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11/13/2018 12:29 PM

OFFICIAL RECORDS OF ALAMEDA COUNTY  
STEVE MANNING  
RECORDING FEE: 24.00

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

City of San Leandro  
835 East 14<sup>th</sup> Street  
San Leandro, CA 94577  
Attn: City Clerk

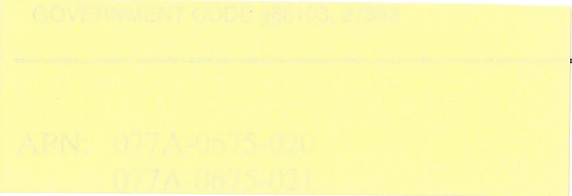


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**TERMINATION OF PARTICIPATION AGREEMENT,  
OWNER PARTICIPATION AGREEMENT, AND DECLARATION  
OF RESTRICTIONS**

THIS TERMINATION OF PARTICIPATION AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND DECLARATION OF RESTRICTIONS (this "**Termination**") is dated as of September 6, 2018 (for reference purposes only), and is entered into by and between THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN LEANDRO, a public agency ("**Agency**"), and the owners of the property (the "**Owners**") subject to the "Participation Agreement," "OPA," and "Declaration of Restrictions" as defined below (collectively the "**Agency Documents**"). The Owners are sometimes referred to in this Termination, each individually, as an Owner, or collectively, as the "**Owners.**" The Agency and Owners enter into this Agreement with reference to the following recited facts (each a "**Recital**"):

**RECITALS**

A. Pursuant to Health and Safety Code section 34173(d), the City of San Leandro became the successor agency to the former Redevelopment Agency of the City of San Leandro (the "**RDA**") upon the RDA's dissolution.

B. On December 7, 1992, the RDA and Farmland Industries, Inc. entered into that certain Participation Agreement (the "**Participation Agreement**"), recorded as Instrument No. 93-016462 in the official records of Alameda County (the "**Official Records**").

C. On August 3, 1998, the RDA entered into that certain Owner Participation Agreement, recorded December 29, 1998, as Instrument No. 98455409 in the Official Records (the "**OPA**").

D. On October 12, 2007, the owners of the Property (defined below) subject to the OPA executed that certain Declaration of Restrictions related to the OPA, which was recorded October 12, 2007, as Instrument No. 2007358067 in the Official Records (the "**Declaration**").

E. David Heathorn and Michele Heathorn, husband and wife as joint tenants, David C. Wenner and Susan L. Wenner, Trustees of the David C. Wenner and Susan L. Wenner Trust Agreement of 2006, and Edward W. Heathorn and Wendy Heathorn as Trustees of the David C. Wenner and Susan L. Wenner Trust Agreement of 2006, and Norman T.R. Heathorn and Dolores E. Heathorn, as Trustees of the Norman T.R. Heathorn Family 1999 Trust, a Revocable Living Trust dated September 7, 1999, and Edward W. Heathorn and Wendy Heathorn, Trustees of the Heathorn Family Trust, dated 1-15-2007, are the current Owners of property more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**"), that is subject to the Agency Documents.

F. The purposes of the Participation Agreement, OPA, and Declaration have been fulfilled; therefore, the Agency has agreed to terminate the Participation Agreement, OPA and Declaration in their entirety and release Owners from any further duty or obligation under the Agency Documents.

### TERMINATION

NOW THEREFORE, in consideration of the mutual covenants set forth herein and the mutual benefits to be derived therefrom, the Owners and Agency hereby agree as follows:

1. Recitals. The Owners and Agency hereby confirm the accuracy of the Recitals and incorporate them herein by this reference.

2. Termination. Agency and Owners hereby agree to the termination of the Participation Agreement, OPA and Declaration in their entirety and to release Owners and their successors from any further duty or obligation under the Agency Documents. Owners hereby waive all notice rights for such termination under the Agency Documents.

3. Effect of Termination. From and after the "Effective Date" of this Termination (as defined below), neither the Participation Agreement, OPA or Declaration, nor any other recorded or unrecorded document related to the Agency Documents shall apply to, or in any manner restrict or bind the Property or the owners or successor owners thereof. The Owners and successor owners of the Property shall have no duties or obligations under the Agency Documents and none of the restrictions or covenants in the Agency Documents shall be binding on the Property or the Owners or successor owners thereof. Specifically, without limitation, (i) no consents or approvals shall be required for any transfer of the Property, (ii) the Owners of the Property and the successors thereof, shall have no obligation to complete any work on the Property, and (iii) except as required by law, the Owners of the Property shall not be subject to any obligations, covenants or restrictions contained in the Agency Documents.

4. Successors and Assigns. This Termination shall be binding, upon and inure to the benefit of the Owners and Agency and their respective successors and assigns.

5. Authority. Each of the parties hereto represent and warrant that this Termination has been duly authorized and executed by such party and is binding upon such party and that the person(s) executing this Termination on behalf of such party are authorized to execute this Termination.

6. Effective Date. This Termination shall only be effective upon the execution of this Termination by both the Agency and Owner and the recordation in the Official Records (the “**Effective Date**”).

[Signatures on the following page]

**SIGNATURE PAGE  
TO  
TERMINATION OF PARTICIPATION AGREEMENT, OWNER PARTICIPATION  
AGREEMENT, AND DECLARATION OF RESTRICTIONS**

IN WITNESS WHEREOF, the Agency and Owners have executed this TERMINATION OF PARTICIPATION AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND DECLARATION OF RESTRICTIONS by and through the signatures of their duly authorized representative(s) as set forth below:

**AGENCY:**

THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN LEANDRO, a public body, corporate and politic


Dated: Sept. 6, 2018

By:   
Name: Jeff Kay  
Its: Executive Director

**ATTEST:**

By: Marian Handa  
Agency Secretary

**APPROVED AS TO FORM:**

By:   
Agency Counsel



SIGNATURE PAGE

TO

TERMINATION OF PARTICIPATION AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND DECLARATION OF RESTRICTIONS

"OWNERS"

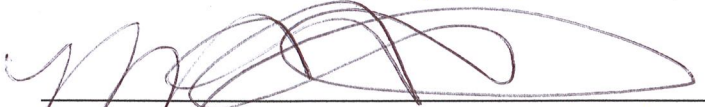
Dated: August 29, 2018



David Heathorn AKA. David Arthur Heathorn

GABRIEL JAMES TIMMIS  
Notary Public - California  
Contra Costa County  
Commission # 2222896  
My Comm. Expires Nov 2018

Dated: August 29, 2018



Michele Heathorn AKA Michele Ann Heathorn

GABRIEL JAMES TIMMIS  
Notary Public - California  
Contra Costa County  
Commission # 2222896  
My Comm. Expires Nov 2018


Dated: August 28, 2018



David C. Wenner, Trustee of the David C. Wenner and Susan L. Wenner Trust Agreement of 2006

TAMI Y. CRANE  
COMM. #2234764  
Notary Public - California  
Contra Costa County  
My Comm. Expires Mar. 18, 2022

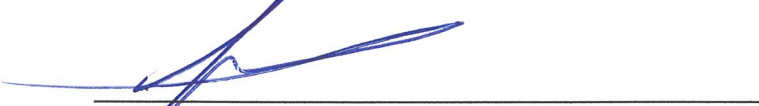
Dated: August 28, 2018



Susan L. Wenner, Trustee of the David C. Wenner and Susan L. Wenner Trust Agreement of 2006

TAMI Y. CRANE  
COMM. #2234764  
Notary Public - California  
Contra Costa County  
My Comm. Expires Mar. 18, 2022

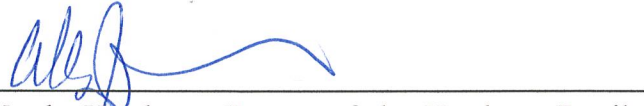
Dated: August 29, 2018



Edward W. Heathorn, Trustee of the Heathorn Family Trust dated 1-15-2007 AKA. Edward Warren Heathorn

GABRIEL JAMES TIMMIS  
Notary Public - California  
Contra Costa County  
Commission # 2222896  
My Comm. Expires Nov 23, 2021

Dated: August 29, 2018



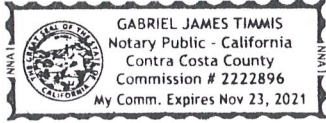
Wendy Heathorn, Trustee of the Heathorn Family Trust dated 1-15-2007

MARC HUSTON  
Notary Public - California  
Contra Costa County  
Commission # 2208926  
My Comm. Expires Aug 5, 2021

[Signatures continued on next page]

SEE ATTACHED ACKNOWLEDGEMENT

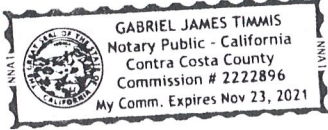
Dated: August 29, 2018



*Norman R. Heathorn*

Norman T.R. Heathorn, Trustee of the Norman T.R. Heathorn Family, 1999 Trust, a revocable living trust dated September 7, 1999 *AKA Norman Thomas Reed Heathorn*

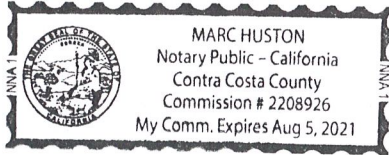
Dated: August 29, 2018



*[Signature]*

Edward W. Heathorn, Trustee of the Heathorn Family Trust, dated 1-15-2007 *AKA Edward Warren Heathorn*

Dated: August 29, 2018



*[Signature]*

Wendy Heathorn, Trustee of the Heathorn Family Trust, dated 1-15-2007

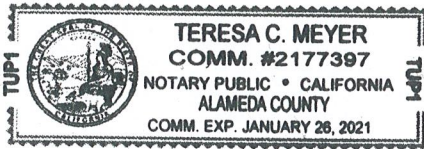
# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California )  
County of Alameda ) ss.

On SEPTEMBER 6, 2018 before me, TERESA C. MEYER, NOTARY PUBLIC,  
personally appeared JEFF KAY, CITY MANAGER.

My commission number is 2177397.



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

My commission expires on January 26, 2021.

WITNESS my hand and official seal.

*Teresa C. Meyer, Notary Public*  
Signature of Notary Public

OPTIONAL

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

### Description of Attached Document

Title or Type of Document: Termination of Participation Agreement, Owner Participation Agreement, and Declaration of Restrictions

Document Date: September 6, 2018

Number of Pages: 4

Signer(s) Other Than Named Above:

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer is Representing: \_\_\_\_\_



**ACKNOWLEDGMENT**

State of California            )  
County of Contra Costa    )

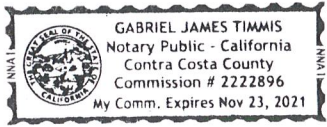
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On August, 29th, 2018 before me, Gabriel James Timmis, Notary Public, personally appeared David Arthur Heathorn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Gabriel James Timmis (Seal)





**ACKNOWLEDGMENT**

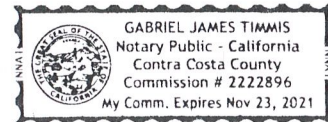
State of California            )  
County of Contra Costa    )

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On August, 29th, 2018 before me, Gabriel James Timmis, Notary Public, personally appeared Michelle Ann Heathorn, 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.

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WITNESS my hand and official seal.



Signature Gabriel James Timmis (Seal)

**ACKNOWLEDGMENT**

State of California )  
County of Contra Costa )

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On August 28, 2018 before me, Tami Y. Crane, Notary Public, personally appeared David C. Wenner, 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.

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WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



**ACKNOWLEDGMENT**

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County of Contra Costa )

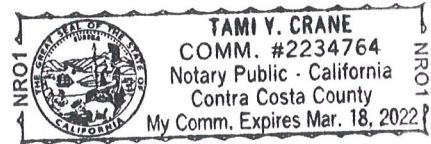
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Signature [Handwritten Signature] (Seal)



**ACKNOWLEDGMENT**

State of California            )  
County of Contra Costa    )

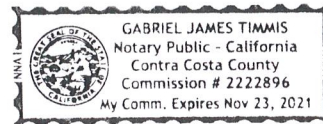
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On August, 29<sup>th</sup>, 2018 before me, Gabriel James Timmis, Notary Public, personally appeared Edward Warren Heathorn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument 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.

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WITNESS my hand and official seal.

Signature Gabriel James Timmis (Seal)





**ACKNOWLEDGMENT**

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County of Contra Costa )

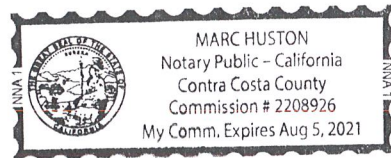
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On 8-29-18 before me, Marc Huston, Notary Public, personally appeared Wendy Heathorn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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.

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WITNESS my hand and official seal.

Signature  (Seal)



**ACKNOWLEDGMENT**

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County of CONTRA COSTA )

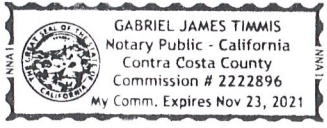
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On August, 29<sup>th</sup>, 2018 before me, Gabriel James Timmis, Notary Public, personally appeared NORMAN Thomas Reed Heathorn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within 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.

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WITNESS my hand and official seal.

Signature Gabriel James Timmis (Seal)



**ACKNOWLEDGMENT**

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County of Contra Costa )

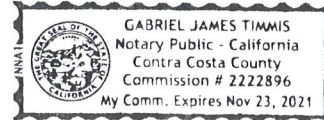
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Signature Gabriel James Timmis (Seal)



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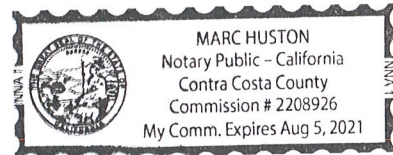
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WITNESS my hand and official seal.

Signature  (Seal)





**EXHIBIT "A"**

**Legal Description**

PARCELS 2 AND 3 OF PARCEL MAP 9175 RECORDED OCTOBER 4, 2007 IN MAP 302 AT PAGES 26 AND 27, ALAMEDA COUNTY RECORDS.

APN: 077A-0675-020

077A-0675-021

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