

**ARCHERNORRIS**  
A PROFESSIONAL LAW CORPORATION

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925.930.6620 (Fax)  
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**JOHN L. KORTUM**  
jkortum@archernorris.com  
925.952.5529

July 29, 2009

Jerry Wickham  
Senior Hazardous Materials Specialist  
Environmental Health Service  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re Site Name: *Earl Thompson Property*  
*316 38th Street*  
*Oakland, CA 94611*  
Local ID – RO00002996

Dear Mr. Wickham:

Thank you for granting Mr. Thompson's request for an extension to submit a workplan. We expect to have a workplan on your desk shortly.

We would like your file to reflect that Mr. Thompson, who serves as Executor for the Estate of Earl Thompson, Sr., is providing you with this workplan voluntarily. Neither Mr. Thompson, Jr. nor the Estate of Earl Thompson, Sr. is a "responsible party" as described in the County's "Notice of Responsibility" directed to Mr. Thompson, dated April 28, 2009.

The tanks in question, which have now been closed in place, are located under the sidewalk *in front of* property owned by the Estate of Earl Thompson, Sr. In this area of Oakland, the sidewalks are owned by the City, not by the property owner. A land survey commissioned in 2005 establishes that the Thompson property line does not encompass the sidewalk or the tanks under the sidewalk. (Copy enclosed).

Those tanks were installed under the sidewalk, on City property, before Mr. Thompson, Sr., purchased the building at 316 38th Street. Mr. Thompson, Sr. did not purchase the sidewalk (which is public property), nor did he purchase the tanks located under that sidewalk. Similarly, those tanks were taken out of service before Mr. Thompson, Sr. purchased the building and neither Mr. Thompson, Sr. nor his Estate ever operated those tanks. Nor does the fact that the Estate took the lead in closing the tanks indicate that the Estate "controlled" the tanks. The tanks were closed under an arrangement with the City of Oakland which provided that the Estate's

Jerry Wickham  
July 29, 2009  
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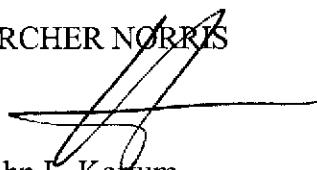
voluntary action closing the tanks would not be construed as an admission of responsibility. (A copy of this agreement is also enclosed).

Accordingly, the attribution of responsibility to Mr. Thompson's Estate in the Notice of Responsibility is incorrect: Earl Thompson, Sr. was not the business owner, tank owner, and tank operator at the time of the unauthorized release (Definition 1); he did not have control of the UST at the time of or following an unauthorized release (Definition 4); and the Estate is not the current owner of a property where an unauthorized release occurred (Definition 3).

Nonetheless, the Estate has agreed to coordinate the further investigation required by your letter on a voluntary basis. The Estate has directed SOMA, the environmental consulting firm that conducted the tank closure, to submit the workplan you have requested. Mr. Thompson and the Estate; however, do not want their voluntary actions to be misconstrued as an admission of responsibility. Accordingly, Mr. Thompson and the Estate take these actions without prejudice to their right to disclaim responsibility for the tanks.

Very truly yours,

ARCHER NORRIS



John L. Korade

JLK/sea

cc: Leroy Griffin, Oakland Fire Department  
Mr. Earl Thompson, Jr.  
Coral Korade (via e-mail; CKorade@oaklandcityattorney.org)

# CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

(510) 238-3601

FAX: (510) 238-6500

December 4, 2006 TTY/TDD: (510) 238-3254

Estate of Earl Thompson  
c/o Archer Norris  
2033 North Main Street, Suite 800  
P.O. Box 8035  
Walnut Creek, CA 94596-3728

RECEIVED  
DEC - 7 2006

BY: .....

Ladies and Gentlemen:

The Estate of Earl Thompson will soon be taking steps to close three underground storage tanks located at 316 38<sup>th</sup> Street, Oakland, California (the "USTs"). This letter confirms that the City of Oakland will not use the act of closing the USTs relating to the closure of USTs as evidence that either Mr. Earl Thompson or his estate is or ever was the owner or operator of the USTs.

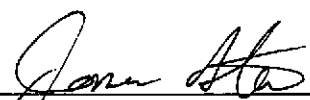
In any administrative or judicial proceeding, the City of Oakland and its agencies will not base any assertion that Earl Thompson, his heirs, the Estate of Earl Thompson, or its executor, administrator and assigns is or ever was the "operator" or owner of the USTs based on the executor of the estate signing and submitting an application for a permit for tank closure, or any acts taken in furtherance of closing the USTs.

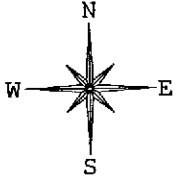
Notwithstanding the foregoing, the City of Oakland maintains the right to initiate appropriate administrative or judicial action against the Estate of Earl Thompson based on information other than the executor's signature on the application for a permit for tank closure or the Estate's action in closing the USTs.

Please contact me should you have any questions.

Very truly yours,

JOHN A. RUSSO  
City Attorney

By:   
James Atencio  
Deputy City Attorney



# STORRS LAND SURVEYING

BRUCE R. STORRS

L.S. 6914



Steve miller  
Archer Norris  
2033 N. Main St., Suite 800  
Walnut Creek, CA 94596-3728  
925.930.6600 (fax) 925.930.6620

July 18, 2002

## Report to accompany sketch

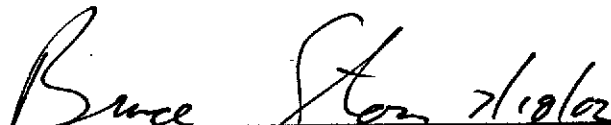
For:

**Project site: 316 38<sup>th</sup> street, Oakland, CA 94609 (A.P.N. 012-0982-012)**

On Tuesday July 16, 2002, I conducted a field survey for the above referenced site. The accompanying sketch entitled "Sketch of a portion of Lot 4, Block G of the Re-Subdivision of the Weston Tract Book 10, page 38" correctly represents a field survey made by me in conformance with the requirements of the land surveyor's act at the request of Steve Miller of the firm Archer Norris.

I hereby state that, to the best of my knowledge, all provisions of applicable state laws and local ordinances have been complied with.

I hereby further state that the parcel designated by my survey and shown on this sketch is the same as shown on that certain deed recorded at series no. 99-099924, Alameda County recorder's office, and the current equalized county assessment rolls as a unit.



Bruce R. Storrs, L.S. 6914                      date  
My license expires September 30, 2005



02-188report.doc

**Bruce R. Storrs, P.L.S.**  
2647 International Blvd, Suite 853 Oakland, CA 94601  
510.532.3501(fax)510.532.3502  
e-mail BRStorrs@aol.com

## **SUMMARY**

- L.S. 6914
- Surveying Engineer with expertise in management and all phases of land surveying
- Versatile competent and result oriented, capable of working effectively under pressure
- Capable of delivering on time and on budget

## **QUALIFICATIONS/TECHNICAL SKILLS**

Office and Field Management	Cost estimating, RFP's, RFQ's and SOQ's
Interface and Communication: Field/Client	Preparation of Record Maps
Legal Description Preparation	AutoCADD (v2000)
Public Land Survey System (P.L.S.S.)	Static, Fast Static and RTK (GPS)
Coordinate Geometry and Mapping	Surveying Equipment and Instrumentation

## **TECHNICAL EXPERIENCE**

- Owner (Storrs Land Surveying). Field-to-finish responsibility of all survey projects.
- Project Manager (Langford Land Surveying). Field-to-finish responsibility of individual survey projects.
- Survey Manager (Sandis Humber Jones). Managed all company survey operations (field and office) for 3 offices/16 employees
- Director of Surveys (TS/Nowack). Managed all company survey operations. Designed and developed company computer network.
- Assistant Survey Coordinator (ASL). Assisted Corporate Survey Coordinator in all phases of survey operations for 8 office locations.
- Office Manager, Fresno site office (Psomas). Liaison with the California Department of Transportation, City and County of Fresno for development of Route 180 "The GAP" freeway project.
- Project cost estimation, forming and tracking budgets; field instructions; review and technical interface with clients. Coordinate and assign field crews; boundary analysis, monumentation, preparation and Submittal of Record of Survey.
- Analysis and preparation of A.L.T.A., design, boundary and topographic surveys. Documentation, preparation and submittal of tract maps, parcel maps, records of survey and corner records. Construction, slope and grade staking.
- Preparation, recordation and analysis of field notes for a right-of-way survey of the Alaska Railroad. Recovery, restoration and establishment of monumentation; random and true line traversing. Instrument operation and equipment maintenance.
- CAD Tools and Computers: AutoCADD (2000), Land Development Desktop, Vango, Intergraph, VAX/VMS, Windows ME, WordPerfect, MS-word, Excel, E-mail and Internet. Conversant with manipulating and editing files.

## EMPLOYMENT

<b>Storrs Land Surveying, Oakland, CA.</b> <i>Owner</i>	1999-present
<b>Langford Land Surveying, Oakland, CA.</b> <i>Project Manager</i>	1998
<b>Sandis Humber Jones, Mountain View, CA.</b> <i>Survey Manager</i>	1997
<b>TS/Nowack Consultants, Santa Clara, CA.</b> <i>Director of Surveys</i>	1996-1997
<b>ASL Consulting Engineers, Irvine, CA.</b> <i>Assistant Survey Coordinator</i>	1996
<b>Psomas and Associates, Santa Monica, CA.</b> <i>Survey Engineer, Party Chief and Office Manager</i>	1989-1995
<b>Leo Woods Land Surveyor, Monterey, CA.</b> <i>Party Chief</i>	1988
<b>U.S. Department of the Interior, B.L.M., Anchorage, AK.</b> <i>Chainman</i>	1987

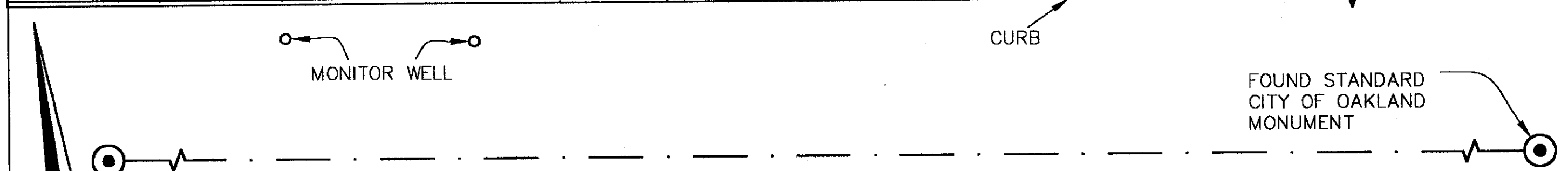
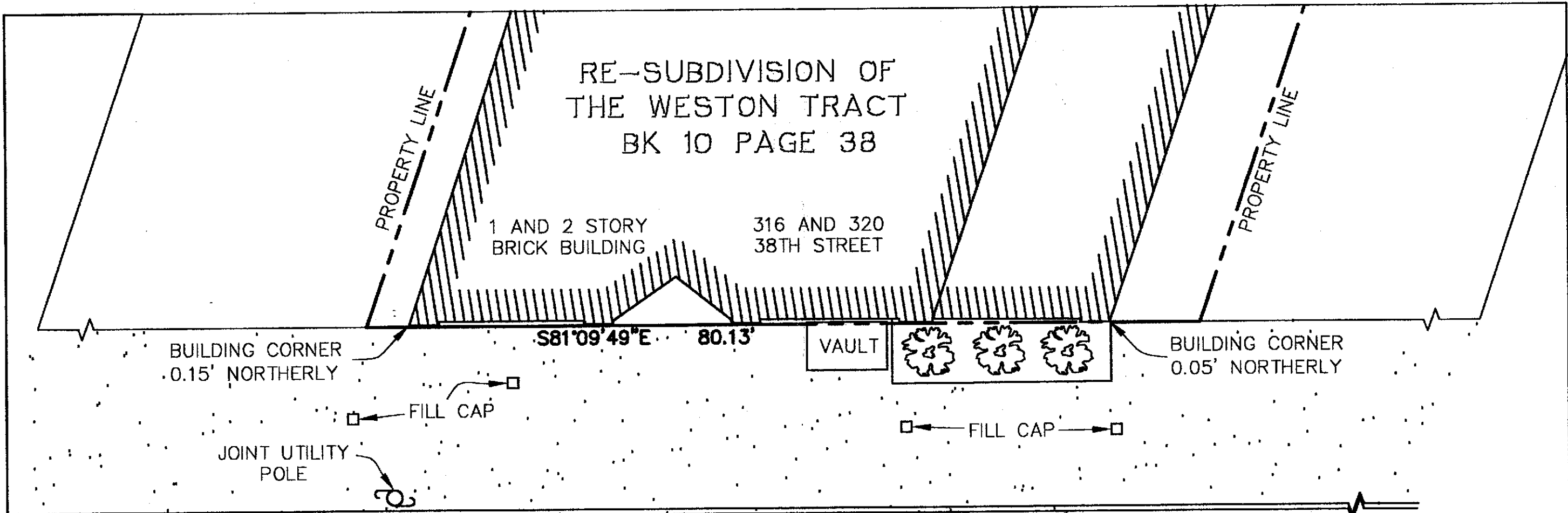
## EDUCATION

- **B.S., Surveying Engineering, California State University, Fresno**  
Areas of emphasis: Fundamental and advanced Surveying, Photogrammetry  
Geodesy and Geodetic Surveying, Legal description writing, Subdivision Map Act
- **University of California, Santa Barbara**  
Areas of study: Chemical Engineering, Physical Chemistry, Thermodynamics,  
Momentum, Heat and Mass Transfer
- **Monterey Peninsula College**  
Areas of emphasis: Pre-Engineering, Mathematics, Physics and Chemistry

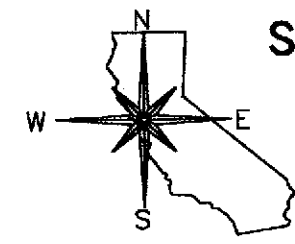
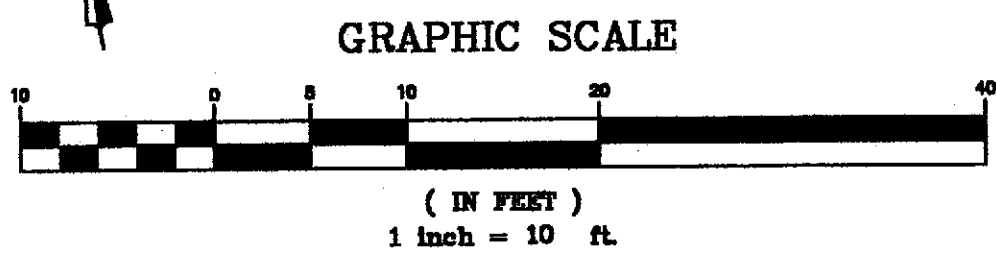
## PROFESSIONAL AFFILIATIONS

- California Land Surveyors Association
- American Congress on Surveying and Mapping
- National Society of Professional Surveyors
- California State University, Fresno Alumni Association

RE-SUBDIVISION OF  
THE WESTON TRACT  
BK 10 PAGE 38



SKETCH OF  
A PORTION OF LOT 4 BLOCK G OF THE  
RE-SUBDIVISION OF THE WESTON TRACT  
BK 10 PAGE 38



**STORRS LAND SURVEYING**

2647 INTERNATIONAL BLVD., SUITE 222  
OAKLAND, CA 94601  
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02-188.DWG