



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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## Cover Memo

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**File #:** CONS 21-649, **Version:** 1

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**DATE:** December 14, 2021

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

### **SUBJECT**

Adopt a Resolution Authorizing the City Manager to: (1) Negotiate and Enter into an Easement Agreement with California State University East Bay for a Roadway and Utility Connection to Carlos Bee Boulevard from Former Caltrans Property Parcel Group 5; and (2) Appropriate \$295,668 from Fund 411 for the Parcel Group 5 Project in the Route 238 Settlement Administration Project 05014

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing the City Manager to: (1) negotiate and enter into an easement agreement with California State University East Bay for a roadway and utility connection to Carlos Bee Boulevard from the former Caltrans property Parcel Group 5 in a form approved by the City Attorney; and (2) appropriate \$295,668 from Fund 411 for the easement to be paid for by the Route 238 Settlement Administration Project 05014.

### **SUMMARY**

The City of Hayward entered into a Purchase and Sale Agreement (PSA) with the California Department of Transportation (Caltrans) in January 2016 to manage the disposition and development of former right of way for the now defunct 238 Bypass. This land is divided into 10 parcel groups and must be disposed of by 2027. This report covers an easement agreement required to help facilitate the development of Parcel Group 5.

On July 9, 2019, the Council adopted a resolution approving a Master Development Plan for Parcel Group 5 (MDP), certifying an Addendum to the 2014 General Plan Environmental Impact Report (2014 GP EIR) and approving issuance of a Request for Proposals (RFP) from developers to entitle and construct a 74-lot subdivision including eight deed restricted affordable Accessory Dwelling Units (ADUs) and related site improvements. The MDP contemplated the City acquiring an easement agreement (Easement) from California State University East Bay (CSUEB) for a roadway and utility connection to Carlos Bee Boulevard from Parcel Group 5.

On December 16, 2019, the Council adopted a resolution authorizing the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with Trumark Properties (Developer) to design and entitle the development project consistent with the MDP and to negotiate a Disposition and

Development Agreement (DDA), which are still under review and negotiation, and anticipated for Council consideration in first quarter 2022.

The City and CSUEB have agreed upon the terms of the Easement for facilitating a roadway and utility connection between Parcel Group 5 and Carlos Bee Boulevard, including a pedestrian and bicycle trail and a temporary construction easement (TCE). Upon approval by the Council and CSUEB, the City will acquire the Easement immediately for \$295,668 and then will be repaid from the Parcel Group 5 purchase price paid by the Developer at the time the property is transferred from the City to the Developer, which is currently slated for late 2022/early 2023. The Developer will pay for the construction of all roadway and utilities improvements within the Easement area, upon obtaining all relevant permits.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Easement Area