

## Wickham, Jerry, Env. Health

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**From:** Wickham, Jerry, Env. Health  
**Sent:** Friday, June 19, 2009 3:32 PM  
**To:** 'Goloubow, Ron'  
**Cc:** Michael.Barry@cbre.com; Mark Vignoles  
**Subject:** RE: Example deed restriction  
**Attachments:** Alameda County's Model Deed Restriction (Final) 2000-11-29.doc

Ron,

I expect to review your report and proposal by July 2, 2009.

I am attaching the Alameda County model deed restriction which should must be used for all of our cases. Any modifications to standard language in the model deed restriction would require review by County Counsel.

Regards,

**Jerry Wickham**

Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6791  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**From:** Goloubow, Ron [mailto:Ron.Goloubow@lfr.com]  
**Sent:** Friday, June 19, 2009 2:19 PM  
**To:** Wickham, Jerry, Env. Health  
**Cc:** Michael.Barry@cbre.com; Mark Vignoles  
**Subject:** Example deed restriction

Per my voice message it appears that the 9201 San Leandro property is entering escrow. As such we are requesting that the ACEH accelerate the review of the May 15<sup>th</sup> document that presents the findings of the recent investigation activities and proposes the installation of an air sparging and soil vapor extraction treatment system. Nay help you can provide to accelerate this portion of the project would be greatly appreciated.

One other source of uncertainty for the purchaser that has come up is the land use covenant - deed restriction (LUC). We would like to start preparing an LUC that would be acceptable to the buyer, seller, and ACEH. Attached is a sample LUC that was sent to me by the Regional Water Quality Control Board (RWQCB) in January 2009 for another project. We would like to use this as a template for the 9201 San Leandro property. We are looking to modify the following portion of the LUC so that it only applies to the area where the sparge & soil vapor extractions systems are to be located and the area that could not excavated in March 2009 due to the presence of the structures...

• *f. No Owners or Occupants of the Property or any portion thereof shall conduct **any excavation work on the Property**, unless expressly permitted in writing by the Board. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;*

Please let me know the following:

- What can we expect in terms of a realistic review schedule for the May 15, 2009 report?

- Is the ACEH open to limiting the scope of the LUC that is associated with the excavation of soil at the Site (in the future) to the two areas of the Site where know affected soil is located?
- Does the ACEH have a different template we should use for the LUC?

Thanks in advance Ron.

Ron Goloubow, P.G.

LFR Inc., an ARCADIS Company

510-596-9550 Direct Dial

510-501-1789 Cell

510-652-4906 Facsimile

[ron.goloubow@lfr.com](mailto:ron.goloubow@lfr.com)

-----Original Message-----

From: Barbara Sieminski [mailto:BSieminski@waterboards.ca.gov]

Sent: Wednesday, August 27, 2008 2:24 PM

To: Goloubow, Ron

Subject: Reg. Etch-tek Electronics site in Concord: deed restriction example.

Hi Ron,

Per our phone conversation on 08/22/08, attached is a standard deed restriction. All changes must be made with redline strike-out. Please contact me if you have questions.

Regards,

Barbara Sieminski, PG

Engineering Geologist

Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay St, Ste 1400, Oakland, CA 94612

tel. (510) 622-2423 fax (510) 622-2460

[bsieminski@waterboards.ca.gov](mailto:bsieminski@waterboards.ca.gov)

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