



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 12/21/04  
AGENDA ITEM 6  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Conveyance of Surplus Property to Adjoining Property Owner

**RECOMMENDATION:**

Staff recommends that the City Council adopt the attached resolution authorizing the City Manager to execute a grant deed conveying surplus property to the adjoining property owner.

**DISCUSSION:**

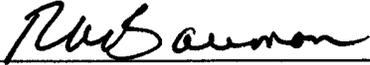
The City-owned parcel is located on Orchard Avenue at Whitman Street. It was acquired in 1979 from the Bay Area Rapid Transit District for road realignment performed in connection with construction of the BART system. The property is located in the City and is an irregular lot containing approximately 2,218 square feet. It is heavily encumbered with public utility, sewer, and water easements, and no structures can be built over this parcel. Conveyance of this property will eliminate the City's obligation to maintain it as well as remove any remaining liability for the parcel. Water, sewer, storm, and public utility easements will be retained on the entire parcel. All access rights to Orchard Avenue will be relinquished to the City. A condition of the purchase will be that the parcel is to be merged with the buyer's parcel, thereby eliminating the nonconforming parcel and returning the property back onto the tax rolls.

The Streets and Highways Code authorizes the conveyance of surplus right-of-way parcels, which are not buildable properties, to the adjoining owner at the discretion of the City. The adjoining owner has agreed to purchase the parcel for \$7,500.

Sale of surplus real property is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15312, "Surplus Government Property Sales;" thus, no environmental action is required.

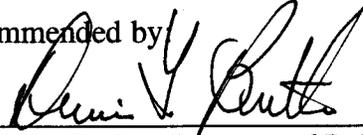
The Planning Commission held a public hearing on this proposal at its regular meeting of December 2, 2004. The Commission found that the project was categorically exempt from C.E.Q.A. and was not in conflict with the General Plan. They recommend that the City Council authorize the conveyance of the property to the adjoining property owner.

Prepared by:



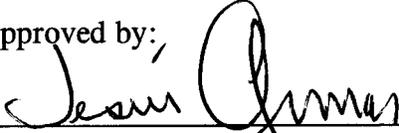
Robert A. Bauman, Deputy Director of Public Works

Recommended by:



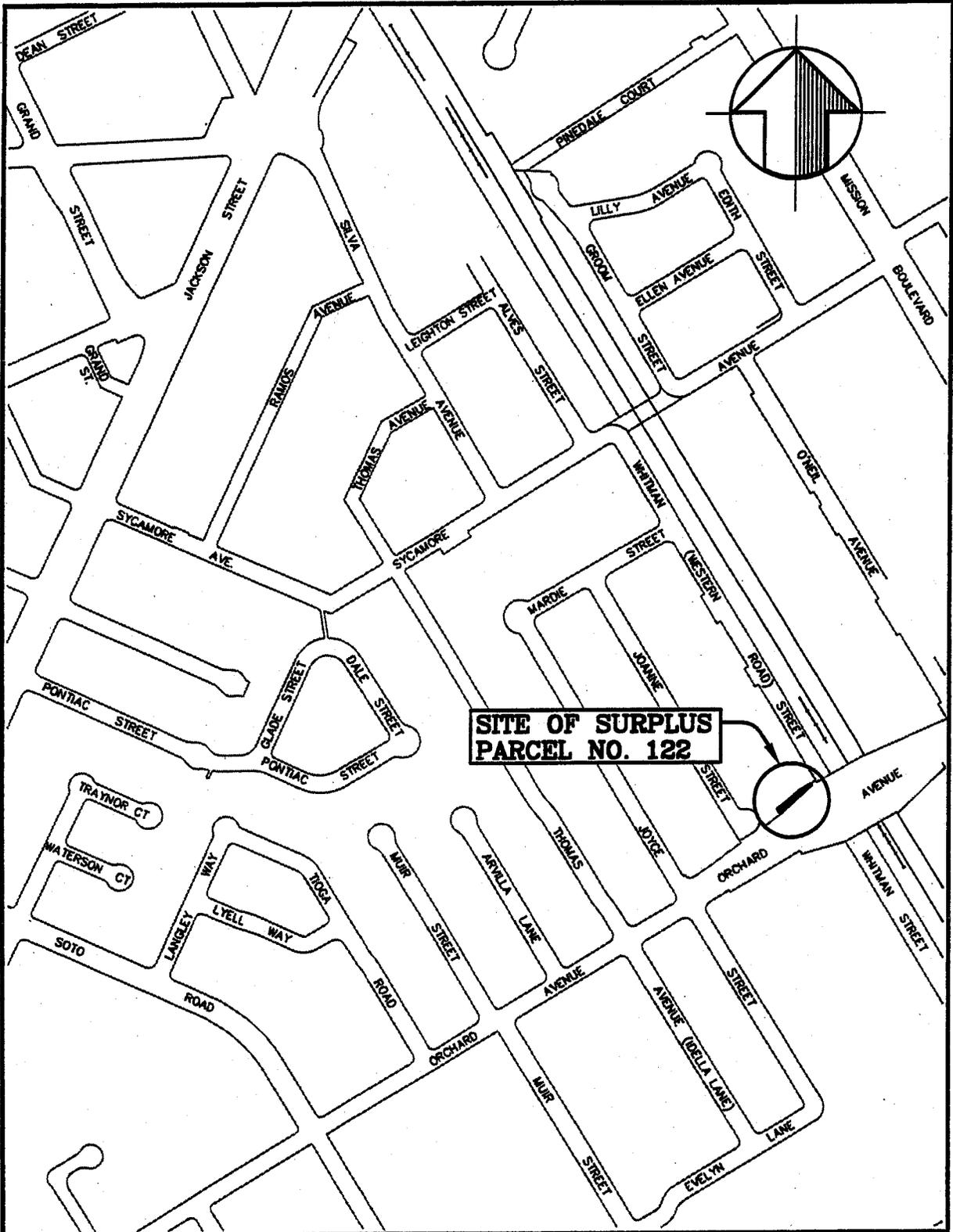
Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Vicinity Map  
Exhibit B: Plat of Surplus Parcel 122



**SITE OF SURPLUS  
PARCEL NO. 122**

CITY OF HAYWARD ENGINEERING DIVISION		
DRAWN BY: JNP	DATE 11-04-04	
CHECKED BY: JNP	SCALE: 1"=400'	
APPD. BY	APPROVED	
REV	DATE	BY
		CITY ENGINEER
		DR. PUBLIC WORKS

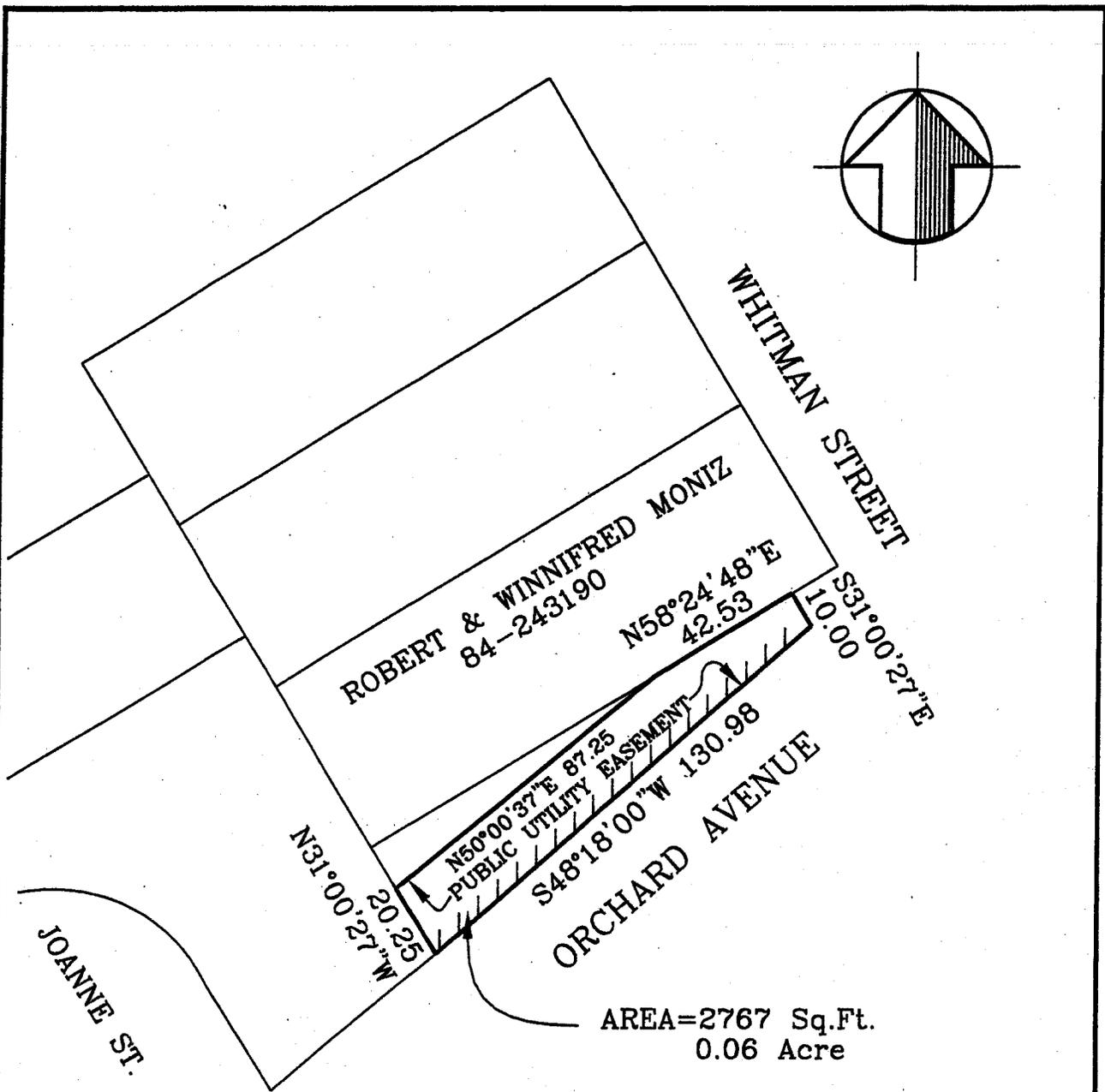
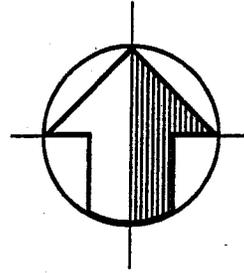
VICINITY MAP  
SURPLUS PARCEL  
NO. 122

DWG. NO. 04051

FILED

SHT. 1 of 1

Exhibit A



 = RELINQUISHMENT OF ACCESS RIGHTS



*Norman Payne*

NORMAN PAYNE  
L.S. 4388  
LICENSE EXPIRES 9/30/05

CITY OF HAYWARD ENGINEERING DIVISION			SURPLUS PARCEL NO. 122 APN 444-39-(114-9)		DWG. NO. 04047
DRAWN BY: JNP	DATE: 11-02-04	FILED			
CHECKED BY: JNP	SCALE: 1"=40'	APPROVED	SHT. 1 of 1		
REV	DATE	BY	CITY ENGINEER	DIR. PUBLIC WORKS	

Exhibit B

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-\_\_\_\_\_

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

**RESOLUTION AUTHORIZING CONVEYANCE OF  
SURPLUS PROPERTY PARCEL 122 ON ORCHARD  
AVENUE AT WHITMAN STREET TO THE ADJOINING  
PROPERTY OWNER**

WHEREAS, Surplus Parcel No.122 was acquired in 1979 from the Bay Area Rapid Transit District for road realignment performed in connection with construction of the BART system; and

WHEREAS, the property is an irregular lot containing approximately 2,218 square feet, and heavily encumbered with public utility, sewer, and water easements; it has been determined that the property is not capable of independent development; and

WHEREAS, the sale of surplus property is categorically exempt from CEQA pursuant to Section 15312, "Surplus Government Property Sales", and no environmental action is required.

WHEREAS, the Planning Commission held a public hearing at its regular meeting of December 2, 2004 and found that the project was categorically exempt from CEQA, was not in conflict with the General Plan, and recommended that the City Council authorize the conveyance of the property to the adjoining property owner.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the condition that the parcel will be merged with the buyer's parcel eliminating the nonconforming parcel the City Council of the City of Hayward hereby authorizes the conveyance of Surplus Property Parcel 122 to the adjoining property owner on Orchard Avenue at Whitman Street for the sum of \$7,500, which will eliminate all City liability and any obligation to maintain the site.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents necessary to complete such disposition.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2004

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