

LOS ANGELES  
355 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071  
(213) 626-1717  
FACSIMILE: (213) 626-5704

SAN JOSE  
50 WEST SAN FERNANDO STREET  
SAN JOSE, CALIFORNIA 95113  
(408) 295-3210  
FACSIMILE: (408) 295-2612

**PETTIT & MARTIN**  
ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
101 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111-5881  
(415) 434-4000  
FACSIMILE: (415) 982-4608  
TELEX: WU 330443 PEMLAWSFO  
SENDER'S DIRECT DIAL NUMBER

NEWPORT BEACH  
4695 MACARTHUR COURT  
NEWPORT BEACH, CALIFORNIA 92660  
(714) 476-7676  
FACSIMILE: (714) 476-0117

WASHINGTON, D.C.  
601 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 637-3600  
FACSIMILE: (202) 637-3668

February 1, 1995

Ms. Susan Hugo  
Alameda County Health Care  
Services Agency  
Division of Hazardous Materials  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Re: Recorded Deed Notice Pursuant to  
Work Plan and Revised Request for "No Further Action"  
Alternative Compliance Points Monitoring Program  
6707 Bay Street  
Emeryville, California

Dear Ms. Hugo:

Pursuant to the terms of the October 18, 1994 Work Plan and Revised Request for "No Further Action" ("Work Plan") for the above-referenced site and your December 30, 1994 letter to James McClay and Charles Tsou in response, I am providing you with a copy of the recorded deed notice signed by John Nady as owner. By copy of this letter I am also providing a copy of the recorded deed notice to the City of Emeryville Planning and Building Department as requested in your December 30, 1994 letter. The deed notice is in the form submitted on October 18, 1994 as part of the Work Plan.

Should you have any questions regarding the enclosed notice or any other aspect of the Work Plan's implementation,

RECEIVED  
FEBRUARY 2 1995  
2:44 PM

Ms. Susan Hugo  
February 1, 1995  
Page -2-

please give Bill Rudolph or me a call. Thank you for your cooperation and assistance throughout the approval process.

Very truly yours,



Brian F. Berger

BFB:lk:7092B  
Enclosure

cc: City of Emeryville  
    Planning and Building Department (with enclosure)  
    James J. McClay III (with enclosure)  
    John Nady (with enclosure)  
    William Rudolph (with enclosure)  
    John L. Boos, Esq. (without enclosure)  
    D. Kirk Jamieson, Esq. (without enclosure)

When recorded send to:

Brian Berger

101 California Street, Suite 3500

San Francisco, California 94111

COPY OF DOCUMENT RECORDED  
ON JAN 25 1995 AS NO. 95016143  
HAS NOT BEEN COMPARED WITH ORIGINAL  
ALAMEDA COUNTY RECORDER

**NOTICE**

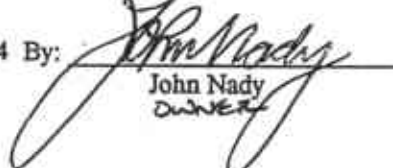
**Re: 6707 Bay Street  
Emeryville, California**

NOTICE is hereby given that extensive environmental investigations have been conducted on the property commonly known as 6707 Bay Street, Emeryville, California, a legal description of which is attached as Exhibit A hereto. These investigations have included analyzing soil and groundwater for the presence of hazardous substances. The investigations indicated that a number of hazardous substances exist within soil and groundwater at the site due to (1) the fact that the site is a reclaimed portion of San Francisco Bay initially used as an uncontrolled landfill and (2) subsequent industrial use of the site which included the installation of underground storage tanks (removed in 1989) which apparently released some portion of their contents, including certain volatile organic compounds, into the surrounding soil and groundwater. Substances detected include heavy metals, volatile organic compounds, petroleum hydrocarbons and semi-volatile organic compounds. Complete summaries of the substances detected in soil and groundwater are presented in the following documents prepared by Subsurface Consultants, Inc. (SCI):

1. Summary of Environmental Investigation/Remediation, 6707 Bay Street, Emeryville, California, dated May 23, 1994.
2. Supplemental MIBK Contamination Assessment, 6707 Bay Street, Emeryville, California, SCI 820.001, dated September 21, 1994.

These documents are contained within the public record, and are on file at the Alameda County Health Care Services Agency Environmental Health Services Department. Because of the presence of these substances, the Alameda County Health Care Services Agency and the California Regional Water Quality Control Board for the San Francisco Bay Region have imposed the following conditions and/or restrictions on the use of the property:

1. If soil is excavated, it may be considered hazardous waste under state and federal law;
2. Groundwater from the site is not usable for domestic, irrigation or industrial purposes.
3. If future construction includes structures extending below the groundwater level (that being approximately 7 to 10 feet), groundwater generated during dewatering operations will require treatment prior to discharge;
4. An approved Health and Safety Plan will be required by the Alameda County Health Care Services Agency (ACHCSA) prior to any work requiring significant subsurface excavations; and
5. An environmental risk assessment may be required by the ACHCSA if any significant change in land use is proposed.

Dated: Oct 20, 1994, 1994 By:   
John Nady  
OWNER

State of California )  
) SS.  
County of San Francisco)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

No. 5907

State of CALIFORNIA

County of ALAMEDA

On OCTOBER 20<sup>th</sup> 1994 before me, JOGINDER SINGH SOND NOTARY PUBLIC  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared JOHN NADY  
NAME(S) OF SIGNER(S)

personally known to me - OR -  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/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Joginder Singh Sond

SIGNATURE OF NOTARY

**OPTIONAL**

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

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S)  LIMITED  GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: OWNER

**DESCRIPTION OF ATTACHED DOCUMENT**

ENVIRONMENTAL REMEDIATION NOTICE  
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

10 - 20 - 94

DATE OF DOCUMENT

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

NONE

SIGNER(S) OTHER THAN NAMED ABOVE

On this the \_\_\_ day of October, 1994, before me, \_\_\_\_\_, the undersigned Notary Public, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's Signature

# EXHIBIT A

ORDER NO. 101577

90070780

The land referred to in this report is situated in the state of California, County of ALAMEDA, and is described as follows:

CITY OF BERKELEY AND CITY OF EMERYVILLE

PARCEL 1:

COMMENCING AT A POINT ON THE WESTERN LINE OF BAY STREET, AS SAID STREET IS SHOWN ON THE MAP OF MAXWELL TRACT, FILED SEPTEMBER 19, 1872, MAP BOOK 5, PAGE 21, ALAMEDA COUNTY RECORDS, AT THE NORTHERN EXTREMITY OF THAT CERTAIN CURVE HAVING A RADIUS OF 32.00 FEET, WHICH CONNECTS THE SAID LINE OF BAY STREET WITH THE NORTHERN LINE OF 65TH STREET, AS SET FORTH IN THE DEED TO STATE OF CALIFORNIA, RECORDED DECEMBER 11, 1953, SERIES NO. AH/10872, BOOK 7203 OFFICIAL RECORDS, PAGE 513, CONTAINING 4.589 ACRES; THENCE ALONG THE SAID LINE OF BAY STREET NORTH 10° 40' 15" WEST 395.18 FEET TO THE SOUTHERN EXTREMITY OF THAT CERTAIN COURSE DESIGNATED AS "SOUTH 10° 40' 15" EAST 297.16 FEET" IN SAID DEED TO THE STATE OF CALIFORNIA; THENCE ALONG THE EXTERIOR BOUNDARY LINE OF THE SAID 4.589 ACRE PARCEL OF LAND NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 4970.00 FEET, FROM A TANGENT WHICH BEARS NORTH 10° 40' 15" WEST A DISTANCE OF 137.99 FEET TO A POINT ON A LINE DRAWN PARALLEL WITH THE NORTHERN BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS PARCEL 1 IN DEED OF TRUST MADE BY HENRY SHAPIRO, ET AL., TO ALAMEDA COUNTY-EAST BAY TITLE INSURANCE COMPANY, A CORPORATION, TRUSTEE, RECORDED OCTOBER 26, 1956, SERIES NO. AL/112672, BOOK 8188 OFFICIAL RECORDS, PAGE 307, DISTANT 170.00 FEET NORTHERLY THEREFROM, MEASURED AT RIGHT ANGLES THERETO, SAID LAST MENTIONED POINT BEING THE ACTUAL POINT OF BEGINNING; THENCE ALONG THE EXTERIOR BOUNDARY LINE OF THE SAID 4.589 ACRE PARCEL OF LAND THE FIVE FOLLOWING COURSES AND DISTANCES: NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 4970.00 FEET, A DISTANCE OF 83.44 FEET, THENCE NORTH 13° 12' 53" WEST 184.31 FEET, THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 45.00 FEET, TANGENT TO THE SAID LAST MENTIONED COURSE, A DISTANCE OF 77.84 FEET, THENCE SOUTH 67° 40' 58" WEST 232.70 FEET, AND THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 640.00 FEET, FROM A TANGENT WHICH BEARS SOUTH 54° 30' 18" WEST, A DISTANCE OF 267.23 FEET, TO A POINT ON SAID PARALLEL LINE SO DRAWN; THENCE ALONG THE SAID PARALLEL LINE SO DRAWN NORTH 88° 51' 33" EAST 516.63 FEET TO THE ACTUAL POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE, PERPETUAL EASEMENT, APPURTENANT TO AND FOR THE USE OF THE OWNER OR OWNERS OF PARCEL 1 HEREIN DESCRIBED, AND ANY SUBSEQUENT SUBDIVISION OR SUBDIVISIONS THEREOF, WITH THE RIGHT AND PRIVILEGE TO CONSTRUCT, REPAIR, REPLACE, MAINTAIN AND USE A SEWER

# EXHIBIT A

ORDER NO. 101577

90070780

"CONTINUED"

OVER, ACROSS AND UNDER A STRIP OF LAND 5.00 FEET WIDE, TOGETHER WITH THE RIGHT OF INGRESS THERETO AND EGRESS THEREFROM, FOLLOWING DESCRIBED PARCEL OF LAND:

A PORTION OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS PARCEL 1 IN DEED TO SARONI PROPERTIES, INC., A CORPORATION, RECORDED DECEMBER 4, 1958, SERIES NO. AP/127666, BOOK 8865 OFFICIAL RECORDS, PAGE 301, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF SAID PARCEL 1; THENCE ALONG THE NORTHWESTERN BOUNDARY LINE THEREOF THE TWO FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 640.00 FEET, FROM A TANGENT WHICH BEARS SOUTH 30° 34' 38" WEST, A DISTANCE OF 2.75 FEET, AND THENCE SOUTH 30° 20' WEST TANGENT TO THE SAID LAST MENTIONED ARC, 191.98 FEET TO A POINT ON THE SOUTHERN BOUNDARY LINE THERSOFF; THENCE ALONG THE SAID LAST MENTIONED LINE SOUTH 88° 51' 33" EAST 5.72 FEET TO A POINT ON A LINE DRAWN PARALLEL WITH THE SAID NORTHWESTERN BOUNDARY LINE AND DISTANT 5.00 FEET SOUTHEASTERLY THEREFROM, MEASURED AT RIGHT ANGLES THERETO; THENCE ALONG THE SAID PARALLEL LINE SO DRAWN THE TWO FOLLOWING COURSES AND DISTANCES: NORTH 30° 20' EAST 189.19 FEET, AND THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WITH RADIUS OF 635.00 FEET, TANGENT TO THE SAID LAST MENTIONED COURSE 5.04 FEET, MORE OR LESS, TO A POINT ON THE NORTHERN BOUNDARY LINE OF SAID PARCEL 1; THENCE ALONG THE SAID LAST MENTIONED LINE NORTH 88° 51' 33" WEST 5.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 049-1490-002

APPROVED AND FORWARDED BY THE  
COUNTY CLERK OF SANTA CRUZ COUNTY  
ON THIS 10th DAY OF 1960

SANTA CRUZ COUNTY

*[Handwritten signature]*