

FILED
OFFICE OF THE CITY CLERK
2002 FEB 25 AM 11:58

**BOARD OF DIRECTORS
LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. _____

INTRODUCED BY BOARD MEMBER _____

RESOLUTION OF INTENTION TO ORDER AN ASSESSMENT FOR THE LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) AND SETTING HEARING DATE FOR A PUBLIC HEARING TO CONSIDER THE PROPOSED ASSESSMENT AND PROTESTS AGAINST THE ASSESSMENT

WHEREAS, on December 3, 2002, the Oakland City Council adopted Resolution No. 77545, approving the formation of the Leona Quarry Geologic Hazard Abatement District (GHAD) as described in the petition dated October 25, 2002 and in the GHAD Plan of Control dated November 21, 2002, 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 Leona Quarry 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 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 Leona Quarry GHAD is identified in the map attached as Attachment 5-A (which includes the four lots on Campus Drive proposed to be annexed into the existing GHAD), and each parcel to be assessed is identified on the map.

WHEREAS, an Engineer's Report has been prepared by the 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 Engineer's Report, attached as Attachment 5-B, sets forth the purpose of the Leona Quarry GHAD, the estimated budget, the total assessment that will be chargeable to the entire Leona Quarry GHAD, the proposed estimated assessment to be levied against each parcel of property within the Leona Quarry 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 Leona Quarry 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 GHAD Board 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 Leona Quarry GHAD, which is benefited by the Leona Quarry GHAD.

2. The GHAD Board further declares its intention to assess against the property within the Leona Quarry GHAD for the 2005 fiscal year and for subsequent years, all or part of the amounts set forth in the 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 2006.

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 5-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 Leona Quarry GHAD, the 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 Leona Quarry GHAD; (b) perform certain temporary and permanent mitigation, repairs and improvement measures to prevent, mitigate, abate and control geologic hazards within the 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 GHAD. These special benefits are described in detail in the November 21, 2002 Plan of Control for the Leona Quarry GHAD and Amendment 1 to the Plan of Control for the Leona Quarry GHAD on file with the City of Oakland, Public Works Agency.

5. Hereafter, whenever the parcels identified in Attachment 5-A are resubdivided 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 GHAD Budget by the number of residential units then existing within the GHAD boundaries. It is anticipated that upon completion of the Leona Quarry development, the

GHAD boundaries will cover 427 residential units and 4,000 square feet of non-residential space (community center).

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

7. No later than three (3) days after adoption of this Resolution, the GHAD Board directs the GHAD Clerk to cause to be mailed the "Notice of Adoption of Resolution" of the Public Hearing, attached as Attachment 5-C, and the "Notice of Assessment" attached as Attachment 5-D, to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached a Attachment 5-E and the Engineer's Report shall be attached to the Notice.

8. The GHAD Board will conduct the public hearing on ____ at ____ in ____ of _____. The GHAD Clerk shall deliver all sealed ballots received from record owners of parcels within the 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 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 Leona Quarry GHAD.

9. 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.

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

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____
Clerk of the GHAD Board

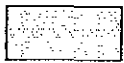
Attachments: Attachment 5-A (Map of Leona Quarry GHAD Property)
Attachment 5-B (Engineer's Report)
Attachment 5-C (Notice of Adoption of Resolution)
Attachment 5-D (Notice of Assessment)

ATTACHMENT 5-A



INTERSTATE I-580

MOUNTAIN BOULEVARD



TRACT 7351 G.H.A.D. LOTS



TRACT 4761 G.H.A.D. LOTS



TRACT 7492 G.H.A.D. LOTS



AMENDED MAP TRACT 5018
G.H.A.D. LOTS

TRACT 7493 G.H.A.D. LOTS

NOTE: ADDITIONAL PARCELS WITHIN TRACTS 7351 AND 7493 ARE ALSO INCLUDED IN THE G.H.A.D. BOUNDARY

G.H.A.D. LOTS FOR LEONA QUARRY

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

DATE: FEBRUARY 2005

SHEET 1 OF 1

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

ATTACHMENT 5-B

ENGINEER'S REPORT

for

GEOLOGIC HAZARD ABATEMENT DISTRICT
LEONA QUARRY
CITY OF OAKLAND, CALIFORNIA
AUGUST 13, 2004
REVISED JANUARY 4, 2005

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FIGURE 1 – GHAD BOUNDARY

EXHIBIT A – LEONA QUARRY GHAD BUDGET

ENGINEER'S REPORT

GEOLOGIC HAZARD ABATEMENT DISTRICT-LEONA QUARRY
(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 within the Leona Quarry 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 to 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 DIAGRAM
- 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
Leona Quarry 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
Leona Quarry Geologic Hazard Abatement District
Oakland, California

APPROVED _____

ENGINEER'S REPORT

for

GEOLOGIC HAZARD ABATEMENT DISTRICT
LEONA QUARRY

for the

ESTABLISHMENT OF AN ASSESSMENT LIMIT

I. INTRODUCTION

The Leona Quarry 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 formed the Leona Quarry Geologic Hazard Abatement District ("GHAD" or "District") on December 3, 2002 (Resolution 77544).

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD are shown in the diagram attached hereto as Figure 1.

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 without limitation:
 - Detention pond on Parcel "C", including structures, vegetation and sediment removal
 - Concrete-lined drainage ditches
 - Storm drain inlets, outfalls and pipelines within the streets and open space areas
 - Subdrains
 - Debris bench maintenance
 - Piezometers and inclinometers
 - Settlement monuments
 - Street sweeping
 - Rock catchment fences
 - Trail maintenance including trash removal
 - Potential Alameda County Whipsnake habitat – fencing and sign maintenance
 - Emergency vehicle access and maintenance roads
 - 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 Leona Quarry, dated August 13, 2004. In general, improvements include a detention basin; debris benches; drainage systems, including concrete v-ditches in open space and on the hillsides; open-space storm drain inlets and outlets; subdrains in open space and creek corridors; 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.

Single-family residences will be assessed as one unit. Multi-family buildings will be assessed based on the number of individual units within the building. The total number of residential units within the District is then 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 Leona Quarry. 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 Without Limitation:
 1. Surface Drainage Facilities
 2. Graded Slopes
 3. Detention Basin

VII. ASSESSMENT LIMIT - BUDGET

Based on the estimated expenses for on-going operations, and allowing for larger (approximately \$1,000,000) geologic events at 10-year intervals, a budget was prepared for the purpose of estimating initial assessment levels (Exhibit A). 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 amended Plan of Control.

The District Engineer recommends an annual assessment limit (2005 dollars) of \$974 per residential unit and \$0.25 per square foot of commercial space to be levied in the conjunction with the issuance of building permits as described in the Amended Plan of Control. This limit will escalate annually based on the San Francisco-Oakland-San Jose Consumer Price Index plus an additional 0.5 percentage points.

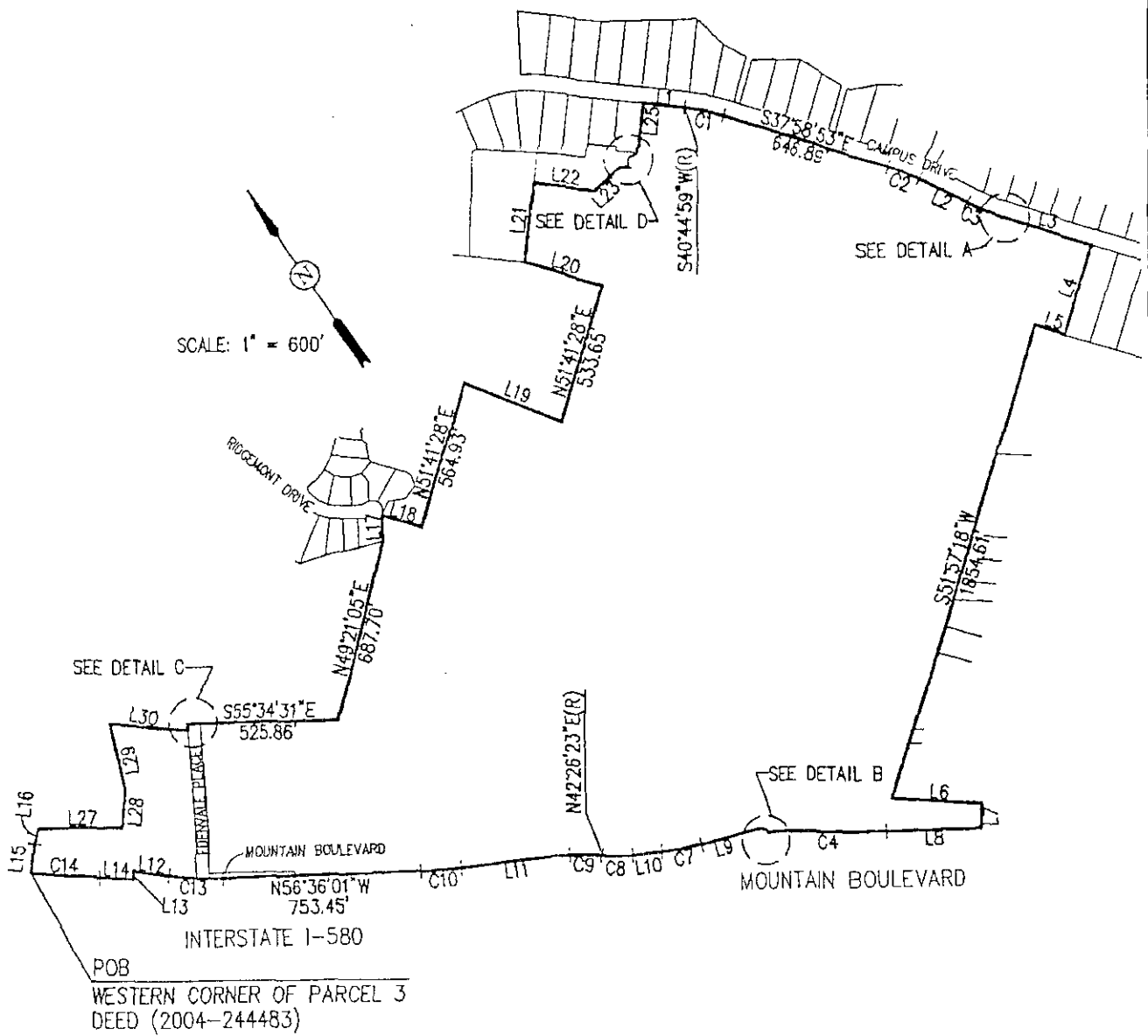


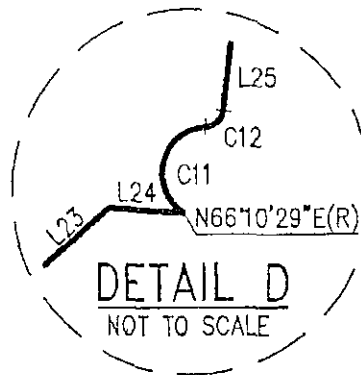
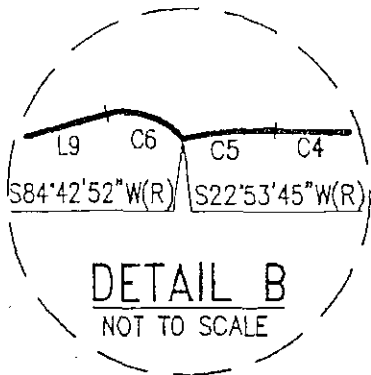
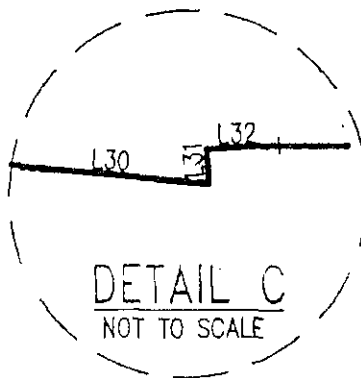
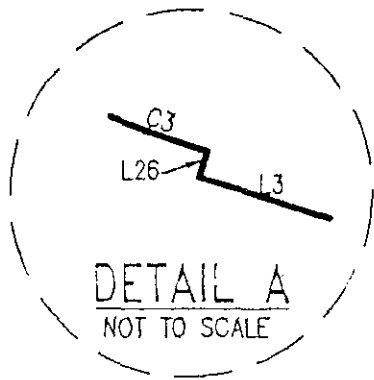
FIGURE 1
PLAT TO ACCOMPANY LEGAL DESCRIPTION
G.H.A.D. BOUNDARY

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
 DATE: AUGUST 2004

SHEET 1 OF 2

Carlson, Barbee, & Gibson, Inc.
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 TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



LINE TABLE		
NO.	BEARING	LENGTH
L1	S48°25'01"E	158.94'
L2	S27°36'41"E	197.00'
L3	S37°59'40"E	371.73'
L4	S52°04'51"W	349.00'
L5	N37°59'40"W	124.69'
L6	S51°03'42"E	328.48'
L7	S37°06'48"W	93.00'
L8	N56°17'57"W	346.14'
L9	N69°50'40"W	225.02'
L10	N60°53'47"W	110.81'
L11	N61°01'02"W	416.40'
L12	N46°41'34"W	135.31'
L13	S34°19'40"W	32.55'
L14	N51°50'59"W	131.94'
L15	N41°14'29"E	110.65'
L16	N50°02'49"E	58.46'
L17	N33°51'34"E	95.01'
L18	S38°18'32"E	156.87'
L19	S32°37'35"E	401.98'
L20	N38°18'32"W	300.70'
L21	N41°34'59"E	296.00'
L22	S48°25'01"E	225.00'
L23	N84°18'52"E	130.97'
L24	S51°31'37"E	41.79'
L25	N41°34'59"E	187.36'
L26	S52°00'20"W	1.00'
L27	S55°28'54"E	316.09'
L28	N41°07'43"E	136.86'
L29	N23°07'33"E	261.93'
L30	S49°47'02"E	298.00'
L31	N31°20'49"E	23.54'
L32	S58°07'51"E	50.00'

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	11°16'08"	770.00'	151.44'
C2	10°22'12"	670.00'	121.26'
C3	10°22'59"	730.00'	132.29'
C4	02°46'18"	7958.61'	385.00'
C5	13°34'36"	210.02'	49.77'
C6	64°33'32"	42.00'	47.32'
C7	08°56'53"	962.07'	150.25'
C8	13°20'10"	508.04'	118.25'
C9	13°27'25"	492.04'	115.56'
C10	04°25'01"	2008.15'	154.81'
C11	147°11'42"	25.00'	64.23'
C12	81°47'12"	10.00'	14.27'
C13	09°57'19"	1208.09'	209.91'
C14	02°29'06"	5959.45'	258.47'

FIGURE 1
PLAT TO ACCOMPANY LEGAL DESCRIPTION
G.H.A.D. BOUNDARY

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
 DATE: AUGUST 2004

SHEET 2 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

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TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

ATTACHMENT 5-B CONT



Leona Quarry Geologic Hazard Abatement District
 Budget - August 13, 2004
 Revised January 4, 2005

ASSUMPTIONS

Total No. of Units	427
Annual Assessment per Unit	\$974
Total Non-Residential Building Area (square feet)	4,000
Annual Assessment per nonresidential (square feet)	\$0.25
Annual Adjustment in Assessment	3.5%
Inflation	3.0%
Investment Earnings	5.75%
Amount Financed	\$0
Borrowing Rate	5.0%
Term of Loan (years)	10
Frequency of Large-Scale Repair (years)	10
Cost of Large-Scale Repair (current \$)	\$1,000,000

ESTIMATED ANNUAL EXPENSES IN 2004 DOLLARS

Administration & Accounting	\$60,000
Technical Consultants	\$22,500
Creek Bank Monitoring & Maintenance	\$3,500
Detention Basin Maintenance	\$30,000
Subdrain Outfall Maintenance/Repair	\$500
Concrete Lined Drainage Ditch Maintenance	\$15,000
Emergency Vehicle Access Road Maintenance/Overlay	\$3,000
Storm Drain Pipeline Maintenance	\$2,000
Trail Maintenance Including Trash Removal	\$2,500
Mowing/Fire Suppression	\$15,000
Potential Alameda County Whipsnake Habitat -Fences/Signs	\$500
Insurance	\$8,000
Sediment Removal Storm Drain Inlets	\$9,000
Sediment Removal Public Streets	\$16,000
Slope Stabilization (incl. minor landsliding)	\$40,000
Catchment Fence Replacement	\$3,500
Erosion Repairs	\$20,000
Open Space Storm Drain Pipeline Replacement	\$10,000
Replacement/Repair, Concrete Lined Drainage Ditches	\$24,000
Major Repair (Annualized)	\$100,000
Miscellaneous, Legal & Contingency (10%)	<u>\$38,500</u>
TOTAL	<u>\$423,500</u>

5188.1.001.02
 August 13, 2004
 Revised January 4, 2005

Leona Quarry GHAD Budget

5188.1.001.02
August 13, 2004
Revised January 4, 2004

ATTACHMENT 5-C

**NOTICE OF ADOPTION OF RESOLUTION BY THE BOARD OF DIRECTORS
OF LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT**

On December 3, 2002, the Oakland City Council adopted Resolution No. 77545, approving and ordering the formation of the Leona Quarry Geologic Hazard Abatement District (GHAD) and appointing itself to act as the Board of Directors (GHAD Board). The 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 _____, the GHAD Board adopted Resolution No. ____ 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 \$960 per year, plus an annual adjustment to reflect the percentage change in the San Francisco Bay Area 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 Leona Quarry 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 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 Public Works Agency, _____, Oakland, California.

The GHAD Board will conduct a public hearing on _____ at _____ in Room _____ of the _____, 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 GHAD; your ballot is attached to this Notice. The ballot may be completed and mailed or hand delivered to the GHAD Clerk, _____, Oakland, California, 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 _____, telephone _____.

ATTACHMENT 5-D

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned Clerk of the Leona Quarry Geologic Hazard Abatement District, State of California, hereby gives notice that a diagram and assessment were recorded in the office of the County Recorder of Alameda County as provided for in said section, more particularly described on that certain assessment diagram filed in accordance with the section in Book ____ of Maps of Assessments and Community Facilities Districts at Page ____ in the Office of the County Recorder of the County of Alameda and relating to the following described real property:

Leona Quarry Geologic Hazard Abatement District for the area generally known as Leona Quarry shown on the Vesting Tentative Map and Preliminary Grading Plan, including Tracts 7351, 7492 and 7493 and four additional lots on Campus Drive adjacent to Tracts 7351, 7492 and 7493.

Notice is further given that upon the recording of this notice in the Office of the County Recorder, the several assessments assessed on the lots, pieces and parcels shown on said filed assessment diagram shall become a lien upon the lots or portions of lots assessed respectively.

Reference is made to the assessment diagram and assessment roll recorded in the office of the County Recorder of Alameda County.

Dated: _____

Owner Notification:

ATTEST:

ATTACHMENT 5-E

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,
Leona Quarry Geologic Hazard Abatement District
c/o Public Works Agency
Attn: _____
