

## **ATTACHMENT**

**Attached is the document you (or someone on your behalf) requested. As required by Section 12956.1(b)(1) of the California Government Code, please take note of the following:**

**"If the document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."**

**If this cover page is a copy which has been transmitted to you by facsimile, email or other form of electronic transmission, please note that the notice above appears in the original cover page in 14-point bold face type.**

**RECORDING REQUESTED BY:**

And when recorded, mail this deed and, unless otherwise shown below, mail tax statements to:

Treasure Island Development Authority  
City and County of San Francisco  
City Hall, Room 448  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Treasure Island Project Director



San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
**DOC- 2014-J905758-00**  
Acct 17-CITY ATTORNEY  
Wednesday, JUL 09, 2014 16:00:32  
Ttl Pd \$0.00 Rcpt # 0004968328  
car/MA/1-12

RECORDER STAMP

*ma*

**SHORT FORM NOTICE**  
**OF**  
**AGREEMENT**

**THIS SHORT FORM NOTICE OF AGREEMENT** is entered into this third (3rd) day of July, 2014 ("Effective Date"), between the **UNITED STATES OF AMERICA**, acting by and through the Department of the Navy (the "Navy"), and the **TREASURE ISLAND DEVELOPMENT AUTHORITY**, a California non-profit public benefit corporation ("Authority"), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense with respect to the disposition and conveyance of portions of Naval Station Treasure Island, San Francisco, California. The Navy and the Authority are each sometimes referred to herein individually as a "Party" and collectively as the "Parties."

**RECITALS:**

**WHEREAS:**

1. In 1993, the Defense Base Closure and Realignment Commission recommended the closure of Naval Station Treasure Island ("Treasure Island"), located within the City and County of San Francisco ("City"), which consists of approximately one thousand one hundred and eighty-seven (1,187) acres of real property, together with the buildings, improvements and related and other tangible personal property located thereon and all rights, easements and appurtenances thereto.

2. In accordance with the Defense Base Closure and Realignment Act of 1990, as amended (the "Act"), the authority of the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 541 et seq.), with respect to the disposal of surplus real property at installations closing thereunder, was delegated to the Secretary of Defense and further delegated to the Secretary of the Navy.

3. Pursuant to the power and authority provided by § 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, 10 U.S.C. § 2687 note, as amended, and the implementing regulations of the Department of Defense (32 C.F.R. Part 174), the Secretary of the Navy is authorized to convey surplus property at a closing installation to the Local Redevelopment Authority for economic development purposes.

4. In accordance with the Act and the terms set forth in the *Economic Development Conveyance Memorandum of Agreement Between the United States of America, acting by and through the Department of the Navy, and the Treasure Island Development Authority for the Conveyance of the Naval Station Treasure Island*, dated July 2, 2014 ("Agreement"), the Navy agreed to convey and the Authority agreed to acquire portions of Treasure Island, as more particularly described in Exhibit A and shown in Exhibit B attached hereto and made a part hereof.

5. The Parties agree to this Short Form Notice, which is to be recorded in order that third parties may have notice of the existence of the Agreement and the rights of the Authority under the Agreement.

#### **AGREEMENTS:**

**NOW, THEREFORE**, in consideration of the foregoing premises and the respective representations, warranties, agreements, covenants and conditions herein contained, the execution and delivery of the Agreement by the Parties, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby state and agree as follows:

1. The Parties have executed and delivered the Agreement. Copies of the Agreement are being held by both Parties at their respective addresses.

2. The conveyance of the Property from the Navy to the Authority will be on the terms and conditions set forth in the Agreement.

3. All of the terms, conditions, definitions, provisions and covenants of the Agreement are incorporated in this Short Form Notice by reference as though written out at length herein, and the Agreement and this Short Form Notice shall be deemed to constitute a single instrument or document. The rights and obligations of the Parties shall be construed solely by reference to the provisions of the Agreement and in the event of any conflict between the provisions of the Agreement and those of this Short Form Notice, the provisions of the Agreement shall control.

4. From the Effective Date of the Agreement through the Initial Closing and any subsequent Closings, and except for environmental restrictions or land use covenants consistent with the Agreement as may be designated in the CERCLA Record of Decision, an approved Corrective Action Plan, or the FOST, the Navy shall not permit, agree to sell, encumber or grant any interest in the Navy Real Property or any part thereof in any form or manner whatsoever, or otherwise perform or permit any act that will diminish or otherwise affect the Authority's interest

under the Agreement or to the Navy Real Property, or which will prevent the Navy's full performance of its obligations under the Agreement, without the written consent of the Authority.

5. This Short Form Notice shall inure to the sole benefit of and be binding upon the Parties and their respective successors and assigns.

6. This Short Form Notice may be executed in multiple counterparts and/or with the signatures of the Parties set forth on different signature sheets and all such counterparts, when taken together, shall be deemed one original.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the Parties, intending to be legally bound hereby, have caused their duly appointed representatives to execute this Short Form Notice of Agreement as of the Effective Date set forth above.

WITNESS/ATTEST:

THE UNITED STATES OF AMERICA

By: Elizabeth A. Larson  
Name: ELIZABETH A. LARSON  
Title: Realty Specialist

By: Esther P. Ewell  
Name: Esther P. Ewell  
Title: Real Estate Contracting Officer

Approved as to Form:

TREASURE ISLAND DEVELOPMENT  
AUTHORITY

DENNIS J. HERRERA, City Attorney

By: Charles Sullivan  
Name: Charles Sullivan  
Deputy City Attorney

By: Robert P. Bock  
Name: Robert P. Bock  
Title: Treasure Island Director

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego }

On July 7, 2014 before me, Dorann Pons Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared Esther P. Fowell  
Name(s) of Signer(s)

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.



Place Notary Seal Above

Signature Dorann Pons  
Signature of Notary Public

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: Short Form Notice of Agreement

Document Date: 7-3-14 Number of Pages: \_\_\_\_\_

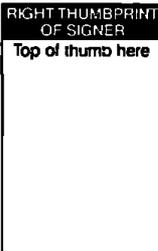
Signer(s) Other Than Named Above: \_\_\_\_\_

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

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

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

Signer Is Representing: \_\_\_\_\_



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

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

Signer Is Representing: \_\_\_\_\_



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

File No: ( )

APN No:

STATE OF California )SS

COUNTY OF SAN FRANCISCO )

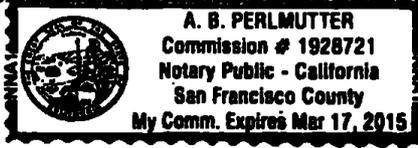
On JULY 3, 2014, before me, A.B. PERLMUTTER, Notary Public, personally appeared ROBERT P. BECK

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



This area for official notarial seal.

**Exhibit "A"**

**Legal Description**

Real property in the City and County of San Francisco, State of California, described as follows:

**PARCEL ONE:**

Treasure Island Development Authority Property:

All those lands comprised of portions of the lands commonly known as Treasure Island and Yerba Buena Island lying within the City and County of San Francisco, State of California as described and defined in and subject to the terms, conditions, reservations and provisions of the Treasure Island Public Trust Exchange Act as set forth in the Act of Legislature of approved October 13, 2007 (Chapter 898, Statutes of 1997) and as same may be further amended said lands being and more particularly described as follows:

That portion of the lands described in that certain Presidential Reservation of Goat Island (now Yerba Buena Island), dated November 6, 1850, lying northwesterly of Parcel 57935-1 as described in that certain Quitclaim Deed, recorded October 26, 2000, as Document Number 2000G855531, in the office of the Recorder of the said City and County of San Francisco (hereinafter referred to as Doc. 2000G855531), together with all of the underlying fee to Parcel 57935-5 as described in said Quitclaim Deed (Doc. 2000G855531),

And all of the underlying fee to Parcel 57935-6 as described in said Quitclaim Deed (Doc. 2000G855531),

And also that portion of the tide and submerged lands in San Francisco Bay, relinquished to the United States of America by that certain act of the Legislature of the State of California by Statutes of the State of California of 1897, Chapter 81 (hereinafter referred to as Stat. 1897, Ch. 81), and also together with all of the Tidelands and Submerged Lands in San Francisco Bay known as Treasure Island as described in that certain Final Judgment of Condemnation, filed April 3, 1944, in the District Court of the United States in and for the Northern District of California, Southern Division, Case Number 22164-G (hereinafter referred to as Case 22 164-G),

Excepting therefrom, that portion of the said Tidelands and Submerged Lands in San Francisco Bay known as Treasure Island (Case 22164-G), commonly referred to as the Job Corps Center, Treasure Island, which was transferred to the United States Department of Labor by that certain document entitled "Transfer and Acceptance of Military Real Property", Dated March 3, 1998,

And also excepting therefrom, that portion of the said Tide and Submerged Lands in San Francisco Bay, relinquished to the United States of America (Stat. 1897, Ch. 81), within the "Army Reservation, Occupied by U.S. Light House Service under Permit from Secretary of War dated May 27, 1872" as shown and described upon that certain map entitled "Plat of Army and Navy reservations on Yerba Buena (Goat) Island, San Francisco Bay, California",

And further excepting therefrom, that portion of the Tide and Submerged Lands in San Francisco Bay, relinquished to the United States of America (Stat. 1897, Ch. 81) which were transferred to the United States Coast Guard by that certain document entitled "Transfer and Acceptance of Military Real Property", Dated November 26, 2002.

Also excepting therefrom portions of the following properties within the said tide and submerged lands relinquished by Statue 1897, Chapter 81 which were transferred to the United States Coast Guard: a 1.0835 acre parcel transferred per form 1354 Transfer and Acceptance of Military Real Property dated April 17, 1998; a 2.71 acre parcel transferred by letter dated August 20, 1974 signed by Harold J. Hansen, accepted by J.B. Hayes, Rear Admiral, US Coast Guard; a 8.207 acre parcel transferred per form 1354, Transfer and Acceptance of Military Real Property dated June 14, 1967;

And also excepting therefrom that portion of said Tide and Submerged Lands relinquished by Statue 1897, Chapter 81, which is a part of Parcel 57935-1 as described in that certain Quitclaim Deed, recorded October 26, 2000 as Document Number 2000G855531, in the Office of the Recorder of the City and County of San Francisco.

Also excepting therefrom, those portions conveyed to the Treasure Island Development Authority by the Deed recorded November 27, 2013 as Document No. 2013-J798283 in the Official Records of the City and County of San Francisco.

As portions of said land are shown on that certain Record of Survey filed for record July 15, 2003 in Book AA of maps at pages 85 through 95, inclusive, and as shown on the map entitled "Map and Metes and Bounds Description of United States Military and Naval Reservations, Yerba Buena (Goat) Island, California" including land ceded by the State of California by Act of Legislature of the State of California, approved March 9, 1897 (Stat. Cal., 1897, p. 74) filed April 12, 1934 in Book N of Map at Page 14, in the Office of the Recorder of the City and County of San Francisco and as shown on the diagram "Treasure Island Public Trust Exchange Act" dated 01/12/2007.

#### PARCEL ONE-A

That portion of Parcel 57935-1 as described in that certain Quitclaim Deed recorded October 26, 2000, as Document Number 2000G855531, in the Office of the Recorder of the City and County of San Francisco, which is above elevation 270.00 feet (San Francisco-Oakland Bay Bridge 1933 Mean Lower Low Water Datum) and between the contour lines of the 270.00 foot elevation that cross said Parcel 57935-1, as those contour lines are depicted on Exhibit B of Document Number 2000G855531.

Excepting therefrom, those portions conveyed to the Treasure Island Development Authority by the Deed recorded November 27, 2013 as Document No. 2013-J798283 in the Official Records of the City and County of San Francisco.

#### PARCEL ONE-B

That portion of the lands described in that certain Presidential Reservation of Goat Island (now known as Yerba Buena Island), dated November 6, 1850, lying southerly of Parcel 57935-1 as described in that certain Quitclaim Deed recorded October 26, 2000, as Document Number 2000G855531, in the Office of the Recorder of the City and County of San Francisco, and shown cross-hatched on Figure 1 attached.

#### PARCEL TWO:

Easements for roadway and utility purposes, as reserved in paragraphs 1(B) and 1(E) of the Quitclaim Deed recorded October 26, 2000 as Document No. 2000-G855531 in the office of the Recorder of the City and County of San Francisco, over and across portions of Parcel 57935-1 as described in said Deed.

#### PARCEL THREE:

A non-exclusive easement, as granted in the Consent to Common Use Agreement (Quitclaim and Easement for Utilities) recorded November 10, 2004 as Document No. 2004-H849471 in the office of the Recorder of the City and County of San Francisco, for the operation, maintenance, repair, replacement, rehabilitation, inspection of, and access to electric, natural gas, water, sanitary sewer and storm sewer utilities located on portions of Parcel 57935-1 as said Parcel is described in the Quitclaim Deed recorded October 26, 2000 as Document Number 2000-G855531 in the office of the Recorder of the City and County of San Francisco,

**PARCEL FOUR:**

Non-exclusive easements for access and utility purposes, as reserved in the Quitclaim Deed recorded December 2, 2004 as Document No. 2004-H860853 in the office of the Recorder of the City and County of San Francisco, upon and within portions of Parcel 58759-1 as described in said Deed.

Real property in the City of Oakland , County of Alameda, State of California, described as follows:

**PARCEL S2:**

A non-exclusive easement for poles, electrical lines and appurtenant facilities and equipment located between Davis Substation and the boundary of the Oakland Army Base, together with the rights of ingress and egress to operate, inspect, maintain, repair, remove, and replace said electrical line and parts thereof, as reserved in the Quitclaim Deed from the United States of America, acting by and through the Department of the Navy, to the City of Oakland, acting by and through its Board of Port Commissioners, recorded June 15, 1999 as Instrument No. 99222447, and re-recorded December 3, 2002 as Instrument No. 2002561013, Alameda County Official Records.

**PARCEL S3:**

An easement to construct, operate, inspect, maintain , repair, remove and replace overhead and underground electric lines, poles, conduits, and appurtenant facilities and equipment, as reserved in the Quitclaim Deed from the United States of America, acting by and through the Secretary of the Army, to the Oakland Base Reuse Authority, recorded August 8, 2003 as Instrument No. 2003466370, Alameda County Official Records, over, under and within that certain area described and shown on Exhibit D attached to said Quitclaim Deed.

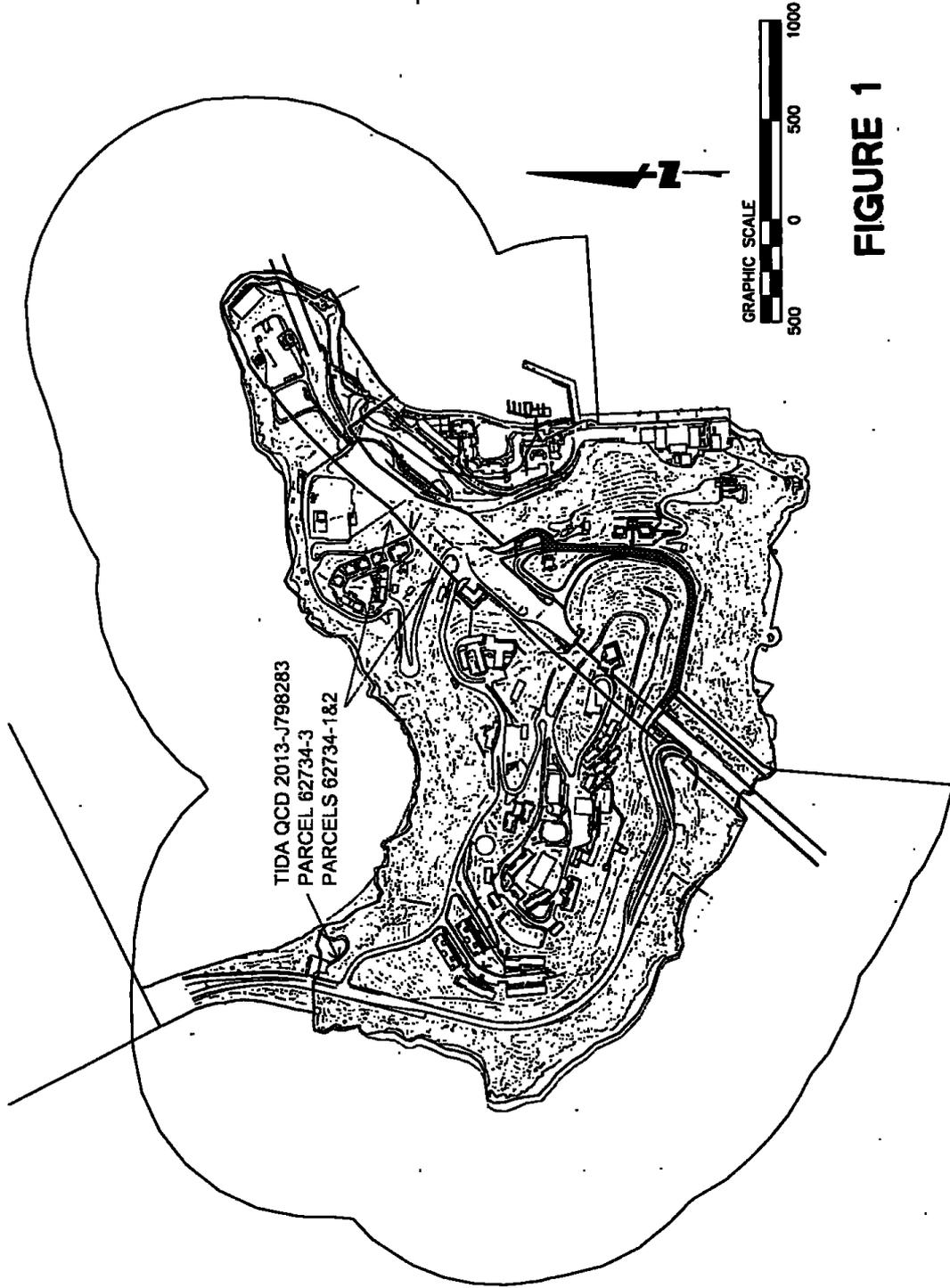
**PARCEL S4:**

An easement to construct, operate, inspect, maintain , repair, remove and replace overhead and underground electric lines, poles, conduits, and appurtenant facilities and equipment, as reserved in the Quitclaim Deed from the United States of America, acting by and through the Deputy Assistant Secretary of the Army, to the City of Oakland, a municipal corporation acting by and through its Board of Port Commissioners, recorded June 29, 2007 as Instrument No. 2007243218, Alameda County Official Records, over, under and within that certain area described and shown on Exhibit B attached to said Quitclaim Deed.

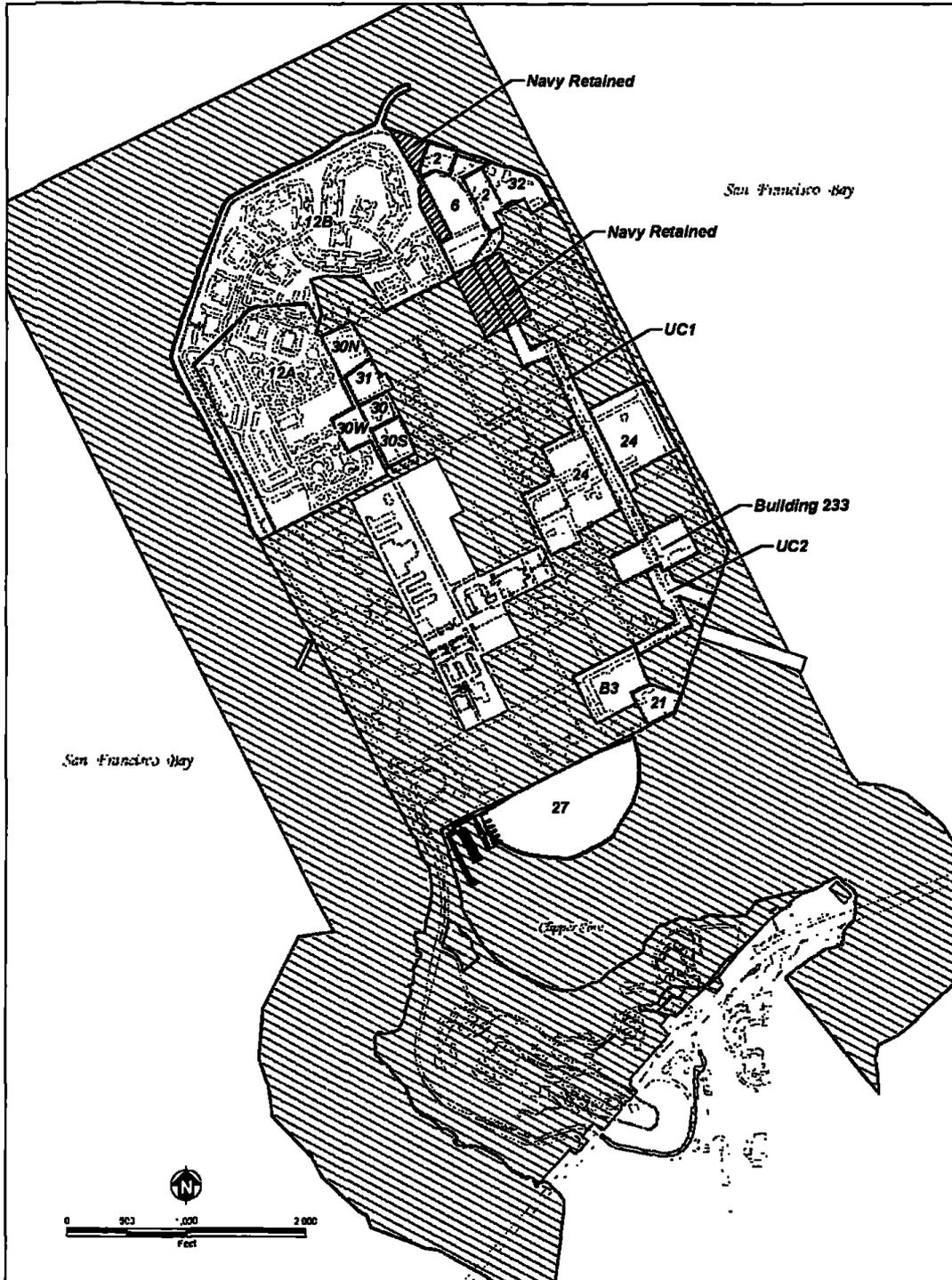
**PARCEL N13:**

A non-exclusive easement for the construction, reconstruction, maintenance, removal and use of a twelve inch diameter underground ductile Iron water supply pipeline together with the necessary appurtenances thereto, as granted in the Grant of Easement from the East Bay Municipal Utility District to the United State of America, acting through the Department of the Navy, recorded March 7, 1984, Series No. 84-043869, Alameda County Official Records, within the boundaries of the real property described in Exhibit A attached to said Grant of Easement.

**A.P.N.: 1939-001 (portion) and 1939-002 (portion) and lands not currently assessed**



**FIGURE 1**



<b>Transfer Parcels</b>			
	FOST Parcel:		Apartment Improvement (per to be transferred with onshore parcel)
	Remainder Parcel		Ramp Parcel
	Navy Retained Property*		Building
	Government Property		Road Edge

**Note:**  
\*To be transferred as part of the CDC upon completion of Navy's environmental remediation efforts

**Exhibit B**