

## RESOLUTION NO. SA04-17

**Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Transferring Governmental Use Properties Known As Greenway @ Parcel D, Greenway @ 59<sup>th</sup> Street, Emery Station Greenway Plaza, 48<sup>th</sup> Street Community Garden, Art & Cultural Center And Glashaus Public Parking To The City Of Emeryville Pursuant To The Long Range Property Management Plan**

**WHEREAS**, the City of Emeryville is a municipal corporation organized and existing under the laws of the State of California ("City"); and

**WHEREAS**, the Emeryville Redevelopment Agency ("Agency") was a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.* ("CRL")); and

**WHEREAS**, the City Council of the City of Emeryville adopted Ordinance No. 76-04 effective as of July 27, 1976, thereby approving and adopting the Emeryville Redevelopment Plan for the Emeryville Redevelopment Project Area (the "Emeryville Redevelopment Project"); and

**WHEREAS**, the City Council of the City of Emeryville adopted Ordinance No. 87-07 effective as of October 20, 1987, thereby approving and adopting the Shellmound Park Redevelopment Plan for the Shellmound Park Redevelopment Project Area (the "Shellmound Park Redevelopment Project"); and

**WHEREAS**, on June 28, 2011, Governor Brown signed AB X1 26 (the "Dissolution Act") into law, and thereafter on December 29, 2011, in California Redevelopment Association v. Matosantos, (2011) 53 Cal. 4<sup>th</sup> 231, the California Supreme Court upheld the constitutionality of the Dissolution Act, which dissolved all of the redevelopment agencies in California effective February 1, 2012; and

**WHEREAS**, with the enactment of the Dissolution Act, on January 17, 2012, the City Council of the City of Emeryville adopted Resolution No. 12-12 electing to have the City of Emeryville serve as Successor Agency to the Emeryville Redevelopment Agency ("Successor Agency") and thereby assumed the obligation to wind down the affairs of the former Redevelopment Agency; and

**WHEREAS**, a component of the Dissolution Act established a process by which successor agencies can dispose of non-housing real property pursuant to a Long Range Property Management Plan ("LRPMP"); and

**WHEREAS**, the LRPMP of a successor agency must be approved by their respective oversight board and the DOF and may be submitted to the oversight board and DOF for approval once DOF issues a Finding of Completion to a successor agency; and

**WHEREAS**, a Finding of Completion is issued once a successor agency completes various



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matters in accordance with the Dissolution Act, and the Emeryville Successor Agency received its Finding of Completion from the DOF on August 29, 2013; and

**WHEREAS**, on February 4, 2014, the Successor Agency approved the LRPMP for the disposition and use of non-housing redevelopment agency properties and thereafter, on February 11, 2014, the Emeryville Oversight Board approved the LRPMP and the Successor Agency submitted the LRPMP to the DOF; and

**WHEREAS**, on December 31, 2014, DOF notified the Successor Agency that the LRPMP was not approved, and thus the Successor Agency prepared a revised LRPMP in September 2015 to address the stated reasons for the DOF's disapproval, which was subsequently approved by the DOF on November 20, 2015; and

**WHEREAS**, in order to carry out the terms of the LRPMP, it is recommended that the following real property assets identified as governmental use properties be transferred to the City of Emeryville pursuant to a Grant Deed in the form enclosed as Attachment 1 and incorporated herein by this reference:

- Greenway @ Parcel D and legally described in Exhibit A to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Greenway @ 59th Street and legally described in Exhibit B to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Emery Station Greenway Plaza and legally described in Exhibit C to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- 48th St Community Garden and legally described in Exhibit D to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Art & Cultural Center and legally described in Exhibit E to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference; and
- Glashaus Public Parking and legally described in Exhibit F to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference; now, therefore, be it

**RESOLVED**, by the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency as follows:

SECTION 1. The above recitals are true and correct and are adopted as the findings of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency.

SECTION 2. The City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency hereby transfers the real property assets located in the City of Emeryville, California and legally described in Exhibits A, B, C, D, E and F to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference, to the City of Emeryville.

**Emeryville Successor Agency Resolution No. SA04-17**

Transfer of Governmental Use Property

September 5, 2017

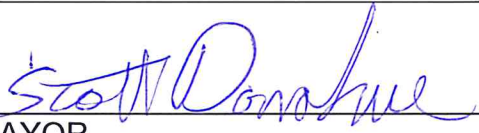
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SECTION 3. The City Manager, City Attorney and Chief Financial Officer are hereby authorized and directed to take such other and further actions, and sign such other and further documents, including but not limited to all necessary actions as may be required to perfect the transfer of fee title to the real property assets identified in Exhibits A, B, C, D, E and F to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference, to the City of Emeryville, be it a grant deed, quitclaim deed, or any other instrument as is necessary and proper in order to implement this Resolution on behalf of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency.

SECTION 4. The City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency hereby declares that every word, sentence, section, paragraph, clause or phrase of this Resolution and its exhibits are severable. If for any reason, any word, sentence, section, paragraph, clause or phrase of this Resolution and its exhibits are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining words, sentences, sections, paragraphs, clauses or phrases.


**ADOPTED**, by the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, September 5, 2017 by the following votes:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
CITY CLERK

  
CITY ATTORNEY

OAK #4810-6384-2123 v1  
05610-2007



**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608  
Attn: City Clerk

**Exempt from recording fees per  
Government Code §27383**

*(Space Above This Line for Recorder's Use Only)*

The Undersigned Grantor(s) Declare(s):  
DOCUMENTARY TRANSFER TAX \$0.00 [exempt per R&T Code § 11922];  
CITY TRANSFER TAX \$0.00 [exempt per Emeryville Municipal Code § 3-3.706].

**GRANT DEED**

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY, a public body, which acquired title as the Emeryville Redevelopment Agency ("**Grantor**" or "**Successor Agency**"), acting to carry out the disposition of certain real property in accordance with the Long Range Property Management Plan adopted by Grantor pursuant to Health and Safety Code Section 34191.5 ("**LRPMP**"), hereby grants to the CITY OF EMERYVILLE, a municipal corporation ("**Grantee**" or "**City**"), the following real property (collectively, the "**Property**"):

- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as Greenway @ Parcel D and more particularly described in Exhibit A attached hereto and incorporated herein, together with all improvements thereon;
- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as Greenway @ 59<sup>th</sup> Street and more particularly described in Exhibit B attached hereto and incorporated herein, together with all improvements thereon;
- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as Emery Station Greenway Plaza and more particularly described in Exhibit C attached hereto and incorporated herein, together with all improvements thereon;

- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as 48<sup>th</sup> Street Community Garden and more particularly described in Exhibit D attached hereto and incorporated herein, together with all improvements thereon;
- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as the Art & Cultural Center and more particularly described in Exhibit E attached hereto and incorporated herein, together with all improvements thereon; and
- That certain parcel of real property located in the City of Emeryville, County of Alameda, State of California, commonly known as Glashauss Public Parking and more particularly described in Exhibit F attached hereto and incorporated herein, together with all improvements thereon.

As set forth in the LRPMP, the Property is conveyed to the City for retention for a governmental use pursuant to an approved redevelopment plan pursuant to Health and Safety Code Section 34191.5(c)(2). The LRPMP was approved by the Oversight Board for the Successor Agency by Resolution No. OB08-15 dated October 27, 2015; the California Department of Finance subsequently approved the LRPMP by letter dated November 20, 2015.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its duly authorized officer as of \_\_\_\_\_, 2017.

GRANTOR:

CITY OF EMERYVILLE AS SUCCESSOR  
AGENCY TO THE EMERYVILLE  
REDEVELOPMENT AGENCY, a public  
body

By: \_\_\_\_\_  
Print Name: Carolyn Lehr  
Its: City Manager/Executive Director  
*[notary acknowledgement required]*

ATTEST:

\_\_\_\_\_  
Sheri Hartz, City Clerk/Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael A. Guina, City Attorney/General Counsel

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, Notary Public,  
personally appeared \_\_\_\_\_, who 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/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (seal)

## CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Grant Deed dated \_\_\_\_\_, 2017, from the CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY, a public body, as Grantor, to the CITY OF EMERYVILLE, a municipal corporation, as Grantee, is hereby accepted on behalf of the City of Emeryville by the undersigned officer pursuant to authority conferred by City Council Resolution No. 17-\_\_\_\_, dated September 5, 2017, and the Grantee consents to the recordation thereof by its duly authorized officer.

GRANTEE:

CITY OF EMERYVILLE, a municipal  
corporation

Dated: \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Carolyn Lehr, City Manager  
*[notary acknowledgement required]*

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael A. Guina, City Attorney



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, Notary Public,  
personally appeared \_\_\_\_\_, who 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/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (seal)



## EXHIBIT A

### LEGAL DESCRIPTION OF GREENWAY @ PARCEL D

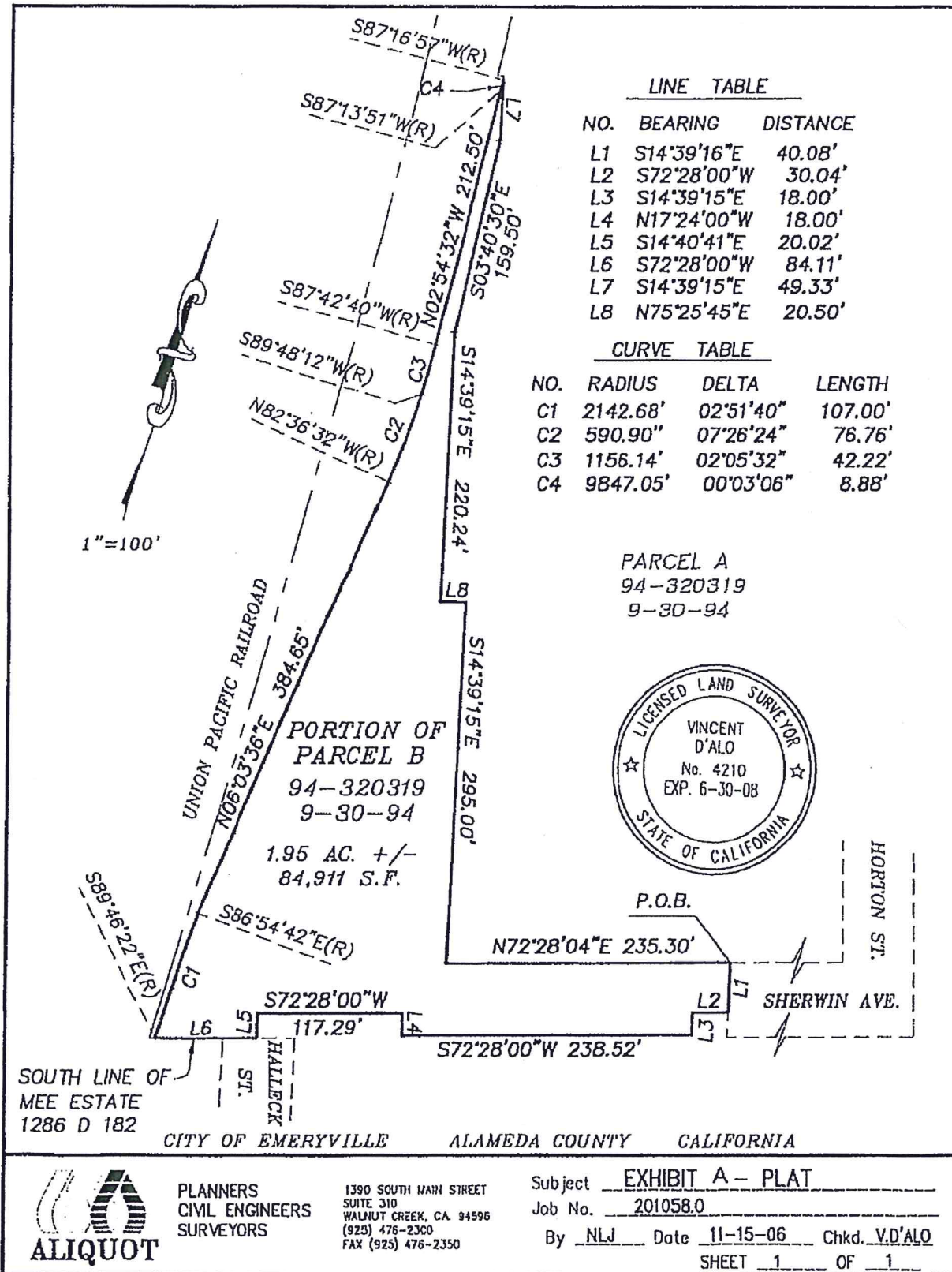
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF EMERYVILLE, ALAMEDA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B, AS DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE AND LOT LINE ADJUSTMENT BETWEEN SHERWIN-WILLIAMS COMPANY AND SOUTHERN PACIFIC TRANSPORTION COMPANY, RECORDED ON SEPTEMBER 30, 1994, AS DOCUMENT NO. 94320319, ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EASTERLY CORNER OF SAID PARCEL B (94320319), SAID CORNER BEING ON THE NORTHERLY RIGHT OF WAY OF SHERWIN AVE.; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL B (94320319) THE FOLLOWING SEVEN (7) COURSES: 1) SOUTH 14°39'16" EAST 40.08 FEET; 2) SOUTH 72°28'00" WEST 30.04 FEET; 3) SOUTH 14°39'15" EAST 18.00 FEET; 4) SOUTH 72°28'00" WEST 238.52 FEET; 5) NORTH 17°24'00" WEST 18.00 FEET; 6) SOUTH 72°28'00" WEST 117.29 FEET; 7) SOUTH 14°40'41" EAST 20.02 FEET TO THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS THE MEE ESTATE AS DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED IN BOOK 1286 OF DEEDS AT PAGE 182; THENCE ALONG SAID SOUTH LINE OF SAID MEE ESTATE SOUTH 72°28'00" WEST 84.11 FEET; THENCE LEAVING SAID EXTERIOR BOUNDARY OF SAID PARCEL B (94320319) ALONG THE ARC OF A NON-TANGENT 2142.68 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 89°46'22" EAST, THROUGH A CENTRAL ANGLE OF 02°51'40", AN ARC DISTANCE OF 107.00 FEET; THENCE NORTH 06°03'36" EAST 384.65 FEET; THENCE ALONG THE ARC OF A NON-TANGENT 590.90 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 82°36'32" WEST, THROUGH A CENTRAL ANGLE OF 07°26'24", AN ARC DISTANCE OF 76.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A NON-TANGENT 1156.14 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 89°48'12" WEST, THROUGH A CENTRAL ANGLE OF 02°05'32", AN ARC DISTANCE OF 42.22 FEET; THENCE NORTH 02°54'32" WEST 212.50 FEET; THENCE ALONG THE ARC OF A NON-TANGENT 9847.05 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 87°13'51" WEST, THROUGH A CENTRAL ANGLE OF 00°03'06", AN ARC DISTANCE OF 8.88 FEET; THENCE SOUTH 14°39'15" EAST 49.33 FEET; THENCE SOUTH 03°40'30" EAST 159.50 FEET TO A POINT ON SAID EXTERIOR BOUNDARY OF SAID PARCEL B (94320319); THENCE ALONG SAID EXTERIOR OF SAID PARCEL B (94320319) THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 14°39'15" EAST 220.24 FEET; 2) NORTH 75°20'45" EAST 20.50 FEET; 3) SOUTH 14°39'15" EAST 295.00 FEET; AND 4) NORTH 72°28'04" EAST 235.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.95 ACRES (84,911 SQUARE FEET) OF LAND, MORE OR LESS.

# PLAT MAP OF PROPERTY





## EXHIBIT B

### LEGAL DESCRIPTION OF GREENWAY @ 59<sup>TH</sup> STREET

REAL PROPERTY SITUATED IN THE CITY OF EMERYVILLE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

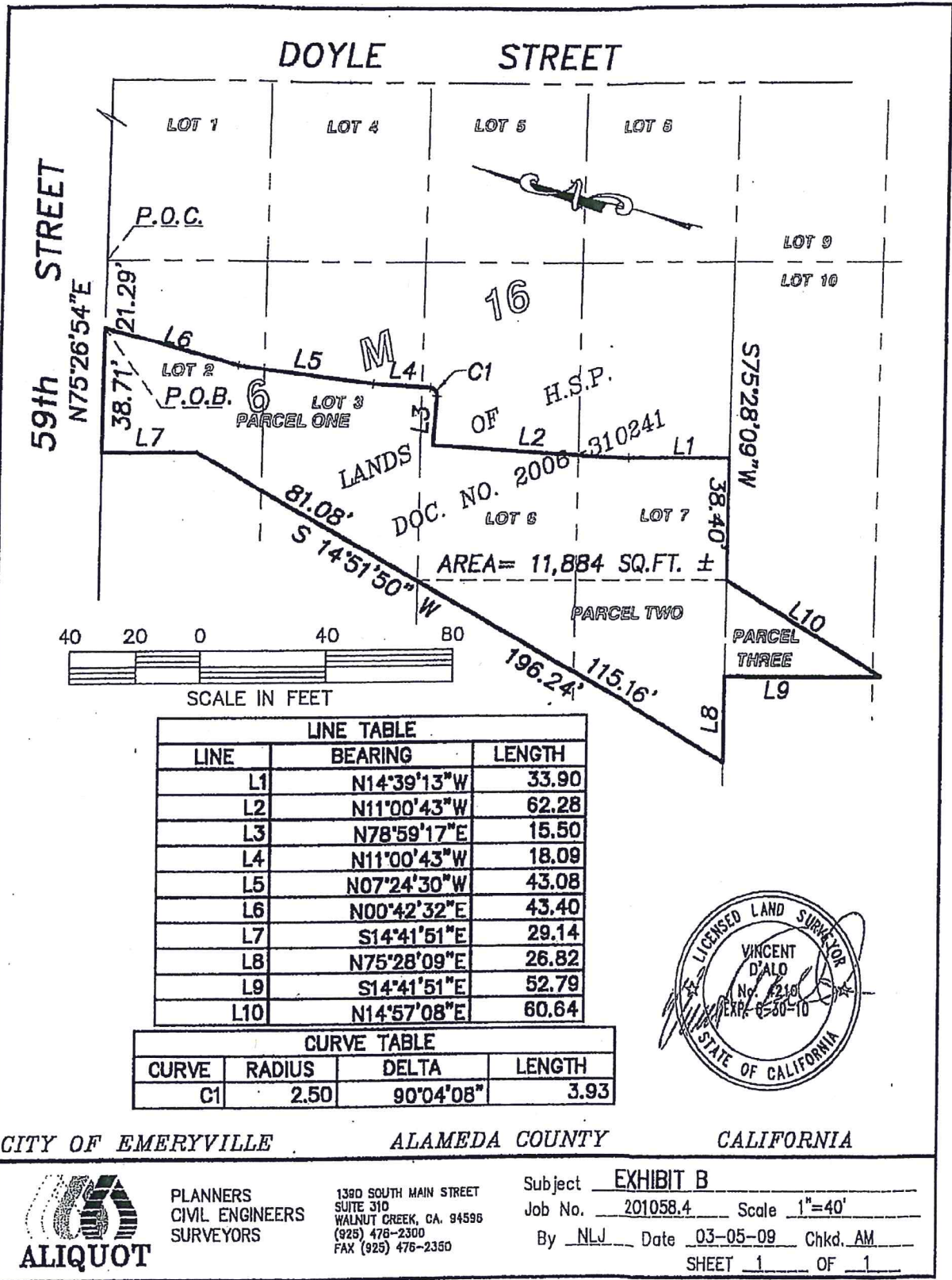
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS PARCEL ONE AND ALL OF THOSE CERTAIN PARCELS OF LAND DESIGNATED AS PARCELS TWO AND THREE AS SAID PARCELS ARE DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED TO H.S.P., A CALIFORNIA LIMITED PARTNERSHIP, RECORDED IN SAID COUNTY ON AUGUST 14, 2006, SERIES NO. 2006-310241, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL ONE (2006-310241), SAID POINT ALSO BEING ON THE SOUTHERN RIGHT OF WAY LINE OF 59<sup>TH</sup> STREET; THENCE ALONG THE BOUNDARY OF SAID PARCEL ONE BEING COMMON TO THE SOUTHERN RIGHT OF WAY LINE OF 59<sup>TH</sup> STREET SOUTH 75°26'54" WEST 21.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID COMMONLINE SOUTH 75°26'54" WEST 38.71 FEET; THENCE LEAVING SAID COMMON LINE AND CONTINUING ALONG SAID BOUNDARY OF SAID PARCEL ONE (2006-310241) THE FOLLOWING TWO (2) COURSES: 1) SOUTH 14°41'51" EAST 29.14 FEET; AND 2) SOUTH 14°51'50" WEST 81.08 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL TWO (2006-310241); THENCE LEAVING SAID BOUNDARY OF SAID PARCEL ONE (2006-310241) AND CONTINUING ALONG THE BOUNDARY OF SAID PARCEL TWO (2006-310241) THE FOLLOWING TWO (2) COURSES: 1) SOUTH 14°51'50" WEST 115.16 FEET; AND 2) NORTH 75°28'09" EAST 26.82 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL THREE (2006-310241); THENCE LEAVING SAID BOUNDARY OF SAID PARCEL TWO (2006-310241) AND CONTINUING ALONG THE BOUNDARY OF SAID PARCEL THREE (2006-310241) THE FOLLOWING TWO (2) COURSES: 1) SOUTH 14°41'51" EAST 52.79 FEET; AND 2) NORTH 14°57'08" EAST 60.64 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL ONE (2006-310241); THENCE LEAVING SAID BOUNDARY OF SAID PARCEL THREE (2006-310241) AND CONTINUING ALONG THE BOUNDARY OF SAID PARCEL ONE (2006-310241) NORTH 75°28'09" EAST 38.40 FEET; THENCE LEAVING SAID BOUNDARY OF SAID PARCEL ONE (2006-310241) NORTH 14°39'13" WEST 33.90 FEET; THENCE NORTH 11°00'43" WEST 62.28 FEET; THENCE NORTH 78°59'17" EAST 15.50 FEET; THENCE ALONG THE ARC OF A CURVE, BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 2.50 FEET, THROUGH A CENTRAL ANGLE OF 90°04'08", AND AN ARC DISTANCE OF 3.93 FEET; THENCE NORTH 11°00'43" WEST 18.09 FEET; THENCE NORTH 07°24'30" WEST 43.08 FEET; THENCE NORTH 00°42'32" EAST 43.40 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 11,884 SQUARE FEET OF LAND, MORE OR LESS.



# PLAT MAP OF PROPERTY



## EXHIBIT C

### LEGAL DESCRIPTION OF PLAZA GREENWAY PROPERTY

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF EMERYVILLE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO EMERYSTATION TRIANGLE II, LLC RECORDED MARCH 14, 2008 AS INSTRUMENT NO. 2008092293, OFFICIAL RECORDS OF ALAMEDA COUNTY, AS SAID PARCEL OF LAND IS SHOWN ON THAT CERTAIN RECORD OF SURVEY, FILED FOR RECORD ON APRIL 2, 2010 IN BOOK 35 OF RECORDS OF SURVEYS AT PAGE 39, OFFICIAL RECORDS OF ALAMEDA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID PARCEL AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL NORTH 14° 41' 51" WEST, 108.00 FEET;

THENCE LEAVING SAID LINE, SOUTH 74° 53' 10" EAST, 21.46 FEET;

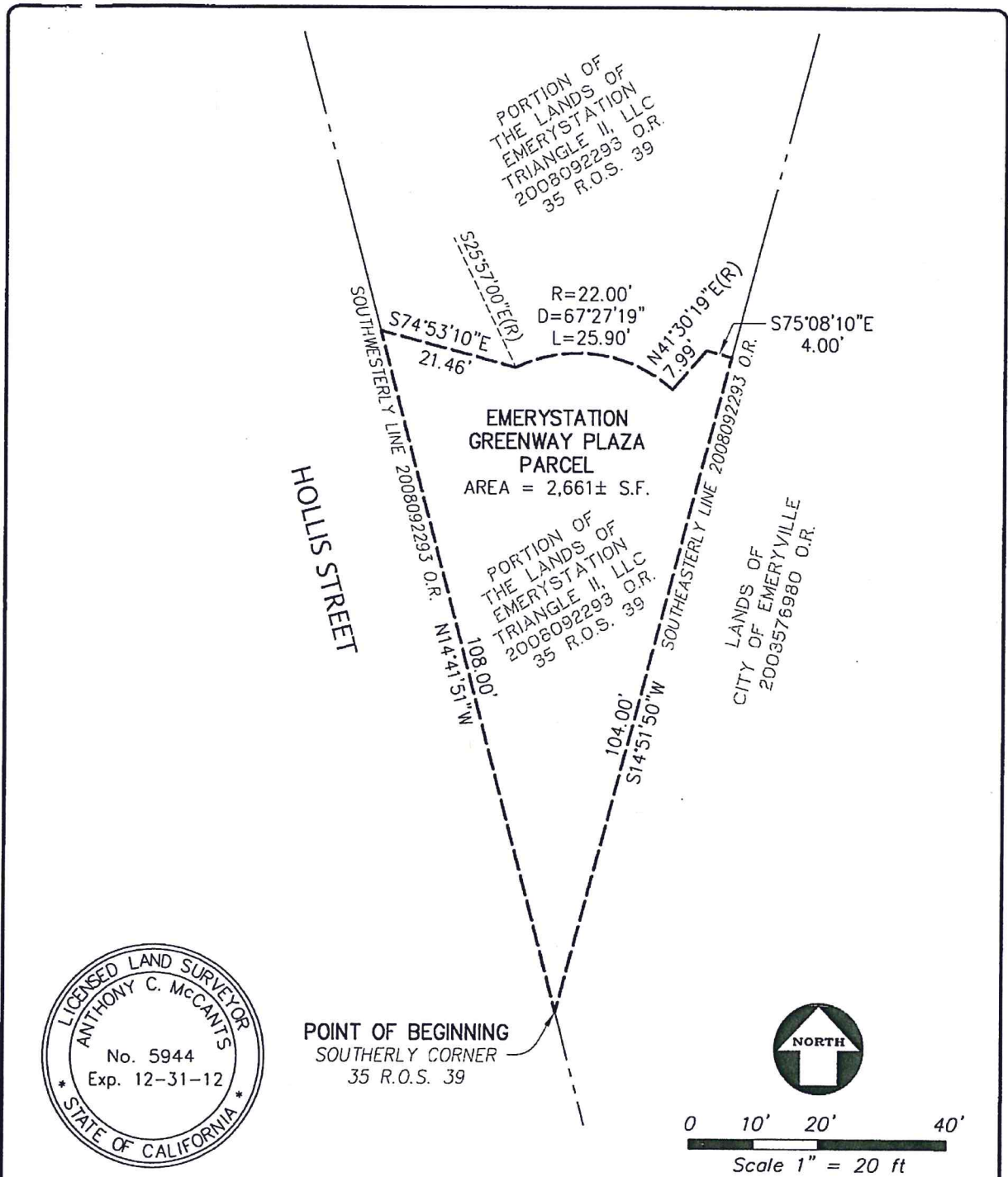
THENCE ALONG THE ARC OF A 22.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH CURVE BEARS SOUTH 25° 57' 00" EAST, THROUGH A CENTRAL ANGLE OF 67° 27' 19", AN ARC LENGTH OF 25.90 FEET;

THENCE NORTH 41° 30' 19" EAST, 7.99 FEET;

THENCE SOUTH 75° 08' 10" EAST, 4.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL;

THENCE ALONG SAID LINE, SOUTH 14° 51' 50" WEST, 104.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,661 SQUARE FEET, OR 0.0611 ACRES OF LAND, MORE OR LESS.



Z:\2010\A10548-4\survey\A10548-4-PD Plaza Parcels.dwg 5/7/2012 1:43:43 PM PDT



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8796

# PLAT TO ACCOMPANY LEGAL DESCRIPTION

EMERYVILLE, ALAMEDA COUNTY, CALIFORNIA

SCALE	1" = 20'
DATE	MAY 2012
BY	ACM/CH
JOB NO.	A10548-4
SHEET	1 OF 1



## EXHIBIT D

### LEGAL DESCRIPTION OF 48<sup>TH</sup> STREET COMMUNITY GARDEN

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF EMERYVILLE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A portion of Lots 19 and 20 in Block "G", as said lots and block are shown on the "Map of the Gaskill Addition to the Parsons Golden Gate Tract," filed December 5, 1889, in Book 8 of Maps, Page 6, in the office of the County Recorder of Alameda County, bounded as follows:

Beginning at a point on the western line of Gaskill Street, formerly Park Street, distant thereon north 8° 31' west 76.00 feet from the point of intersection thereof with the northern line of 48th Street, formerly Lulu Avenue, as said street and avenue are shown on said map; running thence along the said line of Gaskill Street north 8° 31' west 38.00 feet to a point on the northern line of said Lot 19; thence along the northern lines of said Lots 19 and 20, south 78° 32' 50" west 94.30 feet, more or less, to a point on the western line of said Lot 20; thence along the said last mentioned line south 11° 20' east 33.78 feet, more or less, to a point on the northern boundary line of that certain parcel of land designated as Parcel 1 in deed from Walter W. Allen and Dorothy A. Allen, his wife, to Edward L. Pribble and Betty R. Pribble, his wife, dated May 17, 1948, recorded May 19, 1948, under Recorder's Series No. AC/40127, in the office of the County Recorder of Alameda County; thence along the said last mentioned line and along the northern boundary line of that certain parcel of land designated as Parcel 1 in deed from Walter W. Allen and Dorothy A. Allen, his wife, to Warren W. Miller and Mae Miller, his wife, dated May 5, 1948, recorded May 6, 1948, under Recorder's Series AC/36637, in the office of the County Recorder of Alameda County, north 81° 07' 30" east 92.53 feet, more or less, to the point of beginning.

APN: 049-1176-001-01

## EXHIBIT E

### LEGAL DESCRIPTION OF ART AND CULTURAL CENTER

CITY OF EMERYVILLE

PORTION OF BLOCK 15, AS SAID BLOCK IS SHOWN ON THE "MAP OF PART OF PLOT 6, KELLERSBERGERS SURVEY OF VICENTE & DOMINGO PERALTA RANCHO, PROPERTY OF J. S. EMERY", ETC., FILED MARCH 1, 1889, IN BOOK 19 OF MAPS, PAGE 68, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN LINE OF HOLLIS STREET, DISTANT THEREON 125 FEET SOUTHERLY FROM THE SOUTHERN LINE OF PARK AVENUE, AS SAID STREET AND AVENUE ARE SHOWN ON SAID MAP; RUNNING THENCE SOUTHERLY ALONG SAID LINE OF HOLLIS STREET, 275 FEET; THENCE EASTERLY, PARALLEL WITH SAID LINE OF PARK AVENUE, 75 FEET; THENCE NORTHEASTERLY, IN A DIRECT LINE, 54.231 FEET TO A POINT ON THE DIRECT EXTENSION SOUTHERLY OF THE EASTERN LINE OF LOT 16 IN SAID BLOCK 15, DISTANT THEREON 204 FEET SOUTHERLY FROM THE SOUTHEASTERN CORNER OF SAID LOT 16; THENCE ALONG THE EXTENSION OF SAID EASTERN LINE OF LOT 16 AND ALONG THE EASTERN LINE OF SAID LOT 16, NORTHERLY 254 FEET TO THE NORTHERN LINE OF SAID LOT 16; THENCE WESTERLY ALONG SAID LAST NAMED LINE, 125 FEET TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 049-0618-004

## EXHIBIT F

### LEGAL DESCRIPTION OF GLASHAUS PUBLIC PARKING

#### PARCEL ONE (COMMERCIAL PARKING UNITS):

Commercial Parking Units shown as Parcels 1 through 13, inclusive, on the Condominium Plan ("Plan") recorded on January 31, 2008, as Series No. 2008-023106 in the Official Records of the County of Alameda, State of California. Said Commercial Parking Units are situated on Lot I of Tract Map 7688 ("Map"), filed for record on December 11, 2006, in Book 295 of Maps at Pages 14 through 17, inclusive, as corrected by the Certificate of Correction recorded on November 2, 2007, both in the Official Records of the County of Alameda, State of California.

#### PARCEL TWO (UNDIVIDED INTEREST IN BUILDING COMMON AREA):

An undivided one-fifth (1/5) interest as tenant in common in and to Lot 1 ("Building Common Area"), as shown on the Map, excepting and reserving therefrom the following:

- (A) All numbered Units shown on the Plan and described in the Declaration or in the Declaration of Annexation;
- (B) All numbered Commercial Parking Units shown on the Plan and described in the Declaration or in the Declaration of Annexation;
- (C) Non-exclusive easements for use, enjoyment, ingress, egress and support in and to the Building Common Area, as described in the Declaration; and
- (D) All easements as provided for in the Declaration.

#### PARCEL THREE (EASEMENTS):

Easements for use, enjoyment, ingress, egress and support in and to Parcel Two, above, as described in the Declaration, for the benefit of Parcel One, above, and as an appurtenance to Parcel One, above, subject to the Reciprocal Easement And Parking Garage Maintenance Agreement dated September 16, 2008, and recorded on September 17, 2008, as Series No. 2008-279142 in the Official Records of the County of Alameda, State of California.

All references in this legal description to the term "Declaration" shall refer to the Declaration of Covenants, Conditions and Restrictions of Glashaus, recorded on January 22, 2007, as Series No. 2007-033557 in the Official Records of the County of Alameda, State of California, as amended by the First Amendment thereto recorded on January 29, 2007, as Series No. 2007-043469, and by the Second Amendment thereto recorded on September 11, 2008, as Series No. 2008-375091, both in the Official Records of the County of Alameda, State of California. All references in this legal description to the term "Declaration of Annexation" shall refer to the Declaration of Annexation of Glashaus Phase 5, recorded on January 31, 2008, as Series No. 2008-023107 in the Official Records of the County of Alameda, State of California.



EXCEPTING FROM PARCELS ONE AND TWO, ABOVE, 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 HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE EXCLUSIVE AND PERPETUAL RIGHT THERETO, WITHOUT, HOWEVER, THE RIGHT TO USE OR PENETRATE THE SURFACE OF, OR TO ENTER UPON SAID LAND BELOW 500 FEET OF THE SURFACE THEREOF, TO EXTRICATE OR REMOVE THE SAME.