



U.S. Department of Justice

Environment and Natural Resources Division

AMG:MEG  
33-12291

Land Acquisition Section  
P.O. Box 7611  
Washington, DC 20044

Telephone (202) 305-0316  
Facsimile (202) 305-0398

AUG 01 2013

The Honorable Kamala D. Harris  
Attorney General  
State of California  
Office of the Attorney General  
California Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Re: Condemnation of 1.59 Acres of Land, Situated in  
Alameda County, State of California, and the  
State of California, et al., Alameda Federal Center

Dear Attorney General Harris:

This is to advise that the U.S. General Services Administration (GSA) has requested that this Department initiate eminent domain proceedings for land totaling approximately 1.6 acres, adjacent to the Alameda Federal Center in Alameda, California. The acquisition includes a portion of McKay Avenue, a sidewalk easement and a storm drain utility easement. The portion of McKay Avenue to be acquired will be taken in fee simple. However, non-exclusive access, operation and repair easements will be reserved for the benefit of the State of California and the adjoining properties. The acquisition is necessary as part of the consolidation and continued operation of the Alameda Federal Center and the mandated sale of excess federal property. In addition the acquisition is necessary for upgrading utilities and for the installation of storm drains for storm water runoff. Schedules containing a metes and bounds description of the land and maps are attached.

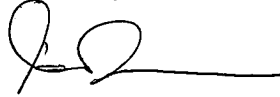
The property at issue was part of a much larger parcel conveyed to the State of California in 1961.<sup>1</sup> At the time the United States reserved access and utility easements for the use of the federally retained property. GSA is now in the process of selling 3.89 acres of excess land at the Alameda Federal Center. EBRPD and DPR have taken the position that the reserved easements which serve the federal property will terminate upon the sale and may not be used by the purchaser, thereby clouding the United States' title to its property. GSA has requested that eminent domain proceedings commence in order to clear any possible cloud on title.

<sup>1</sup> A portion of the donated property is the Robert W. Crown Memorial State Beach, operated by the East Bay Regional Park District (EBRPD) pursuant to an operating agreement with California Department of Parks and Recreation (DPR).

Received  
AUG REC'D  
ATTORNEY GENERAL Executive Office  
13-434

The purpose of this letter is to provide the State of California an opportunity, prior to the filing of the proceeding by the Department of Justice, to bring to the attention of this Department any comments or suggestions which may be deemed relevant to the proposed acquisition. Please rest assured that your response will receive my personal attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Goldfrank', with a long horizontal line extending to the right.

Andrew M. Goldfrank  
Chief  
Land Acquisition Section

Enclosures

Schedule A

Description of the Property

The land which is the subject matter of this proceeding consists of three parcels (as shown on the plans attached to this Declaration of Taking as Schedule B) in the City of Alameda, California. Descriptions of the parcels are as follows:

PORTION OF MCKAY AVENUE - LEGAL DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

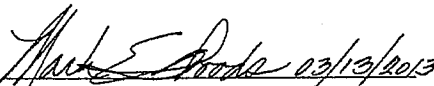
BEING A PORTION OF CORRECTED PARCEL 2 (CONTAINING APPROXIMATELY 1.41± ACRES) AS DESCRIBED IN THE CORRECTED QUITCLAIM DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 20, 1969, DOCUMENT NO. 69-56247, REEL 2405, IMAGE 896, SAID ALAMEDA COUNTY RECORDS (A.C.R.), AND DELINEATED ON RECORD OF SURVEY NO. 409, FILED JUNE 19, 1970 IN BOOK 8 OF RECORDS OF SURVEY AT PAGE 15 AND 16, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

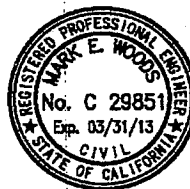
BEGINNING AT THE SOUTHWEST CORNER OF MCKAY AVENUE, LABELED AS "(PRIVATE RD.)" AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.), THENCE FROM SAID POINT OF BEGINNING, ALONG THE WESTERLY LINE OF SAID MCKAY AVENUE THE FOLLOWING COURSES; NORTH 02°50'13" EAST, 822.78 FEET; NORTH 87°09'47" WEST, 17.00 FEET; NORTH 02°50'13" EAST, 51.00 FEET; SOUTH 87°09'47" EAST, 17.00 FEET AND NORTH 02°50'13" EAST, 133.99 FEET TO THE NORTHWESTERLY CORNER OF SAID MCKAY AVENUE (8 ROS 15, A.C.R.), SAID NORTHWESTERLY CORNER ALSO BEING A POINT ON THE SOUTH LINE OF CENTRAL AVENUE AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.); THENCE LEAVING SAID NORTHWESTERLY CORNER (8 ROS 15, A.C.R.) ALONG THE NORTH LINE OF SAID MCKAY AVENUE, SOUTH 87°09'47" EAST, 50.50 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 02°50'13" WEST, 1007.77 FEET TO A POINT ON THE SOUTH LINE OF SAID MCKAY AVENUE (8 ROS 15, A.C.R.); THENCE ALONG SAID SOUTH LINE, NORTH 87°09'47" WEST, 50.50 FEET TO SAID POINT OF BEGINNING.

SAID PORTION OF MCKAY AVENUE CONTAINS 1.19 ACRES, MORE OR LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION TAKEN AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.).

ATTACHED HERETO IS A PLAT ENTITLED "PORTION OF MCKAY AVENUE" AND BY THIS REFERENCE IS MADE PART HEREOF.

  
MARK E. WOODS      DATED 03/13/2013  
R.C.E. 29851    EXP. 3/31/13



SIDEWALK EASEMENT - LEGAL DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

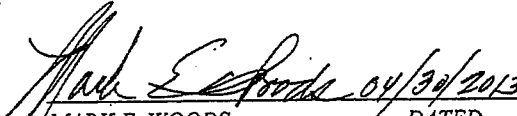
BEING A PORTION OF CORRECTED PARCEL 2 (CONTAINING APPROXIMATELY 1.41± ACRES) AS DESCRIBED IN THE CORRECTED QUITCLAIM DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 20, 1969, DOCUMENT NO. 69-56247, REEL 2405, IMAGE 896, SAID ALAMEDA COUNTY RECORDS (A.C.R.), AND DELINEATED ON RECORD OF SURVEY NO. 409, FILED JUNE 19, 1970 IN BOOK 8 OF RECORDS OF SURVEY AT PAGE 15 AND 16, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

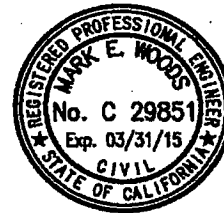
COMMENCING AT THE SOUTHWEST CORNER OF MCKAY AVENUE, LABELED AS "(PRIVATE RD.)" AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.), THENCE FROM SAID POINT OF COMMENCEMENT, ALONG THE SOUTHERLY LINE OF SAID MCKAY AVENUE (8 ROS 15, A.C.R.) SOUTH 87°09'47" EAST, 50.50 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING NORTH 02°50'13" EAST, 1,007.77 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.); THENCE ALONG SAID SOUTH LINE SOUTH 87°09'47" EAST, 9.50 FEET TO THE EAST LINE OF SAID MCKAY AVENUE (8 ROS 15, A.C.R.); THENCE ALONG SAID EASTERLY AND SOUTHERLY LINES OF SAID MCKAY AVENUE THE FOLLOWING COURSES; SOUTH 02°50'13" WEST, 1,007.77 FEET AND NORTH 87°09'47" WEST, 9.50 FEET TO SAID POINT OF BEGINNING.

SAID ACCESS EASEMENT CONTAINS 0.22 ACRES, MORE OR LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION TAKEN AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.).

ATTACHED HERETO IS A PLAT ENTITLED "SIDEWALK EASEMENT" AND BY THIS REFERENCE IS MADE PART HEREOF.

  
MARK E. WOODS DATED  
R.C.E. 29851 EXP. 3/31/15



STORM DRAIN UTILITY EASEMENT - LEGAL DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:


BEING A PORTION OF CORRECTED PARCEL 1 (CONTAINING APPROXIMATELY 92.09± ACRES) AS DESCRIBED IN THE CORRECTED QUITCLAIM DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 20, 1969, DOCUMENT NO. 69-56247, REEL 2405, IMAGE 896, SAID ALAMEDA COUNTY RECORDS (A.C.R.), AND DELINEATED ON RECORD OF SURVEY NO. 409, FILED JUNE 19, 1970 IN BOOK 8 OF RECORDS OF SURVEY AT PAGE 15 AND 16, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

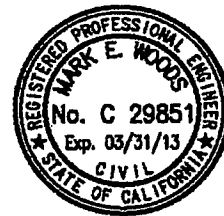
COMMENCING AT THE SOUTHWEST CORNER OF MCKAY AVENUE, LABELED AS "(PRIVATE RD.)" AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.), THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE SOUTH LINE OF SAID MCKAY AVENUE (8 ROS 15, A.C.R.), SOUTH 87°09'47" EAST, 9.00 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING AND CONTINUING ALONG SAID SOUTH LINE (8 ROS 15, A.C.R.), SOUTH 87°09'47" EAST, 41.50 FEET; THENCE LEAVING SAID SOUTH LINE THE FOLLOWING COURSES; SOUTH 02°50'13" WEST, 94.80 FEET; SOUTH 42°09'47" EAST, 65.45 FEET; SOUTH 47°50'13" WEST, 40.00 FEET; NORTH 42°09'47" WEST, 43.25 FEET; NORTH 87°09'47" WEST, 28.91 FEET; AND NORTH 02°50'13" EAST, 138.78 FEET TO SAID POINT OF BEGINNING;

SAID UTILITY EASEMENT AREA CONTAINS 0.18 ACRES, MORE OR LESS.

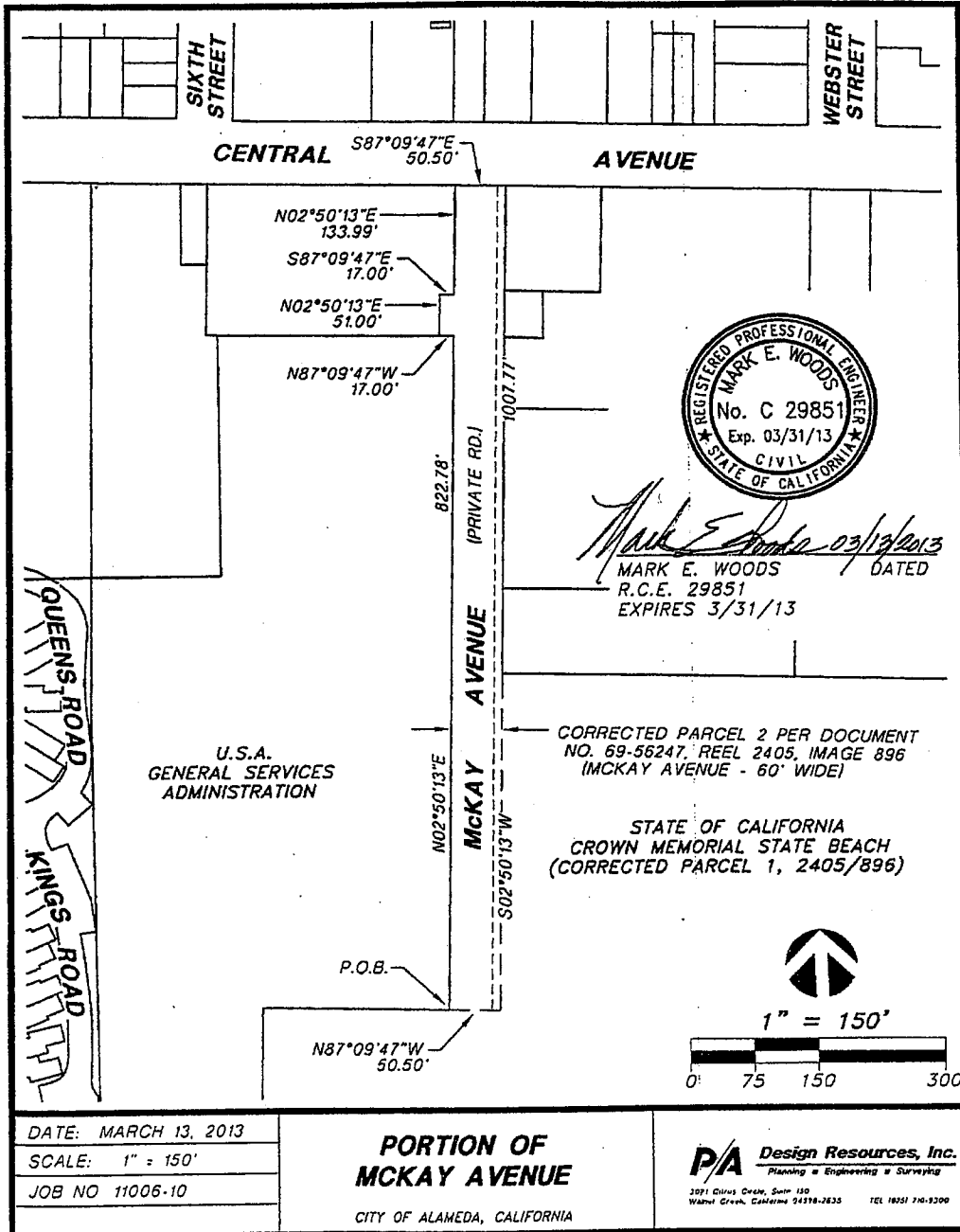
BASIS OF BEARINGS FOR THIS DESCRIPTION TAKEN AS SHOWN ON SAID RECORD OF SURVEY (8 ROS 15, A.C.R.).

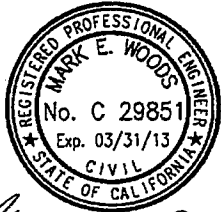
ATTACHED HERETO IS A PLAT ENTITLED "STORM DRAIN UTILITY EASEMENT" AND BY THIS REFERENCE IS MADE PART HEREOF.

  
MARK E. WOODS DATED 03/13/2013  
R.C.E. 29851 EXP. 3/31/13



Schedule B  
Plans of Property



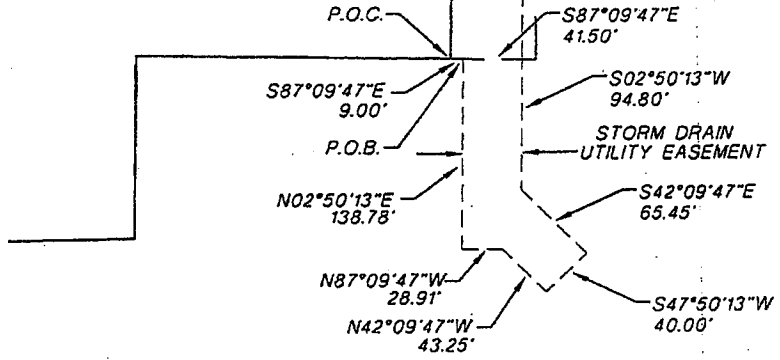


*Mark E. Woods 03/13/2013*  
 MARK E. WOODS DATED  
 R.C.E. 29851  
 EXPIRES 3/31/13

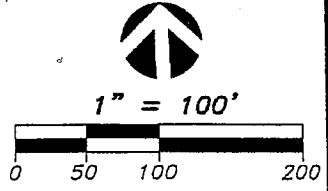
U.S.A.  
 GENERAL SERVICES  
 ADMINISTRATION

MCKAY AVENUE (PRIVATE RD.)

CORRECTED PARCEL 2 PER DOCUMENT  
 NO. 69-56247, REEL 2405, IMAGE 896  
 (MCKAY AVENUE - 60' WIDE)



STATE OF CALIFORNIA  
 CROWN MEMORIAL STATE BEACH  
 (CORRECTED PARCEL 1, 2405/896)



DATE: MARCH 13, 2013
SCALE: 1" = 100'
JOB NO. 11006-10

**STORM DRAIN  
 UTILITY EASEMENT**

CITY OF ALAMEDA, CALIFORNIA

**P/A Design Resources, Inc.**  
 Planning • Engineering • Surveying  
 3021 Citrus Creek, Suite 150  
 Walnut Creek, California 94598-2623 TEL 925/313-9200

Schedule C  
Description of Interests

**A. Portion of McKay Avenue:** The estate taken in the property described on Schedule A as portion of McKay Avenue is fee simple, together with any appurtenant interests in adjoining property, however:

1. Reserving, for the benefit of the State of California, its successors and assigns the following easements:
  - a. A non-exclusive easement for pedestrian and vehicular ingress and egress over the real property commonly known as "McKay Avenue," as described on Schedule A as portion of McKay Avenue.
  - b. A non-exclusive easement for the operation, repair, maintenance and replacement of the real property and any existing utilities on or under the real property commonly known as "McKay Avenue," as described on Schedule A as portion of McKay Avenue.
  - c. The right to have existing improvements which encroach onto the real property commonly known as "McKay Avenue," as described in Schedule A as portion of McKay Avenue, remain in place for so long as such improvements are maintained in good condition and are safe, as determined by the United States in its reasonable discretion.
  
2. Reserving for the benefit of each affected utility system operator, an easement for the operation, repair, maintenance and replacement of existing utility facilities, provided that the United States shall have the right to temporarily or permanently relocate such facilities.
  
3. Subject to the easements of record described as follows:
  - a. Easement for driveway and pedestrian recorded on February 20, 1940, Book 3892, Page 98 of Official Records in favor of Lars Svensgaard, et ux.
  - b. Easement for driveway and pedestrian recorded on May 2, 1940, Book 3906, Page 270 of Official Records in favor of J. Adrian Palmquist.
  - c. Easement for street recorded on January 17, 1961, as Instrument No. AS-6759/Reel 246, Page/ Image 960 of Official Records in favor of Morrison Brothers Improvement Company, a co-partnership consisting of Dean Morrison, general partner; Hunter H. Morrison, general partner; C.G. Morris, limited partner; and Aura B. Morrison, limited partner.



4. Subject to any existing rights of ingress and egress benefitting adjoining property.

Each of the easements described above is subject to the following provisions:

- a. Each easement is non-exclusive. Use of the easement must not unreasonably interfere with use of the property by the United States, its successors and assigns, and other easement holders and their successors, assigns and invitees.
- b. The United States may designate routes of travel, restrict the areas of the property that are available for each purpose and change the configuration and improvements from time to time.
- c. All users must comply with applicable laws rules and regulations.
- d. In the event use of an easement results in damage to improvements, the easement holder shall promptly restore the improvements.

**B. Sidewalk Easement.** The estate taken in the property described on Schedule A as Sidewalk Easement, is a nonexclusive easement for pedestrian egress and ingress; and to install, remove, replace, maintain, and operate the sewer, electrical and communications lines in, over, across and under the Sidewalk Easement, together with rights of ingress and egress over and across the Sidewalk Easement to the extent necessary to use this easement; however,

Reserving for the benefit of each affected utility system operator, an easement for the operation, repair, maintain and replacement of existing utility facilities, provided that the United States shall have the right to temporarily or permanently relocate such facilities.

**C. Storm Drain Utility Easement:** The estate taken in the property described on Schedule A as Storm Drain Utility Easement, is a nonexclusive easement to construct, maintain, repair, replace, and operate storm drainage facilities including pipes, outfalls and related infrastructures for the purpose of conveying water, including storm water, under and across the Storm Drain Utility Easement together with rights of ingress and egress over and across the Storm Drain Utility Easement to the extent necessary to use this easement.