

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION APPROVING THE ACQUISITION OF PROPERTY LOCATED AT 22300 FOOTHILL BOULEVARD (APN 415-250-112), AUTHORIZING THE CITY MANGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH 37 HAYWARD, LLC, AND FINDING THAT THE ACQUISITION IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15061 AND 15301 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

WHEREAS, City staff and 37 Hayward, LLC ("Seller") have negotiated a draft purchase and sale agreement ("PSA") for the acquisition of property located at 22300 Foothill Boulevard in the City of Hayward (the "Property"); and

WHEREAS, Government Code Section 37350 states that the City may purchase, lease, receive, hold, and enjoy real and personal property and control and dispose it for the common benefit; and

WHEREAS, at its regular meeting on June 4, 2019, and pursuant to the duly published and posted agenda for the meeting, the City Council considered the key terms of the PSA, the staff report, other materials presented to it, and heard any comments from members of the public wishing to speak for or against the acquisition of the Property; and

WHEREAS, the Property is adjacent to other land owned by the City, and its acquisition provides a unique opportunity to preserve it for future redevelopment to help revitalize the downtown; and

WHEREAS, the proposed acquisition of the Property will be for public purposes, which may include exchange, mitigation of blight, or economic development; and

WHEREAS, the City has not yet committed to any development plans for the Property, but instead will maintain the existing use until such time as the City Council approves a particular project or use consistent with the purposes set forth in this Resolution; therefore, it can be seen with certainty that there is no possibility that the City's acquisition of the Property will have a significant effect on the environment in that the transactions contemplated under the PSA do not involve the physical design, development, demolition, or construction of structures or any physical modification to the Property or

other land.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds that the above recitals are true and correct.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or designee to negotiate and execute a final PSA on behalf of the City consistent with the terms outlined in the staff report, subject to such nonsubstantive or minor modifications or amendments as may be necessary to complete the transactions contemplated hereby, and subject further to the City Attorney's approval as to form.

BE IT FURTHER RESOLVED that the City Manager or designee shall negotiate and execute such other instruments, in a form approved by the City Attorney, and take any and all other action, as may be reasonably necessary to complete the acquisition of, and to close escrow on, the Property. Without limiting the generality of the foregoing, the City Manager or designee is hereby authorized to execute a certificate of acceptance of the grant deed for the property, pursuant to Government Code Section 27281 in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council finds that the acquisition of the Property is exempt from review under the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), in that the City will maintain the existing use until such time as the City Council approves a particular project or use for the Property, if the City Council elects to consider modifications of the Property in the future. Acquisition will not involve changes to the physical design of the site, demolition, earth moving activities, or construction, and in the absence of particular plans any environmental effects of acquisition would be speculative. Nothing in the PSA limits the City's discretion to take any and all action necessary to comply with CEQA prior to approving any future project on the site. Acquisition is also exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities), in that the current use of the Property is intended to remain until a future use is approved, and there is nothing unusual about the proposed acquisition in terms of size, location, or other circumstance that is anticipated to result in a significant environmental effect.

BE IT FURTHER RESOLVED that the City Manager or designee is directed to cause a notice of exemption to be filed with the Alameda County clerk, pursuant to CEQA Guidelines Section 15062, following adoption of this Resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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