



FAX

CHIRON CORPORATION
4560 Horton Street, F-100
Emeryville, CA 94608-2916

To: SUSAN HUGO

Fax No: (510) 937-9335 Phone No: 567-6780

Date: 11/20/96

From: Ric Notini
Environmental, Health & Safety
Phone No: (510) 923-2484 Fax No: (510) 923-7476

Number of pages, including this cover page: 9

Remarks:

Susan - It turns out that Sharon-
Williams has recorded a Deed Notice not
a Deed Restriction. Attached is a copy
of it.

CONFIDENTIALITY NOTICE

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The Sherwin-Williams Company
Consumer Division
101 Prospect Avenue, N.W.
Cleveland, OH 44115

Mailing Address:
P.O. Box 6709
Cleveland, Ohio 44101-1709

September 11, 1992

Mr. Lester Feldman
State of California
Calif. Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

RE: Deed Notice
Sherwin-Williams
Emeryville, CA

Dear Feldman:

Consistent with your requirements for a Deed Notice related to the planned interim remediation at our Emeryville site, attached is a copy of the proposed Deed Notice as prepared by our internal and California attorneys.

This document cannot, of course, be executed until such time that the railroad either sells us certain land or provides easements to allow implementation of the remediation plan.

In the meanwhile, please advise if the wording and content of this proposed Deed Notice is acceptable, or if changes are needed.

Thank you very much for your help in this matter.

Sincerely,

D. B. Gustafson
D. B. Gustafson (MB)
Director of Engineering

DBG/mgd
0915.dbg

Attachment

cc: M. Knox; Levine-Fricke
Peter T. Brown, Esq.
M. Hayes
F. McHugh

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115
Attention: D. B. Gustafson

DEED NOTICE

This instrument is being recorded by The Sherwin-Williams Company with respect to certain real property (the "Subject Property") located at 1450 Sherwin Avenue, Emeryville, California, more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof

This instrument is being recorded to disclose that:

1. There has been a release of several contaminants into soil and groundwater at the Subject Property.

2. For purposes of remediation, The Sherwin-Williams Company has under supervision of the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Regional Board") installed several structures on the Subject Property including the surface cap, slurry wall, and groundwater extraction reflected on the site diagram attached hereto as Exhibit "B" and made a part hereof.

3. Approval of said remediation was conditioned by the Regional Board upon filing of this instrument and conformance with the following restrictions running with the land:

a. The remediation structures referred to in Paragraph 2 above and reflected on the site diagram attached hereto shall not be damaged or altered without prior written approval by the Regional Board; and

b. The Subject Property shall not be used for human habitation, a hospital, a school for persons under the age of 21 years, a day care center for children, or a care facility for citizens over the age of 60 years.

4. Violation of the restrictions referred to in Paragraph 3 above shall render any party having a legal interest in the Subject Property subject to a legal action for injunctive relief brought by the State of California pursuant to California Water Code Section 13331 or such other legal action as may be available to the State of California to enforce the terms of orders issued by the Regional Board.

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5. With consent of the Regional Board, a subsequent instrument may be recorded superseding this instrument based upon changed conditions at the Subject Property or other good cause.

IN WITNESS WHEREOF, The Sherwin-Williams Company has executed this instrument as of the 4th day of September, 1992.

THE SHERWIN-WILLIAMS COMPANY

BY:

James J. [Signature]

Its:

Assistant Secretary

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STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

SS:

BEFORE ME, a Notary Public in and for said county and state, appeared James J. Sambellone, to me personally known, who, being by me sworn, did say that he is the ~~Assistant Secretary~~ Secretary of The Sherwin-Williams Company, the corporation named in and which executed the foregoing instrument; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and, that said instrument is his free act and deed individually and the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 4th day of September, 1992.

Denise M. Kapusinski
Notary Public

My commission expires:

DENISE M. KAPUSINSKI, Notary Public
STATE OF OHIO
Resident of Summit County
My Commission Expires Dec. 2, 1994

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EXHIBIT "A"

LEGAL DESCRIPTION

LOCATED IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT A POINT WHICH IS DISTANT FROM THE INTERSECTION OF THE NORTHERLY BOUNDARY LINE OF PLOT 6, ACCORDING TO THE KELLERSBERGER SURVEY, AND THE CENTER LINE OF BORTON STREET, SOUTH 72° 28' WEST 30 FEET ALONG SAID NORTHERLY LINE OF PLOT 6, AND NORTH 17° 32' WEST 60 FEET; THENCE, NORTH 17° 32' WEST 598.02 FEET; THENCE, PARALLEL WITH SAID NORTHERLY BOUNDARY LINE OF PLOT 6 SOUTH 72° 28' WEST 203.292 FEET TO THE EASTERLY BOUNDARY LINE OF LANDS OF SOUTHERN PACIFIC RAILROAD COMPANY; THENCE, ALONG SAID EASTERLY BOUNDARY LINE OF LANDS OF SOUTHERN PACIFIC RAILROAD COMPANY, SOUTH 14° 39' 15" EAST 598.776 FEET; THENCE, PARALLEL WITH AFORESAID NORTHERLY BOUNDARY LINE OF PLOT 6, NORTH 72° 28' EAST 233.368 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LAND DESCRIBED AS PARCEL NO. 2 IN THE DEED DATED OCTOBER 7, 1920, DISTANT THEREON NORTH 14° 39' 15" WEST 40.06 FEET FROM THE SOUTHEASTERLY CORNER OF SAID PARCEL NO. 2; THENCE NORTH 14° 39' 15" WEST ALONG SAID EASTERLY LINE, 615.00 FEET; THENCE SOUTH 75° 20' 45" WEST LEAVING SAID EASTERLY LINE, 160.00 FEET TO A POINT IN A LINE PARALLEL WITH SAID DISTANT 160.00 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID PARCEL NO. 2; THENCE NORTH 14° 39' 15" WEST ALONG SAID PARALLEL LINE, 45.00 FEET; THENCE SOUTH 75° 20' 45" WEST 65.13 FEET; THENCE SOUTH 3° 40' 30" EAST 159.50 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 255.50 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE SOUTH 14° 39' 15" EAST ALONG LAST SAID PARALLEL LINE, 220.24 FEET; THENCE NORTH 75° 20' 45" EAST 20.50 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 235.00 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE SOUTH 14° 39' 15" EAST ALONG LAST SAID PARALLEL LINE 295.00 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 60.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF PLOT NO. 6 AS SHOWN ON KELLERSBERGER'S MAP OF RANCHOS OF VINCENTE AND DOMINGO PERALTA; THENCE NORTH 72° 28' EAST ALONG LAST SAID PARALLEL LINE, 235.20 FEET TO THE POINT OF BEGINNING.

EXCEPTING AND RESERVING, HOWEVER, FROM SAID PARCEL 1, TO GRANTOR, ITS SUCCESSORS AND ASSIGNS, FOREVER, THE TITLE AND EXCLUSIVE RIGHT TO ALL OF THE MINERALS AND MINERAL ORES OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED THEREFROM, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL PETROLEUM, OIL, NATURAL GAS AND OTHER

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HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE EXCLUSIVE AND PERPETUAL RIGHT OF SAID GRANTOR, ITS SUCCESSORS AND ASSIGNS, OF INGRESS AND EGRESS BENEATH THE SURFACE OF SAID LAND BELOW A DEPTH OF 500 FEET TO EXPLORE FOR, EXTRACT, MINE AND REMOVE THE SAME, AND TO MAKE SUCH USE OF THE SAID LAND BELOW SAID DEPTH AS IS NECESSARY OR USEFUL IN CONNECTION THEREWITH, WITH USE MAY INCLUDE LATERAL OR SLANT DRILLING, BORING, DIGGING OR SINKING OF WELLS, SHAFTS OR TUNNELS; PROVIDED, HOWEVER, THAT SAID GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL NOT USE THE SURFACE OF SAID LAND IN THE EXERCISE OF ANY OF SAID RIGHTS, SHALL NOT DISTURB THE SURFACE OF SAID LAND OR ANY IMPROVEMENTS THEREON, AND SHALL NOT USE OR PENETRATE SAID LAND WITHIN 500 FEET OF THE SURFACE THEREOF.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THAT CERTAIN 0.010 OF AN ACRE PARCEL OF LAND DESCRIBED IN DEED DATED AUGUST 3, 1925 FROM THE MEE ESTATE TO SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED AUGUST 8, 1925, IN BOOK 1123, PAGE 11, RECORDS OF ALAMEDA COUNTY, DISTANT THEREON SOUTH 72° 28' WEST 205.26 FEET FROM THE MOST EASTERLY CORNER OF SAID 0.010 OF AN ACRE PARCEL OF LAND (SAID SOUTHERLY LINE BEING ALSO THE NORTHERLY LINE OF PLOT NO. 6 AS SHOWN ON KELLERSBERGER'S MAP OF THE RANCHOS OF VINCENTE AND DOMINGO PERALTA); THENCE NORTH 24° 00' WEST LEAVING SAID SOUTHEASTERLY LINE 123.16 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 255.00 FEET WESTERLY; MEASURED AT RIGHT ANGLES, FROM THE EASTERLY LINE OF LAND DESCRIBED AS PARCEL NO. 2 IN DEED DATED OCTOBER 7, 1920, FROM THE MEE ESTATE TO SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED OCTOBER 14, 1920, IN BOOK 3003 OF DEEDS, AT PAGE 128, RECORDS OF ALAMEDA COUNTY; THENCE NORTH 14° 39' 15" WEST ALONG SAID PARALLEL LINE 204.91 FEET; THENCE NORTH 32° 00' 30" WEST 41.96 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 270.50 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE NORTH 14° 39' 15" WEST ALONG LAST SAID PARALLEL LINE 200.70 FEET; THENCE NORTH 3° 40' 30" WEST 211.55 FEET; THENCE NORTH 75° 20' 45" EAST 5.09 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 225.13 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE SOUTH 14° 39' 15" EAST ALONG LAST SAID PARALLEL LINE 52.51 FEET; THENCE SOUTH 3° 40' 30" EAST 159.50 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 255.50 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE SOUTH 14° 39' 15" EAST ALONG LAST SAID PARALLEL LINE 220.24 FEET; THENCE NORTH 75° 20' 45" EAST 20.50 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 235.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF PARCEL NO. 2; THENCE SOUTH 14° 39' 15" EAST ALONG LAST SAID PARALLEL LINE, 355.08 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF LAND DESCRIBED AS PARCEL NO. 1 IN DEED DATED AUGUST 24, 1963, FROM SOUTHERN PACIFIC COMPANY TO THE SHERWIN-WILLIAMS COMPANY, RECORDED SEPTEMBER 20, 1963, ON REEL

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996, IMAGE 946, ALAMEDA COUNTY RECORDS, DISTANT THEREON SOUTH 75° 20' 45" WEST 18.04 FEET FROM THE NORTHEASTERLY CORNER OF SAID PARCEL NO. 1 IN DEED DATED AUGUST 24, 1963; THENCE NORTH 14° 39' 15" WEST 52.67 FEET; THENCE NORTH 21° 38' 25" WEST 188.18 FEET; THENCE NORTH 34° 37' 41" WEST 103.98 FEET TO A POINT; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 372.24 FEET, THROUGH A CENTRAL ANGLE OF 7° 07' 13" (TANGENT TO SAID CURVE AT LAST MENTIONED POINT IS LAST DESCRIBED COURSE) AN ARC DISTANCE OF 46.26 FEET; THENCE SOUTH 62° 29' 32" WEST 13.08 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 10.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SOUTHERN PACIFIC COMPANY'S SCALE TRACK; THENCE SOUTH 14° 33' 48" EAST ALONG SAID PARALLEL LINE 165.74 FEET; THENCE NORTH 75° 26' 12" EAST 5.00 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 15.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID CENTER LINE OF SCALE TRACK; THENCE SOUTH 14° 33' 48" EAST ALONG LAST SAID PARALLEL LINE 60.00 FEET; THENCE SOUTH 75° 26' 12" WEST 5.00 FEET TO A POINT IN SAID LINE THAT IS PARALLEL WITH AND DISTANT 10.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID CENTER LINE OF SCALE TRACK; THENCE SOUTH 14° 33' 48" EAST ALONG LAST SAID PARALLEL LINE 112.87 FEET; THENCE SOUTH 75° 20' 45" WEST 20.00 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 10.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID CENTER LINE OF SCALE TRACK; THENCE NORTH 14° 33' 48" WEST ALONG LAST SAID PARALLEL LINE 112.90 FEET; THENCE SOUTH 75° 26' 12" WEST 10.00 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 20.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID CENTER LINE OF SCALE TRACK; THENCE NORTH 14° 33' 48" WEST ALONG LAST SAID PARALLEL LINE 60.00 FEET; THENCE NORTH 75° 26' 12" EAST 10.00 FEET TO A POINT IN SAID LINE THAT IS PARALLEL WITH AND DISTANT 10.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID CENTER LINE OF SCALE TRACK; THENCE NORTH 14° 33' 48" WEST ALONG LAST SAID PARALLEL LINE 239.14 FEET; THENCE SOUTH 75° 26' 12" WEST 44.57 FEET; THENCE SOUTH 5° 56' 48" EAST 131.30 FEET; THENCE SOUTH 3° 40' 30" EAST 229.01 FEET; THENCE NORTH 75° 20' 45" EAST 5.09 FEET; THENCE SOUTH 14° 39' 15" EAST 52.51 FEET TO A POINT IN SAID NORTHERLY LINE OF PARCEL NO. 1 IN SAID DEED DATED AUGUST 24, 1963, THENCE ALONG SAID NORTHERLY LINE AS FOLLOWS: NORTH 75° 20' 45" EAST 65.13 FEET SOUTH 14° 39' 15" EAST 45.00 FEET AND NORTH 75° 20' 45" EAST 141.96 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM PARCEL 4 THAT PORTION DESCRIBED IN THE DEED TO SOUTHERN PACIFIC COMPANY, A CORPORATION, RECORDED JANUARY 9, 1969, REEL 2324, IMAGE 231, INSTRUMENT NO. 69-2727, ALAMEDA COUNTY RECORDS.

PARCEL 5:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID LAND DESCRIBED AS PARCEL NO. 2 IN DEED DATED OCTOBER 7, 1920 THAT IS THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL NO. 1 IN DEED DATED AUGUST 24, 1963, FROM SOUTHERN PACIFIC COMPANY TO THE SHERWIN-WILLIAMS COMPANY, RECORDED SEPTEMBER 20, 1963 ON REEL 996, IMAGE 946, ALAMEDA COUNTY RECORDS; THENCE NORTH 14° 39' 15" WEST ALONG SAID EASTERLY LINE, 366.96 FEET; THENCE SOUTH 75° 20' 45" WEST LEAVING SAID EASTERLY LINE, 18.04 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 18.04 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE AND THE ACTUAL POINT OF BEGINING OF THE PARCEL OF LAND

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TO BE DESCRIBED; THENCE NORTH 14° 39' 15" WEST ALONG SAID PARALLEL LINE, 35.00 FEET; THENCE SOUTH 75° 20' 45" WEST 66.59 FEET TO A POINT THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT, HAVING A RADIUS OF 291.90 FEET, THROUGH A CENTRAL ANGLE OF 17° 42' 04", (TANGENT TO SAID CURVE AT LAST MENTIONED POINT BEARS SOUTH 24° 39' 42" EAST) AN ARC DISTANCE OF 90.18 FEET; THENCE NORTH 75° 20' 45" EAST 37.56 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL 6:

A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF LAND DESCRIBED AS PARCEL NO. 2 IN DEED DATED OCTOBER 7, 1920, FROM THE MEE ESTATE TO SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED OCTOBER 14, 1920, IN BOOK 3003 OF DEEDS, AT PAGE 128, ALAMEDA COUNTY RECORDS, THAT IS THE NORTHEASTERLY CORNER OF LAND DESCRIBED AS PARCEL NO. 1 IN DEED DATED AUGUST 24, 1963, FROM SOUTHERN PACIFIC COMPANY TO THE SHERWIN-WILLIAMS COMPANY, RECORDED SEPTEMBER 20, 1963, ON REEL 996, IMAGE 946, ALAMEDA COUNTY RECORDS; THENCE NORTH 14° 39' 15" WEST ALONG SAID EASTERLY LINE, 366.96 FEET; THENCE SOUTH 75° 20' 45" WEST, LEAVING SAID EASTERLY LINE, 55.60 FEET TO THE ACTUAL POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 291.90 FEET, THROUGH A CENTRAL ANGLE OF 4° 54' 48" (TANGENT TO SAID CURVE AT SAID ACTUAL POINT OF BEGINNING BEARS NORTH 42° 21' 46" WEST) AN ARC DISTANCE OF 25.03 FEET; THENCE SOUTH 47° 48' 14" WEST 25.28 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT, HAVING A RADIUS OF 372.24 FEET, THROUGH A CENTRAL ANGLE OF 3° 56' 21" (TANGENT TO SAID CURVE AT LAST MENTIONED POINT BEARS SOUTH 28° 05' 29" EAST) AN ARC DISTANCE OF 25.59 FEET; THENCE NORTH 47° 38' 14" EAST 29.65 FEET TO THE ACTUAL POINT OF BEGINNING.

A.P. NOS. 49-1041-006

026-02

026-04

026-06

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