

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

F. Faiz

City Attorney

2006 SEP 21 PM 3:15

**BOARD OF DIRECTORS
OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

GHAD Resolution No. 4

Introduced by Board Member _____

RESOLUTION OF INTENTION TO ORDER AN ASSESSMENT FOR THE OAKLAND AREA GHAD AND SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE PROPOSED ASSESSMENT AND PROTESTS AGAINST THE ASSESSMENT

WHEREAS, on July 18, 2006, the Oakland City Council adopted Resolution No. 80058, approving the formation of the Oakland Area GHAD as described in the Oakland Area GHAD Plan of Control dated May 9, 2006, as revised August 31, 2006, and appointed itself as the Board of Directors of the GHAD (GHAD Board); and

WHEREAS, in order to pay for the cost and expenses of maintaining and operating any GHAD improvements acquired or constructed for the Oakland Area GHAD pursuant to Public Resources Code sections 26500 *et seq.*, it will be necessary to provide for a reliable source of funding; and

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 Oakland Area GHAD 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; and

WHEREAS, the property within the Oakland Area GHAD is identified in the map attached hereto as Attachment 4-A, each parcel within the GHAD boundary will be assessed.

WHEREAS, an Engineer's Report has been prepared by the Oakland Area GHAD General Manager and 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 Oakland Area GHAD Engineer's Report attached hereto as Attachment 4-B sets forth the purpose of the Oakland Area GHAD, the estimated budget, the total assessment that will be chargeable to the entire Oakland Area GHAD, the proposed estimated assessment to be levied against each parcel of property within the Oakland Area GHAD, and a description of the method used in formulating the estimated assessments.

WHEREAS, currently none of the parcels to be assessed has been improved with the construction of a residence and the Oakland Area GHAD will not incur any expenses before the City issues the first residential building permit for one of these parcels; consequently, the authorized assessment will not be actually levied on a parcel until the first fiscal year following issuance of a residential building permit for that parcel.

NOW, THEREFORE, the Board of Directors of the Oakland Area GHAD hereby resolves and orders 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 expenses of maintaining and operating any GHAD improvements acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Oakland Area GHAD, which is benefited by the Oakland Area GHAD.

2. The GHAD Board further declares its intention to assess against the property within the Oakland Area GHAD all or part of the amounts set forth in the Oakland Area GHAD Engineer's Report commencing the first fiscal year following issuance of a residential building permit for that parcel, which is estimated to occur in year 2007.

3. Notwithstanding Paragraph 2 above, the GHAD Board shall not order this assessment if a majority protest exists as defined in Section 4(e) of Article XIII(D) of the California Constitution.

4. Each of the parcels identified in Attachment 4-A 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, in order to control geologic hazards within the Oakland Area GHAD, the Oakland Area GHAD may, without limitation: (a) evaluate the performance of the natural, cut and reconstructed slopes, the surface drainage and ditches to prevent certain geologic hazards within the Oakland Area GHAD; (b) perform certain temporary and permanent mitigation, repairs and improvement measures to prevent, mitigate, abate and control geologic hazards within the Oakland Area GHAD; (c) maintain debris benches, drainage systems and instruments such as piezometers, settlement monitors and inclinometers; (d) maintain detention ponds; and (e) establish a reserve to fund, prevent, mitigate, abate or control geologic hazards within the Oakland Area GHAD. These special benefits are described in detail in the Oakland Area GHAD Plan of Control.

5. Hereafter, whenever the parcels identified in Attachment 4-A are re-subdivided and a final map is approved and filed for recording with the County Recorder, each newly created residential lot will be assessed on an equal basis with each single family and multi-family lot being an individual "residential unit." The annual assessment amount for each residential unit will be calculated by dividing the annual Oakland Area GHAD budget by the number of residential units then existing within the Oakland Area GHAD boundaries. It is anticipated that upon completion of the Siena Hill development, the Oakland Area GHAD boundaries will cover the 32 unit subdivision site, and improvements within the access easement and associate right-of-way areas.

6. The GHAD Board has reviewed and considered the Oakland Area GHAD Engineer's Report. The special benefit derived from the Oakland Area GHAD by each parcel is proportionate to the entire costs of the Oakland Area 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.

7. As required by Government Code Section 53753, not less than 45 days prior to the public hearing scheduled for December 5, 2006, the Clerk of the Oakland Area GHAD shall

cause to be mailed the "Notice of Adoption of Resolution" of the Public Hearing, attached hereto as Attachment 4-C, to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4-D, and the Oakland Area GHAD Engineer's Report, shall be attached to the Notice.

8. After confirmation by the GHAD Board of any assessment, the GHAD Clerk shall file, in the office of the county recorder, a copy of the assessment diagram, and shall comply with all other requirements set forth in Streets & Highways Code Section 3114.

9. The GHAD Board will conduct the public hearing on December 5, 2006 at 7:00 p.m. at Council Chambers, 1 Frank H. Ogawa Plaza, Oakland, California. The Clerk of the Oakland Area GHAD shall deliver all sealed ballots received from record owners of parcels within the Oakland Area GHAD boundaries to the GHAD Board prior to the start of 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 then close the public hearing and consider all protests against the proposed assessment. After the GHAD Board closes the public hearing, the Treasurer/Clerk of the Oakland Area GHAD, 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 Oakland Area GHAD.

10. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on each parcel the first fiscal year following issuance of a residential building permit for each parcel.

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

OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid, and De La Fuente

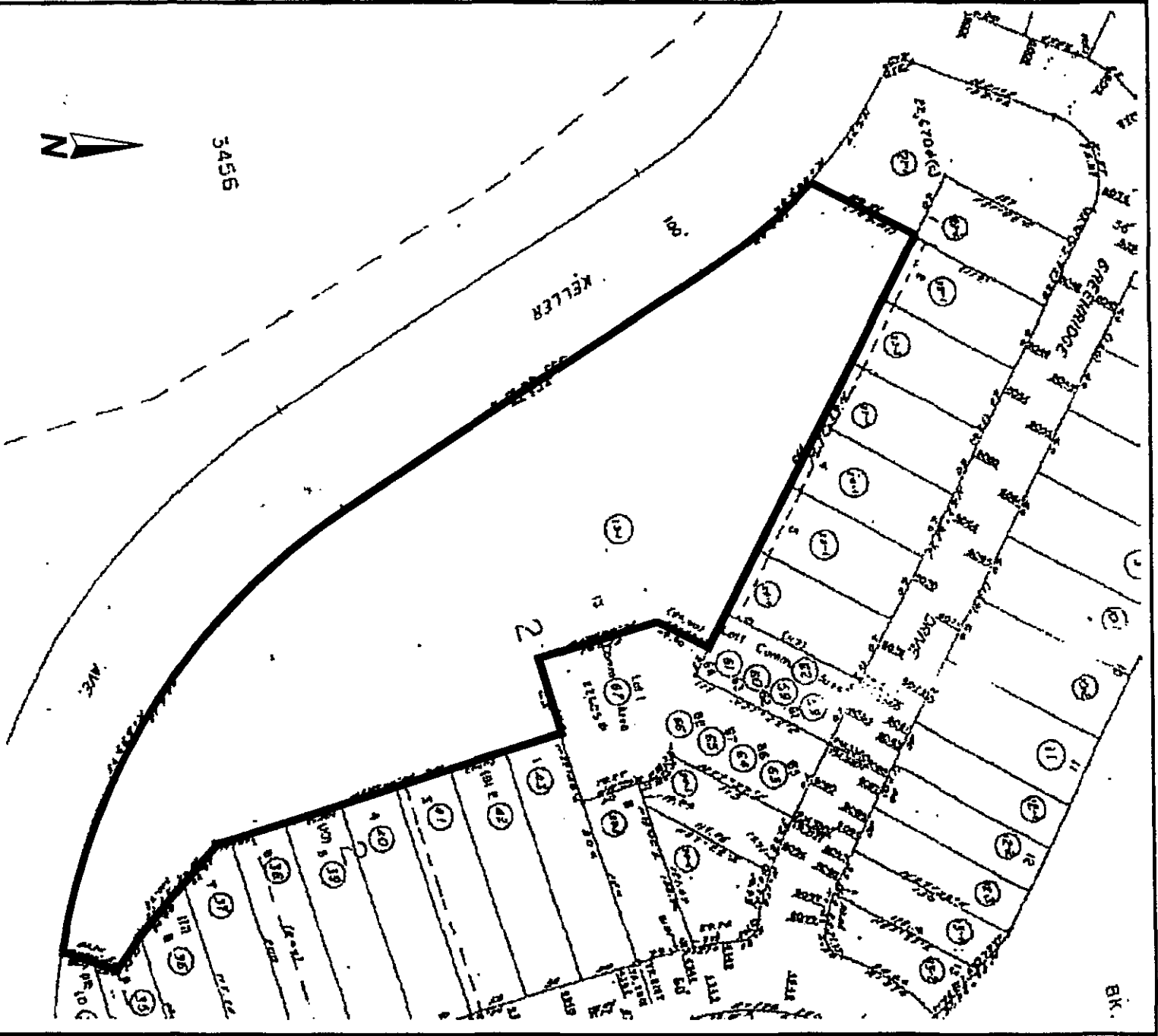
NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____
Clerk of the GHAD Board

Attachment: Attachment 4-A (Map of Oakland Area GHAD Boundaries)
Attachment 4-B (Engineer's Report)
Attachment 4-C (Notice of Adoption of Resolution)
Attachment 4-D (Ballot)



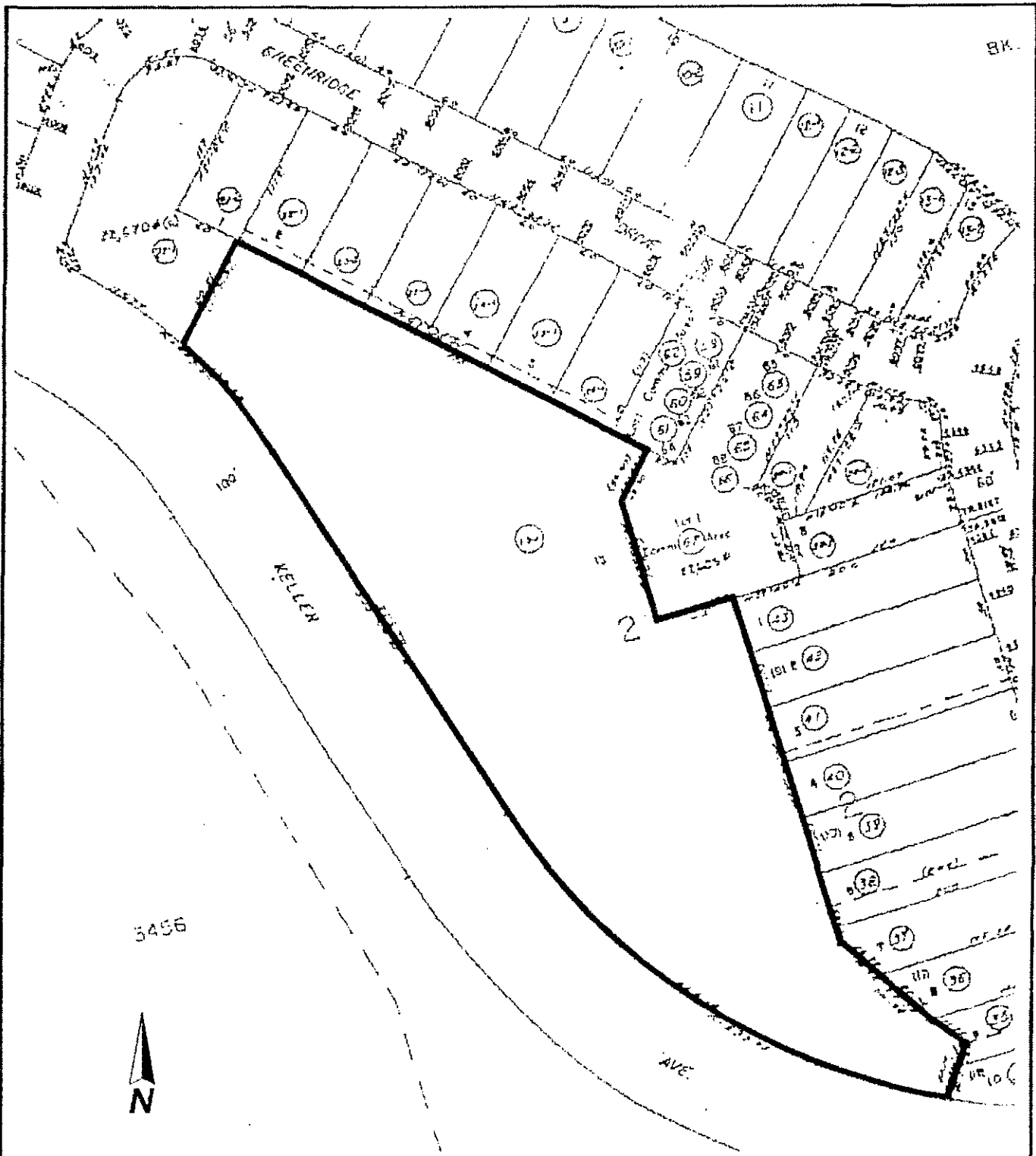
EXPLANATION
 ————— GHAD BOUNDARY

ENGeo INCORPORATED EXCELLENT SERVICE SINCE 1971	BASE MAP SOURCE: OAKLAND ASSESSOR DEPT.	PROJECT NO.: 6964.1.001.01	FIGURE NO. 1
	GHAD BOUNDARY OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT OAKLAND, CALIFORNIA	DATE: AUGUST 2006 DRAWN BY: JMG CHECKED BY: MS	

G:\Working Data\IND2\Draw\Area\001\GHAD\Boundary-0506.dwg B-31-06 03:46:42 PM

ATTACHMENT 4-A

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EXPLANATION

— GHAD BOUNDARY

BAST MAP SOURCE: OAKLAND ASSESSOR DEPT.



GHAD BOUNDARY
 OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT
 OAKLAND, CALIFORNIA

PROJECT NO:	6964.1.001.01
DATE:	AUGUST 2006
DRAWN BY:	JMG
CHECKED BY:	MS

FIGURE NO.
1

ATTACHMENT 4-B

ENGINEER'S REPORT

for

OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT

CITY OF OAKLAND, CALIFORNIA

AUGUST 31, 2006

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ENGINEER'S REPORT

GEOLOGIC HAZARD ABATEMENT DISTRICT-OAKLAND AREA
(Pursuant to the Public Resources Code of the State of California, Section 26500 et seq.)

CERTIFICATION OF FILING

ENGEO Incorporated makes this report as directed by the GHAD Board of Directors. The GHAD is intended to provide geologic hazard improvements for Oakland area projects development and to levy and collect assessments sufficient to pay for those improvements.

The improvements, which are the subject of this report, are defined as any activity necessary or incidental in the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of any 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 BOUNDARIES
- IV. SERVICE LEVELS
- V. DESCRIPTION OF GHAD IMPROVEMENTS
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION

The undersigned respectfully submits the enclosed Engineer's Report.

Date: _____ By: ENGEO Incorporated

_____, GE

I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the ____ day of _____.

Clerk of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the GHAD Board on the _____ day of _____.

President of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

APPROVED _____

ENGINEER'S REPORT

for

OAKLAND AREA
GEOLOGIC HAZARD ABATEMENT DISTRICT

for the

ESTABLISHMENT OF AN ASSESSMENT LIMIT

I. INTRODUCTION

The Oakland Area Geologic Hazard Abatement District (GHAD) was formed under the authority of the California Public Resources Code, Division 17, Section 26500 et seq.

II. BACKGROUND

The Oakland City Council adopted Resolution 80058 C. M. S. on July 18, 2006, approving the formation of the Oakland Area Geologic Hazard Abatement District ("GHAD" or "District").

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD are shown in the diagram attached hereto as Exhibits A through C.

IV. SERVICE LEVELS

The GHAD provides for activity that is 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 activities.

2. In conjunction with the County Assessor's Office, setting the annual levying of assessments on the property tax rolls.
3. Retention of geotechnical professionals to perform the monitoring duties as described in the GHAD Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the GHAD Plan of Control. These maintenance activities include:
 - Lined drainage ditches.
 - Storm drain inlets, outfalls and pipelines within common areas.
 - Subdrains.
 - Retaining wall and appurtenant drainage facility maintenance.
 - Bioswale maintenance.
 - Erosion management.
5. Slope reconstruction.
6. Preparation of annual GHAD budgets.

V. DESCRIPTION OF THE GHAD IMPROVEMENTS

The GHAD Improvements are described in the Plan of Control prepared for the Oakland Area GHAD, dated May 9, 2006 (revised August 31, 2006). In general, improvements include drainage systems (including concrete v-ditches in open space, open-space storm drain inlets and outlets and subdrains in open space), retaining walls with appurtenant drainage systems, and reconstructed slopes.

VI. ASSESSMENT METHOD

The improvements described in Section V are distributed within the GHAD boundaries. Maintenance and protection of these improvements provide a special benefit to all property owners within the GHAD. The District Engineer hereby finds that the properties within the District receive approximately equal special benefit from the work and improvements within the GHAD. As a result, the GHAD assessment is distributed among all property owners within the GHAD.

The total number of residential units within the District is divided into the annual District budget to develop the annual assessment amount. A financial analysis was performed to provide a

framework for an operating budget for the on-going abatement, mitigation, prevention and control of geologic hazards within the Oakland Area GHAD area. In preparation of the budget, several factors were considered including:

- Site geology.
- Proposed remedial grading.
- Proximity of geologic hazards to proposed residences.
- Site access considerations.
- Elements requiring routine maintenance including:
 1. Surface drainage facilities
 2. Graded slopes
 3. Storm drain inlets, outfalls and pipelines within common areas
 4. Retaining wall and appurtenant drainage facility maintenance
 5. Bioswale maintenance
 6. Erosion management

VII. ASSESSMENT LIMIT - BUDGET

Based on the estimated expenses for on-going operations, and allowing for larger (approximately \$750,000) geologic events at 15-year intervals, a budget was prepared for the purpose of estimating initial assessment levels (Exhibit D). In order to establish a reasonable reserve in the early years following formation of the GHAD, there will be an initial deferral of GHAD expenses as described in the Plan of Control.

The District Engineer recommends an annual assessment limit (2006 dollars) of \$2,632 per residential unit to be levied in conjunction with the issuance of building permits or at the time of legal parcel formation when the Final Map is adopted, whichever is later, as described in the Plan of Control. This limit will escalate annually based on the San Francisco-Oakland-San Jose Consumer Price Index.

EXHIBITS A - C

GHAD Boundary

EXHIBIT A - J

SIENA HILL PROPERTY

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Lot 13 in Block 2, as said lot and block are shown on the Map of "Tract 2127, Oakland, Alameda County, California", filed July 28, 1960, in Book 42 of Maps, Page 27, Alameda County Records.

EXCEPTING THEREFROM: Those portions thereof described in Parcels 2, 3, 4, 5, 6, 7 and 8, as described in the Deed by Sterling Development Company to Oddstead Homes, dated February 12, 1962, recorded February 19, 1962, Reel 518, Image 315, Instrument No. AT/22269, Alameda County Records.

(BEING APN 040A-3457-033-01)

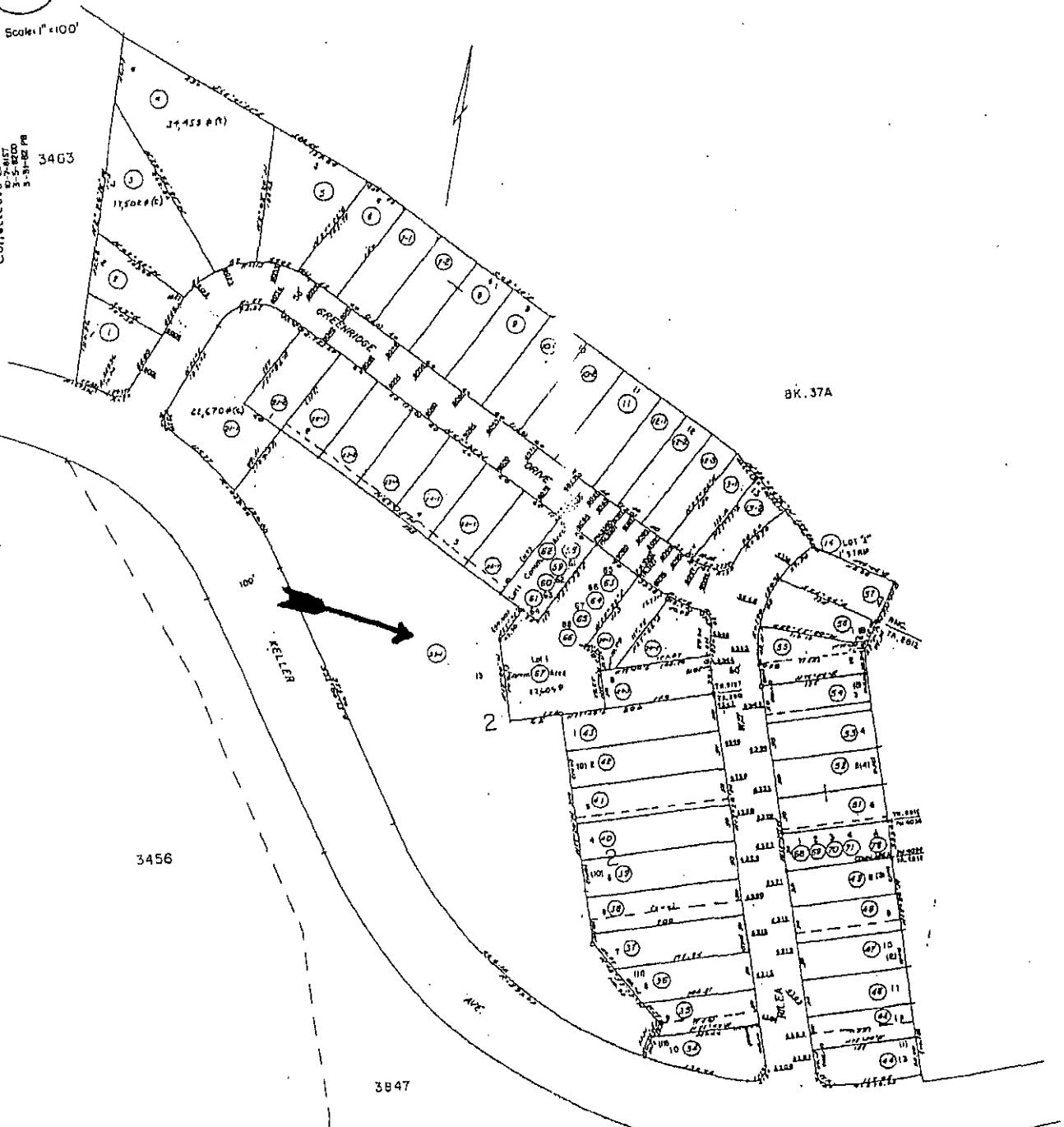
SIENA HILL PROPERTY

3457

Scale: 1" = 100'

04-12-1-50 K.N.
Corrected: 4-24-1994 2-8-10 PM
3-2-1987
3-5-1980
3-31-82 PM

Emp. Pw. Bk. 34568 3877



"Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other Land, No liability is assumed by reason of any reliance hereon."

WPA 72

EXHIBIT B - 1

ROADWAY EASEMENT ON ADJACENT PROPERTY

EASEMENT FOR INGRESS & EGRESS

AN EASEMENT FOR INGRESS & EGRESS AND PUBLIC UTILITIES INCLUDING STORM DRAINAGE IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 2 AS SHOWN ON THE MAP OF "TRACT 2127, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", FILED JULY 28, 1960 IN BOOK 42 OF MAPS, PAGE 27, ALAMEDA COUNTY RECORDS, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 13, NORTH 27° 22' 00" EAST, 100.16 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1 AS SHOWN ON SAID MAP OF "TRACT 2127"; THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 1, NORTH 62° 38' 00" WEST, 60 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 28° 13' 00" WEST, 4.17 FEET; THENCE NORTH 61° 51' 07" WEST, 44.48 FEET, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5 FEET, AN ARC LENGTH OF 5.93 FEET AND A CENTRAL ANGLE OF 67° 57' 10"; THENCE ALONG A LINE TANGENT TO THE CURVE NORTH 06° 04' 38" EAST, 70.36 FEET; THENCE NORTH 66° 45' 47" WEST, 15.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GREENRIDGE DRIVE; THENCE ALONG THE SAID RIGHT-OF-WAY LINE SOUTH 20° 45' 21" WEST, 133.26 FEET; THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84° 08' 20", AN ARC LENGTH OF 29.37 FEET AND A RADIUS OF 20.00 FEET TO POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 449.96 FEET, AN ARC LENGTH OF 115.77 FEET AND THROUGH A CENTRAL ANGLE OF 14° 44' 31" TO THE POINT OF BEGINNING.

CONTAINING 13,713 SQUARE FEET.



KELLER AVENUE

R.O.W.

MATCHLINE

(A)

(A)

MAONETIC

KELLER AVENUE

RETAINING WALLS
IN KELLER AVENUE R.O.W.

EXHIBIT C-1

RETAINING WALLS NOT ON
SIENA HILL PROPERTY

SCALE: 1" = 60'-0"

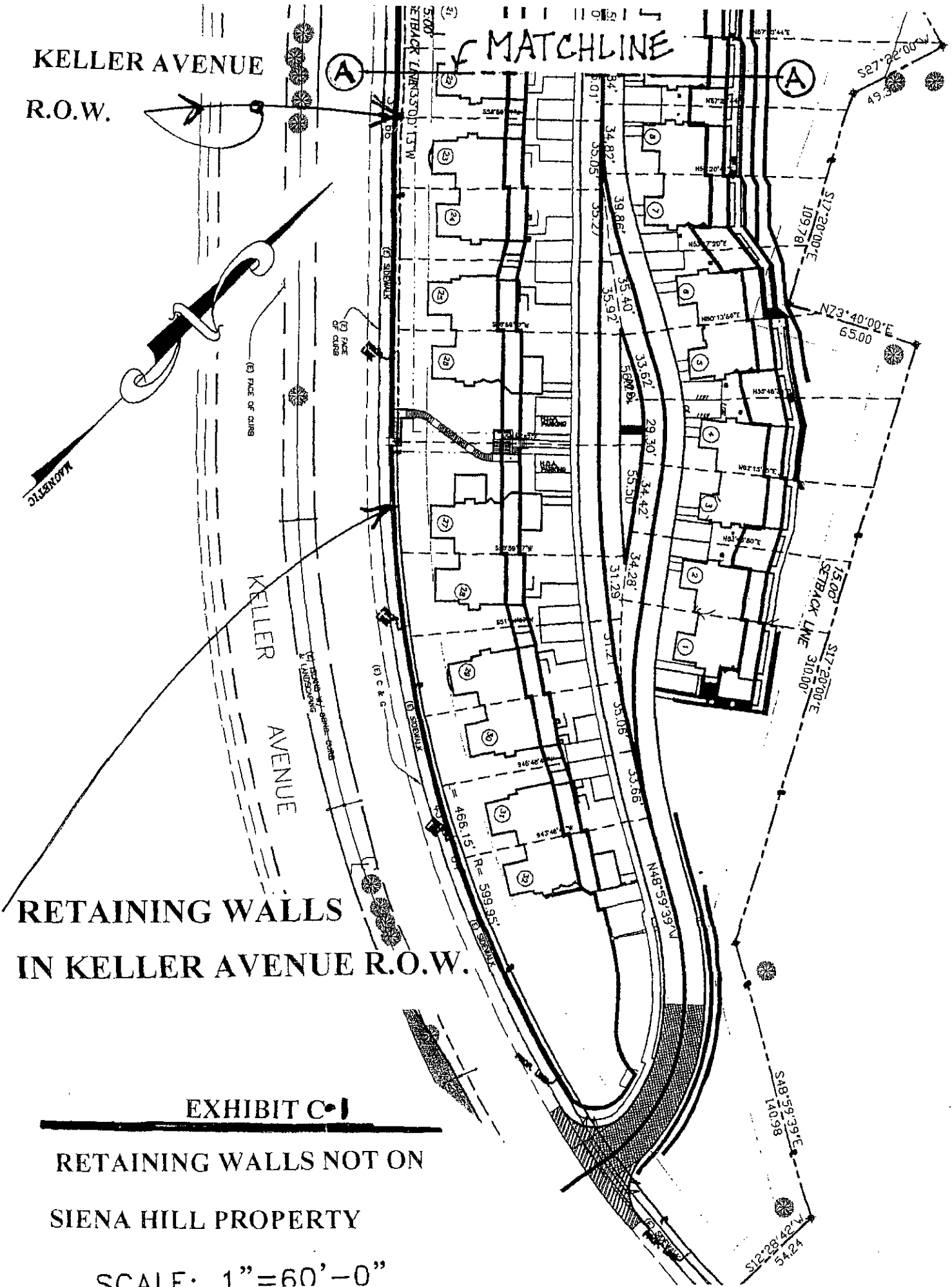


EXHIBIT D

Oakland Area GHAD Budget

6964.1.001.01
August 31, 2006

EXHIBIT D
Oakland Area Geologic Hazard Abatement District
Budget -- August 31, 2006

ASSUMPTIONS

Total No. of Units	32
Annual Assessment per Unit	\$2,632
Annual Adjustment in Assessment	3.0%
Inflation	3.0%
Investment Earnings	6.0%
Frequency of Large-Scale Repair (years)	15
Cost of Large-Scale Repair (current \$)	\$750,000

ESTIMATED ANNUAL EXPENSES IN 2006 DOLLARS

Bioswale Maintenance	1,000
Erosion Management/Repair	4,500
GHAD Monitoring Program	3,500
Private Street Drainage Maintenance	1,000
Retaining Wall Maintenance/Replacement	1,000
Major Landsliding (Annualized)	50,000
Revegetation	1,000
Slope Stabilization (incl. minor landsliding)	5,000
Technical Consultants	6,500
Attorney Fees	3,500
GHAD Staff/Administration	7,000
Accounting	5,000
Misc & Contingency (10%)	<u>8,900</u>
TOTAL	\$97,900

ATTACHMENT 4-C

NOTICE OF ADOPTION OF RESOLUTION BY THE BOARD OF DIRECTORS OF OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

On July 18, 2006, the Oakland City Council adopted Resolution No. 80058, approving and ordering the formation of the Oakland Area GHAD and appointing itself to act as the Board of Directors (GHAD Board). The Oakland Area GHAD was formed pursuant to Public Resources Code sections 26500 *et seq.* for the purpose of the prevention, mitigation, abatement and control of certain geologic hazards.

NOTICE IS HEREBY GIVEN that:

On October 3, 2006, the GHAD Board adopted Resolution No. 4 fixing a public hearing to consider adoption of an assessment to finance the GHAD. If the assessment is adopted, it is anticipated that each parcel you own will be assessed approximately \$2,632 per year, plus an annual adjustment to reflect the percentage change in the San Francisco-Oakland-San Jose Consumer Price Index (CPI) over the previous twelve-month period. The assessment for a parcel will be levied beginning the first fiscal year after issuance of the building permit for that parcel. The assessment will continue to be levied in perpetuity.

The attached Engineer's Report for the Oakland Area GHAD was prepared by the GHAD General Manager and by a registered professional 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 that will be chargeable to the entire Oakland Area GHAD, 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 the Engineer's Report is also available for inspection at the office of the City of Oakland's Planning and Zoning Division, Community Economic Development Department, located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2032.

The GHAD Board will conduct a public hearing December 5, 2006 at 7:00 p.m. at Council Chambers, 1 Frank H. Ogawa Plaza, Oakland, California, on the proposed assessment.

The following paragraph provides the procedures for returning and tabulating the ballots. A copy of this Notice, sealable ballot and Engineer's Report has been sent to each of the property owners within the Oakland Area GHAD; your ballot is attached to this Notice. The ballot may be completed and mailed or hand delivered to the Clerk of the Board of Directors, Oakland Area Geologic Hazard Abatement District, c/o Patricia E. Curtin, Morgan Miller Blair, 1331 N. California Blvd., Suite 200, Walnut Creek, California 94596, or you may submit your ballot at the public hearing. You may submit, withdraw, or change your ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. At the public hearing, the GHAD Clerk will deliver the sealed ballots it has received to the GHAD Board. The ballots shall remain sealed until they are tabulated. The GHAD Board will then close the public hearing and consider all protests against the proposed assessment. After the GHAD Board closes the public hearing, the GHAD Clerk, or some other impartial person not having a vested interest in the outcome of the proposed assessment, will tabulate the ballots

submitted and not withdrawn, in support of or in opposition to the proposed assessment. The GHAD Board shall not impose the proposed assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the public hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots will be weighted according to the proportional financial obligation of the affected property.

Inquiries regarding the proposed assessment may be made to Heather Klein of the City of Oakland's Planning and Zoning Division, Community Economic Development Department, (510) 238-3659.

ATTACHMENT 4-D

BALLOT

Identification of Parcel: _____

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)

Mail or deliver sealed Ballot to:

Clerk of the Board of Directors,
Oakland Area Geologic Hazard Abatement District
c/o Patricia E. Curtin
Morgan Miller Blair
1331 N. California Blvd., Suite 200
Walnut Creek, CA 94596