



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

May 28, 2010

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by President Paul W. Hodges, Jr. at 4:30 p.m. on Friday, May 28, 2010 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade (4:35 p.m.), Hodges, Jameson, Pereira, Waespi

Staff: Shue, Gouveia, Lepore, Ely, Maharaj

PURCHASE OF REAL PROPERTY

18651 Via Toledo,
San Lorenzo,
California, Alameda
County – 2.083
Acres

Staff reported that they have been negotiating with the Episcopal Bishop of California (the "Owner") for acquisition of property located at 18651 Via Toledo in San Lorenzo, Alameda County, California. The parcel of land, which was the subject of the negotiation was described as Assessor's Parcel No. 413-0083-065, located at 18651 Via Toledo and Hathaway in San Lorenzo, containing 2.083 acres of land proposed for a future park site of the Hayward Area Recreation and Park District.

Presentation of
Staff Report -
Review of the
Purchase and Sale
Agreement and
Memorandum of
Purchase Agreement

Staff said that the Purchase and Sale Agreement, including the Memorandum of Purchase Agreement were forwarded to the Board for their review prior to the Board meeting, and were also reviewed by District's Legal Counsel and the appropriate Board of Director's Committees.

Staff presented for Board of Directors review and approval the Purchase and Sale Agreement of the 2.083-acre property located at 18651 Via Toledo and Hathaway, San Lorenzo, under the following terms and conditions:

Staff Presented
Terms and
Conditions of
Purchase and
Sale Agreement

1. Purchase Price: The purchase price for the Property shall be One Million Seven Hundred Thousand Dollars (\$1,700,000.00) (the "Purchase Price").

2. Deposits: Payment of Purchase Price: Upon execution of this Purchase and Sale Agreement, the District shall deposit into Escrow the sum of \$50,000.00, of which \$1,000.00 shall become non-refundable and immediately payable out of Escrow to the Owner and the remaining \$49,000 shall be known as the Diligence Period

PURCHASE OF REAL PROPERTY
(Continued)

Terms and Conditions of Purchase and Sale Agreement - Continued

Deposit. The Diligence Period Deposit shall be deposited into an interest bearing account, and all interest earned thereon shall become part of the Diligence Period Deposit. The Diligence Period Deposit and any interest earned thereon shall be credited toward the Purchase Price and paid to the "Owner" through the closing. The remaining Purchase Price shall be paid in cash to the Owner through closing.

3. Opening Escrow: Promptly following execution of this Purchase and Sale Agreement, the Parties shall open an Escrow for conveyance of the Property to the District. The Parties shall provide escrow instructions to the Title Company consistent with this Purchase and Sale Agreement.

4. Close of Escrow: The Escrow for the conveyance of the Property shall close within thirty (30) days following the expiration of the Diligence Period, provided all conditions set forth in the Purchase and Sale Agreement have been met. At the Closing, the Owner shall convey the Property to the District, and the District shall pay the Purchase Price to the Owner. At the Closing, the Property shall be conveyed to the District by Grant Deed, attached to the Purchase and Sale Agreement, Exhibit B.

Staff Recommendations -
1) Execution of Purchase and Sale Agreement;
2) Adoption of Resolution Authorizing Acquisition of the Property; and
3) Execution of Certificate Of Acceptance

Staff recommended for the Board of Directors' review and action the following:

1. Execution of Purchase and Sale Agreement.
2. Adoption of Resolution authorizing the acquisition of the Property.
3. Execution of the Certificate of Acceptance.

Director Jameson -
Extended Thanks to
The Negotiating
Parties

Following presentation of Staff Report, Director Jameson on behalf of the Board extended thanks to Staff for doing a great job to negotiate the purchase of the aforementioned property on behalf of the District and, likewise, extended thanks to Mr. Anthony Varni, of Varni, Fraser, Hartwell & Rodgers, Attorneys at Law, for working with the Episcopal Bishop of California, the "Owner" of the property, to finalize the Purchase and Sale Agreement, all of which she said transpired very smoothly and in a timely manner.

Mrs. Betty Moose -
Addressed B.O.D. -
Development
Process and Timeline

Mrs. Betty Moose, 1328 Via El Monte, San Lorenzo, extended her congratulations to the Board for purchase of the property and requested additional information on the process that would be involved from here on, including the timeline for development of the park at that location in the future.

Comments -
Director Andrade

Director Andrade said that in view of the financial constraints of the Hayward Area Recreation and Park District, the District would be precluded from developing that site for several years. He referred to

PURCHASE OF REAL PROPERTY (Continued)

similar situations in the past where the District proceeded to purchase prime properties that became available, but remained undeveloped for as long as ten (10) years due to funding limitations.

Staff Outlined Standard Practice Adopted By H.A.R.D. for Development of A Community Park Once Funding Is Identified

Staff outlined the standard process adopted by the Hayward Area Recreation and Park District during the design phase of a neighborhood park, once funding has been identified to proceed with development, which involves the participation and contribution of the residents at community meetings to discuss the proposed design. On the subject of the District's course of action following purchase of a property, Staff reported that following close of Escrow, the District is required to publicly bid for the demolition of any existing structure on the property, which is not only necessary for liability reasons, but to clean and secure the parcel so as to avoid an eyesore sitting in the community. Staff added that the District then hires an Architect to come up with a Conceptual Plan that is presented to the public for their review and input, and changes incorporated by the Architect before a final Master Plan for the park site is developed for Board of Directors review and approval, followed by the development of plans and specifications for approval by the Board and, ultimately, a call for bids for development of the park.

Staff noted that it is standard practice of the District to pursue all available avenues, and to seek funding opportunities, including grant funds to help with the development.

Church Property Established in 1951

Mrs. Betty Moose requested Staff to take photographs of the existing church on the property, which she said was established in 1951 and, therefore, qualifies as a historical facility that she would like to include in the San Lorenzo's history.

Following comments, it was moved by Director Jameson, second by Director Pereira, and unanimously carried to adopt the following:

Sale Agreement

Resolution No. R-0910-78, authorizing entry into a Purchase and Sale Agreement with the Episcopal Bishop of California, a corporation sole (the Owner), for purchase of real property located at 18651 Via Toledo, San Lorenzo, Alameda County, California, Assessor's Parcel No. 413-0083-065, containing 2.083 acres, under the terms and conditions of the Purchase and Sale Agreement attached hereto and made a part hereof.

**ADJOURN TO
CLOSED SESSION**

With no further discussion and comments, President Hodges adjourned the Regular Meeting to a Closed Session at 4:45 p.m. to meet with Designated Representatives under the provisions of Government Code Section 54957.6 regarding the Hayward Area Recreation and Park District's Golf Operations Manager position.

**RECONVENE TO
REGULAR SESSION**

The Regular Board of Directors' meeting reconvened at 6:05 p.m. President Hodges reported that no action was taken at the Closed Session on the personnel item.

ADJOURNMENT

There being no further business to conduct, President Hodges adjourned the Board of Directors' meeting at 6:07 p.m.

DENNIS WAESPI, Secretary
Board of Directors