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OAKLAND

2003 MAR -2 AM 9:55

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

REVISED



AN ORDINANCE ALTERING THE PORT AREA BOUNDARY TO INCLUDE CERTAIN PARCELS AND EXCLUDE CERTAIN PARCELS AT AND ADJACENT TO THE FORMER OAKLAND ARMY BASE

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter of the City of Oakland authorize the Port of Oakland ("Port") to own and have control and jurisdiction of real property in the Port Area; and

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter authorize the Port to relinquish and transfer control and jurisdiction over any such property to the City of Oakland, acting by and through its City Council, upon the request and recommendation of the Board of Port Commissioners (the "Port Board") and the approval of the City Council; and

WHEREAS, Sections 706(4) and 725 of the Charter also authorize the City Council to enlarge the Port Area upon request of the Port Board; and

WHEREAS, the City Council approved and authorized the negotiation and entrance into the July 8, 2003 Oakland Army Base Memorandum of Agreement with the Port, the Oakland Redevelopment Agency and the Oakland Base Reuse Authority regarding the conveyance and development of the former Oakland Army Base ("MOA") pursuant to certain specified terms and conditions; and

WHEREAS, the MOA sets forth the following specified parcels of land at and adjacent to the former Army Base that are currently within the Port Area that will be owned and developed by the Redevelopment Agency ("City Parcels") and that the Port Area Boundary will be altered to exclude the City Parcels;

- 1) An approximate one hundred forty (140) acre parcel of land generally west of Maritime Street and generally east of I-80 as more particularly described on Exhibit A, attached hereto and commonly referred to as the "West Maritime Property";
- 2) An approximate one (1) acre parcel of land generally north of West Grand Avenue as more particularly described on Exhibit A, attached hereto and commonly referred to as the "West Maritime Army Reserve Property";

Redevelopment Plan Environmental Impact Report ("EIR") and subsequently filed a Notice of Determination; and

WHEREAS, the Redevelopment Agency, as a Responsible Agency, approved the EIR on October 29, 2002, and subsequently filed a Notice of Determination; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") have been satisfied with the completion and certification of the EIR;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Sections 706(4), 706(15) and 725 of the Charter, the City Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to exclude the City Parcels, as depicted on Exhibit A.

Section 2. Pursuant to Sections 706(4) and 725 of the Charter, the city Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to include the Port Parcels, as depicted on Exhibit B.

Section 3. That the actions set forth in Sections 1 and 2 above are expressly conditioned upon, and will not take effect until the earlier of the execution and implementation of the Oakland Army Base Public Trust Exchange Agreement or August 7, 2006.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute documents and take whatever other action is necessary in order to implement the purpose of this Ordinance.

Section 5. The City of Oakland, as the Lead Agency, finds and determines, prior to taking action approving this Ordinance, that (a) this Ordinance complies with CEQA; (b) the City Council relies upon the previously certified EIR for this action; and (c) none of the requirements in CEQA Guidelines sections 15162 requiring further environmental review have occurred and thus no Subsequent or Supplemental EIR is required for this action.

Section 6. Staff is directed to cause to be filed a Notice of Determination with the appropriate agencies.

Section 7. The record before the City Council relating to this matter includes, without limitation, the following:

1. The Final Reuse Plan and Redevelopment Plan, including all accompanying maps and papers;
2. All final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, Agency and

Section 11. Subject to the provisions of Section 3, this Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN SESSION, OAKLAND, CALIFORNIA, ON _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES – BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland

Exhibit A: Legal Description of parcels currently within the Port Area that will be excluded from the Port Area and owned and developed by the Redevelopment Agency ("City Parcels")

Exhibit B: Legal Description of parcels not within the Port Area that will be included in the Port Area and owned and developed by the Port ("Port Parcels")

EXHIBIT A

County (hereinafter referred to as 1837 Deeds 84), said point being marked by a pin set in concrete in a monument well, as shown on said Army Map;

Thence along said agreed upon location of the "Low Tide line of 1852" (1837 Deeds 84) North 41°00'50" East, 3829.19 feet to the **POINT OF BEGINNING** of Parcel 13 as herein described;

Thence departing from said agreed upon location of the "Low Tide line of 1852", North 48°48'07" West, 839.34 feet to a point on the generally southern line of Parcel 1, Tract 14 as described in said Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland et al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L (Reel: 32, Image:660), being a point on the course described as "North 6°52'23" East, 936.49 feet" in the description of said Parcel 1;

Thence along the generally southern line of said Parcel 1 (Reel: 32, Image:660) the following two courses:

- 1) North 08°03'07" East, 385.68 feet to an angle point in said line;
- 2) South 86°48'30" West, 297.19 feet to a point on the back of concrete apron of the wharf structures at that portion of the Oakland Army Base commonly referred to as Pier 8;

Thence departing from said generally southern line of said Parcel 1 (Reel: 32, Image:660) along said back of concrete apron the following six courses:

- 1) North 08°04'29" East, 43.36 feet;
- 2) North 81°39'04" West, 63.48 feet;
- 3) North 21°23'43" East, 72.93 feet;
- 4) North 81°33'20" West, 154.14 feet;
- 5) North 07°35'55" East, 47.96 feet;
- 6) North 68°58'20" West, 412.08 feet to a point on a line that bears North 48°48'07" West from the **POINT OF BEGINNING**;

Thence North 48°48'07" West, 389.20 feet to a point that bears North 48°48'07" West, 2296.50 feet from the **POINT OF BEGINNING**;

Thence South 81°26'43" West, 354.67 feet;

Thence South 80°58'50" West, 241.56 feet;

Thence South 08°24'05" East, 40.51 feet;

Army Map:

Thence along the northern line of said Tract 23, North $71^{\circ}46'34''$ East, 111.41 feet to the western most corner of Parcel 56444 as described in that certain Quitclaim Deed (I-880 Connector Corridor) recorded on February 13, 2002 as Document No. 2002072863 of Official Records in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002072863), being marked by a 1" iron pipe and CalTrans cap as shown on Record of Survey No. 1687, filed in Book 25 of Records of Surveys, Pages 58-69, Alameda County Official Records, being the beginning of a non-tangent curve concave southwesterly, having a radius of 1457.00 feet and a central angle of $9^{\circ}28'45''$, from which beginning the radius point bears South $08^{\circ}37'39''$ West;

Thence, along the generally southwestern line of said Parcel 56444, the following fifteen courses:

- 1) along said curve to the right, an arc distance of 241.05 feet to an angle point from which the radius point bears South $18^{\circ}06'24''$ West;
- 2) South $63^{\circ}07'59''$ East, 314.87 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 3) South $59^{\circ}26'20''$ East, 388.09 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 4) South $54^{\circ}38'31''$ East, 108.88 feet;
- 5) South $71^{\circ}14'04''$ East, 214.96 feet;
- 6) South $68^{\circ}12'53''$ East, 121.49 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 7) South $52^{\circ}34'03''$ East, 57.26 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 8) South $26^{\circ}23'46''$ West, 50.81 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 9) South $67^{\circ}50'56''$ East, 108.73 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 10) North $40^{\circ}50'20''$ East, 50.00 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 11) South $59^{\circ}26'20''$ East, 469.79 feet to a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;

United States in and for the Northern District of California, Southern Division, recorded February 24, 1960, Reel 032, Image 660 of Official Records in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel:032, Image:660); A portion of the lands described in that certain Final Judgment as to Tract 5, United States of America vs. City of Oakland, State of California et al., Case No. 21930-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded February 16, 1951 in Book 6361 of Official Records, Page 334 in the Office of the Recorder of said Alameda County hereinafter referred to as 6361 O.R. 334); A portion of the lands described in that certain Final Judgment as to Parcel No. 6, United States of America vs. City of Oakland, State of California et al., Case No. 21930-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded May 23, 1960, Reel 092, Image 111 of Official Records, in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel:092, Image:111), all of which are more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990; filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 48°22'05" East, 5692.24 feet to the northern most corner of Parcel 1, Tract 1 as described in said Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company et al., Case No. 23099-S (6566 O.R. 301), said corner being the northwestern terminus of the course described as "North 71°40'17" West 585.40 feet" in the description of said Parcel 1, Tract 1 (6566 O.R. 301), and being marked by a 2 1/2" brass disk with punch mark stamped "City of Oakland Survey Station 8NW9" as shown on Record of Survey No. 1705, filed in Book 26 of Record of Surveys, at Page 1, Alameda County Official Records;

Thence along the northwest line of said Parcel 1, Tract 1 (6566 O.R. 301) South 79°57'58" West, 9.41 feet to the beginning of a curve concave southwesterly, having a radius of 599.96 feet and a central angle of 20°37'16", from which the radius point bears South 36°18'10" West, being the **POINT OF BEGINNING** of Parcel 14 as herein described;

Thence along said curve to the right, an arc distance of 215.93 feet to a point on the generally northern line of Parcel A as described in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (said Parcel A being hereinafter referred to as the Subaru Lot);

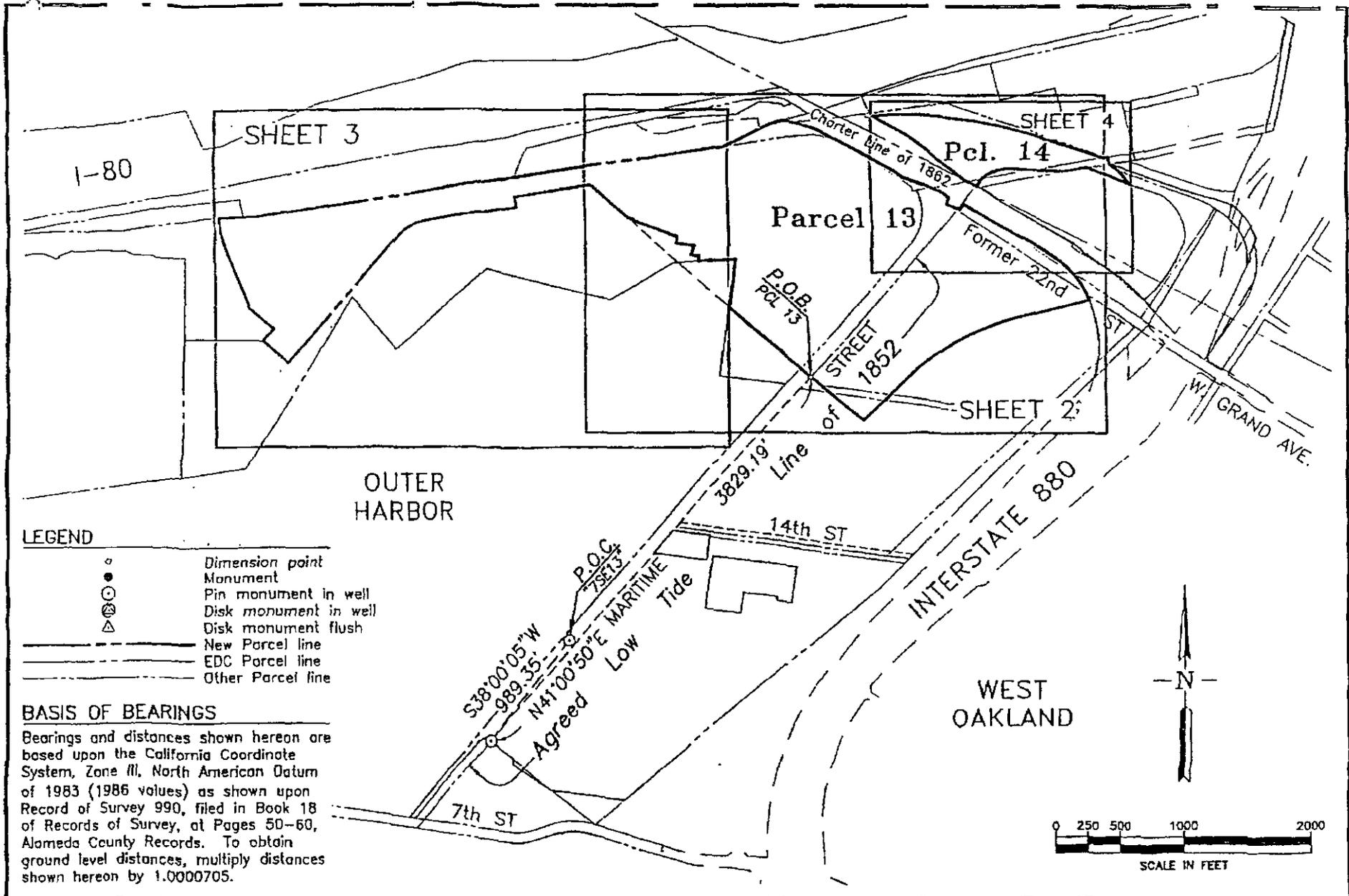
Thence along said generally northern line of said Parcel A (the Subaru Lot) the following thirteen courses:

- 1) North 65°41'40" West, 109.04 feet to an angle point in said line;
- 2) North 49°47'18" West, 162.81 feet to an angle point in said line;
- 3) North 54°46'46" West, 103.19 feet to an angle point in said line, said angle point being marked by a 1" iron pipe and CalTrans cap as shown on Record of Survey No. 1687 filed in Book 25 of Records of Surveys, at Pages 58-69, Alameda County Official Records;
- 4) North 47°07'33" West, 55.66 feet to the beginning of a curve concave southwesterly, having a radius of 1160.00 feet and a central angle of 12°07'10", said beginning of curve being marked by a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 5) along said curve to the left, an arc distance of 245.37 feet to an angle point in said line from which the radius point bears South 30°45'17" West, said angle point being marked by a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 6) North 59°14'43" West, 262.30 feet to an angle point in said line, said angle point being marked by a 1" iron pipe and CalTrans cap as shown on said Record of Survey No. 1687;
- 7) North 57°29'34" West, 66.49 feet to a point on the generally northern line of "Parcel 3, Baldwin Yard" as shown on Record of Survey No. 1704, filed in Book 26 of Record of Surveys, at Page 65, Alameda County Official Records (hereinafter referred to as the Baldwin Yard), being the beginning of a non-tangent curve concave southerly, having a radius of 1252.80 feet and a central angle of 8°05'48", from which beginning the radius point bears South 08°32'47" East;

Thence departing from said generally northeastern line of said Parcel 56444 (Doc. 2002072863), along the said generally northern line of said Baldwin Yard, the following three courses:

- 1) along said curve to the right, an arc distance of 177.04 feet to the beginning of a non-tangent curve concave southerly having a radius of 3336.10 feet and a central angle of 19°16'27", from which the radius point bears South 00°34'42" East;
- 2) along said curve to the right, an arc distance of 1122.26 feet to an angle point in said line from which the radius point bears South 18°41'45" West;
- 3) South 71°17'43" East, 326.69 feet to an angle point in said line;

Thence departing from said generally northern line, South 70°28'52" East, 223.98 feet to a point on the northwest line of Parcel 2, Tract 14 as described in said Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland et al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L (Reel: 32, Image:660) also being the northwest line of former 34th Street (now Wake Avenue);

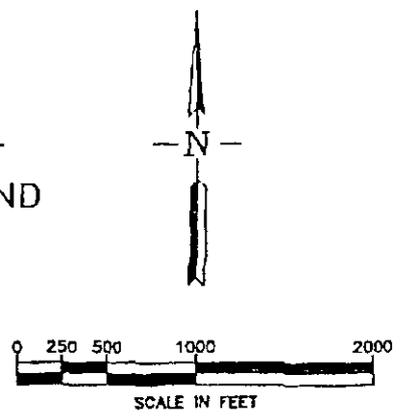


LEGEND

- Dimension point
- Monument
- ⊙ Pin monument in well
- ⊗ Disk monument in well
- ⊠ Disk monument flush
- New Parcel line
- - - EDC Parcel line
- · · Other Parcel line

BASIS OF BEARINGS

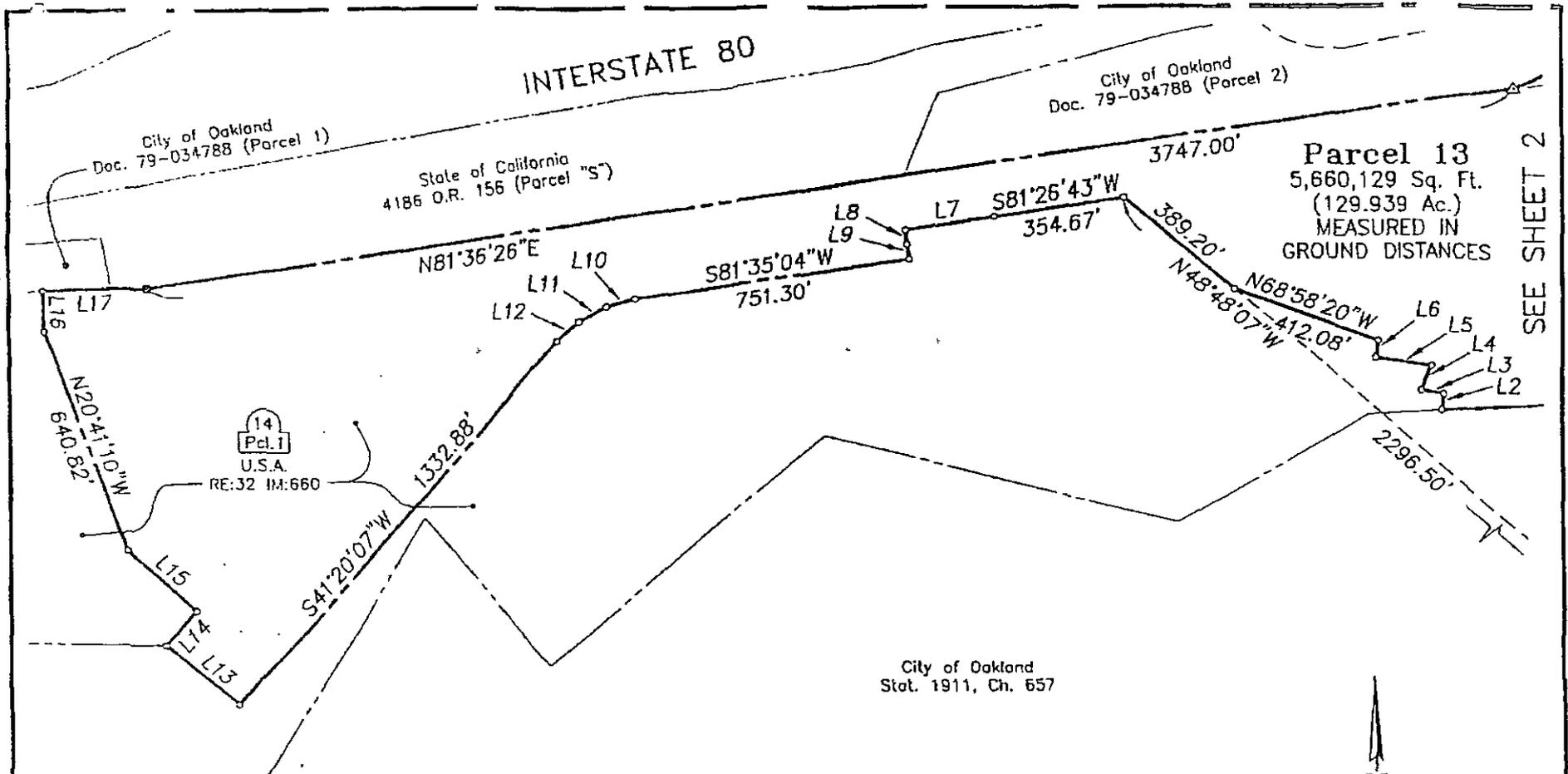
Bearings and distances shown hereon are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon Record of Survey 990, filed in Book 18 of Records of Survey, at Pages 50-60, Alameda County Records. To obtain ground level distances, multiply distances shown hereon by 1.0000705.



PORT OF OAKLAND
 LAND SURVEYS AND MAPPING
 530 Water Street
 Oakland, California

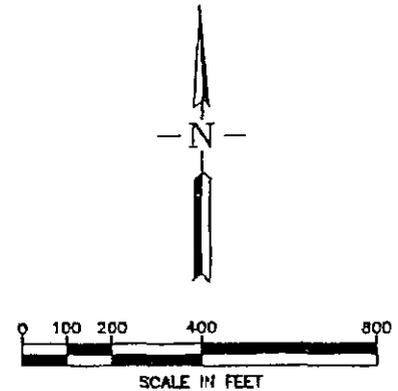
SCHEDULE 1.1 (94)
 PLAT TO ACCOMPANY LEGAL DESCRIPTION
 WEST MARITIME PROPERTY
 OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104471
SCALE: 1" = 1000'	Data File:
DATE: 7/15/2003	Revision:
SHEET 1 OF 4	Rev. date:
ATTACHMENTS:	
FILE LOC.: WEST-MARITIME.DWG (1)	



LINE TABLE		
LINE	BEARING	DISTANCE
L2	N08°04'29"E	43.36'
L3	N81°39'04"W	63.48'
L4	N21°23'43"E	72.93'
L5	N81°33'20"W	154.14'
L6	N07°35'55"E	47.96'
L7	S80°58'50"W	241.56'
L8	S08°24'05"E	40.51'
L9	S07°08'26"E	42.27'

LINE TABLE		
LINE	BEARING	DISTANCE
L10	S74°45'15"W	80.05'
L11	S61°28'19"W	85.21'
L12	S48°06'56"W	79.89'
L13	N48°42'09"W	259.68'
L14	N41°16'18"E	124.89'
L15	N48°38'16"W	249.42'
L16	N01°48'40"W	114.71'
L17	N88°08'30"E	291.86'



PORT OF OAKLAND

LAND SURVEYS AND MAPPING



530 Water Street
Oakland, California



SCHEDULE 1.1 (94)
PLAT TO ACCOMPANY LEGAL DESCRIPTION
WEST MARITIME PROPERTY
OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104471
SCALE: 1" = 400'	Data File:
DATE: 7/15/2003	Revision:
SHEET 3 OF 4	Rev. date:
ATTACHMENTS:	
FILE LOC. > WEST-MARITIME.DWG (3)	

Schedule 1.1 (92)
Legal Description
West Maritime Army Reserve Property
Oakland Army Base

All that certain real property, in the City of Oakland, County of Alameda, State of California, described as follows:

Parcel 15B

A portion of the Parcels of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded April 23, 1941, in Book 4017 of Official Records, Page 485 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4017 O.R. 485); A portion of the lands described in that certain Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland, et al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded February 24, 1960, Reel 032, Image 660 of Official Records in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel: 32, Image:660); A portion of the lands described in that certain Final Judgment as to Parcel No. 6, United States of America vs. City of Oakland, State of California, et al., Case No. 21930-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded May 23, 1960, Reel 092, Image 111 of Official Records, in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel:092, Image:111), all of which are more particularly described as follows:

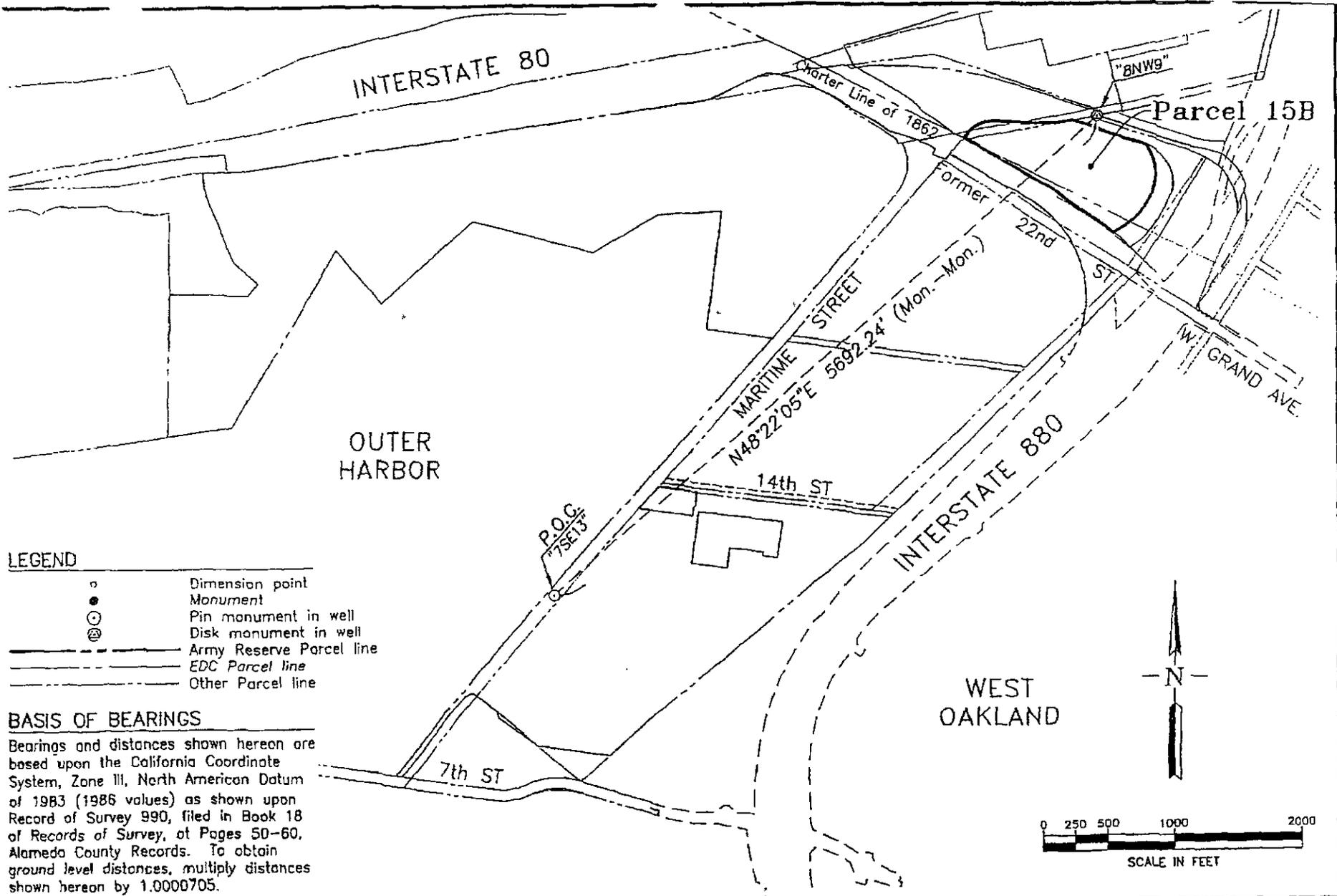
COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument also being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Records of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 48°22'05" East, 5692.24 feet to the northern most corner of Parcel 1, Tract 1 as described in said Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company, et al., Case No. 23099-S, District Court of the United States in and for the Northern District of California, Southern Division, recorded October 22, 1951 in Book 6566 of Official Records, Page 301 in the Office of the Recorder of said Alameda County (hereinafter referred to as 6566 O.R. 301), said corner being the northwest terminus of the course described as "North 71°40'17" West 585.40 feet" in the description of said Parcel 1, Tract 1 (6566 O.R. 301), said corner being marked by a 2 ½" brass disk with punch mark stamped "City of Oakland Survey Station 8NW9" as shown on Record of Survey No. 1705, filed in Book 26 of Records of Surveys, at Page 1, Alameda County Official Records;

- 3) North 57°44'30" West, 113.40 feet to an angle point;
- 4) North 49°58'48" West, 124.70 feet to an angle point;
- 5) North 59°26'20" West, 696.99 feet to an angle point;
- 6) North 38°53'13" West, 28.48 feet to an angle point;
- 7) North 59°26'21" West, 95.01 feet to an angle point;
- 8) North 65°41'40" West, 26.04 feet to a point on the generally northwestern line of said Parcel A (the Subaru Lot), said point being the beginning of a non-tangent curve concave easterly, having a radius of 20.00 feet and a central angle of 29°55'43", from which beginning the radius point bears North 87°47'11" East;

Thence along the northwestern, northern and northeastern lines of said Parcel A (the Subaru Lot) the following sixteen courses:

- 1) along said curve to the right, an arc distance of 10.45 feet to the beginning of a compound curve concave southeasterly, having a radius of 199.99 feet and a central angle of 39°56'30", said point of compound curvature being marked by a 1 ½" brass disk and spike stamped "LS 6379";
- 2) along said curve to the right, an arc distance of 139.42 feet to a point of tangency marked by a 1" iron pipe with plug and tack stamped "LS 6379";
- 3) North 67°39'24" East, 25.68 feet to the beginning of a curve concave southerly, having a radius of 299.98 feet and a central angle of 25°11'31";
- 4) along said curve to the right, an arc distance of 131.90 feet to a point of tangency marked by a 1" iron pipe with plug stamped "LS 6379";
- 5) South 87°09'05" East, 415.50 feet to an angle point in said line, said point being marked by a 1" iron pipe with plug stamped "LS 6379";
- 6) North 80°41'00" East, 170.83 feet to an angle point in said line, said point being marked by a 1" iron pipe with plug stamped "LS 6379";
- 7) South 70°15'39" East, 49.25 feet to an angle point in said line, said point being marked by a 1 ½" brass disk with bolt stamped "LS 6379";
- 8) South 72°38'25" East, 67.85 feet to an angle point in said line, said point being marked by a 1 ½" brass disk with bolt stamped "LS 6379";
- 9) South 69°32'54" East, 44.74 feet to an angle point in said line, said point being marked by a 1 ½" brass disk with bolt stamped "LS 6379";

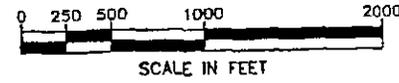
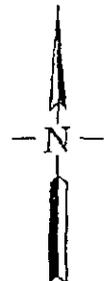


LEGEND

- Dimension point
- Monument
- ⊙ Pin monument in well
- ⊗ Disk monument in well
- Army Reserve Parcel line
- - - EDC Parcel line
- · · Other Parcel line

BASIS OF BEARINGS

Bearings and distances shown hereon are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon Record of Survey 990, filed in Book 18 of Records of Survey, at Pages 50-60, Alameda County Records. To obtain ground level distances, multiply distances shown hereon by 1.0000705.



PORT OF OAKLAND
 LAND SURVEYS AND MAPPING
 530 Water Street
 Oakland, California

SCHEDULE 1.1 (92)
 PLAT TO ACCOMPANY LEGAL DESCRIPTION
 WEST MARITIME ARMY RESERVE PROPERTY
 OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104471
SCALE: 1" = 1000'	Data File:
DATE: 7/15/2003	Revision: 1
SHEET 1 OF 2	Rev. date: 10/9/03
ATTACHMENTS:	
FILE LOC.: WEST-MARITIME-AR_R1.DWG (1)	

Oakland Army Base
Title Settlement and Exchange Agreement
Legal Description – Parcel C

All that certain real property, in the City of Oakland, County of Alameda, State of California, described as follows:

Parcel C-1

A portion of the lands described as Parcel 2 in that certain Quitclaim Deed between the State of California and the City of Oakland, recorded February 23, 1979 as Doc. No. 79-034788 of Official Records, in the Office of the Recorder of the said County of Alameda (hereinafter referred to as Doc. 79034788), being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-1-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Records of Surveys, at Pages 50-60, Official Records of the said County of Alameda;

Thence North 06°22'58" West, 3704.99 feet to the western most corner of said Parcel 2 (Doc. 79-034788), said corner being marked by a concrete nail and CalTrans tag set flush, as shown on Record of Survey No. 1687, filed in Book 25 of Records of Surveys, at Pages 58-69, the said County of Alameda Official Records, and being the **POINT OF BEGINNING** of the portion of said Parcel 2 (Doc. 79034788) herein described;

Thence along the western and generally northern lines of said Parcel 2 (Doc. 79034788) the following three courses:

- 1) North 21°36'13" East, 249.00 feet to an angle point marked by a 1 iron pipe and CalTrans cap under a cyclone fence, as shown on said Record of Survey No. 1687;
- 2) North 75°30'42" East, 642.22 feet to an angle point marked by a 1 iron pipe and CalTrans cap, as shown on said Record of Survey No. 1687;
- 3) North 78°23'41" East, 230.24 feet to the western most corner of Parcel 1 described in that certain Grant Deed from the City of Oakland to the State of California, recorded February 3, 1995 as Doc. No. 95028117 of Official Records, in the Office of the Recorder of the said County of Alameda (hereinafter referred to as Doc. 95028117), said corner being the beginning of a non-tangent curve concave northerly, having a

acts (hereinafter referred to as Stat. 1911, Ch. 657), being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Records of Surveys, at Pages 50-60, Official Records of the said County of Alameda;

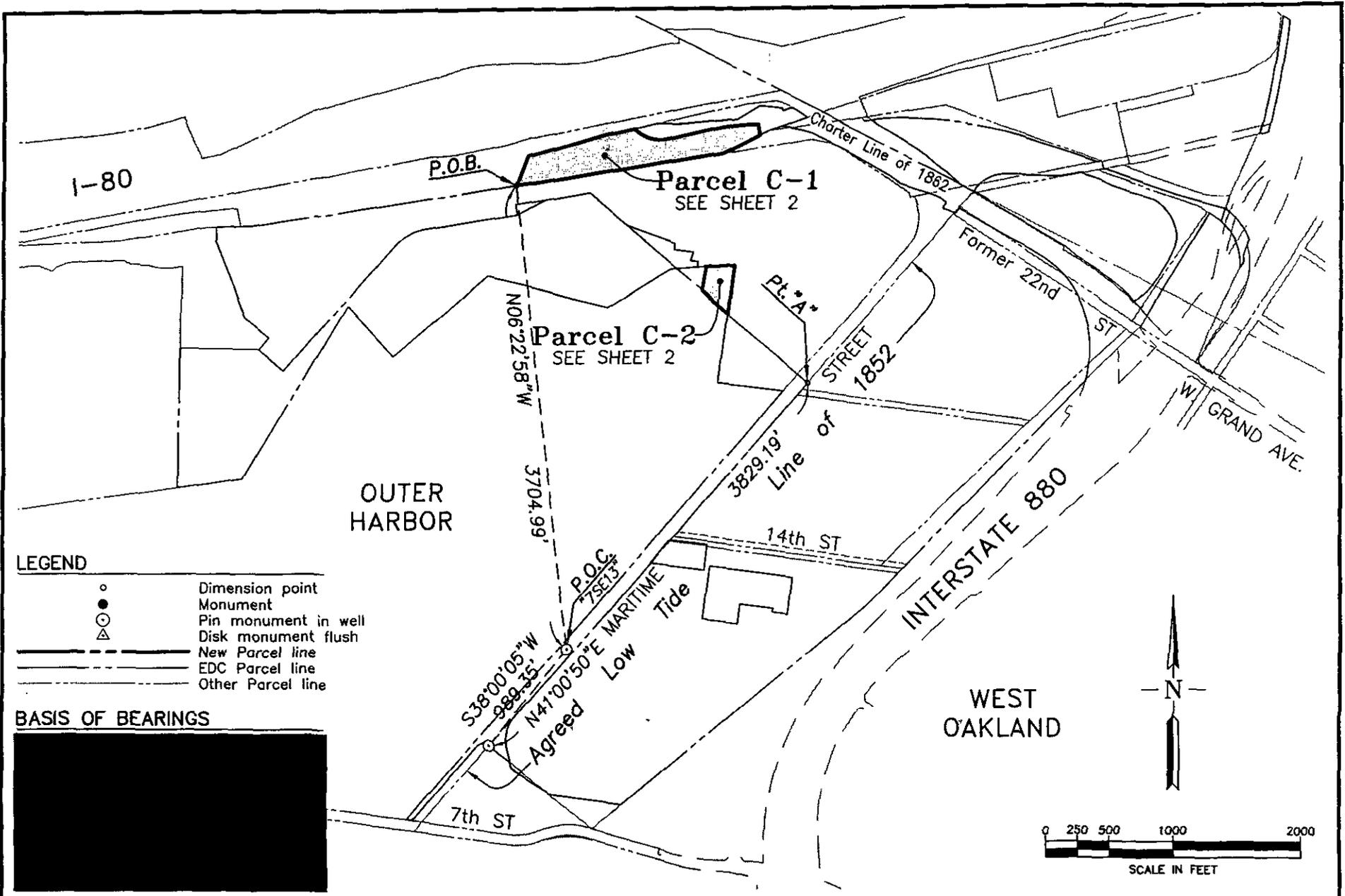
Thence South 38°00 05 West, 989.35 feet to the eastern most corner of Parcel Seven as described in that certain Quitclaim Deed, recorded on June 15, 1999 as Doc. No. 99222447 of Official Records, in the Office of the Recorder of the said County of Alameda (hereinafter referred to as Doc. 99222447), being a point on the agreed upon location of the "Low Tide Line of 1852" as described in City of Oakland Ordinance No. 3099, a certified copy of which was recorded on October 10, 1910 in Book 1837 of Deeds, Page 84, in the Office of the Recorder of the said County of Alameda (hereinafter referred to as 1837 Deeds 84), said point being marked by a pin set in concrete in a monument well, as shown on said Army Map;

Thence northeasterly along said agreed upon location of the "Low Tide Line of 1852 (1837 Deeds 84) North 41°00 50 East, 3829.19 feet to a point hereinafter referred to as Point "A";

Thence departing from the said agreed upon location of the "Low Tide Line of 1852 (1837 Deeds 84), North 48°48 07 West, 1380.09 feet to a point on the generally southerly line of Parcel 1, Tract 14 as described in said Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland, et al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L recorded February 24, 1960, Reel 032, Image 660 of Official Records in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel: 32, Image:660), being the **POINT OF BEGINNING** of the said portion of lands (Stat. 1911, Ch. 657) herein described;

Thence departing the generally southerly line of said Parcel 1, Tract 14 (Reel: 32, Image: 660), North 48°48 07 West, 275.79 feet, more or less to a point on a line that is 100.00 feet northeasterly of and parallel with the line of Ordinary High Tide in the Oakland Outer Harbor, which for the purposes of this legal description is based upon a survey, by the Port of Oakland in September 2001, of the location of Mean High Water for the said Oakland Outer Harbor as defined by the National Oceanic and Atmospheric Administration/National Ocean Service;

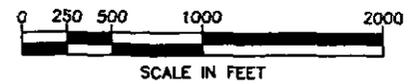
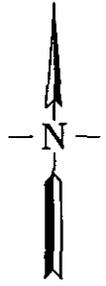
Thence northerly along said parallel line, the following two courses:



LEGEND

- Dimension point
- Monument
- ⊙ Pin monument in well
- △ Disk monument flush
- New Parcel line
- - - EDC Parcel line
- · · Other Parcel line

BASIS OF BEARINGS



PORT OF OAKLAND

LAND SURVEYS AND MAPPING



530 Water Street
Oakland, California

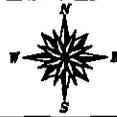


EXHIBIT "B"

OAKLAND ARMY BASE

TITLE SETTLEMENT AND EXCHANGE AGREEMENT
PARCEL C

DRAWN BY: JRM	Field Bk:
CHECKED BY:	Wrk. Ord: 104105
SCALE: 1" = 1000'	Data File:
DATE: 12/15/05	Revision:
SHEET 1 OF 2	Rev. date:
ATTACHMENTS:	
FILE LOC.: > Exhibit B - Parcel C.dwg	

Exhibit "A"
Legal Description

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

CalTrans Parcel 3

A portion of those Parcels of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded April 23, 1941, in Book 4017 of Official Records, Page 485 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4017 O.R. 485), more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 51°20'10" East, 5031.97 feet to an angle point in the generally southwestern line of Parcel A described in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (hereinafter referred to as the Subaru Lot), being the southwest terminus of the course described as "North 31°27'40" East, 25.13 feet" in the description of said Parcel A, said angle point being marked by a 1" iron pipe with plug stamped "LS 6379", and being the POINT OF BEGINNING of CalTrans Parcel 3 as herein described;

Thence along the generally southwestern line of said Parcel A (the Subaru Lot) the following two courses:

1) South 58°32'40" East, 210.48 feet to the beginning of a curve concave southwesterly, having a radius of 1569.89 feet and a central angle of 9°36'01", said beginning being marked by a 1" iron pipe with plug stamped "LS 6379";

2) along said curve to the right, an arc distance of 265.04 feet to the point of a cusp, from which the radius point bears South 41°03'21" West, said point being the beginning of a non-tangent curve concave northwesterly, having a radius of 599.96 feet and a central angle of 28°21'33", from which beginning the radius point bears North 45°50'36" West;

Thence along said curve to the right, an arc distance of 296.96 feet to a point on the generally southwestern line of Parcel 56444 described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863), from which the

Thence North $51^{\circ}20'10''$ East, 5031.97 feet to an angle point in the generally southwestern line of said Parcel A described in said unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (hereinafter referred to as the Subaru Lot), being the southwest terminus of the course described as "North $31^{\circ}27'40''$ East, 25.13 feet" in the description of said Parcel A (the Subaru Lot), said angle point being marked by a 1" iron pipe with plug stamped "LS 6379", and being the POINT OF BEGINNING of CalTrans Parcel 3A as herein described;

Thence along the generally southwestern line of said Parcel A (the Subaru Lot) the following two courses:

- 1) North $31^{\circ}27'25''$ East, 25.13 feet to an angle point marked by a 1" iron pipe with plug stamped "LS 6379";
- 2) North $59^{\circ}17'00''$ West, 77.28 feet;

Thence departing from said generally southwestern line of said Parcel A (the Subaru Lot), North $30^{\circ}38'42''$ East, 8.12 feet to the generally northeastern line of Parcel 56444 described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863);

Thence along said generally northeastern line of said Parcel 56444 (Doc. 2002-072863) the following five courses:

- 1) South $59^{\circ}26'20''$ East, 74.36 feet to an angle point;
- 2) South $49^{\circ}58'48''$ East, 124.70 feet to an angle point;
- 3) South $57^{\circ}44'30''$ East, 113.40 feet to the beginning of a curve concave northwesterly, having a radius of 1647.00 feet and a central angle of $7^{\circ}24'24''$;
- 4) along said curve to the right, an arc distance of 212.91 feet to a point from which the radius point bears South $39^{\circ}39'54''$ West, being the beginning of a non-tangent curve concave southwesterly, having a radius of 1647.00 feet and a central angle of $1^{\circ}02'25''$, from which beginning the radius point bears South $38^{\circ}00'16''$ West;
- 5) along said curve to the right, an arc distance of 29.91 feet to a point from which the radius point bears South $39^{\circ}02'41''$ West, being the beginning of a non-tangent curve concave northwesterly, having a radius of 599.96 feet and a central angle of $1^{\circ}26'59''$, from which beginning the radius point bears North $47^{\circ}17'35''$ West;

Thence departing from said generally northeastern line of said Parcel 56444 (Doc. 2002-072863), along said curve to the right, an arc distance of 15.18 feet to the generally southwestern line of said Parcel A (the Subaru Lot), being the beginning of a non-tangent curve concave

Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863), said angle point being the northwest terminus of the course described as "North 71°47'59" East, 328.18 feet" in the description of said Parcel 56444, being the northern most corner of said Tract 23 (5987 O.R. 322) and being the POINT OF BEGINNING of CalTrans Parcel 7 as herein described;

Thence along the northeastern line of said Tract 23, South 62°34'34" East, 143.62 feet to the western most corner of said Tract 6 (Reel: 92, Image: 111);

Thence along the northwestern line of said Tract 6, North 82°33'18" East, 180.47 feet to a point on the generally northern line of "Parcel 3, Baldwin Yard" as shown on Record of Survey No. 1704, filed in Book 26 of Records of Surveys, at Page 65, Alameda County Official Records, being the beginning of a non-tangent curve concave northeasterly, having a radius of 254.00 feet and a central angle of 8°57'38", from which beginning the radius point bears North 47°42'26" East;

Thence along said generally northern line of "Parcel 3, Baldwin Yard" the following two courses:

1) along said curve to the left, an arc distance of 39.72 feet to a point from which the radius point bears North 38°44'48" East, being the beginning of a non-tangent curve concave southeasterly, having a radius of 1252.80 feet and a central angle of 2°23'18", from which beginning the radius point bears South 10°56'05" East;

2) along said curve to the right, an arc distance of 52.22 feet to a point on the generally northeastern line of said Parcel 56444 (Doc. 2002-072863), from which point the radius point bears South 08°32'47" East;

Thence along said generally northeastern line of said Parcel 56444 the following three courses:

1) South 57°29'34" East, 66.49 feet to an angle point marked by a 1" iron pipe and CalTrans cap as shown on Record of Survey No. 1687, filed on August 7, 2000 in Book 25 of Records of Surveys at Pages 58-69, Alameda County Official Records (hereinafter referred to as 25 R/S 58);

2) South 59°14'43" East, 262.30 feet to the beginning of a curve concave southwesterly, having a radius of 1160.00 feet and a central angle of 11°26'25";

3) along said curve to the right, an arc distance of 231.62 feet to an existing fence line;

Thence departing from said generally northeastern line of said Parcel 56444, along said existing fence line the following fourteen courses:

1) South 36°37'46" West, 70.09 feet;

2) South 51°19'40" East, 66.99 feet;

3) South 32°28'20" West, 27.14 feet;

and for the Northern District of California, Southern Division, recorded November 4, 1947 in Book 5303 of Official Records at Page 359 in the Office of the Recorder of said Alameda County (hereinafter referred to as 5303 O.R. 359); And a portion of the lands described in that certain Final Judgment as to Parcel No. 6, United States of America vs. City of Oakland, State of California, et al., Case No. 21930-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded May 23, 1960, Reel 092, Image 111 of Official Records, in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel: 92, Image:111), all of which being a portion of the lands commonly referred to as the "Heroic War Dead of Oakland Site" and quantified in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Command of the Oakland Army Base to the 63rd R.S.C., dated July 1, 1996, and being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 25°21'41" East, 4686.12 feet to an angle point in the generally northwestern line of Parcel 56444 as described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863), said angle point being the northwest terminus of the course described as "North 71°47'59" East, 328.18 feet" in the description of said Parcel 56444 (Doc. 2002-072863), being the western most corner of said Tract 20 (5303 O.R. 359) and being the POINT OF BEGINNING of CalTrans Parcel 7A as herein described;

Thence along the northwestern line of said Parcel 56444 (Doc. 2002-072863), being the northwestern line of said Tract 20 (5303 O.R. 359), North 72°19'59" East, 313.59 feet to the northern most corner of said Parcel 56444 (Doc. 2002-072863);

Thence along the generally northeastern line of said Parcel 56444 (Doc. 2002-072863) the following two courses:

1) South 23°49'55" East, 152.45 feet to an angle point;

2) South 57°29'34" East, 31.31 feet to a point on the generally northern line of "Parcel 3, Baldwin Yard" as shown on Record of Survey No. 1704, filed in Book 26 of Records of Surveys, at Page 65, Alameda County Official Records, being the beginning of a non-tangent curve concave southeasterly, having a radius of 1252.80 feet and a central angle of 2°23'18", from which beginning the radius point bears South 08°32'47" East;

Thence along said generally northern line of "Parcel 3, Baldwin Yard" the following two courses:

EXHIBIT A
Legal Description
A Portion of Army Reserve I-880 Corridor Property

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Caltrans Parcel 4A

A portion of Parcel No. 4 described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded April 23, 1941, in Book 4017 of Official Records, Page 485 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4017 O.R. 485); And a portion of the lands described in that certain Final Judgment as to *Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland, et al.*, Case No. 21758-L, Case No. 21930-L, Case No. 22084-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded February 24, 1960, Reel 032, Image 660 of Official Records in the Office of the Recorder of said Alameda County (hereinafter referred to as Reel: 32, Image:660), all of which being a portion of the lands commonly referred to as the "Subaru Lot" and described as Parcel A in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, and being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 47°03'51" East, 4934.23 feet to a point on the generally southwestern line of Parcel A described in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (hereinafter referred to as the Subaru Lot), being the southeast terminus of the course described as "North 58°45'30" West, 447.32 feet" in the description of said Parcel A (the Subaru Lot), said point being marked by a 1" iron pipe with plug stamped "LS 6379", and being the **POINT OF BEGINNING** of Caltrans Parcel 4A as herein described;

Thence along the generally southwest line of said Parcel A (the Subaru Lot) the following two courses:

EXHIBIT B

1910 in Book 1837 of Deeds, Page 84, in the Office of the Recorder of Alameda County (hereinafter referred to as 1837 Deeds 84), said point being marked by a pin set in concrete in a monument well, as shown on said Army Map;

Thence along the northern line of said Parcel Six (Doc. 99-222447) South $51^{\circ}26'30''$ East, 210.65 feet to the eastern line of the roadway easement connecting Seventh Street with Maritime Street described in the document recorded on July 5, 1979 as Doc. No. 79-130905 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 79-130905), being the **POINT OF BEGINNING** of Parcel 5 as herein described;

Thence northerly along said eastern line of said roadway easement (Doc. 79-130905) the following three courses:

- 1) North $00^{\circ}04'41''$ East, 13.30 feet;
- 2) North $14^{\circ}23'58''$ West, 88.56 feet to the beginning of a curve concave easterly, having a radius of 297.98 feet and a central angle of $55^{\circ}24'48''$;
- 3) along said curve to the right, an arc distance of 288.19 feet to a point of tangency on said agreed upon location of the "Low Tide Line of 1852" (1837 Deeds 84);

Thence northerly along said agreed upon location of the "Low Tide Line of 1852" North $41^{\circ}00'50''$ East, 1633.72 feet to the southern line of the "Parcel Encompassing Building 762" as described in that certain unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd RSC, dated September 3, 1997 (herein after referred to as the Building 762 Parcel);

Thence along the southern, eastern and northern lines of said Building 762 Parcel the following three courses:

- 1) South $81^{\circ}54'53''$ East, 424.30 feet to an angle point marked by a rebar and cap stamped "LS 5671";
- 2) North $07^{\circ}51'10''$ East, 200.86 feet to an angle point marked by a rebar and cap stamped "LS 5671";
- 3) North $82^{\circ}00'39''$ West, 293.72 feet to a point on said agreed upon location of the "Low Tide Line of 1852";

Thence northerly along said agreed upon location of the "Low Tide Line of 1852" North $41^{\circ}00'50''$ East, 1642.10 feet to a point hereinafter referred to as Point "A", said Point "A" bearing North $41^{\circ}00'50''$ East, 3829.19 feet from the **POINT OF BEGINNING**;

Thence departing from said agreed upon location of the "Low Tide Line of 1852" South $48^{\circ}48'07''$ East, 534.07 feet;

EXCEPTING THEREFROM that portion of Parcel 5 as hereinabove described commonly referred to as the "Building 780 Parcel" being more particularly described as follows:

Parcel 1A

A portion of that certain Parcel of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded March 2, 1942, in Book 4189 of Official Records, Page 197 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4189 O.R. 197), being Parcel B as described in that unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd RSC, dated December 17, 1998 and being more particularly described as follows (hereinafter referred to as the Building 780 Parcel):

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 25 of Records of Survey, at Pages 50-60, Alameda County Official Records;

Thence North 77°06'11" East 1106.11 feet to the western most corner of said Building 780 Parcel, said corner being marked by a bolt and washer stamped "LS 6379", being the **POINT OF BEGINNING** of Parcel 1A as herein described;

Thence along the northwest, northeast, southeast and generally southwestern lines of said Building 780 Parcel, the following eight courses:

- 1) North 08°06'06" East, 425.20 feet to the northern most corner of said parcel, said corner being marked by a concrete nail and shiner stamped "LS 6379";
- 2) South 81°58'14" East, 655.73 feet to the eastern most corner of said parcel;
- 3) South 08°01'46" West, 294.89 feet to the southeast corner of said parcel, said corner being marked by a pipe and plug stamped "LS 6379";
- 4) North 82°02'59" West, 117.67 feet to an angle point in said generally southwestern line, said angle point being marked by a pipe and plug stamped "LS 6379";
- 5) North 07°49'06" East, 31.76 feet to an angle point in said generally southwestern line, said angle point being marked by a pipe and plug stamped "LS 6379";
- 6) North 82°00'47" West, 261.81 feet to an angle point in said generally southwestern line;

Alameda County Official Records, said corner being the POINT OF BEGINNING of Parcel 6 as herein described;

Thence, along the northeast, southeast and southwest lines of said Parcel 1, Tract 1 (6566 O.R. Page 301) the following six courses:

- 1) South 70°28'41" East, 585.40 feet to an angle point in said line;
- 2) South 72°37'22" East, 182.32 feet to an angle point in said line;
- 3) South 76°59'49" East, 90.66 feet to an angle point in said line;
- 4) South 73°41'18" East, 136.19 feet to the eastern most corner of said Parcel 1, Tract 1 (6566 O.R. Page 301);
- 5) South 17°25'06" West, 105.53 feet to the southern most corner of said Parcel 1, Tract 1 (6566 O.R. Page 301), said corner being the beginning of a non-tangent curve concave southwesterly, having a radius of 682.89 feet and a central angle of 9°29'05", from which beginning the radius point bears South 41°48'27" West;
- 6) along said curve to the left, an arc distance of 113.04 feet to the eastern most corner of Parcel No. 2 described in said Indenture between the Southern Pacific Company and the United States of America (4121 O.R. 191);

Thence along the southeast line of said Parcel No. 2 (4121 O.R. 191), South 30°58'28" West 943.37 feet to the eastern most corner of Parcel 56444 as described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002072863);

Thence, along the generally northeastern line of said Parcel 56444 (Doc. 2002072863) the following two courses:

- 1) North 42°37'24" West, 128.15 feet to the beginning of a curve concave southwesterly, having a radius of 1647.00 feet and a central angle of 0°35'58";
- 2) along said curve to the left, an arc distance of 17.23 feet to a point on the generally southeastern line of Parcel A on the course described as "South 56°00'54" West, 39.01 feet" in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd RSC, dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (said Parcel A will hereinafter be referred to as the Subaru Lot);

Thence departing from said generally northeastern line of Parcel 56444 (Doc. 2002072863), along the southeast, east and northeast lines of said Parcel A (the Subaru Lot) the following twelve courses:

feet to the **POINT OF BEGINNING**, containing 197,424 square feet (4.532 acres), more or less, measured in ground distances, as depicted on the Plat to Accompany Legal Description, attached and hereby made a part of this legal description.

TOGETHER WITH:

Parcel 2A

All right, title and interest in and to Tract 1, Parcel 2 described in that certain Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company et. al., Case No. 23099-S, District Court of the United States in and for the Northern District of California, Southern Division, recorded October 22, 1951, in Book 6566 of Official Records, Page 301 in the Office of the Recorder of said Alameda County (hereinafter referred to as 6566 O.R. 301), being (1) all right title and interest in and to the existing over-head vehicular and/or railroad trestle located on said land (to the extent that the trestle still exists), and (2) A Perpetual Easement to use, patrol, maintain, operate, repair and/or reconstruct said existing over-head vehicular and/or railroad trestle in, over and across the property, including (but not by way of limitation) all such rights as were created by deed from Southern Pacific Railroad Company, a corporation, et al., to State of California, dated January 26, 1940 and recorded December 18, 1940 in Volume 4015 at page 159, Official Records of Alameda County (herein after referred to as 4015 O.R. 159), and being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-1-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence, North 48°22'05" East 5692.24 feet to the most northerly corner of Parcel 1, Tract 1 as described in said Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company et. al., Case No. 23099-S (6566 O.R. 301), said corner being the northwesterly terminus of the course "North 71°40'17" West 585.40 feet" in the description for said Parcel 1, Tract 1 (6566 O.R. 301), said corner being marked by a 2 ½" brass disk with punch mark stamped "City of Oakland Survey Station 8NW9" as shown on Record of Survey No. 1705, filed in Book 26 of Record of Surveys, at Page 1, Alameda County Official Records;

Thence, along the northeasterly lines of said Parcel 1, Tract 1 (6566 O.R. 301) the following four courses:

Parcel 2B

That portion of the lands described in that certain Indenture between the United States of America and the East Bay Municipal Utility District, recorded August 22, 1973 at Reel 3494, Image 953 in the office of the Recorder of said Alameda County (Reel:3494, Image:953), being an Easement for Army Drill Track Purposes over and across said portion of lands (Reel:3494, Image:953) being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence, North 48°22'05" East 5692.24 feet to the most northerly corner of Parcel 1, Tract 1 as described in said Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company et. al., Case No. 23099-S (6566 O.R. 301), said corner being the northwesterly terminus of the course "North 71°40'17" West 585.40 feet" in the description for said Parcel 1, Tract 1 (6566 O.R. 301), said corner being marked by a 2 ½" brass disk with punch mark stamped "City of Oakland Survey Station 8NW9" as shown on Record of Survey No. 1705, filed in Book 26 of Record of Surveys, at Page 1, Alameda County Official Records;

Thence along the southerly line of former 34th Street (now Wake Avenue), also being the southerly line of Parcel 2, Tract 14 as described in said Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland et. al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L (Reel: 32, Image:660) the following two courses:

- 1) North 79°57'58" East, 295.64 feet;
- 2) North 76°48'55" East, 942.61 feet to a point on a curve that is concentric with and 60.00 feet westerly of the western line of the Southern Pacific Company Right of Way, as said right of way is shown upon said unrecorded map (Army Map), said western line also being the eastern line of the said easement for drill track purposes (Reel:3494, Image:953), said concentric curve being a non-tangent curve concave westerly, having a radius of 7529.50 feet and a central angle of 04°36'37", from which the radius point bears North 75°31'12" West, said point on said concentric curve being the **POINT OF BEGINNING** of the Parcel 2B as herein described;

Thence along said concentric curve to the left, an arc distance of 605.85 feet to the beginning of a compound curve concave westerly, having a radius of 10632.98 feet and a central angle of 01°47'52", from which the radius point bears North 80°07'49" West, said compound curve also

All that certain piece or parcel of land, 20 feet in width, situated, lying and being in the City of Oakland, County of Alameda, State of California, and more particularly described as follows:

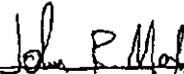
BEGINNING at a point on the southerly line of 34th Street (60 feet wide) distant thereon South 75°37' West, 42.84 feet from a Corps of Engineers standard disc in concrete, said disc being the point of intersection of said southern line of 34th Street with the westerly line of land (100 feet wide) of Southern Pacific Company as described in deed dated January 23, 1879, from Charles Crocker to Northern Railway Company, recorded January 27, 1879, in Deed Book 175 at page 115, Records of Alameda County; thence South 22°26'32" West leaving said southerly line, 522.96 feet to a point; thence southwesterly on a curve to the left having a radius of 372.24 feet (tangent to said curve at last mentioned point is last described course and chord of said curve bears South 20°08'59" West, 29.78 feet) an arc distance of 29.79 feet to a point; thence South 17°51'26" West tangent to said curve at last mentioned point, 104.70 feet to a point; thence southwesterly on a curve to the right having a radius of 392.24 feet (tangent to said curve at last mentioned point is last described course and chord of said curve bears South 24°21'26" West, 88.81 feet) an arc distance of 89.00 feet to a point of compound curve; thence continuing southwesterly on a curve to the right having a radius of 613.29 feet (tangent to said curve at last mentioned point bears South 30°51'26" West and chord of said curve bears South 43°33'26" West, 269.66 feet) an arc distance of 271.88 feet to a point; thence South 56°15'26" West tangent to said curve at last mentioned point, 73.90 feet to a point; thence southwesterly on a curve to the left having a radius of 499.50 feet (tangent to said curve at last mentioned point is last described course and chord of said curve bears South 49°21'12" West, 120.09 feet) an arc distance of 120.38 feet to a point in the easterly line of land described as Parcel No. 2 in deed dated July 7, 1941, from Southern Pacific Company to United States of America, recorded October 6, 1941, in Volume 4121 of Official Records at page 191, Records of Alameda County; thence North 29°48'45" East along said easterly line, 70.51 feet to a point; thence northeasterly on a curve to the right having a radius of 519.50 feet (tangent to said curve at last mentioned point bears North 50°03'33" East and chord of said curve bears North 53°09'30" East, 56.17 feet) an arc distance of 56.20 feet to a point; thence North 56°15'26" East tangent to said curve at last mentioned point, 73.90 feet to a point; thence northeasterly on a curve to the left having a radius of 593.29 feet (tangent to said curve at last mentioned point is last described course and chord of said curve bears North 43°33'26" East, 260.87 feet) an arc distance of 263.01 feet to a point of compound curve; thence continuing northeasterly on a curve to the left having a radius of 372.24 feet (tangent to said curve at last mentioned point bears North 30°51'26" East and chord of said curve bears North 24°21'26" East, 84.28 feet) an arc distance of 84.46 feet to a point; thence North 17°51'26" East tangent to said curve at last mentioned point, 104.70 feet to a point; thence northeasterly on a curve to the right having a radius of 392.24 feet (tangent to said curve at last mentioned point is last described course and chord of said curve bears North 20°08'59" East, 31.38 feet) an arc distance of 31.39 feet to a point; thence North 22°26'32" East tangent to said curve at last mentioned point, 507.99 feet to a point in said southerly line of 34th Street; thence North 75°37' East along said southerly line, 24.99 feet to the **POINT OF BEGINNING**, containing an area of 0.535 of an acre, more or less.

AND ALSO TOGETHER WITH:

to the right from said first described southeasterly line, an arc distance of 323 feet, more or less, to a point in the northwesterly line of the parcel of land described as Parcel No. 1 in that certain lease dated August 1, 1942, from Southern Pacific Company to The United States of America, that is 1290 feet, more or less northeasterly, measured along said northwesterly line of the parcel of land described in said lease dated August 1, 1942 from said southeasterly line of the parcel of land described in said deed dated March 2, 1942.

End of Description

I hereby state that this description and its accompanying plat were prepared by me, or under my direction, in July 2003.

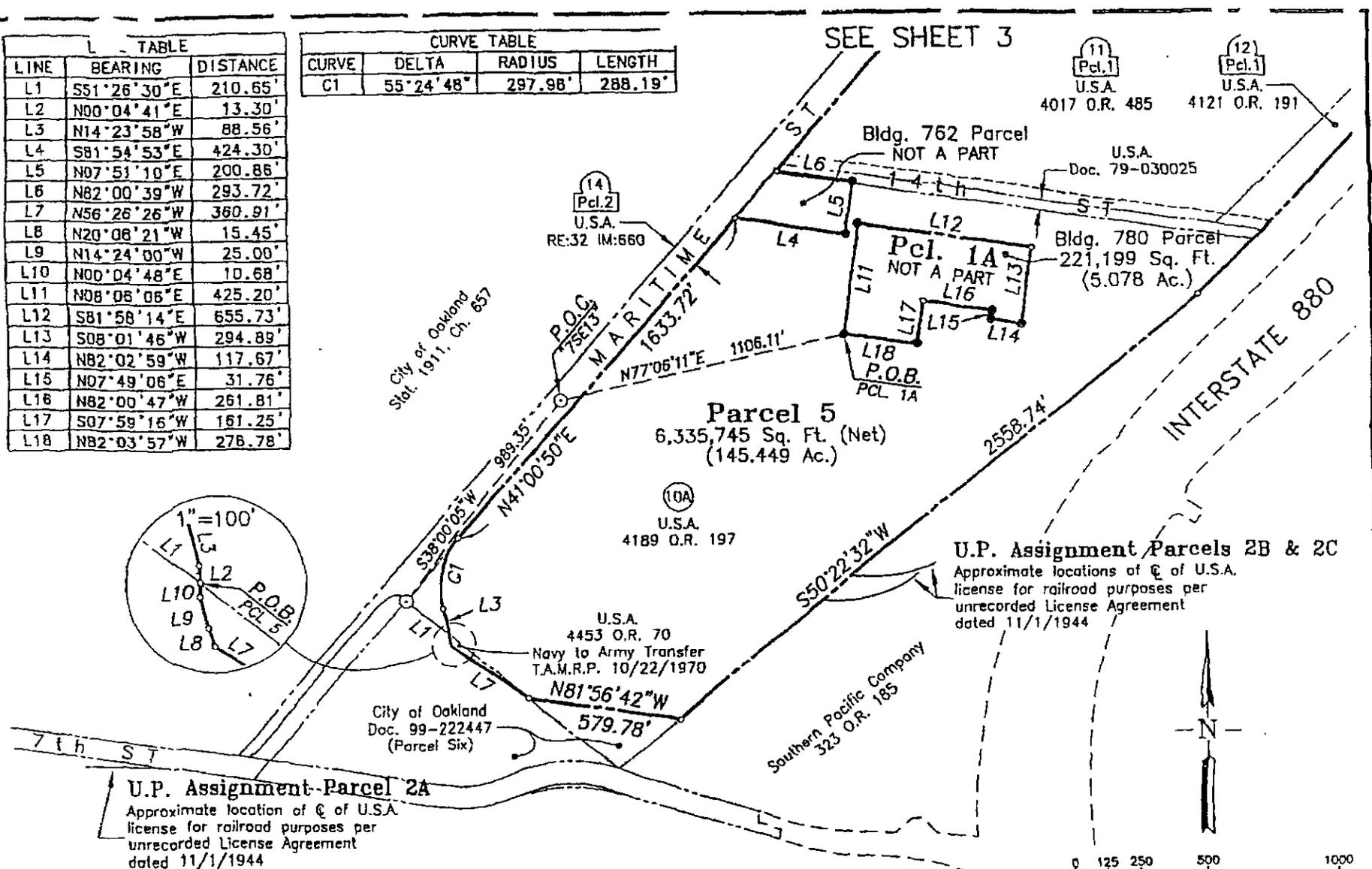

John R. Monaghan, LS 6122
License Expires: 03/31/06

7/15/03
Date



LINE	BEARING	DISTANCE
L1	S51°26'30"E	210.65'
L2	N00°04'41"E	13.30'
L3	N14°23'58"W	88.56'
L4	S81°54'53"E	424.30'
L5	N07°51'10"E	200.86'
L6	N82°00'39"W	293.72'
L7	N56°26'26"W	360.91'
L8	N20°08'21"W	15.45'
L9	N14°24'00"W	25.00'
L10	N00°04'48"E	10.68'
L11	N08°08'06"E	425.20'
L12	S81°58'14"E	655.73'
L13	S08°01'46"W	294.89'
L14	N82°02'59"W	117.67'
L15	N07°49'06"E	31.76'
L16	N82°00'47"W	261.81'
L17	S07°59'16"W	161.25'
L18	N82°03'57"W	278.78'

CURVE	DELTA	RADIUS	LENGTH
C1	55°24'48"	297.98'	288.19'



NOTE: ALL AREAS SHOWN HEREON ARE NET AREAS MEASURED IN GROUND DISTANCES.

PORT OF OAKLAND
LAND SURVEYS AND MAPPING
530 Water Street
Oakland, California

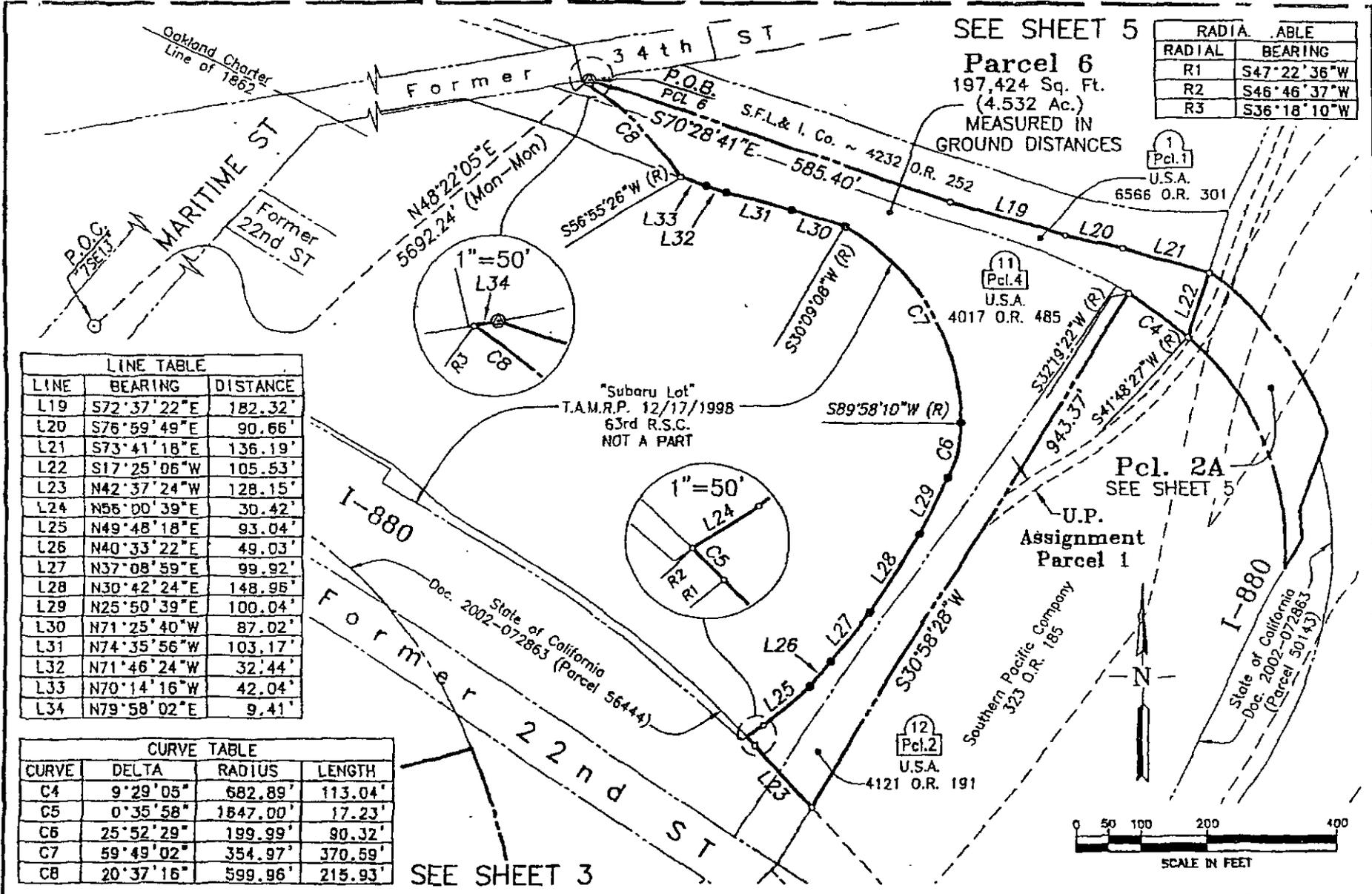
SCHEDULE 1.1 (24)
PLAT TO ACCOMPANY LEGAL DESCRIPTION
EAST MARITIME PROPERTY
OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104471
SCALE: 1" = 500'	Data File:
DATE: 7/15/2003	Revision:
SHEET 2 OF 5	Rev. date:
ATTACHMENTS:	
FILE LOC.: EAST-MARITIME.dwg (2)	

SEE SHEET 5

Parcel 6
197,424 Sq. Ft.
(4.532 Ac.)
MEASURED IN
GROUND DISTANCES

RADIAL BEARING	
RADIAL	BEARING
R1	S47°22'36"W
R2	S46°46'37"W
R3	S36°18'10"W



LINE TABLE		
LINE	BEARING	DISTANCE
L19	S72°37'22"E	182.32'
L20	S76°59'49"E	90.66'
L21	S73°41'18"E	136.19'
L22	S17°25'06"W	105.53'
L23	N42°37'24"W	128.15'
L24	N56°00'39"E	30.42'
L25	N49°48'18"E	93.04'
L26	N40°33'22"E	49.03'
L27	N37°08'59"E	99.92'
L28	N30°42'24"E	148.96'
L29	N25°50'39"E	100.04'
L30	N71°25'40"W	87.02'
L31	N74°35'56"W	103.17'
L32	N71°46'24"W	32.44'
L33	N70°14'16"W	42.04'
L34	N79°58'02"E	9.41'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C4	9°29'05"	682.89'	113.04'
C5	0°35'58"	1647.00'	17.23'
C6	25°52'29"	199.99'	90.32'
C7	59°49'02"	354.97'	370.59'
C8	20°37'16"	599.96'	215.93'

PORT OF OAKLAND
LAND SURVEYS AND MAPPING
530 Water Street
Oakland, California

SCHEDULE 1.1 (24)
PLAT TO ACCOMPANY LEGAL DESCRIPTION
EAST MARITIME PROPERTY
OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wrk. Ord: 104471
SCALE: 1" = 200'	Data File:
DATE: 7/15/2003	Revision:
SHEET 4 OF 5	Rev. date:
ATTACHMENTS:	
FILE LOC.> EAST-MARITIME.dwg (4)	

Schedule 1.1 (23)
Legal Description
East Maritime Army Reserve Property
Oakland Army Base

All that certain real property, in the City of Oakland, County of Alameda, State of California, described as follows:

Parcel 1A

A portion of that certain Parcel of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded March 2, 1942, in Book 4189 of Official Records, Page 197 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4189 O.R. 197), being Parcel B as described in that unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd RSC, dated December 17, 1998 (hereinafter referred to as the Building 780 Parcel), and being more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-1-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 77°06'11" East 1106.11 feet to the most western corner of said Building 780 Parcel, said corner being marked by a bolt and washer stamped "LS 6379", being the **POINT OF BEGINNING** of Parcel 1A;

Thence along the northwest, northeast, southeast and southwest lines of said Building 780 Parcel the following eight courses:

- 1) North 8°06'06" East, 425.20 feet to the most northern corner of said parcel, said corner being marked by a concrete nail and shiner stamped "LS 6379";
- 2) South 81°58'14" East, 655.73 feet to the most eastern corner of said parcel;
- 3) South 8°01'46" West, 294.89 feet to the southeast corner of said parcel, said corner being marked by a pipe and plug stamped "LS 6379";
- 4) North 82°02'59" West, 117.67 feet to an angle point in said southwest line, said angle point being marked by a pipe and plug stamped "LS 6379";
- 5) North 7°49'06" East, 31.76 feet to an angle point in said southwest line, said angle point

- 1) North 41°02'39" East, 238.78 feet to the most northern corner of said parcel;
- 2) South 82°00'39" East, 299.96 feet to the most eastern corner of said parcel, said corner being marked by a 5/8" rebar with plastic cap stamped "LS 5671";
- 3) South 07°51'10" West, 200.86 feet to the most southern corner of said parcel, said corner being marked by a 5/8" rebar with plastic cap stamped "LS 5671";
- 4) North 81°54'53" West, 430.68 feet to the **POINT OF BEGINNING**, containing 73,278 square feet (1.682 acres) more or less, measured in ground distances, as depicted on the Plat to Accompany Legal Description, attached and hereby made a part of this Legal Description.

Parcel 15A

A portion of the Parcels of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded April 23, 1941, in Book 4017 of Official Records, Page 485 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4017 O.R. 485), more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-1-286 (hereinafter referred to as the Army Map), said monument also being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Records of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 48°22'05" East, 5692.24 feet to the northern most corner of Parcel 1, Tract 1 as described in said Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company, et al., Case No. 23099-S, District Court of the United States in and for the Northern District of California, Southern Division, recorded October 22, 1951 in Book 6566 of Official Records, Page 301 in the Office of the Recorder of said Alameda County (hereinafter referred to as 6566 O.R. 301), said corner being the northwest terminus of the course described as "North 71°40'17" West 585.40 feet" in the description of said Parcel 1, Tract 1 (6566 O.R. 301), said corner being marked by a 2 1/2" brass disk with punch mark stamped "City of Oakland Survey Station 8NW9" as shown on Record of Survey No. 1705, filed in Book 26 of Records of Surveys, at Page 1, Alameda County Official Records;

Thence South 57°59'13" East, 432.18 feet to a point on the generally northeastern line of Parcel A as described in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (said Parcel A will hereinafter be referred to as the Subaru Lot), being a point on the course described as "South 71°25'25" East, 87.02 feet" in the description of said Parcel A (the Subaru Lot), and being the **POINT OF BEGINNING** of Parcel 15A as herein described;

concave northwesterly, having a radius of 302.83 feet and a central angle of 16°33'59", from which the radius point bears North 34°34'15" West;

Thence along said curve to the left, an arc distance of 87.56 feet to the beginning of a compound curve concave northwesterly, having a radius of 906.45 feet and a central angle of 4°28'14";

Thence along said curve to the left, an arc distance of 70.73 feet to the beginning of a compound curve concave westerly, having a radius of 426.09 feet and a central angle of 41°30'48";

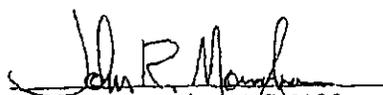
Thence along said curve to the left, an arc distance of 308.72 feet to the beginning of a compound curve concave southwesterly, having a radius of 444.22 feet and a central angle of 25°38'05";

Thence along said curve to the left, an arc distance of 198.75 feet to the **POINT OF BEGINNING**, containing 109,537 square feet (2.514 acres), more or less, measured in ground distances, as depicted on the Plat to Accompany Legal Description, attached and hereby made a part of this Legal Description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Records of Surveys, Pages 50-60, Alameda County Records unless otherwise indicated. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

I hereby state that this description and its accompanying plat were prepared by me, or under my direction, in October 2003.


John R. Monaghan, LS 5122
License Expires: 03/31/06

10/15/03
Date



Legal Description
Army I-880 Corridor Property
Oakland Army Base

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Parcel 1

A portion of the property described in that certain Final Judgment as to Tract 1 and as to Lack of Interests of Certain Persons as to Property Subject to the Above Action, United States of America vs. Santa Fe Land and Improvement Co., Southern Pacific Railroad Company et al., Case No. 23099-S, District Court of the United States in and for the Northern District of California, Southern Division, recorded October 22, 1951, in Book 6566 of Official Records, Page 301 in the Office of the Recorder of said Alameda County (hereinafter referred to as 6566 O.R. 301) more particularly described as follows:

COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 65°24'13" East, 5498.39 feet to a point at the intersection of the southeastern line of Tract 3 described in said Final Judgment (6566 O.R. 301) and the generally eastern right of way line of State Highway 880 as shown on Sheet 8 of Record of Survey 1687, filed on August 7, 2000 in Book 25 of Records of Surveys at Pages 58-69, Alameda County Official Records (hereinafter referred to as 25 R/S 58), said point being on the course described on said Record of Survey 1687 as "L3, North 07°21'56" West, 45.78 feet", and being the POINT OF BEGINNING of Parcel 1 as herein described;

Thence along said generally eastern line of said State Highway 880 the following three courses:

- 1) North 07°21'50" West, 9.41 feet to an angle point;
- 2) North 32°49'03" East, 407.37 feet to the beginning of a curve concave northwesterly, having a radius of 3579.00 feet and a central angle of 4°51'10", said beginning being marked by a 1" iron pipe and CalTrans cap as shown on said Record of Survey 1687;
- 3) along said curve to the left, an arc distance of 303.14 feet to the point of a cusp, being a point on the generally eastern line of Tract 1, Parcel 4, as described in said judgment (6566 O.R. 301), being the beginning of a non-tangent curve concave northwesterly, having a radius of 685.05 feet

7, 2000 in Book 25 of Records of Surveys at Pages 58-69, Alameda County Official Records (hereinafter referred to as 25 R/S 58), said point being on the course described on said Record of Survey 1687 as "L3, North 07°21'56" West, 45.78 feet", and being the POINT OF BEGINNING of Parcel 1A as herein described;

Thence along said southeastern line of said Tract 3 (6566 O.R. 301) South 34°56'32" West, 39.95 feet to the southern most corner of said Tract 3;

Thence North 22°26'09" East, 199.28 feet to the northern most corner of said Tract 3 (6566 O.R. 301), being a point on the southwestern line of Tract 1, Parcel 6, described in said judgment (6566 O.R. 301);

Thence along said southwestern line North 56°29'36" West, 0.80 feet to the western most corner of said Tract 1, Parcel 6 (6566 O.R. 301);

Thence along the northwestern line of said Tract 1, Parcel 6, North 18°55'47" East, 47.61 feet to a point on the southwestern line of 23rd Street, now abandoned, said point also being the southwest corner of Tract 1, Parcel 7, as described in said judgment (6566 O.R. 301);

Thence along the northwestern line of said Tract 1, Parcel 7 (6566 O.R. 301) the following two courses:

- 1) North 18°55'47" East, 10.83 feet to an angle point;
- 2) North 25°26'32" East, 50.01 feet to a point on the northeast line of said 23rd Street, said point being the northern most corner of said Tract 1, Parcel 7, and being an angle point in the generally western line of said Tract 1, Parcel 6;

Thence along said generally western line of said Tract 1, Parcel 6, North 25°26'32" East, 242.37 feet to a point on the southwest line of 24th Street, now abandoned, said point being the western most corner of Tract 1, Parcel 5 described in said judgment (6566 O.R. 301);

Thence along the northwest line of said Tract 1, Parcel 5 the following two courses:

- 1) North 25°26'32" East, 33.89 feet to the beginning of a curve concave northwesterly, having a radius of 4600.37 feet and a central angle of 0°19'58";
- 2) along said curve to the left, an arc distance of 26.72 feet to a point on the northeast line of said 24th Street, said point being the western most corner of Tract 1, Parcel 4, described in said judgment (6566 O.R. 301), said point being the beginning of a continuation of the last described curve, concave northwesterly, having a radius of 4600.37 feet and a central angle of 1°32'08";

Thence along the generally western line of said Tract 1, Parcel 4, the following six courses:

- 1) along said curve to the left, an arc distance of 123.29 feet to the beginning of a reverse curve concave southeasterly, having a radius of 655.70 feet and a central angle of 11°26'46";

3) South 07°21'50" East, 9.41 feet to the **POINT OF BEGINNING**, containing 58,014 square feet (1.332 acres), more or less, measured in ground distances.

Parcel 2

A portion of those Parcels of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded April 23, 1941, in Book 4017 of Official Records, Page 485 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4017 O.R. 485); And a portion of those Parcels of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded October 6, 1941, in Book 4121 of Official Records, Page 191 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4121 O.R. 191), more particularly described as follows:

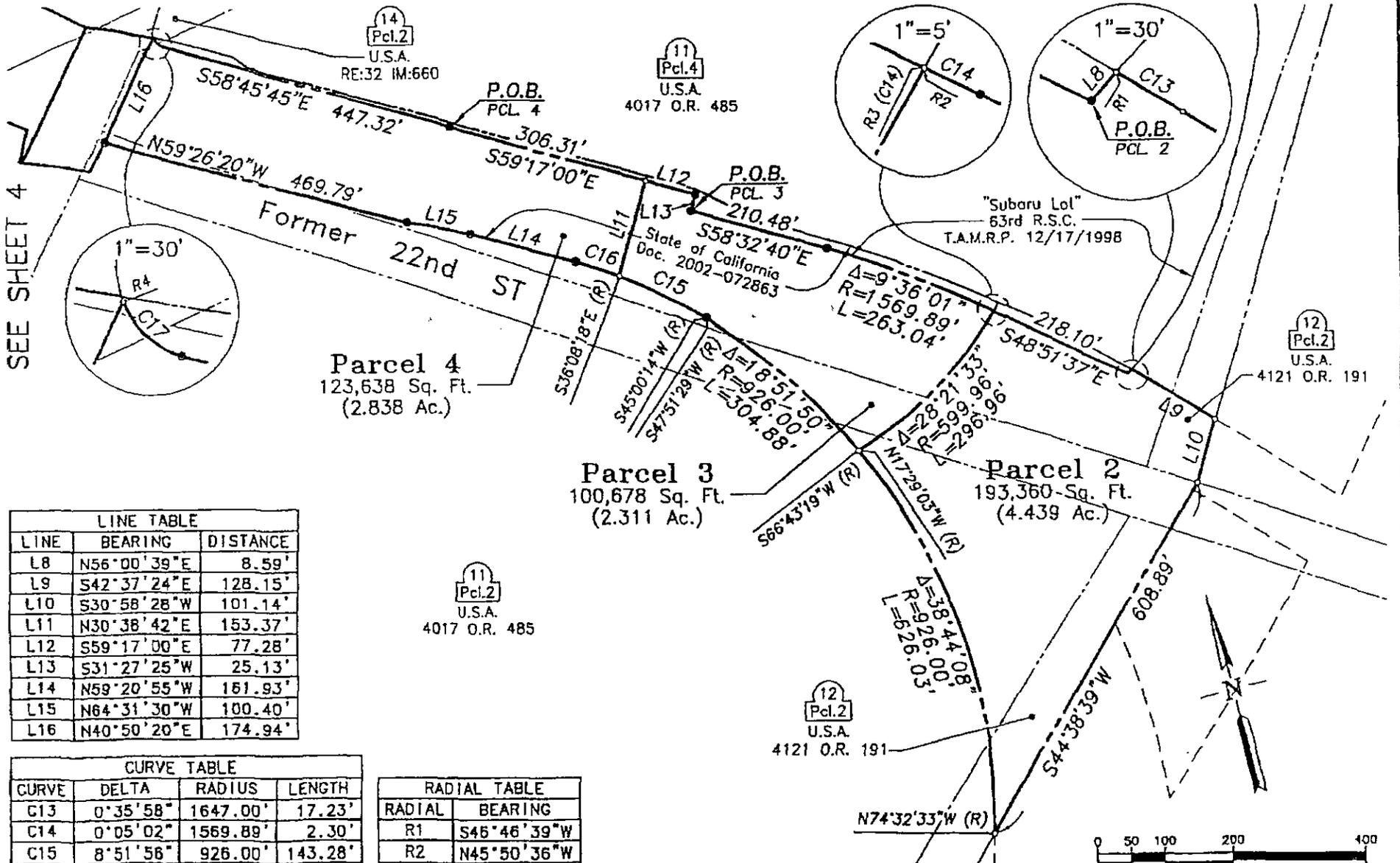
COMMENCING at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10th Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 58°38'49" East, 5253.63 feet to the southern most corner of Parcel A described in an unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63rd R.S.C., dated December 17, 1998, said Parcel A being commonly referred to as the "Subaru Lot" (hereinafter referred to as the Subaru Lot), said corner being the southwest terminus of the course described as "South 56°00'54" West, 39.01 feet" in the description of said Parcel A, being marked by a 1" iron pipe with plug stamped "LS 6379", being the **POINT OF BEGINNING** of Parcel 2 as herein described;

Thence along the southeastern line of said Parcel A, North 56°00'39" East, 8.59 feet to a point on the generally northeastern line of Parcel 56444 described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863), being the beginning of a non-tangent curve concave southwesterly, having a radius of 1647.00 feet and a central angle of 0°35'58", from which beginning the radius point bears South 46°46'37" West;

Thence along said generally northeastern line of said Parcel 56444 the following two courses:

1) along said curve to the right, an arc distance of 17.23 feet to a point of tangency;



PORT OF OAKLAND

LAND SURVEYS AND MAPPING



530 Water Street
Oakland, California

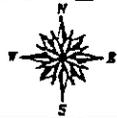


EXHIBIT 'A'

PLAT TO ACCOMPANY LEGAL DESCRIPTION
ARMY I-880 CORRIDOR PROPERTY
OAKLAND ARMY BASE

DRAWN BY: DAM	Field Bk:
CHECKED BY: JRM	Wtk. Ord: 104471
SCALE: 1" = 200'	Data File:
DATE: 7/15/2003	Revision:
SHEET 3 OF 5	Rev. date:
ATTACHMENTS:	
FILE LOC.> Army-I880_plat.dwg (3)	

northwesterly, having a radius of 599.96 feet and a central angle of $1^{\circ}26'59''$, from which beginning the radius point bears North $45^{\circ}50'36''$ West;

Thence departing from said southwestern line of said Parcel A (the Subaru Lot), along said curve to the left, an arc distance of 15.18 feet to a point on the generally northeastern line of Parcel 56444 described in that certain Quitclaim Deed, recorded on February 13, 2002 as Document No. 2002-072863 of Official Records, in the Office of the Recorder of Alameda County (hereinafter referred to as Doc. 2002-072863), being the beginning of a non-tangent curve concave southwesterly, having a radius of 1647.00 feet and a central angle of $7^{\circ}43'56''$, from which beginning the radius point bears South $39^{\circ}02'41''$ West;

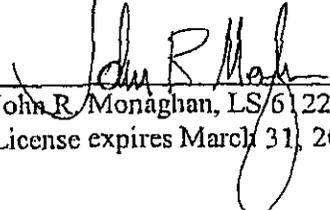
Thence along said generally northeastern line of said Parcel 56444 (Doc. 2002-072863), along said curve to the right, an arc distance of 222.27 feet to the generally southeastern line of said Parcel A (the Subaru Lot);

Thence along said generally southeastern line of said Parcel A (the Subaru Lot), South $56^{\circ}00'39''$ West, 8.59 feet to the **POINT OF BEGINNING**, containing 3,155 square feet (0.072 acres), more or less, measured in ground distances, as depicted on the Plat to Accompany Legal Description, attached and hereby made a part of this legal description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Alameda County Records unless otherwise indicated. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

I hereby state that this description and its accompanying plat were prepared by me, or under my direction, in July of 2004.


John R. Monaghan, LS 6122
License expires March 31, 2006

7/20/04
Date



Blackline Copy w/o Exhibits
OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE ALTERING THE PORT AREA BOUNDARY TO INCLUDE CERTAIN PARCELS AND EXCLUDE CERTAIN PARCELS AT AND ADJACENT TO THE FORMER OAKLAND ARMY BASE

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter of the City of Oakland authorize the Port of Oakland ("Port") to own and have control and jurisdiction of real property in the Port Area; and

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter authorize the Port to relinquish and transfer control and jurisdiction over any such property to the City of Oakland, acting by and through its City Council, upon the request and recommendation of the Board of Port Commissioners (the "Port Board") and the approval of the City Council; and

WHEREAS, Sections 706(4) and 725 of the Charter also authorize the City Council to enlarge the Port Area upon request of the Port Board; and

WHEREAS, the City Council approved and authorized the negotiation and entrance into the July 8, 2003 Oakland Army Base Memorandum of Agreement with the Port, the Oakland Redevelopment Agency and the Oakland Base Reuse Authority regarding the conveyance and development of the former Oakland Army Base ("MOA") pursuant to certain specified terms and conditions; and

WHEREAS, the MOA sets forth the following specified parcels of land at and adjacent to the former Army Base that are currently within the Port Area that will be owned and developed by the Redevelopment Agency ("City Parcels") and that the Port Area Boundary will be altered to exclude the City Parcels;

- 1) An approximate one hundred forty (140) acre parcel of land generally west of Maritime Street and generally east of I-80 as more particularly described on Exhibit A, attached hereto and commonly referred to as the "West Maritime Property";
- 2) An approximate one (1) acre parcel of land generally north of West Grand Avenue as more particularly described on Exhibit A, attached hereto and commonly referred to as the "West Maritime Army Reserve Property";

- 3) Two (2) parcels of land of approximately ~~fourteen (14)~~ eleven (11) acres adjacent to the former Army Base particularly described on Exhibit A, attached hereto and commonly referred to as the "Port Sliver Properties";
- 4) ~~Four (4)~~ Five (5) parcels of land of approximately eight (8) acres adjacent to the former Army Base particularly described on Exhibit A, attached hereto and commonly referred to as "Caltrans Parcels Nos. 3, 3A, 4A, 7 and 7A"; and

WHEREAS, the MOA further sets forth the following specified parcels of land at and adjacent to the former Army Base that are currently not within the Port Area that will be owned and developed by the Port ("Port Parcels") and that the Port Area Boundary will be altered to include the Port Parcels;

- 1) An approximate ~~one hundred seventy one (171)~~ one hundred fifty (150) acre parcel of land east of Maritime Street at the former Army Base as more particularly described on Exhibit B, attached hereto and commonly referred to as the "East Maritime Property";
- 2) Three (3) parcels of land of approximately nine (9) acres adjacent to the former Army Base as more particularly described on Exhibit B, attached hereto and commonly referred to as the "East Maritime Army Reserve Property";
- 3) Four (4) parcels of land of approximately six (6) acres adjacent to the former Army Base as more particularly described on Exhibit B, attached hereto and commonly referred to as "Caltrans Parcels Nos. 1, 1A, 2 and 2A"; and

WHEREAS, it is the intention of the parties that the alteration of the Port Area Boundary shall be effective after the execution and implementation of the Oakland Army Base Public Trust Exchange Agreement; and

WHEREAS, the Port Board has passed a Port Ordinance finding that, subject to certain specified terms and conditions, the City Parcels are no longer necessary for port purposes and approving the alteration of the Port Area to exclude the City Parcels (the "Port Ordinance"); and

WHEREAS, the Port Board, by passage of the Port Ordinance, has also approved a request of the City Council to alter the Port Area to include the Port Parcels within the Port Area; and

WHEREAS, on July 31, 2002, the City Planning Commission, on behalf of the City of Oakland as the Lead Agency, certified the Oakland Army Base Area

Redevelopment Plan Environmental Impact Report ("EIR") and subsequently filed a Notice of Determination; and

WHEREAS, the Redevelopment Agency, as a Responsible Agency, approved the EIR on October 29, 2002, and subsequently filed a Notice of Determination; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") have been satisfied with the completion and certification of the EIR;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Sections 706(4), 706(15) and 725 of the Charter, the City Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to exclude the City Parcels, as depicted on Exhibit A.

Section 2. Pursuant to Sections 706(4) and 725 of the Charter, the city Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to include the Port Parcels, as depicted on Exhibit B.

Section 3. That the actions set forth in Sections 1 and 2 above are expressly conditioned upon, and will not take effect until and unless ~~(i) the execution and implementation of the Oakland Army Base Public Trust Exchange Agreement, (ii) the conveyance of the former Army Base property to the Port and the Oakland Redevelopment Agency as more particularly described in the Oakland Army Base Public Trust Exchange Agreement, and (iii) the completion, execution and continued existence of (non default by the parties to) the MOA~~ the earlier of the execution and implementation of the Oakland Army Base Public Trust Exchange Agreement or August 7, 2006.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute documents and take whatever other action is necessary in order to implement the purpose of this Ordinance.

Section 5. The City of Oakland, as the Lead Agency, finds and determines, prior to taking action approving this Ordinance, that (a) this Ordinance complies with CEQA; (b) the City Council relies upon the previously certified EIR for this action; and (c) none of the requirements in CEQA Guidelines sections 15162 requiring further environmental review have occurred and thus no Subsequent or Supplemental EIR is required for this action.

Section 6. Staff is directed to cause to be filed a Notice of Determination with the appropriate agencies.

Section 7. The record before the City Council relating to this matter includes, without limitation, the following:

1. The Final Reuse Plan and Redevelopment Plan, including all accompanying maps and papers;
2. All final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, Agency and OBRA, including without limitation the Draft and Final EIR and supporting final technical studies and appendices, and all related/supporting final materials, and all final notices relating to the OARB Redevelopment EIR, Final Reuse Plan, Redevelopment Plan (and amendments), this action and attendant hearings;
3. All oral and written evidence received by the City Council, City Planning Commission and OBRA during the public hearings on the OARB Redevelopment Plan EIR, Final Reuse Plan and Redevelopment Plan (and amendment), and this action, and all written evidence received by relevant City and OBRA Staff before and during said public hearings; and
4. All matters of common knowledge and all official enactments and acts of the City and OBRA, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City and OBRA policies and regulations, and (e) all applicable state and federal laws, rules and regulation, including those of the Bay Conservation and Development Commission.

Section 8. The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California.; (b) Community & Economic Development Agency, Base Reuse Unit, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California; and (c) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California.

Section 9. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council decision.

Section 10. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 11. Subject to the provisions of Section 3, this Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN SESSION, OAKLAND, CALIFORNIA, ON MARCH 7, 2006

PASSED BY THE FOLLOWING VOTE:

AYES – BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland

Exhibit A: Legal Description of parcels currently within the Port Area that will be excluded from the Port Area and owned and developed by the Redevelopment Agency ("City Parcels")

Exhibit B: Legal Description of parcels not within the Port Area that will be included in the Port Area and owned and developed by the Port ("Port Parcels")