Richard City of SUTTER HILL, LIMITED, a corporation, hereby grants to the

CITY OF SAN LEANDRO, a municipal corporation, all the real property situated in the City of San Leandro, County of Alameda, State of California described as follows:

AN EASEMENT over, under, and along a strip of land ten feet (10.00) in width for the purposes of construction, operation, and maintenance of Storm Sewer facilities, the centerline of which is described as follows:

COMMENCING at the northwest corner of Parcel 1, Parcel Map No. 1554, filed June 17, 1975, in Book 87 of Maps at page 89, Alameda County Records; running thence along the most northern line of said Parcel 1 North 62° 30' 00" East 23.32 feet to the ACTUAL POINT OF BEGINNING; thence South 42° 05' 18" East 26.52 feet; thence South 27° 30' 00" East 500.00 feet to a point of intersection with the northern line of the ten feet (10.00) Storm Drain easement described in the deed to City of San Leandro recorded July 14, 1975, in Reel 4031, Image 764, Official Records of Alameda County, said intersection being the terminus of the herein described easement; the side lines of said strip to be lengthened or shortened to terminate at the most northern line of Parcel 1 of said Parcel Map No. 1554.

SUTTER HILL, LIMITED, a

corporation

DATED 78-237208

ASSESSOR'S NO. 77A-646-29

RECORDED IN OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIF.
DEC - 5 1978
RENE C. DAVIDSON, County Recorder

ACKNOWLEDGMENT

STATE OF <u>California</u>) ss
COUNTY OF <u>Santa Clara</u>)

On November 8, 1978, before me, Anna Lea Williams

a Notary Public in and for the County of Santa Clara, State

of California, personally appeared Michael D. Couch and Mason S. Brutschy, known to me to be the President/Ass't.Secretary of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

(SEAL)



NOTARY PUBLIC in and for said County and State

78-237208

RE:5705 IM:340

This is to certify that the interest in real property conveyed by Deed or Grant, dated 8 November 1978 , from Sutter Hill, Limited

to the City of San Leandro, a municipal corporation, is hereby accepted on behalf of the City Council of the City of San Leandro, pursuant to authority conferred by Resolution No. 4579 C.M.S., adopted by the City Council of the City of San Leandro on June 19, 1961, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 4 December 1978

Richard H. West

City Clerk of the City of San Leandro

Order No. Escrow No.

112733-K0

Loan No.

WHEN RECORDED MAIL TO:

SUTTER HILL, LTD.

3000 El Camino Real, Bldg. Two

Palo Alto, California 94306

Att Wyle Steldon

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$521.40____

...X Computed on the consideration or value of property conveyed; OR Computed on the consideration or value less liens or encumbrances remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name FIRST AMERICAN TITLE GUARANTY COMPANY

CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

EATON CORPORATION

a corporation organized under the laws of the State of

Ohio

, does hereby

GRANT to

SUTTER HILL, LIMITED, a California corporation

the real property in the City of

San Leandro

County of

Alameda

, State of California, described as

PARCEL A:

PARCEL 1, Parcel Map No. 1554, filed in the Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at page 89.

PARCEL B:

Parcel 2, Parcel Map No. 1554, filed in Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at page 89.

This is to certify that this is a true

A. P. Nos.: 77A-646-28

77A-464-29

and correst copy of Grat 19he no No.

County,

W. R. Kiessel, Vice President Manufacturing Services

(Pago-I

EATON CORPORATION, an Ohio corporation

Rudy,

and Treasurer

н. Е.

STATE OF GALIFORNIA OHIO

CuyaHOGA

before me, the undersigned, a Notary Public in and for said State, personally appeared $\underbrace{W\cdot R\cdot \ Kiessell}_{...}$ Vice <u> President - Manufacturing Services</u>

KINGWIK XOX MEK XOX BEXTHEK X X X X X X X X X X X X XPXEXIMENTX and H.E. Rudy, Vice President & Treasurer

KNOWIKUS POK TO BOKUKOK XXXXXXXXXXXXXXXXXXXXSACKETANYXOF the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal

Signature M. DOMPRO

Vice President

President

Secretary

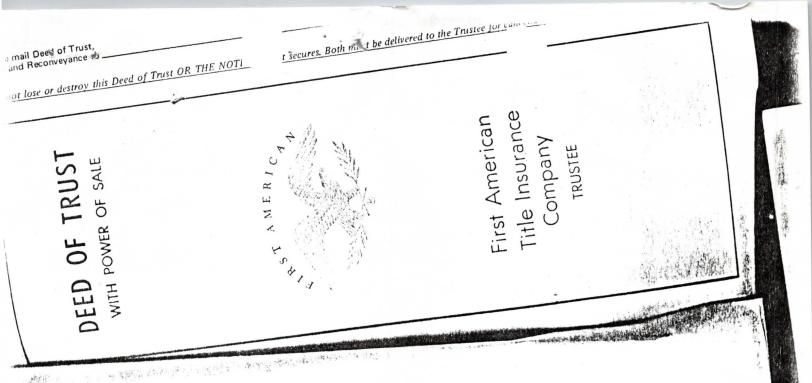
Order No. Escrow No. 112733-K0 Loan No. This is to ertify that this is a true and correct ded WHEN RECORDED MAIL TO: 0111 EATON CORPORATION No. 100 Erieview Plaza Cleveland, Ohio 44114 Attn: Robert Fallon ACE ABOVE THIS LINE FOR RECORDER'S DEED OF TRUST WITH ASSIGNMENT OF RENTS (This Deed of Trust contains an acceleration clause) Sentember 20,1978 This DEED OF TRUST, made SUTTER HILL LIMITED, a California corporation herein called TRUSTOR 3000 El Camino Real, Bldg. Two, whose address is Palo Alto, 93406 (Number and Street) (City) (State) FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called TRUSTEE, and EATON CORPORATION, an Ohio corporation , herein called BENEFICIARY, WITNESSETH: That Trustor grants to Trustee in Trust, with Power of Sale, that property in the City of San Leandro Alameda County of , State of California, described as: PARCEL A: PARCEL 1, Parcel Map No. 1554, filed in the Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at page 89. PARCEL 2, Parcel Map No. 1554, filed in Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps at page 89. "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR RELEASE CLAUSE. SEE EXHIBIT If the trustor shall sell, convey or alienate said property, or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the beneficiary being first had and obtained, beneficiary shall have the right, at its option, to declare any indebtedness or obligations secured hereby, irrespective of the maturity date specified in any note evidencing the same, immediately due and payable. Together with the rents, issues and profits thereof, subject, however, to the right, power and a ciary to collect and apply such rents, issues and profits. $374,100.00 \, \mu \text{ W}$ For the Purpose of Securing (1) payment of the sum of \$\frac{975,000.00}{975,000.00}\$ with interestration according notes of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals the eon according to the terms of a promissory note or renewals thereof and (2) the performance of each which may hereafter be loaned. ecured by this Deed of Trust. STATE OF CALIFORNIA each and all of the agreements, , and it is mutually agreed that ity August 17, 1964, and in all undersigned, a Notary Public in and for he county where said property YTAUC BOOK 187 762 erra 38 506 Secretary of the corporation that executed the within instrument, known to me to be the ilano 1287 621 427 56 inoma 2067 and known to me to be the persons who executed the within anislaus OFFICIAL SEAL instrument on behalf of the corporation therein named, and acitter 655 585 GISELA I. OWENS hama inity 457 183 knowledged to me that such corporation executed the within NOTARY FUBLIC - CALIFORNIA 595 ALAMEDA COUNTY

My Commission Expires April 24, 1982 Ilare **2**530 108 instrument pursuant to its by-laws or a resolution of its board of olumn ntura 2607 237 directors ole 769 ıha 398 WITNESS my hand and official seal 1774 ovisions contained in said sub-incorporated herein and made ment regarding the obligation Name (Typed or Printed) (This area for official notarial seal) at his address hereinbefore set TATE OF FORNIA Signature of Trustor SUTTER HILL LIMITED a California corporation 1978 a Notary Public in and for said before me, the undersigne State, personally appeared BY elton BY known to me to be the person Spse name_S OFFICIAL SEAL subscribed to the within instrument and acknowledged that ANNA LEA WILLIAMS NOTARY PUBLIC - CALIFORNIA executed the same. WITNESS my hand and official seal. SANTA CLARA COUNTY

My comm. expires MAR 7, 1981

1192 (4/72)

(This area for official notarial seal)



112733-K0

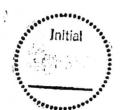
EXHIBIT "A"

RELEASE CLAUSE

So long as trustor shall not be in default concerning any of the covenants contained in this deed of trust or with respect to payments due on the note secured hereby, partial reconveyance may be had and will be given from the lien or charge hereof of portions of the real property described in this deed of trust, upon payment of amounts, to be applied on the principal of the note, at the rate for each acre so reconveyed (prorated for fractional acres) determined by dividing \$475,000.00 by the total number of acres contained in the real property described in this deed of trust; provided, however, that after the first such partial reconveyance any acreage reconveyed shall be contiguous to acreage previously reconveyed, and provided, further, that any acreage remaining subject to this deed of trust shall have a non-exclusive unrestricted easement at least 60 feet in width for pedestrian and vehicular ingress and egress and for installation and maintenance of utility service over the acreage previously reconveyed.

EATON CORPORATION, an Ohio corporation

SUTTER HILL LIMITED, a California corporation





First An Prican Title Guaranty Company 107.02.96

PRELIMINARY REPORT

1535 HARRISON'ST P.O BOX 1290 OAKLAND, CA 94604 PHONE 763-0500

MONTCLAIR () 1980 MOUNTAIN BLVD. P.O. BOX 13308 STA E OAKLAND, CA 94661 PHONE: 339-1230

BERKELEY () 1748 SHATTUCK AVE. P.O. BOX 9097 BERKELEY, CA 94709 PHONE: 548-2565

ALAMEDA D 550 PARK ST SUITE 108 ALAMEDA, CA 94501 PHONE: 521-6232



SAN LEANDRO : 250 JUANA AVE PO BOX 992 SAN LEANDRO, CA 94577 PHONE: 352 6655

FREMONT [] 3500 MOWRY AVE. P.O. BOX 1666 FREMONT, CA 94538 PHONE: 796-5600

HAYWARD '1 1248 A STREET P.O. BOX 785 HAYWARD, CA 94543 PHONE: 881-8474

DUBLIN ! 7027 VILLAGE PARKWA PO BOX 2399 **DUBLIN, CA 94566** PHONE: 829-1700

dt.

Sutter Hill Limited P. O. Box 11787 Palo Alto, California 94306

cc: Grubb and Ellis Company

Our Order No Escrow Officer Title Examiner Your No Property Address

112733 Kris Owens Larry Smith

Marina Boulevard San Leandro, California

In response to the above referenced application for a policy of title insurance, FIRST AMERICAN TITLE GUARANTY COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a California Land Title Association Standard Coverage form Policy of Title Insurance describing the land and the estate or interest therein herinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules. Conditions and Stipulations of said policy form

This report (and any supplements or amendments thereto) is issued soley for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed by the Company prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested. al 800 AM

Dated as of

April 5, 1978

VICE PRESIDENT

The estate or interest in the land hereinafter described or referred to covered by this Report is

A FEE

Title to said estate or interest at the date hereof is vested in

EATON CORPORATION, AN OHIO CORPORATION

sg

SCHEDULE A

Amount of Insurance: \$

473,860.00

Policy No.

112733

Date of Policy:

September 20, 1978 at 10:30 a.m.

1. Name of Insured:

SUTTER HILL LIMITED EATON CORPORATION

2. The estate or interest referred to herein is at Date of Policy vested in:

SUTTER HILL, LIMITED, A CALIFORNIA CORPORATION

0

3. The estate or interest in the land described in Schedule C and which is covered by this policy is:

A FEE

D

Y

SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorneys' fees or expenses, any or all of which arise by reason of the following:

Part One:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
 (c) water rights, claims or title to water.
- 6 Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in Schedule C, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing in this paragraph shall modify or limit the extent to which the ordinary right of an abutting owner for access to a physically open street or highway is insured by this policy.
- 7. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
- 8. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records.
- 9. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not shown by the public records and not otherwise excluded from coverage but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had been a purchaser or encumbrancer for value without knowledge.

Part Two:

SEE NEXT PAGE





- A. TAXES for the fiscal year 1978-79 a lien, not yet due or payable.
- 1. The right to construct, reconstruct, maintain and operate a railroad track and appurtenances as granted by C. Dudley DeVelbiss, Y. C. Soda and J. Philip Murphy, to Southern Pacific Company, a Kentucky corporation, by instrument dated February 17, 1947, recorded March 25, 1947, in Book 5085 Page 450, Official Records, Alameda County Records. Affects: Southeasterly 20 feet

Affects: Parcel A

2. The right to construct, maintain and operate spur and industrial tracks as granted by C. Dudley DeVelbiss, Y. C. Soda and J. Philip Murphy, to Southern Pacific Company, a Kentucky corporation, by agreement dated February 17, 1947, recorded March 25, 1947, in Book 5085, Page 451, Official Records, Alameda County Records.

Affects: Northwesterly 15 feet of southeasterly 35 feet.

Affects: Parcel A

3. EASEMENT for sewer purposes and incidents thereto, grranted to City of San Leandro, in the instrument, Recorded: June 6, 1951, Book 6454, Page 368, Official Records Affects: Southwesterly 10 feet

Affects: Parcel A

4. EASEMENT affecting that portion of premises and for the purposes stated herein and incidental purposes as created by the following instrument,
For: Sewer Pipe Lines

Granted to: Crow Zellenbach Corporation, a corporation

Recorded: May 9, 1952, Book 6726, Page 421, Official Records

Affects: Southerly portion of Parcel A

- 5. TERMS AND CONDITIONS contained in the instrument last above referred to.
- 6. An easement to construct, maintain and operate facilities for flood control and other purposes within a portion of said property as granted by United to Alameda County Flood Control and Conservation District by Indenture dated October 4, 1966, and recorded November 1, 1966, on Reel 1866, of Official Records at Image 673, Serial No. AY 124,680, Alameda County Records.

 Affects: Portion of the parcel of land described in the deed from Monadnock Mills to United-Carr Fastner Corporation, dated July 31, 1962 and recorded July 31, 1962, on Reel 644, Image 181, Series No. AT 103389, Official Records of Alameda County California more particularly described as follows:

Beginning at a point on the southeastern line of said parcel of land distant thereon North 62° East (the bearing of said southeastern line being taken as North 62° East for the purpose of making this description) 85.16 feet from the most southern corner of said parcel; and running thence along said southeastern line North 62° East 12.00 feet; thence North 28° West 42.50 feet; thence South 62° West 12.00 feet; thence South 28° East 42.50 feet to the POINT OF BEGINNING.

7. EASEMENT affecting that portion of premises and for the purposes stated herein and incidental purposes as created by the following instrument,

For: Underground Drainage

Granted to: State of California

Recorded: November 24, 1974, Reel 3823, Image 92, Official Records

Affects: Southerly portion of Parcel A

8. EASEMENT affecting that portion of premises and for the purposes stated herein and incidental purposes as created by the following instrument,

For: Storm Drain Line

Granted to: The City of San Leandro, a municipal corporation Recorded: July 14, 1975, Reel 4031, Image 764, Official Records

Affects: Southerly portion of Parcel A

9. Easement Agreement by and Between Eaton Corporation, an Ohio Corporation and Robert W. Hummel, a widower, recorded September 20, 1978, Series No. 78-182257, Official Records. (Reference is made to the record thereof for further particulars).

10. DEED OF TRUST to secure an indebtedness of \$374,100.00

Dated: September 20, 1978

Trustor: Sutter Hill Limited, a California coporation

Trustee: First American Title Insurance Company, a California corporation

Beneficiary: Eaton Corporation, an Ohio Corporation Address: 100 Erieview Plaza, Cleveland, Ohio 44114

Loan No: none shown

Recorded: September 20, 1978, Series No. 78-182259, Official Records

NOTE:

COUNTY AND CITY TAXES for the fiscal year 1977-78, 1st and 2nd Installments are both paid.

A. P. No: 77A-646-28, 77A-646-29

Code Area: 10-003

Order No. 112733 Page 4

COUNTY AND CITY TAXES for the fiscal year 1977-78

1st Install: \$2,077.56 paid 2nd Install: \$2,077.56 paid Affects: Parcel A

Real: \$47,025.00

Impr: none

Pers. Ppty: none Exempt: none

A. P. No: 77A-646-29 Code Area: 10-003

LENDER'S SPECIAL INFORMATION

According to the public records, there have been no deeds conveying the herein described property recorded within six months prior to the date hereof except as follows:

NONE

Form No. 1056-4 All Policy Forms

SCHEDULE C

The land referred to in this policy is situated in the State of California County of Alameda, City of San Leandro,

and is described as follows:

PARCEL A:

Parcel 1, Parcel Map No. 1554, filed in the Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at Page 89.

PARCEL B:

Parcel 2, Parcel Map No. 1554, filed in Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at Page 89.

A. P. No: 77A-646-28 77A-646-29

LEGAL DESCRIPTION

REAL PROPERTY in the City of San Leandro. County of Alameda, State of California, described as follows:

PARCEL A:

Parcel 1, Parcel Map No. 1554, filed in the Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at Page 89.

PARCEL B:

Parcel 2, Parcel Map No. 1554, filed in Alameda County Recorder's Office on June 17, 1975, in Book 87 of Maps, at Page 89.

A. P. No: 77A-646-28 77A-646-29

BISSELL & KARN, I 2551 Merced Street SAN LEANDRO, CALIFORNIA 94577

FORM 240-2 - Available from NEBS Townsend, Mass. 01469

OF TRANSMITTAL

	DATE 0) - 14 - 70 JOB NO.	
Phone 483-2170	DATE 9-14-78 JOB NO. 6584 ATTENTION Alexander	
TO Cit of Say loads Dat	P. bl. Water	
the the	1-11	
TO City of San Leandro Dept 1 835 E 14th St City H Say Leandro, Ca. 9457	2/1	
Say Leandro, Ca. 9457		
GENTLEMEN:		
	Under separate cover via the following items:	
	□ Plans □ Samples □ Specifications	
☐ Copy of letter ☐ Change orde	er	
COPIES DATE NO.	DESCRIPTION	
Legal des	cription - Sewer easement - (correctal)	
☐ For your use ☐ Appro	ved as submitted	
☐ For review and comment ☐		
□ FOR BIDS DUE	19 PRINTS RETURNED AFTER LOAN TO US	
REMARKS		
Letter of 9-11-78 returned to you as per your		
N 9/19/12		
Pluse chich - if ox	-, prepare front of Ensement	
document for signing by 5-H for		
COPY TO		
	SIGNED: Herk Norman.	

LEGAL DESCRIPTION OF STORM SEWER EASEMENT TO BE DEDICATED BY SUTTER HILL, LIMITED TO CITY OF SAN LEANDRO

REAL PROPERTY in the City of San Leandro, County of Alameda, State of California, described as follows:

AN EASEMENT over, under, and along a strip of land ten feet (10.00) in width for the purposes of construction, operation, and maintenance of Storm Sewer facilities, the centerline of which is described as follows:

COMMENCING at the northwest corner of Parcel 1, Parcel Map No. 1554, filed June 17, 1975, in Book 87 of Maps at page 89, Alameda County Records; running thence along the most northern line of said Parcel 1 North 62° 30' 00" East 23.32 feet to the ACTUAL POINT OF BEGINNING; thence South 42° 05' 18" East 26.52 feet; thence South 27° 30' 00" East 500.00 feet to a point of intersection with the northern line of the ten feet (10.00) Storm Drain easement described in the deed to City of San Leandro recorded July 14, 1975, in Reel 4031, Image 764, Official Records of Alameda County, said intersection being the terminus of the herein described easement; the side lines of said strip to be lengthened or shortened to terminate at the most northern line of Parcel 1 of said Parcel Map No. 1554.

CITY OF SAN LEANT INTEROFFICE MEMO CITY ATTORNEY'S OFFICE OCT 24 1978 DATE October 23, 1978 City Attorney John Nelson CITY OF SAN LEANDRO FROM Storm Sewer Easement - Sutter Hill Limited SUBJECT Sutter Hill Limited is required to dedicate to the City, a storm sewer easement through private property at the end of Verna Ct. The attached easement location description describes the area involved. I would like to know if we need a title report showing that Sutter Hill is, in fact, the owner of the subject property or are the attached title report and grant deeds sufficient information to proceed with execution of the easement. JN/aj Attach. > yes - always obtain a title report showing title vested en grantor before accepting any conveyance by grant deed.

Van Smith "/9



LIMITED

P.O. BOX 11787 • PALO ALTO, CALIFORNIA 94306

November 8, 1978

Mr. W. M. Calvert Asst. Public Works Director City of San Leandro Civic Center 835 E. 14th Street San Leandro, California 94577

Dear Mr. Calvert:

Pursuant to your letter of October 27, 1978, enclosed please find a Grant of Easement for the storm drain at our San Leandro project, which has been duly executed and notarized by Sutter Hill Limited.

Very truly yours,

SUTTER HILL LIMITED

Heather E. Dimitropoulos
Secretary to W. Thomas Ireland

/hed Encl.

