

AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAYWARD AND HAYWARD
AREA RECREATION AND PARK DISTRICT FOR THE LA VISTA PARK PROJECT

THIS Amendment No. 1 to the Memorandum of Understanding (“MOU”), dated for convenience this 17th day of July 2025, is between the City of Hayward (“City”), a municipal corporation of the State of California, and the Hayward Area Recreation and Park District (“HARD”), a California special district, hereinafter referred to individually as a “Party” and collectively as “Parties,” and amends the MOU which was entered into on January 29, 2025, for the design, construction, funding, operation and maintenance of La Vista Park in Hayward, California.

RECITALS:

WHEREAS, by Resolution No. 24-259, on December 17, 2024, the City Council authorized and directed to the City Manager to execute a new Memorandum of Understanding with the Hayward Area Recreation and Park District for the funding, operations, and maintenance of La Vista Park; and

WHEREAS, City and HARD executed the aforementioned MOU on the 29th day of January, 2025; and

WHEREAS, after receiving and reviewing construction bids, Staff determined an additional \$6,444,000 is needed to fully fund the construction of La Vista Park including design, construction, administration, inspections, and testing costs; and

NOW, THEREFORE, City and HARD agree to the following amendments to the MOU as follows:

3. Funding of Construction of Park Project Improvements

a) **Park In-Lieu Fees.** The Parties agree that City will allocate Nineteen Million Four Hundred Forty-four Thousand Dollars (\$19,444,000.00) in accumulated park in-lieu fees (Quimby Act fees) collected by City as of the Effective Date from certain residential development projects in the communities to be served by the Park Property, including, but not limited to, the Developer Fee Contribution (“Park In-Lieu Fees”). In addition, and as further set forth in Section 3(d), below, the Parties agree that City will allocate Six Million, Seven Hundred Thousand Dollars (\$6,700,000.00) of existing and/or future park in-lieu fees collected by City from developers of residential development projects in communities to be served by the Park Property to HARD as a reimbursement of a portion of HARD’s financial contribution to the Project as described in Section 3(c), below.

e). Summary of Total Available Funding.

| | |
|--------------------------------|------------------------|
| Park In-Lieu Fee Allocation | \$19,444,000.00 |
| City of Hayward Contribution | \$5,785,000.00 |
| City Previously Incurred Costs | \$2,140,000.00 |
| <u>HARD Contribution</u> | <u>\$15,400,000.00</u> |
| Total | \$42,769,000.00 |

4. Project Costs Estimate. Based on construction bids received, City has determined the total project cost as shown below:

| | |
|---------------------------------------------------|---------------------|
| Construction Contract | \$32,850,547 |
| <u>Contingency (12%)</u> | <u>\$3,942,066</u> |
| <i>Construction Subtotal</i> | <i>\$36,792,613</i> |
| Design | \$998,387 |
| Administration | \$998,000 |
| Geotechnical Inspection, Testing and Reporting | \$1,840,000 |
| <u>Previously Incurred City Costs</u> | <u>\$2,140,000</u> |
| Total Project Cost | \$42,769,000 |

Except as specifically amended herein, all other terms and conditions of the MOU shall remain in full force and effect.

IN WITNESS WHEREOF, City and HARD have executed this Amendment No. 1 as of the date set forth above.

HAYWARD AREA RECREATION AND PARK DISTRICT

Dated: 7/10/2025

DocuSigned by:
James Wheeler
By: _____
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James Wheeler, General Manager

CITY OF HAYWARD

Dated: 7/10/2025

Signed by:
Alex Ameri
By: _____
85810E68250446B...
Alex Ameri, Director of Public Works

Dated: 7/16/2025

DocuSigned by:
Jayanti Addleman
By: _____
36748496C2A6487...
Jayanti Addleman, Interim City Manager

DocuSigned by:
Miriam Lens
Attest: _____
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Miriam Lens, City Clerk

Approved as to form and procedure:

Signed by:
Michael Lawson

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Michael S. Lawson, City Attorney