ADMINISTRATIVE STAFF REPORT *16*

TO: **Mayor and Town Council** **August 4, 1992**

SUBJECT: **Formation of Magee Geologic Hazard Abatement District**

This report recommends that Council take public testimony, measure public protest, form the proposed Geologic Hazard Abatement District (GHAD), and appoint the Board of Directors.

BACKGROUND

The GHAD (see previous ASR attached) was an option in the subdivision conditions of approval for the Magee Ranch subdivision requiring the geologic hazards and the storm water retention basin to be maintained by individual home owners or a "public agency" or district, and not the Town (since the Town is not in the basin maintenance business). The option of a Flood Control maintained basin was not possible because the basin is smaller than the minimum size that Flood Control will accept for maintenance.

The formation of the GHAD is based upon a petition submitted by the property owners. A public hearing was set by Council last June. Formal notice has been sent to all property owners within the proposed GHAD concerning the process, protest, formation and public hearing.

The following steps must be taken to complete the formation of the District:

- Open the public hearing and take public testimony.
- Adopt the resolution forming the district and appointing a Board of Directors.

Upon the approval of the resolution the Board is required to implement the duties as described in the plan of control.

BOARD OF DIRECTORS

The GHAD is operated by a Board of Directors who are responsible for the district. The Board will have the authority to assess the property owners within the district, condemn property, buy and sell land, issue bonds, approve contracts, direct work, and provide services necessary to maintain the geologic hazards. Liability for the district resides with the Board.

The Town has an opportunity to appoint the Council or property owners as the Board of Directors. The appointment cannot be transferred at a later date under today's GHAD law, (i.e. once Council is established as a Board of Directors, it stays that way forever). After considerable discussion, staff recommends that Council appoint property owners from the proposed district to act as the Board of Directors. This recommendation is based on the following:

Advantages:

1. Issues related to assessments will be directly addressed by those being assessed.

2. Levels of service will be directly determined by those being served by the district.

3. Administration of the district will not impact Town staff.

4. Liability for the district will be the responsibility of the property owners.

Disadvantages:

1. Town will have no control over the GHAD beyond what is enforceable in the Plan of Control.

2. Maintenance of the retention basin will become the sole responsibility of the GHAD, including the level of maintenance. The Town is dependent upon the actions of the Board.

3. Operation of the GHAD could cease as the Board's interest fades over the years.

RECOMMENDATION

Staff recommends that Council open the public hearing and take public testimony, measure the protests, and adopt Resolution No. 124-92 forming the district and appointing the Board of Directors.

FISCAL IMPACT

None.

MAINTENANCE IMPACT

None. The Town would have to maintain the storm water retention basin should the district not be formed. Basin maintenance costs are estimated between $5,000 and $50,000 per year depending on the severity of the weather.

Prepared by:

Steven C. Lake
City Engineer

SCL:sn

Attachments:

A - Resolution No. 124-92
B - June 2, 1992 ASR
C - Petition
D - Plan of Control
E - Notice of Public Hearing
F - List of Property Owners

AGHAD2.SL
File No. 806-04

RESOLUTION NO. 124-92

FORMATION OF A GEOLOGIC HAZARD ABATEMENT DISTRICT IN THE MAGEE RANCH SUBDIVISION

WHEREAS, on May 6, 1992 Diablo Ranch Development Company (Diablo Ranch) submitted to the Town of Danville (Town) a Petition for the formation of a Geologic Hazard Abatement District (GHAD), which will provide for continued maintenance and repair of floodwater retention facilities, slides, and geologic conditions within the homeowner's jointly-owned open space; and

WHEREAS, the Petition attached a Plan of Control prepared by an engineering geologist, which sets forth a framework for the control, prevention, maintenance, and repair measures to be utilized by the GHAD; and

WHEREAS, on June 2, 1992, the Town Council held a public hearing with regard to such Petition, and after receiving public testimony and comment adopted Resolution No. 82-92, which directed that notice be given to all owners of real property within the boundaries of the proposed district regarding the proposed formation of the GHAD, and directed that a hearing date be set for the regularly scheduled Town Council hearing on August 4, 1992; and

WHEREAS, the notice to all property owners within the district attached a copy of Resolution No. 82-92, set forth the purpose of the GHAD, set forth the purpose of the August 4, 1992 hearing, gave notice of the existence and availability of the Plan of Control, and gave notice that written objections could be submitted to the Town up to and at such hearing; and

WHEREAS, the Town Council after receiving all public testimony at the hearing, determined that less than 50 percent of the assessed valuation of the proposed GHAD objected to the formation of the GHAD, and further determined that the GHAD would be beneficial to the general health, safety, and welfare; now, therefore, be it

RESOLVED, by the Town Council of the Town of Danville that the GHAD as set forth in the Petition be hereby formed; and, be it

FURTHER RESOLVED, that the Town Council hereby appoints the following persons as the Board of Directors for the GHAD:

(1) Kenneth K.W. Ma; (2) Ken Rezowalli; (3) Paul A. Rioux; (4) Jerry W.P. Schauffler; and (5) Susan Wingate.

APPROVED by the Danville Town Council at a Regular Meeting on August 4, 1992, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

CITY CLERK

ADMINISTRATIVE STAFF REPORT 8

TO: Mayor and Town Council June 2, 1992

SUBJECT: Petition For Geologic Hazard Abatement District

This report recommends that you set a date for a public hearing to begin the process to form a Geologic Hazard Abatement District in the Magee Ranch Subdivision.

BACKGROUND

The owner of the Magee Ranch Subdivision has petitioned for the formation of a Geologic Hazard Abatement District (GHAD) to provide for the maintenance and repair of landslides and maintenance of floodwater retention facilities within the subdivision. There are 57 known landslides that may require maintenance in the subdivision. Thirty-seven of the 57 are not considered likely to need any additional repair work in the future. Eleven of the remaining 20 may require periodic cleaning of the gabion structures or debris benches, and nine may require additional grading.

The storm drainage system and basin are required for adequate drainage of the slide drainage systems. The retention basin, which does not meet the minimum size to be maintained by the Flood Control Agency, will be maintained by the GHAD. The use of a GHAD is required in the conditions of approval for the subdivision.

The subdivision owner, Ken Ma, has submitted the required petition to form a GHAD. This request starts a multi-step process for the formation. The first step sets the public hearing. At the hearing, protests (if any) are heard and the GHAD is approved and the initial board of directors is appointed. Tonight's action will set the date for the public hearing only.

Brief Description of a GHAD

The California Public Resources Code allows for the formation of a Geologic Hazard Abatement District to provide a mechanism for maintenance and repair of future problems related to landslides, erosion, or flooding within the boundaries of the district. The GHAD is a special district with the power to impose assessments on the homeowners within the boundaries. The assessments can only be used for the work outlined in the GHAD report.

The Town Council appoints members to the Board of Directors, which may be five property owners within the district, or the Council themselves.

ATTACHMENT B

FORMATION OF THE GHAD

Tonight's action is to set the public hearing and directing notice of such hearing to be mailed to owners of real property within the proposed district. After the hearing is set, any owner of real property within the proposed district may make a written objection to the formation of the district. If the owners of more than 50% of the assessed valuation of the proposed district object, the proceedings shall be abandoned. At the close of the hearing, the Council may proceed by resolution to order the formation of the proposed district and appoint the Board of Directors.

RECOMMENDATION

Adopt Resolution No. 82-92 setting a public hearing for the formation of the proposed Geologic Hazard Abatement District over the Magee Subdivision.

FISCAL IMPACT

None at this time.

Prepared by:

Steve Lake
City Engineer

SL:sn

Attachments:

A Resolution No. 82-92
B Letter
C Petition

File No. 806-04
AGHAD.SL

RESOLUTION NO. 82-92

SETTING A PUBLIC HEARING TO FORM A GEOLOGIC HAZARD ABATEMENT DISTRICT IN THE MAGEE RANCH SUBDIVISION

WHEREAS, a petition has been submitted pursuant to Division 17 of the Public Resources Code (PRC) (§§26500, et seq.) from the Diablo Ranch Development Company; and

WHEREAS, pursuant to the requirements of the PRC, notice shall be directed to the owners of real property within the boundaries of the proposed district; now, therefore, be it

RESOLVED, by the Town Council of the Town of Danville that a public hearing shall be set for the regular Town Council meeting of August 4, 1992; and, be it

FURTHER RESOLVED, that the City Clerk is hereby directed to mail notice of the public hearing to all real property owners within the proposed district.

APPROVED by the Danville Town Council at a Regular Meeting on June 2nd, 1992, by the following vote:

AYES: LANE, SHIMANSKY, DOYLE, GREENBERG, RITCHEY
NOES: NONE
ABSTAINED: NONE
ABSENT: NONE

Beverly W. Lane
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

Patricia J. Muck
CITY CLERK

Star Lake
City Engineer

LAW OFFICES OF
GAGEN, McCOY, McMAHON & ARMSTRONG
A PROFESSIONAL CORPORATION
279 FRONT STREET
P. O. BOX 218
DANVILLE, CALIFORNIA 94526-0218

TELEPHONE:
(510) 837-0585
FAX:
(510) 838-5985

WILLIAM E. GAGEN, JR.
GREGORY L. McCOY
PATRICK J. McMAHON
MARK L. ARMSTRONG
LINN K. COOMBS
STEPHEN W. THOMAS
CHARLES A. KOSS
MICHAEL J. MARKOWITZ
MICHAEL W. CARTER
RICHARD C. RAINES
VICTOR J. CONTI
BARBARA DUVAL JEWELL
CAROLE A. LAW
ALLAN C. MOORE
ALEXANDER L. SCHMID
PATRICIA E. CURTIN
MICHAEL P. CANDELA
CHARLES A. KLINGE

May 6, 1992

Hand-Delivered May 6, 1992

Mark J. Doane, Esq.
City Attorney
Town of Danville
510 La Gonda Way
Danville, CA 94526

Re: Petition For Geologic Hazard Abatement District
Magee Ranch/Danville, California

Dear Mark:

Our offices represent Diablo Ranch Development Company (Diablo Ranch) with regard to its Magee Ranch project in Danville.

Per our discussions, please find attached a formal Petition requesting the City Council of the Town of Danville to adopt a resolution creating a Geologic Hazard Abatement District (GHAD) for control and maintenance of geologic hazards on Magee Ranch.

The Petition is submitted pursuant to Division 17 of the Public Resources Code (PRC) (§§26500, et seq.), entitled "Geologic Hazard Abatement Districts." (All statutory references hereinafter are to the PRC.) Specifically, this submission is made pursuant to §26550.5(a), which allows the Petition to be initiated by "owners of not less than 10 percent of the real property to be included within the proposed district." The Petition is executed by Diablo Ranch Development Company (Diablo Ranch), as owner of more than 10 percent of the property.

The Petition attaches exhibits which contain the information required by §26552: a statement that the petition is made pursuant to the referenced Division; a legal description of the property opposite Diablo Ranch's execution of the petition; a dated execution; and a legal description and map of the boundaries of the territory to be included in the proposed GHAD.

ATTACHMENT C

The Petition further attaches a Plan of Control prepared by Nystrom Engineering, as required by §26553.

The referenced statutory framework provides for a two-step process for formation of a GHAD and for performance of the GHAD duties. This cover letter and Petition address the first step: formation of the GHAD. As shown below, such first step includes setting public hearings; measuring majority protest/approval of the GHAD; and appointing an initial board of directors. After approval of the GHAD, jurisdiction over the GHAD transfers to the appointed board of directors. Thus, the second step, performance of GHAD duties, will necessarily be taken by the initial board of directors after the formation of the GHAD.

Formation of the GHAD.

1. Setting the public hearings. A copy of this letter, the Petition, and attachments have been concurrently submitted to the City Clerk (§26552). We understand that upon the Clerk's confirmation that the Petition is complete and upon verification of the signature(s), the Petition will be placed on the next Town Council regular meeting agenda (§26554). At such meeting, the Council will adopt a resolution setting a public hearing on the Petition and directing notice of such hearing to be mailed to owners of real property within the district (§26557, §26558).

2. Hearing procedure/measurement of protest/GHAD approval. At any time prior to the hearing, any owner of real property within the proposed district may make a written objection to the formation of the district (§26564). At the time set for hearing objections, the Council shall be presented with all objections (§26565). If it appears that owners of more than 50% of the assessed valuation of the proposed district object, the proceedings shall be abandoned (§26566). At the close of the hearing or within 60 days, the Council may proceed by resolution to order formation of the proposed district (§26567, as amended).

3. Appointment of initial board of directors. Pursuant to referenced §26567, as amended in 1991, the Council appoints the board of directors for the GHAD in the resolution ordering the formation of the district. The Council has a choice of appointing either: (i) five owners of real property within the district, or (ii) the Council may appoint itself as the board.

Until recently, the Council had a further option of initially appointing itself as the board (for a four-year term), and then transferring jurisdiction to an elected board of property owners (see earlier §26583). However, §26567 and §26583 were amended last year to eliminate this "delayed transfer of jurisdiction" over the GHAD. Thus, if the Council appoints five property owners, such property owners serve an initial four-year term and are replaced by property owners within the district by election.

However, if the Council appoints itself as the board, it remains the board in perpetuity, without opportunity for subsequent transfer of jurisdiction.

We thus understand that the Town has a one-time choice of appointment of the board: either (i) providing for the Town Council to serve as the board (i.e., "Town Board"); or (ii) providing for five property owners within the proposed district, to be replaced gradually by election within the district (i.e., "Community Board").

Advantages of a Town Board include the fact that the Town would be able to provide its institutional resources to help set up and run the district. Further, the Town would be at least one step removed from the homeowner community, allowing it perhaps to be more neutral.

There are also advantages to the Council appointing a Community Board. As a general principle, self-governance is generally preferred if possible. The project site has been the subject of geotechnical and general environmental review and studies that a Community Board could rely on to make decisions; and it appears likely that experienced, professional managers will be available to run the GHAD. Further, appointment of a Community Board would help to avoid burdening the Town's resources for the maintenance of private property.

At this time, we understand that Diablo Ranch has no particular preference with regard to the appointment of the Town board or community board. After the Town's receipt of these materials and setting of the public hearing, we would like to discuss this and other relevant issues.

Please contact me on your receipt and review of these documents with any questions or requests for information. We look forward to working with you, staff and the Council to set up the GHAD.

Very truly yours,

GAGEN, McCOY, McMAHON & ARMSTRONG
A Professional Corporation

Allan C. Moore

ACM:kh
Enc.

cc: Steven C. Lake w/enc.
City Engineer

Patricia Muck w/enc.
City Clerk

Diablo Ranch Development Company w/enc.
Kenneth Ma

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PETITION FOR FORMATION OF
GEOLOGIC HAZARD ABATEMENT DISTRICT
PURSUANT TO DIVISION 17 OF THE PUBIC RESOURCES CODE

TO: The Town Council of the Town of Danville:

The undersigned Petitioner, owner of more than 10% of land within the boundaries of the Geologic Hazard Abatement District (GHAD) proposed in this Petition, hereby requests that the Town Council form a Geologic Hazard Abatement District pursuant to the provisions of Division 17 of the Public Resources Code, Sections 26500 et seq. Set forth below is the information required by PRC §26552(a)-(d).

A. This Petition is made pursuant to Division 17 of the Public Resources Code, with particular reference to §§26550.5(a), 26552 and 26553. (§26552(a).)

B. This Petition is executed by Diablo Ranch Development Company (Petitioner), owner of more than 10% of land within the boundaries of the proposed GHAD; opposite the Petitioner's signature below is reference to the lots, tracts, and map numbers of property owned by the Petitioner within the Proposed GHAD sufficient to identify Petitioner's signature as owner of land within the proposed GHAD. (§26552(b).)

C. Opposite the signature of the Petitioner is an indication of the date on which said Petitioner's signature was affixed to this Petition. (§26552(c).)

D. The following documents are attached to this Petition and are incorporated herein by this reference as if set forth in full in this Petition:

1. As Exhibit "A", a legal description of the boundaries of the territory proposed to be included within the proposed district (§26552(d));

2. As Exhibit "B", maps of the boundaries of the territory to be included within the proposed district (§26552(d);

3. As Exhibit "C", a plan of control prepared by an engineering geologist certified pursuant to Section 7822 of the Business & Professions Code which describes the actual or threatened landslides, land subsidence, soil erosion and other natural or unnatural movements of land or earth and the plan for their prevention, mitigation, abatement and control thereof (§26553).

Dated: May 5, 1992.

DIABLO RANCH DEVELOPMENT COMPANY
A California Limited Partnership

by BROADMORE PROPERTIES, INC.,
its General Partner

By: _____
KENNETH K. W. MA
President

Property Owned by Diablo Ranch Development Company:

SUBDIVISION 7058, DANVILLE, CALIFORNIA:
(1) Parcels A, B, C, D, E, AND REMAINDER PARCELS F, G, H, I, J, K, L, M; Lots 1-92, EXCLUDING THEREFROM Lots 1-3, 7-9, 13, 14, 16, 17-30, 32, 34, 35, 44, 45-55, 57, 58, 61, 64, 68-70, 77, 78-82, 84-88; and

(2) A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO EAST BAY MUNICIPAL UTILITY DISTRICT RECORDED MAY 22, 1987 IN BOOK 13661 AT PAGE 639 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE MOST EASTERLY 20.00 FEET OF SAID DEED (13661 OR 639), SAID 20.00 FEET BEING MEASURED AT RIGHT ANGLES FROM THE MOST EASTERLY LINE OF SAID DEED (13661 OR 639).

EXHIBIT "A"

Legal Description

(1) Lots 1-92, PARCELS A, B, C, D, E, AND REMAINDER PARCELS F, G, H, I, K, AND L, SUBDIVISION 7058, TOWN OF DANVILLE, CONTRA COSTA COUNTY; AND

(2) A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO EAST BAY MUNICIPAL UTILITY DISTRICT RECORDED MAY 22, 1987 IN BOOK 13661 AT PAGE 639 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE MOST EASTERLY 20.00 FEET OF SAID DEED (13661 OR 639), SAID 20.00 FEET BEING MEASURED AT RIGHT ANGLES FROM THE MOST EASTERLY LINE OF SAID DEED (13661 OR 639).

OWNERS: DIABLO RANCH DEVELOPMENT COMPANY
A California Limited Partnership

by BROADMORE PROPERTIES, INC.
its general partner

By: _____
KENNETH K. W. MA
President

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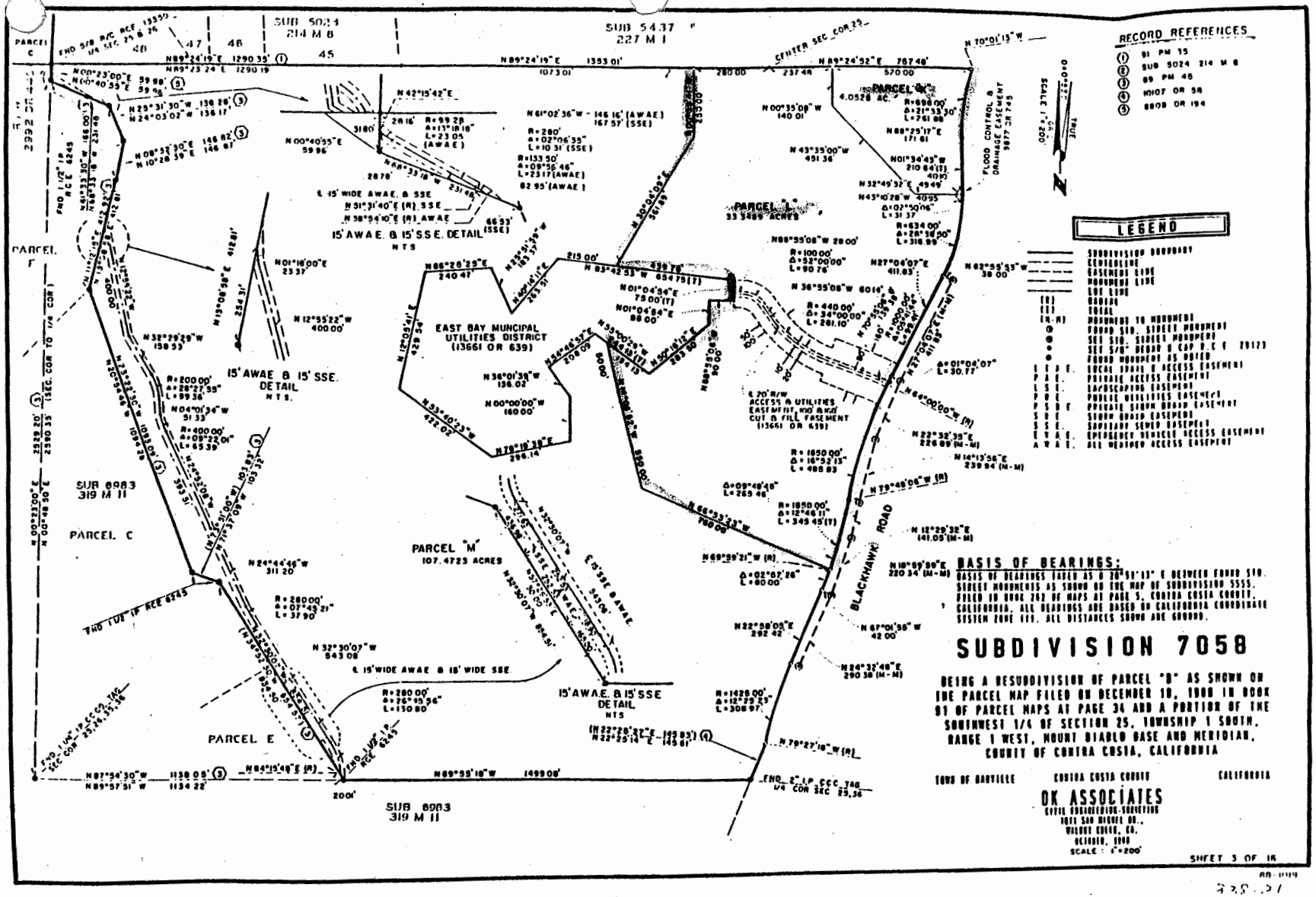
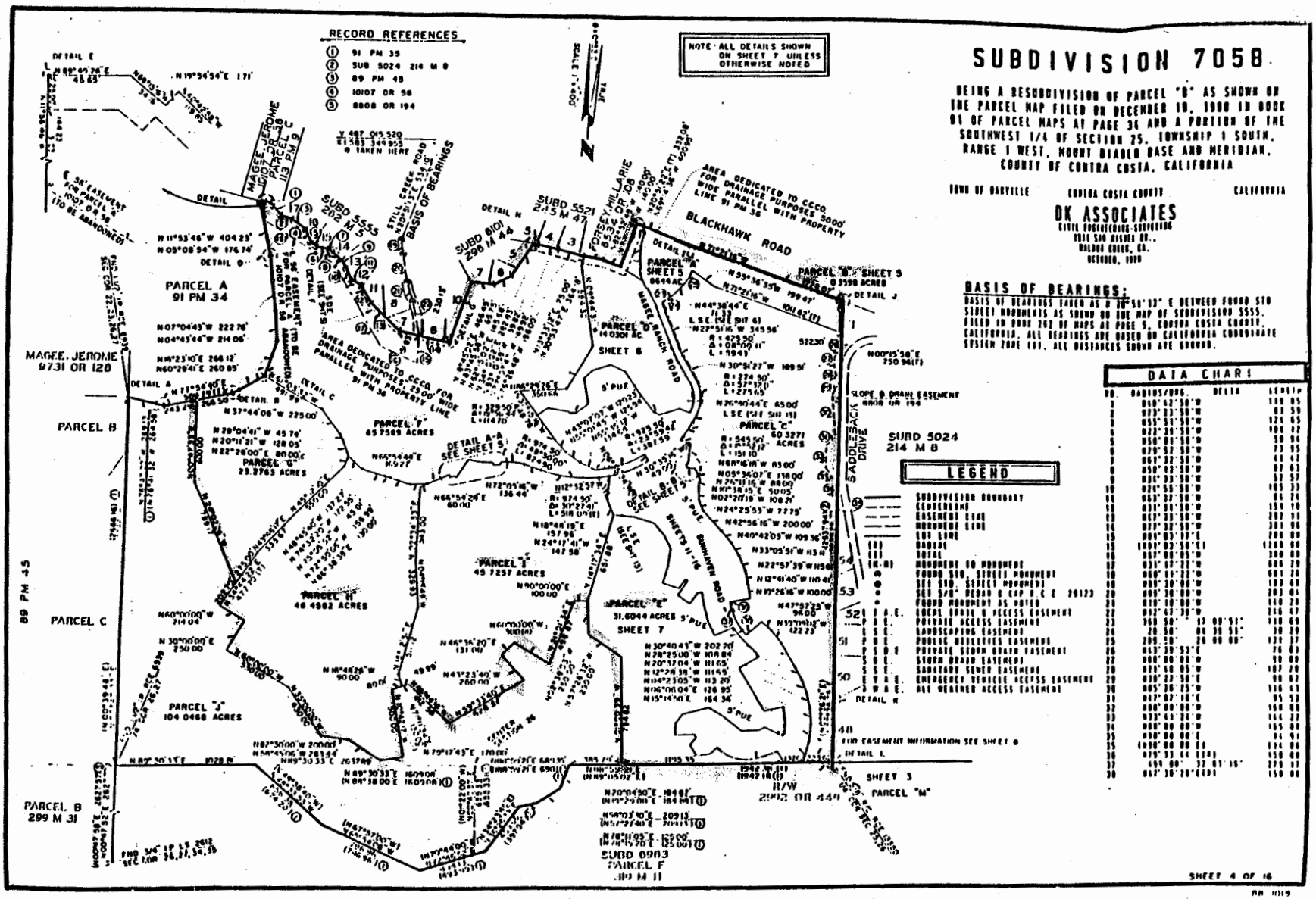
EXHIBIT "B"

(See Exhibit "B" maps attached.)


RECORD REFERENCES
(1) 91 PM 15
(2) SUB 5024 214 M 8
(3) 89 PM 46
(4) 10107 OR 58
(5) 8808 OR 194
LEGEND
SUBDIVISION BOUNDARY
CENTERLINE
EASEMENT LINE
MONUMENT LINE
LOT LINE
RADIAL
TANGENT
MONUMENT TO MONUMENT
FOUND MON. STREET MONUMENT
SET MON. STREET MONUMENT
SET 5/8" REBAR & CAP R.C.E. 28127
FOUND MONUMENT AS NOTED
L.P.E. LOCAL PARK & ACCESS EASEMENT
P.A.E. PRIVATE ACCESS EASEMENT
L.S.E. LANDSCAPING EASEMENT
P.U.E. PUBLIC UTILITIES EASEMENT
P.S.D.E. PRIVATE STORM DRAIN EASEMENT
S.S.E. STORM DRAIN EASEMENT
SAN. SEW. SANITARY SEWER EASEMENT
E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
A.W.A.E. ALL WEATHER ACCESS EASEMENT
BASIS OF BEARINGS:
BASIS OF BEARINGS TAKEN AS N 78°51'13" E BETWEEN FOUND STD. STREET MONUMENTS AS SHOWN ON THE MAP OF SUBDIVISION 5555, FILED IN BOOK 282 OF MAPS AT PAGE 5, CONTRA COSTA COUNTY, CALIFORNIA. ALL BEARINGS ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE III. ALL DISTANCES SHOWN ARE GROUND.
SUBDIVISION 7058
BEING A RESUBDIVISION OF PARCEL "D" AS SHOWN ON THE PARCEL MAP FILED ON DECEMBER 10, 1980 IN BOOK 91 OF PARCEL MAPS AT PAGE 34 AND A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF CONTRA COSTA, CALIFORNIA
TOWN OF DANVILLE CONTRA COSTA COUNTY CALIFORNIA
OK ASSOCIATES
CIVIL ENGINEERING-SURVEYING
1078 SAN RAMON RD.,
WALNUT CREEK, CA.
OCTOBER, 1980
SCALE 1"=200'
SHEET 3 OF 16
PARCEL C
PARCEL D
4.0528 AC.
PARCEL F
PARCEL E
PARCEL "M"
107.4723 ACRES
EAST BAY MUNICIPAL UTILITIES DISTRICT (13661 OR 639)
15' AWAE & 15' SSE DETAIL
SUB 6983 319 M 11
SUB 5024 214 M 8
SUB 5437 227 M 1
BLACKHAWK ROAD
FLOOD CONTROL & DRAINAGE EASEMENT 9877 OR 745

7388 M 21


RECORD REFERENCES
1 91 PM 35
2 SUB 5024 214 M 8
3 89 PM 49
4 10107 OR 58
5 8808 OR 194
NOTE: ALL DETAILS SHOWN ON SHEET 7 UNLESS OTHERWISE NOTED
SUBDIVISION 7058
BEING A RESUBDIVISION OF PARCEL "B" AS SHOWN ON THE PARCEL MAP FILED ON DECEMBER 19, 1980 IN BOOK 91 OF PARCEL MAPS AT PAGE 34 AND A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF CONTRA COSTA, CALIFORNIA
TOWN OF DANVILLE CONTRA COSTA COUNTY CALIFORNIA
DK ASSOCIATES
CIVIL ENGINEERING-SURVEYING
1001 SAN RAMON RD.,
WALNUT CREEK, CA.
OCTOBER, 1980
BASIS OF BEARINGS:
BASIS OF BEARINGS TAKEN AS N 19°54'54" E BETWEEN FOUND STD STREET MONUMENTS AS SHOWN ON THE MAP OF SUBDIVISION 5555, FILED IN BOOK 262 OF MAPS AT PAGE 5, CONTRA COSTA COUNTY, CALIFORNIA. ALL BEARINGS ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE III. ALL DISTANCES SHOWN ARE GROUND.
DATA CHART
LEGEND
SUBD 5024 214 M 8
SADDLEBACK DRIVE
BLACKHAWK ROAD
MAGEE, JEROME 9731 OR 120
PARCEL A 91 PM 34
PARCEL B
PARCEL C
PARCEL B 299 M 31
89 PM 45
PARCEL D 4.0301 AC
PARCEL E 31.6044 ACRES
PARCEL F 65.7569 ACRES
PARCEL G 29.8763 ACRES
PARCEL H 46.4982 ACRES
PARCEL I 45.7257 ACRES
PARCEL J 104.0468 ACRES
PARCEL "M"
SUBD 6983 PARCEL F 189 M 11
SHEET 3
SHEET 4 OF 16

3733 M 22

EXHIBIT "C"

(See Plan of Control attached.)

PLAN OF CONTROL
GEOLOGIC HAZARD ABATEMENT DISTRICT
MAGEE RANCH, DANVILLE

1. INTRODUCTION

Background

This Plan of Control is prepared in accordance with Section 26509 of the California Public Resources Code, as part of the initiation of formation of a Geologic Hazard Abatement District (District). This District is being established in order to provide a mechanism for maintenance and repair of future problems related to landslide, mudflows, or erosion within the boundaries of the District. This Plan of Control is a general guide for monitoring and abatement of potential geologic hazards. Because future hazards cannot be fully foreseen, it provides guidelines for their detection and for making decisions regarding repairs.

The District's first Board of Directors will be appointed by the Town Council. The Town Council will provide for either the Council itself, or property owner representatives to be the Board of Directors. The Board of Directors will be responsible for the management of the funds and maintenance duties of the District.

Division of Responsibilities Between Town and GHAD

The Town of Danville shall maintain all facilities, other than those of other public agencies, within the public right-of-way or easements as shown on final maps for Subdivisions 7058, 7355, 7668,

ATTACHMENT D

and 7669. This District shall be responsible for all subdrains and private storm drain facilities (as designated in approved improvement plans), to the point of their connection with a public facility.

2. GEOLOGIC CONDITIONS

Geologic conditions of the Magee Ranch are detailed in the soils and geologic study and report "Geotechnical Investigation for Magee Ranch, Danville, CA, dated July 1988" and "Supplemental Report Recommendations, dated August 26 & October 14, 1988" prepared by Geo/Resource Consultants, Inc. for the design and construction of the Magee Ranch development and is incorporated hereby. In addition to that report, detailed "as-built" geologic mapping conducted during the grading of the project will serve as historical record for future management. A brief overview of relevant geological conditions follows.

The areas of active landsliding within the subdivision were repaired as part of project construction. All landslides with a potential for impact on planned improvements were mitigated based on recommendations contained in the soil and geologic report. The original geotechnical investigation provides recommendations for removal of the slides and their replacement by engineered fill, including proper subdrainage. As with all landslide repairs, maintenance of subdrains and surface drainage will improve the long-term performance of the repaired slopes. In addition, there

is always the possibility of renewed movement should drainage systems not function properly during a heavy rainstorm.

Surface and subsurface investigations by Geo/Resources indicate that the primary types of slope instability are shallow rotational slumps, earth-flows and accelerated downhill creep. The areas of instability appear to have developed within the expansive surface soils. It is also noted in the report that seismically-induced landsliding could occur at the site. A summary of the various types of repairs which were completed during grading of the Magee Ranch development is shown on the following table. Also shown is an estimate of areas which may require additional work by the District.

During the grading of Magee Ranch the following landslide repairs were completed under the direction of Geo/Resource Consultants:

TYPE OF REPAIR	NUMBER
Remove unstable material and replace with select fill and subdrains	18
Landslide removed by mass grading	17
Remove unstable material with no replacement of fill	2
Remove unstable material and construct gabion below	3
Rework existing material	1
Rework existing material and construct gabion below	1
Place gabion below landslide with no grading of slide	6
Remove unstable material and replace only the lower part of landslide with fill	1

Construct buttress fill at the toe of landslide	1
No repair - monitor for movement	7
TOTAL	57

Of the 57 landslides repaired 37 are not considered likely to need any additional repair work in the future. Of the remaining 20, 11 may require periodic cleaning of gabion structures or debris benches and 9 may require additional grading, if they are reactivated by excessive rainfall.

Surface ravelling of cut and fill slopes will continue to be an on-going process, particularly in the early years of the subdivision, before vegetation is well-established. If sediment blocks drainage devices, localized flooding could result. Blockage of surface drainage ditches on hillsides could redirect runoff onto slopes and cause locally accelerated erosion. It will be important to (a) monitor slope erosion, (b) keep drainage ditches and inlets free of debris, and (c) revegetate any slopes that pose continuing problems.

In general, drainage swales will need to be properly managed in order to reduce the possibility of future bank erosion problems. The more immediate problem of erosion or slope failures in the steep banks can be addressed relatively easily. The two most important factors are vegetation and control of surface runoff. Prevention of uncontrolled surface runoff flowing over the banks reduces the chances of sloughing and gully erosion. Once such erosion processes initiate, they are difficult to stop.

The two most important guidelines of drainage swale management are: do not remove vegetation, and do not allow any uncontrolled runoff to flow over the slopes. It will be important to monitor the condition of the drainage swales, identify problem areas and their causative factors, and provide prompt repairs before costly damages can occur. This can be accomplished within the framework of the proposed District.

3. PLAN OF CONTROL

One of the main purposes of a Geologic Hazard Abatement District is to engage in preventive measures. As such, the Plan of Control contains significant monitoring and preventive maintenance procedures.

Summary of Plan Elements

This Plan of Control consists of five elements:

a. Management of District. The Board of Directors will appoint a Manager of the District, who will hire technical staff and retain consultants as necessary for the functions of the District.

b. Proper Design and Construction. The Magee Ranch development was designed and built so as to minimize the potential for future problems. It is generally most cost-effective to address potential geologic hazards in

the project development stage. Responsibility for implementation lies with the project civil engineer, project geotechnical engineer and geologist, and the Town of Danville in its review capacity. The Town had engaged a third-party geotechnical expert to review and approve the design of the development. The grading completed had also been performed under the supervision of the project civil engineer, geotechnical engineer and geologist, under the inspection of the town.

c. Monitoring. All identified potential hazards will be monitored on a regular basis by the District staff or certified engineering geologist retained by the District. Visual inspection of potential hazard areas will be an important means of detecting incipient failures so that remedial measures can be undertaken before they damage property.

d. Maintenance. Regularly scheduled maintenance of slopes and drainage facilities will reduce the potential for localized erosion, flooding, or landsliding.

e. Repair. Based on the observations of the monitoring program, the District staff will recommend repairs as appropriate, considering the magnitude of the problem, its possible effects, potential for future enlargement

of the problem, potential to affect off-site property, probability of damage occurrence, and the estimated cost of repair. The District will then retain a contractor to perform the work.

4. **MANAGEMENT OF DISTRICT**

The District is established as a separate, independent district, a political subdivision of the State of California. The District will be established with its own Board of Directors, which will consist of either the Town Council or representatives of the property owners. The Board of Directors will initially appoint a manager of the District, who will hire technical staff and retain consultants as necessary for the functions of the District. The District manager should be knowledgeable with the management of such a district and with the management of technical experts as well as construction contractors. It is important to have experienced, well-qualified engineers and geologists as part of the District staff and a ready list of similarly qualified geologists to act as consultants to the District when necessary. The District Manager will also establish a list of construction contractors who are experienced and available to serve the District in constructing emergency repairs as well as periodic maintenance projects. The District should keep adequate accounting records and submit an annual report to its Board of Directors. The purpose of the annual report is to provide the District board with a financial review of the management and operations of the District and a review of a comparison with the annual budget.

5. DESIGN AND CONSTRUCTION

This plan assumes that the development will be designed and constructed so as to minimize the probability of future damages. The approved grading plan and geotechnical reports are incorporated into this Plan of Control by reference. The plans for the construction of the development's facilities were reviewed and approved by the Town Engineer and the Town's independent geotechnical consultant. The construction of these facilities were done under the constant inspection of the Town engineering staff.

6. MONITORING

The District will utilize the services of the District Staff Geologist or an outside geotechnical consultant to provide regular monitoring services. The consultant will be a licensed professional in the field of engineering geology, since many of the situations and conditions being monitored require the judgment and experience of an engineering geologist, preferably one who is experienced with Geologic Hazard Abatement Districts and one who can respond quickly and efficiently as such need arises.

Monitoring will consist of visual inspection of all hazard areas on an annual basis, as specified below, and following major storms as requested by the District. Inspections will be documented by summary notes and sufficient quantity of photographs to provide a basis for comparisons in subsequent inspections.

Specifically, the following areas are identified for monitoring:

1.) Identify possible slide areas not to be repaired or graded.

2.) Identify drainageways.

3.) Identify detention basin.

4.) Identify areas of erosion and sedimentation.

5.) Identify gabion retention structures.

Monitoring will include the following:

Retention basin embankment. Visual inspection of the embankment for any signs of incipient failure, cracks, erosion, slumping, or any other modification of the surface of the embankment.

Overflow structure. Inspection of the structure for signs of erosion, siltation, or cracking.

Landslides. Inspection of repaired slopes for any signs of reactivation. Inspection of subdrain outlets for evidence of outflow. All hillslopes should be inspected for any evidence of new instability features.

Hillslope Erosion. Inspection of all hillslopes, particularly cut and fill slopes that have been revegetated. They should be inspected for signs of accelerated erosion or incipient gullying. Health of revegetation should be assessed.

Drainage Devices. All drainage ditches, inlets, outlets, subdrains and horizontal subdrains should systematically be inspected. Observations should include condition of the devices themselves, undercutting by erosion, accumulations of sediment or other debris, and evidence of any overflows.

Drainageways. Inspection of repaired and natural drainage ways. This inspection should be documented by photographs. Observations should include signs of accelerated erosion or bank undercutting, debris blockages, and excessive accumulations of tree branches or other organic debris. Inspection of repaired drainage ways should be similar to inspection of landslide repairs.

Gabion retention structures. All gabion retention structures should be systematically inspected for collection of erosion sediment and debris materials.

Aerial Photographs. Annual acquisition of aerial photographs to assess variations in surface moisture, vegetation, erosion and mud-flows. An aerial survey company will be contracted to fly color-infrared or color aerial photographs during the period from April to July. The type of photographs, scale and the exact date of the flight are determined based on the amount of rainfall during the previous winter. The color-

infrared photographs are most beneficial following a very wet winter when spring activity continues into the early summer months. As a general rule, the photographs are flown shortly after the color change of the natural grasses from green to brown exceeds 50%, this varies from year to year as a function of the amount and pattern of rainfall. For cost efficiency, this survey will best be coordinated with flights for neighboring Geologic Hazard Abatement Districts.

Monitoring may be assisted by the use of a checklist of the above items (a sample of such a checklist follows). The checklist, summary notes, and photographs could be kept in a looseleaf notebook to facilitate comparisons from year to year. For each of the above items, recommendations will be made as necessary for repairs or changes in maintenance procedures.

MONITORING CHECKLIST

Retention Basin Embankment

_____Incipient Failure_____

_____Cracks_____

_____Erosion_____

_____Slumping_____

_____Other Modifications_____

Overflow Structure

_____Erosion_____

_____Siltation_____

_____Cracking_____

Landslides

_____Reactivation_____

_____Outflow from Subdrains_____

_____New Instability Features_____

Hillslope Erosion

_____Accelerated Erosion_____

_____Incipient Gullying_____

_____Health of Revegetation_____

Drainage Devices (Ditches, Inlets & Outlets)

_____Condition_____

_____Undercutting by Erosion_____

_____Accumulation of Sediment/Debris_____

_____Evidence of Overflow_____

___

Drainageways

_____Accelerated Erosion_____

_____Bank Undercutting_____

_____Debris Blockage_____

__

7. MAINTENANCE

Regularly scheduled maintenance will focus on keeping drainage devices clear of debris and maintaining vegetation growth in revegetated areas. In addition, over the years the monitoring program will identify other periodic maintenance needs, such as repair of segments of concrete ditches that are cracked or undermined by erosion.

Initially, maintenance should be provided at the frequencies suggested below. Based on actual experiences, and on observations of the monitoring program, some maintenance items may be performed more or less frequently.

Regular maintenance tasks could include the following:

Storm retention basin (10 +/- acre ft.). The basin and embankment should be kept clear of debris. This should be done once per year prior to the winter rains and as required after monitoring as a result of major storms.

Drainage Facilities. All concrete drainage ditches, inlets, and outlets should be kept cleared of sediment and debris. Storm drains should be flushed as necessary. Cleaning and maintenance of existing surface and subsurface drainage systems, including concrete (B-58) ditches, drop inlet structures connected to the B-58 system, subdrains and

horizontal drains. The inspection, cleaning and repair of ditches and drop inlet structures is conducted during the period from June to September. In addition, periodic inspections following heavy rainfall and clean-up in response to homeowner observations, if applicable, are conducted throughout the year. The cleaning of subdrains and horizontal drains is conducted in response to the monitoring program.

Revegetated Slopes. Graded slopes should be revegetated with natural grasses, shrubs or trees. Reseeding with natural grasses necessary following any grading activity to decrease infiltration of rainfall, increase evapotranspiration and reduce erosion, thereby reducing the saturation of soils and reducing the potential for shallow mud-flows. In addition, planting of native shrubs and trees is a long-term program designed to improve the stability of slopes. Planting typically occurs from October through March. Revegetation may require the need for drip-irrigation systems for the first two or three summers until roots are established. These systems will be on timers during the summer months and should be periodically inspected for leaks. After vegetation is established, any relatively slow-growing drought-tolerant species will require very little, if any, maintenance.

Drainageways. All dead branches and any other large organic debris should be cleared from drainage ways once per year.

Gabion retention structures. Gabion retention structures should be periodically cleaned of erosion sediment and debris materials.

Access Road. Maintenance of the access road to the sanitary sewer main serving area C of Subdivision 7058 is included in the District work program. The road will be checked for erosion and stability.

Maintenance will be provided by the District staff or private contractors paid for through District funds. Their work will be specified and reviewed by the District Geologist.

8. **REPAIRS**

Repairs will be provided as necessary, based on the monitoring program. Contour grading of open space slopes and repair of mudflows, as needed, will improve the drainage and appearance of the areas and reduce erosion resulting from concentrations of run-off. Areas of intense erosion or mudflow activity are identified by field inspection and analysis of the aerial photographs. Grading is scheduled for the period from May to October, however, this will vary considerably from year to year. Other repairs that may occur during the lifetime of this subdivision include the following:

- Maintenance of retention basin embankment.
- Replacement of subdrains or reconstruction of slope repair.
- Stabilization of drainage ways, which may consist of slope reconstruction, toe stabilization, erosion control techniques, or drainage improvements.
- Construction of additional structures, if necessary, such as retaining walls, debris walls or drainage systems to protect roads or pathways.
- Repair of shallow slides on cut, fill, or natural slopes.
- Repair of erosion gullies.
- Replacement of individual drainage devices or sections of drainage ditches.
- Additional revegetation of graded slopes.

The Manager of the District will prepare a list of emergency contractors qualified to perform emergency repairs as listed above. Based on the experience of nearby GHADs, the contracting procedures are best predicated on a "time and materials" basis, with a maximum budgetary cost, with the contractor performing all work as directed by the District Geologist.

The District will not be responsible for repairs of any problems that are wholly within individual private parcels. Its primary responsibility will be for common open spaces and subdivision-wide drainage improvements. In addition, the District will pay for

repairs to private lots that occur as a result of problems that emanate from devices or open spaces under the District's authority, such as drainage facilities or hillslopes.

MPLOFCON.TRL

MAGEE RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT
PROJECTED BUDGET

		Est. Budget/yr
A.	Projected Income	
	259 lots @ $300/yr.	$ 77,700
B.	Projected Expenses	
1.	General Manager	$ 8,000
2.	Engineering geologist and geologic assistant	15,000
3.	Support services (e.g., office space, office equipment, office staff and vehicles)	--[1]
4.	Repair, maintenance and improvements (as per approved Repair, Maintenance and Improvement Program).	20,000
5.	Geologic consulting	5,000
6.	Staff services[2]	5,000
7.	Reserve	24,700
	Total	$ 77,700

[1] Included in line items 1 and 2.

[2] Assume contract services for legal, accounting & disbursements.

MAGEE RANCH G.H.A.D.
REPAIR AND MAINTENANCE PROGRAM
(Budget Assumptions)

A. Assume: during a time span of 10 years, the following work will be required:

1. Repair of 9 potential slide areas, in total, and
2. Clean-up of 11 potential clean-up areas, in total

Budget for 10-year program:

1.	Repairs:	9 projects @ $10,000/project =	$ 90,000
2.	Clean-up:	11 projects @ $ 4,000/project =	44,000
		Total 10-year budget =	$134,000

Average maintenance budget/year = $ 13,400
(say $ 13,000)
+ $7,000 misc.= $ 7,000
Estimated Total Budget/yr = $ 20,000

Additional unusual costs could be funded from the Reserve Funds which are budgeted @ $24,700/yr.

B. Assume: a "worst-year" case in a 10-year time span, the following work will be required:

1. Repair required of 3 of 9 potential slide areas
2. Clean-up required of 4 of 11 potential slide areas

Budget for "worst-year" case:

1.	Repairs: 3 projects @ $10,000 avg. cost =	$ 30,000
2.	Clean-up: 4 projects @ $4,000 avg. cost =	$ 16,000
	Estimated Total=	$ 46,000
	Miscellaneous =	$ 10,000
	Estimated maximum budget for "worst-year" =	$ 56,000

(Note: The Reserve Fund after 2 years' operations is budgeted at $49,400; for 3 years @ $74,200)

DANVILLE

July 15, 1992

Re: Notice of Public Hearing on August 4, 1992, 7:30 p.m.
Town of Danville Meeting Hall
Formation of a Geologic Hazard Abatement District (GHAD)
Magee Ranch Subdivision, Danville, CA

Dear Property Owner:

Diablo Ranch Development Company (Diablo Ranch), as the developer of the Magee Ranch Subdivision, has petitioned the Town of Danville for the formation of a Geologic Hazard Abatement District (GHAD). A copy of the petition is attached hereto.

The purpose of the GHAD is to provide for continued maintenance and repair of floodwater retention facilities, slides, and geologic conditions on the homeowner's jointly-owned open space within the subdivision.

The Town of Danville, by Resolution No. 82-92, has set a public hearing on the creation of the GHAD. Such public hearing will be at the following time and place:

August 4, 1992
7:30 p.m.
Town Council Meeting
Town Meeting Hall
201 Front Street
Danville, CA 94526.

The Petition for the formation of the GHAD attached a Plan of Control, which specifically provides a framework for the control, prevention, maintenance, and repair measures to be utilized by the GHAD. The Plan of Control provides for the levy and collection of assessments to pay for the costs and expenses of maintenance and operations under the GHAD. This Plan of Control is available for public review and copying at the front desk of the Town Offices at 510 La Gonda Way, Danville, CA 94526.

ATTACHMENT E

The purpose of the August 4, 1992 public hearing will be to determine whether or not the GHAD should be formed, and, if such GHAD will be formed, to appoint five persons as the board of directors for the GHAD. The Town Council has the option of appointing itself as such board. Alternatively, the Town Council may appoint five property owners or their representatives as the board of directors.

By law, at any time prior to, or at, the August 4, 1992 public hearing, any owner of real property within the proposed GHAD may make a written objection to the formation of the GHAD. Such objection is required to be in writing. Further, the objection must contain a description of the land owned by lot, tract, and map number, and must be signed by the land owner. Such objections may be mailed or hand-delivered to the Town, or hand-delivered at the August 4, 1992 hearing; however, they must be received prior to the end of such August 4 hearing.

The Town's address for the purpose of mailing or hand-delivering objections prior to the hearing is as follows:

Town of Danville
Attn: Steven C. Lake
City Engineer
510 La Gonda Way
Danville, CA 94526

If you challenge the Town's decision on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence at or prior to the public hearing.

If you have any questions regarding this notice, I can be reached at 820-1080.

Very truly yours,

Steven C. Lake
City Engineer

SCL:sn

Attachments: Petition
Resolution 82-92

nd Carol Erbert
ked Pine Court
nville, CA 94526
ot 13

Martin & Lucille Everson
16 Whispering Oaks Lane
anville, CA 94506
Lot 28

Ira and Pamela Finch
342 Jacaranda Drive
Danville, CA 94506
Lot 29

David and Corrine Davis
627 Canyon Crest Road East
San Ramon, CA 94583
Lot 30

Sam and Darcy Edge
103 Sunhaven Road
Danville, CA 94506
Lot 44

Douglas and Marilyn Severance
105 Sunhaven Road
Danville, CA 94506
Lot 45

James and Beverly Losi
107 Sunhaven Road
nville, CA 94506
46

Chuck and Ann Lehr
109 Sunhaven Road
Danville, CA 94506
Lot 47

Alfred and Theresa Johnson
1 Sunglen Way
Danville, CA 94506
Lot 48

Stephen and Kathryn Vigar
3 Sunglen Way
Danville, CA 94506
Lot 49

Kent and Heather Rezowalli
2 Sunglen Way
Danville, CA 94506
Lot 50

Ding and Eleanor Tam
111 Sunhaven Road
Danville, CA 94506
51

Arnold and Janice Chung
115 Sunhaven Road
Danville, CA 94506
Lot 52

Paul and Carol Rioux
117 Sunhaven Road
Danville, CA 94506
Lot 53

Rene and Linda Lazure
114 Sunhaven Road
Danville, CA 94506
Lot 54

George and Gloria Everett
121 Sunhaven Road
Danville, CA 94506
Lot 55

James and TinaMarie O'Donnell
12 Roxbury Court
Alamo, CA 94507
Lot 68

Paul and Melinda Walker
16170 Jasmine Way
Los Gatos, CA 95032
Lot 69

Larry and Terry Kimmelman
18 Sandstone Court
Alamo, CA 94507
Lot 70

Herbert and Ann Wilson
128 Sunhaven Road
Danville, CA 94506
Lot 77

Juan and Kerstin Gutierrez
118 Sunhaven Road
Danville, CA 94506
Lot 80

John and Diane Harrington
116 Sunhaven Road
Danville, CA 94506
Lot 81

Theodore and Joan Toch
114 Sunhaven Road
Danville, CA 94506
Lot 82

Carl and Donna Stewart
110 Sunhaven Road
Danville, CA 94506
Lot 84

David and Deborah Ferguson
108 Sunhaven Road
Danville, CA 94506
Lot 85

Walt and Teri Kaczmarek
106 Sunhaven Road
Danville, CA 94506
Lot 86

Robert and Ann Valone
104 Sunhaven Road
Danville, CA 94506
Lot 87

Gerald and Carrie Burchard
102 Sunhaven Road
Danville, CA 94506
Lot 88

Branagh Development
1499 Danville Boulevard, Suite 100
Alamo, CA 94507
Lots 9, 16, 20, 21

Cole Construction
944 Allview Avenue
El Sobrante, CA 94803
Attn: Jerry Cole
Lot 3, 18

Concept II Construction
154 East Prospect Avenue
Danville, CA 94526
Attn: Gary Vilhauer
Lots 2, 22, 24

Earl B. Driggs Jr. Inc.
23 Brooktree Drive
Danville, CA 94506
Attn: Earl B. Driggs, Jr.
Lots 1, 14

Garcia Development Company
112 Warwick Court
Alamo, CA 94507
Attn: Don Garcia
Lots 19, 23

Gordon French Construction
23 Altarinda Road
Orinda, CA 94563
Attn: John French
Lots 25, 34, 35

Midway Development, Inc.
70 Cunha Court
Oakley, CA 94561
Attn: Terry Plambeck
Lots 7, 17, 26, 32

RKH Contractors, Inc.
5729 Sonoma Drive, Suite H
Pleasanton, CA 94566
Attn: Richard K. Humphries
Lots 8, 27

ATTACHMENT F

Item 16
submitted
at mtg 8/4/92
7:40
pm

POPELKA, ALLARD, McCOWAN & JONES

ROBERT J. POPELKA
PHILIP R. McCOWAN
EUGENE P. LA MORE
JAMES N. SINUNU
THOMAS S. BRAZIER
JOHN M. INGLE
DAVID A. CENA
DAVID J. BECHT
RAYMOND E. RIGGLE
TIMOTHY D. McMAHON
JOHN P. CARDOSI
JEFFRY W. LOCHNER
KURT D. GESKE
SUSAN P. GREY
LYNN C. STUTZ
WILLIAM J. HEALY
BRIAN E. HAWES
CYNTHIA SANDBERG
DANIEL J. SMITH
DANIEL P. WHITE

BERNARD J. ALLARD
JAMES C. JONES, JR.
FRANKLIN E. BONDONNO
BRUCE NYE
JAMES C. HYDE
NANCY R. SWEATT
MARC L. SHEA
PAUL R.H. WALKER
JOHN E. RIDDLE
CHRISTOPHER B. BRUNI
BARBARA R. ADAMS
MELINDA A. KNUPP
MARC. L. PINCKNEY
WINIFRED BOTHA
DOUGLAS G. WAH
ROBIN L. PEARL
JAMES L. LAUFMAN
FADLO MOUSALAM
BABETTE J. BOYD

ATTORNEYS AT LAW

160 W. SANTA CLARA STREET
SUITE 1300
SAN JOSE, CALIFORNIA 95115-0036
TELEPHONE (408) 298-6610
FACSIMILE (408) 275-0814

SAN FRANCISCO OFFICE
ONE JACKSON PLACE
633 BATTERY STREET, FIFTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 982-8955
FACSIMILE (415) 982-2042

August 4, 1992

Town Council
TOWN OF DANVILLE
510 La Gonda Way
Danville, California 94526

HAND DELIVERY

Re: Public Hearing/Resolution No. 82-92
Formation of a Geologic Hazard Abatement District (GHAD)
Magee Ranch Subdivision; Danville, California 94506

Dear Town Council:

My wife and I own Lot 69, Magee Ranch Subdivision, as shown on the Map of Subdivision 7058, filed October 10, 1989, in Book 338 of Maps at page 19; as further shown on the Map of Subdivision 7058, filed February 19, 1992, in Book 215 of Maps at page 32, Contra Costa County Records. The street address is 144 Sunhaven Road, Danville, California 94506.

Should a GHAD be formed I understand that pursuant to Public Resources Code §26567, the Council has a choice of appointing either: 1) five owners of real property within the GHAD; or 2) the Council, as the GHAD Board of Directors.

The fullest extent of self-governance is requested. Objection is made to any course of action except appointment of five owners of real property to the GHAD Board of Directors. Otherwise, there is no possibility to transfer jurisdiction later under current law.

Very truly yours,

PAUL R. H. WALKER

PRHW:ara
cc: Steven C. Lake
City Engineer
PWLTR\TOWN.CON