



IN REPLY REFER TO:

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825

### Notice of (Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and 151.11, notice is given of the application filed by the Scotts Valley Band of Pomo Indians, to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

#### Applicant:

Scotts Valley Band of Pomo Indians

#### Legal Land Description/Site Location:

**LEGAL DESCRIPTION APN: 408-130-018 and 408-130-037**

Real property in the unincorporated area of the County of Contra Costa, State of California, described as follows:

That parcel of land described in the Deed to Andrew Anfibolo, recorded January 23, 1922, Book 408 of Deeds, Page 179, Contra Costa County Records, described as follows:

**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 

Being a portion of Lot 210, as said Lot is so delineated and designated in that certain Map entitled "Map of the San Pablo Rancho Accompanying and Forming a Part of the Final Report of the Referees in Partition", a certified copy of which was filed in the Office of the County Recorder of said Contra Costa County on March 1, 1894 and a portion of Lot 32, Section 35, Township 2 North, Range 5 West, MDB&M, more particularly described as follows:

Beginning at the southwest corner of Section 36, Township 2 North, Range 5 West, MDB&M, thence due West 660 feet along the North line of a road 30 feet wide to a stake, thence due North 693 feet to a stake, thence due East 660 feet, thence due South, 693 feet to the point of beginning.

**EXCEPTING THEREFROM:**

That portion of the premises granted to the Broadline Corporation, recorded September 12, 1968, in Book 5707 of Official Records, Page 155.

**ALSO EXCEPTING THEREFROM:**

The interest conveyed to the City of Richmond by Deed recorded May 22, 1995, Series No. 95-80157 of Official Records, described as follows;

**PARCEL ONE:**

Beginning at the southeast corner of Parcel One as described in the Deed from the Duncan-Harrelson Company to Broadline Corporation recorded September 12, 1968, in Book 5707 of Official Records, Page 155, Contra Costa County Records, thence from said point of beginning along the East line of Parcel One North  $01^{\circ} 03' 12''$  East 29.17 feet thence leaving said East line South  $84^{\circ} 17' 55''$  East 235.48 feet, thence South  $01^{\circ} 05' 48''$  West 10.09 feet to the South line of said 10.5 acre parcel, thence along said South line North  $88^{\circ} 56' 43''$  West 234.70 feet to the point of beginning.

**PARCEL TWO:**

Beginning at the northeast corner of Parcel Two as described in the Deed from the Duncan-Harrelson Company to Broadline Corporation recorded September 12, 1968 in Book 5707 of Official Records, Page 155, Contra Costa County Records, thence from said point of beginning along the East line of Parcel Two South  $02^{\circ} 03' 12''$  West 70.22 feet, thence leaving said East line from a tangent bearing of North  $36^{\circ} 04' 29''$  East along a curve to the right with a radius of 910.00 feet, through a central angle of  $1^{\circ} 43' 05''$  for an arc length of 26.76 feet, thence North  $53^{\circ} 21' 12''$  East 68.62 feet, thence North  $03^{\circ} 45' 07''$  East 6.57 feet to the North line of said 10.5 acre parcel, thence along said North line North  $88^{\circ} 56' 01''$  West 70.28 feet to the point of beginning.

**LEGAL DESCRIPTION APN: 408-130-038 and 408-130-039**

Real property in the unincorporated area of the County of Contra Costa, State of California, described as follows:

**PARCEL ONE:**

Portion of Lot 201, as designated on that certain Map entitled "Map of the San Pablo Rancho, Accompanying and Forming a Part of the Final Report of the Referees in Partition", filed March 1, 1894, Contra Costa County Records, and a portion of Lot 32, Section 35, Township 2 North, Range 5 West, Mount Diablo Base and Meridian, described as follows:

The South 309 feet of the West 282 feet, right angle measurement of the parcel of land described in the Deed to the Duncanson-Harrelson Co., recorded July 8, 1964, Book 4655, Official Records, Page 318.

**EXCEPTING FROM PARCEL ONE:**

That portion thereof condemned to the City of Richmond, a municipal corporation, in fee simple absolute, pursuant to Final Order of Condemnation of the Superior Court of the State of California, in and for the County of Contra Costa, Case No. C94-05306, a certified copy of which recorded March 26, 1998, Series No. 98-63421, Official Records.

**PARCEL TWO:**

Portion of Lot 201, as designated on that certain Map entitled "Map of the San Pablo Rancho, Accompanying and Forming a Part of the Final Report of the Referees in Partition", filed March 1, 1894, Contra Costa County Records, and a portion of Lot 32, Section 35, Township 2 North, Range 5 West, Mount Diablo Base and Meridian, described as follows:

The North 384 feet of the West 282 feet, right angle measurement, of the parcel of land described in the Deed to the Duncanson-Harrelson Co., recorded July 8, 1964, Book 4655, Official Records, Page 318.

**EXCEPTING FROM PARCEL TWO:**

That portion thereof condemned to the City of Richmond, a municipal corporation, in fee simple absolute, pursuant to Final Order of Condemnation of the Superior Court of the State of California in and for the County of Contra Costa, Case No. C94-05306, a certified copy of which recorded March 26, 1998, Series No. 98-63421, Official Records.

**LEGAL DESCRIPTION APN: 408-090-031**

The land referred to in this policy is described as follows:

Real property in the unincorporated area of the County of Contra Costa, State of California, described as follows:

**PARCEL ONE: APN: 408-090-031 (Portion)**

A portion of Lot 201, as shown on the Map of San Pablo Rancho, filed March 1, 1894, in the Office of the County Recorder of Contra Costa County, and also being a portion of Swamp and Overflowed Survey No. 189, described as follows:

Beginning at a point on the line between Sections 35 and 36, Township 2 North, Range 5 West, Mount Diablo Base and Meridian, said point being North 693 feet from the southwest corner of said Section 36; thence East 660 feet to a stake; thence North 627 feet to a 3 by 3 redwood stake marked 23, 24, 25, 26; thence along the South line of a road 20 feet wide, West 660 feet to a 3 by 3 redwood stake marked 24, 17, 32, 25, being the northwest corner of the southwest 1/4 of the southwest 1/4 of said Section 36; thence South 627 feet to the point of beginning.

**EXCEPTING THEREFROM:**

That portion of the following described parcel of land lying within the above mentioned Parcel One, described as follows:

Beginning at a point on the southerly line of that certain parcel of land described in the Deed from Sanwa Bank California to Color Spot, Inc., recorded March 6, 1991 in Book 16435 of Official Records at Page 659, Contra Costa County Records, which bears along said southerly line North 88° 56' 01" West 307.82 feet from the southeast corner of said parcel conveyed to Color Spot Inc.; thence from said point of beginning leaving said southerly line North 3° 45' 07" East 18.92 feet; thence North 44° 12' 52" East 736.49 feet; thence North 53° 24' 47" East 68.88 feet; thence North 2° 24' 15" East 16.50 feet; thence North 44° 13' 28" East 17.11 feet to the northerly line of said parcel conveyed to Color Spot Inc.; thence along said northwesterly line North 89° 00' 53" West 763.92 feet to the northwesterly corner of said parcel conveyed to Color Spot Inc.; thence along the northwesterly and westerly lines of said parcel conveyed to Color Spot, Inc. South 65° 33' 12" West 176.90 feet and South 1° 03' 12" West 550.02 feet to the southwest corner of said parcel conveyed to Color Spot Inc.; thence along said southerly line South 88° 56' 01" East 352.26 feet to the point of beginning, as awarded in that Judgment in Condemnation Superior Court Case No. C93-03756, Contra Costa County, recorded April 4, 2003 as Instrument No. 2003-154972. Official Records.

**PARCEL TWO: APN: 408-090-031 (Portion)**

A right of way, not to be exclusive as an appurtenance to Parcel Four-A, above, for use as a roadway for vehicles of all kinds, pedestrians and animals, and as a right of way for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or underground conduits to carry said lines, over and under the following described parcel of land:

Portion of Lot 201, as shown on the Map of the San Pablo Rancho, filed March 1, 1894, in the Office of the County Recorder of Contra Costa County, and also a portion of Swamp Overflowed Survey No. 189, described as follows:

Beginning at a point on the line between Sections 35 and 36, Township 2 North, Range 5 West, Mount Diablo Base and Meridian, said point being due North, 1340.0 feet from the southeast corner of Section 35 and the southwest corner of Section 36; proceeding thence due West 20.0 feet; thence due South 20.0 feet; thence East 680 feet to the West line of the parcel of land described in the Deed from Giovanni Siri to Giambatista Siri, dated October 29, 1956, recorded November 1, 1956, in Book 2873, Page 440, Official Records; thence North along said West line, 2873 OR 440, 20 feet; thence West 660 feet to the point of beginning.

**PARCEL THREE: APN: 408-090-031 (Portion)**

A right of way, not to be exclusive, as an appurtenance to that parcel of land described in the Deed from East Bay Water Company, a corporation, to Giovanni Siri, Giambatista Siri, Nicola Patrone and Nicolo Siri, dated January 22, 1921, and recorded January 27, 1921, in Book 376 of Deeds, Page 207, Records of Contra Costa County, State of California, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for television service, telephone, electric light and power lines, together with the necessary poles or conduits over a strip of land 20 feet in width, described as follows:

Portion of Lot 201, as shown on the Map of San Pablo Rancho filed March 1, 1894, in the Office of the County Recorder of Contra Costa County, described as follows:

Beginning at a point on the South line of a 20 feet in width road which bears North 1320 feet and East 660 feet from the southeast corner of Section 35, Township 2 North, Range 5 West, Mount Diablo Base and Meridian, said point of beginning also being the northeast corner of the parcel of land described in the Deed from East Bay Water Company to Luigi Gallino, dated March 1, 1920, recorded March 15, 1920 In Book 354 of Deeds, Page 472; thence from said point of beginning East along said South line, 1120 feet to the West line of the County Road known as Goodrich Avenue; thence North along said West line, 20 feet to the South line of the parcel of land described in the Deed from East Bay Water Company to Michele Credolo, dated November 10, 1926, recorded November 29, 1926, in Book 49, Page 447, Official Records; thence West along said South line and along the South line of the parcel of land firstly described in the Deed

from East Bay Water Company to Giovanni Siri, dated December 24, 1923, recorded January 9, 1924, in Book 462 of Deeds, Page 73, being along the North line of said 20 feet in width road, 1120 feet to the southwest corner of said Siri Parcel; thence South 20 feet to the point of beginning.

PARCEL FOUR: APN: 408-090-031 (Portion)

A portion of Lot 201, as shown on the Map of San Pablo Rancho, filed March 1, 1894, in the Office of the County Recorder of Contra Costa County, described as follows:

Beginning at the southwest corner of Section 36, Township 2 North, Range 5 West, Mount Diablo Base and Meridian; thence due East 660 feet along the North line of road 30 feet wide, to a stake; thence due North 693 feet to a stake; thence due West 660 feet; thence due South 693 feet into the point of beginning.

EXCEPTING FROM PARCEL FOUR:

That portion of said Parcels contained in the Deed from Bio-Rad Laboratories, a California corporation, to George F. Case Company, a California corporation, dated July 14, 1966, and recorded August 11, 1966, in Book 5181, Page 99, Official Records.

PARCEL FIVE: APN: 408-090-031 (Portion)

Portion of Lot 201, as shown on the Map of San Pablo Rancho, filed March 1, 1894, in the Office of the County Recorder of Contra Costa County, described as follows:

Beginning at the southwestern corner of the parcel of land shown as Parcel Three in the Deed from Luigi Gallino, et ux, to Augustine J. Gallino, et ux, dated August 12, 1957, in Book 3012, Page 59, Official Records; thence North along the western line of said Parcel Three, 3012 OR 59, to and along the western line of the land shown as Parcel Two in said Deed, 3012 OR 59, a distance of 697 feet; thence East parallel with the southern line of said Parcel Two, a distance of 250 feet; thence South parallel with the western lines of ~~said Parcels Two and Three, 3012 OR 59, 697 feet to the southern line of said Parcel~~ Three; thence along the last named line West, 250 feet to the point of beginning.

PARCEL SIX: APN: 408-090-031 (Portion)

A portion of Swamp and Overflowed Survey No.189 and a portion of Lot 201, Rancho San Pablo, described as follows:

Beginning at a point in the line between Sections 35 and 36, in Township 2 North, Range 5 West, Mount Diablo Base and Meridian, and point of beginning being located due North and distant 693 feet from the southeast corner of said Section 35, this said point of beginning also being the northeast corner of a certain 10.50 acre tract of land sold to Andrew Anfibolo; thence North 627 feet to a 3 by 3 inch redwood stake marked 17, 25,

25 and 32; thence West 494.34 feet; more or less, to the line of tide land survey; thence along this said survey line South 64° 30' West 117.48 feet, more or less, to the direct extension northerly of the western line of said 10.50 acre tract of land sold to Andrew Anfibolo; thence South 480.80 feet, more or less, to the northwest corner of the above mentioned 10.50 acre tract; thence East along the North line of this said 10.50 acre tract 660 feet to a point of beginning.

**EXCEPTING THEREFROM:**

That portion of the following described parcel of land lying within the above mentioned Parcel Six, described as follows:

Beginning at a point on the southerly line of that certain parcel of land described in the Deed from Sanwa Bank California to Color Spot, Inc., recorded March 6, 1991 in Book 16435 of Official Records at Page 659, Contra Costa County Records, which bears along said southerly line North 88° 56' 01" West 307.82 feet from the southeast corner of said parcel conveyed to Color Spot Inc.; thence from said point of beginning leaving said southerly line North 3° 45' 07" East 18.92 feet; thence North 44° 12' 52" East 736.49 feet; thence North 53° 24' 47" East 68.88 feet; thence North 2° 24' 15" East 16.50 feet; thence North 44° 13' 28" East 17.11 feet to the northerly line of said parcel conveyed to Color Spot Inc.; thence along said northerly line North 89° 00' 53" West 763.92 feet to the northwesterly corner of said parcel conveyed to Color Spot Inc.; thence along the northwesterly and westerly lines of said parcel conveyed to Color Spot, Inc. South 65° 33' 12" West 176.90 feet and South 1° 03' 12" West 550.02 feet to the southwest corner of said parcel conveyed to Color Spot Inc.; thence along said southerly line South 88° 56' 01" East 352.26 feet to the point of beginning, as awarded in that Judgment in Condemnation, Superior Court Case No. C93-03756, Contra Costa County, recorded April 4, 2003 as Instrument No. 2003-154972. Official Records.

**LEGAL DESCRIPTION APN: 408-090-040**

Real property in the unincorporated area of the County of Contra Costa, State of California, described as follows:

---

Being a portion of that certain Parcel of land described in the Deed from Clifford Git Ng and Daisy Ng, his wife, as joint tenants, to the City of Richmond, a municipal corporation, recorded September 29, 1944, Series No. 94-244105, Official Records, and re-recorded June 23, 1995, Series No. 95-098625, Official Records, described as follows:

**PARCEL ONE:**

Beginning at the southeast corner of said Parcel conveyed to the City of Richmond; thence from said point of beginning, along the southerly line of said Parcel conveyed to the City of Richmond, North 89° 00' 53" West 396.35 feet; thence leaving said southerly line, North 44° 13' 28" East 558.65 feet to a point in the northerly line of said Parcel conveyed to the City of Richmond; thence along said northerly line, South 89° 00' 53"

East 14.07 feet to the northeasterly corner of said Parcel conveyed to the City of Richmond; thence along the easterly line of said Parcel conveyed to the City of Richmond, South 1° 02' 37" West 406.98 feet to the point of beginning.

**PARCEL TWO:**

A non-exclusive easement for roadway, access and utility purposes under/ upon, over and across that certain real property described as follows:

Being Parcel Three as described in said Deed to the City of Richmond and described as follows:

Beginning at the southeast corner of said Parcel conveyed to the City of Richmond; thence from said point of beginning, along the southerly line of said Parcel Three, South 89° 00' 53" East 1120.08 feet to the southeast corner of said Parcel Three; thence along the easterly line of said Parcel Three, North 1° 02' 37" East 20.00 feet to the northeasterly corner of said Parcel Three; thence along the northerly line of said Parcel Three, North 89° 00' 53" West 1120.06 feet to the intersection thereof with the easterly line of said Parcel conveyed to the City of Richmond; thence leaving said northerly line along said easterly line South 1° 02' 37" West 20.00 feet to the point of beginning.

**Project Description/Proposed Land Use:**

The subject property consists of 29.87 acres, more or less, and is located in an industrial area on the Richmond Parkway at Parr Boulevard. The Tribe is proposing construction of a gaming facility that includes a 225,000 sq. ft. building, 25,000 sq. ft. events center, over 3,500 parking spaces (including parking garage), and 2,000 gaming machines and a bingo area.

**Current Use/Taxes and Zoning:**

The Contra Costa County Tax Assessor's Office lists the current taxes as follows:

Parcel 408-130-038-8 = \$2,452.62  
 Parcel 408-130-039-6 = \$8,502.88  
 Parcel 408-130-037-0 = \$17,422.66  
 Parcel 408-130-018-0 = \$6,792.98  
 Parcel 408-090-031-1 = \$66,203.50  
 Parcel 408-090-040-2 = \$2,643.00

**Existing Easements/Encumbrances:**

Please refer to Schedule "B" for encumbrances.

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential



impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of the notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Kevin Bearquiver, Regional Realty Specialist, at (916) 978-6064.

Attachments

Schedule "B"  
Assessor's Parcel Maps  
Vicinity Map  
Distribution List

---

## Distribution List

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (ten copies) – 7002 3150 0005 2285 2004  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, California 95812-3044

Ms. Sara J. Drake, Deputy Attorney General – 7002 3150 0005 2285 2011  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, California 94244-2550

Mr. Paul Dobson, Deputy Legal Affairs Secretary – 7002 3150 0005 2285 2028  
Office of the Governor of California  
State Capitol Building  
Sacramento, California 95814

Contra Costa County Tax Collector – 7002 3150 0005 2285 2035  
1221 Oak Street, Room 145  
County Administrative Building  
Oakland, California 94612

Ron Thomsen, Assessor – 7002 3150 0005 2285 2042  
Contra Costa County Assessor Office  
1221 Oak Street, Room 135  
County Administrative Building  
Oakland, California 94612

Dennis Barry – 7002 3150 0005 2285 2059  
Community Development Director  
Contra Costa County  
651 Pine Street, 4<sup>th</sup> Floor North Wing  
Martinez, California 94553

---

John Gioia, District 1 Supervisor – 7002 3150 0005 2285 2066  
Contra Costa County  
11780 San Pablo Ave, Suite D  
El Cerrito, California 94530

Albert Lopez – 7002 3150 0005 2285 2073  
Planning Manager  
13831 San Pablo Avenue, Bldg. 3  
San Pablo, California 94806

11

Brock T. Arner – 7002 3150 0005 2285 2080  
San Pablo City Manager  
13831 San Pablo Avenue, Bldg. 1  
San Pablo, California 94806

Sara Hoffman – 7002 3150 0005 2285 2103  
Assistant County Administrator  
Contra Costa County  
651 Pine Street, 11 Floor  
Martinez, California 94553

Barry Cromartie – 7002 3150 0005 2285 2110  
Director of Planning  
City of Richmond Planning  
1401 Marina Way South  
Richmond, California 94804

Rich McCoy – 7002 3150 0005 2285 2127  
Assistant City Manager  
City of Richmond  
1401 Marina Way South  
Richmond, California 94804

Steve Duran, Director of Community – 7002 3150 0005 2285 2134  
and Economic Development  
City of Richmond  
1401 Marina Way South  
Richmond, California 94804

Phil Batchelor – 7002 3150 0005 2285 2141  
Interim City Manager  
City of Richmond  
1401 Marina Way South  
Richmond, California 94804

---

Jennifer Carmen, Planning Manger – 7002 3150 0005 2285 2158  
City of El Cerrito  
10890 San Pablo Ave  
El Cerrito, California 94530

Scott Hanin, City Manager – 7002 3150 0005 2285 2165  
City of El Cerrito  
City Hall, 10890 San Pablo Ave  
El Cerrito, California 94530

12

City of Pinole – 7002 3150 0005 2285 2172  
Planning Department  
2131 Pear Street  
Pinole, California 94564

Jim Schutz – 7002 3150 0005 2285 2189  
Assistant City Manger  
City of Pinole  
2131 Pear Street  
Pinole, California 94564

James Peterson, District Director – – 7002 3150 0005 2285 2202  
Office of the Honorable Dianne Feinstein  
750 "B" Street, Suite 1030  
San Diego, California 92101

Marjorie Mejia, Chairperson – 7002 3150 0005 2285 2196  
Lytton Rancheria  
1250 Coddington Center, Suite 1  
Santa Rosa, California 95401

Donald Arnold, Chairman – 7002 3150 0005 2285 2219  
Scotts Valley Rancheria  
9700 Soda Bay Road  
Kelseyville, CA 95451

Regular Mail:

Superintendent, Central California Agency  
Bureau of Indian Affairs  
650 Capitol Mall, Suite 8-500  
Sacramento, California 95814

---

Order Number: NCS-91512-CC

Page Number: 2

Dated as of April 29, 2004 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

Alta Extended Owners 1992

A specific request should be made if another form or additional coverage is desired.

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

Raul Garcia Enterprises, LLC, a California Limited Liability Company

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

A Fee

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2004-2005, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. Any adverse claim based upon the assertion that said land or any part thereof is now or at any time has been included within a navigable river, slough or other navigable body of water.

Rights and easements for commerce, navigation and fishery.

---

4. Water or water rights as reserved in the Instrument  
Entitled : Deed  
By and between : East Bay Water Company and Andrew Anfibolo  
Recorded : January 23, 1922, Book 408 of Deeds, Page 179
5. The fact that the land lies within the boundaries of the North Richmond Redevelopment Project Area, as disclosed by the document recorded July 23, 1987 as Book 13791, Page 466 of Official Records.

Document(s) declaring modifications thereof recorded July 23, 1987 as Book 13791, Page 511 of Official Records.

Order Number: NCS-91512-CC

Page Number: 3

Document(s) declaring modifications thereof recorded January 17, 1990 as Book 15602, Page 580 of Official Records.

Document(s) declaring modifications thereof recorded January 17, 1990 as Book 15602, Page 584 of Official Records.

Document(s) declaring modifications thereof recorded December 14, 1994 as Instrument No. 94-294407 of Official Records.

Document(s) declaring modifications thereof recorded March 15, 1999 as Instrument No. 99-70071 of Official Records.

Document(s) declaring modifications thereof recorded June 9, 1999 as Instrument No. 99-154027 of Official Records.

6. Abutter's rights of ingress and egress to or from Richmond Parkway along the northwesterly line of said land have been relinquished in the document recorded May 22, 1995 as Instrument No. 95-80157 of Official Records.
7. A Deed of Trust to secure an original indebtedness of \$1,445,000.00 recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

Dated:	April 22, 2002
Trustor:	Raul Garcia Enterprises, LLC, a California limited liability company
Trustee:	Old Republic Title Company
Beneficiary:	Sonoma National Bank

A document entitled "Assignment of Lessor's Interest in Lease" recorded April 29, 2002 as Instrument No. 2002-149460 of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

8. An unrecorded lease dated April 18, 2002, executed by Raul Garcia Enterprises, LLC, a California limited liability company as lessor and Forster & Kroeger Landscape Maintenance, Inc., a California corporation as lessee, as disclosed by a Memorandum of Lease recorded April 29, 2002 as Instrument No. 2002-149459 of Official Records.

A document recorded April 29, 2002 as Instrument No. 2002-149461 of Official Records provides that the above document was subordinated to the document recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

9. Rights of parties in possession.
10. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

Order Number: NCS-91512-CC

Page Number: 4

11. The requirement that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the land.

The Company's Owner's Affidavit must be completed and submitted prior to close in order to satisfy this requirement.

12. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.

<b>INFORMATIONAL NOTES</b>
----------------------------

1. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

2. Taxes for proration purposes only for the fiscal year 2003-2004.

First Installment:	\$2,801.66, PAID
Second Installment:	\$2,801.66, PAID
Tax Rate Area:	85093
APN:	408-130-018

3. Taxes for proration purposes only for the fiscal year 2003-2004.

First Installment:	\$8,355.31, PAID
Second Installment:	\$8,355.31, PAID
Tax Rate Area:	85094
APN:	408-130-037

4. Short term rate applies.

Prior to the issuance of any policy of title insurance, the Company will require:

5. With respect to Raul Garcia Enterprises, LLC, a limited liability company:

- ~~a. A copy of its operating agreement and any amendments thereto;~~  
 b. If it is a California limited liability company, that a certified copy of its articles of organization (LLC-1) and any certificate of correction (LLC-11), certificate of amendment (LLC-2), or restatement of articles of organization (LLC-10) be recorded in the public records;  
 c. If it is a foreign limited liability company, that a certified copy of its application for registration (LLC-5) be recorded in the public records;  
 d. With respect to any deed, deed of trust, lease, subordination agreement or other document or instrument executed by such limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, that such document or instrument be executed in accordance with one of the following, as appropriate:  
 (i) If the limited liability company properly operates through officers appointed or elected pursuant to the terms of a written operating agreement, such document must be executed by at least two duly elected or appointed officers, as follows: the chairman of the board, the president

Order Number: NCS-91512-CC

Page Number: 5

or any vice president, and any secretary, assistant secretary, the chief financial officer or any assistant treasurer;

(ii) If the limited liability company properly operates through a manager or managers identified in the articles of organization and/or duly elected pursuant to the terms of a written operating agreement, such document must be executed by at least two such managers or by one manager if the limited liability company properly operates with the existence of only one manager.

e. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

6. Secretary of State reports Raul Garcia Enterprises, LLC is active as of 5-14-2004.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.



Order Number: NCS-91512-CC

Page Number: 2

Dated as of June 29, 2004 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

Alta Extended Owners 1992

A specific request should be made if another form or additional coverage is desired.

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

Raul Garcia Enterprises, LLC, a California Limited Liability Company

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

A Fee

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2004-2005, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. Water or water rights as reserved in the Instrument  
Entitled : Deed  
~~By and between : East Bay Water Company and Andrew Anfibolo~~  
Recorded : January 23, 1922, Book 408 of Deeds, Page 179
4. The fact that the land lies within the boundaries of the North Richmond Redevelopment Project Area, as disclosed by the document recorded July 23, 1987 as Book 13791, Page 466 of Official Records.

Document(s) declaring modifications thereof recorded July 23, 1987 as Book 13791, Page 511 of Official Records.

Document(s) declaring modifications thereof recorded January 17, 1990 as Book 15602, Page 580 of Official Records.

Order Number: NCS-91512-CC

Page Number: 3

Document(s) declaring modifications thereof recorded January 17, 1990 as Book 15602, Page 584 of Official Records.

Document(s) declaring modifications thereof recorded December 14, 1994 as Instrument No. 94-294407 of Official Records.

Document(s) declaring modifications thereof recorded March 15, 1999 as Instrument No. 99-70071 of Official Records.

Document(s) declaring modifications thereof recorded June 9, 1999 as Instrument No. 99-154027 of Official Records.

5. Abutter's rights of ingress and egress to or from Richmond Parkway along the northwesterly line of said land have been relinquished in the document recorded May 22, 1995 as Instrument No. 95-80157 of Official Records.
6. A Deed of Trust to secure an original indebtedness of \$1,445,000.00 recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

Dated: April 22, 2002  
 Trustor: Raul Garcia Enterprises, LLC, a California limited liability company  
 Trustee: Old Republic Title Company  
 Beneficiary: Sonoma National Bank

A document entitled "Assignment of Lessor's Interest in Lease" recorded April 29, 2002 as Instrument No. 2002-149460 of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

7. An unrecorded lease dated April 18, 2002, executed by Raul Garcia Enterprises, LLC, a California limited liability company as lessor and Forster & Kroeger Landscape Maintenance, Inc., a California corporation as lessee, as disclosed by a Memorandum of Lease recorded April 29, 2002 as Instrument No. 2002-149459 of Official Records.

~~A document recorded April 29, 2002 as Instrument No. 2002-149461 of Official Records~~  
 provides that the above document was subordinated to the document recorded April 29, 2002 as Instrument No. 2002-149458 of Official Records.

8. Rights of parties in possession.
9. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

Order Number: NCS-91512-CC

Page Number: 4

10. The requirement that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the land.

The Company's Owner's Affidavit must be completed and submitted prior to close in order to satisfy this requirement.

11. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.

<b>INFORMATIONAL NOTES</b>
----------------------------

1. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

2. Taxes for proration purposes only for the fiscal year 2003-2004.

First Installment:	\$2,801.66, PAID
Second Installment:	\$2,801.66, PAID
Tax Rate Area:	85093
APN:	408-130-018

3. Taxes for proration purposes only for the fiscal year 2003-2004.

First Installment:	\$8,355.31, PAID
Second Installment:	\$8,355.31, PAID
Tax Rate Area:	85094
APN:	408-130-037

4. Short term rate applies.

Prior to the issuance of any policy of title insurance, the Company will require:

5. ~~With respect to Raul Garcia Enterprises, LLC, a limited liability company:~~
- ~~A copy of its operating agreement and any amendments thereto;~~
  - ~~If it is a California limited liability company, that a certified copy of its articles of organization (LLC-1) and any certificate of correction (LLC-11), certificate of amendment (LLC-2), or restatement of articles of organization (LLC-10) be recorded in the public records;~~
  - ~~If it is a foreign limited liability company, that a certified copy of its application for registration (LLC-5) be recorded in the public records;~~
  - ~~With respect to any deed, deed of trust, lease, subordination agreement or other document or instrument executed by such limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, that such document or instrument be executed in accordance with one of the following, as appropriate:~~
    - ~~If the limited liability company properly operates through officers appointed or elected pursuant to the terms of a written operating agreement, such document must be executed by at least two duly elected or appointed officers, as follows: the chairman of the board, the president~~

Order Number: NCS-91512-CC

Page Number: 5

or any vice president, and any secretary, assistant secretary, the chief financial officer or any assistant treasurer;

(ii) If the limited liability company properly operates through a manager or managers identified in the articles of organization and/or duly elected pursuant to the terms of a written operating agreement, such document must be executed by at least two such managers or by one manager if the limited liability company properly operates with the existence of only one manager.

e. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

6. Secretary of State reports Raul Garcia Enterprises, LLC is active as of 5-14-2004.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

Dated as of January 30, 2004 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

ALTA Owners Extended 1992

A specific request should be made if another form or additional coverage is desired.

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

Pamela G. Rubenstein, an unmarried woman and Kathleen M. Hamm, an unmarried woman and Joseph D. Davidor and Mary P. Davidor, husband and wife as community property, all as tenants in common

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

A fee

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2004-2005, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2003-2004.
 

First Installment:	\$938.53, PAID
Penalty:	\$0.00
Second Installment:	\$938.53, PAYABLE
Penalty:	\$0.00
Tax Rate Area:	85-094
A. P. No.:	408-130-038

Affects: Parcel Two

3. General and special taxes and assessments for the fiscal year 2003-2004.
 

First Installment:	\$3,031.74, PAID
Penalty:	\$0.00
Second Installment:	\$3,031.74, PAYABLE
Penalty:	\$0.00
Tax Rate Area:	85-094

Order Number: NCS-66929-CC

Page Number: 3

A. P. No.: 408-130-039

Affects: Parcel One

4. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
5. The fact that the land lies within the boundaries of the North Richmond Redevelopment Project Area, as disclosed by the document recorded July 23, 1987 as Book 13791, Page 466 of Official Records.
6. Abutter's rights of ingress and egress to or from Richmond Parkway have been relinquished in the document recorded March 26, 1998 as Instrument No. 98-63421 of Official Records.
7. A Deed of Trust to secure an original indebtedness of \$292,000.00 recorded September 11, 1998 as Instrument No. 98-220599 of Official Records.

Dated: September 3, 1998  
 Trustor: Pamela G. Rubenstein, Joseph D. Davidor and Mary P. Davidor,  
 Kathleen Hamm  
 Trustee: American Securities Company  
 Beneficiary: Wells Fargo Bank, N.A.

Document(s) declaring modifications thereof recorded January 6, 1999 as Instrument No. 99-2646 of Official Records.

8. A Deed of Trust to secure an original indebtedness of \$241,000.00 recorded September 11, 1998 as Instrument No. 98-220601 of Official Records.

Dated: September 3, 1998  
 Trustor: Pamela G. Rubenstein, Joseph D. Davidor and Mary P. Davidor,  
 Kathleen Hamm  
 Trustee: Chicago Title Company, a corporation  
 Beneficiary: Capital Business Group, Inc., dba Capital Access Group

~~According to the public records, the beneficial interest under the deed of trust was assigned to Small Business Administration, an agency of the United States Government by assignment recorded September 11, 1998 as Instrument No. 98-220602 of Official Records.~~

A document recorded September 11, 1998 as Instrument No. 98-220599 of Official Records provides that the lien or charge of the deed of trust was subordinated to the lien or charge of the deed of trust recorded January 19, 1999 as Instrument No. 99-13215 of Official Records.

9. An unrecorded Memorandum of Agreement Among Owners as disclosed by the document recorded January 8, 2002 as Instrument No. 2002-7263 of Official Records.
10. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.

Order Number: NCS-66929-CC

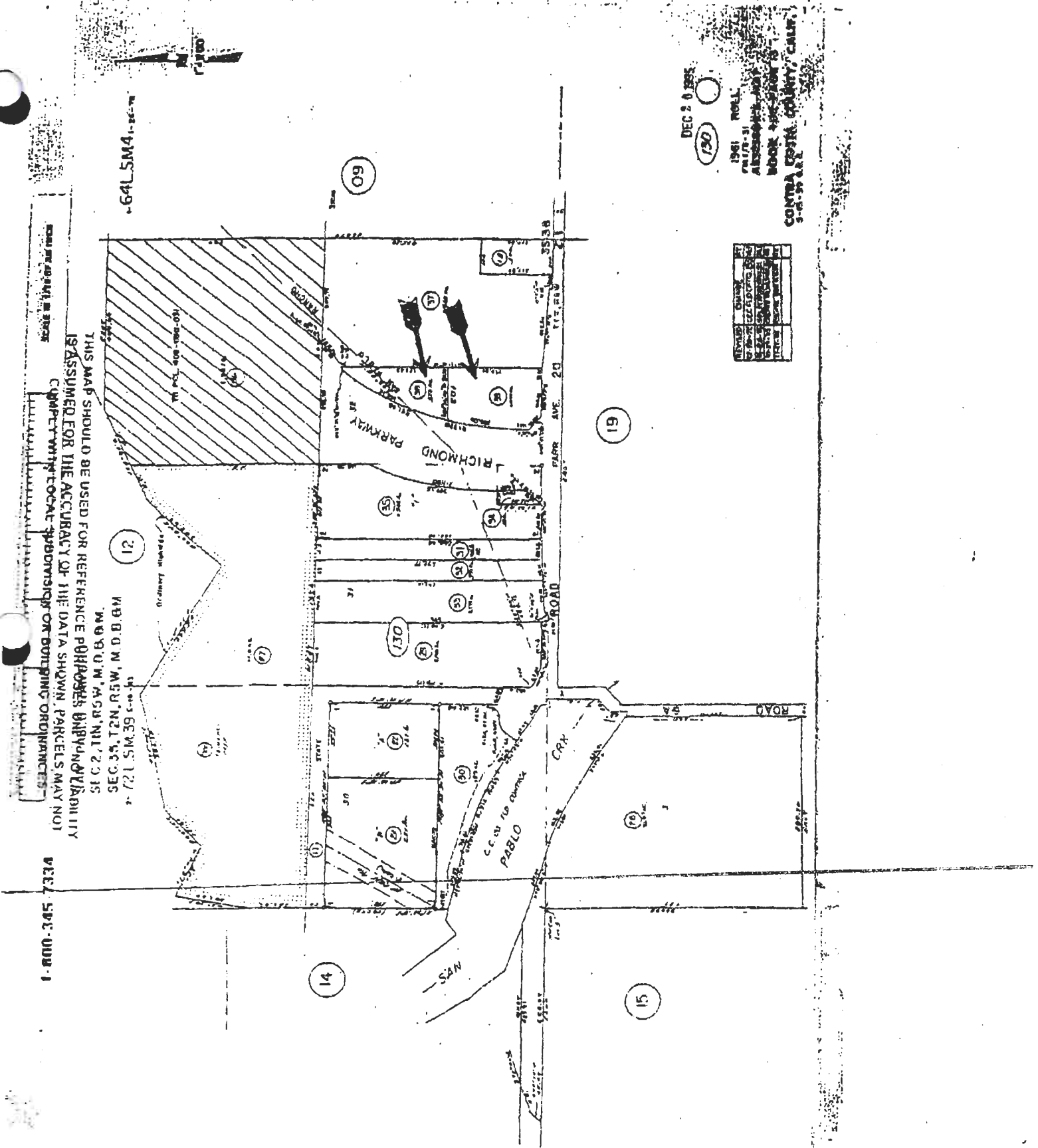
Page Number: 4

11. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

**INFORMATIONAL NOTES**

1. According to the public records, there has been no conveyance of the land within a period of six months prior to the date of this report, except as follows:  
  
None
2. Basic rate applies.
3. The Requirement that a Quitclaim Deed terminating lease in favor of About Paper Inc., that recorded September 11, 1998 as Instrument No. 98-220603, be recorded at close.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.



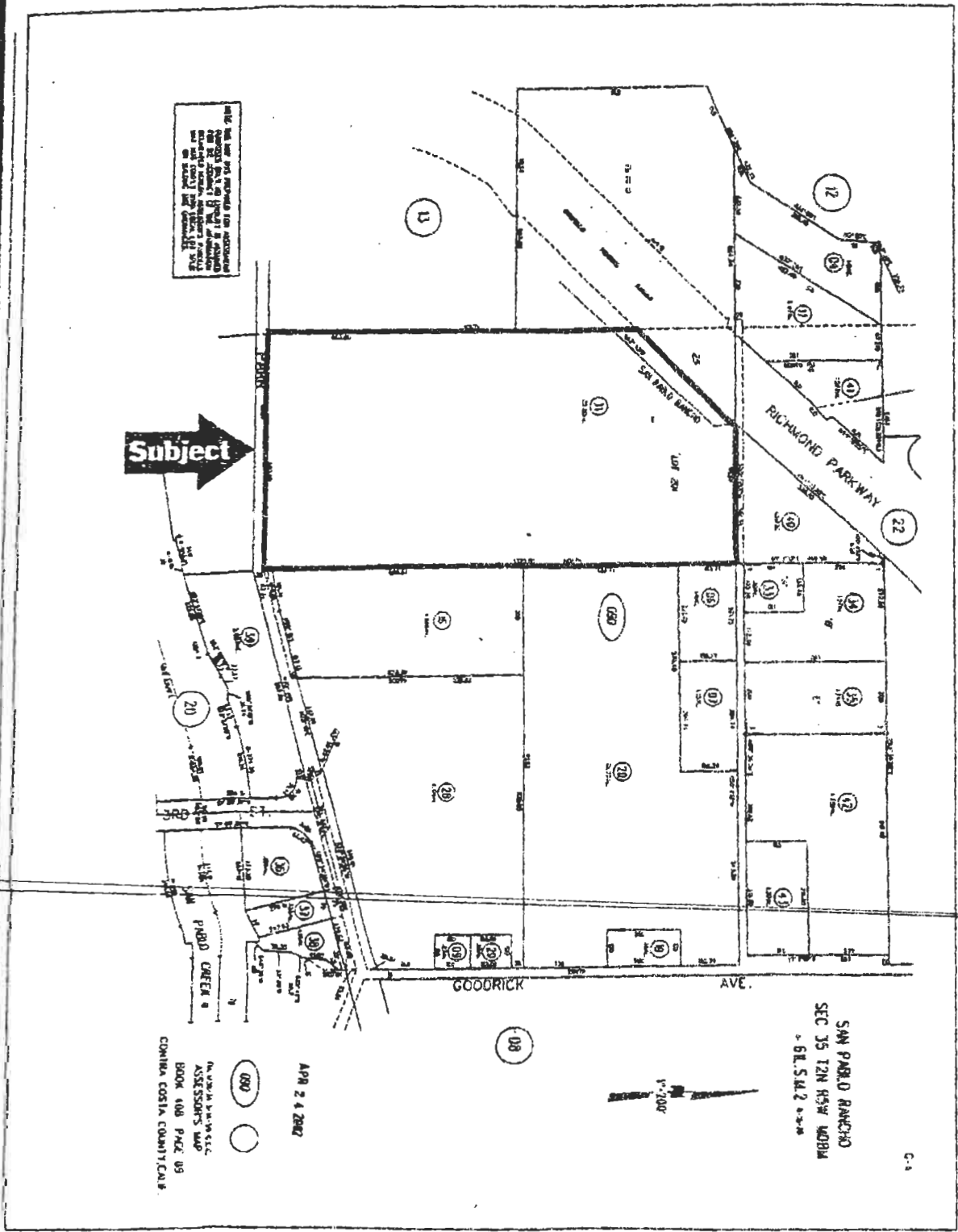
THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY AND LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLETELY LOCATE SUBDIVISION OR BUILDING ORDINANCES.

SEC. 35, T2N, R15W, M.D.D. 6M  
 S1 C 2, T1N, M 59, N 4  
 721.5M 39 5-10-04

1-800-345-7334



# Plat Map

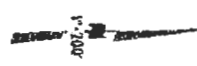


NOTE: THIS MAP WAS PREPARED FOR THE ASSASSOR'S USE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ASSASSOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE ASSASSOR'S OFFICE IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THE ASSASSOR'S OFFICE IS NOT A LAND SURVEYOR. THE ASSASSOR'S OFFICE IS NOT A REAL ESTATE BROKER. THE ASSASSOR'S OFFICE IS NOT A TITLE INSURANCE COMPANY. THE ASSASSOR'S OFFICE IS NOT A PUBLIC OFFICIAL. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY PROFESSIONAL SOCIETY. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY TRADE ASSOCIATION. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY LABOR UNION. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY POLITICAL PARTY. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY RELIGIOUS ORGANIZATION. THE ASSASSOR'S OFFICE IS NOT A MEMBER OF ANY OTHER ORGANIZATION.

**Subject** →

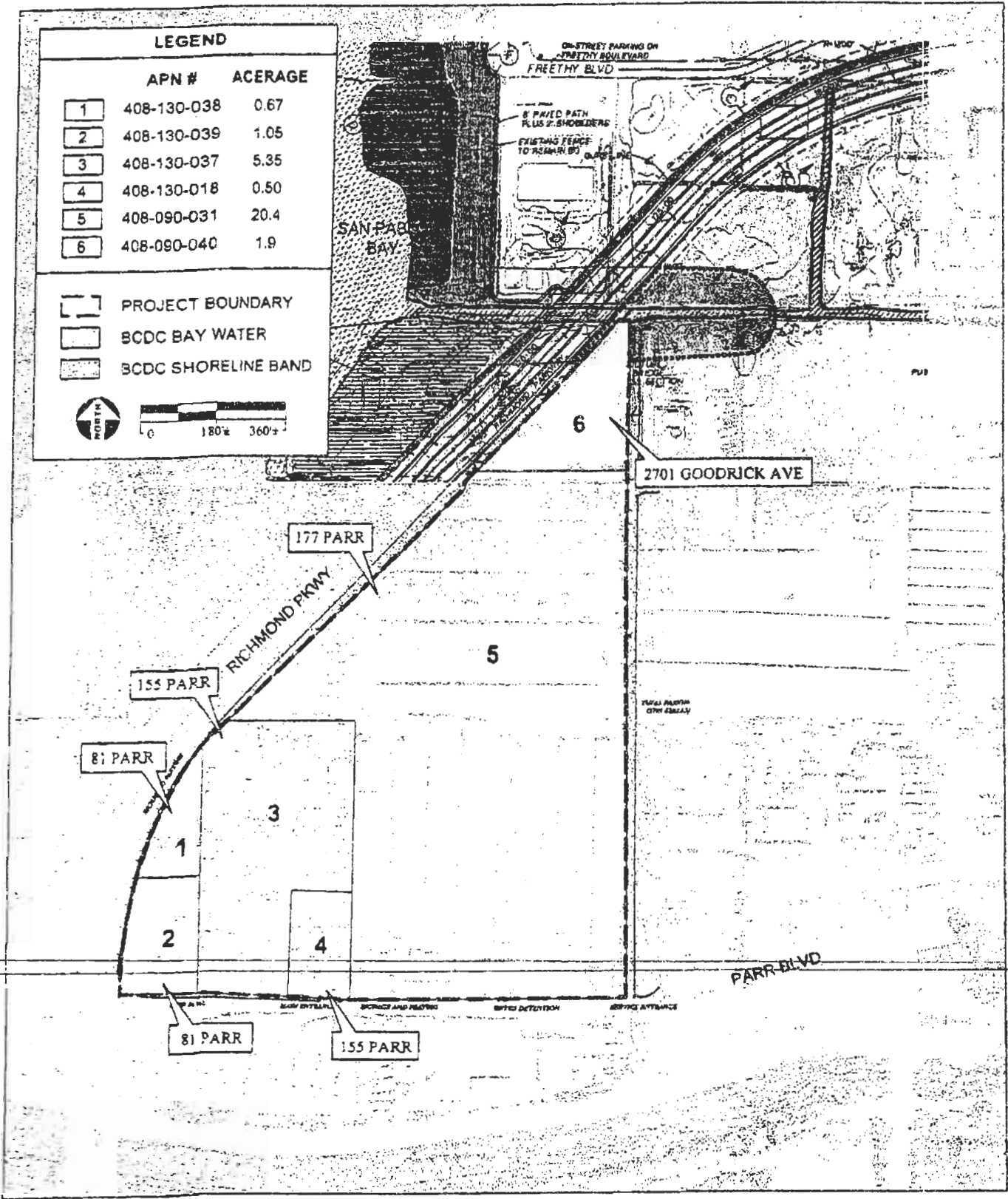
APR 24 2002  
 IN THE COUNTY OF CONTRA COSTA, CALIF.  
 ASSASSOR'S MAP  
 BOOK 108 PAGE 09  
 CONTRA COSTA COUNTY CLERK

SAN PABLO RANCHO  
 SEC 35 12N 4W MDBM  
 6TH S.M. 2



C-1

APR 24 2002



SOURCE: AirPhoto USA, 8/1/2002; AES, 2004

Figure x  
 Project Parcels