RESOLUTION NO 2011-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY
FINALIZING THE PURCHASE OF
THE PIERCE STREET PROPERTY SITE FROM CALTRANS
AND AUTHORIZING A CERTIFICATE OF ACCEPTANCE OF THE DEED

WHEREAS, the City Council of the City of Albany ("City") has been working for several years on the purchase of certain property currently owned by the California Department of Transportation ("CalTrans") as more particularly described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the City Council approved Resolution 2011-7(a) on January 17, 2011 authorizing the Purchase and Sale Agreement of the Pierce Street Property; and

WHEREAS, the City Council wishes to finalize the purchase process, close the escrow, and to authorize a Certificate of Acceptance of the Deed transferring the property to the City;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby finds and authorizes as follows:

1. The City Council determines that the purchase of the Property from Caltrans will be for a public purpose.
2. The City Council confirms it has authorized the purchase of the "Pierce Street Property" from Caltrans for the purchase price of $1,900,000 and authorizes the City Manager to complete the purchase process.
3. The City Manager is hereby authorized to execute all documents and take such further action as may be necessary or appropriate to finalize the purchase the property, including but not limited to signing all escrow related documents as may be required, signing and executing a Certificate of Acceptance, in a form substantially as set forth in Exhibit B attached hereto and incorporated by reference, and carrying out the City’s obligations pursuant to this action.

4. The City Clerk shall certify to the adoption of this Resolution.

5. This Resolution shall take effect immediately upon adoption.

[Signature]
Ferdinand, Mayor Chair
EXHIBIT A TO RESOLUTION 2011-33

- DIRECTORS DEED
- PARCEL MAP
DIRECTOR'S DEED

<table>
<thead>
<tr>
<th>District</th>
<th>County</th>
<th>Route</th>
<th>Post Mile</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Ala</td>
<td>80</td>
<td>7.6</td>
<td>DD-000019-02-01</td>
</tr>
</tbody>
</table>

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to


all that real property in the City of Albany, County of Alameda, State of California, described as:

Please see EXHIBIT "A" attached.

MAIL TAX STATEMENTS TO:
EXHIBIT "A"

Portions of Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, Pierce Street, and Blocks 1, 2, 3, and 4 of that "Amended Map of Sunset Terrace, Oakland Twp., Alameda County, California", filed April 8, 1907 in Book 22 of Maps, Page 68, Alameda County Records; and also, those portions of those certain parcels of land described in the deeds to the State of California recorded in the County of Alameda, State of California as follows:

<table>
<thead>
<tr>
<th>Recording Date</th>
<th>Book</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 24, 1934</td>
<td>3130</td>
<td>220</td>
</tr>
<tr>
<td>February 11, 1938</td>
<td>3569</td>
<td>404</td>
</tr>
<tr>
<td>December 17, 1943</td>
<td>4467</td>
<td>162</td>
</tr>
<tr>
<td>March 12, 1957</td>
<td>8309</td>
<td>311</td>
</tr>
</tbody>
</table>

and more particularly described as a whole as follows:

COMMENCING at the southerly terminus of that certain course described as "N. 21°17'15" W., 492.43 feet" in Parcel 6 in that certain instrument entitled "Relinquishment of State Highway in the City of Albany, Road IV-Ala-69, 7-Alb, Relinquishment No. 22036", recorded October 9, 1961 in Reel 425 at Image 832, Official Records of Alameda County; thence along the general westerly line of said Parcel 6, the following five (5) courses: (1) from a tangent that bears S. 21°17'15" E. along a curve to the right with a radius 483.00 feet, through an angle of 29°03'41", an arc length of 244.99 feet; (2) S. 07°46'26" W, 96.79 feet; (3) along a tangent curve to the left with a radius of 317.00 feet, through an angle of 21°04'28", an arc length of 116.60 feet; (4) S. 13°18'02" E., 237.80 feet; and (5) S. 11°24'17" E., 166.05 feet to the southeasterly corner of Lot 24 of said Block 3; thence leaving said general westerly line, S. 76°50'00" W. along the southerly line of last said Lot 24, a distance of 79.10 feet to a point in the northeasterly prolongation of the northerly line of the parcel of land described in deed (State Director's Deed No. 21-DD), recorded July 10, 1964 in Reel 1256, at Image 452, Official Records of Alameda County, said point being the most easterly corner of the parcel of land as described in the deed to State of California, recorded March 28, 1957 in Book 8324, Page 361, Official Records of said county; thence along said northeasterly prolongation and said northeasterly line S. 24°54'56" W., 317.59 feet to the northeasterly corner of Lot 11 of said Block 4; thence along the general easterly lines of said Lot 11, and Lots 10, 9, and 8 of last said Block, S. 13°10'00" E., 99.99 feet to the southeasterly corner of last said Lot 8; thence along said southerly line of last said Lot 8, S. 76°50'00" W., 103.00 feet to the easterly line of Cleveland Avenue (50 feet wide) of said Amended Map of Sunset Terrace; thence along said easterly line of said Cleveland Avenue, N. 10°26'30" W., 260.24 feet to the beginning of a non-tangent curve; thence from a tangent that bears N. 15°42'00" E., along said curve to the left with a radius of 4535.00 feet, through an angle of 8°19'10", an arc length of 658.48 feet to the beginning of a
compound curve; thence along last said curve to the left with a radius of 1885.00 feet, through an angle of 9°11′25″, an arc length of 302.36 feet; thence N. 48°32′08″ E., 107.61 feet to the point of commencement.

CONTAINING 4.453 acres, more or less.

EXCEPTING THEREFROM those portions of said Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, and Pierce Street, lying within the above described 4.453 acres parcel.

CONTAINING a net area of 3.704 acres, more or less.

TOGETHER with all right, title and interest of Grantor in and to those portions of said Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, and Pierce Street lying within said 4.453 acres parcel.

CONTAINING 0.749 acres, more or less.

RESERVING unto the State of California, an EASEMENT for maintenance purposes and incidents thereto upon, over, under and across a strip of land 2.00 feet wide, the westerly sideline being described as follows:

COMMENCING at the most westerly corner of the herein above described 4.453 acres parcel of land; thence along the general westerly line of last said parcel, from a radial line that bears S. 74°18′00″ E., along a curve to the left with a radius of 4535.00 feet, through an angle of 7°06′35″; an arc length of 562.74 feet.

The sidelines of said strip of land shall be prolonged or shortened so as to begin at the easterly line of said Cleveland Avenue.

CONTAINING 1,130 square feet, more or less.

It is hereby expressed, that the Grantee, their successors and assigns, shall have the right to fully use the surface of the above described easement parcel of land, provided, however, that no buildings or other structures shall be placed or erected thereon.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 3. Multiply the above distance by 1.0000083 to obtain ground level distances.
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Date: 10-19-2010

[Signature]

Licensed Land Surveyor
Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this __________ day of ____________________ 20__.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

CINDY McKIM
Director of Transportation

By __________________________
Attorney in Fact
R. A. MACPHERSON
Deputy District Director – Right of Way

STATE OF CALIFORNIA
County of ____________________ } SS

On ___________________________ before me, __________________________________ (here insert name and title of the officer)

personally appeared ____________________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(form notary seal or stamp)

(This space reserved for CTC Certification)

Form RW 6-1(S) (Revised 01/08)
EXHIBIT B

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the Director’s Deed number DD-000019-02-01 from the State of California, Department of Transportation, to the City of Albany, a charter city, is hereby accepted by order of the City Council of the City of Albany, pursuant to its authority under its City Charter and authority conferred by Resolution 2011-33, as adopted on June 20, 2011, and the grantee consents to recordation thereof by its duly authorized officer.

By: ___________________________ Date: 6-21-2011

Beth Pollard, City Manager
City of Albany
RESOLUTION NO. 2011-33

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 20th day of June, 2001, by the following votes:

AYES: Council Members Atkinson, Lieber, and Wile

NOES:

ABSENT:

ABSTAINED: Council Members Thomsen and Mayor Javandel


/Eileen Harrington/

Eileen Harrington
DEPUTY CITY CLERK