



**CONESTOGA-ROVERS
& ASSOCIATES**

*ACCESS DENIED
NO TRESPASS.*

5900 Hollis Street, Suite A, Emeryville, California 94608
Telephone: 510-420-0700 Facsimile: 510-420-9170
www.CRAworld.com

*Trustee
3-23-09*

March 20, 2009

Reference No. 521000
MAR 25 2009

Property Owner
1172 Ocean Avenue
Oakland, California 94608

RECEIVED
1:13 pm, May 12, 2009
Alameda County
Environmental Health

Dear Property Owner:

Re: Request for Signed Access Agreement
1137- 1167 65th Street, Oakland, California 94608
Agency Case No. RO0000082

On behalf of Mr. John Nady (Nady, Trustee of the Nady Trust), Conestoga-Rovers & Associates (CRA) is submitting the attached access agreement to you for your approval. Alameda County Environmental Health has directed CRA to collect soil and groundwater samples on your property in conjunction with environmental work at the 1137-1167 65th Street property. Before we can collect these samples, we must have a signed access agreement between you and Nady. After this access agreement is signed, CRA will schedule and drill a small diameter boring to collect samples. The drilling work should be completed in one day. Any impact to your property should be minimal.

Please sign both copies of the attached access agreement. Please send both copies back in the enclosed self-addressed envelope. CRA will then have both copies signed by the property owner, Mr. John Nady, and send one back to you for your records.

If you would like to discuss this request, please contact Mike Werner at (510) 420-3358. You are also welcome to contact Barbara Jakub with Alameda County Environmental Health at (510) 567-6700.

Yours truly,
CONESTOGA-ROVERS & ASSOCIATES

Mike Werner

MW/aa/1

c.c.: Mr. Frederic Schrag (Nady)

Equal
Employment
Opportunity Employer

ACCESS AGREEMENT

This Access Agreement is entered into this ___ day of _____ 2009, by and between **John Nady (Trustee of Nady Trust)** ("Nady") and _____ ("Owner", "Property Owner").

1. As part of its assessment of environmental conditions present on the Property, at 1137-1167 65th Street, Oakland, California, Nady requests access to yourthe Property at 1172 Ocean Avenue, in Oakland, California to perform environmental assessment activities. Owner grants Nady access to the Property for the purpose of performing borings to collect soil and groundwater samples, and install temporary soil vapor probes to collect soil vapor samples.
2. Nady, through its consultant Conestoga-Rovers & Associates (CRA), shall give Owner reasonable advance notice of its intention to perform assessment activities. Notice shall not be less than 24 hours in advance of field activities and may be made by telephone. Owner may take split samples at its sole cost and expense if it so desires.
3. Nady shall require that CRA, its contractors and consultants, who perform the investigation activities on the Property pursuant to this Agreement, maintain general liability insurance in the amount of \$1,000,000 general aggregate coverage per occurrence.
4. Nady shall discharge at once or bond or otherwise secure against all liens and attachments which are filed in connection with the assessment performed on the Property pursuant to this Agreement, and shall indemnify and save Owner harmless from and against any and all loss, damage, injury, liability and claims thereof to the extent caused by such liens and attachments.
5. This right of access will terminate upon thirty days written notice by either party.
6. Upon Termination Nady shall as soon as reasonably practicable restore the surface of the Property to a condition which is as reasonably close as possible to the condition that existed immediately prior to entry thereon, including, but not limited to, the repair of any damage to landscaping, irrigation, electrical or other areas of the Property.

7. Nady and Owner shall be responsible for ensuring that their respective contact information for notice of access or other notifications described herein are current. Contact information is as follows:

Client:

Contact: **Mr. Frederic Schrag (for John Nady)**
John Nady (Trustee of Nady Trust)
Mailing Address: 6701 Shellmound Street
Emeryville, California 94608
Telephone: (510) 652-2411 x263

Property Owner:

Contact: _____
Mailing Address: _____
Telephone: _____
Best Time To Call: _____

Tenant:

Contact: _____
Mailing Address: _____
Telephone: _____
Best Time To Call: _____

8. Nothing contained in this Agreement shall be construed in any manner or fashion to be an admission by either party of any responsibility or liability for contamination of any type or description that may be present on the Property.

Dated: , 2009

John Nady (Trustee of Nady Trust)

By: _____

Print:

Dated: , 2009

Property Owner:

By: _____

Print:

cc: Mark Jonas, P.G.

Conestoga-Rovers & Associates

5900 Hollis Street, Suite A, Emeryville, California 94608

(510) 420-3307