

## LARA WEISIGER

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**From:** Patricia Lamborn <patricia.lamborn@aol.com>  
**Sent:** Thursday, March 14, 2019 3:47 PM  
**To:** Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; Tony Daysog  
**Cc:** Celena Chen; Dave Rudat; LARA WEISIGER  
**Subject:** March 19,2019 City Council Item 5 D, Parcel 4 Title  
**Attachments:** Parcel 4 Deed 1st page (2).pdf; Parcel 4 Deed (1).pdf

Dear Mayor Ashcraft, Vice Mayor Knox White and Council Members Vella,Oddie,and Daysog,

I am writing to you regarding Item 5D on the Consent Calendar for the upcoming City Council March 19, 2019. Harbor Bay Isle Associates have prepared their report for April 5,2018 - April 4, 2019, which you are being asked to accept, in the proposed resolution.

### **Item 5 D**

**Adoption of Resolution Finding that the Harbor Bay Entities [Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5), and Harbor Bay Isle Associates (HBIA)] Have Demonstrated Good Faith Compliance with the Terms and Conditions of Development Agreement, DA-89-1. [This Compliance Review is not a project under California Environmental Quality Act.] (Planning, Building & Transportation 481005)**  
**Attachments: Exhibit 1 - Annual**

The report was written months ago and states that HBIA is " ready to execute the grant deed "for Parcel 4. It is my understanding that the deed has been executed and I am attaching the copies I received from the City of Alameda .

I would ask that the official minutes reflect HBIA's completion of Shoreline Park and the city's acceptance of Parcel 4. I don't know if this would require moving the item from the consent calendar or changing the resolution. Perhaps It could be a clarifying statement for the official record/minutes of the March 19th City Council meeting.

When the HBIA report was presented to the Planning Board in February 2019, they made their approval of HBIA's report conditional on the completion of Parcel 4 dedication.

I thank you for your attention to this matter. City staff have been very responsive and I appreciate their work !

Sincerely,

Patricia Lamborn  
patricia.lamborn@aol.com

RECORDING REQUESTED BY  
Harbor Bay Isle Associates, a California general partnership

AND WHEN RECORDED MAIL THIS DEED  
AND, UNLESS OTHERWISE SHOWN  
BELOW, MAIL TAX STATEMENTS TO:

The City of Alameda, Attn: City Attorney  
2263 Santa Clara Avenue, Room 280  
Alameda, CA 94501-4477

City of Alameda Official Business:  
Document Entitled to Free Recodation  
Pursuant to Government Code Section 27383



2019027793

02/13/2019 09:04 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY  
MELISSA WILK  
RECORDING FEE: 0.00



8 PGS

Space Above This Line For Recorder's Use Only

APN: 074-1362-006

The undersigned Grantor hereby declares:

City Transfer Tax: \$ None - EXEMPT

Documentary Transfer Tax: \$ None - EXEMPT

☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED

☐ OR COMPUTED ON FULL VALUE LESS LIENS AND

ENCUMBRANCES REMAINING AT TIME OF SALE.

R&T Code 11930 – Transfer is a gift.

## GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **HARBOR BAY ISLE ASSOCIATES**, a California general partnership,

hereby grants and conveys to **THE CITY OF ALAMEDA**, a municipal corporation, that parcel of land in the City of Alameda, County of Alameda, State of California, described as follows:

Parcel 4 of Parcel Map 6024 filed February 5, 1991 at Book 196 of Parcel Maps at pages 12-13, Series 91-032673, in Alameda County Records; APN: 074-1362-006, as shown on EXHIBIT "A" attached hereto.

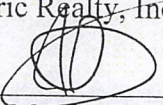
See EXHIBIT "B," attached hereto and made a part hereof.

This property is granted to the City of Alameda pursuant to Section 2.1.3 of the Development Agreement between and among the City of Alameda and Harbor Bay Isle Associates, et al. recorded as Series No. 89-110710 on April 24, 1989, Alameda County Records.

Dated: 1/16, 2019

**HARBOR BAY ISLE ASSOCIATES**,  
a California general partnership

By: Doric Realty, Inc., a California corporation, Its Managing General Partner

By:   
John Martin, Its President

[Notary Acknowledgments on following pages.]

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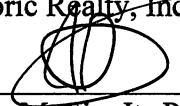
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John Martin, Its President

[Notary Acknowledgments on following pages.]

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 )

On Jan 16, 2019 before me, S.M. Kayl,  
Notary Public, personally appeared John Martin

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

S.M. Kayl

(Seal)



-----OPTIONAL-----

**Description of Attached Document**

Title or Type of Document:

Grant Deed

Document Date:

Jan 16, 2019

Number of Pages:

6

Signer(s) Other Than Named Above:

ASSESSOR'S MAP 74

Code Area Nos. 21-000

1362

SCALE: 1" = 250'

|               |        |               |           |
|---------------|--------|---------------|-----------|
| (A) P.M. 4497 | 152/3  | (D) P.M. 8891 | 204/38-39 |
| (B) P.M. 5274 | 178/4  | (E) P.M. 9889 | 308/31-98 |
| (C) P.M. 6024 | 185/12 |               |           |

00-05-00 ZC  
02-27-07 ZC  
02-24-00 GO  
05-08-10 CC  
09-13-10 U.

**REVISED:**

EXHIBIT "A"

## EXHIBIT "B"

### RESERVING THEREFROM:

- (A) All overlying and other water rights, including, without limitations, the right to appropriate water and distribute it to other properties without any right to the use of or rights to any portions of the surface of said land. The owner of the reserved water rights, however, covenants that it will not exercise the rights reserved over the surface of the property described above or within the subsurface of such property above a depth of 100 feet below the surface of said property. Breach of the foregoing covenant shall not, however, terminate or forfeit the rights so reserved, but injunctive relief may be sought and obtained to prevent or remedy any such breach;
- (B) All oil, gas, minerals, geothermal, and hydrocarbon substances in and under or that may be produced below a depth of 500 feet below the surface of said property without any rights of entry upon the surface of said land for the purposes of mining, drilling, exploring or extracting such oil, gas, mineral, geothermal, or hydrocarbon substances and, except as provided above with respect to water rights, without any rights to the use of or rights in or to any portion of the surface of said land to a depth of 500 feet below the surface thereof.
- (C) A perpetual easement in favor of the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners, together with the right to convey said easement to said City.

The use and purpose of this perpetual easement as reserved, is as set forth in that certain Agreement dated June 3, 1980, by and between the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners and Harbor Bay Isle Associates, a partnership, as follows:

"Use and purpose. The easement shall be used for the existence on, over, upon and within the described easement, of all noise, vibration, air currents, natural or artificial illumination and such matter, emissions, activities or other things that may occur or result directly or indirectly from the operations of the Airport, now and in the future, including but in no way limited to ground and flight operations of aircraft at, over, on or about the Airport. The easement shall not be used for the passage and flight of aircraft; however, this easement shall not affect such rights as the passage and flight of aircraft as such rights existed prior to the date of the easement and as are now or may be provided or permitted by law."

A short form of said Agreement was recorded on June 5, 1980, Series No. 80-097060.

- (D) Terms, conditions and provisions contained in the Covenant Running with Land, between City of Oakland, acting by and through its Board of Port Commissioners, and Harbor Bay Isle Associates, a California general partnership, recorded May 27, 1994, Series 94-201208.
- (E) Non-exclusive easements, which shall be assignable to other appropriate parties, for, but not limited to, the following purposes:
  - A. Utility Easements;

B. Dike Maintenance; and

C. Lagoon Outfalls.

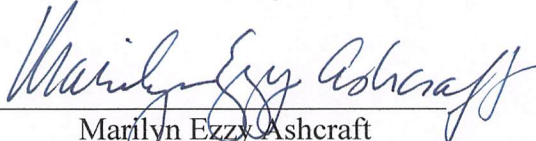
- (F) Terms, conditions and provisions contained in the Development Agreement between and among the City of Alameda and Harbor Bay Isle Associates, et al, recorded April 24, 1989, series 89-110710.
- (G) Terms, conditions and provisions in the unrecorded Second Amendment to Third Supplementary Agreement, Harbor Bay Isle Shoreline Park, Harbor Bay Business Park – Phase II, Alameda, California, between Harbor Bay Isle Associates and the San Francisco Bay Conservation and Development Commission, dated November 13, 1980, disclosed in a Note on Parcel Map 6024, filed February 5, 1991, Map Book 196, pages 12-13, Alameda County Records.

EXHIBIT “B”

**CERTIFICATE OF ACCEPTANCE**

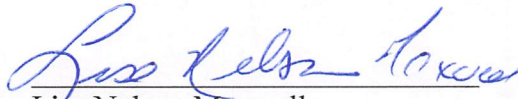
This is to certify that the interest in real property conveyed by the Grant Deed dated January 29, 2019 from Harbor Bay Isle Associates, a California general partnership, to the City of Alameda, a municipal corporation, is hereby accepted by the undersigned on behalf of the City Council of the City of Alameda pursuant to authority conferred by Resolution No. 5328 adopted by the Council of the City of Alameda on the 16th day of May, 1956, a copy of which is attached hereto as Attachment 1, and the Grantee consents to the recordation thereof by the Grantor.

Dated: 1/29, 2019

  
Marilyn Ezzy Ashcraft  
Mayor of the City of Alameda

Approved as to form:

Dated: 1/16, 2019

  
Lisa Nelson Maxwell  
Assistant City Attorney

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**Attachment 1**

**RESOLUTION NO. 5328**

**AUTHORIZING MAYOR OR VICE -MAYOR TO CONSENT TO THE  
ACCEPTANCE OF DEEDS AND GRANTS OF REAL PROPERTY OR  
EASEMENTS THEREON, FOR THE PURPOSE OF RECORDATION  
THEREOF**

WHEREAS, the City of Alameda, in the future, will be acquiring interests in real property or easements thereon which will require the acceptance of deeds or grants and the recordation thereof; and

WHEREAS, Section 27281 of the Government Code of the State of California requires that each deed or grant to be recorded requires a separate resolution by the grantee political corporation consenting to acceptance of such deed or grant; or, in the alternative, that the political corporation may, by a general resolution, authorize an officer or agent to consent to acceptance of such deeds or grants;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA that the Mayor and Presiding Officer of said Council, or the Vice -Mayor of said City, be, and are hereby, authorized, the officers or agents to consent to the acceptance of such deeds or grants of real property or easements thereon for the purpose of recordation thereof.

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I, the undersigned, hereby certify that the forgoing Resolution was duly and regularly introduced and adopted by the Council of the City of Alameda in a regular meeting of the City Council assembled on the 15th day of May, 1956, by the following vote, to wit:

AYES: Councilmen Haag, Hove, McCall, Moresi and President Kranelly, (5).

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of May, 1956.

**SHIRLEY H. TENNIER**  
\_\_\_\_\_  
City Clerk of the City of Alameda