

HAYWARD SUCCESSOR AGENCY OVERSIGHT BOARD

RESOLUTION NO. 2014-05

RESOLUTION OF THE OVERSIGHT BOARD OF THE HAYWARD SUCCESSOR AGENCY APPROVING THE TRANSFER OF SPECIFIED GOVERNMENTAL USE PROPERTIES TO THE CITY OF HAYWARD FOR CONTINUED GOVERNMENTAL USE, OPERATION, AND MAINTENANCE

WHEREAS, pursuant to ABx1 26 (as amended by AB 1484, the "Dissolution Statutes"), the separate legal entity known as the Hayward Successor Agency (the "Successor Agency") must pay the enforceable obligations, wind down the affairs and dispose of assets of the dissolved Redevelopment Agency of the City of Hayward (the "Former Agency"); and

WHEREAS, the Successor Agency received a Finding of Completion from the State Department of Finance, effective as of November 8, 2013; and

WHEREAS, in accordance with Health and Safety Code Section 34175(b), the Successor Agency, as successor in interest to the Former Agency, holds fee title to the properties listed below, which shall herein after be collectively referred to as the "Governmental Use Parcels":

1. Property located in the City of Hayward identified as Assessor's Parcel No. 428-76-23-13, a publicly owned, operated, and maintained area dedicated for use as a public park;
2. Property located in the City of Hayward identified as Assessor's Parcel No. 428-76-27-09, a publicly owned, operated, and maintained area dedicated for use as a public park; and
3. Property located in the City of Hayward identified as Assessor's Parcel No. 428-71-2, a publicly owned, operated, and maintained area dedicated for use as a public park;
4. Property located in the City of Hayward identified as Assessor's Parcel No. 428-71-3, a publicly owned, operated, and maintained area dedicated for use as a public park; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, Health and Safety Code Sections 34181(a) and 34191.3 authorize the Oversight Board to direct and approve disposition by the Successor Agency to the appropriate public jurisdiction of Former Agency governmental purpose properties constructed and used for, among others, roads, school buildings, parks and open space, police and fire stations, libraries, and local agency administrative buildings; and

WHEREAS, Health and Safety Code Section 34177(e) further authorizes the Oversight Board to direct the transfer of ownership of assets and properties used for governmental purposes pursuant to Health and Safety Code Section 34181(a); and

WHEREAS, the properties that are the subject of this Resolution were constructed and used for a governmental purpose, and are generally located in the City and within the Former Agency's redevelopment project area; and

WHEREAS, the Successor Agency is now responsible for the disposition of the Governmental Use Parcels in accordance with the procedures and requirements of the Dissolution Statutes; and

WHEREAS, the City, as the public jurisdiction generally responsible for the ownership, operation and maintenance of public facilities in the City, is the appropriate public jurisdiction for the ultimate disposition of the Governmental Use Parcels; and

WHEREAS, the approval and disposition of the Governmental Use Parcels to the City for continued use, operation and maintenance for governmental use purposes is consistent with the City's General Plan, the Former Agency's approved redevelopment plan, and other applicable City codes and policies in that these local laws and plans call for continued public use and maintenance of the Governmental Use Parcels; and

WHEREAS, the disposition of the Governmental Use Parcels, and their continued use, operation, and maintenance by the City as a public park, pursuant to this Resolution is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines ("CEQA") pursuant to State CEQA Guidelines Section 15301 (as an action resulting in continuation of an existing facility); and

WHEREAS, the accompanying staff report provides supporting information upon which the action set forth in this Resolution is based.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED that the Successor Agency Executive Director is hereby authorized and directed to file a Notice of Exemption with respect to the actions approved under this Resolution in accordance with the applicable provisions of CEQA.

BE IT FURTHER RESOLVED that, as authorized under Health and Safety Code Sections 34177(e), 34181(a), and 34191.3, the Oversight Board hereby directs the Successor Agency to dispose of the Government Use Parcels to the City in consideration for the City's continued use, operation, and maintenance of the Government Use Parcels as a public park.

BE IT FURTHER RESOLVED that, to implement the above direction, the Oversight Board hereby approves and authorizes the Successor Agency Executive Director to take any action and execute any documents, in consultation with the City Attorney, acting in the capacity

of counsel to the Successor Agency, as may be necessary to implement the disposition of the Governmental Use Parcels pursuant to the terms of this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency is hereby directed to notify the California Department of Finance of the actions set forth in this Resolution in accordance with Health and Safety Code Section 34181(f).

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h) and Section 34181(f).

HAYWARD, CALIFORNIA, April 28, 2014

ADOPTED BY THE FOLLOWING VOTE:

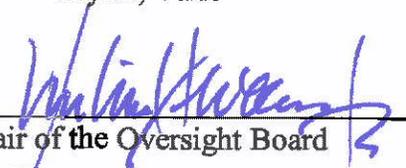
AYES: BOARD MEMBERS Sweeney, Bristow, Henson, Hodges, Salinas

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS: Taylor, Valle

ATTEST:

  
Chair of the Oversight Board

**DATE:** April 28, 2014  
**TO:** Chair and Members of the Successor Agency Oversight Board  
**FROM:** Assistant City Manager  
**SUBJECT:** Approval of Disposition of Governmental Use Properties to the City of Hayward

**RECOMMENDATION**

That the Oversight Board adopts the attached resolution (Attachment I) approving specified transfers of governmental use properties to the City, as described below.

**BACKGROUND**

Under Health and Safety Code Sections 34177(e), 34181(a) and 34191.3, the Oversight Board is authorized to approve and direct the disposition, by the Hayward Successor Agency (the "Successor Agency"), of governmental purpose properties constructed and used for roads, school buildings, parks and open space, police and fire stations, libraries, and local agency administrative buildings and other governmental purpose (the "Public Purposes") previously owned by the former Redevelopment Agency of the City of Hayward (the "Former Agency"). Such transfers are subject to the approval of the California Department of Finance (the "DOF") as described in further detail below.

**DISCUSSION**

Prior to its dissolution on February 1, 2012, the Former Agency owned specified publicly owned, operated and maintained properties, collectively described as the "Governmental Use Parcels." These included properties located in the City of Hayward identified as Assessor's Parcel Nos. APN 428-76-23-13, 428-76-27-09, 428-71-2, and 428-71-3 dedicated for use as public park (collectively, the "Governmental Use Parcels"). The Successor Agency holds the fee title to the Governmental Use Parcels in accordance with the requirements of Health and Safety Code Section 34175(b). The Governmental Use Parcels are highlighted in red in Figure 1 below, and encompass the public spaces surrounding the City Hall facility.



is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines (“CEQA”) pursuant to State CEQA Guidelines Section 15301 (as an action resulting in continuation of an existing facility).

### **ECONOMIC AND FISCAL IMPACT**

There is no fiscal impact associated with this action. Transfer of these Governmental Use Parcels to the City will ensure that the parcels retain their current public uses that support the operation of the City Hall facility. Because this is a transfer of Governmental Use Parcels, there is no compensation due to the taxing entities pursuant to Health and Safety Code Sections 34191.2, 34177(e), and 34181(a) as the City will continue to use, operate and maintain these parcels for governmental uses.

### **PUBLIC CONTACT**

A notice of this meeting was published in the Daily Review ten days prior to the meeting to comply with public noticing requirements in Health and Safety Code Section 34181(f).

### **NEXT STEPS**

Following approval of the Governmental Use Property transfer by the Oversight Board, staff will submit the approved resolution and supporting documentation to the DOF for review. The DOF then has an opportunity to review and object to the transfer of any of the Governmental Use Properties and/or request additional documentation and information. This review must be completed within 100 days of the Oversight Board action. The Successor Agency will then have an opportunity to request a meet and confer session if the Successor Agency disagrees with any of the DOF determinations.

*Prepared and Recommended by:* Kelly McAdoo, Assistant City Manager

Approved by:



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Fran David, City Manager

- Attachment I: Resolution Approving Governmental Use Property Transfer
- Attachment II: Public Notice
- Attachment III: Property Inventory Data

**NOTICE OF CONSIDERATION OF CONVEYANCE OF SPECIFIED GOVERNMENTAL  
USE PROPERTIES TO THE CITY OF HAYWARD**

NOTICE IS HEREBY GIVEN that, at its public meeting on April 28, 2014, at 3:30 p.m. in the meeting room located at 777 B Street, Hayward, the Oversight Board (the "Oversight Board") for the Hayward Successor Agency (the "Successor Agency"), successor in interest to the former Redevelopment Agency of the City of Hayward (the "Former Agency") will consider the action described below.

Prior to its dissolution on February 1, 2012, the Former Agency owned specified publicly owned, operated and maintained properties, collectively described as the "Governmental Use Parcels" which included properties located in the City of Hayward identified as Assessor's Parcel Nos. APN 428-76-23-13, 428-76-027-09, 428-71-2, and 428-71-3 publicly owned, operated, and maintained areas dedicated for use as a public park (collectively, the "Governmental Use Parcels").

At the above noticed April 28, 2014 public meeting, the Oversight Board will consider whether to approve the disposition of the Governmental Use Parcels to the City of Hayward (the "City") for continued use, operation and maintenance for governmental use purposes, in accordance with authority granted under Health and Safety Code Section 34181(a) which expressly authorizes the transfer to the City of properties that are used for governmental purposes.

The proposed documents related to the Oversight Board's consideration of the actions described above will be available for public inspection and copying for the cost of duplication at 777 B Street, Hayward, California during normal business hours. Interested persons may submit written comments addressed to the Oversight Board for the Successor Agency, c/o City Clerk, 777 B Street, Hayward, California 94541, prior to the hour of 9:00 a.m. on April 28, 2014.

At the time and place noted above, all persons interested in the above matter may appear and be heard.

OVERSIGHT BOARD TO THE HAYWARD SUCCESSOR  
AGENCY



Kelly McAdoo  
Designated Contact Official

Publish: April 18, 2014

Successor Agency: Hayward Successor Agency  
 County: Alameda

GOVERNMENTAL USE PROPERTY INVENTORY WORKSHEET

			HSC 34191.5 (c)(2)	HSC 34191.5 (c)(1)(A)				SALE OF PROPERTY			HSC 34191.5 (c)(1)(B)	HSC 34191.5 (c)(1)(C)				HSC 34191.5 (c)(1)(D)	HSC 34191.5 (c)(1)(E)		HSC 34191.5 (c)(1)(F)	HSC 34191.5 (c)(1)(G)		HSC 34191.5 (c)(1)(H)
No.	Name	Property Type	Permissible Use -Government Use -Future Development -Sale of Property	Acquisition Date	Value at Time of Purchase	Estimated Current Value	Value Basis	Date of Estimated Current Value	Proposed Sale Value	Proposed Sale Date	Purpose for which property was acquired	Address	APN #	Lot Size (Acres)	Current Zoning	Estimate of Current Parcel Value	Estimate of Income/Revenue	Contractual requirements for use of Income/revenue	History of environmental contamination	Description of property's potential for transit oriented development	Advancement of planning objectives of the successor agency	History of previous development proposals and activity
1	City Hall park parcel	Park	Governmental Use	Around 1991	Note C	0	Book	NA	NA	NA	Public use	777 B St	478-0078-023-15	1.78	Note A	0	0	NA	NA	NA	Note B	NA
2	City Hall park parcel	Park	Governmental Use	Around 1991	Note C	0	Book	NA	NA	NA	Public use	778 B St	478-0079-027-06	0.15	Note A	0	0	NA	NA	NA	Note B	NA
3	City Hall park parcel	Park	Governmental Use	Around 1991	Note C	0	Book	NA	NA	NA	Public use	779 B St	428-0071-002	0.25	Note A	0	0	NA	NA	NA	Note B	NA
4	City Hall park parcel	Park	Governmental Use	Around 1991	Note C	0	Book	NA	NA	NA	Public use	780 E St	428-0071-003	0.13	Note A	0	0	NA	NA	NA	Note B	NA

Note A: The properties are currently zoned CC-C for Central City Commercial

Note B: The General Plan designation for the properties is PQP for Public and Quasi-Public areas that contain major governmental, educational, or cultural facilities.

Note C: The exact date of acquisition and value at time of purchase are unknown.