

KTW PROPERTIES, INC.

22634 Second Street #207
Hayward, CA 94541

F a x C o v e r S h e e t

DATE: 9-30-99 TIME: _____

TO: Alameda County Health FAX: 337-9335
Scott Serry PHONE: _____

FROM: KENT T. WOODDELL FAX: 510/247-1418
 KTW PROPERTIES, INC. PHONE: 510/247-1416
 E-MAIL: kwoodell@earthlink.net

RE: 2497 Groveway

CC: _____

ORIGINAL WILL FOLLOW () ORIGINAL WILL NOT FOLLOW

Number of pages including cover sheet: 10

We originally sent your copy to
1131 Harbor Bay Parkway # 250
Alameda -

We will Resend on Friday. Please advise
if this is not correct address

Regards

Kent Woodell

KTWProperties, Inc.*Commercial Real Estate
Brokerage and Development*

September 22, 1999

MEMO TO: Alameda County Health Department, Attention: Scott Seery 337-9995
ENSR, Attention: Richard Simon, Vice President
Wilson Chiu and Meranda Chang
Charles Stuhr, Esquire
P & D Environmental, Attention: Paul King
David Ristig, Public Storage, Inc.
Gary Mayes, Public Storage, Inc.

FROM: Kent Woodell

SUBJECT: Environmental Contamination
Lands Of Chiu & Chang
2497 - 2507 Grove Way, Castro Valley, CA

It is my opinion that the ENSR Environmental Report # 5555-439-230 on the referenced property is in error. Location of the former underground storage tank is incorrectly shown and is NOT, nor was NOT on the subject property. I have reached these conclusions based upon the below listed items:

1. Original (reduced) copy of Survey Map (note location of tank)
2. Copy of 1955 Building Inspection Map when tank installed
3. Copy of 1955 Tank Permit
4. Reduced copy of Current Survey
5. Copy of ENSR 6/14/99 Site Plan
6. Copy of 6/30/99 County Notice of Responsibility Letter
7. Copy of modified Scott Seery Plat Map

Wilson Chiu, Owner, had always maintained there were no tanks on his property. ENSR prepared Phase I and partial Phase II and prepared #5 without locating tank. Upon receipt of #5 and the ENSR Report, owner went to Alameda County, researched records, and came up with #'s 1, 2, and 3.

As shown on #4, Survey, the Grove Way frontage is 235 feet. As shown on #1, old Survey, the Grove Way frontage was 369.65 feet. The tank location was roughly drawn in on #1 and it conforms with the #2, Permit Map.

Page 2
Various Addresses
September 22, 1999

Apparently, in 1985 or so, the western 135 feet was sold off and Castro Valley Storage building constructed on it. Its address is 2489 Grove Way. The tank would have been about in the center of the new building. It is my opinion that ENSR's research for Phase I was either incorrect or incomplete, their subsurface metal tank exploration unnecessary and misdirected, and the ENSR Site Plan in error. Note, ENSR shows the tank directly under the major existing storm drain lines.

This combination of errors has caused a considerable (costly) delay in the permitting process of the project; has resulted in the issuance of a #6, Notice of Responsibility letter to the wrong party, Chiu/Chang; my personal expenditure of some 35 to 40 hours to figure out the problem; the expiration of the Buyer's Contract; and delay in substantial earnest money monthly payments to the owners.

Certainly ENSR (apparently) discovered an environmental problem, but has also created an expensive delay/liability situation. It is my recommendation that ENSR prepare, at their expense, a corrected work plan to take all necessary steps to allow appropriate evaluation of the scope of the contamination and immediately process same through the Governmental Agency(s). We have taken steps to reinstate the Purchase Contract.

By copy of this letter, I request Alameda County Health Care Services (Scott Seery) rescind #6, Notice of Responsibility, and assign it to the adjacent property owner. ENSR should coordinate and head up the program to either get an appropriate closure/clearance letter or other program which will allow the close of escrow and commencement of construction without risk or liability to either buyer or seller.

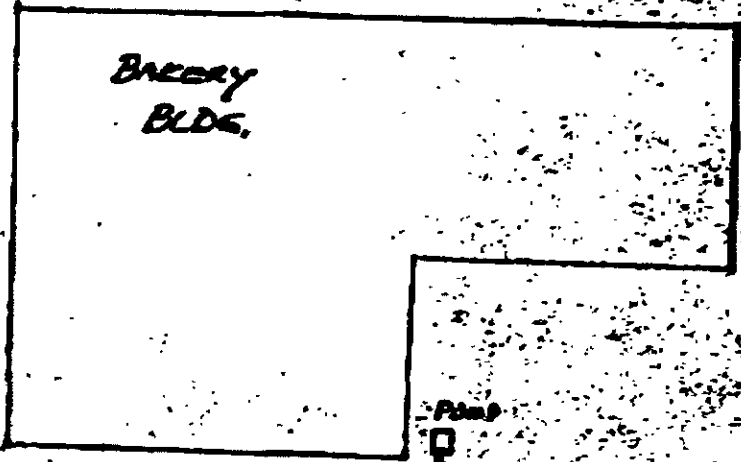
I anxiously await comment/direction from all concerned.



Enclosures

2

Handwritten notes:
Bldg
Bldg



BUILDING INSPECTION DEPARTMENT
COUNTY OF ALABAMA
APPROVED

NOV 21 1995

Handwritten signature: W. G. [unclear]

Approved plans shall not be changed, modified or altered without authorization from the Building Official.
 This set of plans shall be kept at the building site for use by the County Building Inspector. Do not mark, mutilate or deface.
 Approval of plans shall not be construed to be approval of any provision of the Building Code.

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100-21 01-1-98

COUNTY OF ALABAMA
BUILDING INSPECTION DEPARTMENT
APPLICATION FOR BUILDING PERMIT

TYPE BUILDING ()

Application is hereby made for approval of the plans and specifications and for a permit for the construction or alteration of a building as follows:
19,000 GAL.

UNDERGROUND GAS STORAGE Group J
TANK

For Group J or other buildings where no plans required, fill in this space

FOUNDATION		
ENTIRE	EXTENDED	PIERS
TOP WIDTH		
BOTTOM WIDTH		
DEPTH		
SUPERSTRUCTURE		
R. W. WALL	ONE	TWO
BASE		
JOIST FLOOR		
JOIST CEILING		
WOOD. INV.		
BRICK. INV.		
RAFTERS		
COVERING		
EXTERIOR WALLS		
INTERIOR WALLS		
FLOOR		

Location _____
 Lot _____ Block _____ Tract _____ Zone _____

2497 Grove Way
HOV.

Estimated Value, \$4500.00
 Includes all material and labor for finished building

Owner COTTAGE BAKERY

Address SAME

Architect _____ No. _____

Engineer _____ No. _____

Builder SIGNAL OIL CO. No. _____

Address 22053 MEEBAY RD HOV.

I hereby certify that I am duly qualified and have been bonded by the County of Alabama under all statutes, ordinances, rules and orders which may be and shall be made by the Board of Supervisors in connection with the granting of this permit, and that I am not a partner, officer or director of any corporation, firm or partnership, and that I am not in any way connected with the construction of this permit, and the applicant under this of any governmental agency.

Signal Oil Co
[Signature]
 Agent of Owner, Agent or Builder

Address 22053 Meebay Rd. HOV.

Date NOV 21 1998 Telephone Number 201-3003

FOR DEPARTMENT USE ONLY

Date Issued NOV 21 1998 Permit Number 48324

Examined by UTAQ Receipt Number 33687

Permit Fee 8.00 Remarks: _____

Checking Fee _____

Total Fee 8.00

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ALTA / ACSM LAND TITLE SURVEY				CENTER LINE LAND SUR CIVIL ENGINEERING • LAND 4047 FIRST STREET SUITE 104 • LIVE Phone (925) 454-3050 • Fax
LANDS OF YEE NING CHIU AND MERANDA CHANG				
CASTRO VALLEY		CALIFORNIA		

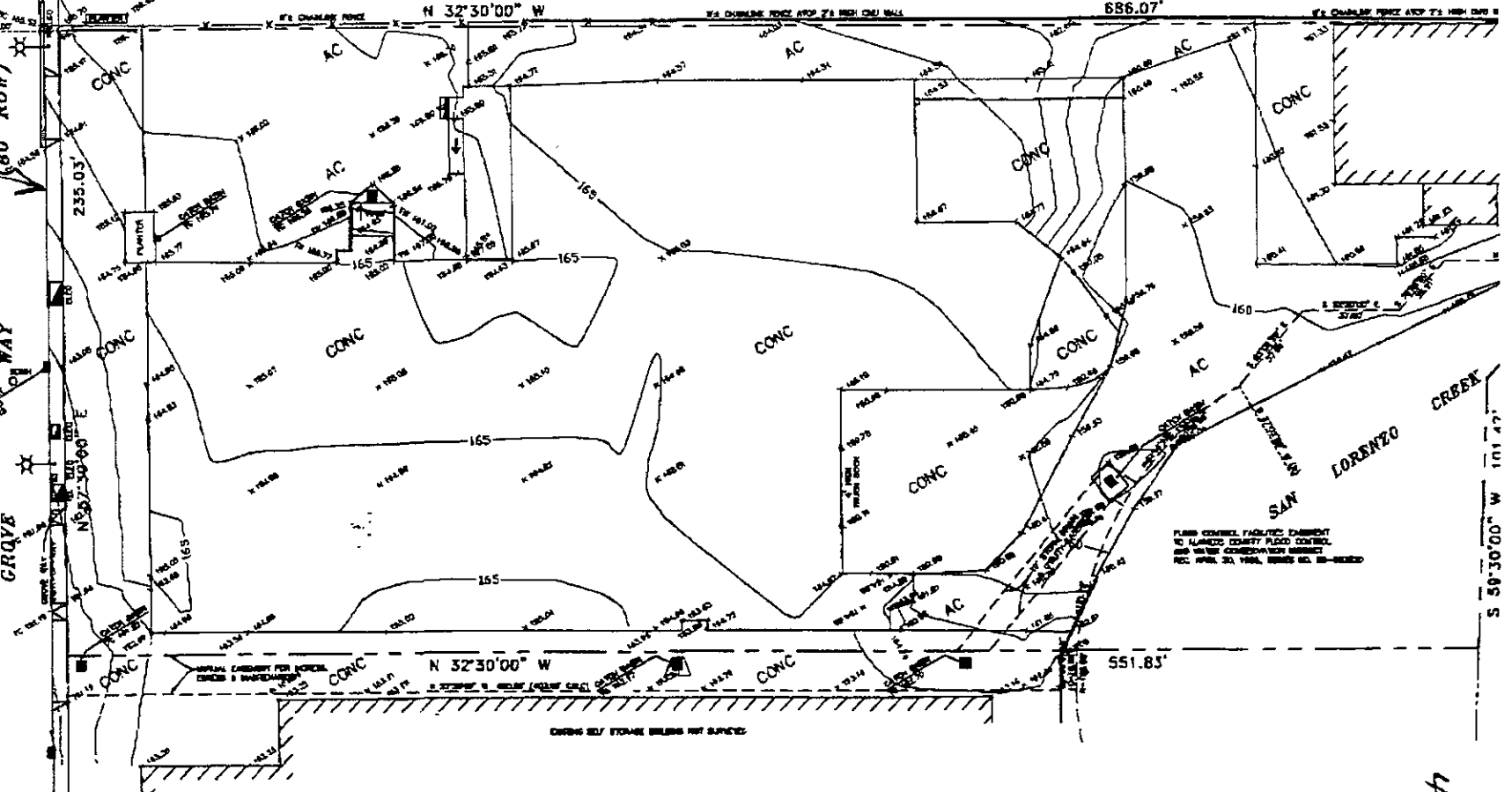
MORALES COURT



235.03'

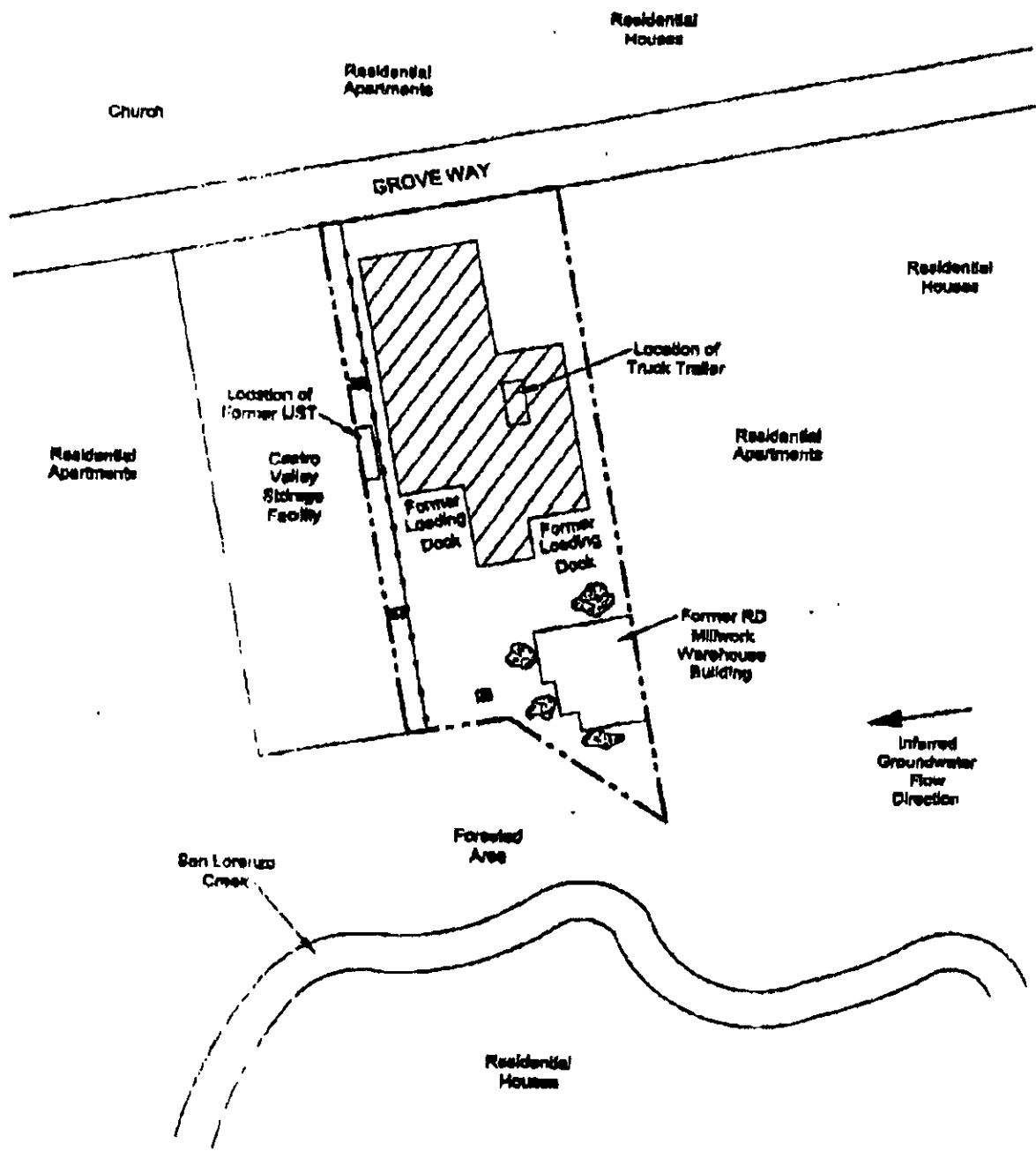
(80' ROW)

GROVE WAY



PLANS SHOW FACILITIES EXISTENT
TO ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR APR. 23, 1998, UNDER NO. 10-10000

71



- LEGEND:**
- Approximate Subject Property Boundary
 - Stormwater Drain
 - Fence
 - Former Building Foundation
 - Location of Debris



NOT TO SCALE



FIGURE 2
SITE PLAN
 Vacant Parcel
 2497-2507 Grove Way
 Castro Valley, CA

DRAWN: J. Glerek	DATE: 8/14/98	PROJECT NO:	REV:
PLOT: Envr0000499-Castro.dwg		0000-499-000	

ALAMEDA COUNTY
HEALTH CARE SERVICES



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AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #
09/08/1999

ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

Notice of Responsibility

StID#: 6435
Cottage Bakery
2497 Grove Way
Castro Valley, CA 94546

SITE

Date First Reported 06/30/1999
Substance: Gasoline
Funding (Federal or State): F
Multiple RPS?: N

Yee N. Chiu
Meranda Chang
441 Ralston Street
San Francisco, Ca 94132

Responsible Party (RP)
Property Owner

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has(have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified the addressees as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice which identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 227-4349 or telephone (916) 227-4408.

Pursuant to section 25299.37(c)(7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact Scott O Seery, Hazardous Materials Specialist at this office at (510) 567-6700 for further information about the site designation process.

Richard A. Pantages
Richard A. Pantages, Chief
Contract Project Director

Date: 09/08/99

Please Circle One Add Delete Change

Reason: NEW CASE

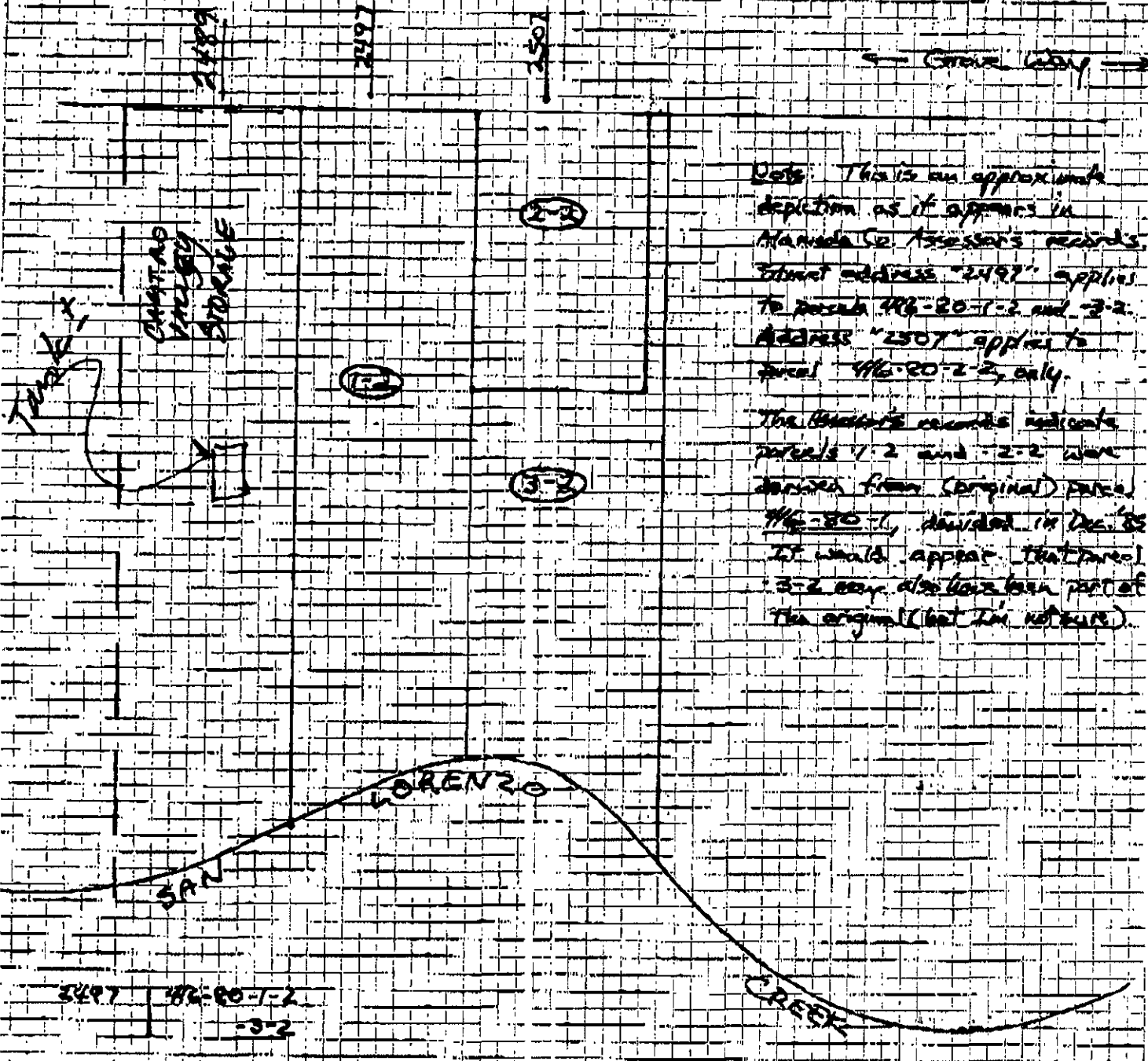
cc: Lori Casias, SWRCB
Scott O Seery, Hazardous Materials Specialist

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Post-it[®] brand fax transmittal memo 7871 # of pages > 2

To: Kent Woodell	From: S. Seery
Co.	Co. ADEM
Dept.	Phone # 067-6783
Fax # 247-1418	Fax #

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Note: This is an approximate depiction as it appears in Alameda Co. Assessor's records. Street address "2497" applies to parcels 416-20-1-2 and 3-2. Address "2507" applies to parcel 416-20-2-2, only.

The Assessor's records indicate parcels 1-2 and 2-2 were derived from (original) parcel 416-20-1, divided in Dec '85. It would appear that parcel 3-2 may also have been part of the original (but I'm not sure).

2497 416-20-1-2
-3-2
2507 416-20-2-2