

**HAYWARD  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**TO: Hayward GHAD Board of Directors**

**FROM: GHAD Manager, ENGEO Incorporated, Haley Ralston  
GHAD Attorney, Fennemore Wendel, Amara Morrison**

**BOARD MEETING DATE: November 19, 2024**

**SUBJECT: Approve Transfer of Plan of Control Responsibilities for All Parcels within The Hideaway Development from Hayward Tennyson Land, LLC to the Hayward Geologic Hazard Abatement District (GHAD) and Authorize the GHAD Manager to Accept Title to Assessor's Parcel Number (APN) 78C-806-4 (Parcel L) and APN 78C-807-1 (Parcel M) in Tract 8439**

**RECOMMENDATION(S):**

Staff recommends that the Hayward GHAD Board of Directors adopt Resolution 24-02 approving the transfer of Plan of Control responsibilities for all parcels within the Hideaway development (Tract 8439) and accept fee title for APN 78C-806-4 (Parcel L) and APN 78C-807-1 (Parcel M) in the Hideaway development from Hayward Tennyson Land, LLC (Developer) to the Hayward GHAD.

**SUMMARY:**

As part of the formation of the GHAD, the GHAD Board of Directors approved a Plan of Control and Engineer's Report for the Hideaway development (Tract 8439) that outlined a process for the Developer to transfer long-term monitoring and maintenance responsibilities to the GHAD when specified conditions had been met. As planned, in addition to monitoring and maintenance responsibilities, it was contemplated that the GHAD would become owner of selected parcels within Tract 8439. GHAD staff has verified that all parcels located within Tract 8439 are eligible for transfer for GHAD responsibilities as described in the Plan of Control for the Hideaway development.

**BACKGROUND AND DISCUSSION:**

The process for transferring future Hayward GHAD Plan of Control responsibilities from the Developer to the GHAD is listed in the adopted 2019 Plan of Control and Engineer's Report for the Hideaway development. In January 2023, the Developer reached out to the GHAD Manager to initiate the transfer process for all parcels within the Hideaway development. In response, the GHAD Manager began the process of verifying that the facilities for which the GHAD will have maintenance responsibilities have been constructed and maintained according to the City-approved plans and are in good working order. The GHAD provided the Developer with a "Punchlist" letter summarizing the conditions of acceptance of the proposed GHAD-owned and/or maintained parcels and improvements. The Punchlist letter dated May 18, 2023, is provided as Attachment A to this staff report.

Subsequently, the Developer notified the GHAD that it had completed maintenance or repair of items identified on the “Punchlist” letter. The GHAD Manager re-inspected the improvements and deemed them acceptable for transfer to the GHAD as described in the Plan of Control Acceptance Letter provided as Attachment B. In addition, the Developer has completed the other pre-requisites for transfer, including ensuring the reserve minimum has been established and recordation of a Declaration of Restrictive Covenants and Disclosures and a Right of Entry regarding the GHAD. The minimum reserve requirement of \$91,000 has been met and was accumulated through the collection of GHAD assessments for the Hideaway development. Table 1 identifies the parcels eligible for transfer to the GHAD.

**TABLE 1: Eligible Transfer Parcels**

ASSESSOR’S PARCEL NUMBER	DESCRIPTION (Tract 8439)	GHAD OWNERSHIP
78C-806-4	Parcel L	Yes
78C-807-1	Parcel M	Yes
78C-805-1	Parcel A	No
78C-805-2	Parcel B	No
78C-805-3	Parcel C	No
78C-806-1	Parcel D	No
78C-805-1	Parcel E	No
78C-805-5	Parcel F	No
78C-805-6	Parcel G	No
78C-805-7	Parcel H	No
78C-806-2	Parcel I	No
78C-806-3	Parcel J	No
78C-805-8	Parcel K	No
78C-805-9	Parcel N	No
78C-805-10	Parcel O	No
78C-805-11	Parcel P	No
78C-805-12	Parcel Q	No
78C-805-13 through 78C-805-71	Residential	No

Hayward Tennyson Land, LLC is offering ownership of Parcels L and M to the GHAD. The parcels are approximately 11 acres of land. The transfer of ownership of these Parcels was anticipated in the adopted Plan of Control which is authorized by California Public Resources Code section 26577 which states, “A district may purchase, lease, obtain an option on, acquire by gift, grant bequest, or devise, or otherwise acquire any property or any interest in property”.

If acceptance of the parcels listed in Table 1 is approved by the GHAD Board of Directors, the GHAD will be responsible for owning Parcels L and M, and monitoring and maintenance of all parcels as described in the Plan of Control. Parcels L and M are steeply sloping open space parcels with GHAD-maintained improvements (reconstructed slopes, drainage courses, subdrains and subdrain outfalls) as described in the Plan of Control. Based on the responsibility of a GHAD to respond to geologic hazards within open space slopes that may have the potential to impact improvements and residences, it is recommended the GHAD own Parcels L and M.

**FISCAL IMPACT:**

The Plan of Control and Engineer's Report anticipated funding of GHAD-maintained improvements and ownership responsibilities for Parcels L and M through an assessment of property owners within the District. Levying of these assessments started in fiscal year 2021/22 and is anticipated to continue in perpetuity.

*Prepared by:* GHAD Manager and GHAD Attorney

*Recommended by:* GHAD Manager

**ATTACHMENTS:**

- A. Geologic Hazard Abatement District (GHAD) Plan of Control Transfer Inspection Letter dated May 18, 2023
- B. Geologic Hazard Abatement District (GHAD) Plan of Control Transfer Acceptance of Tract 8439 Parcels, dated October 31, 2024
- C. Resolution 24-02 to Approve Transfer of Plan of Control Responsibilities for All Parcels within the Hideaway Development from Hayward Tennyson Land, LLC to the Hayward Geologic Hazard Abatement District (GHAD) and Authorize the GHAD Manager to Accept Title to Assessor's Parcel Number (APN) 78C-806-4 (Parcel L) and APN 78C-807-1 (Parcel M) in Tract 8439
- D. Grant Deed for Parcels L and M in Tract 8439