MAE Parcel to HARD, subject to a maintenance easement in favor of the Alameda County Flood Control and Water Conservation District ("**Flood Control**")); (3) improve adjacent lands described as Parcels J and portions of Parcels L and Parcel O on Tract Map 8447 with approximately 0.75-acre trail west of Dixon Street and to dedicate the trail to the HOA, subject to a public access easement; and (4) improve and dedicate two pedestrian bridges over the Flood Control Channel to the Project's Homeowners' Association ("**HOA**"), subject to a public access easement; all as generally shown on the Project Site Map. For purposes of the land transfers, dedications of easement, and other similar depictions on the Project Site Map, if there are any discrepancies or conflict with the depictions on the Project Site Map and the tract maps, the recorded final map will supersede and control.
- F. The Parties desire to enter into this Agreement to satisfy COA No. 54, and to memorialize the Parties' respective understanding regarding the relocation, expansion, improvement and dedication of the new public park and trail facilities contemplated as part of the Project.

### AGREEMENT

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. RECITALS TRUE AND CORRECT. Each Party has reviewed the recitals set forth above and agrees that all facts set forth therein are true and correct.

2. EXISTING VALLE VISTA PARK.

- 2.1. Relocation and Expansion of Existing Park. The Parties acknowledge and agree that it is the intent of this Agreement to facilitate the ultimate relocation and expansion of the Existing Park to the Park Site and adjacent land, as shown on Exhibit 2 and in accordance with the Project Approvals, the HARD Option Agreement, the Park Irrevocable Offer and approved Plans and Specifications (as that term is defined in Section 3.2 below).
- 2.2 License to Operate Existing Park on Lot 5. Pursuant to COA No. 53, concurrently with Developer's acquisition of Lot 5, Developer entered into that certain License Agreement Valle Vista Park, dated as of July 31, 2018 (the "**Park License**"), under which the Developer granted HARD a temporary license to operate the Existing Park until such time as: (a) City has issued a grading permit and demolition permit for the Project; and (b) Developer has commenced the demolition of any existing improvements on Lot 5 and the grading of Lot 5 and the Park Site. On August 6, 2018, the City issued a grading permit and demolition permit and that same day Developer commenced the grading of Lot 5 and the Park Sites; the Park License automatically terminated and is of no further force and effect, except as may be stated otherwise therein.

3. CONSTRUCTION OF PARK AND TRAIL IMPROVEMENTS AND DEDICATION OF SAME AND UNDERLYING FEE INTEREST/EASEMENTS.

- 3.1 The Parties acknowledge and agree that execution of this Agreement shall evidence compliance with the requirement in COA No. 54 that the Developer enter into a Park Improvement Agreement with the City and HARD to develop the final park layout, design and improvements. This Agreement shall be recorded by Developer in Alameda County within ten (10) days of the Effective Date and Developer shall provide copies thereof to the City and HARD.
- 3.2 Pursuant to COA No. 55, Developer is required to construct on the Park Site and adjacent lands, the park and trail improvements located on Parcel J of Tract 8428 and Parcel J of Tract 8447 and pedestrian bridges within twenty (20) months of the issuance of the first grading permit for the first phase of the Project. All park and trail improvements and pedestrian bridges shall be built in a manner consistent with the Project Approvals and as shown on the approved improvement plans and any approved construction requests for information (collectively the "**Plans and Specifications**") identified on Sheets LO-0.00 through L3.3.02 and (collectively, "**Park Improvements**"), on Sheets 1 through 14 (collectively, "**Trail Improvements**"), and on Sheets 1 and 2 (collectively, "**Pedestrian Bridges**"), as such may be revised by the City and HARD. Subject to Developer acquiring the Project Site, HARD's and the City's final approval of the Plans and Specifications for the Park Improvements, and the Trail Improvements and the Pedestrian Bridges and City's issuance of all necessary City permits (i.e., final map(s), demolition permit(s), grading permit(s), building permit(s)), Developer shall promptly commence construction of the Park Improvements, the Trail

Improvements and the Pedestrian Bridges (collectively, the “*Work*”). Developer anticipates to substantially complete the Work no later than eighteen (18) months after commencement of construction of the Work. For purposes of this Agreement, “*substantially complete*” shall mean that the Work is sufficiently complete such that said improvements can be used for their intended purposes and all governmental approvals necessary for the operation and use of the Park Improvements, Trail Improvements and Pedestrian Bridges have been issued. Subject to any extension(s) granted hereunder, no later than twenty (20) months after issuance of the first (1<sup>st</sup>) grading permit for the Project, construction of the Park Improvements, Trail Improvements and Pedestrian Bridges shall be complete and operational, and Developer shall have offered said improvements and the underlying land (either in fee or easement, as applicable) for dedication in accordance with Section 3.6 below. Provided, however, that the foregoing obligations shall be subject to City and HARD issuing all necessary entitlements, approvals, and permits and taking all other necessary actions that are within their respective authority to allow construction of same. The approximately .2 acre 14’ Trail Improvements within the easement from Parcel O to Industrial Blvd in Tract 8447 will be completed concurrent with the immediately adjacent improvements therein and the parties agree and acknowledge that the completion of such Trail Improvements are not subject to the timeframes in this section 3.2. The Developer has, as of the date of this Agreement, delivered to the City and HARD the bonds required under COA 55.

- 3.3 The Parties agree that, at Developer’s request, City and HARD shall grant a thirty (30) day extension (“*Extension*”) to complete the Work so long as Developer is making diligent and commercially reasonable efforts to promptly complete construction of same, but has been delayed and thus will not complete construction within the above-referenced 20-month time frame. Furthermore, if Developer has not completed construction of the Work within the twenty-one (21) month time period (inclusive of the Extension), then City and HARD may, at their collective discretion: (a) require that Developer offer the Park Site and adjoining lands for the Trail Improvements (other than on property to be owned by the HOA) and Pedestrian Bridges to be dedicated to the City or HARD without the completed Park Improvements, Trail Improvements (other than on property to be owned by the HOA) and Pedestrian Bridges; or (b) grant Developer additional extension(s) of time to complete said improvements. If the foregoing dedication without improvements is to occur, then prior to issuance of the building permit for the Park Improvements, Developer shall provide a bond benefiting City and HARD (in a form reasonably approved by City and HARD) in an amount sufficient to assure completion of the Work.
- 3.4 If City accepts the offer of dedication pursuant to Section 3.3, above, then City shall complete the Work and assume all other obligations of Developer hereunder in regards to the Work, the offer of dedication of the Park Site and improvements thereon to HARD and the MAE Parcel together with all improvements thereon to HARD and the Pedestrian Bridges to the HOA, as applicable and all other duties and obligations of Developer hereunder. If HARD accepts the offer of dedication

pursuant to Section 3.3, above, then HARD shall complete the Work and assume all other obligations of Developer hereunder in regards to the Work, HARD shall retain fee ownership of the Park Site and improvements thereon and the trail improvements and improvements on the MAE Parcel, and HARD shall transfer fee title to the Pedestrian Bridges to the HOA, as applicable and all other duties and obligations of Developer hereunder. Such assumption by City or HARD shall not relieve Developer of its obligations or any liability stemming therefrom for the period prior to City or HARD's acceptance of the offer of dedication. As an alternative, City may offer to dedicate the Park Site and adjoining lands for the Trail Improvements and Pedestrian Bridges to HARD to complete the Work and perform the other developer duties and obligations hereunder. In such circumstance, City, upon HARD's acceptance of the offer of dedication, would be relieved of any other Developer duties and obligations hereunder, except as to any obligations or liability stemming from its performance of Developer duties and obligations prior to HARD' acceptance of the offer of dedication.

- 3.5 In accordance with COA No. 54, City and HARD shall have the opportunity to review all draft improvement plans for the Park Improvements, Trail Improvements, and Pedestrian Bridges prior to the approval of the landscape plan for the first tract of the Project. The Developer shall submit the proposed Plans and Specifications, Park Improvements, Trail Improvement and Pedestrian Bridges, which shall include, at a minimum, the components set forth in the proposed Park Improvement Specification List (as may be modified as finalized after the date of this Agreement), which is attached hereto as Exhibit 4 and incorporated herein, to the City and HARD for review and approval. The City and HARD shall review the Plans and Specifications, Park Improvements, Trail Improvements, and the Pedestrian Bridges and shall either approve or disapprove of the design documents in writing within fifteen (15) days of receipt, which approval shall not be unreasonably withheld. If disapproved, the City and HARD shall give specific reasons in writing for disapproval and the required revisions to the draft improvement plans. If the Plans and Specifications, Park Improvements, Trail Improvements, and the Pedestrian Bridges are disapproved, the Developer shall resubmit, a revision to the applicable design document within fifteen (15) days of notification of disapproval. The City and HARD shall either approve or disapprove the submitted revised design document within fifteen (15) days of the date such revision is received, which approval shall not be unreasonably withheld. If City or HARD disapprove of the resubmitted design documents, then representatives of each of the parties shall meet to review and discuss the unapproved design document(s). Developer acknowledges that execution of this Agreement by the City and HARD does not constitute approval by the City or HARD of any required permits, applications, or allocations, and in no way limits the discretion of the City in its typical regulatory plan review process.
- 3.6 Within thirty (30) days of the Work being complete and said improvements being operational, Developer shall offer for dedication: (a) the Park Site (“**Public Park**”) (in fee) as well as the Park Improvements located thereon to HARD; (b) the approximately 0.51-acre area (Parcel J of Tract 8447) shown on Exhibit 2 to

the HOA, subject to a public access easement thereover; (c) the Pedestrian Bridges to the HOA (as defined in Section 4 below), subject to a public access easement thereover; and (d) the approximately 0.24 acre 14' trail through Tract 8447 to the HOA, subject to a public access easement thereon, all in substantially the same form as attached Exhibit 3 (collectively, "*Offers of Dedication*" and individually, "*Offer of Dedication*"). Upon Developer's submittal of the foregoing Offer(s) of Dedication to HARD and the HOA, HARD and the HOA shall accept said offer(s) in accordance with their respective standard procedures within sixty (60) days of said offer(s). The City shall transfer by Grant Deed the approximately 0.4 acre area (the "*MAE Parcel*") shown on Exhibit 2 with any Trail Improvements constructed thereon to HARD, which shall be subject to a maintenance easement in favor of the Alameda County Flood Control District, prior to or concurrently with the Offers of Dedication. The Developer has through the recording of the Final Map dedicated fee title to Parcel J on Tract 8428 (including the MAE Parcel) to the City, but is nonetheless required to construct the trail improvements located thereon pursuant to the terms of this Agreement.

3.7 Notwithstanding anything herein to the contrary, if the Park Improvements or the Trail Improvements on the MAE Parcel, are not constructed in a manner consistent with the approved Plans and Specifications, then HARD shall not be required to accept the Offer of Dedication or the grant deed for the MAE Parcel until Developer performs additional work to cure the inconsistency or to improve the quality of construction to the reasonable satisfaction of HARD. Until such time as HARD or the HOA formally accept the Offer(s) of Dedication, Developer shall be responsible for the operation and maintenance of the Park Improvements, the Trail Improvements and the Pedestrian Bridges, which shall be conducted in a manner consistent with HARD's existing park operations throughout its district boundaries. Upon HARD's and the HOA's formal acceptance of the Offer(s) of Dedication, then HARD, or the HOA, as applicable, shall thereafter own, operate and maintain the Park Improvements, the Trail Improvements, and the Pedestrian Bridges. Provided, however, that the Parties anticipate the costs of said operation and maintenance shall be funded through the new benefit zone established in City's LLD (as described in Section 4 below).

4. LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT. Prior to the issuance of the first (1st) certificate of occupancy for the Project, Developer shall cooperate with City to form a benefit zone(s) to annex within City's existing Landscape and Lighting Assessment District 96-1 ("*LLD*") to provide funding for operations, maintenance and servicing of Project amenities, facilities, landscaping, hardscape, and lighting improvements in public rights-of-way, public areas, and the Park Site as follows, with all other common areas other than those listed in subsections 4.1 excluded from the LLD (and instead being owned, maintained and operated by the HOA. Provided, however, that the Parties acknowledge and agree that Developer's obligations under this Section 4 shall be subject to City's expeditious processing and approval of Developer's request to form said benefit zone and annex same into the LLD.

- 4.1 The Park Site and the Park Improvements thereon, which is adjacent to the Flood Control Channel and between Mission Boulevard and Dixon Street.
5. SCOPE OF WORK. Developer shall perform the Work consistent with the Project Approvals and in accordance with the approved Plans and Specifications to the reasonable satisfaction of the City Engineer and HARD. Said Work shall be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Plans and Specifications, subject to receipt of fee credits described in Section 6 below.
6. SATISFACTION OF PARKLAND OBLIGATIONS; PARK FEE CREDITS.
- 6.1 Satisfaction of Parkland Obligations. The Parties acknowledge and agree that Developer's construction of the Park Improvements, the Trail Improvements, and the Pedestrian Improvements, along with the Offers of Dedication for said improvements and the lands related thereto (either in fee/easements) shall constitute compliance with the Project's parkland obligations under Hayward Municipal Code section 10-16.10 and COA No. 51.
- 6.2 Park Fee Credits. Pursuant to COA No. 51 and in accordance with Hayward Municipal Code section 10-16.47, Developer shall receive fee credit for the estimated cost of, collectively: (a) constructing the Park Improvements, the Trail Improvements, and the Pedestrian Bridges, subject to specified exclusions; and (b) dedicating the related land in fee and/or easements to the applicable public agencies excluding net acreage of the Existing Park ("*Amount of Fee Credit*"). The Amount of Fee Credit to be received is expected to be approximately Four Million Seven Hundred Eighty-Three Thousand Six Hundred and Seven Dollars (\$4,783,607). The Parties acknowledge and agree that, pursuant to COA No. 52, the City reserves the right to cap the Amount of Fee Credit for materials, labor or equipment, if the City believes that the Engineer's Estimate (as that term is defined below) is unreasonable or otherwise overstates Project-related cost (compared to recently completed work, jobs or other known information). Notwithstanding anything to the contrary in the foregoing, it is agreed that Developer shall not receive any fee credits for: (i) the Flood Control channel that will not be publicly accessible; (ii) one (1) acre of land that reflects the acreage of the Existing Park; and (iii) costs related to frontage improvements pursuant to Hayward Municipal Code Section 10-16.25 or any improvements made to the Park Site related to drainage, soil, or non-visible improvements installed pursuant to Provision C3 of the Alameda Cleanwater Program.
- 6.3 Engineer's Estimate. Pursuant to COA No. 52, in order to determine the Amount of Fee Credit, prior to issuance of the first (1<sup>st</sup>) building permit for the Project (excluding models), Developer shall fund and cause to be prepared an engineer's estimate of the costs to construct the Park Improvements, the Trail Improvements and the Pedestrian Bridges, as well as the value of the land dedication (for both fee interest and easements but subject to the exclusions in Section 6.2 above) related thereto ("*Engineer's Estimate*"). Developer shall submit the Engineer's

Estimate for review and approval to City's Public Works (Engineering Division) and the Planning Division in consultation with HARD, with such approval not being unreasonably withheld, delayed or conditioned. City and HARD agree to promptly review the Engineer's Estimate, providing a written response within thirty (30) days of review thereof; to the extent said response does not approve the Engineer's Estimate, then said response shall reasonably document any requested changes by City and/or HARD. As of the date of this Agreement the Engineer's Estimate has been approved.

7. DEVELOPER'S AUTHORIZED REPRESENTATIVE. At all times during the progress of the Work, Developer shall have a competent foreman or superintendent ("***Authorized Representative***") on site with authority to act on behalf of Developer. Developer shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative.
  
8. PERMITS, APPROVALS, AND ENTITLEMENTS; COMPLIANCE WITH APPLICABLE LAWS. Developer shall, at Developer's expense, obtain and maintain all necessary approvals, permits and entitlements that are required to perform the Work, and shall comply with all applicable laws and regulations in its performance of the Work including, without limitation, the Project Approvals. The parties agree and acknowledge that the construction of the park improvements required under this Agreement does not constitute a "public work" as defined in Labor Code Section 1720, et seq., as none of the project will be paid for in whole or in part out of public funds or otherwise trigger the payment of "prevailing wage". In connection with all construction work to be performed by, or on behalf of, the Developer pursuant to this Agreement, if it is determined by the Department of Industrial Relations ("DIR") that the construction of the park improvements triggers the payment of prevailing wage, to the extent required by applicable law, (a) the Developer shall and shall cause the Developer's contractors to pay prevailing wages in the construction of the improvements, and all other construction work performed pursuant to this Agreement, as those wages are determined pursuant to Labor Code Sections 1720 et seq., and the implementing regulations of the DIR and comply with the other applicable provisions of Labor Code Sections 1720 et seq., including but not limited to the hiring of apprentices as required by Labor Code Sections 1775 et seq., and the implementing regulations of the DIR; (b) Developer shall and shall cause the contractors to keep and retain such records as are necessary to determine if such prevailing wages have been paid as required pursuant to Labor Code Sections 1720 et seq., and that apprentices have been employed as required by Labor Code Section 1777.5 et seq., and shall, from time to time upon the request of the City, provide to the City such records and other documentation reasonably requested by the City. Copies of the currently applicable per diem prevailing wages are available from the City; (c) During the construction of the Park Improvements, or other construction work on the Park Parcel, the Developer shall post at the Park Parcel the applicable prevailing rates of per diem wages; (d) Developer shall indemnify, hold harmless and defend (with counsel reasonably selected by the City) the City and HARD from and against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Developer, or its contractors) to pay prevailing wages as determined pursuant to Labor Code Sections 1720 et seq., to hire

apprentices in accordance with Labor Code Sections 1777.5 et seq., and the implementing regulations of the DIR or comply with the other applicable provisions of Labor Code Sections 1720 et seq., and the implementing regulations of the DIR in connection with construction of the Park Improvements or any other work undertaken under this Agreement, or in connection with the Park Parcel. The term "construction" in this Section shall have the meaning set forth in Labor Code Section 1720(a)(1). The provisions of this Section 8 shall survive the termination of this Agreement.

9. TIME OF PERFORMANCE. Time is of the essence in the performance of the obligations hereunder.
10. ENCROACHMENT PERMIT. If and to the extent any encroachment into public right(s) of way would occur, then Developer shall obtain an encroachment permit from the Alameda County Department of Public Works and/or Flood Control, as applicable, prior to construction of any improvements on the public maintenance pathway. Developer is responsible for complying with all applicable Alameda County permit application requirements, fees or other requirements related to improving the maintenance access easement for public use.
11. PEDESTRIAN BRIDGES. Once constructed and operational, the Pedestrian Bridges that will cross the Flood Control Channel from the Park Site and Parcel J on Tract 8444 to the PA-2 neighborhood (as shown on the Park Site Map and VTM) shall remain open and accessible to the public at all times and shall not be restricted with gates or other apparatus. The Parties acknowledge and agree that the Pedestrian Bridges shall be owned, operated and maintained by the HOA.
12. INSPECTION BY CITY/HARD. In order to permit City or HARD to inspect the Work, Developer shall, at all reasonable times, provide to City and HARD reasonable access to the Park Site and vicinity, consistent with standard City and HARD procedures related to inspection of public improvements.
13. PLAN REVIEW. Developer shall schedule plan review opportunities with HARD at regular milestones of the construction documents that shall run concurrently, as feasible, with City's plan review process. Plan review opportunities are anticipated to include one to two study session meetings and not less than two public meetings.
14. TERMINATION OF AGREEMENT; ESTOPPEL CERTIFICATE.
  - 14.1 Termination. This Agreement shall terminate when all of the Parties' respective obligations have been satisfied, at which time Developer may record a Notice of Completion of Obligations in Alameda County Recorder's Office, in a form substantially the same as attached Exhibit 5.
  - 14.2 Estoppel Certificate. Developer may, at any time, and from time to time, deliver written notice to City and/or HARD requesting City (or HARD, as applicable) to certify in writing that: (a) this Agreement is in full force and effect; (b) this Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications; and (c) Developer is not in default

of the performance of its obligations, or if in default, to describe therein the nature and extent of any such default. Developer shall pay, within thirty (30) days following receipt of invoice from City (or HARD, as applicable), the actual costs borne by City (or HARD, as applicable) in connection with its review of the proposed estoppel certificate.

15. DEFAULT.

15.1 In the event that a Party is in default of this Agreement for failure to satisfy a material obligation as set forth herein, the non-defaulting Party(ies) shall provide the defaulting Party with written notice in which the default is described.

15.2 In the event that the defaulting Party fails to cure the default within thirty (30) days following receipt of the above-referenced notice, this shall constitute a default hereunder; provided, however, that if the failure to perform cannot be reasonably cured within such thirty (30) day period, a Party shall be allowed additional time as is reasonably necessary to cure the failure so long as such Party commences to cure the failure within the thirty (30) day period and thereafter diligently prosecutes the cure to completion. Upon occurrence of such default (after the expiration of the above-referenced notice and cure period without a cure occurring) and without any right to further notice or additional cure period, the non-defaulting Party shall have all remedies available to it under this Agreement and at law and in equity, including, but not limited to, terminating this Agreement, or specific performance. Notwithstanding anything to the contrary in the foregoing, no Party shall have the right to recover any punitive, consequential, or special damages.

16. INDEPENDENT CONTRACTOR STATUS. Developer is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Developer is not City's or HARD's employee and Developer shall have no authority, express or implied, to act on behalf of City or HARD as an agent, or to bind City or HARD to any obligation whatsoever, unless City or HARD provide prior written authorization to Developer.

17. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

18. INDEMNIFICATION. Developer shall indemnify, protect, defend, and hold harmless City and HARD (including their elected officials, officers, agents, and employees) from and against any and all suits, actions, claims, , causes of action, demands, damages, judgments, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from or arising directly or indirectly : (a) out of the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees; (b) any act or omission of Developer, any of its agents, employees, licensees, tenants, contractors, subcontractors or material suppliers, or other person or entity with respect to the Work; and (c) Developer's alleged failure to comply with its duties and

obligation under this Agreement, the Project Approvals, the Offers to Dedicate, the COAs and the Mitigated Negative Declaration. The Developer's indemnification obligation applies to the City and HARD's "active" as well as "passive" negligence but does not apply to the City or HARD's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782. The provisions of this Section 18 shall survive the termination of this Agreement.

19. ASSIGNMENT. Developer shall have the right to assign this Agreement and/or any portion thereof in connection with the sale of all or a portion of the Project Site, without obtaining the consent of City or HARD subject to the Restrictions in Section 15.7 of the Purchase Agreement. . Developer, however, shall not be released from its obligations hereunder unless and to the extent the assignee expressly assumes said obligations in a fully executed Assignment and Assumption Agreement.

20. Notices.

20.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

|                           |                       |                          |
|---------------------------|-----------------------|--------------------------|
| <u>To CITY:</u>           | <u>To HARD:</u>       | <u>To Developer:</u>     |
| City of Hayward           | HARD                  | William Lyon Homes, Inc. |
| 777 B Street              | 1099 E Street,        | 2603 Camino Ramon,       |
| Hayward, California 94541 | Hayward, California   | Suite 450                |
| Attn: City Manager        | 94541                 | San Ramon, CA 94583      |
|                           | Attn: General Manager | Attn: Steven M. Jones    |

20.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three (3) working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

21. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all Parties.

22. WAIVERS. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

23. SEVERABILITY. In the event any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

24. JURISDICTION AND VENUE. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California.

Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

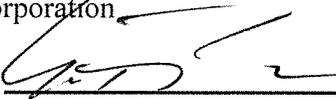
25. ENTIRE AGREEMENT. This Agreement, including all documents attached hereto and incorporated herein by reference, comprises the entire integrated understanding among the Parties concerning the subject matter hereunder. This Agreement supersedes all prior negotiations, representations, or agreements.
26. SIGNATURES. The individuals executing this Agreement represent and warrant that they each have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Developer, City and HARD. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns. This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

[Signature Page Follows.]

IN WITNESS WHEREOF the Parties do hereby agree to the full performance of the terms set forth herein.

**DEVELOPER:**

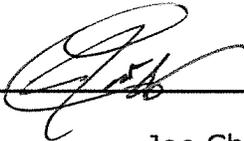
WILLIAM LYON HOMES, INC.,  
a California corporation

By:  \_\_\_\_\_

Name: Scott Roylance  
Division President

Its: \_\_\_\_\_

Date: 10.24.2019

By:  \_\_\_\_\_

Name: Joe Chretien  
VP Land Development

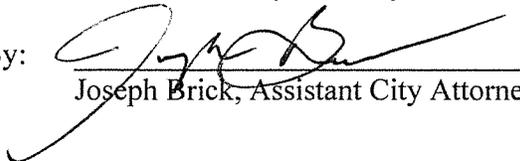
Its: \_\_\_\_\_

Date: 10/24/19

**CITY:**

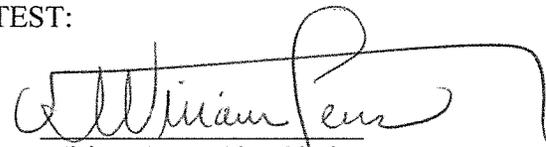
CITY OF HAYWARD, a California charter city

APPROVED AS TO FORM:  
Michael S. Lawson, City Attorney

By:   
Joseph Brick, Assistant City Attorney

By:   
Kelly McAdoo, City Manager

ATTEST:

By:   
Miriam Lens, City Clerk

HAYWARD AREA RECREATION AND  
PARK DISTRICT, a California special district

By: Paul McCreary

Name: PAUL McCREARY

Its: GENERAL MANAGER

EXHIBIT 1

LEGAL DESCRIPTION

Exhibit 1-1

Exhibit A

PARCEL 1:

PORTION OF THE TRACT OF LAND CONVEYED TO HAYWARD INVESTMENT COMPANY, BY DEED RECORDED JULY 10, 1913, BOOK 2166 DEEDS, PAGE 438, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWEST LINE OF MISSION BOULEVARD AS THE SAME EXISTED PRIOR TO OCTOBER 29, 1929, DISTANT THEREON NORTH 42°35' WEST, 1963.76 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHWEST LINE OF COUNTY ROAD NO. 314; THENCE FROM SAID POINT OF BEGINNING, SOUTH 47°25' WEST 345.69 FEET; THENCE NORTH 42°35' WEST, 63.00 FEET; THENCE NORTH 47°25' EAST, 345.69 FEET TO THE AFORESAID SOUTHWEST LINE OF MISSION BOULEVARD; THENCE SOUTH 42°35' EAST, 63.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: THE INTEREST CONVEYED TO THE STATE OF CALIFORNIA BY INSTRUMENT RECORDED DECEMBER 16, 1929, BOOK 2254 OR, PAGE 290, "FOR HIGHWAY PURPOSES".

APN: 078C-0447-003-01

PARCEL 2:

PORTION OF THE TRACT CONVEYED BY A. W. MC COY, ET UX, TO HAYWARD INVESTMENT COMPANY BY DEED DATED MARCH 22, 1913 AND RECORDED JULY 10, 1913 IN BOOK 2166 OF DEEDS, AT PAGE 438, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE, NOW STATE HIGHWAY, AS THE SOUTHWESTERN LINE OF SAID COUNTY ROAD, EXISTED ON OCTOBER 28, 1929, DISTANT THEREON NORTH 42°35' WEST 1900.76 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314 AND RUNNING THENCE SOUTH 47°25' WEST 345.69 FEET; THENCE NORTH 42°35' WEST 63.00 FEET; THENCE NORTH 47°25' EAST 345.69 FEET TO THE SOUTHWESTERN LINE OF SAID COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE; THENCE ALONG THE LAST NAMED LINE, SOUTH 42°35' EAST 63.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES BY DEED FROM CHARLES H. GIBBS, A SINGLE MAN, DATED OCTOBER 29, 1929 AND RECORDED DECEMBER 16, 1929 IN BOOK 2254 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 290.

APN: 078C-0447-003-02

PARCEL 3:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF VALLE VISTA AVENUE 55 FEET WIDE, FORMERLY COUNTY ROAD NO. 1773 WITH THE NORTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED BY ILTHE M. GREGG, AS THE ET UX, OF THE ESTATE BUNICE NOLAN, DECEASED, TO ORVILLE L. OLSON AND WIFE, DATED OCTOBER 14, 1948, AND RECORDED OCTOBER 25, 1948, IN BOOK 5639, OF OFFICIAL RECORDS, PAGE 319, RECORDED SERIES NO. AC/81771; RUNNING THENCE ALONG SAID NORTHEASTERN LINE: NORTH 43°45' WEST 252.02 FEET; THENCE SOUTH 47°25' WEST 75.99 FEET TO THE SOUTHWEST OF SAID NOLAN PARCEL; THENCE ALONG THE LAST MENTIONED LINE SOUTH 42°35' EAST 252.02 FEET TO THE CENTER OF VALLE VISTA AVENUE; THENCE ALONG THE LAST MENTIONED LINE NORTH 47°25' EAST 75.99 FEET TO THE POINT OF BEGINNING.

APN: 078C-0447-006-02

PARCEL 4:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERN LINE OF THE STATE HIGHWAY BETWEEN HAYWARD TO NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929 AND RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS DESCRIBED IN THE DEED TO COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS, PAGE 190; RUNNING THENCE ALONG SAID LINE OF SAID STATE HIGHWAY SOUTH 42° 41' EAST, 79.40 FEET; THENCE SOUTH 47° 25' WEST, 325.28 FEET TO THE SOUTHWESTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THELMA G. ROGERS TO ODES L. WINGO AND WIFE DATED MARCH 22, 1946 AND RECORDED APRIL 6, 1946 UNDER RECORDER'S SERIES NO. TT/27630 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THENCE ALONG THE LAST MENTIONED LINE NORTH 42° 35' WEST, 79.40 FEET TO SAID LINE OF VALLE VISTA AVENUE; THENCE ALONG LAST MENTIONED LINE NORTH 47° 25' EAST, 325.14 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-006

PARCEL 5:

BEGINNING AT A POINT IN THE CENTER LINE OF VALLE VISTA AVENUE KNOWN AS COUNTY ROAD NO. 7723 DISTANT THEREON S. 47° 25' W., 345.69 FEET FROM THE SOUTHWESTERN LINE OF THE ROAD LEADING FROM HAYWARD TO NILES KNOWN AS COUNTY ROAD NO. 89 AS SAID ROAD EXISTED PRIOR TO THE ESTABLISHMENT THEREOF AS A STATE HIGHWAY, 100' WIDE; RUNNING THENCE S. 42° 35' E., 25.00 FEET TO THE ACTUAL POINT OF COMMENCEMENT, BEING ON THE SOUTHEASTERN LINE OF SAID VALLE VISTA AVENUE; THENCE ALONG THE SAID SOUTHEASTERN LINE OF VALLE VISTA AVENUE S. 47° 25' W., 134.425 FEET; THENCE S. 42° 35' E., 327.82 FEET; THENCE N. 47° 25' E., 134.425 FEET; THENCE N. 42° 35' W., 327.82 FEET TO THE ACTUAL POINT OF COMMENCEMENT.

APN: 078C-0438-005

PARCEL 6:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929, AND RECORDED DECEMBER 21, 1929, IN BOOK 2280, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST, 79.40 FEET FROM THE POINT OF INTERSECTION THEREON, WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS DESCRIBED IN THE DEED TO THE COUNTY, OF ALAMEDA, DATED OCTOBER 23, 1933 AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 190; RUNNING THENCE ALONG SAID LINE OF SAID STATE HIGHWAY, SOUTH 42° 41' EAST (THE BEARING OF SAID LINE OF SAID STATE HIGHWAY BEING GIVEN AS SOUTH 42° 17' EAST IN SAID DEED TO THE STATE OF CALIFORNIA), 199.64 FEET; THENCE SOUTH 47° 25' WEST, PARALLEL WITH SAID LINE OF VALLE VISTA AVENUE, 325.60 FEET TO THE SOUTHWESTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM THELMA C. ROGERS TO ODES L. WINGO AND WIFE, DATED MARCH 22, 1946, RECORDED APRIL 6, 1946, UNDER RECORDER'S SERIES NO. TT-27630, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LAST MENTIONED LINE NORTH 42° 35' WEST, 199.64 FEET TO A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN NORTH 47° 25' EAST, 325.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.49 ACRES, MORE OR LESS.

APN: 078C-0438-007

PARCEL 7:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF MISSION BOULEVARD, FORMERLY THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE WAS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA DATED NOVEMBER 8, 1929, RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST (THE BEARING OF SAID LINE IN SAID DEED TO THE STATE OF CALIFORNIA BEING GIVEN AS SOUTH 42° 17' EAST) 279.04 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS SAID AVENUE IS DESCRIBED IN THE DEED TO THE COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, RECORDED

NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS, PAGE 190; RUNNING THENCE ALONG SAID SOUTHWESTERN LINE OF MISSION BOULEVARD, SOUTH 42° 41' EAST 100 FEET TO THE NORTHWESTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM ODES L. WINGO AND HAZEL WINGO, HIS WIFE, TO LENA GUNSLEY, DATED JUNE 7, 1946, RECORDED JUNE 8, 1946 IN BOOK 4870 OF OFFICIAL RECORDS, PAGE 411; THENCE ALONG THE LAST MENTIONED LINE SOUTH 47° 25' WEST 325.77 FEET TO THE MOST WESTERN CORNER OF SAID GUNSLEY'S LAND; THENCE NORTH 42° 35' WEST 100 FEET UNTIL INTERSECTED BY A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN, NORTH 47° 25' EAST 325.60 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-008

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF MISSION BOULEVARD, FORMERLY THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929 AND RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST (THE BEARING OF SAID LINE IN SAID DEED TO THE STATE OF CALIFORNIA BEING GIVEN AS SOUTH 42° 17' EAST) 379.04 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS SAID AVENUE IS DESCRIBED IN DEED TO THE COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 190, RUNNING THENCE ALONG THE SAID SOUTHWESTERN LINE OF MISSION BOULEVARD SOUTH 42° 41' EAST 100.00 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM CLANTON V. ROGERS TO THELMA C. ROGERS, DATED MARCH 25, 1924 AND RECORDED APRIL 15, 1924 IN BOOK 692 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 176, THENCE ALONG THE SAID LAST MENTIONED LINE SOUTH 47° 25' WEST 325.94 FEET TO A POINT ON A SOUTHWESTERN LINE OF SAID ROGERS PARCEL OF LAND; THENCE ALONG THE SAID LAST MENTIONED LINE AND ITS DIRECT PRODUCTION NORTH 42° 35' WEST 100.00 FEET UNTIL INTERSECTED BY A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN NORTH 47° 25' EAST 325.77 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-009

PARCEL 9:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE STATE HIGHWAY, FORMERLY THE COUNTY ROAD, RUNNING FROM HAYWARD TO MISSION SAN JOSE, AS THE SAME EXISTED PRIOR TO THE WIDENING THEREOF ON NOVEMBER 29, 1929, BY DEED FROM WILLIAM F. FITZGERALD TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 11, 1930 IN BOOK 2517 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 97, DISTANT THEREON NORTH 42° 35' WEST 1144.70 FEET FROM THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314; RUNNING THENCE SOUTH 47° 25' WEST 345.69 FEET; THENCE NORTH 42° 35' WEST 126.01 FEET; THENCE NORTH 47° 25' EAST 345.69 FEET TO A POINT ON THE SAID SOUTHWESTERN LINE OF SAID COUNTY ROAD RUNNING FROM HAYWARD TO MISSION SAN JOSE, AND THENCE SOUTH 42° 35' EAST ALONG THE LAST LINE 126.01 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED BY WILLIAM P. FITZGERALD, A SINGLE PERSON, TO THE STATE OF CALIFORNIA, BY DEED DATED NOVEMBER 29, 1929 AND RECORDED DECEMBER 11, 1930 IN BOOK 2517 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 97.

APN: 078C-0438-010

PARCEL 10:

COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N. 48° 43' 46" E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES, THENCE ALONG SAID SOUTHWESTERLY LINE S. 41° 21' 12" E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS S. 6° 46' 51" W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF 91° 11' 09", AN ARC LENGTH OF 342.17

FEET; THENCE N. 82° 02' 00" W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N. 41° 16' 14" W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.

APN: 078C-0438-011-01

PARCEL 11:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF A. BERNARD MUTH AND OF GOTTLIEB WAESPI, ET UX. AND ITS PROLONGATION S. 41° 16' 14" E., 414.57 FEET TO THE NORTHEASTERLY CORNER OF THE PROPERTY OF A. BERNARD MUTH, ET UX.; THENCE ALONG THE SOUTHEASTERLY LINE OF LAST SAID PROPERTY S. 48° 43' 46" W., 493.68 FEET TO THE CENTER LINE OF DIXON STREET; THENCE ALONG SAID CENTER LINE N. 41° 16' 14" W., 307.35 FEET; THENCE N. 7° 58' 00" E., 132.23 FEET; THENCE N. 4° 09' 09" E., 299.07 FEET TO THE NORTHWESTERLY LINE OF THE PROPERTY OF SAID A. BERNARD MUTH; THENCE ALONG SAID NORTHWESTERLY LINE N. 48° 43' 46" E., 180.50 FEET TO THE NORTHEASTERLY PROPERTY LINE OF SAID A. BERNARD MUTH; THENCE ALONG LAST SAID LINE S. 41° 16' 14" E., 189.01 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 5.563 ACRES MORE OR LESS IN ADDITION TO 0.183 OF AN ACRE, MORE OR LESS IN SAID DIXON STREET.

APN: 078C-0438-019-01

PARCEL 12:

PARCEL ONE:

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314, ALSO KNOWN AS THE COUNTY ROAD LEADING TO ALVARADO, DISTANT THEREON SOUTH 44° 30' 25" WEST, 840.61 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHWESTERN LINE OF COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE; RUNNING THENCE NORTH 42° 35' WEST; 935.6 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED PREMISES; THENCE SOUTH 47° 25' WEST, 487.47 FEET; THENCE NORTH 44° 12' 30" WEST, 77.87 FEET; THENCE NORTH 47° 25' EAST, 489.68 FEET; THENCE SOUTH 42° 35' EAST, 77.84 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERN 10 FEET OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM MARTIN J. KANDLER, ET UX, TO LAWRENCE RAMOS, SR., ET AL, RECORDED OCTOBER 14, 1958, IN BOOK 8812 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 389.

APN: 078C-0435-002-01

PARCEL 13:

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF ALQUIRE ROAD, ALSO KNOWN AS COUNTY ROAD NO. 314, DISTANT THEREON SOUTH 44° 52' WEST 1302.84 FEET FROM THE INTERSECTION THEREOF, WITH THE SOUTHWESTERN LINE OF NILES ROAD; RUNNING THENCE ALONG SAID LINE OF ALQUIRE ROAD, SOUTH 44° 52' WEST 300 FEET TO THE EASTERN LINE OF THE RIGHT OF WAY DESCRIBED IN THE DEED FROM D. VAN NES TO THE WESTERN PACIFIC RAILWAY COMPANY, DATED MARCH 17, 1906, RECORDED JUNE 23, 1906, IN BOOK 1180 OF DEEDS, PAGE 150, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LAST NAMED LINE NORTH 31° 58' WEST 1459.30 FEET; THENCE SOUTH 44° 20' EAST 1420.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE DESCRIBED PARCEL OF LAND CONTAINED IN A

STRIP OF LAND 41.00 FEET WIDE, RIGHT ANGLE MEASUREMENTS, LYING NORTHEASTERLY OF AND CONTIGUOUS TO THE SOUTHWESTERN LINE OF SAID PARCEL AS CONVEYED BY DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JUNE 10, 1963 IN REEL 905, PAGE 916, SERIES NO. AU-96861, ALAMEDA COUNTY OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED BY DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED MARCH 7, 1967 IN REEL 1926, IMAGE 297, SERIES NO. AZ-20352, ALAMEDA COUNTY OFFICIAL RECORDS.

APN: 083-0460-006-03

PARCEL 14:

BEGINNING FOR REFERENCE AT A POINT IN THE NORTHWESTERLY BOUNDARY LINE OF VALLE VISTA ROAD, FORMERLY COUNTY ROAD NO. 314, DISTANT THEREON 1168.47 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY BOUNDARY LINE OF THE COUNTY ROAD, NOW STATE HIGHWAY, BETWEEN HAYWARD AND MISSION SAN JOSE, AS THE SAME EXISTED ON DECEMBER 7, 1928; THENCE ALONG THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED TO THE CITY OF HAYWARD, RECORDED MAY 5, 1969, IN REEL 2395, IMAGE 909, OFFICIAL RECORDS OF ALAMEDA COUNTY, AND ITS NORTHWESTERLY PROLONGATION N. 41°16'14" W., 407.86 FEET TO THE TRUE POINT OF COMMENCEMENT; THENCE S. 48°43'46" W., 144.55 FEET TO THE PROPERTY LINE COMMON TO THE LANDS, NOW OR FORMERLY, OF THE FRONTIERS FOR CHRIST, A CALIFORNIA CORPORATION, AND OF THE STATE OF CALIFORNIA; THENCE ALONG LAST SAID LINE S. 42°53'44" E., 382.29 FEET TO THE NORTHWESTERLY LINE OF SAID CITY OF HAYWARD PARCEL; THENCE ALONG LAST SAID LINE N. 45°48'57" E., 39.68 FEET; THENCE N. 72°42'59" W., 79.78 FEET; THENCE N. 5°12'59" W., 230.56 FEET TO SAID PROLONGATION; THENCE N. 41°16'14" W., 125.66 FEET TO THE TRUE POINT OF COMMENCEMENT.

APN: 078C-0436-010-03

PARCEL 15:

BEGINNING AT A POINT ON THE CENTER LINE OF COUNTY ROAD NO. 7722, KNOWN AS DIXON STREET, AS SAID ROAD IS DESCRIBED IN THE DEED TO COUNTY OF ALAMEDA, DATED OCTOBER 1, 1933, RECORDED NOVEMBER 16, 1933, IN BOOK 2999 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 130, DISTANT THEREON NORTH 42° 35' WEST 460.82 FEET FROM THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314, KNOWN AS ALQUIRE ROAD, FORMERLY VALLE VISTA ROAD, AND RUNNING THENCE ALONG SAID LINE OF DIXON ROAD NORTH 42° 35' WEST 114 FEET; THENCE SOUTH 47° 25' WEST 225.05 FEET; THENCE NORTH 42° 35' WEST 171.12 FEET; THENCE SOUTH 47° 25' WEST 257.03 FEET TO THE SOUTHWESTERN LINE OF THE 4 ACRE PARCEL OF LAND DESCRIBED, IN THE DEED BY LENA B. NORTON TO ELIZABETH BIDWELL PATTERSON, DATED SEPTEMBER 28, 1935, RECORDED OCTOBER 9, 1935, IN BOOK 3221 OF SAID OFFICIAL RECORDS, PAGE 223; THENCE ALONG THE LAST MENTIONED LINE SOUTH 44° 12' 30" EAST 285.23 FEET TO A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE NORTH 47° 25' EAST 473.99 FEET TO SAID POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO ROLF RAYMOND HARADER et ux, DATED MARCH 2, 1962, RECORDED MARCH 5, 1962, REEL 528, IMAGE 844 (AT-28989), ALAMEDA COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE PARCEL LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING FOR REFERENCE AT THE SOUTHWESTERLY TERMINUS OF "SOUTH 47° 25' WEST, 225.05 FEET" THENCE ALONG LAST SAID COURSE N 48° 43' 46" E, 77.70 FEET TO THE TRUE POINT OF COMMENCEMENT; THENCE S 6° 40' 00" W, 74.84 FEET; THENCE S 48° 43' 46" W, 1.96 FEET; THENCE S 41° 16' 14" E, 64.00 FEET MARCH 30, 1998 INSTRUMENT NO. 105886, ALAMEDA COUNTY RECORDS.

APN: 078C-0436-001-07 AND 078C-0435-006

PARCEL 16:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY LEADING FROM HAYWARD TO NILES, AS SAID NORTHEASTERN LINE IS DESCRIBED IN THE DEED FROM GEORGE M. HUNKEN, ET UX, TO STATE OF CALIFORNIA, DATED OCTOBER 22, 1929, RECORDED DECEMBER 6, 1929, IN BOOK 2266 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 135, (Z/79205), WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM GEORGE M. HUNKEN, ET UX, TO RICHARD J. MURPHY, ET AL., DATED JANUARY 10, 1931, RECORDED JANUARY 16, 1931, IN BOOK 2489, OF SAID OFFICIAL RECORDS, PAGE 417, (BB/2964), RUNNING THENCE ALONG SAID NORTHEASTERN LINE OF SAID STATE HIGHWAY; SOUTHEASTERLY 116.01 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM JOSEPH E. COSTA, ET UX, TO GEORGE M. HUNKEN, DATED FEBRUARY 26, 1929, RECORDED FEBRUARY 28, 1929, IN BOOK 2032 OF SAID OFFICIAL RECORDS, PAGE 281, (Z/14150); THENCE ALONG SAID LAST MENTIONED LINE, NORTHEASTERLY 351.88 FEET, MORE OR LESS, TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN SAID LAST MENTIONED DEED; THENCE ALONG SAID LAST MENTIONED LINE, NORTHWESTERLY 116.01 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED TO RICHARD J. MURPHY, ET AL., ABOVE REFERRED TO; AND THENCE ALONG SAID LAST MENTIONED LINE, SOUTHWESTERLY 351.88 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT APPURTENANT TO PARCEL 1 HEREIN DESCRIBED, FOR INGRESS AND EGRESS, SEWER AND ALL PUBLIC UTILITY PURPOSES, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF, BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, HEREINAFTER REFERRED TO, DISTANT THEREON, NORTH 42°45' WEST, 1308.186 FEET FROM THE POINT OF INTERSECTION THEREOF, WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUNNING THENCE NORTH 47°15' EAST, 485.48 FEET; THENCE NORTH 42°45' WEST, 30 FEET; THENCE SOUTH 47°15' WEST, 485.48 FEET TO SAID LINE OF MISSION BOULEVARD; AND THENCE, ALONG THE LAST NAMED LINE, SOUTH 42°45' EAST, 30 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHWESTERN 23.7 FEET, MORE OR LESS, AS CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242.

APN: 078C-0455-004

PARCEL 17:

PORTION OF THE TRACT OF LAND CONTAINING 1-1/2 ACRES, MORE OR LESS, DESCRIBED IN THE DEED TO GEORGE M. HUNKEN, RECORDED FEBRUARY 28, 1929, BOOK 2032, OFFICIAL RECORDS, PAGE 381, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWESTERN BOUNDARY LINE OF SAID TRACT OF LAND, WITH THE NORTHEASTERN LINE OF MISSION BOULEVARD, FORMERLY KNOWN AS THE STATE HIGHWAY, LEADING FROM HAYWARD TO NILES, AS SAID NORTHEASTERN LINE IS DEFINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 6, 1929, IN BOOK 2266, OFFICIAL RECORDS, PAGE 135; RUNNING THENCE SOUTHEASTERLY ALONG SAID LINE OF MISSION BOULEVARD, 58.005 FEET; THENCE NORTHEASTERLY, PARALLEL WITH SAID NORTHWESTERN BOUNDARY LINE OF THE TRACT OF LAND DESCRIBED IN SAID DEED TO GEORGE M. HUNKEN, 351.88 FEET, MORE OR LESS, TO THE NORTHEASTERN BOUNDARY LINE OF SAID TRACT; THENCE NORTHWESTERLY ALONG THE LAST NAMED LINE, 58.005 FEET TO THE NORTHWESTERN BOUNDARY LINE OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE LAST NAMED LINE, 351.88 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-003

PARCEL 18:

PARCEL ONE:

COMMENCING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242, DISTANT THEREON NORTH 42° 45' WEST 1338.186 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUN THENCE NORTH 47° 15' EAST 375.48 FEET TO THE ACTUAL POINT OF BEGINNING; AND RUNNING THENCE NORTH 47° 15' EAST 110 FEET; THENCE NORTH 42° 45' WEST 232.02 FEET; THENCE SOUTH 47° 15' WEST 110 FEET; AND THENCE SOUTH 42° 45' EAST 232.02 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR INGRESS AND EGRESS, SEWER AND ALL PUBLIC UTILITY PURPOSES, AS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 ABOVE DESCRIBED, IN, UNDER, OVER AND ALONG A STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, HEREINAFTER REFERRED TO, DISTANT THEREON NORTH 42° 45' WEST 1308.186 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUNNING THENCE NORTH 47° 15' EAST 485.48 FEET; THENCE NORTH 42° 45' WEST 30 FEET; THENCE SOUTH 47° 15' WEST 485.48 FEET TO SAID LINE OF MISSION BOULEVARD; AND THENCE ALONG THE LAST NAMED LINE SOUTH 42° 45' EAST 30 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE SOUTHWESTERN 23.7 FEET, MORE OR LESS, SO CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242.

APN: 078C-0455-005-02

PARCEL 19:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO THE CITY OF HAYWARD RECORDED 08-03, 2018, UNDER RECORDER'S SERIES NO. 2018-152491, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING ON THE WESTERLY LINE OF SAID LANDS OF THE CITY OF HAYWARD, FROM WHICH THE SOUTHWESTERLY CORNER THEREOF BEARS SOUTH 30° 55' 21" EAST 23.50 FEET;

1. THENCE NORTH 30° 55' 21" WEST 652.84 FEET ALONG LAST SAID LINE;
2. THENCE NORTH 09° 22' 21" EAST 111.62 FEET TO THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD;
3. THENCE SOUTH 30° 55' 21" EAST 744.99 FEET ALONG LAST SAID LINE;
4. THENCE SOUTH 43° 11' 56" WEST 42.63 FEET TO THE POINT OF BEGINNING

PORTION OF APN: 083-0460-011

PARCEL 20:

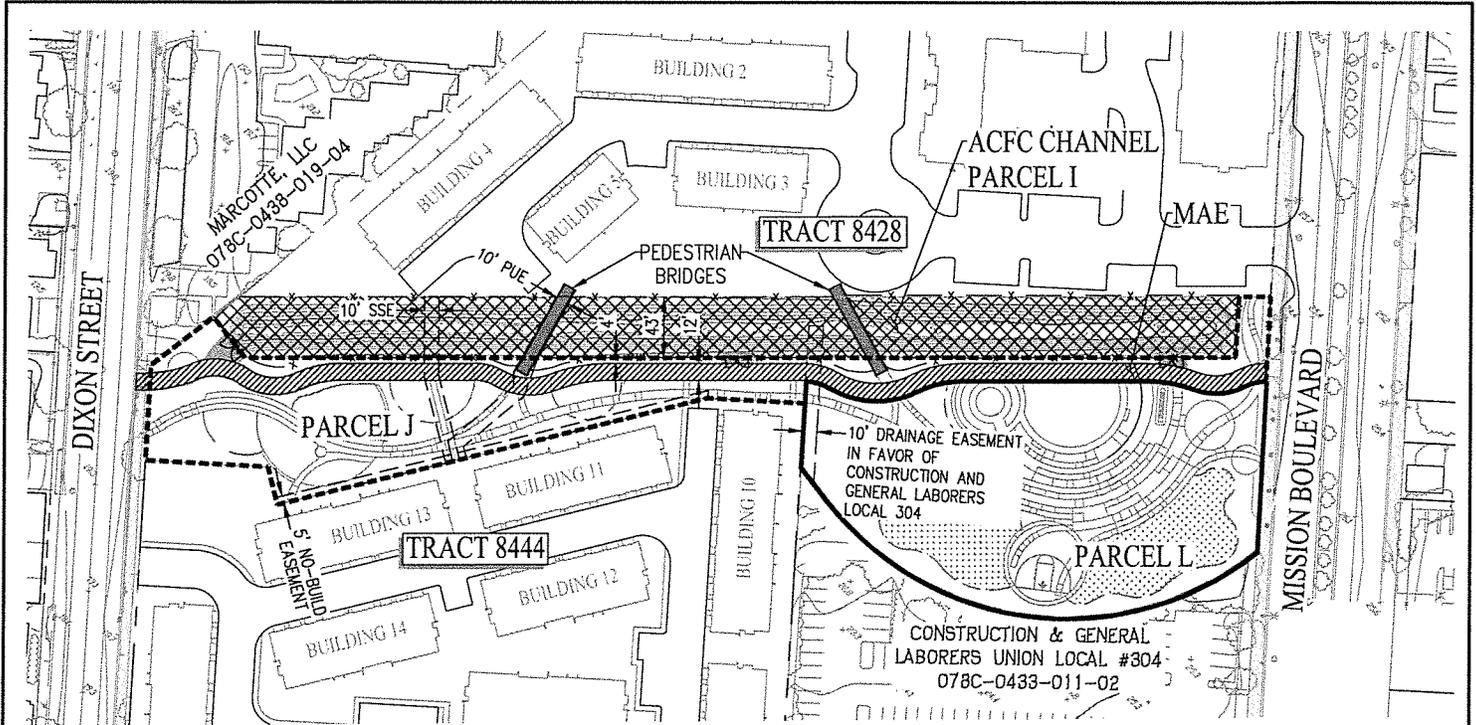
BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE SAN FRANCISCO BAY AREA TRANSIT DISTRICT TO THE CITY OF HAYWARD, RECORDED 08-03, 2018, UNDER RECORDER'S SERIES NO 2018-152490, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD, FROM WHICH THE SOUTHWESTERLY CORNER BEARS SOUTH 30° 55' 21" EAST 23.50 FEET;

1. THENCE SOUTH 43° 11' 56" WEST 9.77 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1700.00 FEET;
2. THENCE WESTERLY 80.47 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2° 42' 43" TO A LINE THAT IS PARALLEL WITH AND 18.50 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID LAND OF THE CITY OF HAYWARD;

3. THENCE SOUTH 45° 54' 39" WEST 107.76 FEET ALONG SAID PARALLELL LINE TO THE WESTERLY LINE OF SAID LANDS OF THE CITY OF HAYWARD;
  4. THENCE NORTH 21° 46' 07" WEST 526.51 FEET ALONG LAST SAID LINE TO THE SOUTHEASTERLY LINE OF THAT CERTAIN EASEMENT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED MAY 5, 1971 ON REEL 2843, AT IMAGE 598, OFFICIAL RECORDS OF ALAMEDA COUNTY;
  5. THENCE NORTH 28° 46' 01" EAST 56.01 ALONG THE NORTHEASTERLY PROLONGATION OF LAST SAID LINE;
  6. THENCE NORTH 09° 22' 21" WEST 163.59 FEET TO THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD;
  7. THENCE SOUTH 30° 55' 21" EAST 652.84 ALONG LAST SAID LINE TO THE POINT OF BEGINNING.
- PORTION OF APN; 083-0460-010

EXHIBIT 2  
PROJECT SITE MAP



**LEGEND**

-  MAINTENANCE ACCESS EASEMENT (MAE) TO ACFC (SEE NOTE 1) : the portion of Parcel J encumbered by the MAE is also called "MAE Parcel"
-  FEE PARCEL TO ACFC (PARCEL I) TO BE MAINTAINED BY ACFC
-  PUBLIC PARK (PARCEL L)
-  PUBLIC PARK (PARCEL J)
-  PEDESTRIAN BRIDGE
-  EASEMENT

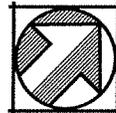
**NOTE:**

1. MAE PROVIDES ACCESS FOR ACFC TO MAINTAIN THEIR ADJACENT CHANNEL. THE MAE IS INSTALLED AS PART OF THE PARK IMPROVEMENT PLANS.

**TRACT 8428  
SOHAY PARK  
IMPROVEMENT AGREEMENT**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: AUGUST 2019 SCALE: 1" = 100'

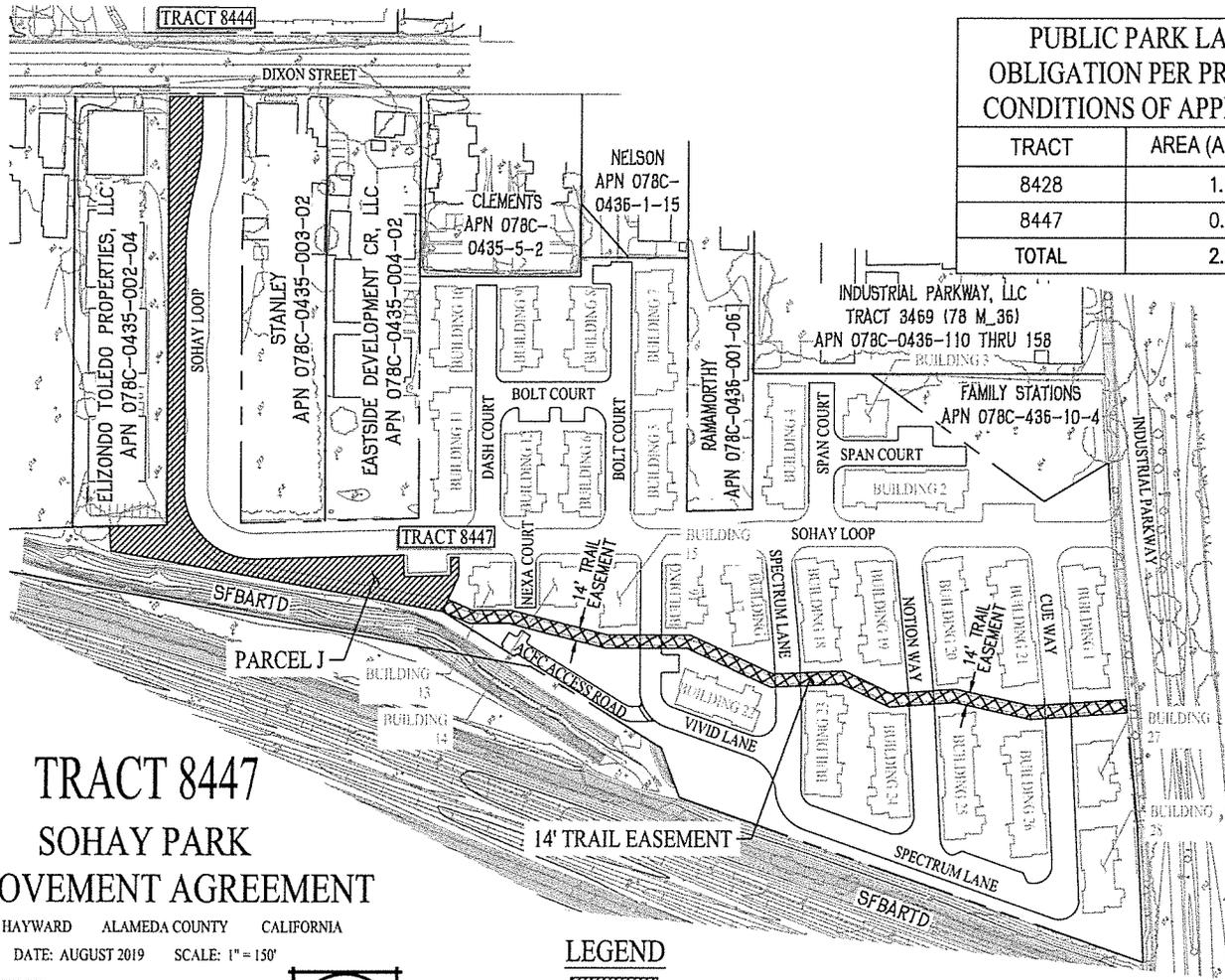


**cbg**

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON (925) 856-0322  
SACRAMENTO (916) 375-1877  
WWW.CBANDG.COM

SHEET NO.  
**1**  
OF 2 SHEETS

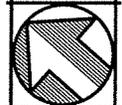


| PUBLIC PARK LAND OBLIGATION PER PROJECT CONDITIONS OF APPROVAL |                |
|--|----------------|
| TRACT  | AREA (ACREAGE) |
| 8428   | 1.9±           |
| 8447   | 0.7±           |
| TOTAL  | 2.6±           |

# TRACT 8447 SOHAY PARK IMPROVEMENT AGREEMENT

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA  
DATE: AUGUST 2019 SCALE: 1" = 150'

**cbg** SAN RAMON (925) 866-0322  
SACRAMENTO (916) 375-1877  
WWW.CBANDG.COM  
CIVIL ENGINEERS • SURVEYORS • PLANNERS



**LEGEND**  
 PARCEL J  
 TRAIL EASEMENT

SHEET NO.  
**2**  
OF 3 SHEETS

EXHIBIT 3  
OFFERS OF DEDICATION

# DOCUMENT DIVIDER PAGE

Irrevocable Offer to Dedicate  
(ACFC Channel)

So-Hay to City/ACFC

54606-1429235

RECORDING REQUESTED BY

North American Title

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME City of Hayward

STREET ADDRESS 777 B Street

HAYWARD, CA 94541

CITY, STATE & ZIP CODE Attn: City Manager

CERTIFIED A TRUE COPY OF THE ORIGINAL RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY ON Alameda

Under Recorder's Serial No. 2018152497

NORTH AMERICAN TITLE COMPANY, INC.

By KDover

SPACE ABOVE FOR RECORDER'S USE ONLY

EXEMPT FROM RECORDING FEES PER GOVERNMENT CODE §§6103, 27383

IRREVOCABLE OFFER TO DEDICATE (ACFC CHANNEL)

Title of Document

Pursuant to Senate Bill 2 - Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax
Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).
Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.
Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (\$3.00 Additional Recording Fee Applies)

Recorded at Request of:  
City of Hayward and

When Recorded Mail to and  
Mail Tax Statements to:

City of Hayward  
777 B Street  
Hayward, California 94541  
Attn: City Manager

---

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

APN No. (SEE LEGAL ATTACHED)

This Irrevocable Offer to Dedicate is recorded at the request and for the benefit of the City of Hayward and is exempt from the payment of a recording fee pursuant to Government Code Sections 27383, and 27388.1(a)(1)(D) and payment of documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

IRREVOCABLE OFFER TO DEDICATE  
(ACFC Channel)

August 02

THIS IRREVOCABLE OFFER TO DEDICATE is made as of July /   , 2018 by SoHay - Hayward, L.P., a Delaware limited partnership (the "Owner").

WHEREAS, William Lyon Homes, Inc., a California corporation ("Lyon") and the City of Hayward, a California charter city ("City"), previously entered into that certain Purchase and Sale Agreement dated May 16, 2017, as such may be amended from time to time (the "Purchase Agreement").

WHEREAS, Lyon assigned the Purchase Agreement to the Owner, on or before the date hereof.

WHEREAS, pursuant to the terms of the Purchase Agreement, the City has conveyed to Owner (1) the real property described on Exhibit A-1 attached hereto (the "Development Property"), and (2) the real property described on Exhibit A-2 attached hereto (the "Park Property"). The Development Property and the Park Property are traversed by a flood control channel as depicted on the site map shown on Exhibit B (the "ACFC Channel").

WHEREAS, in consideration for the execution of the Purchase Agreement, as assigned, the Owner has agreed to dedicate the ACFC Channel to the City or the City's designee as provided herein.

WHEREAS, Owner hereby agrees to irrevocably offer for dedication the fee interest in the ACFC Channel to the City or to the City's designee, as generally depicted on the attached site map and on the terms and conditions set forth below.

NOW, THEREFORE, incorporating the foregoing recitals, the Owner does hereby designate and set aside for future use as described hereto and irrevocably offer to dedicate to the City or the City's designee (the Alameda County Flood Control and Water Conservation District ("ACFC")), fee title to the ACFC Channel, as generally depicted on the attached site map, reserving therefrom: (1) a non-exclusive, assignable, easement for sewer purposes on, over, across and within those portions of the ACFC Channel as generally depicted on the attached site map (the "Sewer Easement Area"), including without limitation rights of access thereto, for the purposes of connecting to and the construction, maintenance, repair, reconstruction, maintenance and use of all existing sewer facilities and any additional sewer facilities within the Sewer Easement Area (the "Sewer Easement") in connection with the development and use of the Development Property; and (2) a non-exclusive, assignable, easement and right-of-way for a pedestrian and bicycle bridge and walkway and water pipeline on, over, across and within those portions of the ACFC Channel as generally depicted on the attached site map (the "Bridge/Walkway Area"), including without limitation rights of access thereto for purposes of construction, maintenance, repair and reconstruction of such bridge and walkway and water pipeline thereon by Owner, its successors and assigns, agents and representatives and for operation and use thereof (the "Bridge/Walkway Easement") by Owner, its successors and assigns, invitees and members of the public in connection with ingress and egress and access to and from the Park Property. The offer of dedication made herein is subject to the express condition that this offer of dedication may not be accepted prior to July 31, 2019.

The precise area to be dedicated as the ACFC Channel, the Sewer Easement Area and the Bridge/Walkway Area under this Agreement may be further refined through the recordation of a final map. The area to be dedicated as the ACFC Channel under this Agreement must be interpreted in a manner that is consistent with the recorded final map; provided however, if there is any conflict between the terms of this Agreement and the recorded final map (as it relates solely to the area defined as the ACFC Channel or the easements areas), the recorded final map shall control and compliance with the terms of dedication under the recorded final map shall constitute compliance with the terms of this Agreement.

This Irrevocable Offer to Dedicate shall continue in full force and effect until City Council or if directed by the City the governing board of the City's designee accepts such offer or if the offer to dedicate under the final map is accepted as provided thereunder. The dedication of the ACFC Channel shall be deemed to be completed upon acceptance of this Irrevocable Offer to Dedicate by the City Council, or if directed by the City the governing board of the City's designee, or if the offer to dedicate under the final map is accepted as provided thereunder.

[Signature Page Follows]

IN WITNESS WHEREOF, Owner has caused this Irrevocable Offer to Dedicate to be executed as of the day and year first above written.

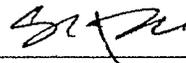
**OWNER:**

SOHAY - HAYWARD, L.P.,  
a Delaware limited partnership

By: NP-HS LOJV GP II, LLC,  
a Delaware limited liability company  
General Partner

By: NP-HS LOT OPTION JOINT VENTURE II, LLC,  
a Delaware limited liability company  
Sole Member

By: HEARTHSTONE PROFESSIONALS – PI, L.P.,  
a Delaware limited partnership

By:   
\_\_\_\_\_  
Steven C. Porath  
Authorized Person

Date: August 02, 2018

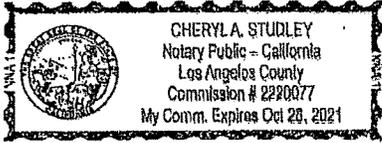
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES )

On JULY 30, 2018, before me, CHERYL A. STUDLEY, Notary Public, personally appeared STEVEN C. PORATH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)/is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Cheryl A Studley  
Name: CHERYL A. STUDLEY  
Notary Public

EXHIBIT A-1

DEVELOPMENT PROPERTY LEGAL DESCRIPTION

All of the real property in the City of Hayward, County of Alameda, State of California,  
described as follows:

APN: (SEE LEGAL ATTACHED)

Exhibit A

PARCEL 1:

PORTION OF THE TRACT OF LAND CONVEYED TO HAYWARD INVESTMENT COMPANY, BY DEED RECORDED JULY 10, 1913, BOOK 2166 DEEDS, PAGE 438, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWEST LINE OF MISSION BOULEVARD AS THE SAME EXISTED PRIOR TO OCTOBER 29, 1929, DISTANT THEREON NORTH 42°35' WEST, 1963.76 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHWEST LINE OF COUNTY ROAD NO. 314; THENCE FROM SAID POINT OF BEGINNING, SOUTH 47°25' WEST 345.69 FEET; THENCE NORTH 42°35' WEST, 63.00 FEET; THENCE NORTH 47°25' EAST, 345.69 FEET TO THE AFORESAID SOUTHWEST LINE OF MISSION BOULEVARD; THENCE SOUTH 42°35' EAST, 63.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: THE INTEREST CONVEYED TO THE STATE OF CALIFORNIA BY INSTRUMENT RECORDED DECEMBER 16, 1929, BOOK 2254 OR, PAGE 290, "FOR HIGHWAY PURPOSES".

APN: 078C-0447-003-01

PARCEL 2:

PORTION OF THE TRACT CONVEYED BY A. W. MC COY, ET UX, TO HAYWARD INVESTMENT COMPANY BY DEED DATED MARCH 22, 1913 AND RECORDED JULY 10, 1913 IN BOOK 2166 OF DEEDS, AT PAGE 438, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE, NOW STATE HIGHWAY, AS THE SOUTHWESTERN LINE OF SAID COUNTY ROAD, EXISTED ON OCTOBER 28, 1929, DISTANT THEREON NORTH 42°35' WEST 1900.76 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314 AND RUNNING THENCE SOUTH 47°25' WEST 345.69 FEET; THENCE NORTH 42°35' WEST 63.00 FEET; THENCE NORTH 47°25' EAST 345.69 FEET TO THE SOUTHWESTERN LINE OF SAID COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE; THENCE ALONG THE LAST NAMED LINE, SOUTH 42°35' EAST 63.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES BY DEED FROM CHARLES H. GIBBS, A SINGLE MAN, DATED OCTOBER 29, 1929 AND RECORDED DECEMBER 16, 1929 IN BOOK 2254 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 290.

APN: 078C-0447-003-02

PARCEL 3:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF VALLE VISTA AVENUE 55 FEET WIDE, FORMERLY COUNTY ROAD NO. 1773 WITH THE NORTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED BY ILTHE M. GREGG, AS THE ET UX, OF THE ESTATE BUNICE NOLAN, DECEASED, TO ORVILLE L. OLSON AND WIFE, DATED OCTOBER 14, 1948, AND RECORDED OCTOBER 25, 1948, IN BOOK 5639, OF OFFICIAL RECORDS, PAGE 319, RECORDED SERIES NO. AC/81771; RUNNING THENCE ALONG SAID NORTHEASTERN LINE: NORTH 43°45' WEST 252.02 FEET; THENCE SOUTH 47°25' WEST 75.99 FEET TO THE SOUTHWEST OF SAID NOLAN PARCEL; THENCE ALONG THE LAST MENTIONED LINE SOUTH 42°35' EAST 252.02 FEET TO THE CENTER OF VALLE VISTA AVENUE; THENCE ALONG THE LAST MENTIONED LINE NORTH 47°25' EAST 75.99 FEET TO THE POINT OF BEGINNING.

APN: 078C-0447-006-02

PARCEL 4:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERN LINE OF THE STATE HIGHWAY BETWEEN HAYWARD TO NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929 AND RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS DESCRIBED IN THE DEED TO COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS, PAGE 190; RUNNING THENCE ALONG SAID LINE OF SAID STATE HIGHWAY SOUTH 42° 41' EAST, 79.40 FEET; THENCE SOUTH 47° 25' WEST, 325.28 FEET TO THE SOUTHWESTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THELMA G. ROGERS TO ODES L. WINGO AND WIFE DATED MARCH 22, 1946 AND RECORDED APRIL 6, 1946 UNDER RECORDER'S SERIES NO. TT/27630 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THENCE ALONG THE LAST MENTIONED LINE NORTH 42° 35' WEST, 79.40 FEET TO SAID LINE OF VALLE VISTA AVENUE; THENCE ALONG LAST MENTIONED LINE NORTH 47° 25' EAST, 325.14 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-006

PARCEL 5:

BEGINNING AT A POINT IN THE CENTER LINE OF VALLE VISTA AVENUE KNOWN AS COUNTY ROAD NO. 7723 DISTANT THEREON S. 47° 25' W., 345.69 FEET FROM THE SOUTHWESTERN LINE OF THE ROAD LEADING FROM HAYWARD TO NILES KNOWN AS COUNTY ROAD NO. 89 AS SAID ROAD EXISTED PRIOR TO THE ESTABLISHMENT THEREOF AS A STATE HIGHWAY, 100' WIDE; RUNNING THENCE S. 42° 35' E., 25.00 FEET TO THE ACTUAL POINT OF COMMENCEMENT, BEING ON THE SOUTHEASTERN LINE OF SAID VALLE VISTA AVENUE; THENCE ALONG THE SAID SOUTHEASTERN LINE OF VALLE VISTA AVENUE S. 47° 25' W., 134.425 FEET; THENCE S. 42° 35' E., 327.82 FEET; THENCE N. 47° 25' E., 134.425 FEET; THENCE N. 42° 35' W., 327.82 FEET TO THE ACTUAL POINT OF COMMENCEMENT.

APN: 078C-0438-005

PARCEL 6:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929, AND RECORDED DECEMBER 21, 1929, IN BOOK 2280, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST, 79.40 FEET FROM THE POINT OF INTERSECTION THEREON, WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS DESCRIBED IN THE DEED TO THE COUNTY, OF ALAMEDA, DATED OCTOBER 23, 1933 AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 190; RUNNING THENCE ALONG SAID LINE OF SAID STATE HIGHWAY, SOUTH 42° 41' EAST (THE BEARING OF SAID LINE OF SAID STATE HIGHWAY BEING GIVEN AS SOUTH 42° 17' EAST IN SAID DEED TO THE STATE OF CALIFORNIA), 199.64 FEET; THENCE SOUTH 47° 25' WEST, PARALLEL WITH SAID LINE OF VALLE VISTA AVENUE, 325.60 FEET TO THE SOUTHWESTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM THELMA C. ROGERS TO ODES L. WINGO AND WIFE, DATED MARCH 22, 1946, RECORDED APRIL 6, 1946, UNDER RECORDER'S SERIES NO. TT-27630, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LAST MENTIONED LINE NORTH 42° 35' WEST, 199.64 FEET TO A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN NORTH 47° 25' EAST, 325.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.49 ACRES, MORE OR LESS.

APN: 078C-0438-007

PARCEL 7:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF MISSION BOULEVARD, FORMERLY THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE WAS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA DATED NOVEMBER 8, 1929, RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST (THE BEARING OF SAID LINE IN SAID DEED TO THE STATE OF CALIFORNIA BEING GIVEN AS SOUTH 42° 17' EAST) 279.04 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS SAID AVENUE IS DESCRIBED IN THE DEED TO THE COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, RECORDED

NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS, PAGE 190; RUNNING THENCE ALONG SAID SOUTHWESTERN LINE OF MISSION BOULEVARD, SOUTH 42° 41' EAST 100 FEET TO THE NORTHWESTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM ODES L. WINGO AND HAZEL WINGO, HIS WIFE, TO LENA GUNSLEY, DATED JUNE 7, 1946, RECORDED JUNE 8, 1946 IN BOOK 4870 OF OFFICIAL RECORDS, PAGE 411; THENCE ALONG THE LAST MENTIONED LINE SOUTH 47° 25' WEST 325.77 FEET TO THE MOST WESTERN CORNER OF SAID GUNSLEY'S LAND; THENCE NORTH 42° 35' WEST 100 FEET UNTIL INTERSECTED BY A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN, NORTH 47° 25' EAST 325.60 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-008

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF MISSION BOULEVARD, FORMERLY THE STATE HIGHWAY BETWEEN HAYWARD AND NILES, AS SAID LINE IS ESTABLISHED IN THE DEED TO THE STATE OF CALIFORNIA, DATED NOVEMBER 8, 1929 AND RECORDED DECEMBER 21, 1929 IN BOOK 2280 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 108, DISTANT THEREON SOUTH 42° 41' EAST (THE BEARING OF SAID LINE IN SAID DEED TO THE STATE OF CALIFORNIA BEING GIVEN AS SOUTH 42° 17' EAST) 379.04 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF VALLE VISTA AVENUE, AS SAID AVENUE IS DESCRIBED IN DEED TO THE COUNTY OF ALAMEDA, DATED OCTOBER 23, 1933, AND RECORDED NOVEMBER 13, 1933 IN BOOK 2992 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 190, RUNNING THENCE ALONG THE SAID SOUTHWESTERN LINE OF MISSION BOULEVARD SOUTH 42° 41' EAST 100.00 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM CLANTON V. ROGERS TO THELMA C. ROGERS, DATED MARCH 25, 1924 AND RECORDED APRIL 15, 1924 IN BOOK 692 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 176, THENCE ALONG THE SAID LAST MENTIONED LINE SOUTH 47° 25' WEST 325.94 FEET TO A POINT ON A SOUTHWESTERN LINE OF SAID ROGERS PARCEL OF LAND; THENCE ALONG THE SAID LAST MENTIONED LINE AND ITS DIRECT PRODUCTION NORTH 42° 35' WEST 100.00 FEET UNTIL INTERSECTED BY A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE ALONG THE LINE SO DRAWN NORTH 47° 25' EAST 325.77 FEET TO THE POINT OF BEGINNING.

APN: 078C-0438-009

PARCEL 9:

BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF THE STATE HIGHWAY, FORMERLY THE COUNTY ROAD, RUNNING FROM HAYWARD TO MISSION SAN JOSE, AS THE SAME EXISTED PRIOR TO THE WIDENING THEREOF ON NOVEMBER 29, 1929, BY DEED FROM WILLIAM F. FITZGERALD TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 11, 1930 IN BOOK 2517 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 97, DISTANT THEREON NORTH 42° 35' WEST 1144.70 FEET FROM THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314; RUNNING THENCE SOUTH 47° 25' WEST 345.69 FEET; THENCE NORTH 42° 35' WEST 126.01 FEET; THENCE NORTH 47° 25' EAST 345.69 FEET TO A POINT ON THE SAID SOUTHWESTERN LINE OF SAID COUNTY ROAD RUNNING FROM HAYWARD TO MISSION SAN JOSE, AND THENCE SOUTH 42° 35' EAST ALONG THE LAST LINE 126.01 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED BY WILLIAM P. FITZGERALD, A SINGLE PERSON, TO THE STATE OF CALIFORNIA, BY DEED DATED NOVEMBER 29, 1929 AND RECORDED DECEMBER 11, 1930 IN BOOK 2517 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 97.

APN: 078C-0438-010

PARCEL 10:

COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N. 48° 43' 46" E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES, THENCE ALONG SAID SOUTHWESTERLY LINE S. 41° 21' 12" E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS S. 6° 46' 51" W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF 91° 11' 09", AN ARC LENGTH OF 342.17

FEET; THENCE N. 82° 02' 00" W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N. 41° 16' 14" W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.

APN: 078C-0438-011-01

PARCEL 11:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF A. BERNARD MUTH AND OF GOTTLIEB WAESPI, ET UX. AND ITS PROLONGATION S. 41° 16' 14" E., 414.57 FEET TO THE NORTHEASTERLY CORNER OF THE PROPERTY OF A. BERNARD MUTH, ET UX.; THENCE ALONG THE SOUTHEASTERLY LINE OF LAST SAID PROPERTY S. 48° 43' 46" W., 493.68 FEET TO THE CENTER LINE OF DIXON STREET; THENCE ALONG SAID CENTER LINE N. 41° 16' 14" W., 307.35 FEET; THENCE N. 7° 58' 00" E., 132.23 FEET; THENCE N. 4° 09' 09" E., 299.07 FEET TO THE NORTHWESTERLY LINE OF THE PROPERTY OF SAID A. BERNARD MUTH; THENCE ALONG SAID NORTHWESTERLY LINE N. 48° 43' 46" E., 180.50 FEET TO THE NORTHEASTERLY PROPERTY LINE OF SAID A. BERNARD MUTH; THENCE ALONG LAST SAID LINE S. 41° 16' 14" E., 189.01 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 5.563 ACRES MORE OR LESS IN ADDITION TO 0.183 OF AN ACRE, MORE OR LESS IN SAID DIXON STREET.

APN: 078C-0438-019-01

PARCEL 12:

PARCEL ONE:

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314, ALSO KNOWN AS THE COUNTY ROAD LEADING TO ALVARADO, DISTANT THEREON SOUTH 44° 30' 25" WEST, 840.61 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHWESTERN LINE OF COUNTY ROAD LEADING FROM HAYWARD TO THE MISSION OF SAN JOSE; RUNNING THENCE NORTH 42° 35' WEST, 935.6 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED PREMISES; THENCE SOUTH 47° 25' WEST, 487.47 FEET; THENCE NORTH 44° 12' 30" WEST, 77.87 FEET; THENCE NORTH 47° 25' EAST, 489.68 FEET; THENCE SOUTH 42° 35' EAST, 77.84 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERN 10 FEET OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM MARTIN J. KANDLER, ET UX, TO LAWRENCE RAMOS, SR., ET AL, RECORDED OCTOBER 14, 1958, IN BOOK 8812 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 389.

APN: 078C-0435-002-01

PARCEL 13:

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF ALQUIRE ROAD, ALSO KNOWN AS COUNTY ROAD NO. 314, DISTANT THEREON SOUTH 44° 52' WEST 1302.84 FEET FROM THE INTERSECTION THEREOF, WITH THE SOUTHWESTERN LINE OF NILES ROAD; RUNNING THENCE ALONG SAID LINE OF ALQUIRE ROAD, SOUTH 44° 52' WEST 300 FEET TO THE EASTERN LINE OF THE RIGHT OF WAY DESCRIBED IN THE DEED FROM D. VAN NES TO THE WESTERN PACIFIC RAILWAY COMPANY, DATED MARCH 17, 1906, RECORDED JUNE 23, 1906, IN BOOK 1180 OF DEEDS, PAGE 150, ALAMEDA COUNTY RECORDS; THENCE ALONG THE LAST NAMED LINE NORTH 31° 58' WEST 1459.30 FEET; THENCE SOUTH 44° 20' EAST 1420.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE DESCRIBED PARCEL OF LAND CONTAINED IN A

STRIP OF LAND 41.00 FEET WIDE, RIGHT ANGLE MEASUREMENTS, LYING NORTHEASTERLY OF AND CONTIGUOUS TO THE SOUTHWESTERN LINE OF SAID PARCEL AS CONVEYED BY DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JUNE 10, 1963 IN REEL 905, PAGE 916, SERIES NO. AU-96861, ALAMEDA COUNTY OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED BY DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED MARCH 7, 1967 IN REEL 1926, IMAGE 297, SERIES NO. AZ-20352, ALAMEDA COUNTY OFFICIAL RECORDS.

APN: 083-0460-006-03

PARCEL 14:

BEGINNING FOR REFERENCE AT A POINT IN THE NORTHWESTERLY BOUNDARY LINE OF VALLE VISTA ROAD, FORMERLY COUNTY ROAD NO. 314, DISTANT THEREON 1168.47 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY BOUNDARY LINE OF THE COUNTY ROAD, NOW STATE HIGHWAY, BETWEEN HAYWARD AND MISSION SAN JOSE, AS THE SAME EXISTED ON DECEMBER 7, 1928; THENCE ALONG THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED TO THE CITY OF HAYWARD, RECORDED MAY 5, 1969, IN REEL 2395, IMAGE 909, OFFICIAL RECORDS OF ALAMEDA COUNTY, AND ITS NORTHWESTERLY PROLONGATION N. 41°16'14" W., 407.86 FEET TO THE TRUE POINT OF COMMENCEMENT; THENCE S. 48°43'46" W., 144.55 FEET TO THE PROPERTY LINE COMMON TO THE LANDS, NOW OR FORMERLY, OF THE FRONTIERS FOR CHRIST, A CALIFORNIA CORPORATION, AND OF THE STATE OF CALIFORNIA; THENCE ALONG LAST SAID LINE S. 42°53'44" E., 382.29 FEET TO THE NORTHWESTERLY LINE OF SAID CITY OF HAYWARD PARCEL; THENCE ALONG LAST SAID LINE N. 45°48'57" E., 39.68 FEET; THENCE N. 72°42'59" W., 79.78 FEET; THENCE N. 5°12'59" W., 230.56 FEET TO SAID PROLONGATION; THENCE N. 41°16'14" W., 125.66 FEET TO THE TRUE POINT OF COMMENCEMENT.

APN: 078C-0436-010-03

PARCEL 15:

BEGINNING AT A POINT ON THE CENTER LINE OF COUNTY ROAD NO. 7722, KNOWN AS DIXON STREET, AS SAID ROAD IS DESCRIBED IN THE DEED TO COUNTY OF ALAMEDA, DATED OCTOBER 1, 1933, RECORDED NOVEMBER 16, 1933, IN BOOK 2999 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 130, DISTANT THEREON NORTH 42° 35' WEST 460.82 FEET FROM THE NORTHWESTERN LINE OF COUNTY ROAD NO. 314, KNOWN AS ALQUIRE ROAD, FORMERLY VALLE VISTA ROAD, AND RUNNING THENCE ALONG SAID LINE OF DIXON ROAD NORTH 42° 35' WEST 114 FEET; THENCE SOUTH 47° 25' WEST 225.05 FEET; THENCE NORTH 42° 35' WEST 171.12 FEET; THENCE SOUTH 47° 25' WEST 257.03 FEET TO THE SOUTHWESTERN LINE OF THE 4 ACRE PARCEL OF LAND DESCRIBED, IN THE DEED BY LENA B. NORTON TO ELIZABETH BIDWELL PATTERSON, DATED SEPTEMBER 28, 1935, RECORDED OCTOBER 9, 1935, IN BOOK 3221 OF SAID OFFICIAL RECORDS, PAGE 223; THENCE ALONG THE LAST MENTIONED LINE SOUTH 44° 12' 30" EAST 285.23 FEET TO A LINE DRAWN SOUTH 47° 25' WEST FROM THE POINT OF BEGINNING; THENCE NORTH 47° 25' EAST 473.99 FEET TO SAID POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO ROLF RAYMOND HARADER et ux, DATED MARCH 2, 1962, RECORDED MARCH 5, 1962, REEL 528, IMAGE 844 (AT-28989), ALAMEDA COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE PARCEL LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING FOR REFERENCE AT THE SOUTHWESTERLY TERMINUS OF "SOUTH 47° 25' WEST, 225.05 FEET" THENCE ALONG LAST SAID COURSE N 48° 43' 46" E, 77.70 FEET TO THE TRUE POINT OF COMMENCEMENT; THENCE S 6° 40' 00" W, 74.84 FEET; THENCE S 48° 43' 46" W, 1.96 FEET; THENCE S 41° 16' 14" E, 64.00 FEET MARCH 30, 1998 INSTRUMENT NO. 105886, ALAMEDA COUNTY RECORDS.

APN: 078C-0436-001-07 AND 078C-0435-006

PARCEL 16:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY LEADING FROM HAYWARD TO NILES, AS SAID NORTHEASTERN LINE IS DESCRIBED IN THE DEED FROM GEORGE M. HUNKEN, ET UX, TO STATE OF CALIFORNIA, DATED OCTOBER 22, 1929, RECORDED DECEMBER 6, 1929, IN BOOK 2266 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 135, (Z/79205), WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM GEORGE M. HUNKEN, ET UX, TO RICHARD J. MURPHY, ET AL., DATED JANUARY 10, 1931, RECORDED JANUARY 16, 1931, IN BOOK 2489, OF SAID OFFICIAL RECORDS, PAGE 417, (BB/2964), RUNNING THENCE ALONG SAID NORTHEASTERN LINE OF SAID STATE HIGHWAY; SOUTHEASTERLY 116.01 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM JOSEPH E. COSTA, ET UX, TO GEORGE M. HUNKEN, DATED FEBRUARY 26, 1929, RECORDED FEBRUARY 28, 1929, IN BOOK 2032 OF SAID OFFICIAL RECORDS, PAGE 281, (Z/14150); THENCE ALONG SAID LAST MENTIONED LINE, NORTHEASTERLY 351.88 FEET, MORE OR LESS, TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN SAID LAST MENTIONED DEED; THENCE ALONG SAID LAST MENTIONED LINE, NORTHWESTERLY 116.01 FEET TO THE SOUTHEASTERN LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED TO RICHARD J. MURPHY, ET AL., ABOVE REFERRED TO; AND THENCE ALONG SAID LAST MENTIONED LINE, SOUTHWESTERLY 351.88 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT APPURTENANT TO PARCEL 1 HEREIN DESCRIBED, FOR INGRESS AND EGRESS, SEWER AND ALL PUBLIC UTILITY PURPOSES, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF, BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, HEREINAFTER REFERRED TO, DISTANT THEREON, NORTH 42°45' WEST, 1308.186 FEET FROM THE POINT OF INTERSECTION THEREOF, WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUNNING THENCE NORTH 47°15' EAST, 485.48 FEET; THENCE NORTH 42°45' WEST, 30 FEET; THENCE SOUTH 47°15' WEST, 485.48 FEET TO SAID LINE OF MISSION BOULEVARD; AND THENCE, ALONG THE LAST NAMED LINE, SOUTH 42°45' EAST, 30 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHWESTERN 23.7 FEET, MORE OR LESS, AS CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242.

APN: 078C-0455-004

PARCEL 17:

PORTION OF THE TRACT OF LAND CONTAINING 1-1/2 ACRES, MORE OR LESS, DESCRIBED IN THE DEED TO GEORGE M. HUNKEN, RECORDED FEBRUARY 28, 1929, BOOK 2032, OFFICIAL RECORDS, PAGE 381, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWESTERN BOUNDARY LINE OF SAID TRACT OF LAND, WITH THE NORTHEASTERN LINE OF MISSION BOULEVARD, FORMERLY KNOWN AS THE STATE HIGHWAY, LEADING FROM HAYWARD TO NILES, AS SAID NORTHEASTERN LINE IS DEFINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 6, 1929, IN BOOK 2266, OFFICIAL RECORDS, PAGE 135; RUNNING THENCE SOUTHEASTERLY ALONG SAID LINE OF MISSION BOULEVARD, 58.005 FEET; THENCE NORTHEASTERLY, PARALLEL WITH SAID NORTHWESTERN BOUNDARY LINE OF THE TRACT OF LAND DESCRIBED IN SAID DEED TO GEORGE M. HUNKEN, 351.88 FEET, MORE OR LESS, TO THE NORTHEASTERN BOUNDARY LINE OF SAID TRACT; THENCE NORTHWESTERLY ALONG THE LAST NAMED LINE, 58.005 FEET TO THE NORTHWESTERN BOUNDARY LINE OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE LAST NAMED LINE, 351.88 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-003

PARCEL 18:

PARCEL ONE:

COMMENCING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242, DISTANT THEREON NORTH 42° 45' WEST 1338.186 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUN THENCE NORTH 47° 15' EAST 375.48 FEET TO THE ACTUAL POINT OF BEGINNING; AND RUNNING THENCE NORTH 47° 15' EAST 110 FEET; THENCE NORTH 42° 45' WEST 232.02 FEET; THENCE SOUTH 47° 15' WEST 110 FEET; AND THENCE SOUTH 42° 45' EAST 232.02 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR INGRESS AND EGRESS, SEWER AND ALL PUBLIC UTILITY PURPOSES, AS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 ABOVE DESCRIBED, IN, UNDER, OVER AND ALONG A STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN LINE OF THE COUNTY ROAD LEADING FROM HAYWARD TO NILES, KNOWN AS MISSION BOULEVARD, AS SAID ROAD EXISTED PRIOR TO THE WIDENING THEREOF BY DEED TO THE STATE OF CALIFORNIA, DATED OCTOBER 11, 1929, HEREINAFTER REFERRED TO, DISTANT THEREON NORTH 42° 45' WEST 1308.186 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE MOST WESTERN CORNER OF VALLE VISTA SCHOOL LOT, SO CALLED; RUNNING THENCE NORTH 47° 15' EAST 485.48 FEET; THENCE NORTH 42° 45' WEST 30 FEET; THENCE SOUTH 47° 15' WEST 485.48 FEET TO SAID LINE OF MISSION BOULEVARD; AND THENCE ALONG THE LAST NAMED LINE SOUTH 42° 45' EAST 30 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE SOUTHWESTERN 23.7 FEET, MORE OR LESS, SO CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED OCTOBER 11, 1929, RECORDED NOVEMBER 29, 1929, IN BOOK 2248 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AT PAGE 242.

APN: 078C-0455-005-02

PARCEL 19:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO THE CITY OF HAYWARD RECORDED 08-03, 2018, UNDER RECORDER'S SERIES NO. 2018-152491, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING ON THE WESTERLY LINE OF SAID LANDS OF THE CITY OF HAYWARD, FROM WHICH THE SOUTHWESTERLY CORNER THEREOF BEARS SOUTH 30° 55' 21" EAST 23.50 FEET;

1. THENCE NORTH 30° 55' 21" WEST 652.84 FEET ALONG LAST SAID LINE;
2. THENCE NORTH 09° 22' 21" EAST 111.62 FEET TO THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD;
3. THENCE SOUTH 30° 55' 21" EAST 744.99 FEET ALONG LAST SAID LINE;
4. THENCE SOUTH 43° 11' 56" WEST 42.63 FEET TO THE POINT OF BEGINNING

PORTION OF APN: 083-0460-011

PARCEL 20:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE SAN FRANCISCO BAY AREA TRANSIT DISTRICT TO THE CITY OF HAYWARD, RECORDED 08-03, 2018, UNDER RECORDER'S SERIES NO 2018-152490, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD, FROM WHICH THE SOUTHWESTERLY CORNER BEARS SOUTH 30° 55' 21" EAST 23.50 FEET;

1. THENCE SOUTH 43° 11' 56" WEST 9.77 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1700.00 FEET;
2. THENCE WESTERLY 80.47 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2° 42' 43" TO A LINE THAT IS PARALLEL WITH AND 18.50 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID LAND OF THE CITY OF HAYWARD;

3. THENCE SOUTH 45° 54' 39" WEST 107.76 FEET ALONG SAID PARALLELL LINE TO THE WESTERLY LINE OF SAID LANDS OF THE CITY OF HAYWARD;
  4. THENCE NORTH 21° 46' 07" WEST 526.51 FEET ALONG LAST SAID LINE TO THE SOUTHEASTERLY LINE OF THAT CERTAIN EASEMENT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED MAY 5, 1971 ON REEL 2843, AT IMAGE 598, OFFICIAL RECORDS OF ALAMEDA COUNTY;
  5. THENCE NORTH 28° 46' 01" EAST 56.01 ALONG THE NORTHEASTERLY PROLONGATION OF LAST SAID LINE;
  6. THENCE NORTH 09° 22' 21" WEST 163.59 FEET TO THE EASTERLY LINE OF THE LANDS OF THE CITY OF HAYWARD;
  7. THENCE SOUTH 30° 55' 21" EAST 652.84 ALONG LAST SAID LINE TO THE POINT OF BEGINNING.
- PORTION OF APN; 083-0460-010

EXHIBIT A-2

PARK PROPERTY LEGAL DESCRIPTION

All of the real property in the City of Hayward, County of Alameda, State of California,  
described as follows:

APN: 078C-0438-011-01

A.P.N.: 078C-438-011-01

Exhibit A

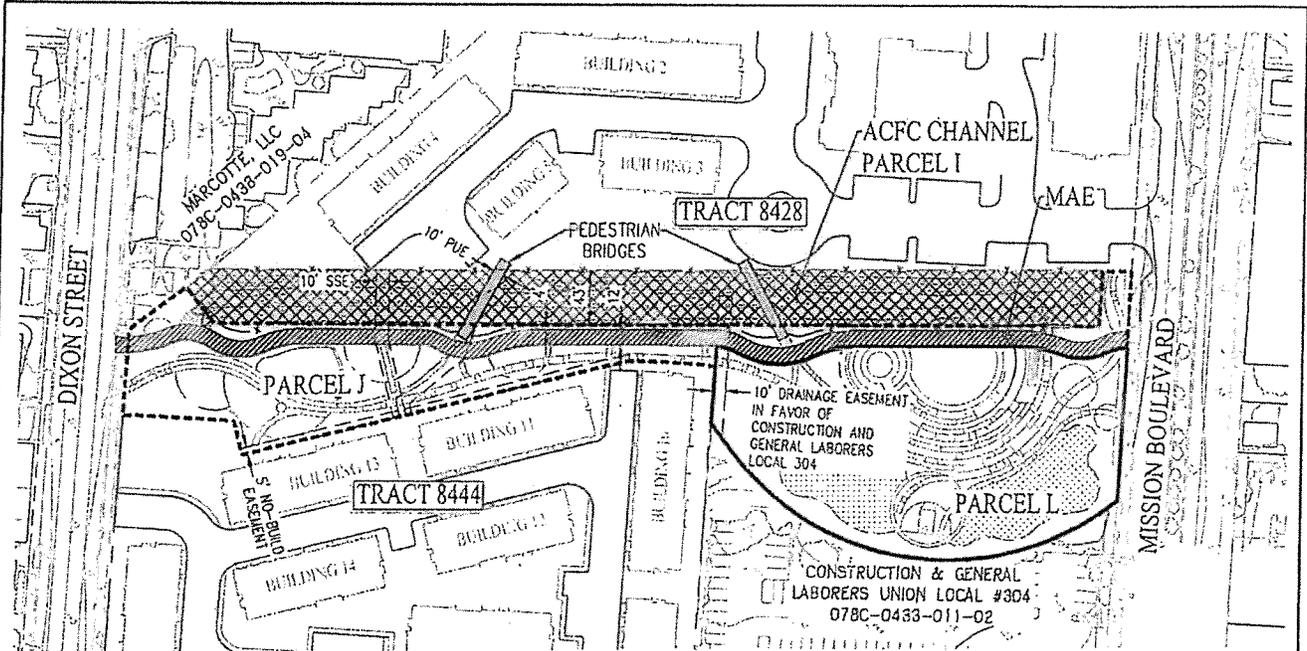
THAT PARCEL OF LAND, IN THE CITY OF HAYWARD; COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED IN THAT GRANT DEED AF 32589, RECORDED JUNE 1, 1965, IN REEL 1516, IMAGE 973 DOCUMENT NUMBER AX74768, OFFICIAL RECORDS OF ALAMEDA COUNTY, TO THE STATE OF CALIFORNIA, DESCRIBED THEREIN:

"COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N. 48°43'46" E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES; THENCE ALONG SAID SOUTHWESTERLY LINE S. 41 °21'12" E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS 5. 6 °46'51" W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF 91°11'09", AN ARC LENGTH OF 342.17 FEET; THENCE N. 82°02'00" W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N. 41 °16'14" W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.

EXHIBIT B

SITE MAP



**LEGEND**

-  MAINTENANCE ACCESS EASEMENT (MAE) TO ACFC (SEE NOTE 1); the portion of Parcel J encumbered by the MAE is also called "MAE Parcel"
-  FEE PARCEL TO ACFC (PARCEL I) TO BE MAINTAINED BY ACFC
-  PUBLIC PARK (PARCEL L)
-  PUBLIC PARK (PARCEL J)
-  PEDESTRIAN BRIDGE
-  EASEMENT

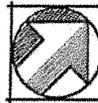
**NOTE:**

1. MAE PROVIDES ACCESS FOR ACFC TO MAINTAIN THEIR ADJACENT CHANNEL. THE MAE IS INSTALLED AS PART OF THE PARK IMPROVEMENT PLANS.

**TRACT 8428  
SOHAY PARK  
IMPROVEMENT AGREEMENT**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: AUGUST 2019 SCALE: 1" = 100'

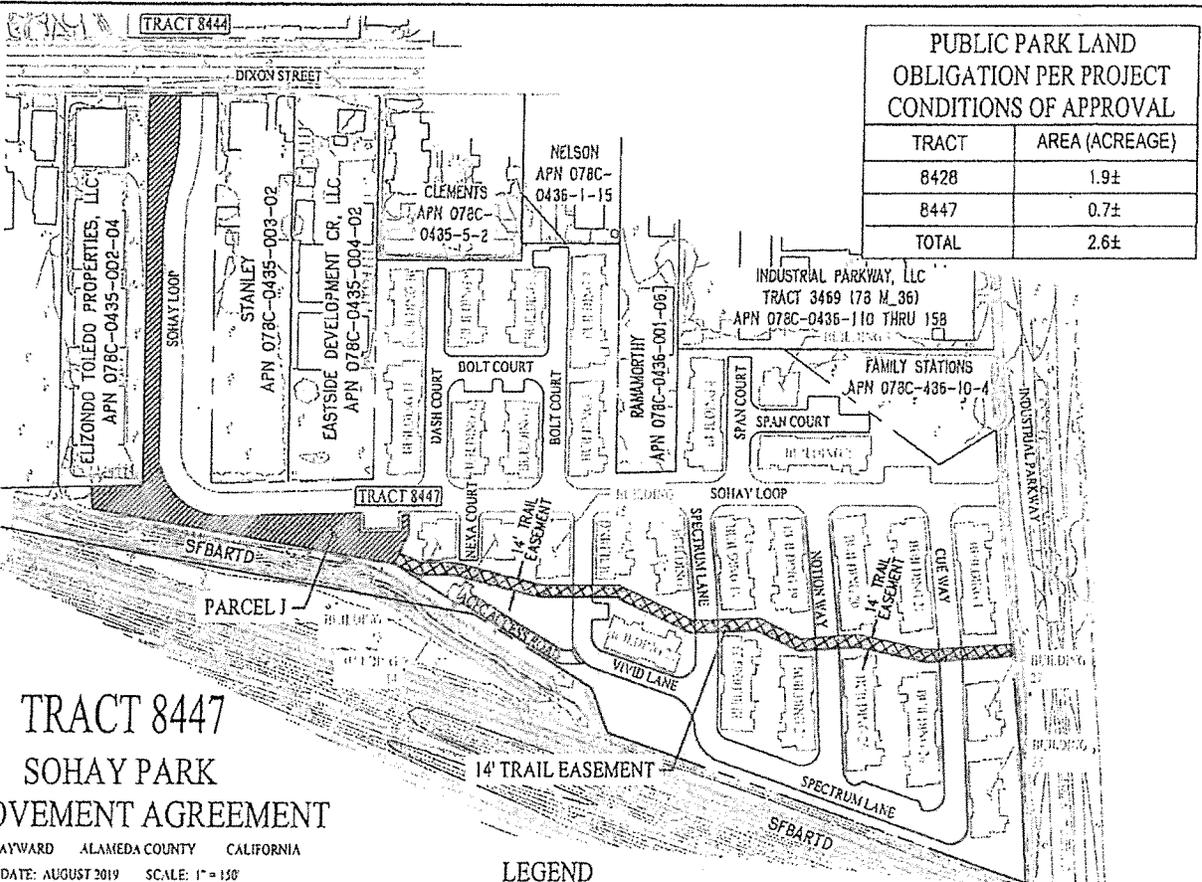


**cbg**

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON (925) 869-0322  
SACRAMENTO (916) 375-1877  
WWW.CBAHOLE.COM

SHEET NO.  
**1**  
OF 2 SHEETS

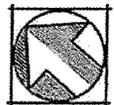


| PUBLIC PARK LAND OBLIGATION PER PROJECT CONDITIONS OF APPROVAL |                |
|--|----------------|
| TRACT  | AREA (ACREAGE) |
| 8428   | 1.9±           |
| 8447   | 0.7±           |
| TOTAL  | 2.6±           |

**TRACT 8447**  
**SOHAY PARK**  
**IMPROVEMENT AGREEMENT**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA  
 DATE: AUGUST 2019 SCALE: 1" = 130'

**cbg** SAN RAMON (925) 866-0322  
 SACRAMENTO (916) 375-1877  
 WWW.CBANDU.COM  
 CIVIL ENGINEERS • SURVEYORS • PLANNERS



**LEGEND**

- PARCEL J
- TRAIL EASEMENT

SHEET NO.  
**2**  
 OF 2 SHEETS

DOCUMENT  
DIVIDER  
PAGE

Irrevocable Offer to Dedicate  
(Park Parcel)

So-Hay to City/HARD

15

54606-1429235

RECORDING REQUESTED BY

North American Title

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME City of Hayward

STREET ADDRESS 777 B Street

Hayward, CA 94541

CITY, STATE & ZIP CODE Attn: City Manager

CERTIFIED A TRUE COPY OF THE ORIGINAL  
RECORDED IN THE OFFICIAL RECORDS OF  
SAID COUNTY ON Alameda

Under Recorder's Serial No. 2018152498

NORTH AMERICAN TITLE COMPANY, INC.

By KDover

SPACE ABOVE FOR RECORDER'S USE ONLY

IRREVOCABLE OFFER TO DEDICATE (PARK PARCEL)

Title of Document

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.
- Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
- Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

Recorded at Request of:  
City of Hayward and

When Recorded Mail to and  
Mail Tax Statements to:

City of Hayward  
777 B Street  
Hayward, California 94541  
Attn: City Manager

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

APN No. 078C-0438-011-01

This Irrevocable Offer to Dedicate is recorded at the request and for the benefit of the City of Hayward and is exempt from the payment of a recording fee pursuant to Government Code Sections 27383, and 27388.1(a)(1)(D) and payment of documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

IRREVOCABLE OFFER TO DEDICATE  
(Park Parcel)

August 02

THIS IRREVOCABLE OFFER TO DEDICATE is made as of ~~July~~ August 02, 2018 by SoHay - Hayward, L.P., a Delaware limited partnership (the "Owner").

WHEREAS, under Director's Deed (DD-032589-01-01) (the "Director's Deed") the City of Hayward, a California charter city ("City") acquired certain real property more particularly described on Exhibit A and depicted as the "Park Parcel" on the site map shown on Exhibit B (the "Park Parcel"). Under the Director's Deed, the Park Parcel is subject to a public park use restriction through December 10, 2029.

WHEREAS, William Lyon Homes, Inc., a California corporation ("Lyon") and the City, are parties to that certain Purchase and Sale Agreement dated May 16, 2017, as such may be amended from time to time (the "Purchase Agreement"), under which the City agreed to transfer the Park Parcel to Lyon.

WHEREAS, Lyon assigned the Purchase Agreement to the Owner, on or before the date hereof.

WHEREAS, the transfer of the Park Parcel is subject to the Conditions of Approval dated May 17, 2018, for General Plan Amendment, Rezoning, Vesting Tentative Map (Tract 8428) (the

"Conditions of Approval") which requires the Owner to dedicate the Park Parcel to the City or the City's designee and to construct park improvements thereon.

WHEREAS, Owner hereby agrees to irrevocably offer for dedication the Park Parcel (subject to any reserved access easements, the requirements of the California Department of Transportation ("Caltrans") as set forth in the Director's Deed, and the Revocable Offer to Dedicate (ACFC Chancel) for the benefit of the City or its designee recorded substantially concurrently herewith (collectively, the "Permitted Exceptions")) to the City or to the City's designee, as generally depicted on the attached site map.

NOW, THEREFORE, incorporating the foregoing recitals, the Owner does hereby designate and set aside for future use as described hereto and irrevocably offer to dedicate to the City or the City's designee (the Hayward Area Recreational and Park District ("HARD")), fee title to the Park Parcel, as generally depicted on the attached site map, subject to the Permitted Exceptions and the express requirement that this offer of dedication may not be accepted prior to July<sup>31</sup>, 2019. The precise area to be dedicated as the Park Parcel under this Agreement may be further refined through the recordation of a final map, but in no event shall the area dedicated hereunder be less than one (1) acre in size. The area to be dedicated as the Park Parcel under this Agreement must be interpreted in a manner that is consistent with the recorded final map; provided however, if there is any conflict between the terms of this Agreement and the recorded final map (as it relates to the solely to the area defined as the Park Parcel), the recorded final map shall control and compliance with the terms of dedication under the recorded final map shall constitute compliance with the terms of this Agreement.

This Irrevocable Offer to Dedicate shall continue in full force and effect until City Council or if directed by the City, the governing board of the City's designee accepts such offer or if the offer to dedicate under the final map is accepted as provided thereunder. The dedication of the Park Parcel shall be deemed to be completed, upon acceptance of this Irrevocable Offer to Dedicate by the City Council, or, if directed by the City, the governing board of the City's designee or if the offer to dedicate under the final map is accepted as provided thereunder.

If and to the extent the City accepts the dedication of the Park Parcel hereunder, the City shall take all steps necessary or required under that certain Option Agreement by and between the City and HARD, dated as of August 02, 2018, to effectuate the terms thereof and deliver fee title to the Park Parcel, at no cost, to HARD by grant deed as soon as practicable.

[Signature Page Follows]

IN WITNESS WHEREOF, Owner has caused this Irrevocable Offer to Dedicate to be executed as of the day and year first above written.

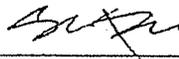
**OWNER:**

SOHAY - HAYWARD, L.P.,  
a Delaware limited partnership

By: NP-HS LOJV GP II, LLC,  
a Delaware limited liability company  
General Partner

By: NP-HS LOT OPTION JOINT VENTURE II, LLC,  
a Delaware limited liability company  
Sole Member

By: HEARTHSTONE PROFESSIONALS - PI, L.P.,  
a Delaware limited partnership

By:   
\_\_\_\_\_  
Steven C. Porath  
Authorized Person

Date: August 02, 2018

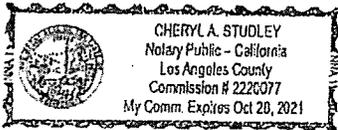
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES )

On JULY 30, 2018, before me, CHERYL A. STUDLEY, Notary Public, personally appeared STEVEN C. PARATH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Cheryl A Studley  
Name: CHERYL A. STUDLEY  
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

All of the real property in the City of Hayward, County of Alameda, State of California,  
described as follows:

APN: 078C-0438-011-01

A.P.N.: 078C-438-011-01

Exhibit A

THAT PARCEL OF LAND, IN THE CITY OF HAYWARD; COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED IN THAT GRANT DEED AF 32589, RECORDED JUNE 1, 1965, IN REEL 1516, IMAGE 973 DOCUMENT NUMBER AX74768, OFFICIAL RECORDS OF ALAMEDA COUNTY, TO THE STATE OF CALIFORNIA, DESCRIBED THEREIN:

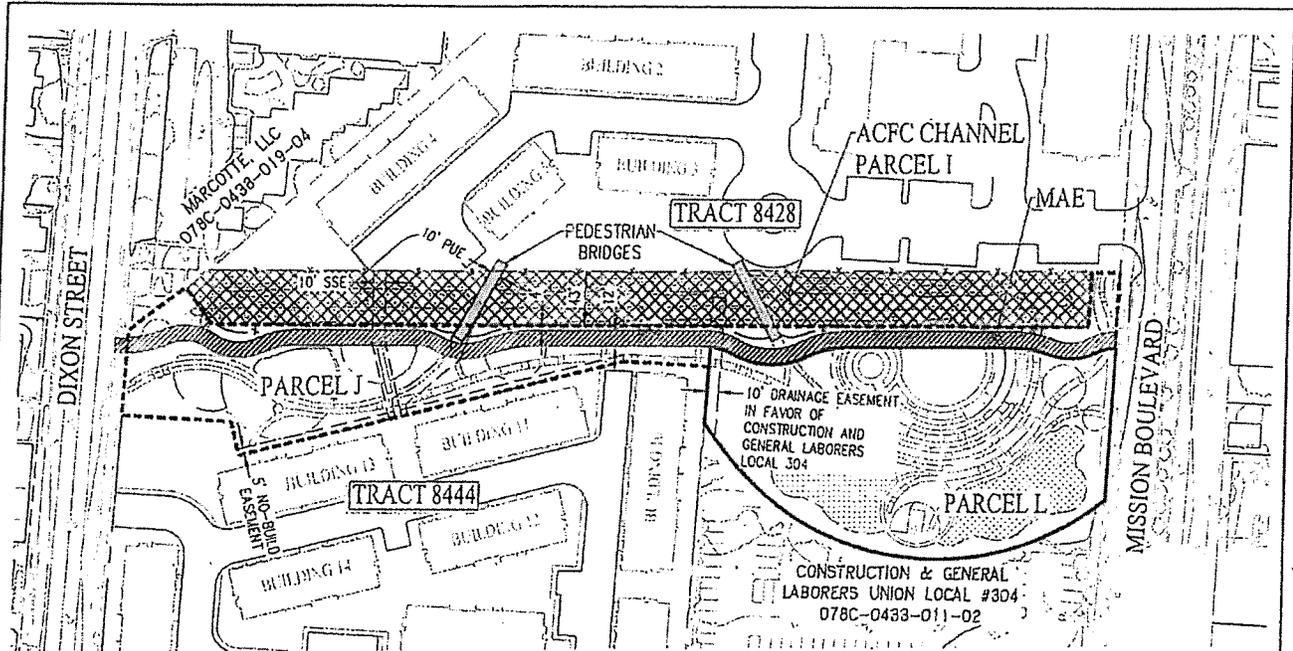
"COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N.  $48^{\circ}43'46''$  E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES; THENCE ALONG SAID SOUTHWESTERLY LINE S.  $41^{\circ}21'12''$  E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS  $5.6^{\circ}46'51''$  W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF  $91^{\circ}11'09''$ , AN ARC LENGTH OF 342.17 FEET; THENCE N.  $82^{\circ}02'00''$  W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N.  $41^{\circ}16'14''$  W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.

EXHIBIT B

SITE MAP

163312367415.8



**LEGEND**

-  MAINTENANCE ACCESS EASEMENT (MAE) TO ACFC (SEE NOTE 1); the portion of Parcel J encumbered by the MAE is also called "MAE Parcel"
-  FEE PARCEL TO ACFC (PARCEL I) TO BE MAINTAINED BY ACFC
-  PUBLIC PARK (PARCEL L)
-  PUBLIC PARK (PARCEL J)
-  PEDESTRIAN BRIDGE
-  EASEMENT

**NOTE:**  
 1. MAE PROVIDES ACCESS FOR ACFC TO MAINTAIN THEIR ADJACENT CHANNEL. THE MAE IS INSTALLED AS PART OF THE PARK IMPROVEMENT PLANS.

**TRACT 8428  
 SOHAY PARK  
 IMPROVEMENT AGREEMENT**

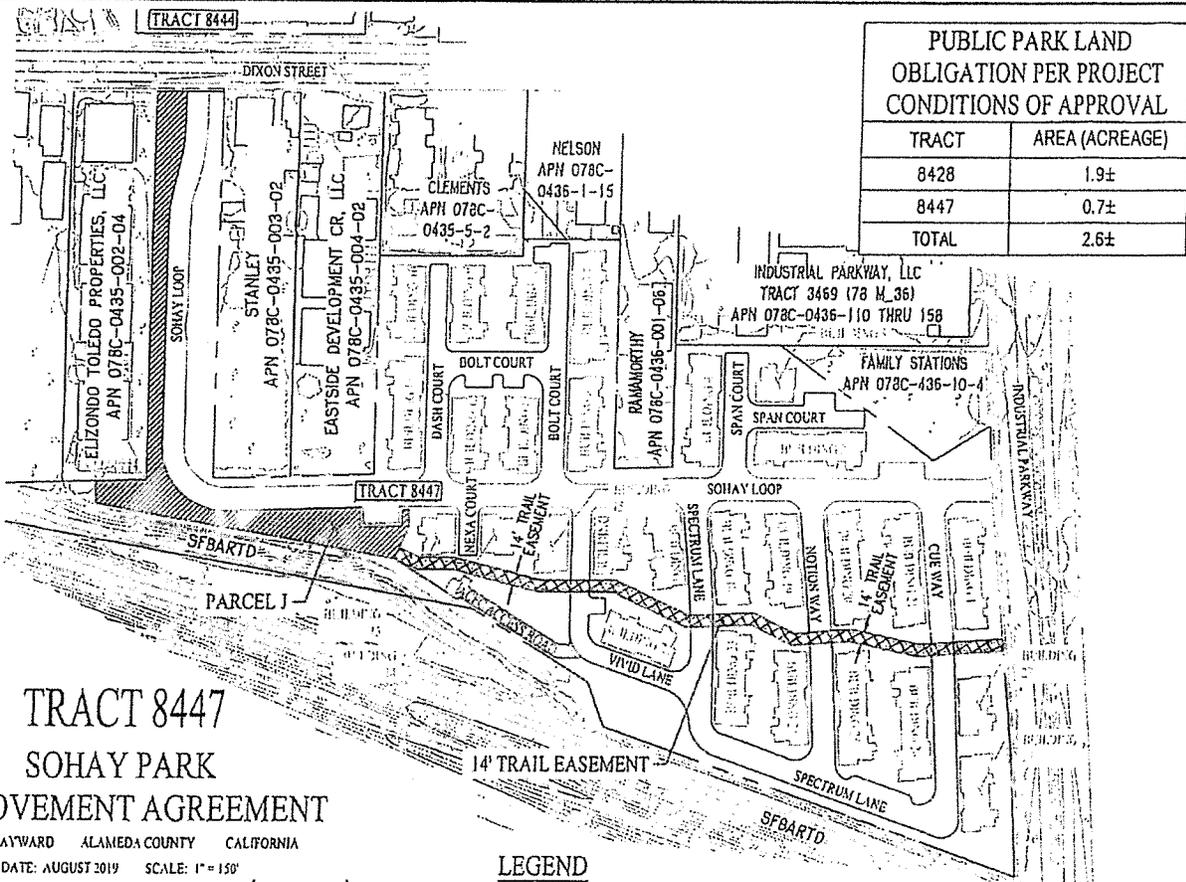
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA  
 DATE: AUGUST 2019 SCALE: 1" = 100'



**cbg** SAN RAMON (925) 866-0322  
 SACRAMENTO (916) 375-1677  
 WWW.CBAHQ.COM  
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

SHEET NO.  
**1**  
 OF 13 SHEETS

8/19/2019 4:34 PM



| PUBLIC PARK LAND<br>OBLIGATION PER PROJECT<br>CONDITIONS OF APPROVAL |                |
|--|----------------|
| TRACT  | AREA (ACREAGE) |
| 8428   | 1.9±           |
| 8447   | 0.7±           |
| TOTAL  | 2.6±           |

# TRACT 8447 SOHAY PARK IMPROVEMENT AGREEMENT

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA  
DATE: AUGUST 2019 SCALE: 1" = 150'

**cbg** SAN RAMON (925) 868-0322  
SACRAMENTO (916) 376-1877  
WWW.CRAHOI.COM  
CIVIL ENGINEERS • SURVEYORS • PLANNERS



**LEGEND**

- PARCEL J
- TRAIL EASEMENT

SHEET NO.  
**2**  
OF 11 SHEETS

EXHIBIT 4

PARK IMPROVEMENT SPECIFICATION LIST

Please refer to Landscape Improvement Plans for Sohay Park prepared by Urban Arena, dated 05-07-19, in the final form approved by the City, on file and available for review in the City Of Hayward Public Works Department, Engineering Division.

EXHIBIT 5

NOTICE OF COMPLETION OF OBLIGATIONS

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of Hayward  
777 B Street  
Hayward, CA 94541  
Attn: City Manager

---

(Space Above For Recorder's Use)

APN NOs: \_\_\_\_\_

**NOTICE OF COMPLETION  
(Park Improvement Agreement)**

Pursuant to Section 14.1 of that certain Park Improvement Agreement dated as of September \_\_, 2019, as such may be amended (the "Park Improvement Agreement"), entered into by and among the City of Hayward, a California charter city (the "*City*"), and William Lyon Homes, Inc., a California corporation (the "*Developer*") and the Hayward Area Recreation and Park District, a California special district ("*HARD*"), *HARD* and the City hereby certify that the Developer of the real property more particularly described in Exhibit A (the "*Property*") has met its obligations under Park Improvement Agreement regarding the construction of the Park Improvements, Trail improvements, and Pedestrian Bridges on the Property, and has met its various other obligations specified in the Park Improvement Agreement.

This Notice of Completion shall serve as conclusive evidence that the Developer has completed construction and development of the Park Improvements, Trail improvements, and Pedestrian Bridges on the Property in conformance with the terms of the Park Improvement Agreement.

This Notice of Completion shall not be deemed to be either a notice of completion under the California Civil Code or a certificate of occupancy. This Notice of Completion shall not constitute evidence of compliance with the prevailing wage requirements of California Labor Code Sections 1720 et seq, or the requirements set forth in Section 8 of the Park Improvement Agreement.

Capitalized terms used in this Notice of Completion which are not defined herein shall have the meanings given such terms in the Park Improvement Agreement.

IN WITNESS WHEREOF, The City and HARD have caused their duly authorized representatives to execute this instrument as of \_\_\_\_\_, 20\_\_.

HAYWARD AREA RECREATION AND  
PARK DISTRICT, a California special district

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

CITY:

CITY OF HAYWARD, a California charter city

By: \_\_\_\_\_  
Kelly McAdoo, City Manager

Date: \_\_\_\_\_, 20\_\_

APPROVED AS TO FORM:  
Michael Lawson, City Attorney

By: \_\_\_\_\_  
Joseph Brick, Assistant City Attorney

Date: \_\_\_\_\_, 20\_\_

ATTEST:

By: \_\_\_\_\_  
Miriam Lens, City Clerk

Date: \_\_\_\_\_, 20\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public



**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

Real property in the City of Hayward, County of Alameda, State of California, described as follows:

# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

## OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }

COUNTY OF Contra Costa }

ON November 15, 2018, BEFORE ME, Julie Ore, A NOTARY PUBLIC, PERSONALLY APPEARED Scott Raylance, Steven Jones, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: Julie Ore

NAME (PRINT): Julie Ore

PRINCIPAL COUNTY OF BUSINESS: Alameda

MY COMMISSION NUMBER: 2103027

MY COMMISSION EXPIRES: 02/11/2021

## OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }

COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## COUNTY RECORDER'S STATEMENT

FILED FOR RECORD, THIS 12 DAY OF December, 20 18, AT 2:04 PM IN BOOK

359 OF MAPS, AT PAGE 1-11, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.  
Series # 2018235671 Fee: 103.00

STEVE MANNING  
COUNTY RECORDER IN AND FOR THE  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

COPY of map to be recorded  
Has not been compared with Original

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

Date: 12/14/18

Inclusionary Housing Agreement - Series # 2018235670 SHEET 1 OF 11

## OWNER'S STATEMENT

THE UNDERSIGNED, SOHAY-HAYWARD, L.P., DOES HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT 8428 SOHAY", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA" CONSISTING OF 11 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED AUGUST 3, 2018, AS INSTRUMENT NUMBER 2018152492 AND GRANT DEED RECORDED AUGUST 3, 2018 AS INSTRUMENT NUMBER 2018152493, BOTH OF OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID OWNERS HAVE CAUSED SAID MAP TO BE PREPARED FOR RECORD; AND THAT SAID OWNERS CONSENT TO THE PREPARATION AND FILING OF THIS MAP;

AND THE UNDERSIGNED DO HEREBY DEDICATE IN FEE TO THE CITY OF HAYWARD THE PARCEL OF LAND DESIGNATED AS PARCEL J;

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER AN EASEMENT FOR THE USE AND PURPOSE OF PUBLIC STREETS, THE PARCEL OF LAND LYING WITHIN THE BOUNDARY OF TRACT 8428 SOHAY DESIGNATED AS VALLE VISTA AVENUE DEDICATION AND DIXON STREET DEDICATION.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT), AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND THAT SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, DRAINAGE FACILITIES, SEWER FACILITIES, WATER FACILITIES, IRRIGATION SYSTEMS, APPURTENANCES, AND LAWFUL FENCES;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED AS "WLE" (WATER LINE EASEMENT) FOR INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF WATER SYSTEM FACILITIES INCLUDING WATER LINES AND APPURTENANCES THERETO; MAINTENANCE OF SAID WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED AS "SSE" (SANITARY SEWER EASEMENT) FOR SANITARY SEWER PURPOSES, INCLUDING INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS, STRUCTURES, AND APPURTENANCES, WHETHER COVERED OR OPEN AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION; MAINTENANCE OF SAID SEWER IMPROVEMENTS, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC SOLELY FOR EMERGENCY VEHICLE ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT);

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR ACCESS PURPOSES UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PAE" (PUBLIC ACCESS EASEMENT). SAID EASEMENT TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT UNDERGROUND UTILITY STRUCTURES WHICH DO NOT CONFLICT WITH THE PURPOSES OF THE EASEMENT.

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCEL LABELED PARCEL F, PARCEL G AND PARCEL H FOR ACCESS, OPEN SPACE, UTILITY, DRAINAGE, WALL/FENCE MAINTENANCE, STORM WATER TREATMENT, AND LANDSCAPING PURPOSES. SAID PARCELS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8428;

AND THE UNDERSIGNED DO HEREBY RESERVE PARCEL L FOR PUBLIC PARK PURPOSES, TO BE CONVEYED IN FEE TO HAYWARD AREA RECREATION AND PARK DISTRICT BY SEPARATE INSTRUMENT. IN ACCORDANCE WITH THE IRREVOCABLE OFFER TO DEDICATE (PARK PARCEL) AS DESCRIBED IN THE DOCUMENT RECORDED AUGUST 3, 2018 UNDER RECORDER'S SERIES NUMBER 2018152498;

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCEL LABELED PARCEL I FOR DRAINAGE PURPOSES, TO BE CONVEYED IN FEE TO ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT BY SEPARATE INSTRUMENT. IN ACCORDANCE WITH THE OFFER OF DEDICATION FOR ACFC CHANNEL AND INCIDENTS AS DESCRIBED IN THE DOCUMENT RECORDED AUGUST 3, 2018 UNDER RECORDER'S SERIES NUMBER 2018152497;

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCELS LABELED PARCEL B, PARCEL C, PARCEL D AND PARCEL E, FOR THE PURPOSES OF PRIVATE STREETS, PARKING AND DRIVENWAYS; SAID PARCELS HEREBY CONSTITUTES PRIVATE INGRESS/EGRESS EASEMENT (PIEE) AND PRIVATE STORM DRAINAGE EASEMENTS (PSDE) FOR THE BENEFIT OF ALL THE LOTS AND PARCELS WITHIN THIS MAP; MAINTENANCE OF SAID PARCEL SHALL BE THE RESPONSIBILITY OF SAID HOMEOWNER'S ASSOCIATION IN ACCORDANCE WITH THE RESTRICTIONS GOVERNING THIS SUBDIVISION; SAID PARCELS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC.

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS FOR MAINTENANCE PURPOSES DESIGNATED AS A "MAE" (MAINTENANCE ACCESS EASEMENT) OVER PARCEL J FOR THE BENEFIT OF PARCEL I, TO BE CONVEYED TO ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT BY SEPARATE INSTRUMENT.

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT DESIGNATED AS "NO BUILD" OVER PARCEL J FOR THE BENEFIT OF PARCEL K. SAID EASEMENT TO BE KEPT OPEN AND FREE FROM BUILDING AND STRUCTURES OF ANY KIND EXCEPT UNDERGROUND UTILITY STRUCTURES WHICH DO NOT CONFLICT WITH THE PURPOSES OF SAID EASEMENT.

## OWNER'S STATEMENT CONTINUE

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF THE RECORD, UNLESS OTHERWISE NOTED. IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THIS STATEMENT AND THESE DEDICATIONS TO

BE EXECUTED THIS 19 DAY OF November, 2018.

SOHAY-HAYWARD, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: NP-HS LOJV GP II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
GENERAL PARTNER

BY: NP-HS LOT OPTION JOINT VENTURE II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
SOLE MEMBER

BY: HEARTHSTONE PROFESSIONALS - PI, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: [Signature]  
STEVEN C. PORATH  
AUTHORIZED PERSON

## OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }

COUNTY OF Los Angeles }

ON November 19, 2018, BEFORE ME, Asuncion Santa Ana Francisco A NOTARY PUBLIC, PERSONALLY APPEARED Steven C. Porath WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: [Signature]

NAME (PRINT): Asuncion Santa Ana Francisco

PRINCIPAL COUNTY OF BUSINESS: Los Angeles

MY COMMISSION NUMBER: 2254203

MY COMMISSION EXPIRES: August 14, 2022



## OPTIONEE'S STATEMENT

THE UNDERSIGNED, AS OPTIONEE UNDER THE AGREEMENT RECORDED ON AUGUST 03, 2018 (INSTRUMENT NO. 2018152494 ALAMEDA COUNTY RECORDS), DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNER'S STATEMENT

WILLIAM LYON HOMES, INC., A CALIFORNIA CORPORATION

BY: [Signature]

NAME (PRINT): Scott Raylance

TITLE: Division Manager

DATE: 11/15/2018

BY: [Signature]

NAME (PRINT): Steven Jones

TITLE: Designated Signer

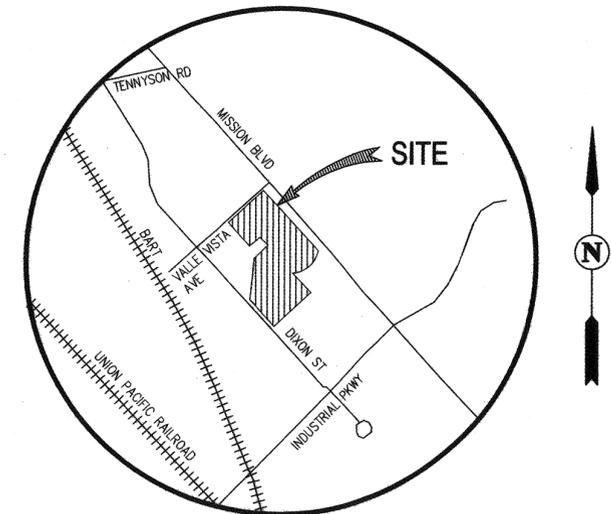
DATE: 11/15/2018

# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

NOVEMBER 2018



**VICINITY MAP**

NOT TO SCALE

## CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8428, SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA:

I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREIN IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 27<sup>th</sup> DAY OF November, 20 18



*Dan S. Scott III*  
DAN S. SCOTT III, PLS 7840  
CITY SURVEYOR, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

## SURVEYOR'S STATEMENT

I, MARK H. WEHBER, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SOHAY-HAYWARD, L.P., IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION ON AUGUST 2017, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY) AND APPROVED AMENDMENTS THEREOF, I ALSO HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THIS MAP IS 12.75 ACRES MORE OR LESS.

11/19/18  
DATE



*Mark H. Wehber*  
MARK H. WEHBER, P.L.S.  
L.S. NO. 7960

## CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 8428, SOHAY", CONSISTING OF 11 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS 13<sup>th</sup> DAY OF NOVEMBER, 20 18, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER 18-234, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC PARCEL J, AN EASEMENT FOR STREET PURPOSES BEING THAT PORTION DESIGNATED HEREON AS "VALLE VISTA AVENUE PUBLIC STREET DEDICATION" AND "DIXON STREET PUBLIC STREET DEDICATION"; AND ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PUE" (PUBLIC UTILITY EASEMENT), "WLE" (WATER LINE EASEMENT), "SSE" (SANITARY SEWER EASEMENT), "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT), AND "PAE" (PUBLIC ACCESS EASEMENT).

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 3<sup>rd</sup> DAY OF Dec, 20 18

*Miriam Lens*  
MIRIAM LENS, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF HAYWARD,  
ALAMEDA COUNTY, STATE OF CALIFORNIA

## CITY ENGINEER'S STATEMENT

I, ALEX AMERI, INTERIM CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 8428 SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 11 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 30<sup>th</sup> DAY OF Nov, 20 18



*Alex Ameri*  
ALEX AMERI RCE NO. 40155  
INTERIM CITY ENGINEER, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

## SOIL / GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY ENGeo, INC. ENTITLED "GEOLOGICAL FEASIBILITY REPORT- VALLE VISTA (VARIOUS PARCELS)", PROJECT NO. 12923.000.000 DATED APRIL 27, 2016, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

## CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY, AS CHECKED BELOW THAT:

AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$17,006.00 CONDITIONED FOR PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOT A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 10<sup>th</sup> DAY OF December, 20 18



*Anika Campbell-Belton*  
ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ALAMEDA, CALIFORNIA

BY: *Deputy Clerk*  
DEPUTY CLERK

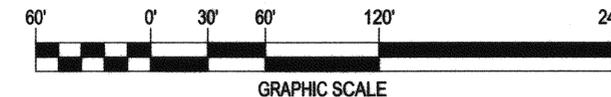
MISSION BOULEVARD

# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 60' NOVEMBER 2018

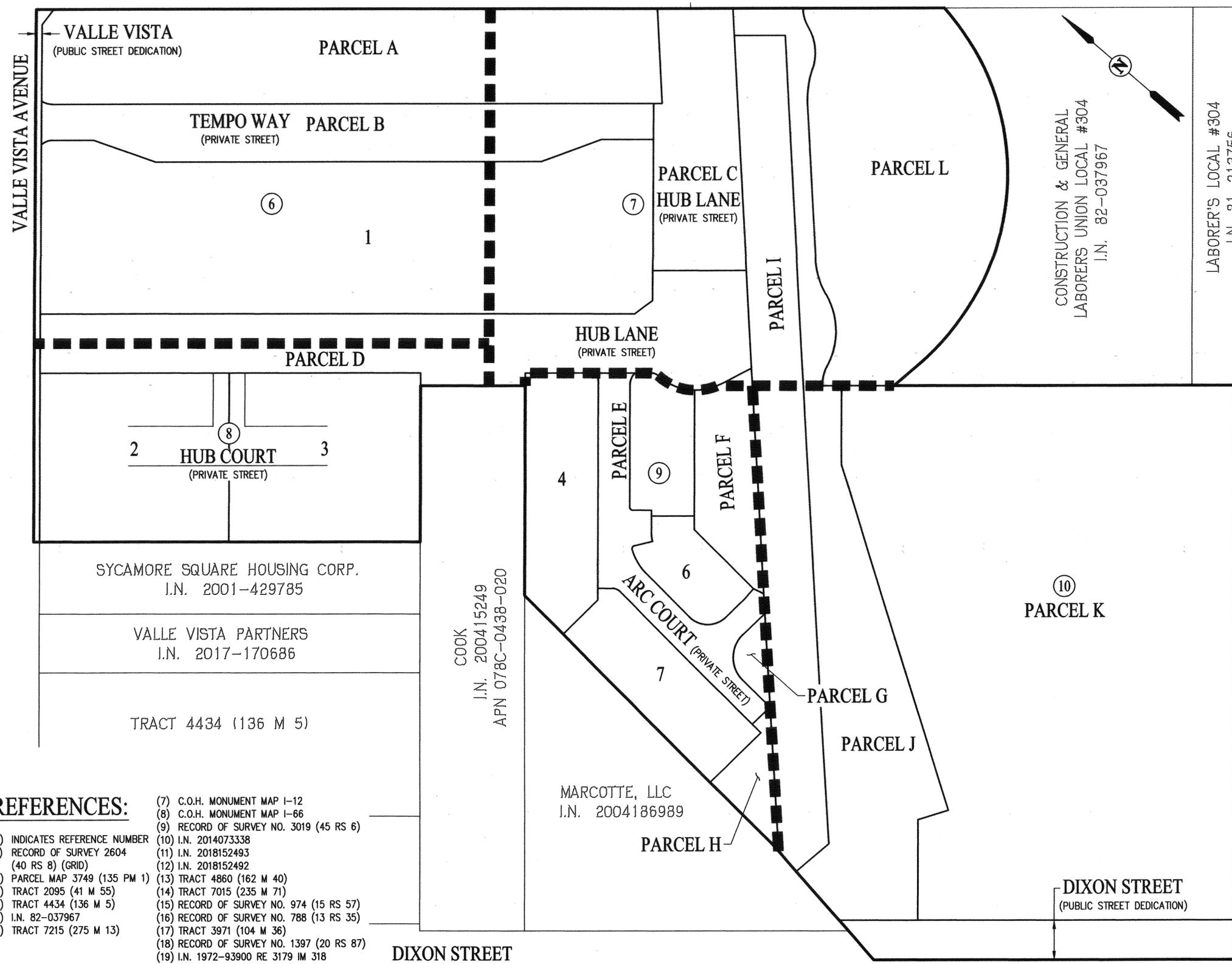


## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE  
CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6  
(MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION  
BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604,  
FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA  
COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

## LEGEND

|         |  |
|---------|--|
|         | SUBDIVISION BOUNDARY LINE  |
|         | RIGHT OF WAY LINE  |
|         | LOT LINE   |
|         | EASEMENT LINE  |
|         | MONUMENT LINE  |
|         | CENTERLINE   |
| (T)     | TOTAL DISTANCE   |
| (R)     | RADIAL BEARING   |
| R       | RECORD   |
| (M-M)   | MONUMENT TO MONUMENT   |
| (M-ML)  | MONUMENT TO MONUMENT LINE  |
| (CL-PL) | CENTERLINE TO PROPERTY LINE  |
| ●       | FOUND MONUMENT 2 1/2" BRASS DISK<br>STAMPED C.O.H. WITH PUNCH, UNLESS<br>OTHERWISE NOTED |
| ⊙       | SET STANDARD STREET MONUMENT, LS 7960  |
| ○       | SET 5/8" REBAR AND CAP, OR NAIL AND<br>TAG, LS 7960                                      |
| ⊗       | MONUMENT SEARCHED FOR, NOT FOUND   |
| I.N.    | INSTRUMENT NUMBER  |
| EVAE    | EMERGENCY VEHICLE ACCESS   |
| C.O.H.  | CITY OF HAYWARD  |
| ⊕       | CENTERLINE   |
| MAE     | MAINTENANCE ACCESS EASEMENT  |
| PAE     | PUBLIC ACCESS EASEMENT   |
| PIE     | PRIVATE INGRESS EGRESS EASEMENT  |
| PUE     | PUBLIC UTILITY EASEMENT  |
| PSDE    | PRIVATE STORM DRAIN EASEMENT   |
| R/W     | RIGHT OF WAY   |
| SSE     | SANITARY SEWER EASEMENT  |
| WLE     | WATER LINE EASEMENT  |
|         | HISTORIC RIGHT OF WAY LINE   |
|         | SHEET LIMITS   |
| ①       | SHEET NUMBER   |



## REFERENCES:

- |  |   |
|--|---|
| (#) INDICATES REFERENCE NUMBER             | (7) C.O.H. MONUMENT MAP I-12              |
| (1) RECORD OF SURVEY 2604 (40 RS 8) (GRID) | (8) C.O.H. MONUMENT MAP I-66              |
| (2) PARCEL MAP 3749 (135 PM 1)             | (9) RECORD OF SURVEY NO. 3019 (45 RS 6)   |
| (3) TRACT 2095 (41 M 55)                   | (10) I.N. 2014073338                      |
| (4) TRACT 4434 (136 M 5)                   | (11) I.N. 2018152493                      |
| (5) I.N. 82-037967                         | (12) I.N. 2018152492                      |
| (6) TRACT 7215 (275 M 13)                  | (13) TRACT 4860 (162 M 40)                |
|  | (14) TRACT 7015 (235 M 71)                |
|  | (15) RECORD OF SURVEY NO. 974 (15 RS 57)  |
|  | (16) RECORD OF SURVEY NO. 788 (13 RS 35)  |
|  | (17) TRACT 3971 (104 M 36)                |
|  | (18) RECORD OF SURVEY NO. 1397 (20 RS 87) |
|  | (19) I.N. 1972-93900 RE 3179 IM 318       |
|  | (20) C.O.H. MONUMENT MAP I-264            |

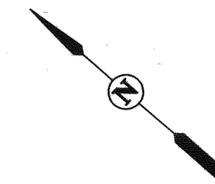
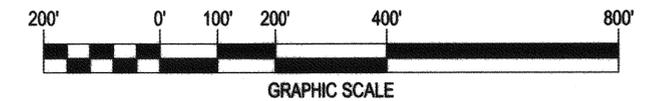
# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
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OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 200' NOVEMBER 2018



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6 (MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604, FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

NOTE: COORDINATES SHOWN HERE ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 1991.35, WITH VALUES DERIVED FROM THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY DESCRIBED IN RECORD OF SURVEY NO. 2604 (40 RS 8). DISTANCES SHOWN ON THIS SHEET ARE GRID. TO OBTAIN GROUND LEVEL DISTANCES, MULTIPLY BY 1.0000699.

3.5" BRASS DISC IN ROCK OUTCROPPING  
USC&GS "GROVE" "1947" "1965" HT2576  
N 2064782.90 E 6126497.45

N 60°13'59" E 16,136.94'  
GPS TIE TO HT2576

THESE LINES ARE GRAPHIC ONLY, NOT DIRECTIONALLY ACCURATE

N 53°46'42" E 15,781.12'  
GPS TIE TO HT2576

3.5" BRASS DISC IN TOP OF CURB  
USC&GS "S1197" "1969"  
N 2072669.73 E 6095651.19

N46°38'42"W 23158.04'  
GPS TIE TO USC&GS S1197

FOUND STANDARD CITY MONUMENT  
COUNTY MON. ID JK68C6 PER 40 RS 8  
N 2056771.36 E 6112489.74

FOUND STANDARD CITY MONUMENT  
COUNTY MON. ID RE47P2 PER 40 RS 8  
N 2055457.64 E 6113766.26

BASIS OF BEARINGS

N44°10'38"W 1831.76'

MISSION BOULEVARD

COPPERFIELD AVENUE

VALLE VISTA AVENUE

TRACT 8428

DIXON STREET

INDUSTRIAL PARKWAY

ALQUIRE PARKWAY

OVERHILL DRIVE

GPS CONTROL TIES

### BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6 (MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604, FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

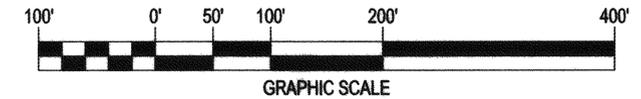
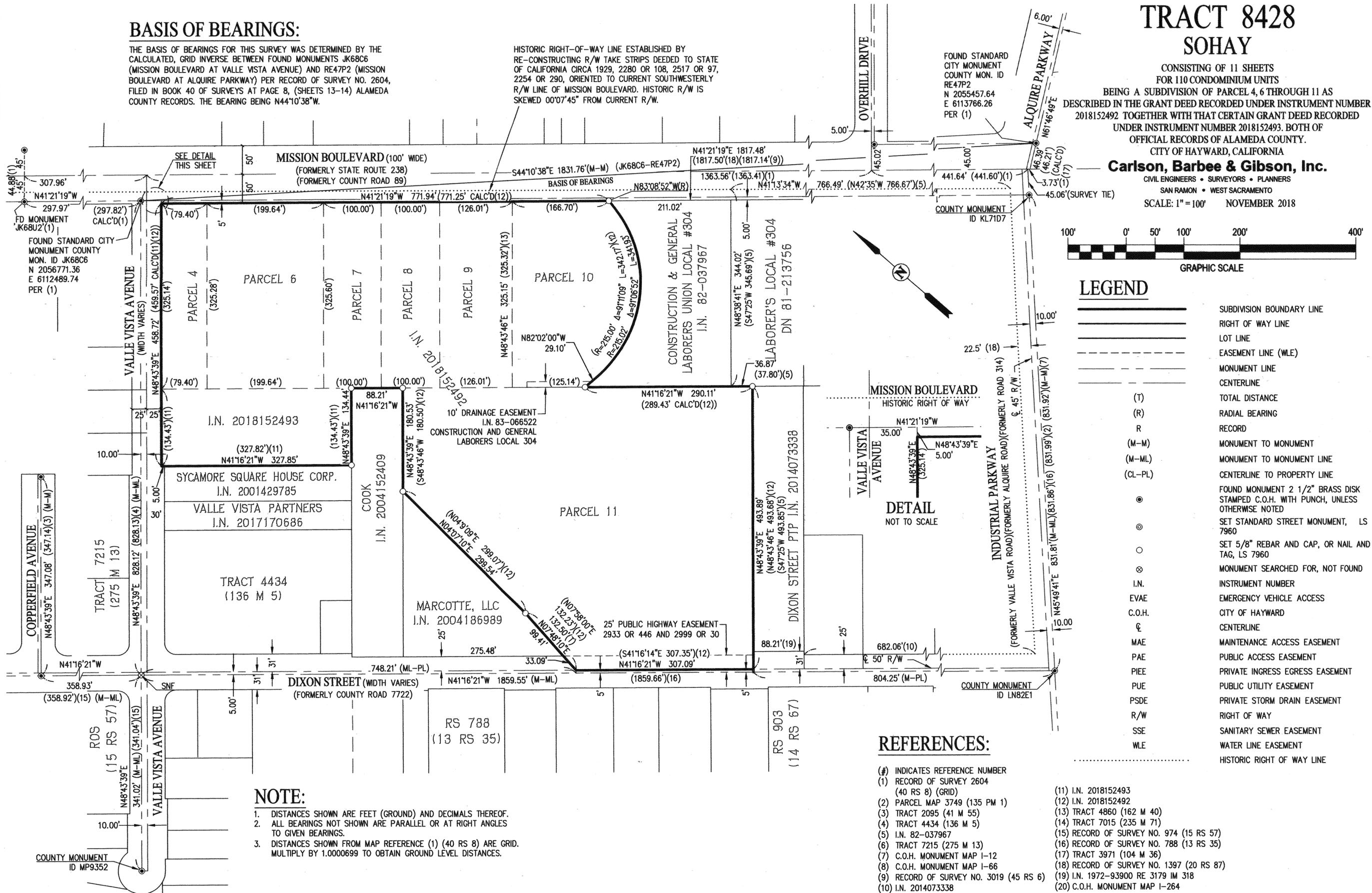
HISTORIC RIGHT-OF-WAY LINE ESTABLISHED BY RE-CONSTRUCTING R/W TAKE STRIPS DEEDED TO STATE OF CALIFORNIA CIRCA 1929, 2280 OR 108, 2517 OR 97, 2254 OR 290, ORIENTED TO CURRENT SOUTHWESTERLY R/W LINE OF MISSION BOULEVARD. HISTORIC R/W IS SKEWED 00°07'45" FROM CURRENT R/W.

# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO  
SCALE: 1" = 100' NOVEMBER 2018



### LEGEND

|  |  |
|--|--|
|  | SUBDIVISION BOUNDARY LINE  |
|  | RIGHT OF WAY LINE  |
|  | LOT LINE   |
|  | EASEMENT LINE (WLE)  |
|  | MONUMENT LINE  |
|  | CENTERLINE   |
|  | TOTAL DISTANCE   |
|  | RADIAL BEARING   |
|  | RECORD   |
|  | MONUMENT TO MONUMENT   |
|  | MONUMENT TO MONUMENT LINE  |
|  | CENTERLINE TO PROPERTY LINE  |
|  | FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED |
|  | SET STANDARD STREET MONUMENT, LS 7960  |
|  | SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960                                   |
|  | MONUMENT SEARCHED FOR, NOT FOUND   |
|  | INSTRUMENT NUMBER  |
|  | EMERGENCY VEHICLE ACCESS   |
|  | CITY OF HAYWARD  |
|  | CENTERLINE   |
|  | MAINTENANCE ACCESS EASEMENT  |
|  | PUBLIC ACCESS EASEMENT   |
|  | PRIVATE INGRESS EGRESS EASEMENT  |
|  | PUBLIC UTILITY EASEMENT  |
|  | PRIVATE STORM DRAIN EASEMENT   |
|  | RIGHT OF WAY   |
|  | SANITARY SEWER EASEMENT  |
|  | WATER LINE EASEMENT  |
|  | HISTORIC RIGHT OF WAY LINE   |

### REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) RECORD OF SURVEY 2604 (40 RS 8) (GRID)
- (2) PARCEL MAP 3749 (135 PM 1)
- (3) TRACT 2095 (41 M 55)
- (4) TRACT 4434 (136 M 5)
- (5) I.N. 82-037967
- (6) TRACT 7215 (275 M 13)
- (7) C.O.H. MONUMENT MAP 1-12
- (8) C.O.H. MONUMENT MAP 1-66
- (9) RECORD OF SURVEY NO. 3019 (45 RS 6)
- (10) I.N. 2014073338
- (11) I.N. 2018152493
- (12) I.N. 2018152492
- (13) TRACT 4860 (162 M 40)
- (14) TRACT 7015 (235 M 71)
- (15) RECORD OF SURVEY NO. 974 (15 RS 57)
- (16) RECORD OF SURVEY NO. 788 (13 RS 35)
- (17) TRACT 3971 (104 M 36)
- (18) RECORD OF SURVEY NO. 1397 (20 RS 87)
- (19) I.N. 1972-93900 RE 3179 IM 318
- (20) C.O.H. MONUMENT MAP 1-264

### NOTE:

1. DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
2. ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
3. DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.

# TRACT 8428 SOHAY

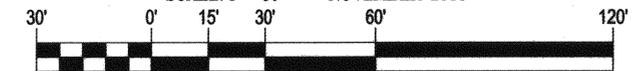
CONSISTING OF 11 SHEETS  
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CITY OF HAYWARD, CALIFORNIA

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CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



### LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- MONUMENT LINE
- CENTERLINE
- (T) TOTAL DISTANCE
- (R) RADIAL BEARING
- R RECORD
- (M-M) MONUMENT TO MONUMENT
- (M-ML) MONUMENT TO MONUMENT LINE
- (CL-PL) CENTERLINE TO PROPERTY LINE
- ⊙ FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
- ⊗ MONUMENT SEARCHED FOR, NOT FOUND
- I.N. INSTRUMENT NUMBER
- EVAE EMERGENCY VEHICLE ACCESS
- C.O.H. CITY OF HAYWARD
- ⊕ CENTERLINE
- MAE MAINTENANCE ACCESS EASEMENT
- PAE PUBLIC ACCESS EASEMENT
- PIEE PRIVATE INGRESS EGRESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- R/W RIGHT OF WAY
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- ..... HISTORIC RIGHT OF WAY LINE

### REFERENCES:

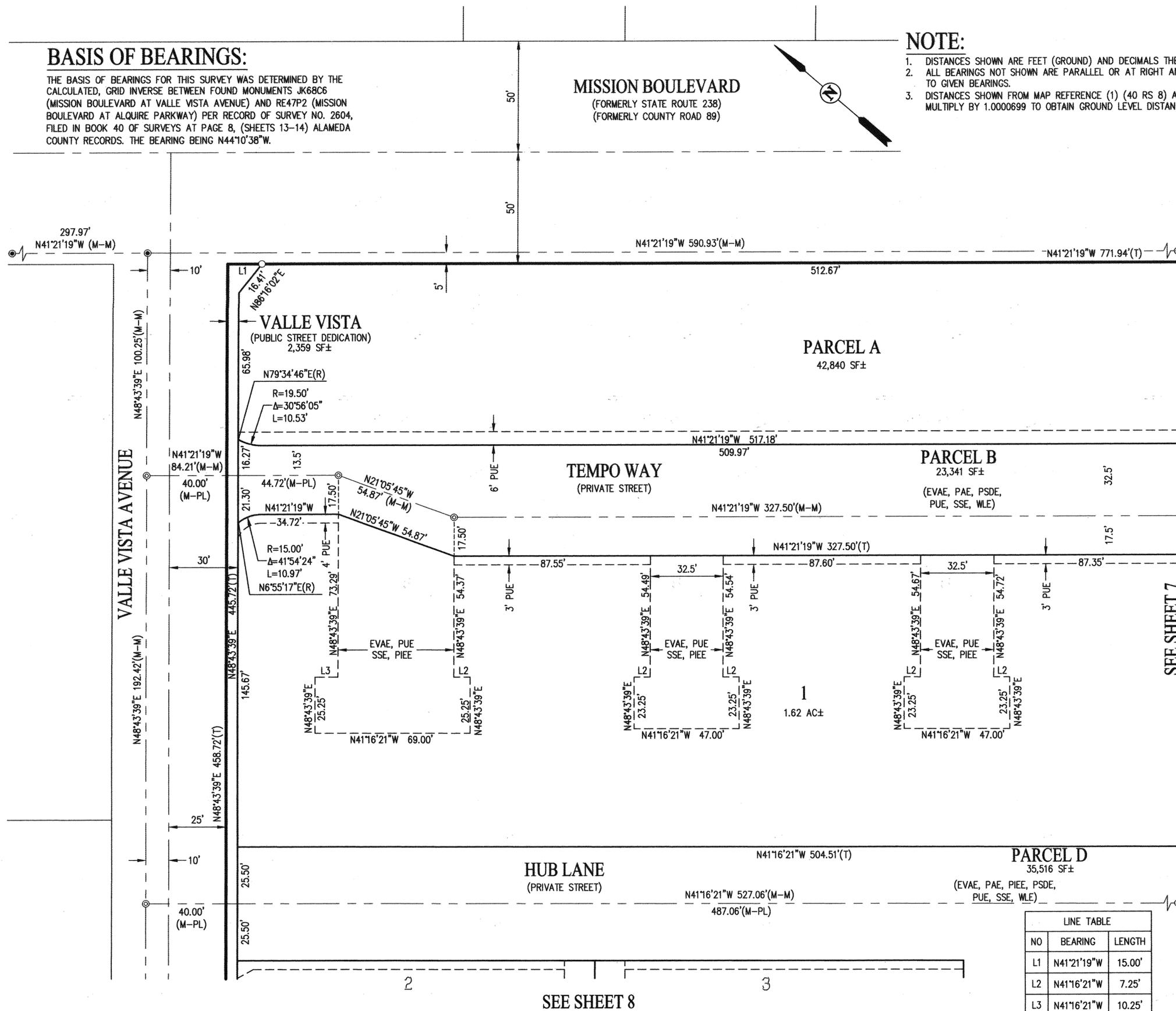
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- (19) I.N. 1972-93900 RE 3179 IM 318
- (20) C.O.H. MONUMENT MAP I-264

### BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6 (MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604, FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

### NOTE:

1. DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
2. ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
3. DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.



| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | N41°21'19"W | 15.00' |
| L2         | N41°16'21"W | 7.25'  |
| L3         | N41°16'21"W | 10.25' |

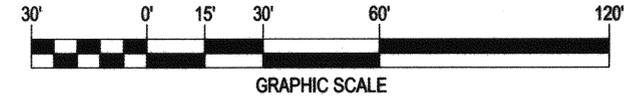
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**Carlson, Barbee & Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



## LEGEND

|         |  |
|---------|--|
|         | SUBDIVISION BOUNDARY LINE  |
|         | RIGHT OF WAY LINE  |
|         | LOT LINE   |
|         | EASEMENT LINE  |
|         | MONUMENT LINE  |
|         | CENTERLINE   |
| (T)     | TOTAL DISTANCE   |
| (R)     | RADIAL BEARING   |
| R       | RECORD   |
| (M-M)   | MONUMENT TO MONUMENT   |
| (M-ML)  | MONUMENT TO MONUMENT LINE  |
| (CL-PL) | CENTERLINE TO PROPERTY LINE  |
| ⊙       | FOUND MONUMENT 2 1/2" BRASS DISK<br>STAMPED C.O.H. WITH PUNCH, UNLESS<br>OTHERWISE NOTED |
| ⊙       | SET STANDARD STREET MONUMENT, LS 7960  |
| ⊙       | SET 5/8" REBAR AND CAP, OR NAIL AND<br>TAG, LS 7960                                      |
| ⊙       | MONUMENT SEARCHED FOR, NOT FOUND   |
| I.N.    | INSTRUMENT NUMBER  |
| EVAE    | EMERGENCY VEHICLE ACCESS   |
| C.O.H.  | CITY OF HAYWARD  |
| ⊕       | CENTERLINE   |
| MAE     | MAINTENANCE ACCESS EASEMENT  |
| PAE     | PUBLIC ACCESS EASEMENT   |
| PIE     | PRIVATE INGRESS EGRESS EASEMENT  |
| PUE     | PUBLIC UTILITY EASEMENT  |
| PSDE    | PRIVATE STORM DRAIN EASEMENT   |
| R/W     | RIGHT OF WAY   |
| SSE     | SANITARY SEWER EASEMENT  |
| WLE     | WATER LINE EASEMENT  |
| .....   | HISTORIC RIGHT OF WAY LINE   |

## REFERENCES:

- |  |   |
|--|---|
| (#) INDICATES REFERENCE NUMBER             | (9) RECORD OF SURVEY NO. 3019 (45 RS 6)   |
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| (2) PARCEL MAP 3749 (135 PM 1)             | (11) I.N. 2018152493                      |
| (3) TRACT 2095 (41 M 55)                   | (12) I.N. 2018152492                      |
| (4) TRACT 4434 (136 M 5)                   | (13) TRACT 4860 (162 M 40)                |
| (5) I.N. 82-037967                         | (14) TRACT 7015 (235 M 71)                |
| (6) TRACT 7215 (275 M 13)                  | (15) RECORD OF SURVEY NO. 974 (15 RS 57)  |
| (7) C.O.H. MONUMENT MAP I-12               | (16) RECORD OF SURVEY NO. 788 (13 RS 35)  |
| (8) C.O.H. MONUMENT MAP I-66               | (17) TRACT 3971 (104 M 36)                |
|  | (18) RECORD OF SURVEY NO. 1397 (20 RS 87) |
|  | (19) I.N. 1972-93900 RE 3179 IM 318       |
|  | (20) C.O.H. MONUMENT MAP I-264            |

## BASIS OF BEARINGS:

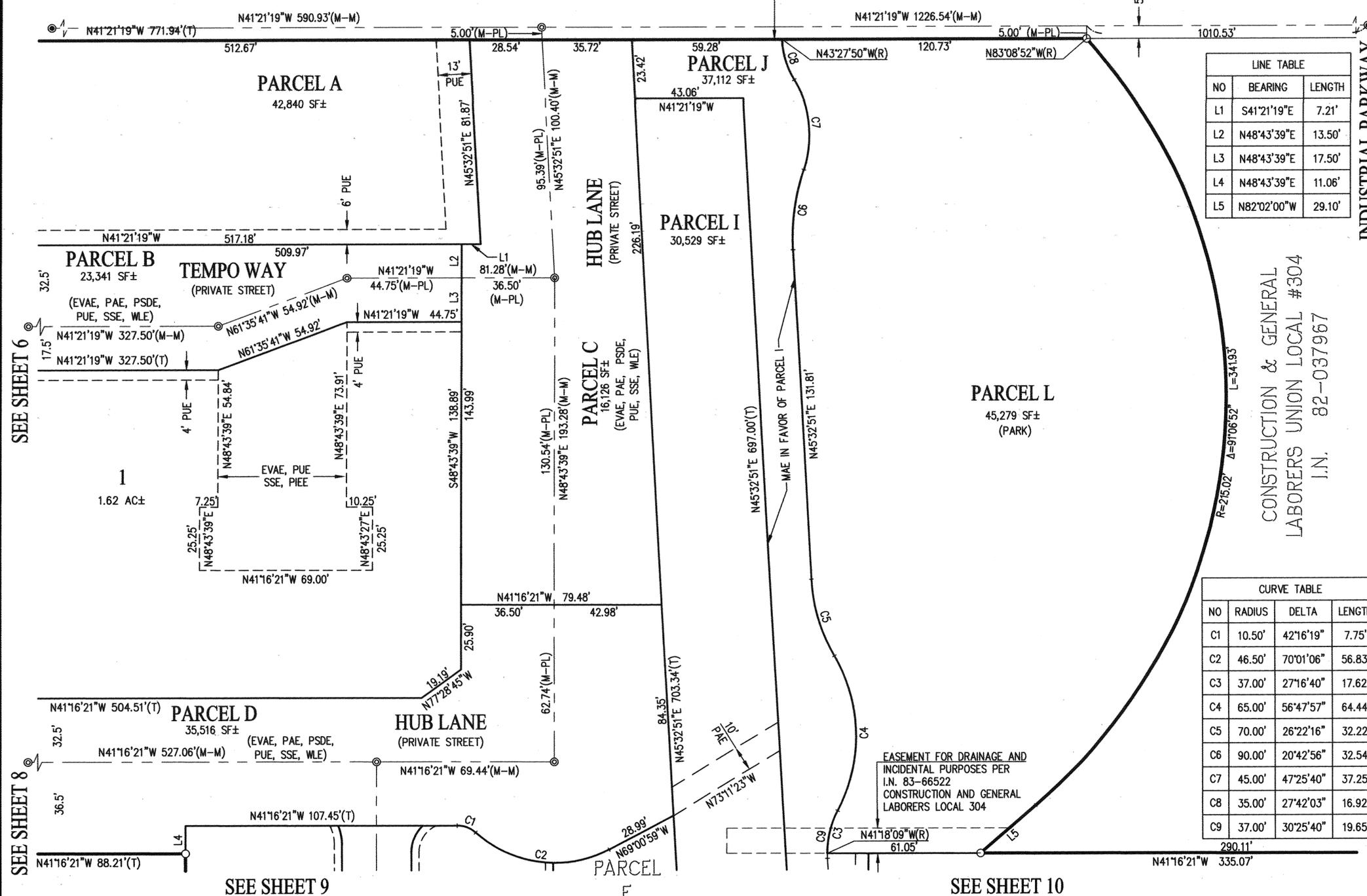
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## NOTE:

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MISSION BOULEVARD  
(FORMERLY STATE ROUTE 238)  
(FORMERLY COUNTY ROAD 89)

OVERHILL DRIVE



| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | S41°21'19"E | 7.21'  |
| L2         | N48°43'39"E | 13.50' |
| L3         | N48°43'39"E | 17.50' |
| L4         | N48°43'39"E | 11.06' |
| L5         | N82°02'00"W | 29.10' |

| CURVE TABLE |        |           |        |
|-------------|--------|-----------|--------|
| NO          | RADIUS | DELTA     | LENGTH |
| C1          | 10.50' | 42°16'19" | 7.75'  |
| C2          | 46.50' | 70°01'06" | 56.83' |
| C3          | 37.00' | 27°16'40" | 17.62' |
| C4          | 65.00' | 56°47'57" | 64.44' |
| C5          | 70.00' | 26°22'16" | 32.22' |
| C6          | 90.00' | 20°42'56" | 32.54' |
| C7          | 45.00' | 47°25'40" | 37.25' |
| C8          | 35.00' | 27°42'03" | 16.92' |
| C9          | 37.00' | 30°25'40" | 19.65' |

SEE SHEET 6

SEE SHEET 8

SEE SHEET 9

SEE SHEET 10

SEE SHEET 6

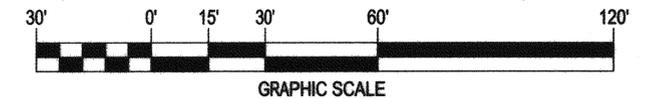
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CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



### BASIS OF BEARINGS:

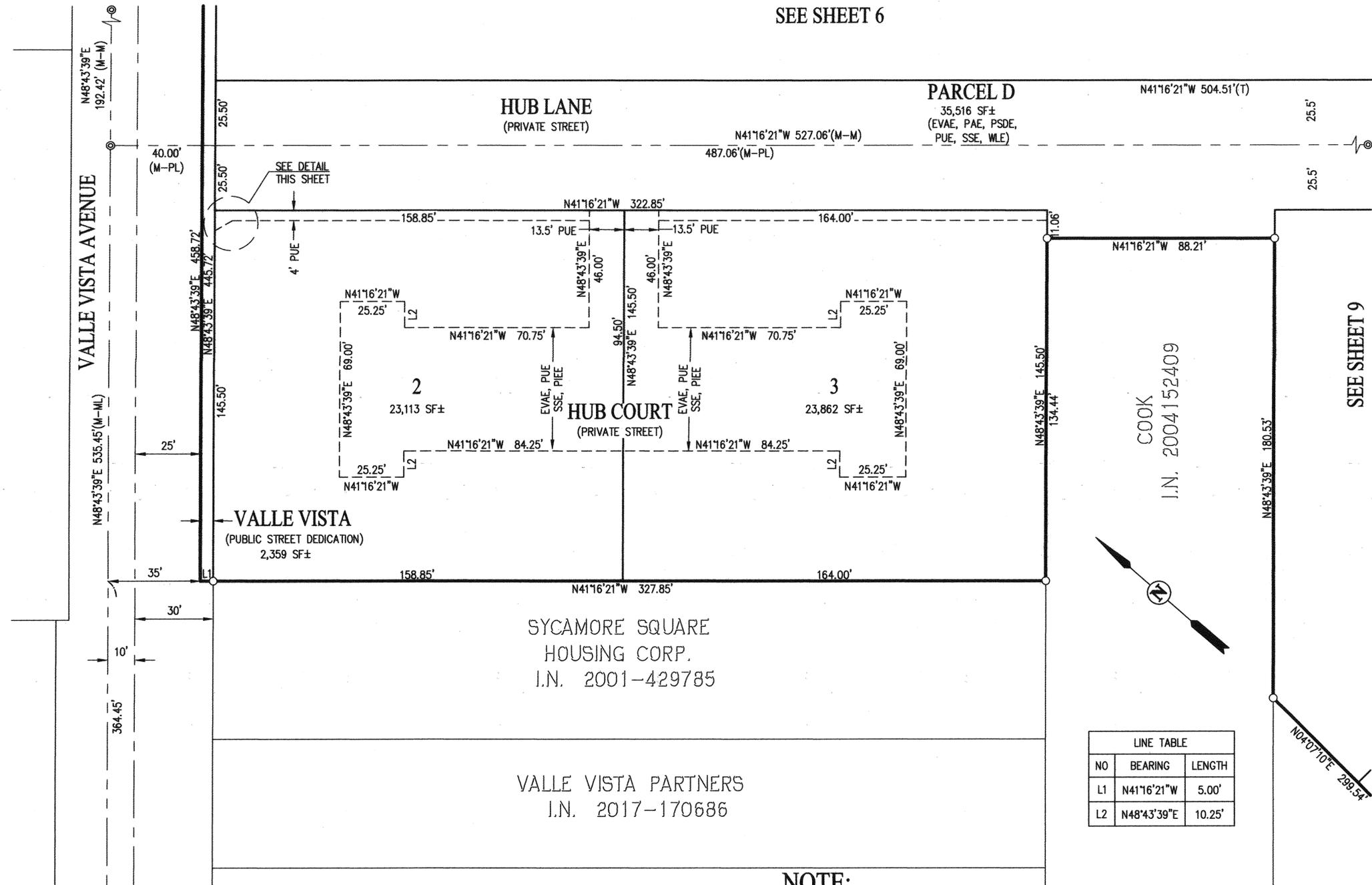
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(MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION  
BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604,  
FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA  
COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

### LEGEND

|         |  |
|---------|--|
|         | SUBDIVISION BOUNDARY LINE  |
|         | RIGHT OF WAY LINE  |
|         | LOT LINE   |
|         | EASEMENT LINE  |
|         | MONUMENT LINE  |
|         | CENTERLINE   |
| (T)     | TOTAL DISTANCE   |
| (R)     | RADIAL BEARING   |
| R       | RECORD   |
| (M-M)   | MONUMENT TO MONUMENT   |
| (M-ML)  | MONUMENT TO MONUMENT LINE  |
| (CL-PL) | CENTERLINE TO PROPERTY LINE  |
| ⊙       | FOUND MONUMENT 2 1/2" BRASS DISK<br>STAMPED C.O.H. WITH PUNCH, UNLESS<br>OTHERWISE NOTED |
| ⊙       | SET STANDARD STREET MONUMENT, LS 7960  |
| ○       | SET 5/8" REBAR AND CAP, OR NAIL AND<br>TAG, LS 7960                                      |
| ⊗       | MONUMENT SEARCHED FOR, NOT FOUND   |
| I.N.    | INSTRUMENT NUMBER  |
| EVAE    | EMERGENCY VEHICLE ACCESS   |
| C.O.H.  | CITY OF HAYWARD  |
| ⊕       | CENTERLINE   |
| MAE     | MAINTENANCE ACCESS EASEMENT  |
| PAE     | PUBLIC ACCESS EASEMENT   |
| PIEE    | PRIVATE INGRESS EGRESS EASEMENT  |
| PUE     | PUBLIC UTILITY EASEMENT  |
| PSDE    | PRIVATE STORM DRAIN EASEMENT   |
| R/W     | RIGHT OF WAY   |
| SSE     | SANITARY SEWER EASEMENT  |
| WLE     | WATER LINE EASEMENT  |
| .....   | HISTORIC RIGHT OF WAY LINE   |

### PARCEL D

35,516 SF±  
(EVAE, PAE, PSDE,  
PUE, SSE, WLE)



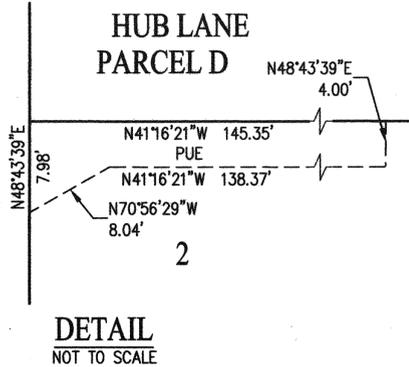
| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | N41°16'21"W | 5.00'  |
| L2         | N48°43'39"E | 10.25' |

### NOTE:

- DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
- ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
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### REFERENCES:

- |  |   |
|--|---|
| (#) INDICATES REFERENCE NUMBER             | (8) C.O.H. MONUMENT MAP I-66              |
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| (5) I.N. 82-037967                         | (13) TRACT 4860 (162 M 40)                |
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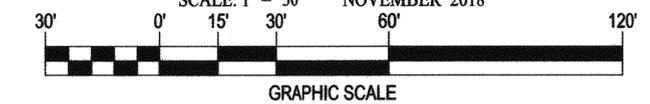


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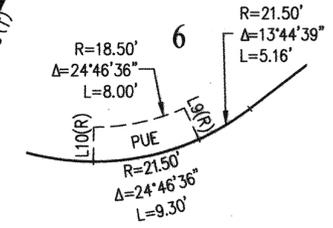
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30'  
NOVEMBER 2018



## LEGEND

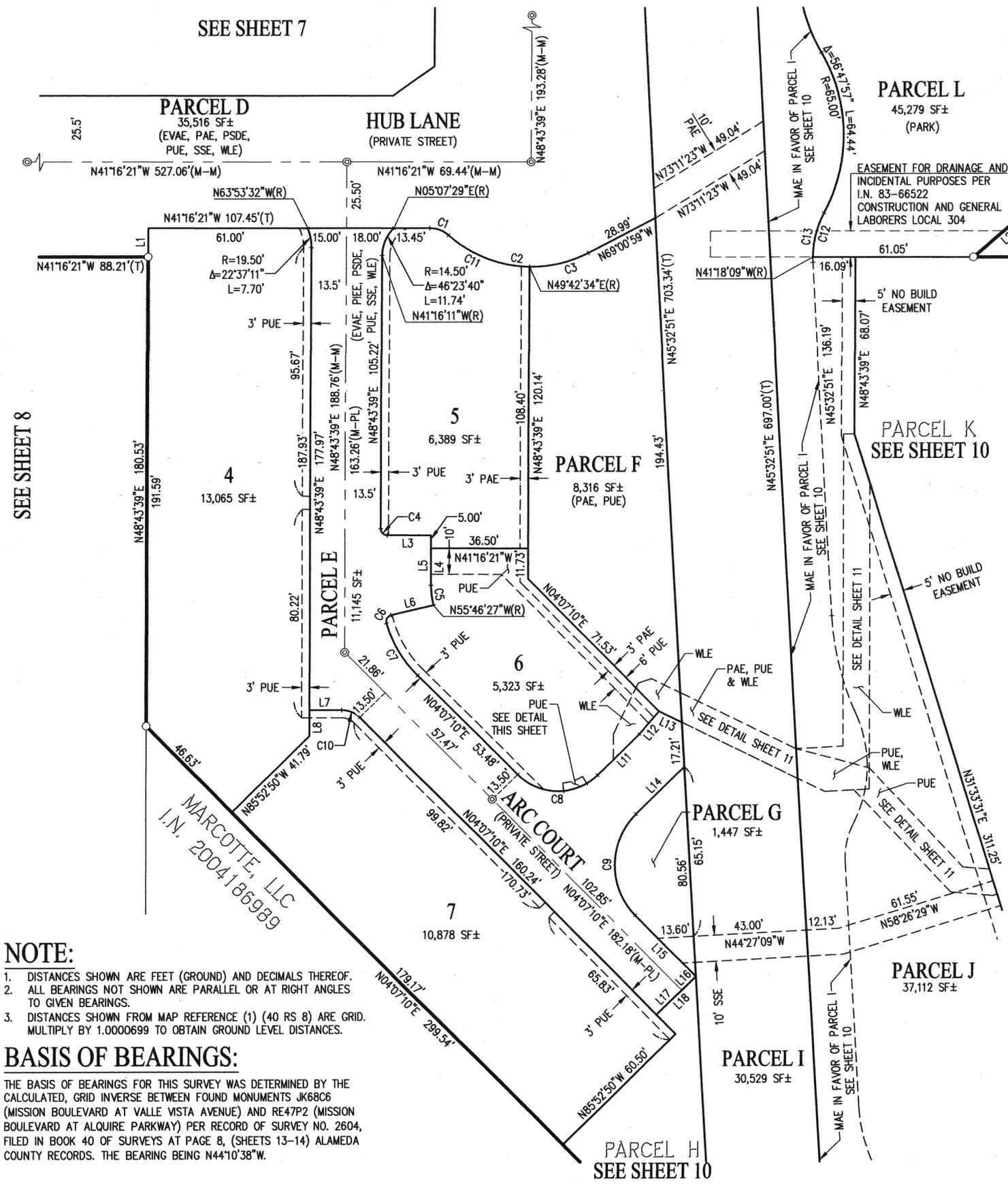
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- MONUMENT LINE
- CENTERLINE
- (T) TOTAL DISTANCE
- (R) RADIAL BEARING
- R RECORD
- (M-M) MONUMENT TO MONUMENT
- (M-ML) MONUMENT TO MONUMENT LINE
- (CL-PL) CENTERLINE TO PROPERTY LINE
- FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT, LS 7960
- SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
- MONUMENT SEARCHED FOR, NOT FOUND
- I.N. INSTRUMENT NUMBER
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- C.O.H. CITY OF HAYWARD
- CL CENTERLINE
- MAE MAINTENANCE ACCESS EASEMENT
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- PUE PUBLIC UTILITY EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- R/W RIGHT OF WAY
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- HISTORIC RIGHT OF WAY LINE



**PARCEL E  
PUE DETAIL**  
NOT TO SCALE

| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | N48°43'39"E | 11.06' |
| L2         | N82°02'00"W | 29.10' |
| L3         | N41°16'21"W | 16.50' |
| L4         | N48°43'39"E | 14.19' |
| L5         | N48°43'39"E | 19.19' |
| L6         | N54°51'44"W | 16.41' |
| L7         | N41°16'21"W | 12.48' |
| L8         | N48°43'39"E | 9.96'  |
| L9         | N17°51'49"E | 3.00'  |
| L10        | N42°38'24"E | 3.00'  |
| L11        | N85°52'50"W | 22.50' |
| L12        | N89°10'16"E | 11.54' |
| L13        | N15°12'34"W | 9.64'  |
| L14        | N85°52'50"W | 25.80' |
| L15        | N04°07'10"E | 32.90' |
| L16        | N85°32'11"W | 7.50'  |
| L17        | N85°32'11"W | 13.50' |
| L18        | N85°32'11"W | 21.00' |

| CURVE TABLE |        |           |        |
|-------------|--------|-----------|--------|
| NO          | RADIUS | DELTA     | LENGTH |
| C1          | 10.50' | 42°16'19" | 7.75'  |
| C2          | 46.50' | 70°01'06" | 56.83' |
| C3          | 46.50' | 28°43'33" | 23.31' |
| C4          | 2.50'  | 90°00'00" | 3.93'  |
| C5          | 30.50' | 14°30'06" | 7.72'  |
| C6          | 2.50'  | 93°38'31" | 4.09'  |
| C7          | 49.50' | 27°22'35" | 23.65' |
| C8          | 21.50' | 90°00'00" | 33.77' |
| C9          | 27.50' | 90°00'00" | 43.20' |
| C10         | 9.50'  | 45°23'31" | 7.53'  |
| C11         | 46.50' | 41°17'33" | 33.51' |
| C12         | 37.00' | 27°16'40" | 17.62' |
| C13         | 37.00' | 30°25'40" | 19.65' |



**NOTE:**  
1. DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.  
2. ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.  
3. DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.

**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6 (MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604, FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

- REFERENCES:**
- (#) INDICATES REFERENCE NUMBER
  - (1) RECORD OF SURVEY 2604 (40 RS 8) (GRID)
  - (2) PARCEL MAP 3749 (135 PM 1)
  - (3) TRACT 2095 (41 M 55)
  - (4) TRACT 4434 (136 M 5)
  - (5) I.N. 82-037967
  - (6) TRACT 7215 (275 M 13)
  - (7) C.O.H. MONUMENT MAP I-264
  - (8) C.O.H. MONUMENT MAP I-66
  - (9) RECORD OF SURVEY NO. 3019 (45 RS 6)
  - (10) I.N. 2014073338
  - (11) I.N. 2018152493
  - (12) I.N. 2018152492
  - (13) TRACT 4860 (162 M 40)
  - (14) TRACT 7015 (235 M 71)
  - (15) RECORD OF SURVEY NO. 974 (15 RS 57)
  - (16) RECORD OF SURVEY NO. 788 (13 RS 35)
  - (17) TRACT 3971 (104 M 36)
  - (18) RECORD OF SURVEY NO. 1397 (20 RS 87)
  - (19) I.N. 1972-93900 RE 3179 IM 318
  - (20) C.O.H. MONUMENT MAP I-264

**REFERENCES:**

- (#) INDICATES REFERENCE NUMBER
- (1) RECORD OF SURVEY 2604 (40 RS 8) (GRID)
- (2) PARCEL MAP 3749 (135 PM 1)
- (3) TRACT 2095 (41 M 55)
- (4) TRACT 4434 (136 M 5)
- (5) I.N. 82-037967
- (6) TRACT 7215 (275 M 13)
- (7) C.O.H. MONUMENT MAP I-12

- (8) C.O.H. MONUMENT MAP I-66
- (9) RECORD OF SURVEY NO. 3019 (45 RS 6)
- (10) I.N. 2014073338
- (11) I.N. 2018152493
- (12) I.N. 2018152492
- (13) TRACT 4860 (162 M 40)
- (14) TRACT 7015 (235 M 71)
- (15) RECORD OF SURVEY NO. 974 (15 RS 57)
- (16) RECORD OF SURVEY NO. 788 (13 RS 35)
- (17) TRACT 3971 (104 M 36)
- (18) RECORD OF SURVEY NO. 1397 (20 RS 87)
- (19) I.N. 1972-93900 RE 3179 IM 318
- (20) C.O.H. MONUMENT MAP I-264

**NOTE:**

1. DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
2. ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
3. DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.

| NO  | BEARING     | LENGTH  |
|-----|-------------|---------|
| L1  | N82°02'00"W | 29.10'  |
| L2  | N58°26'29"W | 27.46'  |
| L3  | N48°43'39"E | 86.33'  |
| L4  | N07°48'10"E | 23.15'  |
| L5  | N82°11'50"W | 36.46'  |
| L6  | N85°52'50"W | 60.50'  |
| L7  | N04°07'10"E | 10.49'  |
| L8  | N85°32'11"W | 21.00'  |
| L9  | N07°48'10"E | 8.91'   |
| L10 | N45°32'51"E | 136.19' |
| L11 | N45°32'51"E | 94.00'  |
| L12 | N41°16'21"W | 17.74'  |
| L13 | N07°48'10"E | 13.81'  |
| L14 | N41°16'21"W | 19.61'  |
| L15 | N48°48'40"E | 12.00'  |
| L16 | N41°16'21"W | 16.50'  |
| L17 | N48°48'40"E | 12.00'  |
| L18 | N41°16'21"W | 36.23'  |

| NO | RADIUS  | DELTA     | LENGTH |
|----|---------|-----------|--------|
| C1 | 37.00'  | 27°16'40" | 17.62' |
| C2 | 105.00' | 21°07'25" | 38.71' |
| C3 | 50.00'  | 51°04'21" | 44.57' |
| C4 | 28.00'  | 29°56'56" | 14.64' |
| C5 | 63.00'  | 25°02'10" | 27.53' |
| C6 | 45.00'  | 59°34'29" | 46.79' |
| C7 | 30.00'  | 57°30'12" | 30.11' |
| C8 | 95.53'  | 21°00'53" | 35.04' |

CONSTRUCTION & GENERAL  
LABORERS UNION LOCAL #304  
I.N. 82-037967

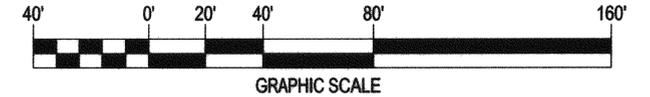
LABORER'S  
LOCAL #304  
I.N. 81-213756

**TRACT 8428  
SOHAY**

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO  
SCALE: 1" = 40' NOVEMBER 2018

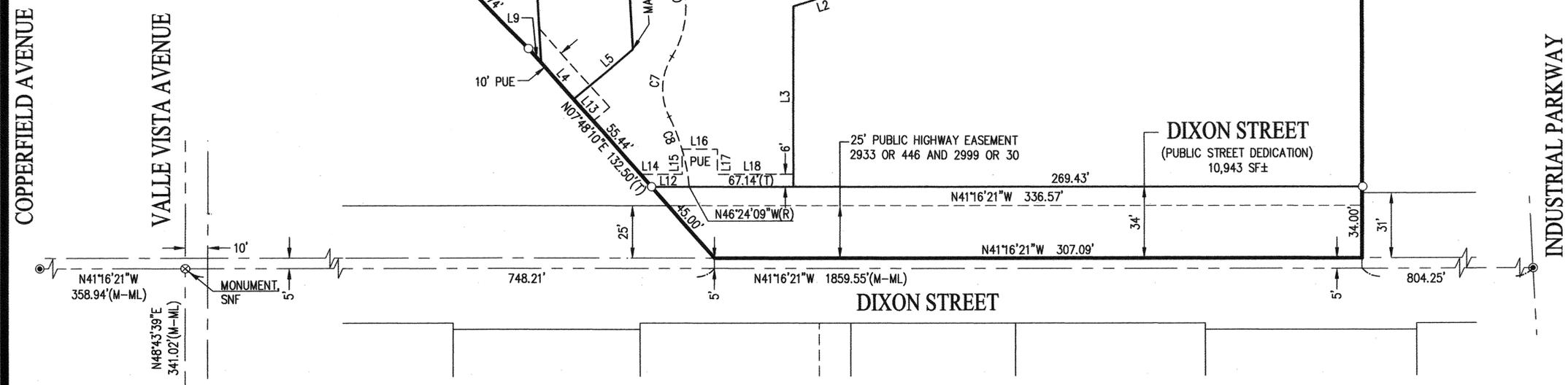


**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY THE CALCULATED, GRID INVERSE BETWEEN FOUND MONUMENTS JK68C6 (MISSION BOULEVARD AT VALLE VISTA AVENUE) AND RE47P2 (MISSION BOULEVARD AT ALQUIRE PARKWAY) PER RECORD OF SURVEY NO. 2604, FILED IN BOOK 40 OF SURVEYS AT PAGE 8, (SHEETS 13-14) ALAMEDA COUNTY RECORDS. THE BEARING BEING N44°10'38"W.

**LEGEND**

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- - - EASEMENT LINE
- MONUMENT LINE
- CENTERLINE
- (T) TOTAL DISTANCE
- (R) RADIAL BEARING
- R RECORD
- (M-M) MONUMENT TO MONUMENT
- (M-ML) MONUMENT TO MONUMENT LINE
- (CL-PL) CENTERLINE TO PROPERTY LINE
- FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
- ⊗ MONUMENT SEARCHED FOR, NOT FOUND
- I.N. INSTRUMENT NUMBER
- EVAE EMERGENCY VEHICLE ACCESS
- C.O.H. CITY OF HAYWARD
- ⊕ CENTERLINE
- MAE MAINTENANCE ACCESS EASEMENT
- PAE PUBLIC ACCESS EASEMENT
- PIEE PRIVATE INGRESS EGRESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- R/W RIGHT OF WAY
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- ..... HISTORIC RIGHT OF WAY LINE



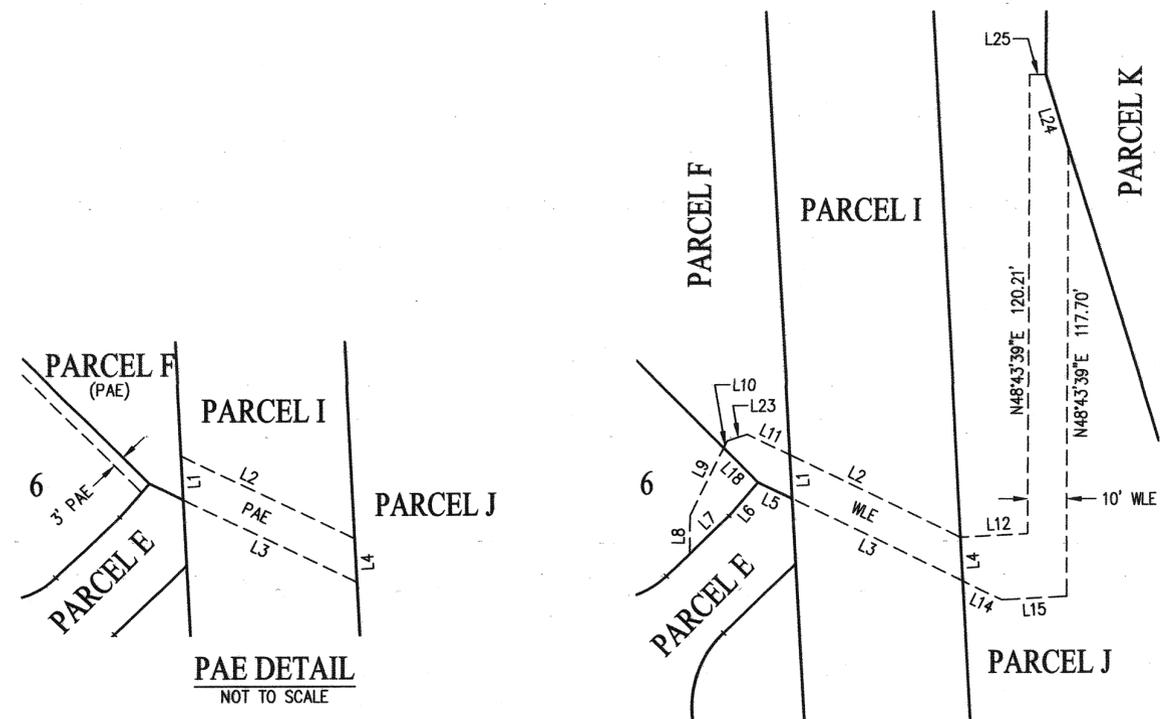
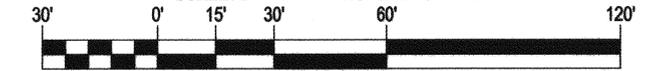
# TRACT 8428 SOHAY

CONSISTING OF 11 SHEETS  
FOR 110 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 4, 6 THROUGH 11 AS  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NUMBER  
2018152492 TOGETHER WITH THAT CERTAIN GRANT DEED RECORDED  
UNDER INSTRUMENT NUMBER 2018152493. BOTH OF  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

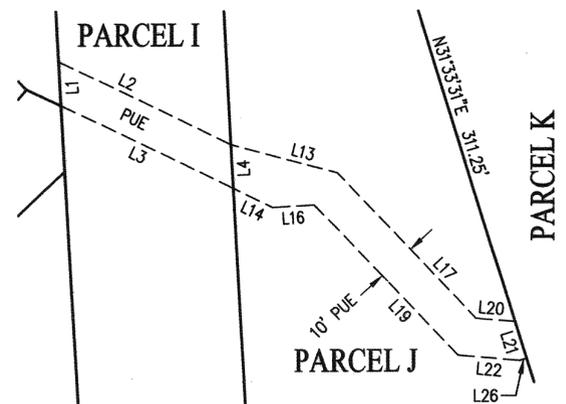
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



**PAE DETAIL**  
NOT TO SCALE

**WLE DETAIL**  
NOT TO SCALE



**PUE DETAIL**  
NOT TO SCALE

| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | N45°32'51"E | 11.46' |
| L2         | N15°12'34"W | 49.28' |
| L3         | N15°12'34"W | 49.28' |
| L4         | N45°32'51"E | 11.46' |
| L5         | N15°12'34"W | 9.64'  |
| L6         | N89°10'16"E | 11.54' |
| L7         | N85°51'56"W | 14.14' |
| L8         | N49°07'10"E | 9.99'  |
| L9         | N74°47'26"E | 19.69' |
| L10        | N74°47'26"E | 2.05'  |
| L11        | N15°12'34"W | 12.13' |
| L12        | N44°27'09"W | 17.55' |
| L13        | N26°15'31"W | 28.50' |
| L14        | N15°12'34"W | 11.36' |
| L15        | N44°27'09"W | 16.71' |
| L16        | N44°27'09"W | 10.17' |
| L17        | N05°28'08"E | 52.25' |
| L18        | N04°07'10"E | 12.59' |
| L19        | N05°28'08"E | 53.89' |
| L20        | N36°27'08"W | 10.20' |
| L21        | N31°33'31"E | 10.00' |
| L22        | N36°27'08"W | 15.98' |
| L23        | N60°12'34"W | 5.35'  |
| L24        | N31°33'31"E | 19.89' |
| L25        | N41°16'21"W | 4.13'  |
| L26        | N58°26'29"W | 1.85'  |

**NOTE:**

1. DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
2. ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
3. DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.
4. SEE SHEET 5 FOR REFERENCES, BASIS OF BEARINGS AND LEGEND.

2022081735

04/25/2022 11:40 AM

13 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY

MELISSA WILK, CLERK-RECORDER

RECORDING FEES: \$0.00



Recording requested by:  
HARWARD AREA RECREATION  
AND PARK DISTRICT

WHEN RECORDED RETURN TO:  
Hayward Area Recreation and Park District  
c/o General Manager  
1099 E Street  
Hayward, CA 94541

NO FEE DOCUMENT  
Per Government Code 6103

APB  
13  
MP

THIS SPACE FOR RECORDER'S USE ONLY

ACCEPTANCE OF OFFER OF DEDICATION

Whereas, an Irrevocable Offer of Dedication of an interest in real property having been made by SoHay-Hayward, L.P, to the Hayward Area Recreation and Park District and recorded in the Office of the Recorder of Alameda County, State of California;

Whereas, the undersigned officer having been authorized to accept the Offer of Dedication pursuant to the authority conferred by Resolution No. R-2122-40, adopted March 21, 2022, by the Board of Directors of the Hayward Area Recreation and Park District.

NOW, THEREFORE, said Offer of Dedication is hereby accepted by the undersigned officer for the purpose of a public park, and all necessary utilities, under upon and across that land in the City of Hayward, County of Alameda, State of California described as follows:

See EXHIBIT "A" attached hereto and made a part hereof.

\* Exhibit B attached

Any use of said easement and right of way by Owners, their assignees or successors in interest which is not compatible with or interferes with said easement and right of way and the rights and privileges herein accepted shall not be allowed.

James C. Wheeler  
General Manager,  
Hayward Area Recreation and Park District

Date

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of ALAMEDA)

On April 22, 2022 before me, R. GRADY, NOTARY PUBLIC  
(insert name and title of the officer)

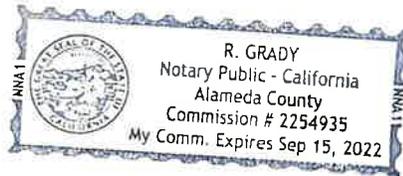
personally appeared James C. Wheeler  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)





# EXHIBIT A

The Board of Directors of  
The Hayward Area Recreation and Park District

## **RESOLUTION NO. R-2122-40**

### **RESOLUTION TO ACCEPT THE OFFER OF DEDICATION FOR THE SOHAY PARK PROJECT**

**WHEREAS**, the Hayward Area Recreation and Park District is a California special district duly organized and existing pursuant to the laws of the State of California; and

**WHEREAS**, the Hayward Area Recreation and Park District is the government entity responsible for providing public parks, recreation and open space facilities within the City of Hayward; and

**WHEREAS**, a Park Improvement Agreement between the Hayward Area Recreation and Park District, the City of Hayward, and William Lyon Homes, Inc. ("Developer") was approved by the Board Directors on October 7, 2019 for the development of SoHay Park; and

**WHEREAS**, the Park Improvement Agreement required the developer to improve Parcel L and Parcel J of Tract Map 8447 with a new public park and trail; and

**WHEREAS**, Parcel L and Parcel J are subject to public park use restriction through December 10, 2029; and

**WHEREAS**, an Irrevocable Offer to Dedicate, dated August 2, 2018, was recorded on August 3, 2018 in the Official Records of Alameda County as Document No 2018-154349; and

**WHEREAS**, the Developer has completed construction of the SoHay Park project and provided a Certification of Completion; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Directors of the Hayward Area Recreation and Park District does hereby accept the Offer of Dedication of the SoHay Park project.

DATE: March 21, 2022

INTRODUCED BY: Rick J. Hatcher

AYES: Hatcher, Hodges, Pereira and Rosen

NOES: None

ABSTAIN: None

ABSENT: Andrade

Carol Pereira  
Carol Pereira (Apr 1, 2022 09:06 PDT)

Carol A. Pereira, President

Paul W Hodges, Jr  
Paul W Hodges, Jr (Apr 1, 2022 10:55 PDT)

Paul W. Hodges, Jr., Secretary

Exhibit A

54606-1429235

RECORDING REQUESTED BY  
**North American Title**  
AND WHEN RECORDED MAIL DOCUMENT TO:

NAME **City of Hayward**  
STREET ADDRESS **777 B Street**  
**Hayward, CA 94541**  
CITY, STATE & ZIP CODE **Attn: City Manager**

CERTIFIED A TRUE COPY OF THE ORIGINAL  
RECORDED IN THE OFFICIAL RECORDS OF  
SAID COUNTY ON Alameda  
Under Recorder's Serial No. 2018152498  
NORTH AMERICAN TITLE COMPANY, INC.  
By KDover

SPACE ABOVE FOR RECORDER'S USE ONLY

IRREVOCABLE OFFER TO DEDICATE (PARK PARCEL)

Title of Document

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.
- Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
- Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

**THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (\$3.00 Additional Recording Fee Applies)**

Recorded at Request of:  
City of Hayward and

When Recorded Mail to and  
Mail Tax Statements to:

City of Hayward  
777 B Street  
Hayward, California 94541  
Attn: City Manager

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

APN No. 078C-0438-011-01

This Irrevocable Offer to Dedicate is recorded at the request and for the benefit of the City of Hayward and is exempt from the payment of a recording fee pursuant to Government Code Sections 27383, and 27388.1(a)(1)(D) and payment of documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

IRREVOCABLE OFFER TO DEDICATE

(Park Parcel)

August 02

THIS IRREVOCABLE OFFER TO DEDICATE is made as of ~~July~~ /   , 2018 by SoHay - Hayward, L.P., a Delaware limited partnership (the "Owner").

WHEREAS, under Director's Deed (DD-032589-01-01) (the "Director's Deed") the City of Hayward, a California charter city ("City") acquired certain real property more particularly described on Exhibit A and depicted as the "Park Parcel" on the site map shown on Exhibit B (the "Park Parcel"). Under the Director's Deed, the Park Parcel is subject to a public park use restriction through December 10, 2029.

WHEREAS, William Lyon Homes, Inc., a California corporation ("Lyon") and the City, are parties to that certain Purchase and Sale Agreement dated May 16, 2017, as such may be amended from time to time (the "Purchase Agreement"), under which the City agreed to transfer the Park Parcel to Lyon.

WHEREAS, Lyon assigned the Purchase Agreement to the Owner, on or before the date hereof.

WHEREAS, the transfer of the Park Parcel is subject to the Conditions of Approval dated May 17, 2018, for General Plan Amendment, Rezoning, Vesting Tentative Map (Tract 8428) (the

"Conditions of Approval") which requires the Owner to dedicate the Park Parcel to the City or the City's designee and to construct park improvements thereon.

WHEREAS, Owner hereby agrees to irrevocably offer for dedication the Park Parcel (subject to any reserved access easements, the requirements of the California Department of Transportation ("Caltrans") as set forth in the Director's Deed, and the Revocable Offer to Dedicate (ACFC Chanel) for the benefit of the City or its designee recorded substantially concurrently herewith (collectively, the "Permitted Exceptions")) to the City or to the City's designee, as generally depicted on the attached site map.

NOW, THEREFORE, incorporating the foregoing recitals, the Owner does hereby designate and set aside for future use as described hereto and irrevocably offer to dedicate to the City or the City's designee (the Hayward Area Recreational and Park District ("HARD")), fee title to the Park Parcel, as generally depicted on the attached site map, subject to the Permitted Exceptions and the express requirement that this offer of dedication may not be accepted prior to July<sup>31</sup>, 2019. The precise area to be dedicated as the Park Parcel under this Agreement may be further refined through the recordation of a final map, but in no event shall the area dedicated hereunder be less than one (1) acre in size. The area to be dedicated as the Park Parcel under this Agreement must be interpreted in a manner that is consistent with the recorded final map; provided however, if there is any conflict between the terms of this Agreement and the recorded final map (as it relates to the solely to the area defined as the Park Parcel), the recorded final map shall control and compliance with the terms of dedication under the recorded final map shall constitute compliance with the terms of this Agreement.

This Irrevocable Offer to Dedicate shall continue in full force and effect until City Council or if directed by the City, the governing board of the City's designee accepts such offer or if the offer to dedicate under the final map is accepted as provided thereunder. The dedication of the Park Parcel shall be deemed to be completed, upon acceptance of this Irrevocable Offer to Dedicate by the City Council, or, if directed by the City, the governing board of the City's designee or if the offer to dedicate under the final map is accepted as provided thereunder.

If and to the extent the City accepts the dedication of the Park Parcel hereunder, the City shall take all steps necessary or required under that certain Option Agreement by and between the City and HARD, dated as of August 02, 2018, to effectuate the terms thereof and deliver fee title to the Park Parcel, at no cost, to HARD by grant deed as soon as practicable.

[Signature Page Follows]

IN WITNESS WHEREOF, Owner has caused this Irrevocable Offer to Dedicate to be executed as of the day and year first above written.

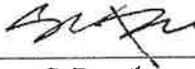
**OWNER:**

SOHAY - HAYWARD, L.P.,  
a Delaware limited partnership

By: NP-HS LOJV GP II, LLC,  
a Delaware limited liability company  
General Partner

By: NP-HS LOT OPTION JOINT VENTURE II, LLC,  
a Delaware limited liability company  
Sole Member

By: HEARTHSTONE PROFESSIONALS - PI, L.P.,  
a Delaware limited partnership

By:   
Steven C. Porath  
Authorized Person

Date: August 02, 2018

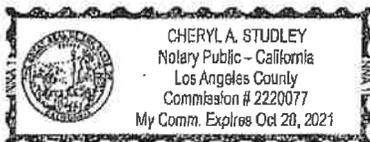
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES )

On JULY 30, 2018, before me, CHERYL A. STUDLEY, Notary Public, personally appeared STEVEN C. PORATH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Cheryl A Studley  
Name: CHERYL A. STUDLEY  
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

All of the real property in the City of Hayward, County of Alameda, State of California,  
described as follows:

APN: 078C-0438-011-01

A.P.N.: 078C-438-011-01

Exhibit A

THAT PARCEL OF LAND, IN THE CITY OF HAYWARD; COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED IN THAT GRANT DEED AF 32589, RECORDED JUNE 1, 1965, IN REEL 1516, IMAGE 973 DOCUMENT NUMBER AX74768, OFFICIAL RECORDS OF ALAMEDA COUNTY, TO THE STATE OF CALIFORNIA, DESCRIBED THEREIN:

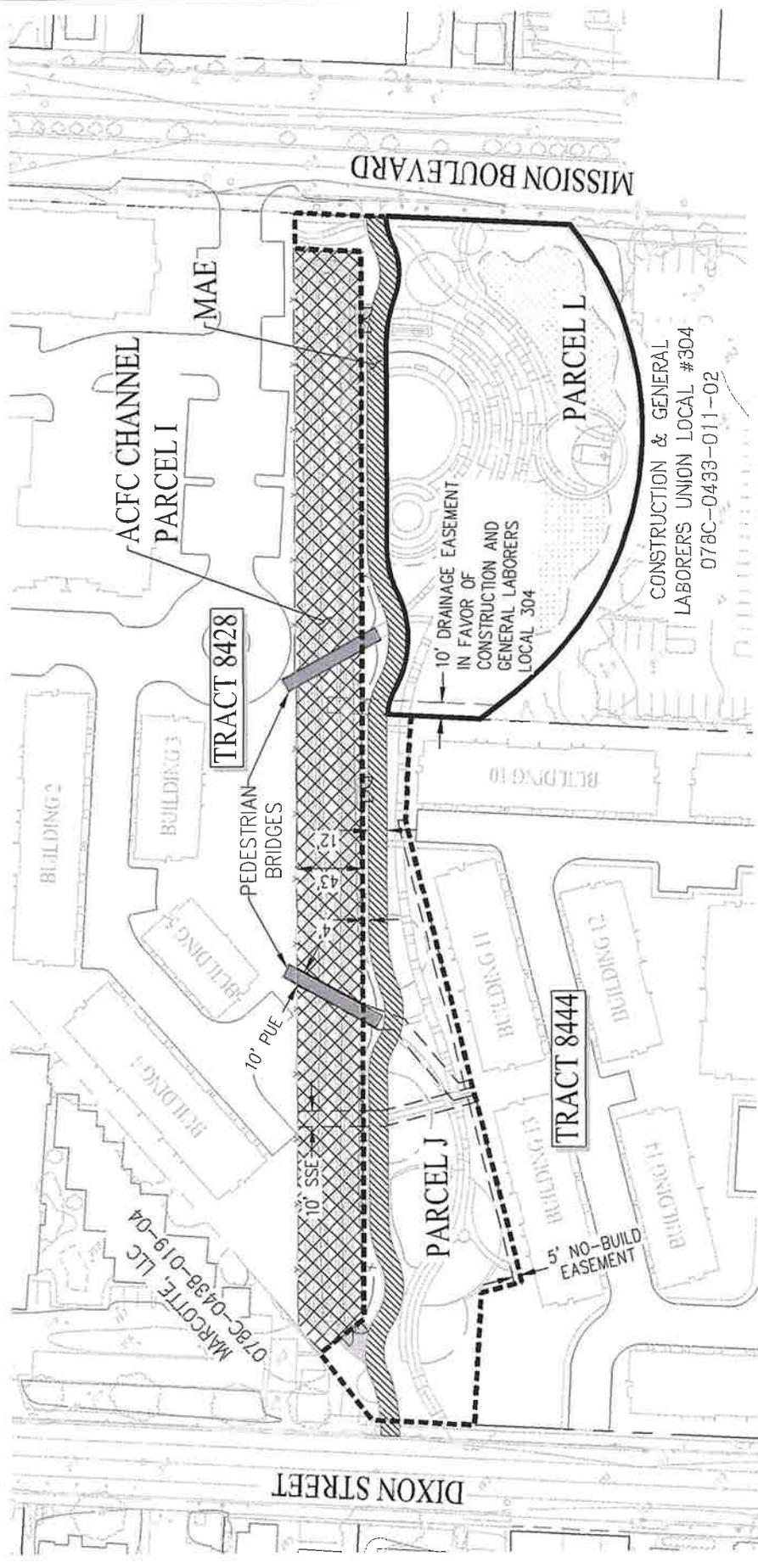
"COMMENCING AT THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED JULY 10, 1963 ON REEL 932, IMAGE 313, ALAMEDA COUNTY RECORDS; THENCE ALONG A LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY, OF GOTTLIEB WAESPI, ET UX. AND OF THE STATE OF CALIFORNIA N. 48°43'46" E., 325.32 FEET TO THE SOUTHWESTERLY LINE OF THE EXISTING STATE HIGHWAY LEADING FROM HAYWARD TO NILES; THENCE ALONG SAID SOUTHWESTERLY LINE S. 41°21'12" E., 166.70 FEET; THENCE FROM A TANGENT THAT BEARS 5. 6 °46'51" W., ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 215.00 FEET, THROUGH AN ANGLE OF 91°11'09", AN ARC LENGTH OF 342.17 FEET; THENCE N. 82°02'00" W., 29.10 FEET TO THE LINE COMMON TO THE PROPERTIES, NOW OR FORMERLY OF SAID GOTTLIEB WAESPI, ET UX. AND OF A. BERNARD MUTH; THENCE ALONG SAID COMMON PROPERTY LINE N. 41°16'14" W., 125.14 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 1.477 ACRES, MORE OR LESS.

EXHIBIT B

SITE MAP

16331\2367415.8



**LEGEND**

|  |   |
|--|---|
|  | MAINTENANCE ACCESS EASEMENT (MAE)   |
|  | TO ACFC (SEE NOTE 1); the portion of Parcel J encumbered by the MAE is also called "MAE Parcel" |
|  | FEE PARCEL TO ACFC (PARCEL I) TO BE MAINTAINED BY ACFC  |
|  | PUBLIC PARK (PARCEL L)  |
|  | PUBLIC PARK (PARCEL J)  |
|  | PEDESTRIAN BRIDGE   |
|  | EASEMENT  |

**NOTE:**

- MAE PROVIDES ACCESS FOR ACFC TO MAINTAIN THEIR ADJACENT CHANNEL. THE MAE IS INSTALLED AS PART OF THE PARK IMPROVEMENT PLANS.

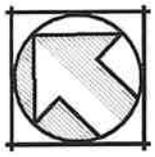
# TRACT 8428

## SOHAY PARK

### IMPROVEMENT AGREEMENT

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: AUGUST 2019 SCALE: 1" = 100'



SAN RAMON (925) 866-0322  
 SACRAMENTO (916) 375-1877  
 WWW.CBANDG.COM

SHEET NO. **1**  
 OF 2 SHEETS





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** WS 22-029

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**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director

**SUBJECT**

Firearms Regulations: Review and Discuss Regulations Related to Firearms

**RECOMMENDATION**

That the Council reviews the report and provides feedback to staff regarding the proposed approach to the regulation of firearms in the City of Hayward.

**SUMMARY**

Mayor Halliday and Councilmembers Lamnin and Andrews prepared a formal Council referral based on a growing concern both here in Hayward and throughout the nation regarding the impact of gun violence and accidental misuse of guns on the safety of the community. In response, staff provided a background memo regarding firearms regulations and the current land use process for firearm sales to the Council and the Council voted 7-0 to hold a future work session to provide staff feedback on this topic and guide future regulations around firearms in the community. Based on a review of the City's current regulations, ongoing efforts at the state and national level, and legal limitations on what the City can do, staff has included recommendations for the Council's consideration and discussion.

**ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Links to Additional Information



**DATE:** September 20, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director  
Chief of Police

**SUBJECT:** Firearms Regulations: Review and Discuss Regulations Related to Firearms

### **RECOMMENDATION**

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### **BACKGROUND**

In July 2021, staff received a formal Council referral from Mayor Halliday and Councilmembers Lamnin and Andrews based on a growing concern both here in Hayward and throughout the nation regarding the impact of gun violence and accidental misuse of guns on the safety of the community. In September 2021, staff provided a background memo to the Council regarding the history of firearm regulations, the status of existing regulations, existing firearm sales outlets, and recommended next steps. The Council voted 7-0 requesting to hold a future work session to provide staff feedback on this topic and guide future regulations around firearms in the community. The primary topics of interest to the Council were regarding recommendations that came from the Giffords Law Center to Prevent Gun Violence (Law Center), an organization that provides legal and technical assistance in support of gun violence prevention, and additional information about a gun buy-back program.

## DISCUSSION

The Law Center provides legal and technical assistance in support of gun violence prevention to federal, state, and local legislators nationwide. In an email sent to Council, the Law Center included four recommendations to strengthen Hayward's regulations regarding firearms including: (1) requiring gun sales to be videotaped; (2) prohibiting gun dealers from operating near sensitive locations such as schools, churches, and playgrounds; (3) prohibiting possession of firearms on public property; and (4) requiring safe storage of guns in the home. In addition, as part of the Council's request to hold a work session on this topic, there was also interest in discussing a gun buy-back program.

### 1. Requiring Gun Sales Be Videotaped

The Law Center's recommendation for requiring gun sales to be videotaped stems from a lack of regulation at the federal or state level to do so. The Law Center believes that video recordings have the potential to provide valuable evidence to law enforcement officers who are enforcing gun laws and prosecuting gun crimes. According to the Law Center, there are at least seven communities in California that currently require this, including Cities of Campbell, El Cerrito, Emeryville, Pleasant Hill, and San Carlos, as well as Santa Cruz County and the City and County of San Francisco.

Firearm sales in Hayward are regulated under Chapter 6, Article 11 of the Hayward Municipal Code, which requires any person, partnership, cooperative, corporation, firm, or association that engages in the business of operating or managing any business which sells, transfer, leases, or offers or advertises for sale, transfer, or lease, any firearm and/or ammunition to obtain a firearms dealer permit from the Chief of Police of the Hayward Police Department and be subject to a variety of requirements and conditions. Separately, Chapter 10, Article 1 of the Hayward Municipal Code, Zoning Ordinance, regulates land use to ensure an appropriate mix of land uses in an orderly manner. Specifically, Section 10-1.145 identifies the Zoning Ordinance as Exclusionary, which means when a use is not specifically listed in the sections devoted to "Uses Permitted," it shall be assumed that such uses are prohibited unless it is determined by the Planning Director, or on appeal to the Planning Commission, that the use is similar to and not more objectionable or intensive than the uses listed. Firearm sales are not listed under "Uses Permitted" within any Zoning District. Staff has historically required businesses whose primary use is the sale of firearms to obtain a Conditional Use Permit, in addition to the firearms dealers permit. Additionally, for those businesses for which firearm sales is ancillary (i.e., the area dedicated to such use is less than 10% of the floor area), such as sporting goods stores, staff requires they obtain a firearms dealers permit.

*Staff Recommendation:* If Council agrees to requiring gun sales to be videotaped, staff recommends amending Chapter 6, Article 11 related to obtaining a firearms dealer permit to explicitly include such a provision under subsection 6-11.05, Conditions of Approval. Given that a firearms dealers permit is required for every operation that wishes to sell guns, whether ancillary or primary, this provision will more universally be applicable. The Supreme Court has recognized a tradition of longstanding laws imposing conditions or qualifications on the commercial sale of firearms as presumptively valid under the Second Amendment.

## 2. Prohibiting Gun Dealers from Operating near Sensitive Locations

The Law Center also recommends including a provision that prohibits gun sales near sensitive locations, including schools, churches and playgrounds. According to the Law Center, guns are the second leading cause of death for children under 18 and three million children are directly exposed to gun violence each year, some resulting in death injury and lasting trauma. By prohibiting gun dealers from operating near these uses where children tend to be present, children's exposure to guns is minimized and left at the discretion of parents.

As mentioned previously, there are only two operations in the City that have a valid firearms dealers permit, both of which include gun sales that are ancillary to their primary use. These include Security Six at the corner of C Street and Mission Boulevard whose primary operation is to conduct security training classes and Big 5 Sporting Goods Store on Foothill Boulevard just north of A Street whose primary function is to sell sporting goods of all types. Big 5 Sporting Goods store is primarily a retail operation specializing in sporting goods for the entire family, including equipment and clothing for soccer, baseball, fishing, camping, etc. There are no schools or playgrounds within 1000 feet of that location. While the Security Six operation is within 300 feet of Giuliani Plaza where there is a playground, the operation is primarily a facility for security training and there is no indication that gun sales occur there.

*Staff Recommendation:* If the Council would like to add a provision prohibiting gun sales near sensitive locations, staff recommends amending Chapter 6, Article 11 (firearms sales permit) to explicitly establish location criteria for firearms dealers under subsection 6-11.03 Application Form; Fee by prohibiting these uses within ½ mile of any school or playground. This provision will not affect existing operators, since gun sales are not those businesses' primary use and their permits were approved prior to any such change. The new provision would be applicable to any operator moving forward. As above, the Supreme Court has recognized a tradition of longstanding laws imposing conditions or qualifications on the commercial sale of firearms as presumptively valid under the Second Amendment.

## 3. Prohibiting Possession of Firearms on Public Property

The Law Center also recommends prohibiting the possession of firearms on public property as that helps to keep guns out of spaces where freedom of expression and assembly is particularly important, like legislative buildings; where children frequent, like parks; and where disagreements are common, like courthouses. According to the Law Center, there are 143 jurisdictions in California that currently regulate or prohibit the possession of firearms and/or ammunition on certain types of public property, such as in parks, recreation areas, and municipal buildings.

While the City of Hayward currently has regulations related to discharging of weapons within the City limits, there is no specific language in the Municipal Code that prohibits possession of these weapons on City property. In checking with the Hayward Area Recreation and Park District, their District Handbook does include provisions and specifically states "No person other than a law enforcement officer in the scope of duty shall use, carry, possess, or discharge a firearm on District property. No person shall use, carry, or possess explosives or dangerous

weapons on District Property, including but not limited to hatchets, axes, machetes, bows, crossbows, spears, air or gas weapons, or any other weapon potentially dangerous to human or wildlife safety and well-being. No person shall cause a bullet or other dangerous projectile to pass through or enter into District Property.”

*Staff Recommendation:* If prohibiting the possession of firearms on public property is of interest to the Council, staff recommends amending Chapter 3 of the Municipal Code, Public Safety, either under Article 3 or 4 to specifically regulate the possession of firearms on City property. Given recent Supreme Court decisions, it is critical that whatever regulations the City establishes related to guns, “the government must demonstrate that the regulation is consistent with the nation’s historic tradition of firearms regulations.” The relevant legal analysis is based on the government identifying a well-established and representative historical *analogue* for the proposed regulation. The Supreme Court’s recent decisions recognize that there is a longstanding tradition of laws prohibiting carrying of firearms in sensitive places such as schools and various government buildings such as polling places, courthouses, and legislative assemblies.

#### 4. Requiring Safe Storage of Guns in the Home

The Law Center recommends additional regulations related to the safe storage of guns in homes to help prevent accidental shootings, suicides, and firearms theft. According to the center, these additional preventions, coined child access prevention (CAP) laws, are an effective tool for preventing such tragedies.

A CAP law already exists under state law. California Penal Code Section 25100<sup>1</sup> punishes “criminal storage of a firearm.” A person has committed criminal storage of a firearm when: (1) they keep a firearm within their home or other premises under their control, (2) they know or reasonably should know that a child or person legally prohibited from possessing a firearm is likely to gain access without permission from the owner of the firearm, and (3) the child or person legally prohibited from possessing a firearm obtains possession of the firearm and causes death or great bodily injury with it. Depending on the degree, violations of California Penal Code Section 25100 can be a felony or misdemeanor.

*Staff Recommendation:* Staff recommends that the City not adopt any local provisions that address this topic as it is already addressed by state law and would be unnecessarily duplicative. Any locally adopted regulations that are substantively different or stricter than state law would raise the issue of validity under the Second Amendment. For example, the Supreme Court found unconstitutional a law that required a gun owner to render a firearm inoperable while being stored in the home because the law made it impossible for residents to use guns for the “core lawful purpose of self-defense.”<sup>2</sup> However, staff has included an

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<sup>1</sup> [https://california.public.law/codes/ca\\_penal\\_code\\_section\\_25100](https://california.public.law/codes/ca_penal_code_section_25100)

<sup>2</sup> <https://www.supremecourt.gov/opinions/07pdf/07-290.pdf>

attachment to this report that includes a number of links to existing red flag laws already on the books as well as efforts underway at both the state and federal level that may better address the concerns.

## 5. Gun Buy-Back Programs

When gun buy-back programs were originally discussed as part of the referral, there was interest on the part of Council to discuss such a program. The City has implemented gun buy-back events in the past as they used to hold an annual event at the Business Costco on A Street. The Police Department's experience was that people brought guns that were not consistent with those encountered in the field, many of them did not function properly, and the guns collected were all legally owned, creating a significant expense without actually creating the desired impact. Despite this, proponents of the program argue that it provides community members with a safe disposal option for unwanted guns. The reality is that the Police Department will happily accept guns for destruction at the Hayward Police Department without a program in place, as they do now.

*Staff Recommendation:* Staff does not recommend creating a formal gun buy-back program<sup>3</sup> or holding events similar to what was done historically given concerns with program effectiveness and insufficient staff capacity to facilitate them as they can be labor intensive and costly.

## **ECONOMIC AND FISCAL IMPACT**

There is no economic or fiscal impact stemming from this work session discussion. However, depending on the direction from Council, there may be an impact stemming from any new regulations proposed/adopted, but that will be analyzed at that time of adoption or formal approval.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Support Quality of Life. This item is not specifically related to a project identified in the adopted Strategic Roadmap; however, staff is bringing forth this new item at the request of Council via a Council referral to have a discussion around firearms. Any direction from Council to prioritize any recommendations for follow-up on this item will need to be evaluated against current priorities and workload. It would be staff's recommendation that any follow-up on this be added to a future Strategic Roadmap and weighed against other current priorities and staff resources.

## **PUBLIC CONTACT**

There was no public notification required in advance of this work session discussion. However, staff did reach out to representatives from the Law Center inviting them to participate in this discussion.

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<sup>3</sup> <https://www.cnn.com/2022/04/16/us/chicago-gun-buybacks/index.html>

## **NEXT STEPS**

Depending on the discussion and/or direction provided by Council to staff, if there is direction to amend various sections of the Hayward Municipal Code to add additional provisions regarding firearm sales and possession of firearms, staff recommends that this project be added to the next Strategic Roadmap under the priority Support Quality of Life and be tackled as a year one project beginning in FY24. Alternatively, if this is something the Council wants to prioritize now, there are other existing priority projects from the adopted Strategic Roadmap that will need to be postponed including the Sidewalk Vendor Ordinance and/or updates to the Alcohol Regulations in order to allocate resources to this effort.

*Prepared by:* Sara Buizer, AICP, Deputy Development Services Director

*Recommended by:* Jennifer Ott, Assistant City Manager/Development Services Director  
Toney Chaplin, Chief of Police

Approved by:



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Kelly McAdoo, City Manager

**Links to Existing Regulations and Pending Actions**

| <b>Explanation</b>   | <b>Links</b>   |
|--|--|
| <p>A red flag law is one that allows the petitioning of a State Court to order the temporary removal of firearms from individuals who are believed to present a danger to themselves or others. In California, a Gun Violence Restraining Order (GVRO) can be sought by relatives/friends or law enforcement in domestic violence cases, cases where individuals are placed on a 5150 W&amp;I hold due to a mental/behavioral health condition, or cases where individuals have made threatened violence or self-harm.</p> | <p><a href="https://giffords.org/lawcenter/state-laws/safe-storage-in-california/">https://giffords.org/lawcenter/state-laws/safe-storage-in-california/</a></p> <p><a href="#">California Announces New Details on Efforts to Promote Nation-Leading Red Flag Laws   California Governor</a></p> <p><a href="#">Gun Violence Restraining Orders - abuse firearms selfhelp (ca.gov)</a></p> <p><a href="#">GVRO: What the Gun Violence Restraining Order Law Means - FindLaw</a></p> |
| <p>California now has legislation that allows for lawsuits to be filed against gun manufacturers by the State, local governments, and individual Californians (AB 1594).</p>   | <p><a href="#">New California Law Holds Gun Makers Liable: “The Gun Industry Can No Longer Hide”   California Governor</a></p>   |
| <p>The Attorney General filed a lawsuit against ghost gun manufacturers in 2021 and just recently filed a motion for preliminary injunction to prevent the sale of ghost gun kits in California.</p>   | <p><a href="#">Attorney General Bonta Files Motion for Preliminary Injunction Against Gun Retailers to Halt Sales of Illegal Ghost Gun Kits   State of California - Department of Justice - Office of the Attorney General</a></p>   |