

**OAKLAND AREA  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**TO:** Oakland Area GHAD Board of Directors

**FROM:** GHAD Manager  
GHAD Attorney

**BOARD MEETING DATE:** April 19, 2022

**SUBJECT:** Resolution to Declare the GHAD’s Intent to Order an Assessment for the Kenilworth Development and Set a Public Hearing 45 days after Notice is Provided to Consider the Proposed Assessment and any Protests Thereto.

**RECOMMENDATION(S):**

1. ADOPT the attached Resolution No. 2022-01 to do the following:
  - (a) APPROVE Kenilworth Development Engineer’s Report.
  - (b) DECLARE the GHAD’s intent to order an assessment for the Kenilworth Development
  - (c) SET a public hearing date 45 days after notice is provided to consider the proposed assessment and any protests thereto.

**SUMMARY:**

In approving the 7-unit Kenilworth Road Planned Unit Development (“PUD”), the City of Oakland adopted Conditions of Approval (“COA”) for the project including COA No. 35, requiring the Kenilworth Development be annexed into the existing Oakland Area Geologic Hazard Abatement District (“GHAD”). With the approval of Resolution No. 15 on February 21, 2017, the GHAD Board of Directors (“GHAD Board”) approved annexation of the Oakland Area Kenilworth Development into the Oakland Area GHAD and approved the Plan of Control. To secure a funding source for the Kenilworth Development, an Engineer’s Report has been prepared to fund the GHAD-maintained improvements identified in the Plan of Control. The Engineer’s Report recommends an assessment limit of \$5,364.00 per each single-family residential unit (Fiscal Year 2022/23 dollars).

**BACKGROUND AND DISCUSSION:**

On July 18, 2006, the Oakland City Council adopted Resolution 80058 approving the formation of the Oakland Area Geologic Hazard Abatement District (GHAD) and appointed itself to serve

as the GHAD Board of Directors (“GHAD Board”). The Siena Hill Development was included within the Oakland Area GHAD at the time of formation.

In approving the 7-unit single-family Kenilworth Development in 2010, the City of Oakland imposed Condition of Approval No. 35 requiring the property owner to seek annexation of the property into the Oakland Area GHAD. As allowed by GHAD Law, the owner of property within the Kenilworth Development submitted a Petition for Annexation of the Kenilworth Development into the Oakland Area GHAD. On February 21, 2017, the GHAD Board of Directors held a public hearing on the proposed annexation of the Kenilworth Development into the Oakland Area GHAD and with the approval of Resolution No. 15, the GHAD Board approved annexation of the Kenilworth Development into the Oakland Area GHAD and approved the Plan of Control.

A funding source for the GHAD activities was previously secured for the Siena Hill development within the Oakland Area GHAD. As with the Siena Hill development, the funding source for GHAD activities is through a real property assessment. The assessment for the 7 single-family residential units within the Kenilworth Development is proposed to be imposed as building permits are issued for the residential units. The assessment is proposed to fund GHAD activities, including maintenance of the improvements in the Kenilworth Development as described in the Plan of Control and approved by the GHAD Board previously on February 21, 2017 (Resolution No. 15).

The proposed assessment is supported by the attached Engineer’s Report, which has been prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment B to Resolution No. 2022-01). The Engineer’s Report recommends an assessment limit of \$5,364.00 per each residential (Fiscal Year 2022/23 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for Siena Hill landowners in the GHAD.

To allow the GHAD Board to consider approval of the proposed assessment, the property owner of the Kenilworth Development will be provided with a copy of the Engineer’s Report, a Notice of Intent to Order an Assessment, and a ballot.

#### **FISCAL IMPACT:**

The current property owner is responsible for funding all activities undertaken by the GHAD for the Kenilworth Development up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Oakland Area GHAD. Therefore, there is no impact on the City’s General Fund.

#### **NEXT STEPS:**

1. On June 7, 2022, the GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Board shall not impose the assessment if there is a majority protest. If there is no majority protest, the GHAD Board

shall authorize the assessment and a Notice of Assessment shall be recorded against the Kenilworth Development property.

*Prepared by:* The GHAD Manager and GHAD Attorney

*Recommended by:* GHAD Manager

**ATTACHMENTS:**

A. Resolution No. 2022-01

**THE BOARD OF DIRECTORS OF OAKLAND AREA  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**RESOLUTION NO. 2022-01**

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**RESOLUTION DECLARING THE OAKLAND AREA GEOLOGIC HAZARD  
ABATEMENT DISTRICT'S INTENT TO ORDER THE ASSESSMENT SET FORTH IN  
THE ENGINEER'S REPORT DATED April 1, 2022 AND SET A PUBLIC HEARING  
FOR JUNE 7, 2022 TO CONSIDER THE PROPOSED ASSESSMENT AND ANY  
OBJECTIONS THERETO.**

**WHEREAS**, on July 18, 2006, the Oakland City Council adopted Resolution 80058 approving the formation of the Oakland Area Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors; and

**WHEREAS**, on November 29, 2016, the GHAD Board accepted a petition from the applicant, Mr. Sven Khatri, requesting annexation of Kenilworth Development into the Oakland Area GHAD; and

**WHEREAS**, on February 21, 2017, the GHAD Board held a public hearing on the proposed annexation and Kenilworth Development Plan of Control ("Plan of Control") and thereafter adopted Resolution 15 approving the annexation and adopting the Plan of Control; and

**WHEREAS**, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established; and

**WHEREAS**, an Engineer's Report has been prepared to support a real property assessment against the 7 residential units at a Fiscal Year 2022/23 level of \$5,364.00 per each single-family residential unit for GHAD services and is attached as Attachment 1;

**WHEREAS**, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the Kenilworth Development to pay for the maintenance and operation of GHAD improvements. Article XIII (D) of the California Constitution imposes additional requirements for the levy and collection of said assessment;

**WHEREAS**, the Engineer's Report was prepared by the GHAD Manager to reflect the Plan of Control adopted by the GHAD Board on February 21, 2017, the GHAD Manager being a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651(a) and section 4(b) of Article XIII (D) of the California Constitution; the Engineer's Report attached hereto as Attachment 1 sets forth the purpose of the Kenilworth Development portion of the GHAD, the estimated budget, the total

assessment that will be chargeable to the Kenilworth Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Kenilworth Development portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

**WHEREAS**, the property within the Kenilworth Development portion of the GHAD is identified on the map attached as Attachment 2 and each parcel is proposed to be assessed.

**The Board of Directors of the GHAD HEREBY RESOLVES THAT:**

1. The GHAD Board declares its intention, consistent with the requirements of Article XIII (D) of the California Constitution, Public Resources Code sections 26650 *et seq.*, Government Code section 53750, and Elections Code section 4000, to order that the cost and expense of maintaining and operating any GHAD improvements in the Kenilworth Development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Kenilworth Development portion of the GHAD, which is benefited by the properties in this portion of the GHAD.

2. The GHAD Board shall not order this assessment if a majority protest exists within the Kenilworth Development portion of the GHAD as defined in Section 4(e) of Article XIII (D) of the California Constitution.

3. Each of the parcels identified in Attachment 2 will receive a particular and distinct special benefit in the form of GHAD facilities and services that are over and above the general benefits received by the general public. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards such as landslides and slope erosion within the Kenilworth Development portion of the GHAD. The GHAD will have responsibilities that include: (a) maintenance of slopes, (b) retaining walls, drainage ditches, and storm drain systems, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within this area. These special benefits are described in detail in the Plan of Control.

4. Whenever a residential building permit is issued for any of the 7 residential units identified in Attachment 2, that lot will be assessed as described in the attached Engineer's Report. The annual assessment amount for each residential unit was calculated by dividing the annual Kenilworth Development portion of the GHAD budget by the number of residential units planned within that portion of the GHAD boundaries provided in the Engineer's Report.

5. The GHAD Board has reviewed and considered the attached Engineer's Report for the Kenilworth Development. The special benefit derived from the GHAD by each parcel is proportionate to the entire cost of the Kenilworth Development portion of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

6. The GHAD Board directs the GHAD Manager to mail or cause to be mailed, no later than three (3) days after adoption of this Resolution, the “Notice of Adoption of Resolution and Notice of Assessment” of the Public Hearing, in substantially the same form as in Attachment 3 (“Notice”) to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4, and the GHAD Engineer’s Report, shall be attached to the Notice.

7. The GHAD Board will conduct a public hearing on June 7, 2022 at the chambers of the Oakland City Council at 1 Frank H. Ogawa Plaza, Oakland, CA 94612, at 1:30 p.m. or thereafter. The GHAD Manager shall deliver all sealed ballots received from record owners of parcels within the Kenilworth Development portion of the GHAD to the GHAD Clerk at the public hearing. The ballots shall remain sealed until they are tabulated. The GHAD Board shall permit a change, withdrawal, or submittal of a ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. The GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Clerk, or some other impartial person not having a vested interest in the outcome of the proposed assessment, shall tabulate the ballots, and shall weight the ballots according to the proportional financial obligation of the affected property. The GHAD Board shall not impose the assessment if there is a majority protest as that term is defined by Section 4(e) of Article XIII (D) of the California Constitution. If there is no majority protest, the GHAD Board shall authorize the assessment. Following the public hearing, the GHAD Board shall consider the adoption of the canvas of votes for the GHAD.

8. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the 7 residential units the first fiscal year following issuance of a residential building permit for each of those parcels on which the residences are located.

This Resolution shall become effective immediately upon its passage and adoption.

**OAKLAND, CALIFORNIA, April 19, 2022**

**PASSED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

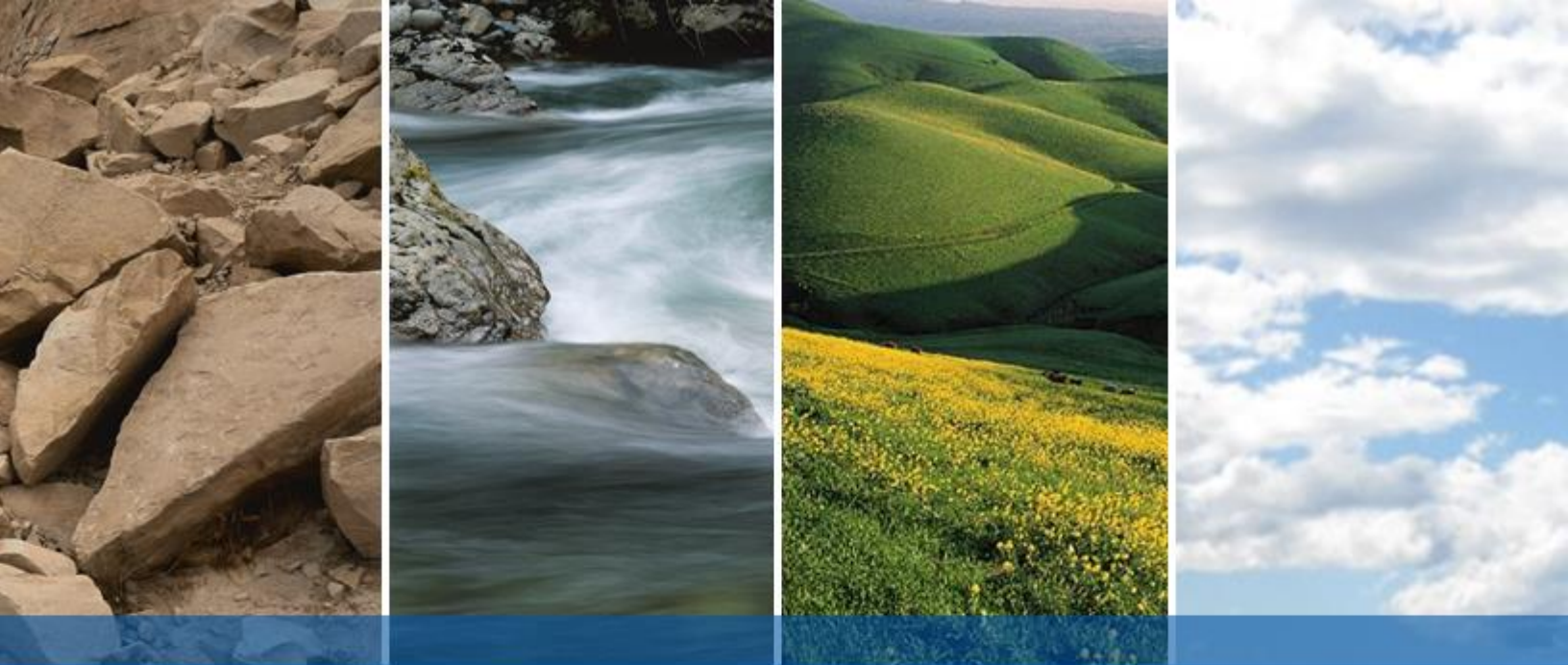
**ABSENT:**

**Attachment 1 – Engineer’s Report**

**Attachment 2 – Plat and Legal Description**

**Attachment 3 – Notice of Adoption of Resolution and Notice of Assessment**

**Attachment 4 – Ballot**



**KENILWORTH DEVELOPMENT ANNEXATION  
OAKLAND, ALAMEDA COUNTY, CALIFORNIA**

**ENGINEER'S REPORT  
FOR KENILWORTH DEVELOPMENT**

**SUBMITTED TO**  
Sven Khatri and Poppy Crum  
5801 Scarborough Drive  
Oakland, CA 94611

**PREPARED BY**  
ENGEO Incorporated

March 31, 2022

**PROJECT NO.**  
5410.001.000

## TABLE OF CONTENTS

<b>CERTIFICATION OF FILING</b> .....	<b>1</b>
<b>I. INTRODUCTION</b> .....	<b>3</b>
<b>II. BACKGROUND</b> .....	<b>3</b>
<b>III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES</b> .....	<b>3</b>
<b>IV. SERVICE LEVELS</b> .....	<b>3</b>
<b>V. DESCRIPTION OF THE IMPROVEMENTS MAINTAINED BY THE GHAD</b> .....	<b>4</b>
<b>VI. ASSESSMENT METHOD</b> .....	<b>4</b>
<b>VII. ASSESSMENT – BUDGET</b> .....	<b>5</b>
<b>VIII. OWNER RESPONSIBILITIES</b> .....	<b>6</b>
<b>EXHIBIT A</b> – Legal Description and Plat	
<b>EXHIBIT B</b> – Oakland Area GHAD Budget – Kenilworth Development Annexation	



## **ENGINEER'S REPORT**

### **OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT KENILWORTH DEVELOPMENT ANNEXATION (Pursuant to the Public Resources Code of the State of California, Section 26500 et seq.)**

#### **CERTIFICATION OF FILING**

The Geologic Hazard Abatement District ("GHAD") provides monitoring and maintenance of improvements related to geologic hazard management and other responsibilities as a landowner, within the Kenilworth Development portion of the Oakland Area GHAD. The GHAD also levies and collects assessments on properties within the GHAD in order to perform its activities.

The GHAD responsibilities, which are the subject of this report, are defined as any activity that is necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of improvement; or the issuance and servicing of bonds issued to finance any of the foregoing (Section 26505).


This report consists of seven parts, as follows.

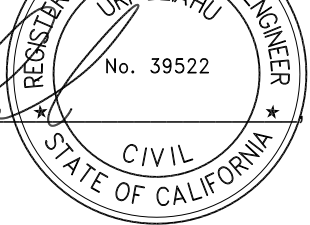
- I. INTRODUCTION
- II. BACKGROUND
- III. GEOLOGIC HAZARD ABATEMENT DISTRICT DIAGRAM
- IV. SERVICE LEVELS
- V. DESCRIPTION OF GHAD-MAINTAINED IMPROVEMENTS
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION

The undersigned respectfully submits the enclosed Engineer's Report.

Date: March 31, 2022

By: ENGEO Incorporated

  
Uri Eliahu

 PE

I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the 19th day of April 2022.

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Patricia Curtin  
Attorney and Clerk of the Board  
Oakland Area Geologic Hazard Abatement District  
Oakland, Alameda County, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the GHAD Board on the 19<sup>th</sup> day of April 2022.

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Eric Harrell  
GHAD Manager  
Oakland Area Geologic Hazard Abatement District  
Oakland, Alameda County, California

## **ENGINEER'S REPORT**

for

**OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT  
KENILWORTH DEVELOPMENT ANNEXATION  
OAKLAND, ALAMEDA COUNTY, CALIFORNIA  
for the  
ESTABLISHMENT OF AN ASSESSMENT LIMIT**

### **I. INTRODUCTION**

The Oakland City Council adopted Resolution 80058 C. M. S. on July 18, 2006, approving the formation of the Oakland Area GHAD under the authority of the California Public Resources Code, Division 17, Section 26500 et seq. On February 21, 2017, the Oakland Area GHAD Board of Directors passed Resolution No. 15 approving annexation of the Kenilworth Development ("GHAD Annexation Area") into the Oakland Area GHAD. The members of the Oakland City Council act as the Board of Directors of the GHAD.

### **II. BACKGROUND**

The Oakland Area GHAD Board of Directors approved the Plan of Control for the Kenilworth Development Annexation ("Plan of Control") with the approval of Resolution No. 15 on February 21, 2017. The Plan of Control describes the GHAD's responsibilities to permanently monitor and maintain GHAD improvements within the GHAD Annexation Area. This Engineer's Report describes the establishment of an assessment to fund GHAD activities necessary or incidental to geologic hazard mitigation, abatement, and control.

### **III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES**

The boundaries for the GHAD Annexation Area are shown in the plat and legal description attached hereto as Exhibit A.

### **IV. SERVICE LEVELS**

The GHAD's activities are those that are necessary or incidental to the prevention, mitigation, abatement, or control of geologic hazards including construction, maintenance, repair, or operation of any improvement; and the issuance and servicing of bonds issued to finance any of the foregoing.

The GHAD provides for the administration and review of facilities within the budgeted limits, including the following services.

1. Oversight of GHAD operations, including reporting to the GHAD Board of Directors.
2. In conjunction with the Alameda County Assessor's Office, setting the annual levying of assessments on the property tax rolls.

3. Engagement of technical professionals to perform the monitoring duties as described in the Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the Plan of Control. These maintenance activities within the GHAD Annexation Area include:
  - Monitoring, maintenance, and repair of the concrete-lined drainage ditches, storm drain inlets, subdrain outlets, and risers.
  - Maintenance of retaining wall and appurtenant drainage improvements associated with Kenilworth Road.
  - Maintenance of slopes for erosion and geologic hazard abatement.
  - Preparation of annual GHAD budgets for approval by the GHAD Board of Directors.

## **V. DESCRIPTION OF THE IMPROVEMENTS MAINTAINED BY THE GHAD**

The GHAD-maintained improvements are described in the Plan of Control. In general, these improvements include drainage systems; concrete-lined ditches; storm drain inlets and outlets; subdrains and outlets; and selected retaining walls.

## **VI. ASSESSMENT METHOD**

The improvements and GHAD responsibilities described in Section V are distributed within the GHAD Annexation Area. The improvements described in this document will confer the following special benefits to the assessed parcels.

1. Protection from slope instability
2. Protection from erosion due to uncontrolled surface water
3. Protection of water quality

The GHAD assessment is distributed among all residential property owners within the GHAD Annexation Area. The improvements and responsibilities listed in Section V provide specific benefits to the properties within the GHAD Annexation Area and the improvements are constructed for the benefit of those assessed and not the general public.

The GHAD Annexation Area consists of seven single-family residences. The total number of residential units within the GHAD Annexation Area was considered in light of the annual GHAD Annexation Area budget in developing the annual assessment amount.

The Engineer hereby finds that each of the residential properties within the GHAD Annexation Area will receive approximately equal special benefit from the work and improvements within the GHAD. As a result, the GHAD assessment for the GHAD Annexation Area is distributed equally among all owners of parcels.

A financial analysis was performed to provide a framework for an operating budget for the ongoing abatement, mitigation, prevention, and control of geologic hazards within the GHAD Annexation Area. In preparation of the budget, several factors were considered including:

1. Site geology
2. Remedial grading
3. Proximity of geologic hazards to proposed residences
4. Improvements and structures
5. Site access considerations
6. Elements requiring routine maintenance, including:
  - Surface drainage facilities
  - Graded slopes
  - Retaining walls
  - Fire breaks

## VII. ASSESSMENT – BUDGET

The purpose of this Engineer's Report is to establish the assessment level and the apportionment of the assessment within the GHAD Annexation Area as required under Proposition 218. The annual budget in each subsequent fiscal year will apprise the GHAD Board of Directors of the estimated budget for the upcoming year.

Based on the estimated expenses for ongoing operations, and allowing for larger (approximately \$100,000) geologic events at 20-year intervals and the accumulation of a reserve of \$136,000 by 2062 (Fiscal Year 2022/2023 dollars), a budget was prepared for the purpose of estimating initial assessment levels (Exhibit B).

The Engineer recommends an annual assessment limit for the GHAD Annexation Area of \$5,364 per single-family residential unit (Fiscal Year 2022/2023 dollars). The proposed initial assessment level is intended to be automatically adjusted annually on June 30 to reflect the percentage change in the San Francisco-Oakland-Hayward Consumers Price Index for All Urban Consumers. The assessments are to be levied in conjunction with the issuance of a building permit for the assessed parcel.

While the assumptions and estimated expenses listed in Exhibit B were used to determine the assessment levels for the GHAD Annexation Area, they do not represent the actual budget for any one year of the GHAD's operation, since assessment of the individual parcels will be based on the issuance of building permits, which will occur over a number of years. In addition, the Engineer anticipates that the projected expense amounts will be reached over time and that these amounts will be inflation-adjusted in the year that the expenses occur.

Pursuant to the schedule set forth in Appendix D of the Plan of Control for the Kenilworth Development, the GHAD reserve at the time of transfer must have a minimum of \$11,500. In addition, all 7 residential units shall be subject to the levy of the GHAD assessment. The minimum reserve amount represents the estimated total assessments that will be collected from within the Kenilworth Development during the period the Owner is responsible for all GHAD activities. The reserve amount requirement may be satisfied by including remaining cash and receivables from the Alameda County Tax Collector during the period that the Owner of the Kenilworth Development is responsible for performing the GHAD activities. Additional funds may be required of the developer in order to satisfy the above-stated minimum reserve requirement and shall be provided to the Oakland Area GHAD prior to its acceptance of the monitoring and maintenance responsibilities within the Kenilworth Development.

## VIII. OWNER RESPONSIBILITIES

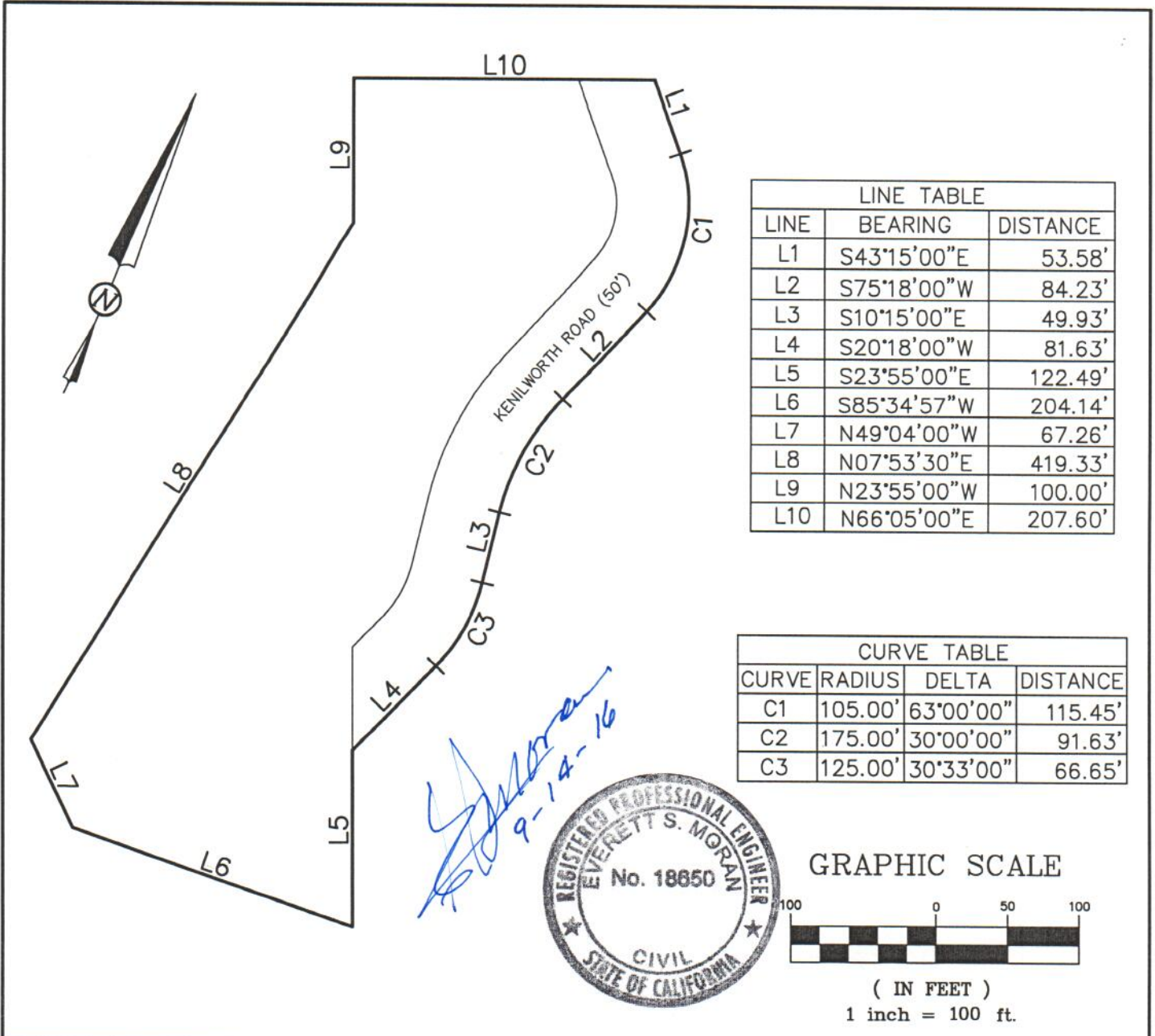
The Property Owner (“Owner”) is responsible for managing and maintaining the GHAD Annexation Area until the GHAD accepts responsibility for the GHAD Improvements as set forth in the Plan of Control. In addition, the Owner is responsible for funding any necessary GHAD functions or business undertaken for the GHAD Annexation Area that the GHAD Officers or Board of Directors determine are necessary before the GHAD accepts the GHAD Improvements. If the Owner fails to fund all or a portion of these costs, the costs shall be covered by the funds generated by and for the GHAD Annexation Area (i.e., through the assessment) and the Owner shall be required to reimburse the GHAD for such costs before the GHAD can accept monitoring and maintenance responsibilities for the GHAD Improvements.

The GHAD may utilize funds generated by or for the GHAD Annexation Area to conduct any necessary GHAD functions or business for the GHAD Annexation Area required before the GHAD accepts the GHAD improvements. Such functions and business can include periodic reporting to the GHAD Board of Directors and work performed by GHAD Officers to verify the GHAD is implemented in accordance with the Plan of Control and GHAD Law.



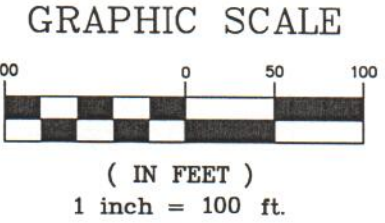
## **EXHIBIT A**

### **PLAT AND LEGAL DESCRIPTION**



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S43°15'00"E	53.58'
L2	S75°18'00"W	84.23'
L3	S10°15'00"E	49.93'
L4	S20°18'00"W	81.63'
L5	S23°55'00"E	122.49'
L6	S85°34'57"W	204.14'
L7	N49°04'00"W	67.26'
L8	N07°53'30"E	419.33'
L9	N23°55'00"W	100.00'
L10	N66°05'00"E	207.60'

CURVE TABLE			
CURVE	RADIUS	DELTA	DISTANCE
C1	105.00'	63°00'00"	115.45'
C2	175.00'	30°00'00"	91.63'
C3	125.00'	30°33'00"	66.65'



**EXHIBIT "A"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR**  
**GEOLOGIC HAZARD**  
**ABATEMENT DISTRICT**

CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA  
 SEPTEMBER, 2016                      SCALE: 1" = 100'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
 1930 SHATTUCK AVENUE, SUITE A  
 BERKELEY, CALIFORNIA 94704  
 (510) 848-1930



EXHIBIT B

LEGAL DESCRIPTION  
GEOLOGIC HAZARD ABATEMENT DISTRICT  
OAKLAND, CALIFORNIA

REAL PROPERTY in the City of Oakland, Alameda County, California, described as follows:

A portion of the map of the Gwin Unit of the Highlands of Oakland, filed November 10, 1925 in Book 5 of Maps at page 39, Official Records of Alameda County (hereinafter referred to as Gwin), and a portion of Parcel One as shown on Parcel Map 3260, filed June 19, 1980, in Book 119 of Parcel Maps, page 23, Official Records of Alameda County, more particularly described as follows:

Beginning at the intersection of the general eastern line of Kenilworth Road, 50 feet in width, with the extension easterly of the northwestern line of Lot 369, as said Lot and Road are shown on said map of Gwin.

Thence, from said Point of Beginning, along said general eastern line the following seven courses:

1. South 43° 15' 00" East 53.58 feet
2. Southerly along the arc of a tangent curve to the right, having a radius of 105 feet, through a central angle of 63° 00' 00", a length of 115.45 feet
3. South 75° 18' 00" West 84.23 feet
4. Southerly, along the arc of a tangent curve to the left, having a radius of 175 feet, through a central angle of 30° 00' 00", a length of 91.64 feet
5. South 10° 15' 00" East 49.93 feet
6. Southerly along a tangent curve to the right, through a central angle of 30° 33' 00", a length of 66.65 feet
7. South 20° 18' 00" West 81.63 feet to the western line of said Gwin (5 M 39);

Thence, along said line

8. South 23° 55' 00" East 122.49 feet

Thence, leaving said line the following 3 courses:

9. South 85° 34' 57" West 204.14' feet
10. North 49° 04' 00" West 67.26 feet
11. North 07° 53' 30" East 419.33 feet to said western line of Gwin

Thence, along said line

12. North 23° 55' 00" West 100.00 feet to an intersection with the said northwestern line of Lot 369
13. Thence, along said line, and its extension easterly, North 66° 05' 00" East 207.60 feet to the Point of Beginning and

Containing 124,111 square feet of land, more or less

*ESM*  
*9-14-16*



September 2, 2016  
JOB# 16 – 4512.3



## **EXHIBIT B**

**BUDGET – March 31, 2022**

**Oakland Area Geologic Hazard Abatement District – Kenilworth Development  
Annexation**

**Budget – March 31, 2022**

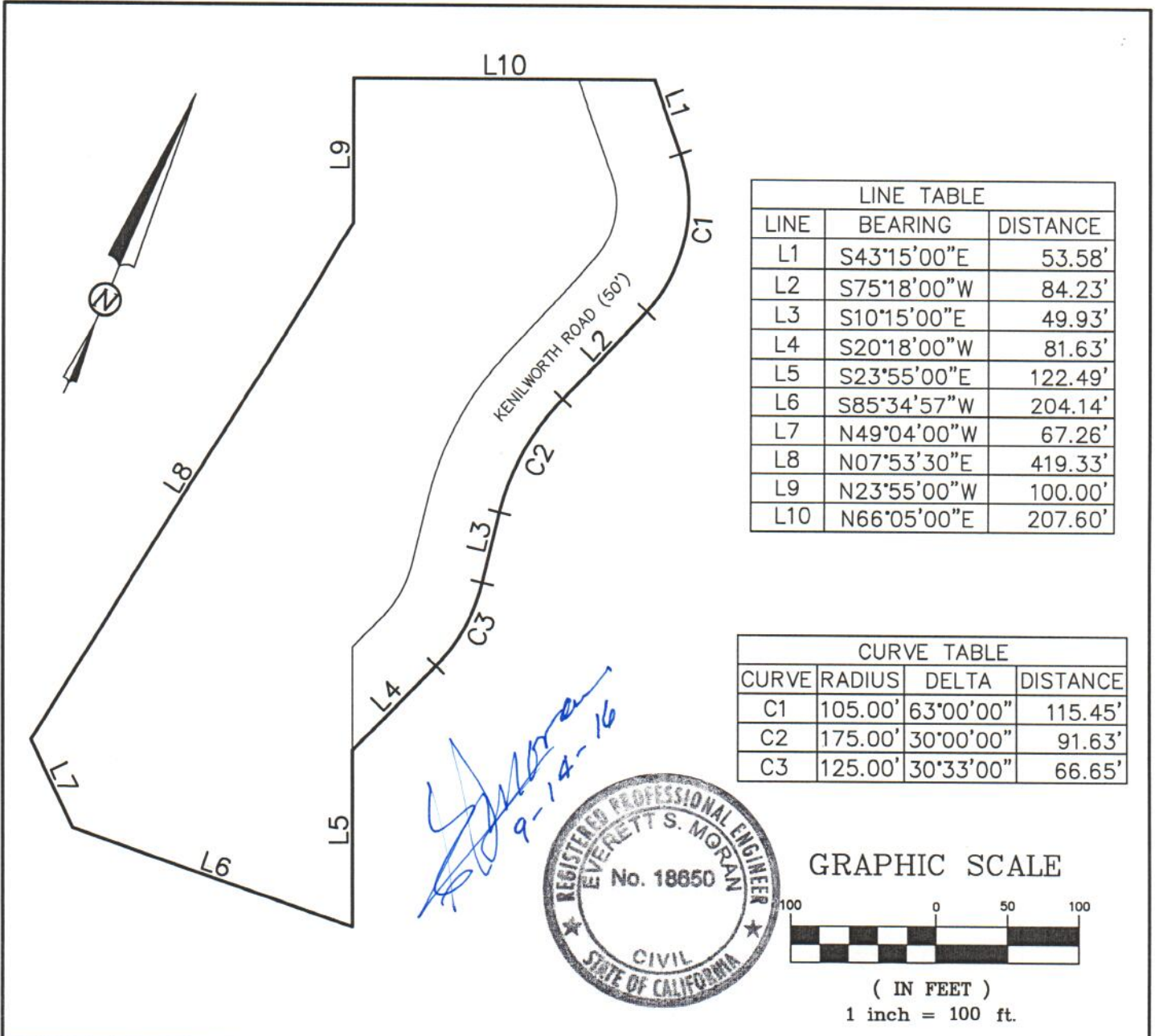
**ASSUMPTIONS**

Total No. of Residential Units	7
Annual Assessment per Single-Family Residential Unit (FY 2022/2023)	\$5,364
Annual Adjustment in Assessment (estimated)	2.25%
Inflation (estimated)	2.25%
Investment Earnings (estimated)	4.5%
Frequency of Large-Scale Repair (years)	20
Cost of Large-Scale Repair (current \$)	\$100,000

**ESTIMATED ANNUAL EXPENSES IN 2022/2023 DOLLARS**

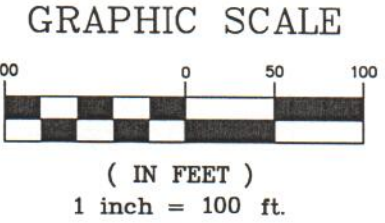
Administration (Manager, Treasurer, Clerk, and Legal Counsel)	\$6,650
Outside Administration Services, Membership, and Insurance	\$1,375
Monitoring Activities	\$4,500
Maintenance and Operation	\$6,962
Capital Improvements	\$8,051
Major Repair (Annualized)	\$5,000
Miscellaneous & Contingency (5%)	\$1,377
Reserve	<u>\$4,137</u>
<b>TOTAL</b>	<b><u>\$38,052</u></b>





LINE TABLE		
LINE	BEARING	DISTANCE
L1	S43°15'00"E	53.58'
L2	S75°18'00"W	84.23'
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L6	S85°34'57"W	204.14'
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L9	N23°55'00"W	100.00'
L10	N66°05'00"E	207.60'

CURVE TABLE			
CURVE	RADIUS	DELTA	DISTANCE
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**EXHIBIT "A"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR**  
**GEOLOGIC HAZARD**  
**ABATEMENT DISTRICT**

CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA  
 SEPTEMBER, 2016                      SCALE: 1" = 100'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
 1930 SHATTUCK AVENUE, SUITE A  
 BERKELEY, CALIFORNIA 94704  
 (510) 848-1930

EXHIBIT B

LEGAL DESCRIPTION  
GEOLOGIC HAZARD ABATEMENT DISTRICT  
OAKLAND, CALIFORNIA

REAL PROPERTY in the City of Oakland, Alameda County, California, described as follows:

A portion of the map of the Gwin Unit of the Highlands of Oakland, filed November 10, 1925 in Book 5 of Maps at page 39, Official Records of Alameda County (hereinafter referred to as Gwin), and a portion of Parcel One as shown on Parcel Map 3260, filed June 19, 1980, in Book 119 of Parcel Maps, page 23, Official Records of Alameda County, more particularly described as follows:

Beginning at the intersection of the general eastern line of Kenilworth Road, 50 feet in width, with the extension easterly of the northwestern line of Lot 369, as said Lot and Road are shown on said map of Gwin.

Thence, from said Point of Beginning, along said general eastern line the following seven courses:

1. South 43° 15' 00" East 53.58 feet
2. Southerly along the arc of a tangent curve to the right, having a radius of 105 feet, through a central angle of 63° 00' 00", a length of 115.45 feet
3. South 75° 18' 00" West 84.23 feet
4. Southerly, along the arc of a tangent curve to the left, having a radius of 175 feet, through a central angle of 30° 00' 00", a length of 91.64 feet
5. South 10° 15' 00" East 49.93 feet
6. Southerly along a tangent curve to the right, through a central angle of 30° 33' 00", a length of 66.65 feet
7. South 20° 18' 00" West 81.63 feet to the western line of said Gwin (5 M 39);

Thence, along said line

8. South 23° 55' 00" East 122.49 feet

Thence, leaving said line the following 3 courses:

9. South 85° 34' 57" West 204.14' feet
10. North 49° 04' 00" West 67.26 feet
11. North 07° 53' 30" East 419.33 feet to said western line of Gwin

Thence, along said line

12. North 23° 55' 00" West 100.00 feet to an intersection with the said northwestern line of Lot 369
13. Thence, along said line, and its extension easterly, North 66° 05' 00" East 207.60 feet to the Point of Beginning and

Containing 124,111 square feet of land, more or less

*ESM*  
*9-14-16*



September 2, 2016  
JOB# 16 – 4512.3



**NOTICE OF (1) ADOPTION OF RESOLUTION NO. 2022-01 BY THE BOARD OF  
DIRECTORS OF THE OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT,  
(2) PROPOSED ASSESSMENT, AND  
(3) PUBLIC HEARING FOR JUNE 7, 2022**

On July 18, 2006, the Oakland City Council adopted Resolution 80058 approving the formation of the Oakland Area Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors ("GHAD Board"). The Siena Hill Development was included within the Oakland Area GHAD at the time of formation.

**NOTICE IS HEREBY GIVEN that:**

On April 19, 2022, the GHAD Board adopted Resolution No. 2022-01 declaring its intention to impose an assessment on the Kenilworth Development included in the GHAD and directing that a public hearing be scheduled to consider adoption of this assessment to finance the Kenilworth Development portion of the Oakland Area GHAD. The total yearly estimated budget for the Kenilworth Development within the Oakland Area GHAD as set forth in the current Engineer's Report is \$38,052. If the assessment is adopted, each single-family residential unit will be assessed a maximum of \$5,364.00 per year (Fiscal Year 2022/2023 dollars), plus an annual adjustment to reflect the percentage change in the San Francisco-Oakland-Hayward Area Consumers Price Index (CPI) for All Urban Consumers. The assessment will be levied beginning in first fiscal year after issuance of a building permit and the assessment will continue to be levied in perpetuity.

The attached Engineer's Report (dated March 31, 2022) for the Kenilworth Development of the Oakland Area GHAD was prepared by a registered engineer, certified in the State of California, and describes in detail the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated. The Engineer's Report specifically sets forth the yearly estimated budget, the total assessment, the proposed estimated assessments to be levied each year against each parcel of property, and a description of the method used in formulating the estimated assessment. A copy of GHAD Board Resolution No. 22-01 is available for inspection at ENGEIO Incorporated, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583.

The GHAD Board will conduct the public hearing on June 7, 2022, at 1:30 p.m. or thereafter at the Chambers of the Oakland City Council, 1 Frank H. Ogawa Plaza, Oakland, CA 94612, on the proposed assessment.

The following paragraph provides the procedure for returning and tabulating the ballots. Copies of this Notice, a sealable ballot, and the Engineer's Report have been sent to each of the property owners within the Kenilworth portion of the Oakland Area GHAD.

The ballot may be completed and mailed or hand delivered to Oakland Area Geologic Hazard Abatement District, % ENGEIO Incorporated, GHAD Manager, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583 or may be submitted at the public hearing. Each ballot may be submitted, withdrawn, or changed at any time prior to the conclusion of the testimony on the proposed assessment at the public hearing. At the hearing, the GHAD Clerk shall tabulate the ballots and the GHAD Board shall consider any objections or protests to the assessment and certify the tabulation of the ballots.

The GHAD Board shall not impose the assessment if there is a majority protest. A majority protest exists if, upon conclusion of the hearing, ballots submitted in opposition to the

assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

Inquiries regarding the proposed assessment may be made by mail to: Oakland Area GHAD % ENGEO Incorporated, Attn: Eric Harrell, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583, by phone at (925) 866-9000, or by e-mail at eharrell@engeo.com.

Enclosures: Engineer's Report (dated March 31, 2022)  
Sealable Ballot

**BALLOT**

Oakland Area Geologic Hazard Abatement District

**Identification of Parcel:** Assessor's Parcel Numbers(s) \_\_\_\_\_

**Record Owner:** \_\_\_\_\_

\_\_\_\_\_ **Yes**, I approve the proposed annual benefit assessment described in the attached Notice on the property described by the parcel numbers identified in this Ballot.

\_\_\_\_\_ **No**, I do not approve the proposed annual benefit assessment described in the attached Notice on the property described by the parcel numbers identified in this Ballot.

\_\_\_\_\_  
Signature of Record Owner or Authorized Representative of the  
above identified parcel(s)

Dated: \_\_\_\_\_

Mail or deliver sealed Ballot to:

Oakland Area Geologic Hazard Abatement District  
c/o ENGEO Incorporated, GHAD Manager  
Attention: Eric Harrell  
2010 Crow Canyon Place, Suite 250  
San Ramon, CA 94583