HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

HAYWARD, CALIFORNIA

PLAN OF CONTROL FOR ERSTED PROPERTY, TRACT 8439

SUBMITTED TO
Hayward Tennyson Land, LLC
3255 West March Lane, Suite 400
Stockton, CA 95219

PREPARED BY
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PROJECT NO.
15342.000.000

ENGEO
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1.0 AUTHORITY AND SCOPE

Under Condition of Approval No. 46 for the Ersted Property, Tract 8439 ("Project"), the City of Hayward has required that the Project be annexed into the existing Hayward GHAD prior to recordation of the final map for the Project. To satisfy this requirement, the current owner of the Project has petitioned the Hayward GHAD Board of Directors for annexation into the existing Hayward GHAD ("GHAD" or "District").

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control or a geologic hazard (*Pub. Res. Code § 26500, "GHAD Law")*. GHAD Law gives local agencies the authority to form districts that could speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Pub. Res. Code § 26507*). Consistent with GHAD Law, on March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving and forming the Hayward GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The Hayward City Council members serve as the Board of Directors of the Hayward GHAD. The La Vista (The Reserve) development is also included within the Hayward GHAD; however, the La Vista development has its own plan of control.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth

1.1 PROPERTY IDENTIFICATION

The land within the proposed GHAD annexation boundary ("GHAD Annexation Area") is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The GHAD Annexation Area includes all areas within the proposed Project. The legal description of the land to be included within the GHAD Annexation Area is included in Appendix B, Exhibit A. Current Assessor's Parcel Numbers (APN) within the GHAD Annexation Area include 078C-0461-001-13 and 078C-0461-001-14.

2.0 BACKGROUND

2.1 ERSTED PROPERTY

The Project includes 59 duplex and triplex townhome units. Additional improvements and parcels include private streets, open-space parcels, proposed GHAD-owned open-space parcels, landscape parcels, a water quality/flow control basin, a trail, a dual-use detention basin, and a water quality/detention basin. The Project covers a total of 17.23 acres. Site access to the Project will be via Tennyson Road along the northwestern portion of the Project.

As described in this Plan of Control, the GHAD has responsibilities throughout the entire GHAD Annexation Area and has additional responsibilities within the within Open Space Parcels L and M as described in Section 2.2.

2.2 OPEN SPACE

Title for parcels within the GHAD Annexation Area labeled L and M (collectively, the "GHAD Parcels") (shown in Appendix B, Exhibit B) are proposed to be conveyed to the GHAD as provided in Sections 6.3 and 6.4 below. As the open space within and immediately adjacent to the Project is an amenity that benefits all of the property owners within the Project, the funding of the maintenance of the open space will be shared by all current and future owners of residential parcels within the GHAD Annexation Area. The proposed GHAD Parcels are approximately 11.46 acres in area. Two wetland areas are partially or completely located within Parcel M. GHAD responsibilities for the wetland areas are similar GHAD responsibilities within other open space area in the Annexation Area.

Within the GHAD Parcels, the GHAD will assume responsibilities that relate to its position as a GHAD and duties as a responsible landowner. The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes the maintenance of drainage facilities and associated improvements. This will include the monitoring and maintenance of drainage facilities that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include concrete-lined drainage ditches and open-space storm drain facilities.

The GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6) within the Project in accordance with Section 5. The GHAD will also perform maintenance of water control and conveyance facilities and assume other peripherally related open-space responsibilities, such as vegetation management for fire suppression, trail maintenance, and selected other maintenance activities associated with the GHAD Parcels. Additionally, the GHAD shall have the right to approve any construction, maintenance, or repair in the GHAD Parcels that the GHAD determines has the potential to impact geologic stability.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

The Project is located within the Coast Ranges geologic province of California, a series of northwest-trending ridges and valleys. Bedrock in the province has been folded and faulted during regional uplift beginning in the Pliocene period, roughly 4 million years before present. Geologic maps of the area prepared by Graymer and others (1995) indicate the Ersted property is underlain by Franciscan Complex Rocks and the Jurassic Age Knoxville formation (Berlogar Stevens and Associates (BSA, 2017)).

3.1.1 Artificial Fill

Areas of pre-existing fills have been noted on and upslope of a ridge within the Development Area (BSA, 2017). BSA provided recommendations that non-engineered fill below the proposed lots, slopes and other improvements be removed and replaced with engineered fill.

3.1.2 Residual Soil

Residual natural soils, derived by weathering of the underlying parent bedrock, were reported west of the Project where elevations are below 50 feet above mean sea level. The residual soils generally consist of dark brown to red-brown dry, medium stiff to stiff silty clay and sandy clay (BSA, 2017).

3.1.3 Landslide Deposits

A landslide was identified by BSA during the referenced geotechnical investigation (BSA, 2017). The landslide is located in the area of a proposed engineered fill slope for the Development Area. As recommended in the geotechnical investigation report, the landslide material will be removed and replaced with subdrained engineered fill as part of the corrective grading work.

3.2 BEDROCK

As mentioned above, the Ersted Property is underlain by bedrock of the Franciscan and Knoxville formations.

3.2.1 Franciscan Complex Bedrock

Franciscan Complex rocks are described as sheared and metamorphosed greywacke, shale, mafic volcanic rock, chert, ultramafic rock, limestone and conglomerate (BSA, 2017).

3.2.2 Knoxville Formation

The Development Area is reportedly underlain by interbedded brown to black shale and brown to greenish-gray greywacke sandstone identified as Knoxville formation. Exposures of the Knoxville formation are reported to be generally weak to moderately strong, highly fractured to crushed, and thinly bedded (BSA, 2017).

3.3 GROUNDWATER

Several springs were observed in the vicinity of quarry cut slopes during previous field reconnaissance activities and during grading for the adjacent La Vista development. An extensive array of subdrains were installed as part of the corrective grading for the La Vista development. Groundwater was encountered in exploratory Trenches T-7, T-9, and T-10 excavated along the northeastern edge of the Development Area at a depth of 4 feet below the ground surface (BSA, 2017). Groundwater was encountered in Boring B-6 advanced in 2017 at a depth of 27 feet below the ground surface. It should be noted that fluctuations in groundwater levels occur seasonally and over a period of years because of variations in precipitation, temperature, irrigation, and other factors.

3.4 SEISMIC SOURCES

Approximately one-half of the Project area lies within the mapped Alquist-Priolo Earthquake Fault Hazard Zone for the Hayward Fault, established by the California Geological Survey (CGS). A geologic map of the Project, including the location of the Hayward Fault zone as determined by site-specific mapping, is shown on Figure 1 in Appendix A. The fault zone consists of a band of sheared soil and rock designated by BSA as the "concentrated fault zone". BSA logged two additional shear zones outside the main "concentrated fault zone". BSA recommended setbacks from the "BSA Fault A" and "BSA Fault B" that establishes the Development Area.

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the Project. The Hayward Fault is considered capable of generating an earthquake with a maximum moment magnitude of 7.1. Other seismic sources near the Project include the Calaveras Fault (approximately 7 miles to the northeast) and the San Andreas Fault (approximately 16 miles to the southwest). The Calaveras Fault is considered capable of generating an earthquake with a maximum moment magnitude of 6.8, and the San Andreas Fault is considered capable of generating an earthquake with a maximum moment magnitude of 7.9.

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the Project in the referenced geotechnical investigation and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Fault rupture and creep
- Seismically induced ground shaking
- Expansive near-surface soils
- Existing uncompacted fill
- Shallow groundwater

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the GHAD Annexation Area. This is not unique to this Project, but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6 and 7.

In the referenced geotechnical investigation, a small landslide was noted above a swale along the southern property limit. The landslide is located in the area of a proposed engineered fill slope. As recommended in the geotechnical investigation report, the landslide material will be removed and replaced with subdrained engineered fill as part of the corrective grading work.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along

discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly “complex landslides,” sliding, falling and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within open space areas are natural landforms that do not require mitigation except where they affect man-made improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements (as defined in Section 11.0). Maintenance and monitoring of these areas is described in Section 9. Potential mitigation and repair measures for GHAD areas near development are discussed in Section 7.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces, and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clays, by solution and crystallization of salts, by the growth of roots, by burrowing animals and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD shall also be concerned with erosion and sedimentation in open space or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain open space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD, particularly those in excess of 20 feet in vertical height or those not sufficiently vegetated, can be subject to erosion and therefore a source of transported sediment.

4.1.1 Fault Rupture and Creep

With the Hayward fault and its associated splays crossing the Project, there is a hazard of primary fault rupture in the event of an earthquake on the Hayward fault. A moderate to strong earthquake could result in lateral and/or vertical offset, which could pose an adverse impact to structures and improvements. Additionally, the Hayward Fault may experience slow-moving offset, or creep, during the design life of the development. To mitigate the hazard of fault rupture and creep beneath development envelope, 50-foot-wide structural setbacks have been established centered on the Hayward fault and on mapped splays. As identified in the geotechnical investigation (BSA, 2017), with the designated setbacks, the potential for ground rupture within the development area is low. Practical measures to reduce the potential for disruption of utilities due to fault creep or fault rupture at fault crossings should be undertaken.

4.1.2 Seismically Induced Ground Shaking

As identified in the geotechnical investigation report, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at the Ersted property, similar to that which has occurred in the past. To mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

Seismic slope stability analysis was incorporated in the corrective grading plans for the graded portions of the properties; however, seismically generated slope failures could occur in open space areas outside of the development limits. Proposed catchments, including debris benches, berms, and runout areas, will be maintained to reduce the potential for impacts to the project from upslope failures.

4.1.3 Expansive Near-Surface Soils

Fine-grained near-surface soils at the site could exhibit a moderate to high potential for expansion. These potentially expansive soils could impact the planned site development. Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements and structures founded on shallow foundations. The potential for expansive soils has been identified in the geotechnical report for the property. Shrink and swell of expansive soils on slopes are a portion of the mechanism of creep movement which can result in shallow slope instability. Within the open space area, slope instability caused by expansive soil creep will be addressed by the GHAD subject to the exceptions in Section 5.0.

4.1.4 Existing Uncompacted Fill

As identified in the referenced geotechnical investigation report, uncompacted fill exists from past exploratory excavations and from past onsite grading activities. As recommended, undocumented fill materials in the northeastern area and within the development area will be removed during corrective grading.

4.1.5 Shallow Groundwater

As identified in the referenced geotechnical investigation report, groundwater was encountered as shallow as 4 feet below the existing ground surface within the northern and northeastern Development Area. As recommended in the referenced geotechnical investigation report, deep

subdrains should be installed along the northern and northeastern limits of the development area. Additional subdrains are planned on fill slopes, retaining walls and as recommended by the geotechnical engineer.

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In forming the GHAD and establishing the assessment levels and budgets for the Project, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD will accept responsibility for property as described in Section 6 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION

The GHAD shall not have responsibility to monitor, abate, mitigate or control slope instability that does not involve damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, public and private roads, sidewalks, utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

5.2 SINGLE PROPERTY

The GHAD will not prevent, mitigate, abate or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant threat of damage to Site Improvements located on other property within the GHAD Annexation Area. This exclusion does not apply to geologic hazards existing on (i) open space property owned by any homeowner's associations or (ii) the GHAD-owned parcels.

5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents or employees in developing, investigating, grading, constructing, maintaining or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

5.4 PROPERTY NOT ACCEPTED

The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address damage to, or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6. Should the District be required to respond

to a geologic hazard outside the GHAD Annexation Area, the District may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating or controlling such geologic hazard from the responsible party, if any.

5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT

The GHAD may elect not to prevent, mitigate, abate or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.

5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS

In the event a residence or any other structure, Site Improvement or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating or controlling the geologic hazard responsible for the damage[1]. In the event the geologic hazard damaged or destroyed a structure, Site Improvement or landscaping which violated any provisions of the City Building Code or City Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding, or reimbursement to the property owner, for repair or replacement of the damaged structure, Site Improvement or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.

5.8 APPEALS PROCEDURE

If a property owner does not agree with a decision of the GHAD Manager within Section 5, the property owner may request a reconsideration of the decision. The property owner shall, within thirty (30) days of the decision, file with the GHAD Clerk a brief summary of the facts of the matter, the decision being appealed, and the grounds for the appeal. The GHAD Manager will present the request to the Board with an explanation of the basis of the GHAD Manager’s decision, and

[1] For example, if a landslide causes $10,000 in structural damage to each one of four neighboring homes for a total of $40,000 in structural damage and it costs the GHAD $100,000 to design and install a new retaining wall to abate the slide, the District may only reimburse each property owner $2,500 of their $10,000 in structural damage.

the property owner's requested relief. The Board will decide based on a majority vote. The GHAD Manager will proceed based on the direction of the Board.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment should be promptly authorized on all residential parcels within the Project as shown on Appendix B, Exhibit B which will generate funding for the GHAD Activities. . The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a building permit for that parcel.

6.2 RESPONSIBILITY FOR GHAD ACTIVITIES

Hayward Tennyson Land, LLC currently owns all the parcels shown on the Vesting Tentative Subdivision Map and shall have the responsibility to perform all the activities of the GHAD on the property within Subdivision 8439. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and the GHAD accepting maintenance responsibility of the GHAD activities as defined in Section 7 below will allow the District to accumulate reserve funds without incurring significant expenses.

6.3 OWNERSHIP OF THE OPEN SPACE

Ownership of the GHAD Parcels (L and M shown on Appendix B, Exhibit B) is proposed to be conveyed by the Developer to the GHAD at the end of the transfer process described in Section 6.4, which shall be the date the GHAD becomes responsible for oversight of the actual physical maintenance of the GHAD Parcels as provided in this Section. The Developer shall record a grant deed transferring fee title to the GHAD for the GHAD Parcels. The grant deed(s) must first be reviewed and approved by the GHAD Manager and GHAD Attorney.

6.4 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for one or both of the GHAD Parcels, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows:

1. Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities (as such term is defined in Section 7.0 herein below) for such Parcel(s) to the District.

2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been approved, constructed and maintained according to the City of Hayward approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.

3. Within 15 days of such inspection, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired or otherwise modified in order to comply with the city-approved plans and specifications.

4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the District accepts responsibility for performing all future GHAD activities on such Parcel(s).

5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney and as discussed in Section 12.

7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the GHAD Parcel(s) to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining the GHAD parcels or any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. Hayward Tennyson Land, LLC will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

7.0 HAYWARD GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the Project. The GHAD will assume monitoring and maintenance responsibilities for the following site facilities and activities ("GHAD Activities"):

- General maintenance of the surface drainage improvements within the GHAD Annexation Area with the exception of the water quality/flow control basin. The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, storm drain inlets and outlets in open space, subdrain outlets, and risers.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any.

- Maintenance of existing property line/boundary fencing on Parcels L and M.

- Debris benches and or catchment structures.

- Storm drain inlets, outfalls and pipelines within Parcels L and M.
- Maintenance including trails within Parcels L and M.
- Slopes.
- Vegetation control for fire suppression on Parcels L and M.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.
- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g. underdrains or horizontal drilled drains).
- Slope correction (e.g. gradient change, biotechnical stabilization, slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system.

8.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing his or her discretion, based upon available funds and the approved operating budget. When available funds are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority:

(A) Prevention, mitigation, abatement or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.

(B) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas or restroom buildings.

(C) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage to open space amenities.

(D) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.

(E) Prevention, mitigation, abatement or control of geologic hazards existing entirely on open-space property and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7.0 shall be inspected by GHAD staff or GHAD-assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting documents prepared for the Project and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall.

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures. Open space slope area monitoring would include observation of debris benches. The removal of accumulated debris from the bench, including rockfall material, should be undertaken in a manner that maintains the capacity of the bench to protect Site Improvements.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of lined surface ditches. Repairs and maintenance, as needed, should be

undertaken including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.

- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.

- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.

- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.

- Inlets, outfalls or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every two (2) years, cleanup of vegetation and removal of silt would be in order. Attention should be given to plantings or other obstructions which may interfere with access by power equipment.

- Retaining walls should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.

- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table. Parcel designations are derived from the final map (Reference 6).

TABLE 10.0: THE ERSTED PROPERTY
Long-Term Ownership and Management Matrix

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	TENTATIVE MINIMUM ACCEPTANCE DATE	OWNERSHIP
1. Developed Area				
a. Single-Family Residential Parcels – Duplex and Triplex (59 units)	Privately Owned and Maintained			
b. Common Area Parcels (“C”, “D”, “E”, “F”, “G”, “H”, “J”, and “K”)	Homeowner’s Association (HOA)	HOA	Not Applicable	HOA
c. Roads and Bridges (Parcels “A”, “B”, “N”, “O”, “P”, and “Q”)				
i. Court “A”, “B” and Drive Aisles “N” through “Q”	HOA	HOA	Not Applicable	HOA
ii. Bridge	HOA	HOA	Not Applicable	HOA
iii. Storm Drain Improvements	HOA	HOA	Not Applicable	HOA
d. Water Quality/Flow Control Basin (Parcel “I”)				
i. Ornamental Landscape Maintenance and Replacement	HOA	HOA	Not Applicable	HOA
ii. Functional Maintenance, Repair, and Replacement	HOA	HOA	Not Applicable	HOA

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	TENTATIVE MINIMUM ACCEPTANCE DATE	OWNERSHIP
2. GHAD-Owned Parcels – Landowner Responsibilities				
Pretransfer Period				
a. Parcels “L” and “M”				
i Gates, Fencing, and Signage	Developer	Private Funding	3 Years	Developer
ii General Maintenance including Graffiti and Litter Removal	Developer	Private Funding	3 Years	Developer
iii Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
Post Transfer Period				
a. Parcels “L” and “M”				
i Gates, Fencing, and Signage	GHAD	Assessment	Perpetual	GHAD
ii General Maintenance including Graffiti and Litter Removal	GHAD	Assessment	Perpetual	GHAD
iii Vegetation Management for Fire Suppression	GHAD	Assessment	Perpetual	GHAD

11.0 GLOSSARY

Development Area – General area of residences and associated improvements shown on Figure 1.

Engineer's Report – The document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth (Section 26507).

Geologic Hazard Abatement District (GHAD) Manager – An entity employing a licensed Geotechnical Engineer who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is hired by and reports to the GHAD Board of Directors.

Site Improvements – Buildings, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

12.0 RIGHT-OF-ACCESS

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the GHAD Annexation Area as shown on Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring of those improvements listed in Section 7.0. Should the District need to access private residential lots to fulfill its duties under the Plan of Control, the District shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the District, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the District shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded in the chain of title for all Project residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area.

SELECTED REFERENCES

1. Berlogar Stevens and Associates, Design Level Geotechnical Investigation, Proposed Residential Development, Tennyson Property – APN 078C-0461-001-013, Tennyson Road East of Mission Boulevard, Hayward, California; October 17, 2017; Project No. 3823.102.

2. Hayward, City of, Resolution No. 16-030 – Ordering Formation of the Hayward Geologic Hazard Abatement District (GHAD) and Appointing the Members of the Hayward City Council to Act as the GHAD Board of Directors, March 1, 2016.

3. Hayward, City of, Resolution No. 18-030 – Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving the Planned Development Rezone with a Vesting Tentative Tract Map Pertaining to Construction of 59 New Townhome Residences at a site south of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive, 2018.

4. Hayward Planning Division, City of, Planning Commission Application No. 201705848, Vesting Tentative Map 8439, PD Rezone and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program Conditions of Approval.

5. The Grupe Company, Vesting Tentative Tract Map, Ersted Property – Tract 8439, City of Hayward, California, October 2, 2017 with latest revision April 23, 2018.

6. Wood Rodgers, Final Map (Draft), Tract 8439, City of Hayward, County of Alameda, State of California, Job No. 3121015, November 2018.

APPENDIX A

FIGURE 1: Site Plan
FIGURE 2: Preliminary Corrective Grading Plan

FAULT "C"

FAULT "B"

FAULT "A"

FAULT "D"

SUSPECTED FAULT "E"

HAYWARD CONCENTRATED FAULT ZONE (BGC, 2001)

ENGEO FAULT "F"

BSA FAULT A

BSA FAULT B

APN 078C-0461-001-13

N

0 50

1"=50'

EXPLANATION

- PROPERTY LINE
- 1 1' CROSS SECTION LOCATION
- B-6 BORING LOCATION
- DEVELOPMENT AREA
- T-12 TRENCH LOCATION (BSA, 2017)
- TP-5 TEST PIT LOCATION (THIS STUDY)
- L2 (2012) APPROXIMATE TRENCH LOCATION (C&A 2012)
- ET-3 APPROXIMATE TRENCH LOCATION (ENGEO, 2005)
- T-16 APPROXIMATE TRENCH LOCATION (BERLOGAR GEOTECHNICAL CONSULTANTS, 2001)
- TR8 APPROXIMATE TRENCH LOCATION (EARTH SYSTEMS CONSULTANTS, 1980)
- T4 (1975) APPROXIMATE TRENCH LOCATION (JUDD HULL & ASSOCIATES, 1975)
- T-4 APPROXIMATE TRENCH LOCATION (SOIL ENGINEERING CONSULTANTS, 1973)
- SOUTHWESTERN LIMIT OF EARTHQUAKE FAULT HAZARD ZONE (STATE OF CALIFORNIA, 1982)
- APPROXIMATE FAULT LOCATION (BERLOGAR STEVENS & ASSOCIATES (2017)
- APPROXIMATE FAULT LOCATION (BERLOGAR GEOTECHNICAL CONSULTANTS, 2001)
- APPROXIMATE FAULT LOCATION (ENGEO, 2013)
- APPROXIMATE FAULT LOCATION (ENGEO, 2005)
- APPROXIMATE FAULT LOCATION (SOIL ENGINEERING CONSULTANTS, 1973)
- 66 STRIKE AND DIP OF SHEAR (ENGEO, 2005)
- 37 STRIKE AND DIP OF SHEAR (SOIL ENGINEERING CONSULTANTS, 1973)

BASE MAP SOURCE: BERLOGAR STEVENS & ASSOCIATES

ENGEO Expect Excellence

SITE PLAN
ERSTED ANNEXATION - GHAD PLAN OF CONTROL
HAYWARD, CALIFORNIA

PROJECT NO.: 15342.000.000
SCALE: AS SHOWN
DRAWN BY: EJ CHECKED BY: HT

FIGURE NO. 1

ORIGINAL FIGURE PRINTED IN COLOR

N

0 25 50 100

SCALE: 1"=50'

PILE LOCATION 2
TOP: 225'
FILL: 18,490 C.Y.

PILE LOCATION 1
TOP: 190'
FILL: 15,250 C.Y.

WATER QUALITY/ FLOW CONTROL BASIN BOT=118.0

WETLAND

WETLAND

COURT A

DRIVE A

COURT B

DRIVE A

SC FAULT TRACE

SC FAULT TRACE

1

1'

2

2'

3

3'

4

4'

C

F

EXPLANATION

- PROPERTY BOUNDARY
- 4 — 4' SECTION LOCATION
- APPROXIMATE CUT/FILL LINE
- BURIED MSE RETAINING WALL (DEPTH TO BE DETERMINED)
- CUT/FILL TRANSITION LOTS OVEREXCAVATE 4 FEET
- KEYWAY WITH SUBDRAIN MINIMUM 30 FEET WIDE AND 10 FEET DEEP
- KEYWAY WITH SUBDRAIN MINIMUM 20 FEET WIDE AND 10 FEET DEEP
- GEOGRID REINFORCED KEYWAY WITH SUBDRAIN MINIMUM 30 FEET WIDE AND 10 FEET DEEP
- GEOGRID REINFORCED KEYWAY WITH SUBDRAIN MINIMUM 20 FEET WIDE AND 10 FEET DEEP
- KEYWAY SUBDRAIN

BASE MAP SOURCE: BERLOGAR STEVENS & ASSOCIATES

ENGEO Expect Excellence

PRILIMINARY CORRECTIVE GRADING PLAN
ERSTED ANNEXATION - GHAD PLAN OF CONTROL
HAYWARD, CALIFORNIA

PROJECT NO.: 15342.000.000
SCALE: AS SHOWN
DRAWN BY: EJ CHECKED BY: HT

FIGURE NO. 2

ORIGINAL FIGURE PRINTED IN COLOR

APPENDIX B

EXHIBIT A
LEGAL DESCRIPTION
Geologic Hazard Abatement District, Ersted Property – Tract 8439

EXHIBIT B
Plat to Accompany Legal Description

EXHIBIT "A"

LEGAL DESCRIPTION
GEOLOGIC HAZARD ABATEMENT DISTRICT
ERSTED PROPERTY - TRACT 8439

REAL PROPERTY IN THE CITY OF HAYWARD, ALAMEDA COUNTY, AND STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS 1-59 INCLUSIVE AND PARCELS "A" THRU "Q" INCLUSIVE AS SHOWN ON THAT CERTAIN MAP, TRACT MAP 8439, FILED FOR RECORD ON _____, IN BOOK ___ OF PAGES _____, ALAMEDA COUNTY RECORDS.

CONTAINING AN AREA OF 17.21 ACRES MORE OR LESS.

THIS DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

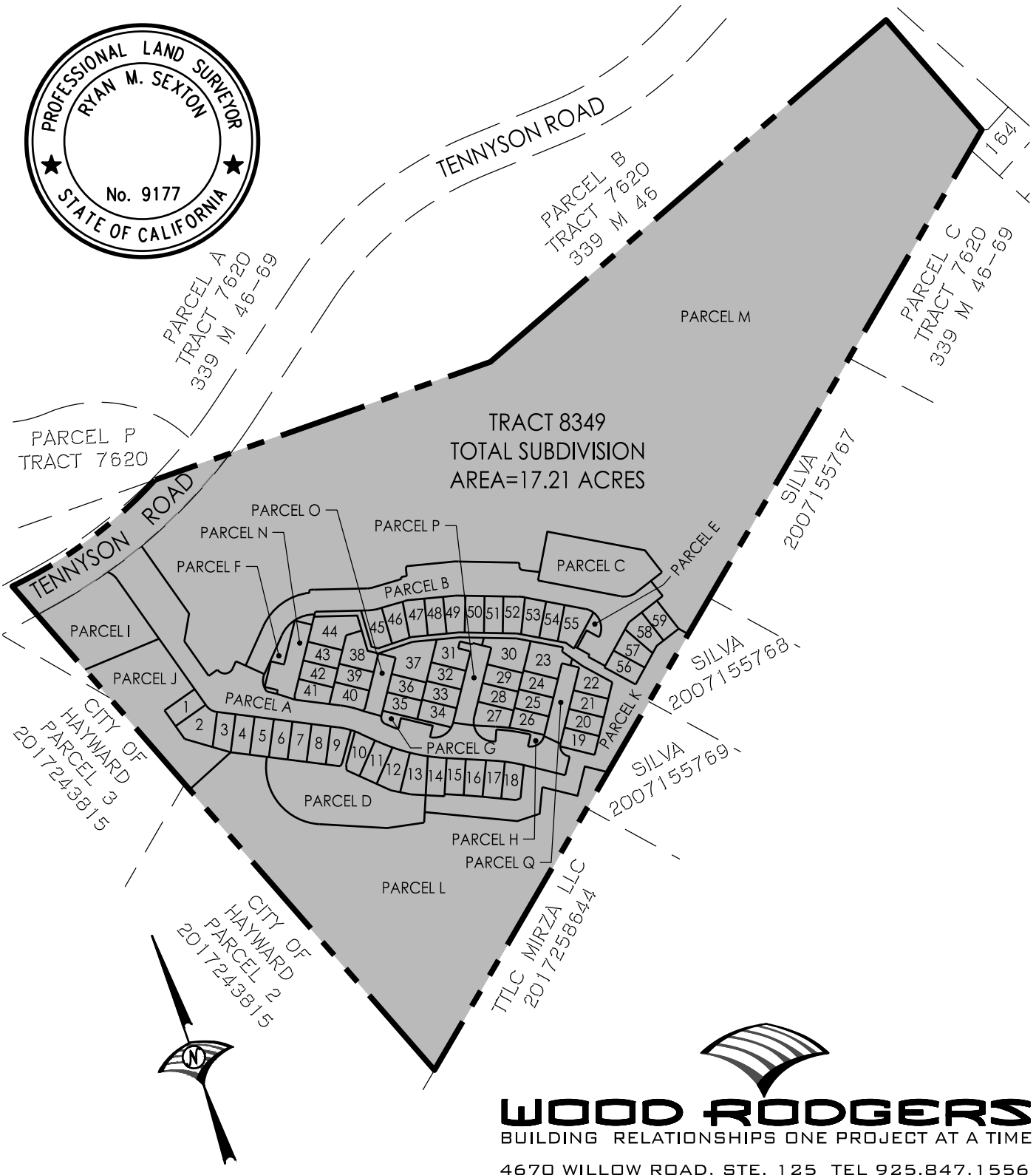
_____
RYAN M. SEXTON / PLS 9177
DECEMBER 13, 2018

EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

GEOLOGIC HAZARD ABATEMENT DISTRICT
ERSTED PROPERTY - TRACT 8439
CITY OF HAYWARD
COUNTY OF ALAMEDA STATE OF CALIFORNIA

PROFESSIONAL LAND SURVEYOR
RYAN M. SEXTON
No. 9177
STATE OF CALIFORNIA



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, STE. 125 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

DEC 13, 2018 3121020 SHEET 1 OF 2

J:\Jobs\3121_015_Tennyson - Hayward\3121_015_Tennyson - Hayward-OA\Geomatics\docs\Plats_Descriptions\GHAD-PLAT.dwg 12/13/2018 9:48 AM Ryan Sexton

APPENDIX C

Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Hayward Geologic Hazard Abatement District
777 B Street
Hayward, CA 94541
Attn: Miriam Lens

DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District (the "Declaration") is made this _____ day of _____, 2019 (the "Effective Date"), by, Hayward Tennyson Land, LLC, a California limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in the City of Hayward, County of Alameda, State of California, more particularly described as Subdivision 8439, filed on __, 20__ in Book _ of Parcel Maps, at pages __, all in the Official Records of Alameda County, California (the "Property").

B. The City of Hayward approved a 59-lot residential subdivision on the Property. A condition of approval for Subdivision 8469 was that the Property be annexed into the Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "District").

C. Under the authority of California Public Resources Code section 26500, et seq., the Hayward City Council on March 1, 2016 adopted Resolution No. 16-030 forming and establishing the Hayward GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 2019, the Hayward GHAD adopted Resolution No. 19-__, approving annexation of the Property into the Hayward GHAD.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of Hayward GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Hayward GHAD. The Board of Directors of the Hayward GHAD are the members of the Hayward City Council. Pursuant to the Plan of Control for Annexation of the Property to Hayward GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Hayward GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement and control of potential geologic hazards on the Property. The powers of the Hayward GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Hayward GHAD to be imposed on the Property pursuant to adopted Resolution 19-__.

2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Hayward GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Hayward GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Hayward

GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Hayward GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarant hereby grants the Hayward GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit A, and legally described in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls and pipelines; (b) the monitoring, maintenance and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Hayward GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Hayward GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Hayward GHAD accepts such responsibilities consistent with the Plan of Control.

4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.

5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify Hayward GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Hayward GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.

6. Enforcement: The Hayward GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.

7. Modification or Termination: This Declaration shall not be modified, amended or terminated without the written consent of the Hayward GHAD.

Executed as of the Effective Date.

Declarant: Hayward Tennyson Land, LLC, a California limited liability company

By: _____

Its: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Hayward Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20__ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. __-__, dated _____, 20__. The City of Hayward, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

_____
Eric Harrell
Hayward GHAD Manager

Date:

Attest:

_____
Miriam Lens
Hayward GHAD Clerk

Approved as to form:

_____
Patricia E. Curtin
Hayward GHAD Attorney

ENGEO
Expect Excellence