

## OAKLAND CITY COUNCIL

**TO:** The City Council of the City of Oakland

**FROM:** Oakland Area Geologic Hazard Abatement District  
Manager, Eric Harrell

**BOARD MEETING DATE:** July 18, 2017

**SUBJECT:** Approve Annexation of the Kenilworth Property into  
the Oakland Area GHAD

### RECOMMENDATION:

ADOPT Resolution No. \_\_\_ APPROVING the Annexation of the Kenilworth Property into the Existing Oakland Area Geologic Hazard Abatement District.

### BACKGROUND:

On July 18, 2006, the Oakland City Council adopted Resolution No. 80058 approving the formation of the Oakland Area Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors.

Currently, the Siena Hill development is the only property within the GHAD. As allowed by GHAD Law, the owner of property within the Kenilworth development submitted a Petition for Annexation of the Kenilworth property into the Oakland Area GHAD ("Petition") dated August 23, 2016. In approving the seven single family home Kenilworth development in 2006, the City of Oakland imposed Condition of Approval No. 35 requiring the property owner to seek annexation of the property into a GHAD. The territory to be annexed into the GHAD and the boundaries of the Kenilworth development are the same.

The GHAD Board approved the annexation of the Kenilworth development into the Oakland Area GHAD on February 21, 2017 by Resolution No. 15.

Public Resources Code Section 26581 states that the annexation is subject to the approval of the legislative body which ordered formation of the GHAD. The Oakland City Council ordered formation of the Oakland Area GHAD in July 2006.

If annexation is approved, the funding for the GHAD activity on the proposed annexed will be based on an assessment, and such funds will be collected and used in connection with the GHAD approved Plan of Control. The proposed assessment will be supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, and will be considered at a subsequent date in accordance with Proposition 218.

**FISCAL IMPACT:**

The Petitioner of the Petition for Annexation is responsible for funding all activities relating to the Kenilworth area undertaken by the GHAD up and until the GHAD Improvements, as defined in the Kenilworth Property Plan of Control are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Kenilworth portion of the GHAD. Therefore, there is no impact on the City's General Fund.

**ATTACHMENT:**

Resolution No. \_\_\_\_\_, Approving the Annexation

Respectfully submitted



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Patricia Curtin  
GHAD Attorney

**BEFORE THE CITY COUNCIL OF THE  
CITY OF OAKLAND**

**Resolution No. \_\_\_\_\_**

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**Approving the Annexation of the Kenilworth Property into the  
Oakland Area Geologic Hazard Abatement District**

**WHEREAS**, pursuant to the provisions in California Public Resources Code section 26581, the Oakland Area Geologic Hazard Abatement District (“GHAD”) may annex territory to the GHAD by following the procedures set forth in the Public Resources Code for the formation of a geologic hazard abatement district.

**WHEREAS**, the landowners/developers of the Kenilworth area submitted a Petition for Annexation dated August 23, 2016 describing the property sought to be annexed into the GHAD (“Kenilworth Property Annexation Area”).

**WHEREAS**, on November 29, 2016, the GHAD Board of Directors (“GHAD Board”) considered and adopted Resolution No. 14, accepting the Petition for Annexation (“Kenilworth Annexation”).

**WHEREAS**; on February 21, 2017, a public hearing before the GHAD Board occurred on the Kenilworth Annexation wherein the owners of more than 50 percent of the assessed valuation of the real property within the Kenilworth Property Annexation Area did not object to the annexation; at that hearing, the GHAD Board adopted GHAD Board Resolution No. 15 ordering the Kenilworth Annexation into the GHAD.

**WHEREAS**, Public Resources Code section 26581 states that a proposed annexation into the GHAD is subject to approval of the legislative body (here, the City Council) which ordered formation of the GHAD.

**WHEREAS**, on July 18, 2017, the City Council, as the legislative body that formed the Oakland Area GHAD, considered this Resolution approving the Kenilworth Annexation as ordered by the GHAD Board.

**NOW, THEREFORE, BE IT RESOLVED THAT ON JULY 18, 2017:**

1. The City Council, as the legislative body that formed the Oakland Area GHAD, approves the Kenilworth Annexation as ordered by the GHAD Board.
2. This Resolution shall become effective immediately upon its passage and adoption.

**OAKLAND, CALIFORNIA**

**PASSED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**