

MINUTE ITEM

This Calendar Item No. _____
was approved as Minute Item
No. _____ by the State Lands
Commission by a vote of _____
_____ at its _____
Meeting.

MINUTE ITEM

4/27/82
W 22265
R. Ludlow

14

COMPROMISE SETTLEMENT AND EXCHANGE AGREEMENT
INVOLVING LANDS LOCATED PRIMARILY IN THE CITY OF FREMONT,
COUNTY OF ALAMEDA

During consideration of Calendar Item 14 attached,
Chairman Ken Cory abstained from voting. Upon motion duly
made by Commission-Alternate Susanne Morgan and seconded by
Commission-Alternate Dave Ackerman, the recommendations in
Calendar Item 14 were approved as presented.

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CALENDAR ITEM

14

4/22/82
W 22265
R. Ludlow
SLI 85

COMPROMISE SETTLEMENT AND EXCHANGE AGREEMENT
INVOLVING LANDS LOCATED PRIMARILY IN THE CITY OF FREMONT,
COUNTY OF ALAMEDA

INTRODUCTION: The State Lands Commission staff recommends Commission approval of a compromise settlement and exchange agreement with Fremont International Partners, or their assignee. The land involved is an approximately 828-acre parcel primarily in the City of Fremont, County of Alameda, (with a small portion in Santa Clara County), located west of Highway 17 and bounded by Mud Slough and Coyote Creek to the north and west and Dixon Landing Road to the south (Settlement Parcel). The exchange agreement will eventually bring 223[±] acres of existing and restored marsh into State ownership plus a 27.46-acre pickleweed stand and clear the State title to 16.85-acres of existing slough beds and their banks.

BACKGROUND AND PRESENT SITUATION:

The settlement parcel is divided by a flood control channel with approximately 658 acres to the north of the channel. The parcel south of the channel is presently the site of the Fremont Airport which is a small general aviation facility. With the exception of a 95-acre marsh at the extreme western edge of the Settlement Parcel, the Settlement Parcel has been diked off from the bay for many years. Fremont International Partners plans to develop a portion of the land which is presently behind dikes on the north side of the flood control channel. The total parcel involved in the planned development is approximately 563 acres.

The proposed project consists of a 274-acre light industrial park located on the eastern edge of the 658-acre parcel north of the flood control channel. On the western edge

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of the development a 0-acre flood control basin will be constructed and an existing 27.46-acre pickleweed stand will be preserved and enhanced. Fremont International Partners will construct a new levee on the western edge of the new flood control basin. They will also excavate the 221 acres between the new levee and the old dikes in accordance with plans approved by the Corps of Engineers. The excavated material will be used to fill the land to be developed. The existing outboard dike will then be breached in three locations to allow tidal inflow and outflow of bay water. This will increase the water surface of the bay by approximately 221 acres. However, because of the manner in which this 221-acre parcel will be excavated, siltation will occur at a rapid rate and the entire area should be restored to a marsh. It is estimated that the new marsh will reach equilibrium about ten years after the outer dikes are breached.

SUMMARY OF THE MAIN PROVISIONS OF THE AGREEMENT:

The exchange agreement contemplates the State giving Fremont International Partners a patent to the State's interest in the 274-acre industrial site. The State's interest is based on the historic presence of finger-sloughs extending into the development site covering an area of approximately three acres. In return, Fremont International Partners will, upon the effective date of the exchange agreement, deed to the State the approximately 95-acre existing marsh and 19.1 acres of land between the old dike and the new dike, which will be flooded and turned into a new marsh. In addition, at the time the outer dike is breached, or within ten years, whichever is sooner, Fremont International Partners will deed 109.04 acres within the flooded area to the State, plus the 27.46-acre pickleweed stand. All title claims to the remaining flooded areas between the old and new dikes will be reserved by the parties.

The parcel south of the existing flood control channel, which is the present site of Fremont Airport, was primarily rancho

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land. Upon the effective date of the exchange agreement, Fremont International Partners will deed to the State the existing bed and banks of Penetencia Creek where it meanders through the southern parcel and will also deed to the State the existing bed of Coyote Creek where it borders their parcel on the west.

Public access will be provided along the top of the new levee to be constructed, with viewpoints provided at regular intervals and parking facilities located at each end of the levee. The public trust will be confirmed over the new 40-acre flood control basin which will also be managed as a wildlife preserve. The terms of the exchange agreement will give Fremont International Partners the right to cross Penetencia Creek in up to four designated places and the right to cross Coyote Creek in up to two designated places.

The exchange agreement will also require that Fremont International Partners provide the State with the appropriate amounts of title insurance on the parcels that the State will receive pursuant to this exchange, and further, that all escrow costs will be paid for by Fremont International Partners.

The specific terms and conditions of the settlement are set forth in the proposed form of agreement, a copy of which is on file with the State Lands Commission.

CONCLUSION:

Staff has reviewed and evaluated the title evidence and the various legal principles applicable to this case. It has concluded that the proposed agreement is a reasonable compromise solution to this dispute, as well as meets environmental mitigation requirements. It is in compliance with all legal requirements and is within the statutory authority of the State Lands Commission. The proposed settlement also has the support of the Department of Fish and Game. It is contemplated that either

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the Department of Fish and Game or the United States Fish and Wildlife Service will take possession and control of the State parcels to manage as a wildlife preserve.

It is also anticipated that a quiet title action will be filed for the purpose of judicially confirming the transaction reflected by this agreement. In that event, the reasonable costs incurred by the State in participating in that action will be borne by Fremont International Partners or their assignee.

AB 884:

N/A.

EXHIBITS:

- A. Location Plat.
- B. Plat of Compromise Settlement.
- C. Land description of the 274.30[±] acre parcel to be patented by the State to Fremont International Partners for development as a light industrial park.
- D. Land description of the 40.27[±] acre retention basin which will be burdened by the public trust for commerce, navigation and fishing.
- E. Land description of the 22.29[±] acre parcel located south of existing flood control channel which will be patented by the State to Fremont International Partners.
- F. Land description of the 130.42[±] acre parcel lying south of the existing flood control channel to be patented by the State to Fremont International Partners.
- G. Land description of the 19.10[±] acre parcel to be granted by Fremont International Partners to the State on the effective date of this agreement.
- H. Land description of the 95.12[±] acre marsh to be deeded by Fremont International Partners to the State upon the effective date of this agreement.

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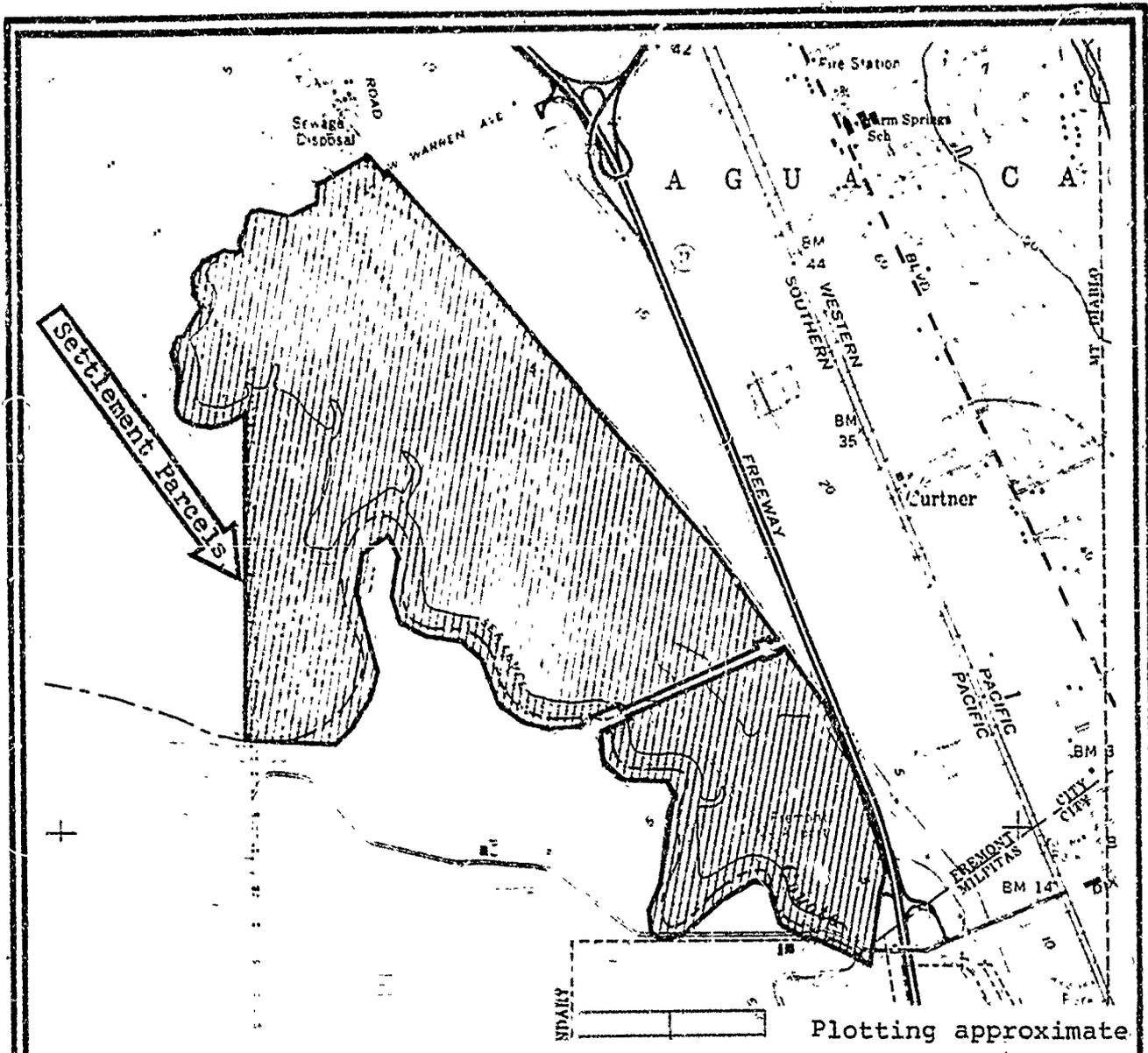
- I. Land description of the bed and bank of Penetencia Creek to be deeded by Fremont International Partners to the State.
- J. Land description of the bed of Coyote Creek to be deeded by Fremont International Partners to the State.
- K. Land description of the 109.04[±] acre parcel to be deeded to the State by Fremont International Partners upon the breaching of the outer dike and flooding of that parcel or ten years, whichever is sooner.
- L. Land Description of the 27.46[±] acre pickleweed stand to be deeded to the State.
- M. Land Description of the 93.17[±] acre parcel in which the parties reserve their title claims.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE AND DECLARE THAT THE STATE HAS IDENTIFIED THE PARCELS TO BE DEEDED TO THE STATE AS LANDS THAT MEET THE REQUIREMENTS OF THE NATURE, QUALITY AND VALUE PRESCRIBED IN SECTION 6307 OF THE P.R.C., AND AGREE TO ACCEPT THE CONVEYANCE OF SAID LANDS TO THE STATE AND CONSENT TO THE RECORDATION THEREOF.
2. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 6307 OF THE P.R.C., THAT THE SUBJECT EXCHANGE OF STATE AND PRIVATE TITLES IS IN THE BEST INTERESTS OF THE STATE AND THAT THE PATENT PARCEL HAS BEEN FILLED AND RECLAIMED AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION AND FISHING, IS NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS, AND UPON RECORDATION OF THE STATE'S CONVEYANCE, PURSUANT TO THE SUBJECT EXCHANGE AGREEMENT, SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.
3. DECLARE AND DETERMINE THAT THE VALUE OF THE PRIVATE INTERESTS IT IS RECEIVING PURSUANT TO THE EXCHANGE IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST BEING GIVEN UP.

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4. AUTHORIZE EXECUTION ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE PROPOSED SETTLEMENT AND EXCHANGE AGREEMENT IN SUBSTANTIALLY THE FORM ON FILE WITH THE COMMISSION AND OTHER APPROPRIATE TITLE DOCUMENTS, AND DELIVERY OF SAID AGREEMENT AND OTHER DOCUMENTS INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDERS OF THE COUNTIES OF ALAMEDA AND SANTA CLARA.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED SETTLEMENT INCLUDING PARTICIPATION IN A QUIET TITLE ACTION IN ORDER TO OBTAIN A DECREE CONFIRMING THE PROVISIONS OF THE COMPROMISE TITLE SETTLEMENT AND EXCHANGE AGREEMENT.
6. FIND THAT THE PROPOSED EXCHANGE AGREEMENT IS IN SETTLEMENT OF A TITLE AND BOUNDARY DISPUTE AND THE PROVISIONS OF CEQA ARE INAPPLICABLE PURSUANT TO 14 CAL. ADM. CODE 15100 ET SEQ.



Plotting approximate

Base map:

Portion of U.S.G.S. Quadrangle Milpitas
1961, photorevised 1968 and 1973.

STATE LANDS COMMISSION

LOCATION PLAT
OF

PROPOSED COMPROMISE SETTLEMENT

Prepared by D. Plummer

Date 3-31-82

Title Study WARREN RANCH-COYOTE CREEK W22265

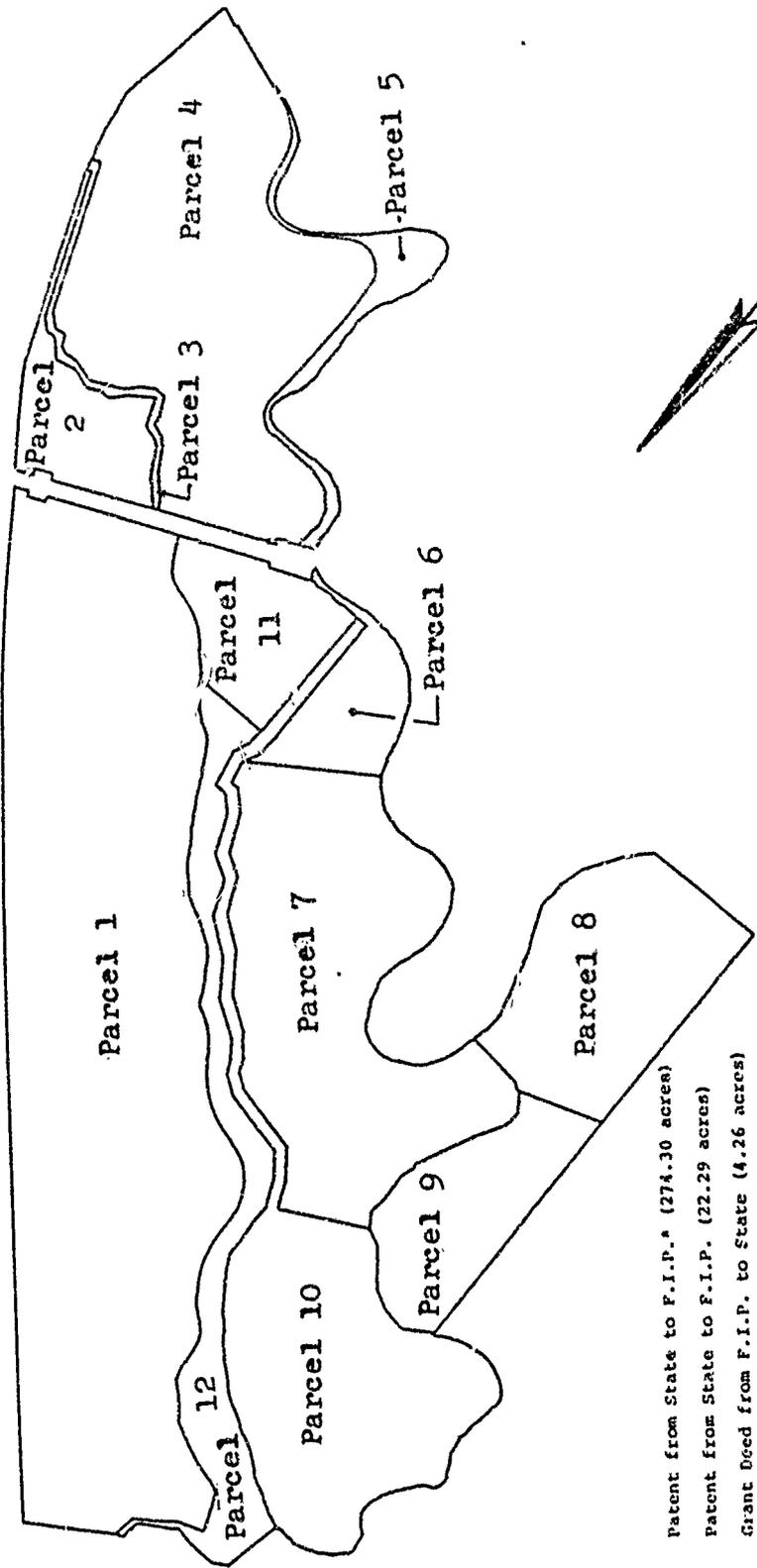


23N35E157, N35E158, N36E158

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- Parcel 1 Patent from State to F.I.P.* (274.30 acres)
- Parcel 2 Patent from State to F.I.P. (22.29 acres)
- Parcel 3 Grant Deed from F.I.P. to State (4.26 acres)
- Parcel 4 Patent from State to F.I.P. (130.42 acres)
- Parcel 5 Grant Deed from F.I.P. to State (12.73 acres)
- Parcel 6 Grant Deed from F.I.P. to State (19.10 acres)
- Parcel 7 Grant Deed from F.I.P. to State within a 10 year period (109.04 acres)
- Parcels 8 & 9 Grant Deed from F.I.P. to State (95.12 acres)
- Parcel 10 Title problems to remain unresolved at the present time (93.17 acres)
- Parcel 11 Grant Deed from F.I.P. to State within a 10 year period (27.46 acres)
- Parcel 12 Patent from State to F.I.P. with the State reserving the Public Trust Easement (40.27 acres)

* F.I.P. - Fremont International Partners

EXHIBIT B

W 22265

Date: 3-31-82

Prepared by: D. Plymmer

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Compromise Settlement Plat

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APRIL 6, 1982

EXHIBIT "C"

Land Description

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

COMMENCING FOR REFERENCE AT A 4½" X 4½" CONCRETE MONUMENT AT THE
CORNER COMMON TO SECTIONS 22, 23, 26 AND 27, TOWNSHIP 5 SOUTH,
RANGE 1 WEST, MOUNT DIABLO MERIDIAN, WHICH BEARS SOUTH 56°20'03"
EAST 49,766.39 FEET DISTANT FROM THE NATIONAL GEODETIC SURVEY
POINT "RED HILL"; THENCE NORTH 33°30'43" EAST 1,065.66 FEET TO A
POINT ON THE EASTERLY LINE OF PARCEL N AS SAID PARCEL N IS
DESCRIBED IN THE GRANT DEED FROM LESLIE SALT CO. TO THE STATE OF
CALIFORNIA ON REEL 2119 AT IMAGE 305, OFFICIAL RECORDS OF ALAMEDA
COUNTY, AT THE SOUTHERLY TERMINUS OF A COURSE DESCRIBED AS "SOUTH
66°36'53" WEST 76.4 FEET" IN SAID GRANT DEED, SAID POINT BEING THE
TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

THENCE ALONG THE GENERAL EASTERLY LINE OF PARCEL N THE FOLLOWING
COURSES:

NORTH 66°36'53" EAST	76.21 FEET,
NORTH 47° 3'36" EAST	98.40 FEET,
NORTH 59°41'20" EAST	225.90 FEET,
NORTH 9°34'43" EAST	162.30 FEET,

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SOUTH 88°56'21" WEST 35.26 FEET,

TO THE SOUTHERLY LINE OF COUNTY ROAD NO. 496; THENCE ALONG LAST SAID LINE THE FOLLOWING COURSES:

NORTH 60° 2'45" EAST 594.60 FEET,

NORTH 59°45'15" EAST 136.92 FEET,

NORTH 49°43'45" EAST 50.18 FEET,

TO THE WESTERLY LINE OF RECORD OF SURVEY NO. 699, FILED IN BOOK 11 OF RECORDS OF SURVEYS AT PAGES 42-44 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THENCE ALONG LAST SAID LINE THE FOLLOWING COURSES:

SOUTH 42°18'30" EAST 347.03 FEET,

NORTH 66°50'20" EAST 9.69 FEET,

SOUTH 41°21'20" EAST 2065.52 FEET,

SOUTH 38°35'53" EAST 778.05 FEET,

SOUTH 39°23'38" EAST 2999.95 FEET,

SOUTH 34°37'28" EAST 779.90 FEET,

SOUTH 66°54'52" WEST 18.66 FEET,

SOUTH 35° 2'26" EAST 1001.01 FEET,

TO THE NORTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN EXHIBIT A OF THE FINAL JUDGEMENT IN CONDEMNATION FILED ON REEL 111 AT IMAGE 288, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG LAST SAID

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LINE THE FOLLOWING COURSES:

SOUTH 67°44'40" WEST 227.53 FEET,
NORTH 22°36'32" WEST 50.00 FEET,
SOUTH 67°44'40" WEST 150.00 FEET,
SOUTH 22°36'32" EAST 50.00 FEET,
SOUTH 67°44'40" WEST 1075.20 FEET,

TO A POINT WHICH BEARS SOUTH 24°34'02" EAST 198.07 FEET FROM A
POINT WHICH BEARS SOUTH 47°17'14" EAST 7,172.83 FEET DISTANT FROM
THE POINT OF COMMENCEMENT OF THIS DESCRIPTION, THENCE NORTH
24°34'02" WEST 198.07 FEET TO SAID SECONDLY LAST DESCRIBED POINT;
THENCE NORTHWESTERLY THE FOLLOWING COURSES:

NORTH 31°36'37" WEST 68.20 FEET,
NORTH 47°43'35" WEST 63.15 FEET,
NORTH 63°26'06" WEST 92.12 FEET,
NORTH 71°57'57" WEST 228.03 FEET,
NORTH 57°59'41" WEST 102.61 FEET,
NORTH 48°21'59" WEST 64.75 FEET,
NORTH 45° 0' 0" WEST 93.10 FEET,
NORTH 37°45'39" WEST 261.14 FEET,

TO A POINT WHICH BEARS SOUTH 46°35'11" EAST 6,232.68 FEET DISTANT
FROM THE AFORESAID POINT OF COMMENCEMENT; THENCE CONTINUING
NORTHWESTERLY THE FOLLOWING COURSES:

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NORTH 35°18'40" WEST 71.85 FEET,
NORTH 37°24'19" WEST 102.20 FEET,
NORTH 53° 7'48" WEST 44.91 FEET,
NORTH 56°18'36" WEST 54.46 FEET,
NORTH 51°42'35" WEST 122.16 FEET,
NORTH 52° 7'30" WEST 62.34 FEET,
NORTH 32° 0'19" WEST 52.16 FEET,
NORTH 33°41'24" WEST 126.66 FEET,
NORTH 22°50' 1" WEST 208.52 FEET,
NORTH 24°54'17" WEST 152.28 FEET,
NORTH 30°34'45" WEST 125.97 FEET,
NORTH 31°36'27" WEST 152.14 FEET,
NORTH 32°28'16" WEST 130.34 FEET,
NORTH 31°45'34" WEST 120.79 FEET,
NORTH 42°30'38" WEST 77.11 FEET,
NORTH 47°43'35" WEST 70.63 FEET,
NORTH 56°18'36" WEST 68.56 FEET,
NORTH 60°56'43" WEST 257.39 FEET,
NORTH 56°18'36" WEST 58.37 FEET,
NORTH 45° 0' 0" WEST 55.27 FEET,
NORTH 34°49'28" WEST 285.83 FEET,
NORTH 23°57'45" WEST 54.50 FEET,
NORTH 15°15'18" WEST 55.11 FEET,
NORTH 30°57'50" WEST 45.85 FEET,
NORTH 60°56'43" WEST 40.40 FEET,

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NORTH 71°33'54" WEST 64.17 FEET,
NORTH 57°31'44" WEST 70.15 FEET,
NORTH 53° 7'48" WEST 55.08 FEET,
NORTH 38°39'35" WEST 133.62 FEET,
NORTH 32°28'16" WEST 196.06 FEET,
NORTH 36°52'12" WEST 95.54 FEET,
NORTH 49° 5' 8" WEST 92.96 FEET,
NORTH 60°15'18" WEST 75.86 FEET,
NORTH 66°48' 5" WEST 72.77 FEET,
NORTH 72°53'50" WEST 203.65 FEET,
NORTH 68°11'55" WEST 138.90 FEET,
NORTH 56°58'34" WEST 126.84 FEET,
NORTH 40° 6' 3" WEST 133.70 FEET,
NORTH 21°48' 5" WEST 144.12 FEET,
NORTH 4°58'11" WEST 121.31 FEET,
NORTH 0° 0' 0" EAST 179.50 FEET,
NORTH 6°50'34" WEST 122.13 FEET,
NORTH 14° 2'10" WEST 99.49 FEET,
NORTH 20°13'29" WEST 97.56 FEET,
NORTH 27°45'31" WEST 104.26 FEET,
NORTH 31°45'34" WEST 120.63 FEET,
NORTH 38°25' 5" WEST 182.83 FEET,
NORTH 40° 6' 3" WEST 130.10 FEET,
NORTH 16°41'57" WEST 61.51 FEET,
NORTH 5°42'38" WEST 53.68 FEET,
NORTH 3°56'43" WEST 146.87 FEET,

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NORTH 0° 0' 0" EAST 39.39 FEET,
NORTH 41°38' 1" WEST 47.26 FEET,
NORTH 46°23'50" WEST 145.12 FEET,
NORTH 41°11' 9" WEST 56.77 FEET,
NORTH 32°54'19" WEST 102.40 FEET,
NORTH 36°52'12" WEST 43.68 FEET,
NORTH 56°18'36" WEST 45.51 FEET,
NORTH 68°37'46" WEST 119.90 FEET,
NORTH 69°40'37" WEST 143.33 FEET,
NORTH 76°58'28" WEST 154.15 FEET,
NORTH 66°48' 5" WEST 80.09 FEET,
NORTH 56°18'36" WEST 42.27 FEET,
NORTH 23°42'10" WEST 298.87 FEET,
NORTH 0° 0' 0" EAST 25.00 FEET,

TO A POINT WHICH BEARS NORTH 26°30'39" EAST 942.46 FEET DISTANT
FROM THE AFORESAID POINT OF COMMENCEMENT; THENCE NORTH 74°55'41"
EAST 173.65 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 274.30 ACRES, MORE OR LESS.

ALL BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE
SYSTEM, ZONE 3. TO OBTAIN GROUND LEVEL DISTANCES, MULTIPLY
DISTANCE SHOWN HEREIN BY 1.0000587.

END OF DESCRIPTION

REVIEWED APRIL 8, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK,
SUPERVISOR

APRIL 6, 1982

EXHIBIT "D"
Land Description

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

COMMENCING FOR REFERENCE AT A 4½" X 4½" CONCRETE MONUMENT AT THE
CORNER COMMON TO SECTIONS 22, 23, 26 AND 27, TOWNSHIP 5 SOUTH,
RANGE 1 WEST, MOUNT DIABLO MERIDIAN, WHICH BEARS SOUTH 56°20'03"
EAST 49,766.39 FEET DISTANT FROM THE NATIONAL GEODETIC SURVEY
POINT "RED HILL"; THENCE NORTH 33°30'43" EAST 1,065.66 FEET TO A
POINT ON THE EASTERLY LINE OF PARCEL N AS SAID PARCEL N IS
DESCRIBED IN THE GRANT DEED FROM LESLIE SALT CO. TO THE STATE OF
CALIFORNIA ON REEL 2119 AT IMAGE 305, OFFICIAL RECORDS OF ALAMEDA
COUNTY AT THE SOUTHERLY TERMINUS OF A COURSE DESCRIBED AS "SOUTH
66°36'53" WEST 76.4 FEET" IN SAID GRANT DEED, SAID POINT BEING THE
TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

THENCE ALONG THE GENERAL EASTERLY LINE OF PARCEL N NORTH 44°38'25"
WEST 108.43 FEET TO AN ANGLE POINT THEREIN; THENCE ALONG LAST SAID
LINE AND GENERAL EASTERLY LINE OF PARCEL A-15 AS SAID PARCEL IS
DESCRIBED IN THE PATENT FROM THE STATE OF CALIFORNIA TO LESLIE
SALT CO. FILED ON REEL 2119 AT IMAGE 325, OFFICIAL RECORDS OF
ALAMEDA COUNTY THE FOLLOWING COURSES:

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NORTH 86° 3'25" WEST 277.48 FEET,
SOUTH 61°50'35" WEST 148.29 FEET,
SOUTH 14°27'35" WEST 384.08 FEET,
SOUTH 0°55' 5" WEST 101.68 FEET,

TO THE SOUTHERLY TERMINUS OF A COURSE OF A COURSE REFERENCED IN
THE DESCRIPTION OF PARCEL A-15 AS "NORTH 00°01'30" EAST 101.69
FEET"; THENCE SOUTH 64°48'34" EAST 241.59 FEET TO A POINT WHICH
BEARS NORTH 33°42'10" EAST 406.72 FEET DISTANT FROM THE AFORESAID
POINT OF COMMENCEMENT; THENCE SOUTHEASTERLY THE FOLLOWING

COURSES:

SOUTH 48°21'59" EAST 240.83 FEET,
SOUTH 62°21'41" EAST 668.25 FEET,
SOUTH 34°10'59" EAST 290.12 FEET,
SOUTH 37°52'30" EAST 627.10 FEET,
SOUTH 12°43'28" EAST 158.90 FEET,
SOUTH 0°42'58" EAST 400.03 FEET,
SOUTH 23°11'55" EAST 228.47 FEET,
SOUTH 35°23'41" EAST 233.08 FEET,
SOUTH 77°38'41" EAST 537.45 FEET,
SOUTH 55° 0'29" EAST 183.10 FEET,
SOUTH 21° 2'15" EAST 139.28 FEET,
SOUTH 38° 2'49" EAST 146.03 FEET,
SOUTH 55°32'21" EAST 309.27 FEET,
SOUTH 34° 9'35" EAST 338.38 FEET,

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SOUTH 52°12'22" EAST 310.04 FEET,
SOUTH 22° 1' 8" EAST 293.40 FEET,
SOUTH 58°32'35" EAST 199.29 FEET,
SOUTH 22°45' 4" EAST 336.15 FEET,
SOUTH 44°25'58" EAST 142.84 FEET,
SOUTH 83°28'49" EAST 105.68 FEET,
SOUTH 10° 5'22" EAST 285.41 FEET,
SOUTH 28°49'51" WEST 124.42 FEET,
SOUTH 8°36'56" WEST 148.87 FEET,

TO A POINT WHICH BEARS SOUTH 42°24'11" EAST 5,781.03 FEET DISTANT
FROM THE POINT OF COMMENCEMENT; THENCE SOUTH 88°40'00" EAST 629.27
FEET TO A POINT WHICH BEARS SOUTH 46°35'11" EAST 6,232.68 FEET
DISTANT FROM THE AFORESAID POINT OF COMMENCEMENT; THENCE
NORTHWESTERLY THE FOLLOWING COURSES:

NORTH 35°18'40" WEST 71.85 FEET,
NORTH 37°24'19" WEST 102.20 FEET,
NORTH 53° 7'48" WEST 44.91 FEET,
NORTH 56°18'36" WEST 54.46 FEET,
NORTH 51°42'35" WEST 122.16 FEET,
NORTH 52° 7'30" WEST 62.34 FEET,
NORTH 32° 0'19" WEST 52.16 FEET,
NORTH 33°41'24" WEST 128.66 FEET,
NORTH 22°50' 1" WEST 208.52 FEET,
NORTH 24°54'17" WEST 152.28 FEET,

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NORTH 30°34'45" WEST 125.97 FEET,
NORTH 31°36'27" WEST 152.14 FEET,
NORTH 32°28'16" WEST 130.34 FEET,
NORTH 31°45'34" WEST 120.79 FEET,
NORTH 42°30'38" WEST 77.11 FEET,
NORTH 47°43'35" WEST 70.63 FEET,
NORTH 56°18'36" WEST 68.56 FEET,
NORTH 60°56'43" WEST 257.39 FEET,
NORTH 56°18'36" WEST 58.37 FEET,
NORTH 45° 0' 0" WEST 55.27 FEET,
NORTH 34°49'28" WEST 285.83 FEET,
NORTH 23°57'45" WEST 54.50 FEET,
NORTH 15°15'18" WEST 55.11 FEET,
NORTH 30°57'50" WEST 45.85 FEET,
NORTH 60°56'43" WEST 40.40 FEET,
NORTH 71°33'54" WEST 64.17 FEET,
NORTH 57°31'44" WEST 70.15 FEET,
NORTH 53° 7'48" WEST 55.08 FEET,
NORTH 38°39'35" WEST 133.62 FEET,
NORTH 32°28'16" WEST 196.06 FEET,
NORTH 36°52'12" WEST 95.54 FEET,
NORTH 49° 5' 8" WEST 92.96 FEET,
NORTH 60°15'18" WEST 75.86 FEET,
NORTH 66°48' 5" WEST 72.77 FEET,
NORTH 72°53'50" WEST 203.65 FEET,
NORTH 68°11'55" WEST 138.90 FEET,

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NORTH 56°58'34" WEST 126.84 FEET,
NORTH 40° 6' 3" WEST 133.70 FEET,
NORTH 21°48' 5" WEST 144.12 FEET,
NORTH 4°58'11" WEST 121.31 FEET,
NORTH 0° 0' 0" EAST 179.50 FEET,
NORTH 6°50'34" WEST 122.13 FEET,
NORTH 14° 2'10" WEST 99.49 FEET,
NORTH 20°13'29" WEST 97.56 FEET,
NORTH 27°45'31" WEST 104.26 FEET,
NORTH 31°45'34" WEST 120.63 FEET,
NORTH 38°25' 5" WEST 182.83 FEET,
NORTH 40° 6' 3" WEST 130.10 FEET,
NORTH 16°41'57" WEST 61.51 FEET,
NORTH 5°42'38" WEST 53.68 FEET,
NORTH 3°56'43" WEST 146.87 FEET,
NORTH 0° 0' 0" EAST 39.39 FEET,
NORTH 41°38' 1" WEST 47.26 FEET,
NORTH 46°23'50" WEST 145.12 FEET,
NORTH 41°11' 9" WEST 56.77 FEET,
NORTH 32°54'19" WEST 102.40 FEET,
NORTH 36°52'12" WEST 43.68 FEET,
NORTH 56°18'36" WEST 45.51 FEET,
NORTH 68°37'46" WEST 119.90 FEET,
NORTH 69°40'37" WEST 143.33 FEET,
NORTH 70°58'28" WEST 154.15 FEET,
NORTH 66°48' 5" WEST 80.09 FEET,

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NORTH 56°18'36" WEST 42.27 FEET,
NORTH 23°42'10" WEST 298.87 FEET,
NORTH 0° 0' 0" EAST 25.00 FEET,

TO A POINT WHICH BEARS NORTH 26°30'39" EAST 942.46 FEET DISTANT
FROM THE AFORESAID POINT OF COMMENCEMENT; THENCE NORTH 74°55'41"
EAST 173.65 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 40.27 ACRES, MORE OR LESS.

ALL BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE
SYSTEM, ZONE 3. TO OBTAIN GROUND LEVEL DISTANCES, MULTIPLY
DISTANCE SHOWN HEREIN BY 1.0000587.

END OF DESCRIPTION

REVIEWED APRIL 8, 1982, BY TECHNICAL SERVICES UNIT, ROY MINNICK,
SUPERVISOR

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EXHIBIT "E"
LAND DESCRIPTION

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

COMMENCING FOR REFERENCE AT A 4½" X 4½" CONCRETE MONUMENT AT THE
CORNER COMMON TO SECTIONS 22, 23, 26 AND 27, TOWNSHIP 5 SOUTH,
RANGE 1 WEST, MOUNT DIABLO MERIDIAN, WHICH BEARS SOUTH 56°20'03"
EAST 49,766.39 FEET DISTANT FROM THE NATIONAL GEODETIC SURVEY
POINT "RED HILL"; THENCE SOUTH 47°55'31" EAST 7,579.15 FEET TO A
POINT ON THE SOUTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN
EXHIBIT A OF THE FINAL JUDGEMENT IN CONDEMNATION FILED ON REEL 111
AT IMAGE 288, OFFICIAL RECORDS OF ALAMEDA COUNTY; SAID POINT BEING
THE TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES:

NORTH 67° 2'16" EAST	835.82 FEET,
SOUTH 22°36'32" EAST	50.00 FEET,
NORTH 67° 2'16" EAST	150.00 FEET,
NORTH 22°36'32" WEST	50.00 FEET,
NORTH 67° 2'16" EAST	134.09 FEET,

TO THE WESTERLY LINE OF RECORD OF SURVEY NO. 609, FILED IN BOOK 11

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OF RECORDS OF SURVEYS AT PAGES 42-44, ALAMEDA COUNTY RECORDS;

THENCE ALONG LAST SAID LINE AND ITS EXTENSION SOUTHEASTERLY THE
FOLLOWING COURSE:

SOUTH 35° 2'26" EAST 806.97 FEET,

TO THE WESTERLY LINE OF STATE HIGHWAY 17 (NIMITZ FREEWAY);

THENCE ALONG SAID LINE THE FOLLOWING COURSE:

SOUTH 20°36'32" EAST 1515.51 FEET,

THENCE ALONG A TANGENT CURVE TO THE RIGHT, RADIUS 4,947.00 FEET,
THROUGH A CENTRAL ANGLE OF 0°47'21" AN ARC LENGTH OF 68.13 FEET;

THENCE LEAVING SAID LINE SOUTH 69°25'00" WEST 36.79 FEET TO A
POINT THAT BEARS SOUTH 48°19'20" EAST 10,225.91 FEET FROM THE
POINT OF COMMENCEMENT;

THENCE ALONG THE FOLLOWING COURSES:

NORTH 20°22'44" WEST 1179.43 FEET,

NORTH 45°20'20" WEST 107.26 FEET,

NORTH 82°24'24" WEST 91.28 FEET,

NORTH 43°37'47" WEST 158.62 FEET,