



## OFFICE OF THE COUNTY COUNSEL

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DONNA R. ZIEGLER  
COUNTY COUNSEL

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October 17, 2011

Mr. Sirjit Sandhu  
2216 Parnassus Court  
Hayward, CA 94542

Re: Tract 6102, Hayward

Dear Mr. Sandhu:

We are informed that you have been the unofficial contact person for the Tract 6102 HOA. If we should direct this correspondence to someone else, please let us know as soon as possible.

As you know, the County of Alameda has been working with Financial Pacific to address the County's issues with the public improvements associated with the Tract 6102 development. The County has reached a settlement with Financial Pacific, however, several items remain outstanding and the County seeks to address these with the HOA directly.

Each of the following items is either required as a condition of approval or as part of a separate agreement. As such, the County seeks cooperation and compliance from the HOA in complying with these requirements.

### **Landscaping**

Landscaping is required as set forth in the conditions of approval numbers 8 and 9 for Tract 6102 adopted by the County on December 5, 1990. The conditions of approval are enclosed for your reference. We understand that the HOA and/or its members are considering an agreement proposed by Financial Pacific, which would guarantee the landscaping as previously required by the County. The County is willing to work with the HOA to allow installation of the landscaping using a phased approach that is reasonable. If the agreement proposed by Financial Pacific is not executed by the HOA, we ask that you submit a landscaping plan by January 1, 2012 which is consistent with the conditions of approval. The County is hopeful that we can work cooperatively toward the goal of complying with the landscaping requirement. Please let us know, as soon as possible, your intentions with respect to the landscaping for Tract 6102.

### **Perimeter Fence**

A perimeter fence is also required pursuant to the above referenced conditions of approval number 9. We understand that Financial Pacific has offered to install this fence if the HOA agrees to repay Financial Pacific for the cost of doing so. The County requests that the HOA have the fence installed as soon as possible. Please respond and let us know as soon as possible when the County can expect the perimeter fence installation to be completed.

### **Pump Station and Detention Basin Maintenance**

The Tract 6102 common areas include a pump station and water detention basin both of which are important components of the storm drainage system as set forth in the conditions of approval, number 4. Please provide the County with the HOA's plan for ongoing maintenance of the pump station and water detention basin including the fencing and landscaping around

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both. Pump Station maintenance should include an on call service contract with a mechanic to maintain the station and to respond to emergencies if loss of power or pump failure occurs. Please provide an update regarding pump station and water detention basin maintenance and the identity of your on call service contractor for the pump station.

### **Jelincic Easements**

The Developer granted temporary access easements to the Jelincic Parcel owners pursuant to an Easement Agreement executed on January 30, 2004 and enclosed for your reference. We remind you that these temporary access rights are to become permanent upon the Board of Supervisors' acceptance of the dedication of Jelincic Drive. The HOA is to execute the easement deeds and deliver them as set forth in the Easement Agreement. Please proceed with fulfilling this obligation at the appointed time.

In addition, Judd Jelincic requests access rights throughout the development for future development. The requested access rights are shown on the attached map and are shaded in blue. If you are willing to grant Mr. Jelincic access as described in the attachment, please include this grant in the easement deeds discussed earlier in this section.

### **CC&Rs**

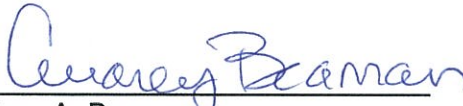
Please confirm that the CC&Rs for Tract 6102 include all of the language required in the conditions of approval. The CC&Rs must include the language specifically called for in condition number 12. Please provide proof that the CC&Rs are in compliance with the conditions of approval.

We look forward to working with you and your members as development in Tract 6102 continues.

Please contact the undersigned if you have any questions regarding this matter.

Very truly yours,

DONNA R. ZIEGLER  
County Counsel

By   
Audrey A. Beaman  
Deputy County Counsel

AAB/di:  
Enclosures

cc: William Lepere, ACPWA (via QIC mail)  
Ronald Peck, Esq.