

**HAYWARD  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**TO: Hayward GHAD Board of Directors**

**FROM: GHAD Manager  
GHAD Attorney**

**BOARD MEETING DATE: May 26, 2020**

**SUBJECT: Resolution Approving a Right-of-Entry Agreement between the City of Hayward and the Hayward Geologic Hazard Abatement District (GHAD) Authorizing the City to Access GHAD-Owned Property to Maintain Lighting and Landscape District No. 96-1 Improvements**

**RECOMMENDATION(S):**

Staff recommends that the Hayward GHAD Board of Directors adopt Resolution 20-04 approving a right-of-entry agreement between the City of Hayward and the GHAD.

**SUMMARY:**

As part of the formation of the Hayward GHAD, the GHAD Board of Directors approved a Plan of Control and Engineer's Report for the La Vista (The Reserve) development (Tract 7620) 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, the GHAD will own selected parcels within Tract 7620. GHAD staff verified that selected parcels were eligible for transfer and this transfer was approved by the GHAD Board of Directors on February 25, 2020. Several of the parcels have Lighting and Landscape District No. 96-1-maintained landscaped improvements on the GHAD-owned parcels.

**BACKGROUND AND DISCUSSION:**

A condition of approval for the La Vista development required the developer to form a Lighting and Landscape Assessment District ("LLD"). La Vista, LP formed and annexed the development to Benefit Zone No. 14 of LLD No. 96-1. On February 25, 2020, the GHAD Board of Directors approved Resolution No. 20-01, accepting ownership of, and Plan of Control responsibilities for, 13 parcels within Tract 7620. Eight of the 13 parcels require the City to access GHAD-owned parcels in order to undertake the work of LLD No. 96-1. The GHAD Board, therefore, is granting a Right of Entry to the City of Hayward to allow the LLD work to be undertaken on GHAD property. Table 1 identifies which GHAD-owned open space parcels will require the City to enter in order to undertake work.

**TABLE 1: Parcels with LLD Maintained Improvements**

ASSESSOR'S PARCEL NUMBER	DESCRIPTION (Tract 7620)	GHAD ACCEPTANCE	LLD MAINTAINED IMPROVEMENT AREAS
83-477-4	Parcel C	Yes	Yes
83-480-1	Parcel D	Yes	Yes
83-480-2	Parcel N	Yes	Yes
83-478-6	Parcel O	Yes	Yes
83-480-3	Parcel U	Yes	Yes
83-480-4	Parcel V	Yes	Yes
83-75-2-15	Unsurveyed Remainder	Yes	Yes
83-125-1-14	Unsurveyed Remainder	Yes	Yes
83-75-2-9	La Vista LP 2006-301610	Yes	No
83-75-2-11	La Vista LP 2007-408664	Yes	No
83-75-2-13	La Vista LP 2007-408664	Yes	No
83-125-1-18	La Vista LP 2007-408664	Yes	No
83-125-1-21	La Vista LP 2007-408664	Yes	No

If the Right-of-Entry agreement for the parcels listed in Table 1 is approved by the GHAD Board of Directors by resolution, the GHAD will execute an agreement with the City to allow access for LLD No 96-1's landscape, lighting, and maintenance responsibilities on the identified parcels.

**FISCAL IMPACT:**

LLD No. 96-1 is funded by property assessments from homeowners within Benefit Zone No. 14. There is no fiscal impact on the GHAD.

**NEXT STEPS:**

Future GHAD-owned Parcels "B" and "P" within The Reserve development are not currently eligible for the transfer of GHAD responsibilities, but do include LLD-maintained improvements. At a later date, when transfer of GHAD maintenance responsibilities and ownership are brought before the GHAD Board of Directors for these two parcels, a separate Right-of-Entry agreement for these two parcels will be included for Board consideration.

*Prepared by:* The GHAD Manager and GHAD Attorney

*Recommended by:* GHAD Manager

**ATTACHMENTS:**

- A. Resolution 20-04 to Approve Right-of-Entry Agreement between the City of Hayward and the Hayward Geologic Hazard Abatement District (GHAD) Authorizing the City to Access GHAD-Owned Property to Maintain **Lighting and Landscape District No. 96-1** Improvements.

B. Exhibit A to Resolution (Right-of-Entry and Agreement Regarding Open Space Property)