

WENDT RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

PLAN OF CONTROL FOR SOMERSET, SUBDIVISION 7763 DANVILLE, CALIFORNIA

SUBMITTED TO
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DRAFT

1.0 AUTHORITY AND SCOPE

As provided in *Public Resources Code § 26581*, residents within the Somerset development, Subdivision 7763, (“GHAD Annexation Area”) located in the Danville area of unincorporated Contra Costa County have submitted a Petition for Annexation to the existing Wendt Ranch GHAD (“GHAD”).

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Public Resources Code § 26500*, “GHAD Law”). GHAD Law gives local agencies the authority to form districts that can speedily address “an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth.” (*Public Resources Code § 26507*). Consistent with GHAD Law, on February 12, 2002, the Contra Costa County Board of Supervisors adopted Resolution No. 2002/59 approving and forming the Wendt Ranch GHAD and thereby putting into place a mechanism to respond to emergencies and preventing and/or respond to geologic hazards. The members of the Contra Costa County Board of Supervisors serve as the Board of Directors of the Wendt Ranch GHAD.

GHAD “improvements” (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (See, Pub. Res. Code Sections 26601 and 26505). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Since the Wendt Ranch GHAD was formed in 2002 to include the Wendt Ranch development, two separate developments have been annexed into the GHAD. Monterosso, formerly known as Intervening Properties, and Alamo Creek both in Contra Costa County were annexed in the Wendt Ranch GHAD in 2005.

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. This Plan of Control covers the GHAD Annexation Area only.

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 Area is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The GHAD Annexation Area includes all areas within Subdivision 7763. The legal description of the GHAD Annexation Area is included in Appendix B, Exhibit A and includes all of Parcels A through G and Lots 1 through 150 shown on the Final Map for Subdivision 7763 – Somerset.

2.0 BACKGROUND

2.1 SOMERSET PROJECT

The GHAD Annexation Area includes 150 existing residential townhome units. Additional improvements and parcels include private streets (Parcel A) and common open space parcels (Parcels B, C, D, E, F, and G). The GHAD Annexation Area is approximately 17.8 acres in area. Site access to the GHAD Annexation Area is via Camino Tassajara along the southern edge of the GHAD Annexation Area. As described in this Plan of Control, the GHAD has responsibilities throughout the entire GHAD Annexation Area.

Inclinometer and piezometer monitoring has occurred within the Somerset development since around 1997. Referenced documents indicate that various consultants have observed deflections within the majority of the inclinometers throughout the years of monitoring. According to the most recent monitoring report (ENGEO, March 23, 2021), downslope deflections have been observed in 25 of the 30 inclinometers during the monitoring period between April 2020 and February 2021 (Reference 30). Based on the observed inclinometer deflections, ENGEO identified shallow, intermediate, and deep movement. The deep deflections are interpreted as movement within a portion of a deep-seated landslide mass within the bedrock.

Slope improvements to mitigate instability in the vicinity of Conejo Court were constructed in 2016. According to the plans for the slope improvement project, the mitigation measures comprised a shear pin and tie-back retention system. The shear pins consist of 19 cast-in-drilled-hole (CIDH) piles, connected at the top with a reinforced concrete tie beam.

Design recommendations have been provided to mitigate intermediate and deep slope movement by constructing waler beams and tie-backs embedded in engineered fill slopes ("Stabilization Improvements"). As described in Section 6.0, construction of the proposed waler beams and tie-backs would be completed and their performance verified prior to the transfer of Plan of Control responsibilities from the Danville Somerset Homeowners Association to the GHAD.

2.2 GHAD-MAINTAINED IMPROVEMENTS AND OPEN SPACE

As the private streets and common-area open space parcels within the GHAD Annexation Area are an amenity that benefits all of the property owners within Subdivision 7763, the GHAD funding of the maintenance of the common area open space will be shared by all current and future owners of residential parcels within the GHAD Annexation Area. The common area open space parcels (A through G) are approximately 6.92 acres in area.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which include 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. In addition, 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 GHAD Annexation Area in accordance with Section 5.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

Cotton, Shires and Associates, Inc. (CSA) characterized the site geology and geologic hazards in previous reports covering the GHAD Annexation Area (CSA 2019 and 2016). As described prior to development, the site was occupied by large, deep-seated landslides. Grading of the site included the placement of fill and relatively minor cuts to construct terraced building pads. Subsurface borings indicate that, in general, fill was placed on top of landslide deposits and colluvial soil without significant corrective grading measures to remove the underlying landslide debris.

Exploratory borings completed within the GHAD Annexation Areas by others in the referenced reports generally indicate that fill at the site comprises stiff to very stiff, moderate- to high-plasticity, silty clay with sand and rock fragments. The underlying colluvium is generally described as stiff, high-plasticity silty clay with sand and rock fragments, local carbonate nodules, and increasing rock fragments with depth. The upper portions of the underlying Tassajara Formation are generally described as landslide debris and old landslide debris, characterized as weak, highly weathered claystone and silty claystone with numerous polished surfaces and localized shear zones. The overall rock quality appears to increase with depth, due to the degree of weathering and shearing decreasing with depth. Based on previous explorations and inclinometer readings, the underlying landslide movement generally ranges in depth from approximately 20 to 50 feet below the existing ground surface.

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the GHAD Annexation Area in the referenced geotechnical exploration reports and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Seismically induced ground shaking
- Expansive near-surface soils

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the GHAD Annexation Area. This is not unique to this GHAD Annexation Area, 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 exploration reports (CSA 2019 and 2016), several landslides are mapped throughout the GHAD Annexation Area (Figure 1). The CSA review of historical aerial photographs that pre-date site grading indicated that a large, ancient, deep-seated landslide underlies the western portion of the GHAD Annexation Area.

In the CSA reports, three depths of potential slope instability were identified.

- Shallow slope creep within the artificial fill is identified as widespread within the GHAD Annexation Area. The effects of soil creep were described as greatest at the surface and diminishing to a negligible effect 10 to 15 feet below the ground surface.
- Intermediate-depth movement was described as concentrated within the colluvium and deeply weathered bedrock underlying the artificial fill. As described, these materials and the associated movement are typically located between 25 and 40 feet below the ground surface. Measured intermediate-depth ground movement has been documented along the south side of the Conejo Drive Loop, Camino Arroyo West, Camino Arroyo East, and Monterey Lane. Previously, CSA identified intermediate-depth deflections and shallow fill creep deflections at Conejo Court; however, both of these types of slope movement were mitigated with the installation of a buried shear pin (soldier pile) and tieback retaining wall installed in 2016.
- Deep movement was identified by CSA, which may represent movement of a deep-seated landslide that existed prior to grading and development of improvements within Subdivision 7763. Measured deep movement was identified in inclinometers located on the north side of Conejo Drive Loop. Typically, displacement indicative of deep movement has been measured at depths greater than 40 feet below the ground surface.

Proposed Stabilization Improvements within the GHAD Annexation Area are designed to mitigate the effects of the intermediate and deep movement on the Site Improvements. In addition, there may be a reduction in the effect of shallow soil creep on the Site Improvements. As described in Section 6.0, construction of the proposed Stabilization Improvements would be completed, and their performance verified, prior to the transfer of Plan of Control responsibilities from the Danville Somerset Homeowners Association to the GHAD.

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 runoff 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 the GHAD Annexation Area 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 subsurface soils. 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 Annexation Area, 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 Seismically Induced Ground Shaking

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking within the GHAD Annexation Area, similar to that which has occurred in the past.

4.1.2 Expansive Near-Surface Soil

Fine-grained, near-surface soil within the GHAD Annexation Area could exhibit a moderate to high potential for expansion. Expansive soil shrinks and swells 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 soil has been identified in the geotechnical report for the property. Shrink and swell of expansive soil on slopes are a portion of the mechanism of creep movement, which can result in shallow slope instability. Within the GHAD Annexation Area, slope instability caused by expansive soil creep will be addressed by the GHAD, subject to the exceptions in Section 5.0.

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In forming the GHAD and establishing the assessment levels and budgets for GHAD Activities (as defined in Section 7 below) within the GHAD Annexation Area, 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 significant damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, private roads, sidewalks, utilities, 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 significantly 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 common-area open-space parcels owned by the Danville Somerset Homeowner's Association.

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 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 significant 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 GHAD be required to respond to a geologic hazard outside the GHAD Annexation Area, the GHAD 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 damage¹. In the event the geologic hazard damaged or destroyed a structure, Site Improvement, or landscaping which violated any provisions of the applicable Building Code or 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 exploration conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL PROCEDURES

A homeowner directly affected by a decision of the GHAD Manager ("GHAD Manager Decision") may request reconsideration of that decision through the following procedures. The homeowner shall, within thirty (30) days from the date of a written GHAD Manager Decision, file a written request with the GHAD Manager, specifying the grounds for reconsideration, and the relief sought, including the owner's special interest and injury. Within fifteen (15) days of receipt of the homeowner's written request for reconsideration, the GHAD Manager shall reconsider its decision and shall provide a copy of its written decision to the homeowner ("GHAD Manager Reconsideration Decision"). The homeowner may appeal the GHAD Manager Reconsideration Decision to the Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision. The appeal must include the specific grounds for the appeal and the homeowner's requested relief on a form

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 GHAD may only reimburse each property owner \$2,500 of their \$10,000 in structural damage.

provided by the GHAD Manager. The Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the Board of Directors.

6.0 ACCEPTANCE

6.0 Activation Of Assessment

An annual assessment shall be authorized on all residential parcels within the GHAD Annexation Area as shown on Appendix B, Exhibit B, which will generate funding for the GHAD Activities. The assessment shall be authorized on each individual parcel prior to the eligibility for transfer of GHAD responsibilities from the Danville Somerset Homeowners Association (“HOA”) to the Wendt Ranch GHAD in Section 6.2.

6.1 RESPONSIBILITY FOR GHAD ACTIVITIES

The HOA shall have the responsibility to perform all the GHAD Activities within the GHAD Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly one year after completion of the proposed Stabilization Improvements provided that the performance of the Stabilization Improvements has been verified by a licensed Geotechnical Engineer in addition to other requirements provided in Section 6.3 have been completed (“Transfer Eligibility Date”).

6.2 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for one or more of the GHAD Annexation Area parcels, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows.

1. The HOA may apply to the GHAD to transfer the responsibility for performing GHAD Activities for such Parcel(s) to the GHAD (“Transfer Application”). A sample Transfer Application form is included in Appendix D.
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 constructed, and maintained according to Site Improvement 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 HOA a list (“Punch list”) of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the Site Improvement plans and specifications.
4. The HOA 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. GHAD staff will then bring a resolution before the Wendt Ranch GHAD Board of Directors for its consideration, approving GHAD responsibility for performing all future GHAD Activities on the parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer’s Report approved by the GHAD Board on this GHAD Annexation Area 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 HOA 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 HOA have been paid.

As part of the transfer, the HOA of the GHAD Annexation Area 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 and other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining the GHAD Parcels or performing any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. The HOA will remain responsible for all GHAD Activities until the GHAD accepts responsibility pursuant to this section.

7.0 GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the GHAD Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the following site facilities, improvements, and activities (“GHAD Activities”).

- Monitoring, maintenance, and repair of the concrete-lined drainage ditches, subdrain outlets, and risers.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters.
- Monitoring, maintenance, and repair of slopes for erosion, landslide, and related slope instability.

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 systems.

8.0 PRIORITY OF GHAD EXPENDITURES

The GHAD is responsible for responding to emergencies and completing scheduled repairs and maintenance. The GHAD's ability to respond, and the extent of the responsiveness, depends on the amount of the available funds and the parameters set forth in the GHAD-Board-approved operating budget. The GHAD is financed through a real property assessment and this assessment cannot be increased without a favorable vote of the residents within the GHAD boundaries. When available funds are not sufficient to undertake all emergency and/or 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 significantly 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 significantly 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 significantly damaged or pose a significant threat of damage to open space amenities.
- (D) Prevention, mitigation, abatement, or control of geologic hazards which have either significantly 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 significantly 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 or agencies 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 the GHAD Manager or its 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 GHAD Annexation Area 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 HOA shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development, and the GHAD shall retain these reports in its records. 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 HOA 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.
- 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.
- 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.
- 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 10.0. Parcel designations are derived from the final subdivision map (Reference 4).

TABLE 10.0: Somerset Long-Term Ownership and Management Matrix

FACILITY/FUNCTION	PARCEL/ IMPROVEMENT OWNERSHIP	IMPROVEMENT MAINTENANCE ENTITY	FUNDING	ACREAGE/ COMMENTS
a. Townhome Residential Parcels (150 units)	Private	Private	Private	
b. Private Roadways (Parcel A)	Homeowners' Association (HOA)	HOA	HOA Dues	Conejo Drive, Conejo Lane, Conejo Court, Joya Court, Joya Lane, West Cam Arroyo, Cam Arroyo, Portola Drive, Portola Court, Monterey Court, Monterey Lane, and Maximo Court
c. Common Area Open Space (Parcels B, C, D, E, F, and G)	HOA	HOA	HOA Dues	6.92 Acres
d. Storm Drain System	Contra Costa Flood Control District (CCCFCD)	Contra Costa Flood Control District CCCFCD	CCCFCD	
2. Plan of Control - Geologic Hazard Abatement Responsibilities				
Post Transfer Period				
Landslides, Slope Stability, and Erosion Control	HOA	GHAD	GHAD Assessment	
Concrete-lined Drainage Ditches	HOA	GHAD	GHAD Assessment	
Subdrains and Subdrain Outfalls	HOA	GHAD	GHAD Assessment	
Geotechnical Monitoring Instruments	HOA	GHAD	GHAD Assessment	

11.0 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 B 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 GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the 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 GHAD Manager 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 GHAD Annexation Area residential parcels and common area lots.

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12.0 GLOSSARY

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 as defined in GHAD Law, Public Resource Code Section 26507).

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

GHAD Annexation Area – The parcels included within the limits of the plat and legal description which is coterminous with the boundaries of Subdivision 7763.

GHAD Activities – Improvements and responsibilities listed in Section 7.0 of this Plan of Control.

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

Transfer Application – A document completed by the HOA and submitted to the GHAD Manager to initiate the GHAD transfer process.

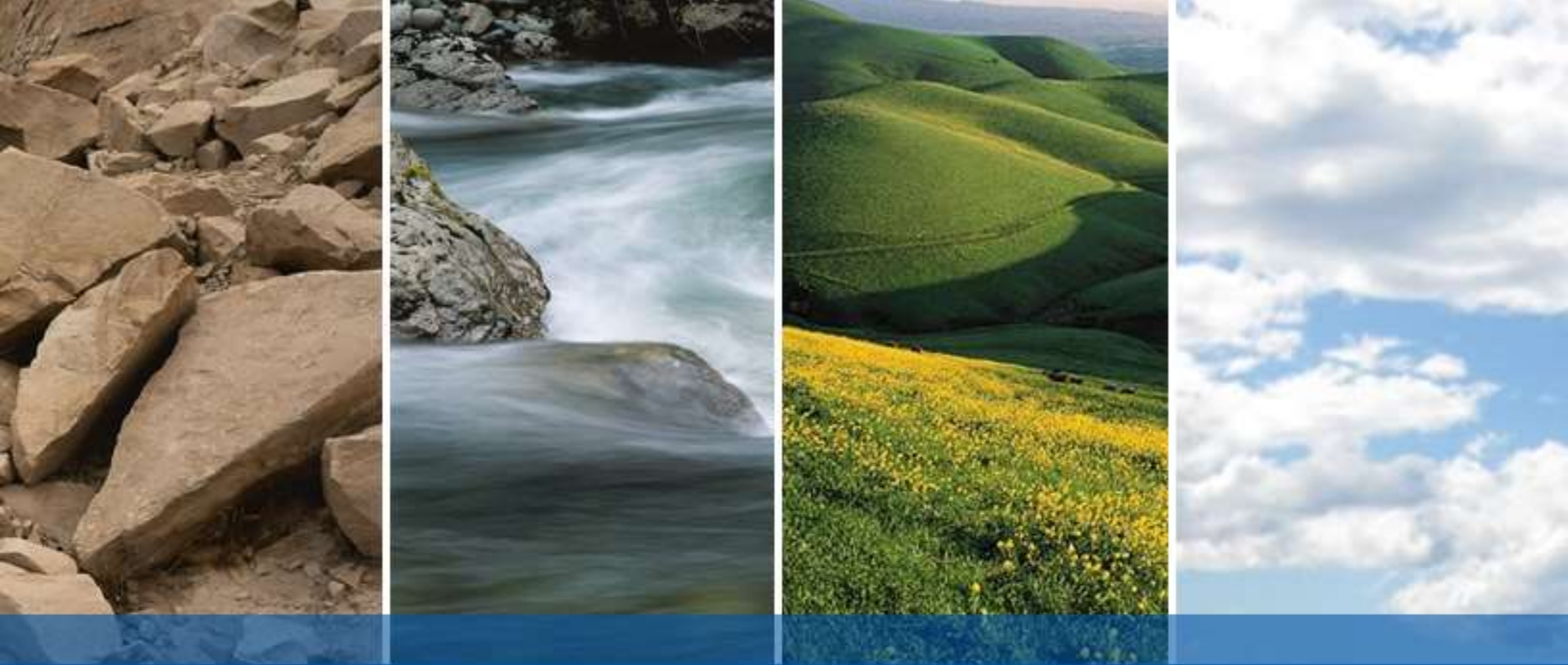
Transfer Eligibility Date – A date specified in the Plan of Control where the HOA is responsible for all GHAD Plan of Control defined activities to allow for the accumulation of reserves prior to acceptance of GHAD-maintained responsibilities.

SELECTED REFERENCES

1. AKA; DRAFT Report #1, Geotechnical Consultations and Monitoring Services, Danville Somerset, Danville, California, December 20, 2002, Project No. 2014-1A, L-25238.
2. AKA; Update Letter, Geotechnical Consultations and Monitoring Services, Danville Somerset Subdivision, Danville, California, October 1, 2004, Project No. 2014-1A, L-26426.
3. Carlson, Barbee and Gibson, Inc., Final Map, Somerset, Subdivision 7763, October 1992.
4. Carlson, Barbee and Gibson, Inc., Grading Plan, Somerset, Subdivision 7763, July 1992.
5. CSA; Summary of CSA Slope Stability Investigation Findings to Date, Danville Somerset, Contra Costa County, California, January 2, 2019, Project No. E5020C.
6. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report for Spring 2019, Danville Somerset, Contra Costa County, California, June 17, 2019, Project No. E5020RA.
7. CSA; Geotechnical Investigation and Recommendations for Slope Stability Improvements at the South Side of the Conejo Drive Loop and Camino Arroyo West, Danville Somerset, Contra Costa County, California, April 26, 2019, Project No. E5020U.
8. CSA; Summary of 2016 Residential Inspections and Floor Level Surveys at Conejo Court, Danville Somerset, Contra Costa County, California, April 18, 2018, Project No. E5020C.
9. CSA; Geotechnical Investigation and Recommendations for Slope Stability Improvements Below Conejo Court, Danville Somerset, Contra Costa County, California, April 12, 2016, Project No. E5020M.
10. CSA; Conejo Court Slope Improvement Project, Danville Somerset, Contra Costa County, California, March 24, 2016, Plan Set – Sheets 1-16, Project No. E5020M.
11. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report for Fall 2018, Danville Somerset, Contra Costa County, California, November 14, 2018, Project No. E5020RA.
12. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report for Spring 2018, Danville Somerset, Contra Costa County, California, May 29, 2018, Project No. E5020RA.
13. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report for Fall 2017, Danville Somerset, Contra Costa County, California, December 13, 2017, Project No. E5020RA.
14. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report for Spring 2017, Danville Somerset, Contra Costa County, California, May 8, 2017, Project No. E5020RA.
15. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, May 13, 2016, Project No. E5020P.
16. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, November 2, 2016, Project No. E5020P.
17. CSA; Preliminary Evaluation of Deflection at Slope Inclinator AKA-5, Danville Somerset, Contra Costa County, California, September 18, 2015, Project No. E5020C.
18. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, March 26, 2015, Project No. E5020L.
19. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, October 30, 2015, Project No. E5020L.

SELECTED REFERENCES (Continued)

20. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, March 26, 2014, Project No. E5020K.
21. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, September 19, 2014, Project No. E5020K.
22. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, April 3, 2013, Project No. E5020F.
23. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, September 27, 2013, Project No. E5020F.
24. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, April 13, 2012, Project No. E5020D.
25. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, September 14, 2012, Project No. E5020D.
26. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, October 4, 2011, Project No. E5020D.
27. CSA; Semi-Annual Slope Inclinator and Piezometer Monitoring Report, Danville Somerset, Contra Costa County, California, May 11, 2011, Project No. E5020D.
28. Earth Systems Consultants, Geotechnical Report on Residential Structure and Pavement Distress Evaluation, Somerset Residential Development, subdivision 7763, Contra Costa County, California, June 19, 1998, File No. NFF-3867-01.
29. ENGEO, Geotechnical Design Recommendations, Danville Somerset, Danville, California, Project No 16098.000.000, September 3, 2020.
30. ENGEO, Slope Inclinator and Piezometer Monitoring Report for Establishing Baseline and Winter 2021, Danville Somerset, Contra Costa County, California, Project No 16098.000.000, March 23, 2021
31. TerraSearch, Inc., Geotechnical Investigation, Proposed Subdivision 7763, Danville, California, July 30, 1991, Project No.6357.
32. Treadwell & Rollo, DRAFT, Boring Logs, March 12, 1999.

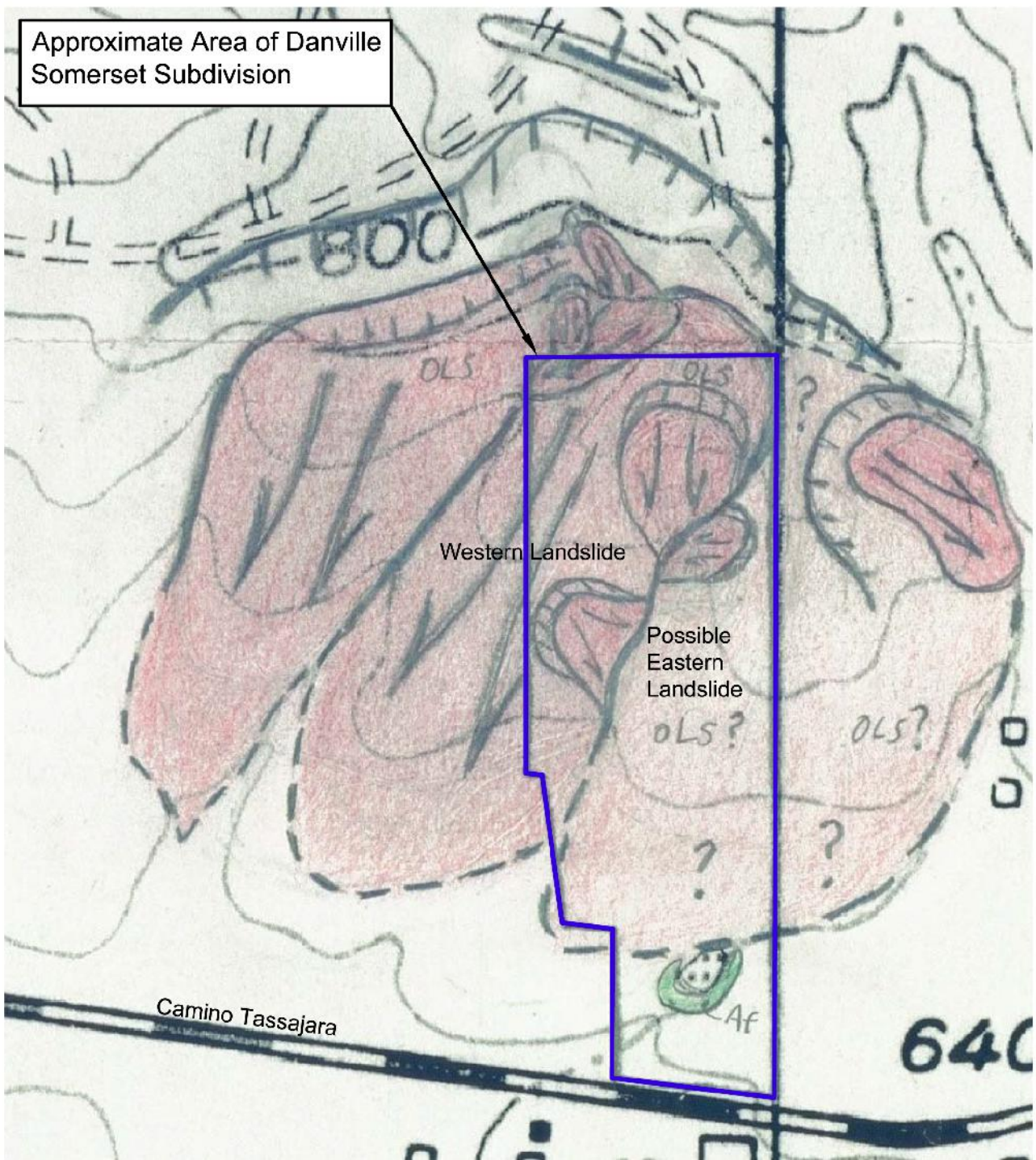


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APPENDIX A

FIGURE 1: Photogeologic Map (CSA 2016)

FIGURE 2: Site Plan (ENGEO 2021)

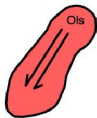


EXPLANATION

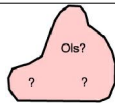
ALL LOCATIONS ARE APPROXIMATE



LANDSLIDE SCARP



OLD LANDSLIDE



POSSIBLE OLD LANDSLIDE (UNCERTAIN)



ARTIFICIAL FILL



APPROXIMATE ORIENTATION OF BEDDING

BASE MAP SOURCE: COTTON, SHIRES AND ASSOCIATES, INC.



PHOTOGEOLOGIC MAP
DANVILLE SOMERSET
CONTRA COSTA COUNTY, CALIFORNIA

PROJECT NO.: 16098.000.000

SCALE: NO SCALE

DRAWN BY: JV

CHECKED BY: HR

FIGURE NO.

1

ORIGINAL FIGURE PRINTED IN COLOR

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EXPLANATION

ALL LOCATIONS ARE APPROXIMATE

GHAD ANNEXATION LIMIT

SLOPE INCLINOMETERS AND PIEZOMETERS (COTTON SHIRES & ASSOCIATES)

SLOPE INCLINOMETER (ALAN KROPP AND ASSOCIATES)

PIEZOMETER (ALAN KROPP AND ASSOCIATES)

SLOPE INCLINOMETERS AND PIEZOMETERS (TREADWELL AND ROLLO)

SLOPE INCLINOMETER (EARTH SYSTEMS CONSULTANTS)

BASE MAP SOURCE: USGS LIDAR TOPO (2013) AND GOOGLE EARTH MAPPING SERVICE



SITE PLAN
DANVILLE SOMERSET
CONTRA COSTA COUNTY, CALIFORNIA

PROJECT NO.: 16098.000.000

SCALE: AS SHOWN

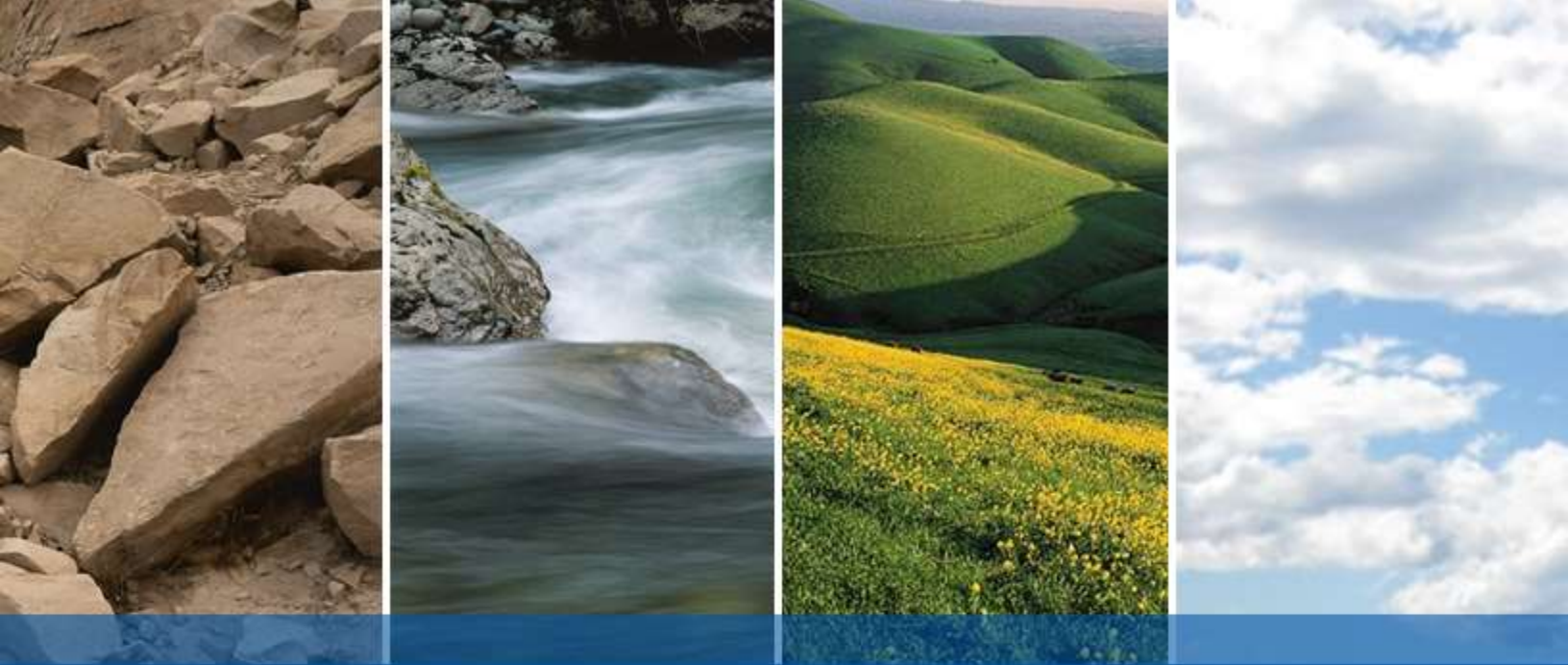
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CHECKED BY: HR

FIGURE NO.

2

ORIGINAL FIGURE PRINTED IN COLOR



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APPENDIX B

**EXHIBIT A
LEGAL DESCRIPTION
Geologic Hazard Abatement District, Somerset -
Subdivision 7763**

**EXHIBIT B
Plat to Accompany Legal Description**

JUNE 17, 2021
JOB NO.: 3237-00

**LEGAL DESCRIPTION
SOMERSET - SUBDIVISION 7763
SAN RAMON, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF SAN RAMON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

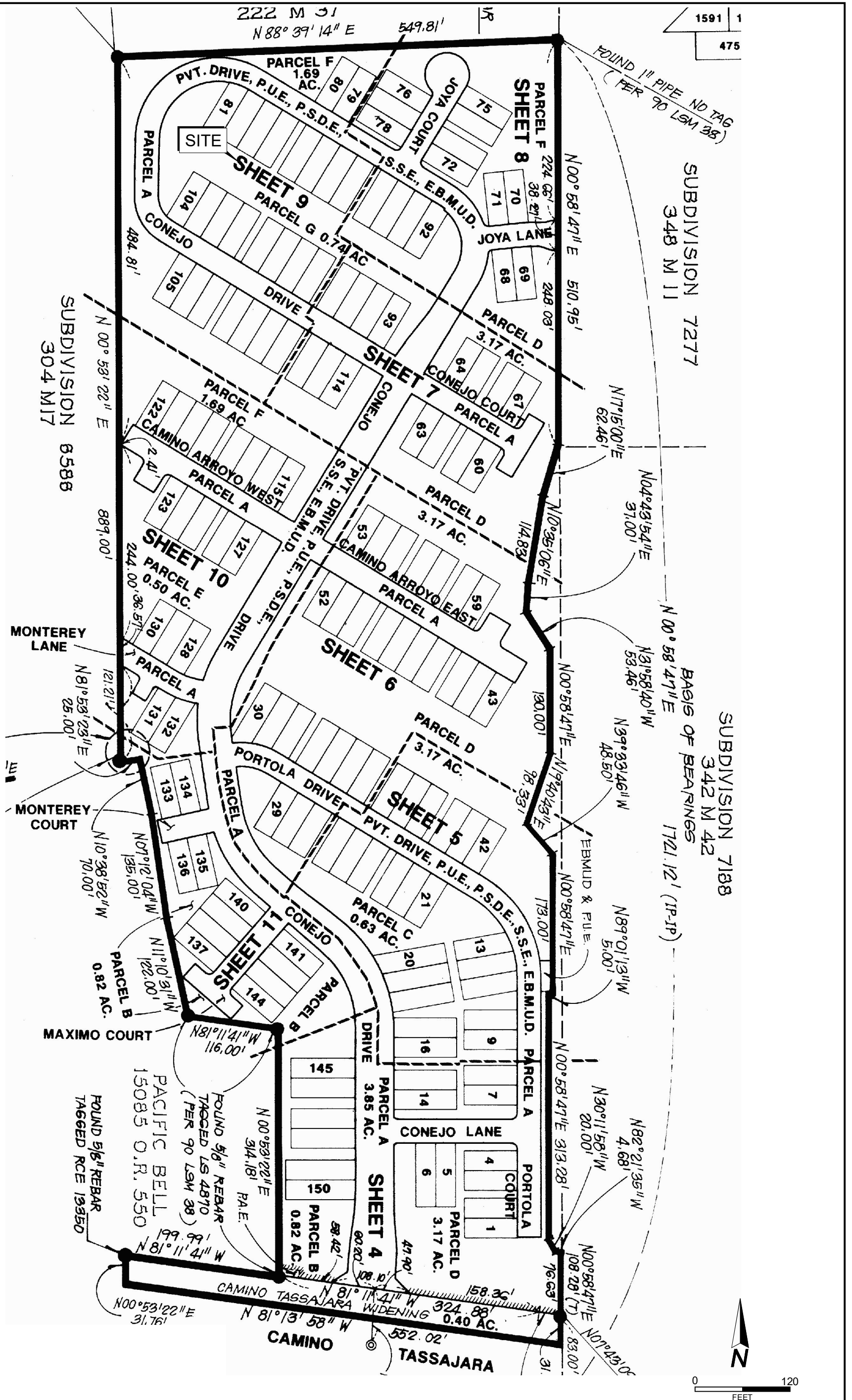
BEING ALL OF PARCELS A THRU G AND LOTS 1 THRU 150 AS SAID PARCELS AND LOTS ARE SHOWN AND DESIGNATED ON THAT CERTAIN FINAL MAP ENTITLED "SUBDIVISION 7763 - SOMERSET", FILED ON JUNE 3, 1993, IN BOOK 366 OF MAPS AT PAGES 4 THROUGH 14, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY.

END OF DESCRIPTION



MARK H. WEHBER, P.L.S.
L.S. NO. 7960

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BASE MAP SOURCE: CARLSON, BARBEE, & GIBSON, INC. OCTOBER 1997

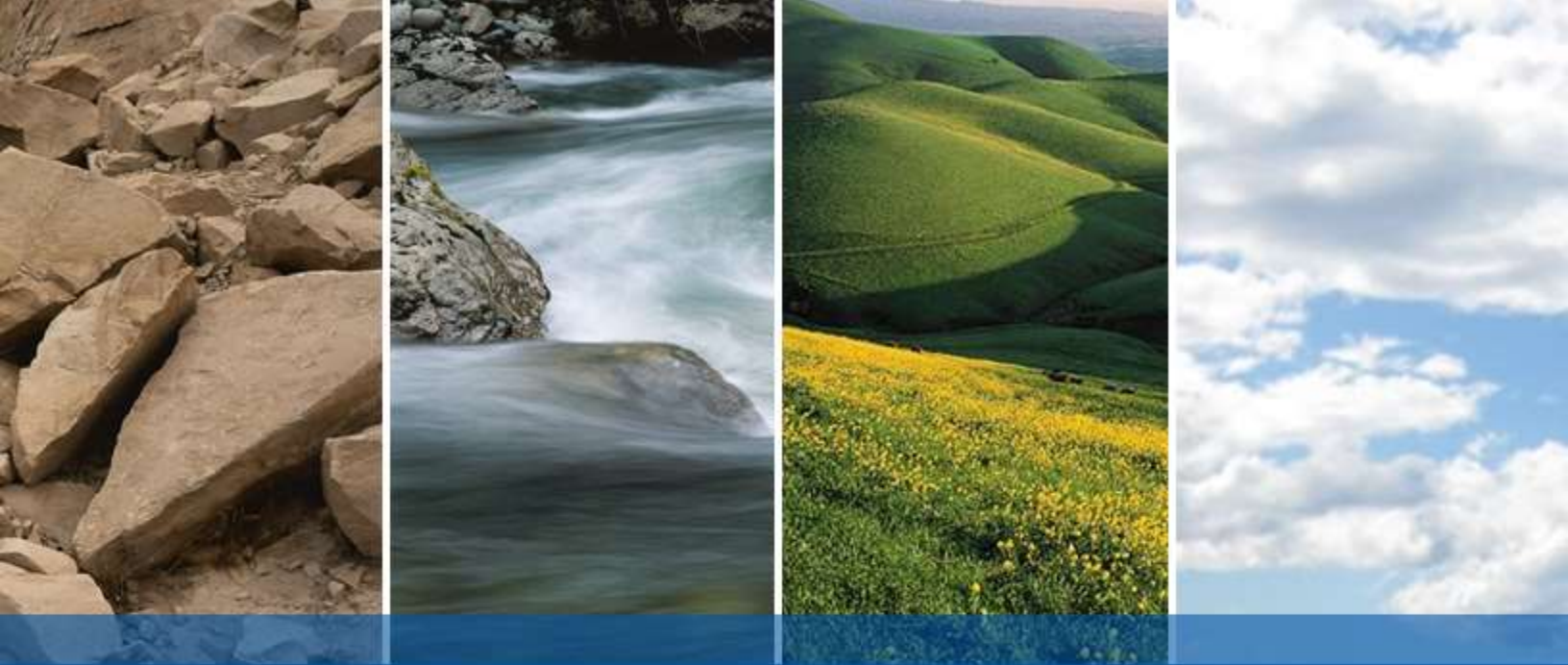


PLAT TO ACCOMPANY LEGAL DESCRIPTION
 DANVILLE SOMERSET
 CONTRA COSTA COUNTY, CALIFORNIA

PROJECT NO.: 16098.000.000
 SCALE: AS SHOWN
 DRAWN BY: JV CHECKED BY: HR

EXHIBIT
B

ORIGINAL FIGURE PRINTED IN COLOR



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APPENDIX C

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND
RESTRICTIVE COVENANTS REGARDING WENDT RANCH
GEOLOGIC HAZARD ABATEMENT DISTRICT**

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:
Wendt Ranch Geologic Hazard Abatement District

Attn:

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS
REGARDING WENDT RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry, and Restrictive Covenants Regarding Wendt Ranch Geologic Hazard Abatement District (the "Declaration") is made this ____ day of _____, 2021 (the "Effective Date"), by, Danville Somerset Homeowners Association ("Declarant").

RECITALS

- A. Declarant is the owner of that certain real property located in unincorporated County of Contra Costa, State of California, more particularly described as Parcels A through G in Subdivision 7763, filed on June 3, 1993 in Book of Parcel Maps, at pages 4 through 14, all in the Official Records of Contra Costa County, California (the "Property").
- B. Residents within the Somerset development, Subdivision 7763, ("GHAD Annexation Area") located in the Danville area of unincorporated Contra Costa County submitted a Petition for Annexation to join the existing Wendt Ranch Geologic Hazard Abatement District ("GHAD").
- C. Under the authority of California Public Resources Code section 26500, et seq., the Contra Costa County Board of Supervisors on February 12, 2002, adopted Resolution No. 2002/59 forming and establishing the Wendt Ranch GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 2021, the Wendt Ranch GHAD adopted Resolution No. 2021/____, approving annexation of the Property into the Wendt Ranch 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 Wendt Ranch GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Wendt Ranch GHAD. The Board of Directors of the Wendt Ranch GHAD are the members of the Contra Costa County Board of Supervisors. Pursuant to the Plan of Control for Annexation of the Property to Wendt Ranch GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Wendt Ranch 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 Wendt Ranch GHAD include the power to assess lot owners within the GHAD Annexation Area for the purposes set out in the Plan of Control. An assessment was authorized by the Wendt Ranch GHAD to be imposed on the GHAD Annexation Area pursuant to adopted Resolution 2021/____.
2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Wendt Ranch 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 Wendt Ranch GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the

Wendt Ranch 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 Wendt Ranch 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: For those properties within the GHAD Annexation Area the Declarant hereby grants the Wendt Ranch 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 B, and legally described in Exhibit A 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 Wendt Ranch GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Wendt Ranch GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Wendt Ranch 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, 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 Wendt Ranch GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Wendt Ranch 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 Wendt Ranch 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 Wendt Ranch GHAD.

Executed as of the Effective Date.

Declarant:

Danville Somerset Homeowners Association

By: _____

Its: _____

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Wendt Ranch 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 Town of Danville, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

ENGEO
Wendt Ranch GHAD Manager

Date:

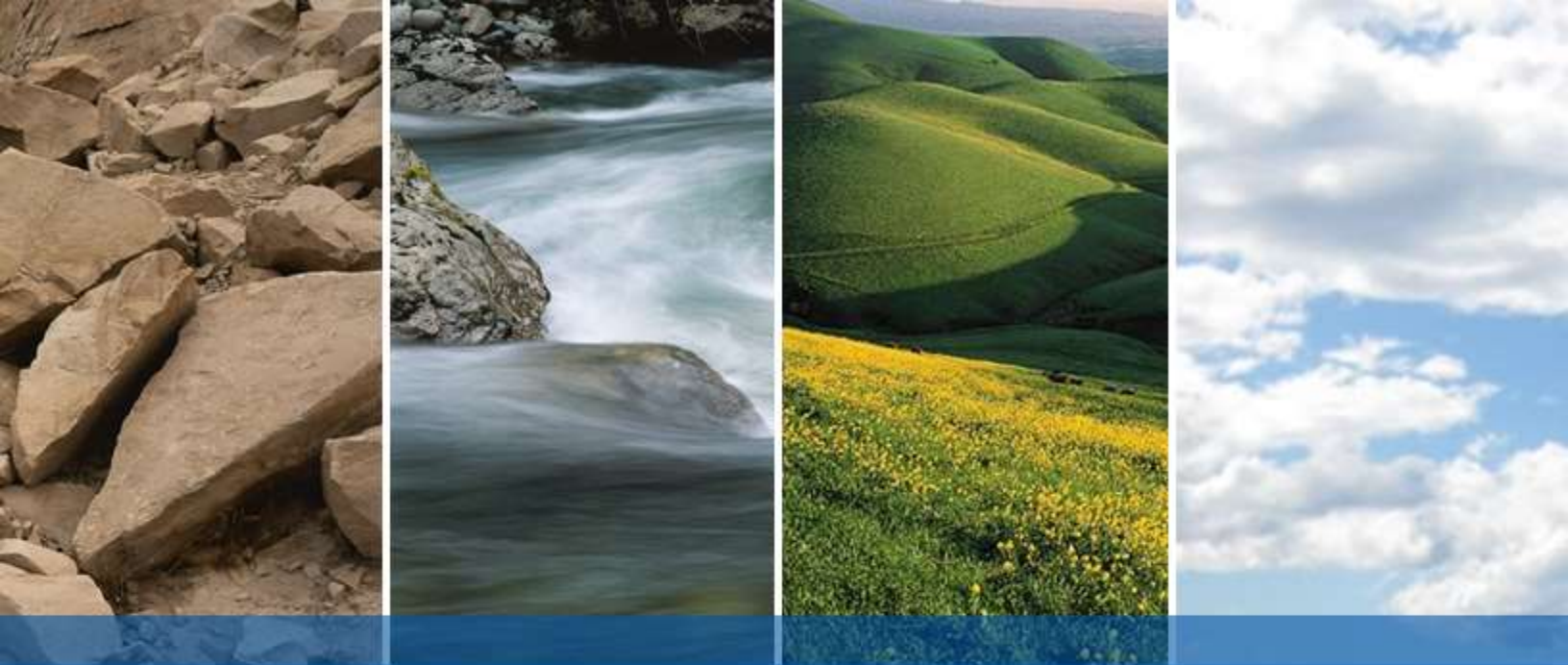
Attest:

ENGEO
Wendt Ranch GHAD Clerk

Approved as to form:

Wendel Rosen, LLP
Wendt Ranch GHAD Attorney

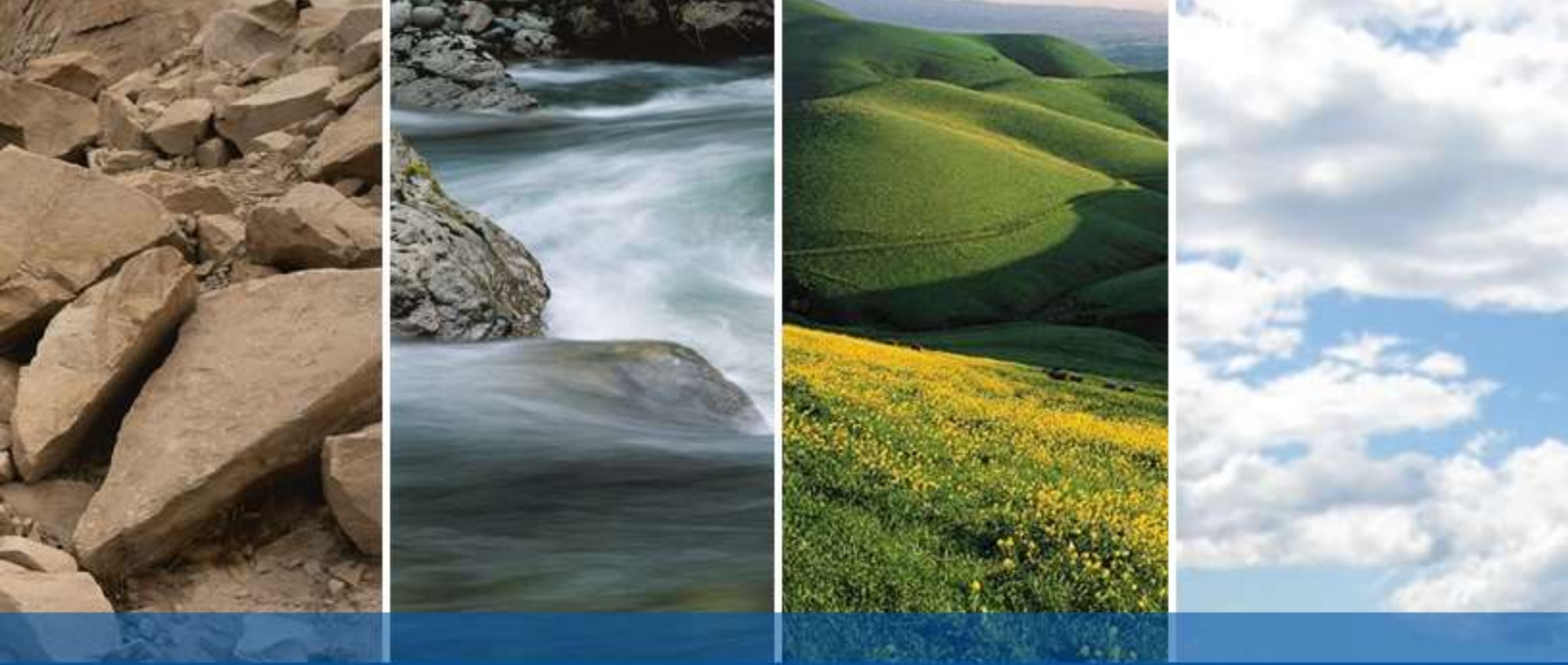
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APPENDIX D

SAMPLE TRANSFER APPLICATION FORM



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