



2011066646

02/25/2011 09:02 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 27.00

**RECORDED AT THE REQUEST OF AND
AFTER RECORDING PLEASE RETURN TO**
City of Oakland Department of Fire Services
250 Frank H. Ogawa Plaza, Ste 3341
Oakland, CA 94612



COPY of Document Recorded

5 PGS

**TERMINATION OF 2000 COVENANT AND ENVIRONMENTAL
RESTRICTION ON PROPERTY**

This Termination of the 2000 Covenant and Environmental Restriction (Covenant) is made and executed at this 9th day of February, 2011, by the City of Oakland Fire Department (OFD), Hazardous Materials Program, and the Alameda County Department of Environmental Health (ACEH), in favor of Encinal 14th Street, LLC, a California limited liability company (successor to Nestle USA), the current fee owner of the property situated at 1315-1372 14th Street and 1315-1385 16th Street, in the City of Oakland, County of Alameda, State of California and more particularly described in Exhibit A attached to and incorporated herein (the "Property").

RECITALS

This Termination is made with reference to the following facts:

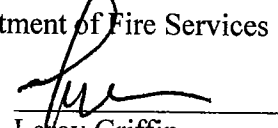
- A. Owner is the fee owner of the property;
- B. On June 8, 2000, OFD and Nestle USA (the prior property owner) recorded the referenced Covenant in the official records of Alameda County as Instrument No. 2000 175664.
- C. The terms and conditions of development restrictions have been amended and updated in a new Deed Restriction, to be filed and recorded simultaneously with the filing of this Termination.
- D. Accordingly, to permit the recording of the new restriction, COFS and the ACEH desire to rescind and terminate the 2000 Covenant.

NOW THEREFORE, OFD and the ACEH hereby declare that the 2000 Covenant is rescinded and terminated and shall be of no further force and effect.

Executed on the day and year first written above.

OFD:

City of Oakland
Department of Fire Services

By: 
Leroy Griffin
Title: Assistant Fire Marshal

ACEH:

Alameda County
Department of Environmental Health

By: 
Title:

EXHIBIT A

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
DEED RESTRICTION AREA

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being a portion of Lots 4 through 23 and a portion Kirkham Street of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed in Book 7 of Maps at Page 21 on December 10, 1874 in the Office of the County Recorder of Alameda County more particularly described as follows:

BEGINNING at the intersection of said Kirkham Street and the northwest corner of lot 17, in block 584, as shown on the map of "Re-division of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25, in said office of the County Recorder;

Thence, along the northerly line of said Kirkham Street and said lots 13, 12, 11, 10, 9, 8, 7, 6 and 5, North 72°53'28" West 292.25 feet to the northwest corner of said lot 5, said point also being the northeasterly corner of that certain parcel of land described in the deed to the State of California, recorded May 12, 1955 in Volume 7658, of Official Records at Page 299, in said office of the County Recorder;

Thence, continuing along said northerly line of Kirkham Street, North 72°53'28" West 8.64 feet;

Thence, along said State of California parcel, along a non-tangent 1240 foot radius curve to the right, through a central angle of 2°59'04" to the easterly line of the parcel of land described in the deed to the State of California, recorded August 12, 1955 in Book 7749, of Official Records at Page 447, as Instrument Number AK-86901, in said office of the County Recorder;

Thence, along last said State of California parcel (7749 OR 447), along a non-tangent 1240 foot radius curve to the right from a tangent that bears South 10°54'36" West to the south line of said lot 22, said southerly line also being the north line of 15th Street, as shown on said map of the Scotchler Tract (7 M 21);

Thence, along said northerly line of 15th Street and the easterly prolongation of said north line, South 74°03'30" East 285.05 feet to the easterly line of said Kirkham Street;

Thence, along said easterly line, North 15°56'30" West 209.50 feet to the POINT OF BEGINNING.

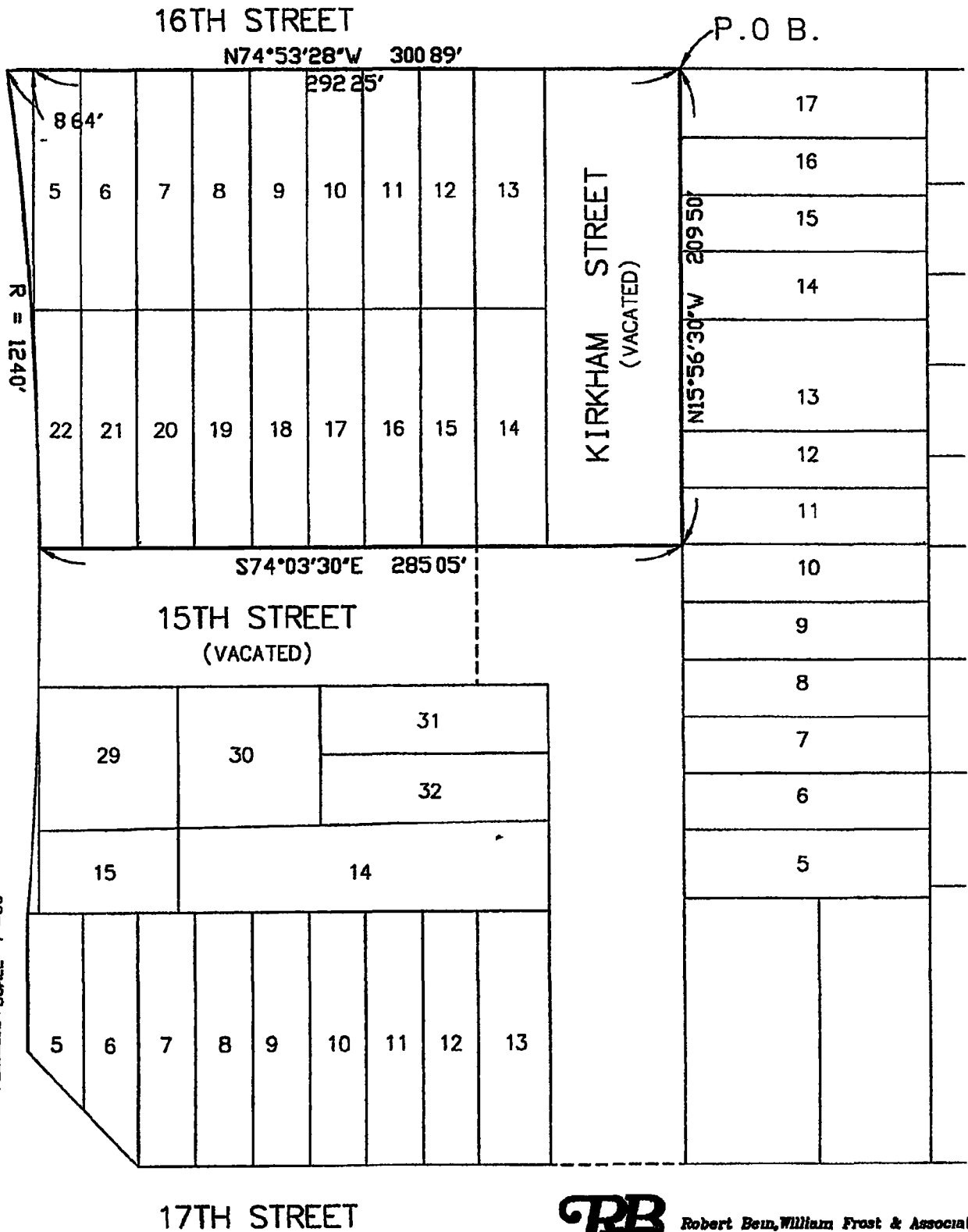
EXHIBIT attached and by this reference made a part hereof.



Patrick J. Tam

Patrick J. Tam, L.S. 5816

DEED RESTRICTION AREA

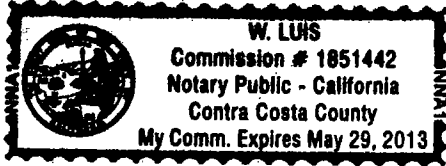


Robert Bein, William Frost & Associates
 PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
 1001 NORTH BROADWAY SUITE 235, WALNUT CREEK, CALIFORNIA 94598
 (925) 908-1480 FAX (925) 908-1485 WWW.RBF.COM

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Alameda
 On 2/9/11 before me, W. Luis Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Leroy Griffin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 Signature: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

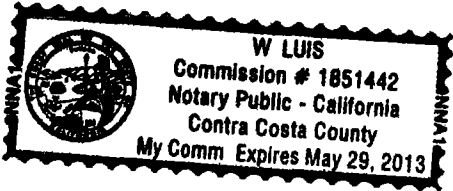
Signer's Name: _____ Signer's Name: _____

- | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; font-weight: bold; font-size: small;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; font-size: x-small;">Top of thumb here</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> | <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; font-weight: bold; font-size: small;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; font-size: x-small;">Top of thumb here</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Signer Is Representing: _____ Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Alameda }
 On 2/9/11 before me, W. Luis Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Anu Lev
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal
 Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document _____
 Document Date _____ Number of Pages _____
 Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____ <input type="checkbox"/> Corporate Officer — Title(s) _____ <input type="checkbox"/> Individual <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General <input type="checkbox"/> Attorney in Fact <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator <input type="checkbox"/> Other _____ Signer Is Representing _____	RIGHT THUMBPRINT OF SIGNER Top of thumb here	Signer's Name _____ <input type="checkbox"/> Corporate Officer — Title(s) _____ <input type="checkbox"/> Individual <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General <input type="checkbox"/> Attorney in Fact <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator <input type="checkbox"/> Other _____ Signer Is Representing _____	RIGHT THUMBPRINT OF SIGNER Top of thumb here
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------