

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 23, 2011
SUBJECT: Approval to Initiate the Sale of Hillside School

BACKGROUND INFORMATION

In January 2007, the District's 7-11 Committee recommended that the Board surplus the Hillside property. On September 10, 2008, the Board approved offering the Hillside property to public entities. Only one public entity, the City of Berkeley, expressed an interest in acquiring the property, however negotiations with the City failed to result in an agreement to sell the property. On February 24, 2010, the Board authorized staff to solicit proposals from real estate firms to assist in the sale.

On May 12, 2010, the Board hired CB Richard Ellis (CBRE) to fill that role. In the fall, CBRE recommended that the Board obtain and provide additional information about the property prior to putting it formally on the market. On November 10, 2010, the Board hired the Architectural Resource Group to provide that data. They have completed their report and staff is recommending that the property be formally placed on the market.

The Board will review the final proposed terms in closed session and announce any changes in open session. Staff anticipates that the Board will set the minimum asking price for the property. The Board may make additional changes to the proposed terms of the offer to sell. The attached Resolution is being presented to formally announce that the Hillside property is being offered for sale.

POLICY/CODE

Education Code 17464 and 17485 et seq. and Government Code 54220 et seq.

FISCAL IMPACT

There are minor costs associated with advertising the availability of the property for sale by public bidding. There is the potential to realize significant sums once the property sells.

STAFF RECOMMENDATION

Approve the resolution announcing the sale of Hillside. Approve a minimum asking price.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NUMBER 11-42

RESOLUTION TO REQUEST PROPOSALS FOR THE SALE OF HILLSIDE SCHOOL

WHEREAS, the Berkeley Unified School District (“District”) is the owner of certain real property known as the Hillside School, situated in the City of Berkeley and more specifically described in Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, the District’s Board of Trustees (“Board”) previously determined that said property (hereinafter referred to as the “Surplus Property”) will not be needed for school classroom buildings and is surplus to the District’s needs, that the interests of the District and the local community would be served by the District’s sale of the Surplus Property, and declared its intention to lease and/or sell the Surplus Property; and

WHEREAS, on September 10, 2008, the Board directed staff that the sale of the Surplus Property was the preferred option; and

WHEREAS, prior to adopting this Resolution, the Board offered the Surplus Property to entities as statutorily required pursuant to Education Code sections 17464 and 17485, et seq., and Government Code section 54220, et seq., and after negotiations with the only public entity that expressed interest in the Surplus Property, no agreement to sell the Surplus Property was reached; and

WHEREAS, in order to provide the public with an opportunity to submit bids for the sale of the Surplus Property, the Board again seeks to declare its intent to sell the Surplus Property and put the Surplus Property out to bid in accordance with the terms of this Resolution; and

WHEREAS, this Board expects to receive fair market value for said Surplus Property based on development potential and the prevailing real estate market conditions; and

WHEREAS, the disposal of surplus real property is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resource Code section 21084 and California Code of Regulations, Title 14, sections 15061(b)(2) and 15312; and

WHEREAS, this Board now wishes to proceed with the sale of said Surplus Property to members of the public in accordance with law.

NOW THEREFORE BE IT RESOLVED that the Board of the Trustees of the Berkeley Unified School District hereby finds, determines, and orders as follows:

1. The foregoing recitals are adopted as true and correct.
2. The Board hereby declares its intention to sell all or any portion or portions of the Surplus Property in accordance with the terms of this Resolution.
3. The Board hereby makes the Surplus Property available for sale to the members of the public, as follows:

The District will accept bids upon the Surplus Property, pursuant to Mandatory Bid Instructions substantially in the form attached hereto as Exhibit “B” and incorporated herein by reference. All bids shall be accompanied by a deposit of \$10,000 in the form of a certified check, cashiers check, or money order. Upon selection by the District, the accepted bidder(s) shall execute an Exclusive Negotiation Agreement (“ENA”), and the bidders’ deposit check shall be cashed. Deposits submitted with rejected bids shall be refunded as soon as reasonably possible after rejection. Bids in the above-described form may be submitted on or before June 1, 2011. Bids may be presented to the Board at a meeting of the Board on June 8, 2011. The Board is expected to (but is not obligated to) accept an agreement based upon the high responsive bid from a responsible

bidder no later than June 22, 2011. The selling price to any bidder shall be a minimum of fair market value based on development potential and existing market conditions for the Surplus Property. The Board reserves the right to reject any and all bids.

5. All requests for bid documents and the Preliminary Title Report should be directed to Mark J. Kol, CB Richard Ellis, 555 12th Street, Suite 900, Oakland, CA 94607; T (510)874-1992; F: (510) 834-9158, who is hereby authorized and directed to provide a copy of said documents to any party who so requests.

6. In order to facilitate the marketing of the Surplus Property so as to maximize bids to the District, the Board has agreed to pay to CB Richard Ellis (CBRE) a commission equal to five percent (5%) of the gross sales price of the Surplus Property, payable upon the close of escrow, through escrow. CBRE is a fully cooperating real estate brokerage firm and will share fees agreed to in this proposal with any outside brokerage firm that procures a buyer and participates in a successful transaction, including other CBRE agents and brokers outside of District's representatives. CBRE's listing team under this Agreement will not represent potential buyers.

7. District staff are hereby authorized and directed to give notice of the adoption of this Resolution by posting copies of the Resolution in three (3) public places within the District at least 15 days prior to June 1, 2011, and by publication of the Resolution once per week for three successive weeks before said date in a newspaper of general circulation published in the County of Alameda, California.

8. The disposal of said Surplus Property is found to be exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resource Code section 21084 and California Code of Regulations, Title 14, sections 15061(b)(2) and

15312. A Notice of Exemption regarding the disposal of said Surplus Property is hereby approved and the Superintendent (or his designee) is directed to file the Notice of Exemption, together with a certified copy of this Resolution, with the County Clerk of Alameda County in accordance with the terms of CEQA and its implementing regulations.

9. District staff and consultants are authorized and directed to proceed with the steps necessary or convenient to effect the sale of all or some of the Surplus Property in accordance with law and the terms of this Resolution.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **23rd day of March, 2011.**

AYES:

NOES:

ABSENT:

ABSTAIN:

John T. Selawsky
Clerk, Board of Education
Berkeley Unified School District

EXHIBIT "A"

HILLSIDE SCHOOL SITE
LEGAL DESCRIPTION

EXHIBIT "B"

Mandatory Bid Instructions

MANDATORY BID INSTRUCTIONS FOR HILLSIDE SCHOOL SITE SURPLUS PROPERTY

1. MANDATORY INSTRUCTIONS. These instructions are mandatory. Failure to comply with one or more of these instructions may result in a bid being deemed non-responsive.
2. BID DEPOSIT. Each bid must be accompanied by a deposit of \$10,000. The bid shall be submitted in the form of a certified check, cashier's check or money order payable to the District. The deposit of the successful bidder shall be applied to the payment of the purchase price. The deposit of unsuccessful bidders shall be refunded as soon as reasonably possible after the Board's final rejection of the bid. Interest earned on the Bid Deposit shall be paid to and retained by the District. Such interest shall not be refunded to unsuccessful bidders, and shall not apply towards the payment for the lease and/or purchase price of the Surplus Property by the successful bidder.
3. MINIMUM BID. The minimum bid shall be for at least fair market value based on potential and prevailing real estate market conditions and will be set by the Board at the March 23, 2011 Board meeting. The minimum bid shall not include subordination of fee interest or base rent. Further, each responsible bidder must demonstrate adequate assurances and the ability to complete the purchase, and thereafter to implement the real estate development or project proposed for the Surplus Property by the bidder.
4. FORM OF BID. No specific form of bid is required, except that it must include the minimum terms set forth herein.
5. TIME OF BID. Bids may be submitted on or before June 1, 2011. Bids must be submitted in a sealed envelope marked "Bid Form and Bid Deposit for Hillside School Surplus Property." The sealed envelope must include these Bid Instructions, with a signed Bidder Declaration and completed Bidder Information (see below); and a \$10,000.00 bid deposit, in the form of a certified check, cashiers check, or money order, and it all must be received by Mark J. Kol, CB Richard Ellis, 555 12th Street, Suite 900, Oakland, CA 94607, no later than June 1, 2011 at 4:00 p.m. or at the time of the bid opening at the District Board meeting on June 8, 2011 at __p.m., located at the Old City Hall Building City Counsel Chambers (2134 ML King Jr. Way, Berkeley, CA 94704).
6. BID OPENING AND ACCEPTANCE. Bids will be presented to the Board

at a meeting of the Board on June 8, 2011, or as soon thereafter as the matter may be heard. The final acceptance of the highest responsive bid from a responsible bidder for lease and/or sale shall be made by the Board at its next regularly scheduled or special meeting. The Board reserves the right to reject any and all bids and to withdraw the Surplus Property from the market. The Board reserves the right to determine who is a responsible bidder and also reserves the right to waive any and all defects in bids and to waive any irregularity. The Board also reserves the right to select a combination of bids, which together comprise the lease and/or sale of different portions of the Surplus Property. In the event that the highest responsible bidder(s) fails to perform, the Board may, at its discretion, remove the Surplus Property from the market, call for new bids, or offer the property to the second highest bidder(s). If the Board elects to offer the Surplus Property to the second highest bidder(s), and if the second highest bidder(s) accepts the award, the deposit requirements and terms and conditions of purchase of the Surplus Property shall be the same as provided in the Board Resolution adopted on March 23, 2011.

7. BIDDER DECLARATION. In addition to signing the Agreement, each bidder must sign the following Declaration:

I, the undersigned Bidder, declare that I have carefully reviewed Board Resolution No. 11-42 and these Bid Instructions. I have completely satisfied myself as to the nature and location of the Surplus Property, and have fully informed myself as to all conditions and matters which may in any way affect the purchase and/or lease price of the Surplus Property. I further declare that I have conducted an independent investigation, inspection, and analysis of the Surplus Property and I am not relying in any way upon any information provided by the District. I declare that this Bid is genuine and not collusive.

Executed this ____ day of ____ at _____, California

Signature of Bidder

8. BIDDER INFORMATION. Each bidder must provide the following information:

Name of Bidder
Address
Telephone Number
Facsimile Number _____

EXHIBIT A

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF BERKELEY, DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT A POINT ON THE EASTERN LINE OF LEROY AVENUE DISTANT THEREON 176.24 FEET NORTHERLY FROM THE NORTHERN LINE OF CEDAR STREET AND RUNNING THENCE NORTHERLY ALONG THE EASTERN LINE OF LE ROY AVENUE 60 FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET 88.55 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 59.85 FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET 92.74 FEET TO THE POINT OF BEGINNING.

BEING THE NORTHERN 59.85 FEET OF LOT THIRTEEN AS SAID LOT IS SHOWN ON THAT MAP ENTITLED, "LA LOMA PARK" FILED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIF., NOVEMBER 12, 1900 IN BOOK 16 OF MAPS, AT PAGE 13.

PARCEL 2:

LOT 10 IN BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902 IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 3:

BEGINNING AT THE INTERSECTION OF THE WESTERN LINE OF LA LOMA AVENUE WITH A LINE DRAWN PARALLEL WITH THE NORTHERN LINE OF LOT 12 AND DISTANT THEREFROM SOUTHERLY 40 FEET AS SAID AVENUE AND LOT ARE SHOWN ON MAP HEREINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID PARALLEL LINE SO DRAWN 146.46 FEET, MORE OR LESS, TO THE WESTERN LINE OF SAID LOT 12; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT 12, 275 FEET TO THE SOUTHERN LINE OF SAID LOT 12; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 12, 108.55 FEET; THENCE AT RIGHT ANGLES NORTHERLY 20 FEET; THENCE EASTERLY PARALLEL WITH SAID SOUTHERN LINE OF SAID LOT 12, 103.03 FEET, MORE OR LESS, TO SAID WESTERN LINE OF SAID LA LOMA AVENUE; THENCE NORTHERLY ALONG SAID LINE OF LA LOMA AVENUE TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (CONTINUED):

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT ON THE WESTERN LINE OF LOT 12, AS SAID LOT IS SHOWN ON MAP HEREINAFTER REFERRED TO, DISTANT THEREON 40 FEET SOUTHERLY FROM THE NORTHWESTERN CORNER OF SAID LOT AND RUNNING THENCE NORTH 80° 39' EAST, PARALLEL WITH THE NORTHERLY LINE OF SAID LOT, 146.46 FEET TO THE WESTERN LINE OF LA LOMA AVENUE; THENCE SOUTHERLY ALONG THE WESTERN LINE OF LA LOMA AVENUE 145.36 FEET; THENCE SOUTH 80° 39' WEST 51.0 FEET; THENCE NORTHWESTERLY CURVING TO THE RIGHT ON AN ARC WITH A RADIUS OF 225 FEET AND A LONG CHORD WHICH BEARS NORTH 46° 53' WEST 180.55 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 12 AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, BERKELEY, ALAMEDA COUNTY, CA.", FILED NOVEMBER 12, 1900 IN BOOK 16 OF MAPS, PAGE 13, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM:

THAT PORTION OF PREMISES DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, RECORDED JUNE 18, 1962, REEL 610, IMAGE 300, OFFICIAL RECORDS, INSTRUMENT NO. AT/81795, ALAMEDA COUNTY RECORDS.

PARCEL 4:

LOT NO. 7 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 5:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF HILLSIDE WAY AT THE WESTERN LINE OF LOT NO. 6, IN BLOCK NO. 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HEREAFTER REFERRED TO; RUNNING THENCE EASTERLY ALONG SAID LINE OF SAID WAY, 9.78 FEET TO THE WESTERN LINE OF LOT NO. 9, IN SAID BLOCK NO. 5, AS SHOWN ON SAID MAP; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT NO. 9, 1.66 FEET TO THE SOUTHWESTERN CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 9, 40.35 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 6; THENCE SOUTHERLY ALONG THE EASTERN LINE OF SAID LOT 6, 60 FEET; THENCE AT RIGHT ANGLES WESTERLY, 50 FEET, MORE OR LESS, TO THE WESTERN LINE OF SAID LOT 6; THENCE NORTHERLY ALONG SAID LAST MENTIONED LINE, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 6 IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO. CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

LEGAL DESCRIPTION (CONTINUED):

PARCEL 6:

BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE FORMERLY LOOKOUT PLACE, DISTANT THEREON SOUTHERLY 110.12 FEET FROM THE NORTHWESTERN CORNER OF LOT NO. 13, AS SAID STREET AND LOT ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID EASTERN LINE OF LE ROY AVENUE 50.12 FEET TO THE SOUTHWESTERN CORNER OF THE LOT OF LAND HERETOFORE CONVEYED BY GEORGE P. W. JENSEN AND HATTIE L. JENSEN, HIS WIFE TO ROSA A. COXEN, SINGLE BY DEED DATED DECEMBER 26, 1906, AND RECORDED JANUARY 17, 1907 IN BOOK 1268 OF DEEDS, PAGE 336; RUNNING THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LAND SO CONVEYED TO ROSA A. COXEN, 93 FEET, MORE OR LESS, TO THE EASTERN LINE OF LOT NO. 13, AS PER SAID MAP, AND DISTANT THEREON 60 FEET SOUTHERLY FROM THE NORTHEASTERN CORNER OF SAID LOT NO. 13; THENCE SOUTHERLY ALONG SAID EASTERN LINE OF SAID LOT NO. 13, 50 FEET; THENCE WESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 13, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, C. K. HUGGINS, TOWN ENGINEER, OCTOBER 1900", FILED NOVEMBER 12, 1900, IN BOOK 16 OF MAPS, PAGE 13 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 7:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF LOT NO. 2, HEREINAFTER REFERRED TO, WITH THE EASTERN LINE OF LE ROY AVENUE, AS SAID LOT AND AVENUE ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LE ROY AVENUE, 50 FEET; THENCE NORTH 71° 59' EAST 110 FEET; THENCE SOUTHERLY PARALLEL WITH THE SAID LINE OF LE ROY AVENUE, 51 FEET TO THE SAID SOUTHERN LINE OF LOT NO. 2; THENCE SOUTH 71° 50' WEST ALONG SAID LAST NAMED LINE 110 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 2, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF HILLSIDE WAY WHERE THE SAME IS INTERSECTED BY THE EASTERN LINE OF LOTS NOS. 2 AND 3, IN BLOCK NO. 5, AS SAID WAY AND LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID EASTERN BOUNDARY LINE 110 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 2, 40 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 2, 50 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 3, 10 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 3, 60 FEET, MORE OR LESS, TO SAID LINE OF HILLSIDE WAY; THENCE EASTERLY ALONG SAID LINE OF HILLSIDE WAY, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (CONTINUED):

BEGINNING AT A POINT ON THE SOUTHERN LINE OF HILLSIDE WAY WHERE THE SAME IS INTERSECTED BY THE EASTERN LINE OF LOTS NOS. 2 AND 3, IN BLOCK NO. 5, AS SAID WAY AND LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID EASTERN BOUNDARY LINE 110 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 2, 40 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 2, 50 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 3, 10 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 3, 60 FEET, MORE OR LESS, TO SAID LINE OF HILLSIDE WAY; THENCE EASTERLY ALONG SAID LINE OF HILLSIDE WAY, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 9:

BEING LOT NO. 9, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON A CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, IN BOOK 10 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 10:

LOT NO. 8 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT, BERKELEY, ALA. CO., CAL.", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF ALAMEDA

PARCEL 11:

BEGINNING AT THE INTERSECTION OF THE NORTHERN LINE OF LE ROY AVENUE, WITH THE EASTERN LINE OF LOT NO. 6, HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LOT NO. 6, 81.70 FEET; THENCE AT RIGHT ANGLES WESTERLY 50 FEET, MORE OR LESS, TO THE WESTERN LINE OF SAID LOT NO. 8; THENCE SOUTHERLY ALONG SAID LINE OF LOT 6, 27.40 FEET, MORE OR LESS, TO A POINT DISTANT THEREON NORTHERLY, 71.81 FEET FROM THE NORTHERN LINE OF SAID LE ROY AVENUE; THENCE AT RIGHT ANGLES EASTERLY 3 FEET; THENCE SOUTHERLY PARALLEL WITH SAID WESTERN LINE OF SAID LOT NO. 6, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF SAID LE ROY AVENUE; THENCE EASTERLY ALONG SAID LAST MENTIONED LINE, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 6 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902 IN BOOK 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

LEGAL DESCRIPTION (CONTINUED):

PARCEL 12:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, AT THE INTERSECTION THEREOF WITH THE WESTERN LINE OF LOT NO. 4, IN BLOCK NO. 5, AS SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID LAST NAMED LINE, 85 FEET; THENCE AT RIGHT ANGLES EASTERLY, 50 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 4; THENCE NORTHERLY ALONG SAID LAST NAMED LINE TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 4, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 13:

BEGINNING AT A POINT ON THE NORTHERN LINE OF LE ROY AVENUE, THE SAID POINT OF BEGINNING BEING THE SOUTHWESTERN CORNER OF LOT 4 IN BLOCK 5, AS PER MAP HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT 4, 87.46 FEET; THENCE AT RIGHT ANGLES EASTERLY TO THE EASTERN LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG THE SAID EASTERN LINE OF LOT 4, TO THE SAID NORTHERN LINE OF LE ROY AVENUE; THENCE WESTERLY ALONG SAID LAST NAMED LINE, 53.21 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 4 IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY", ETC., FILED OCTOBER 15, 1902 IN BOOK 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 14:

LOT NO. 1 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO. CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 15:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT NO. 5, BLOCK 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER DESCRIBED; RUNNING THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT NO. 5, 75.83 FEET; THENCE AT RIGHT ANGLES EASTERLY 50 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 5; THENCE NORTHERLY ALONG SAID LAST MENTIONED LINE 87.40 FEET, MORE OR LESS, TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE 51.32 FEET TO THE PLACE OF BEGINNING.

LEGAL DESCRIPTION (CONTINUED):

BEING THE NORTHERLY PORTION OF LOT NO. 5, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON A CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 16:

BEGINNING AT A POINT ON THE LINE DIVIDING LOTS NOS. 4 AND 5 IN BLOCK NO. 5, AS PER MAP HEREINAFTER REFERRED TO; WHERE THE SAME IS INTERSECTED BY THE NORTHERN LINE OF LE ROY AVENUE, RUNNING THENCE NORTHERLY ALONG SAID DIVIDING LINE, 90 FEET; THENCE AT RIGHT ANGLES EASTERLY, 83 FEET, THENCE SOUTHERLY PARALLEL WITH THE LINE DIVIDING LOTS NOS. 5 AND 6 AS PER SAID MAP, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF LE ROY AVENUE; AND THENCE WESTERLY ALONG SAID LAST NAMED LINE 56.21 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING PORTION OF LOTS NOS. 5 AND 6 IN BLOCK NO. 5, AS SAID LOTS AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "ALAMEDA MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 17:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, DISTANT THEREON 50 FEET WESTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE LINE DIVIDING LOTS NOS. 3 AND 4 IN BLOCK NO. 5, AS SAID WAY, LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY, 64.23 FEET; THENCE CONTINUING ALONG SAID SOUTHERN LINE OF BUENA VISTA WAY AND THE EASTERN LINE OF LE ROY AVENUE, AS SHOWN ON SAID MAP ON THE ARC OF A CIRCLE TO THE LEFT OF THE RADIUS OF WHICH IS 45 FEET, A DISTANT OF 60.45 FEET; THENCE CONTINUING ALONG SAID EASTERN LINE OF LE ROY AVENUE, SOUTHERLY 24.23 FEET; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT NO. 3, 100 FEET; THENCE NORTHERLY PARALLEL WITH THE AFORESAID LINE DIVIDING LOTS NOS. 3 AND 4 IN BLOCK NO. 5, 30 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 3, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN BOOK 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

LEGAL DESCRIPTION (CONTINUED):

PARCEL 18:

THAT PORTION OF LE ROY AVENUE COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, OCTOBER 15, 1902, AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERN LINE OF LE ROY AVENUE 126.41 FEET; THENCE LEAVING SAID NORTH LINE AND RUNNING NORTHEASTERLY AND SOUTHERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO THE LAST SAID COURSE, THE RADIUS OF WHICH ARC IS 89.12 FEET, A DISTANCE ON SAID ARC OF 170.52 FEET TO THE EASTERN LINE OF LE ROY AVENUE; THENCE NORTHERLY TANGENT TO THE LAST SAID COURSE ALONG SAID EASTERN LINE OF LEROY AVENUE 126.41 FEET TO THE POINT OF COMMENCEMENT.

EXCEPTIONS:

1. An easement for sewer purposes as disclosed by the City of Berkeley sewer maps.
2. Covenants, Conditions and Restrictions contained in the Deed
Executed By : Judson Wheeler and Catherine Wheeler
Recorded : June 1, 1903, Book 919 Deeds, Page 96
Affects : Lots 2 and 3.
3. Easement
In favor of : City of Berkeley
For : Sewer purposes
Recorded : April 13, 1910, Book 1761 Deeds, Page 10
Affects : A 5 foot strip across Lots 12 and 13

END OF REPORT