



**Meeting Date: April 5, 2021**

**Agenda Item: 2.3**

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Fairmont Terrace Park Right of Entry Approval [RESOLUTION NO. R-2021-45]

**Executive Summary:**

The Board of Directors will consider adoption of a Resolution authorizing the General Manager to enter into Right of Entry Agreements for the Fairmont Terrace Park Renovation Project.

**Financial Impact:**

There is no financial impact to the project.

**Staff Recommendation:**

By motion, adopt a Resolution authorizing the General Manager, or his designee, to execute a Right of Entry Agreement with the owner of property adjacent to Fairmont Terrace Park at 2113 Manchester Road for the District to perform certain improvements on the owner's property and to execute other Right of Entry Agreements with owners of other properties adjacent to the park as needed to complete construction of the Fairmont Terrace Park Renovation Project.

**Description of Item:**

The Fairmont Terrace Park Project expands the existing 1.7-acre neighborhood park to 5-acres and will include two playgrounds, two dog parks, a half-basketball court, on-site parking, restroom, picnic areas, multi-purpose lawn, loop path, and informal trails. The anticipated date of the commencement of construction of the improvements is early summer 2021.

The current park is located on a County of Alameda-owned parcel at 2091 Manchester Road in San Leandro, and has been operated by the Hayward Area Recreation and Park District ("District") since 1951. Having served the neighborhood since that time, the park is in need of renovation. A survey of the park conducted in 2012 revealed that fencing separating Fairmont Terrace Park grounds from adjacent residential property does not always follow the property line. In some locations, park grounds encroach on adjoining residential lots, and in other locations neighbors' yards encroach into the park. Encroachments are noted at, among other properties, 2133, 2125, 2113, 2065, 2059, 2053, 2047, and 2041 Manchester Road.

In 2013, the District purchased two residential structures located at 2071 and 2103 Manchester Road, for the purpose of enlarging the park entry. On April 13, 2015, the District entered into an Agreement with the County of Alameda to lease the Fairmont Drive Parcel and further expand the park. RRM Landscape Architects was engaged to prepare a Master Plan for the growing park. This Master Plan was approved by the District Board on September 28, 2015.

In 2018, after several years of waiting, the design process further developed the Master Plan into schematic design sufficient for Conditional Use Permit review by the County Planning Department. The design process also included review under the California Environmental Quality Act (CEQA) which was approved by the District Board on September 10, 2018. On February 27, 2019, Alameda County issued a Conditional Use Permit to the District to proceed with the Fairmont Terrace Park Renovation and expansion.

In August 2019, the District retained Carducci Associates to complete the construction documents as well as provide construction administration. As construction documentation advanced, the District, on June 15, 2020,

awarded a contract to Mack5 for Constructability Review and Construction Management services. On July 20, 2020, a contract for the demolition of the two residential structures was awarded and the demolition was completed on October 19, 2020.

In advance of the commencement of the construction of the park improvements, approval of Right of Entry Agreements will be necessary. A part of the Fairmont Terrace Park Renovation Project will address locations where park grounds encroach onto neighboring property by removing portions of existing fences on private properties, installing new fencing along the property line, clearing existing park features from the neighbor's property, and returning the yard in a clean and graded smooth condition. The Right of Entry Agreements will allow District contractors to access neighboring properties to perform the necessary construction work and grading. The agreements will be at no cost to the District; however, the District will pay the costs of construction of the improvements on the adjoining owners' properties. The agreements will be temporary and will terminate when a Notice of Completion of the work is filed. Upon acceptance of the improvements, the private owners will become responsible for their repair and maintenance and for any liability related to their use. A Right of Entry Agreement has been prepared for the owner of 2113 Manchester Road by the District Counsel and has been provided to the property owner for review. The Right of Entry Agreement will serve as a basis for agreements with owners of other park-adjacent property on which work will need to be performed as a part of the park renovation project.

The Fairmont Terrace Park Renovation Project will advertise for bids in April 2021 with Board approval of the construction contract anticipated for June 2021. As noted above, commencement of construction is anticipated for early summer 2021.

Staff recommends the General Manager, or his designee, be authorized to enter into a Right of Entry Agreement with the owner of 2113 Manchester Road, and such other Right of Entry agreements with such other adjacent property owners in order to complete the Fairmont Terrace Renovation Project, all subject to the General Counsel's review and approval and to any necessary, non-substantive changes thereto.

**ATTACHMENTS:**

Description	Upload Date	Type
Fairmont Terrace Park Right of Entry Approval [RESOLUTION NO. R-2021-45]	4/1/2021	Resolution Letter
Exhibit A to Resolution	3/30/2021	Exhibit
Attachment A	3/30/2021	Exhibit