

***Russell City Energy Center***

***Appendix 1-A  
Legal Description of the RCEC Site***

***May 2001***

*Russell City Energy Center AFC*

*May 2001*

Placer Title Company  
CLTA Preliminary Report  
Order No. 804-8523

**LEGAL DESCRIPTION**

**PARCEL ONE:** PARCEL 1 OF PARCEL MAP 397, FILED APRIL 22, 1969, IN MAP BOOK 61, PAGE 1, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF HAYWARD RECORDED OCTOBER 16, 1987, INSTRUMENT NO. 87-282649.

**PARCEL TWO:**

A NON-EXCLUSIVE EASEMENT FOR ALL PUBLIC UTILITY PURPOSES IN, UNDER, OVER ALONG AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

A STRIP OF LAND LOCATED IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS FOLLOWS: THE NORTHERLY 0 FEET, RIGHT ANGLE MEASUREMENT, OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

**PARCEL 3 OF PARCEL MAP 397** FILED APRIL 22, 1969 IN MAP BOOK 61, PAGE 1, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN ENTERPRISE AVENUE AND WHITESSELL STREET.

**PARCEL THREE:**

A NON-EXCLUSIVE EASEMENT FOR INGRESS A EGRESS OVER, ALONG AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

A STRIP OF LAND LOCATED IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS FOLLOWS: THE NORTHERLY 0 FEET, RIGHT ANGLE MEASUREMENT, OF THE FOLLOWING DESCRIBED PROPERTY:

**PARCEL 3 OF PARCEL MAP 397** FILED APRIL 22, 1969 IN MAP BOOK 61, PAGE 1, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN ENTERPRISE AVENUE AND WHITESSELL STREET.

**PARCEL FOUR:**

AN EXCLUSIVE EASEMENT FOR SEWER PURPOSES, IN, UNDER, ALONG AND ACROSS THE FOLLOWING PROPERTY:

A STRIP OF LAND LOCATED IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND BEING 10.00 IN WIDTH LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT ON THE SOUTHERN LINE OF THE 67.85 ACRE, MORE OR LESS, TRACT OF LAND DESCRIBED IN THE DEED FROM JOSE T. BAPTISTA TO M. B. BETTENCOURT AND TONY A. BETTENCOURT, DATED JANUARY 15, 1924, AND RECORDED JANUARY 16, 1924.

LEGAL: 0 CLTA Preliminary Report

Order No. 804-8523

**LEGAL DESCRIPTION**

IN BOOK 591 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 355, INSTRUMENT NO. 1/88764, DISTANT ALONG SAID LINE NORTH 89 DEGREES 47 MINUTES 26 SECONDS WEST, (NORTH 89 DEGREES 47 MINUTES 26 SECONDS WEST BEING TAKEN AS THE BEARING OF SAID SOUTHERN LINE FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 2904.34 FEET FROM THE WESTERN LINE OF CLAWITER ROAD OR COUNTY ROAD NO. 1649, 50 FEET IN WIDTH; AND RUNNING THENCE NORTH 1 DEGREE 57 MINUTES 58 SECONDS EAST 430.0 FEET TO A POINT, LAST SAID POINT BEING THE ACTUAL POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE NORTH 89 DEGREES 18 MINUTES 55 SECONDS WEST 74.0 FEET TO THE WESTERN LINE OF THE PARCEL OF LAND DESCRIBED IN THE AGREEMENT OF SALE TO C. E. FREEMAN COMPANY, A CALIFORNIA CORPORATION, DATED JANUARY 15, 1968, AND RECORDED APRIL 4, 1968, ON REEL 2156, IMAGE 834, INSTRUMENT NO. DA/36586, RECORDS OF ALAMEDA COUNTY.

A.P.N. 439-0099-036-02 AND 439-0099-035

**EXCEPTIONS**

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

3. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5, (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE, OF THE STATE OF CALIFORNIA.

4. 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 RIVER, SLOUGH OR OTHER BODY OF WATER.

AFFECTS THAT PORTION LYING SOUTHWESTERLY OF THE SOUTHWESTERN BOUNDARY LINE OF THE RANCHO ARROYO DE LA ALAMEDA (BOOK A OF PATENTS PAGE 62) (A.P.N. 439-99-35)

5. ANY RIGHTS BY THE UNION PACIFIC RAILROAD COMPANY, TO ANY PORTION OF THE HEREBIN DESCRIBED PROPERTY, WHICH BOUNDARIES MAY BE DISCLOSED ON VARIOUS RAILROAD MAPS.

AN AGREEMENT RELATING TO BOUNDARY LINE, EXECUTED BY AND BETWEEN ANDRE PAPER BOX COMPANY, A CORPORATION, AND FRANCIS MARSICANO HARRIS, ET AL UPON THE TERMS, COVENANTS, AND PROVISIONS CONTAINED THEREIN, RECORDED APRIL 20, 1962, SERIES NO. AT-52932, REEL 563, IMAGE 233, OFFICIAL RECORDS.

AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF CITY OF HAYWARD FOR THE PURPOSE OF SEWER PIPE LINES, ALSO THE RIGHT OF INGRESS AND EGRESS, RECORDED OCTOBER 20, 1963, SERIES NO. AX-145329, REEL 1624, IMAGE 225, OFFICIAL RECORDS.

AFFECTS: PORTION OF PARCELS 2 AND 3

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT IN FAVOR OF DONALD E. FOSS, ET AL FOR THE PURPOSE OF PUBLIC UTILITY, RECORDED OCTOBER 24, 1968, SERIES NO. BA-115817, REEL 2276, IMAGE 663, OFFICIAL RECORDS.

AFFECTS: THE NORTHERN 10 FEET OF PARCEL 1

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT IN FAVOR OF DONALD E. FOSS, ET AL FOR THE PURPOSE OF INGRESS AND EGRESS, RECORDED OCTOBER 24, 1968, SERIES NO. BA-115817, REEL 2276, IMAGE 663, OFFICIAL RECORDS.

AFFECTS: THE NORTHERN 60 FEET OF PARCEL 1

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

10. LEASE, DATED OCTOBER 31, 1968, BETWEEN NICK TOCCO, ET AL, AS LESSOR, AND ARGONAUT BROADCASTING CO., A CORPORATION, AS LESSEE, ON THE TERMS AND CONDITIONS CONTAINED THEREIN, RECORDED DECEMBER 10, 1968, REEL 2307, IMAGE 329, OFFICIAL RECORDS.

TERM: 99 YEARS  
WITH RENEWAL PROVISION: YES  
WITH OPTION TO PURCHASE: YES

THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

11. DEED OF TRUST TO SECURE AN INDEBTEDNESS OF \$1,750,000.00, DATED NOVEMBER 17, 1987, RECORDED DECEMBER 04, 1987, SERIES NO. 87-324120, OFFICIAL RECORDS.

TRUSTOR: SALEM BROADCASTING COMPANY, A CALIFORNIA GENERAL PARTNERSHIP  
TRUSTEE: TRANSAMERICA TITLE INSURANCE COMPANY BENEFICIARY: VENTURA COUNTY NATIONAL BANK LOAN NO.: NONE SHOWN

12. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION OR BY A SURVEY OF SAID LAND THAT IS SATISFACTORY TO THIS COMPANY, OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.

**REFERENCES**

- (1) PARCEL MAP NO. 397 BOOK 61 - PAGE 1 A.C.R.
- (2) CITY OF HAYWARD "SURVEY MONUMENTATION PLAT - ENTERPRISE AVENUE" FILE NO. 1-138
- (3) CITY OF HAYWARD "SURVEY MONUMENTATION PLAT - WHITESSELL STREET EXTENSION" FILE NO. 1-139

**LEGEND:**

BUILDING LINE	
PROPERTY LINE	
CENTERLINE/MONUMENTLINE	
EASEMENT LINE	
FENCE LINE	
MAP REFERENCE	(1)
EXCEPTION REFERENCE	
FOUND CONCRETE MONUMENT AS NOTED	
FOUND MONUMENT IN WELL AS NOTED	
ALAMEDA COUNTY RECORDS	A.C.R.
EXISTING DRAIN INLET	
EXISTING FIRE HYDRANT	
EXISTING POWER POLE	

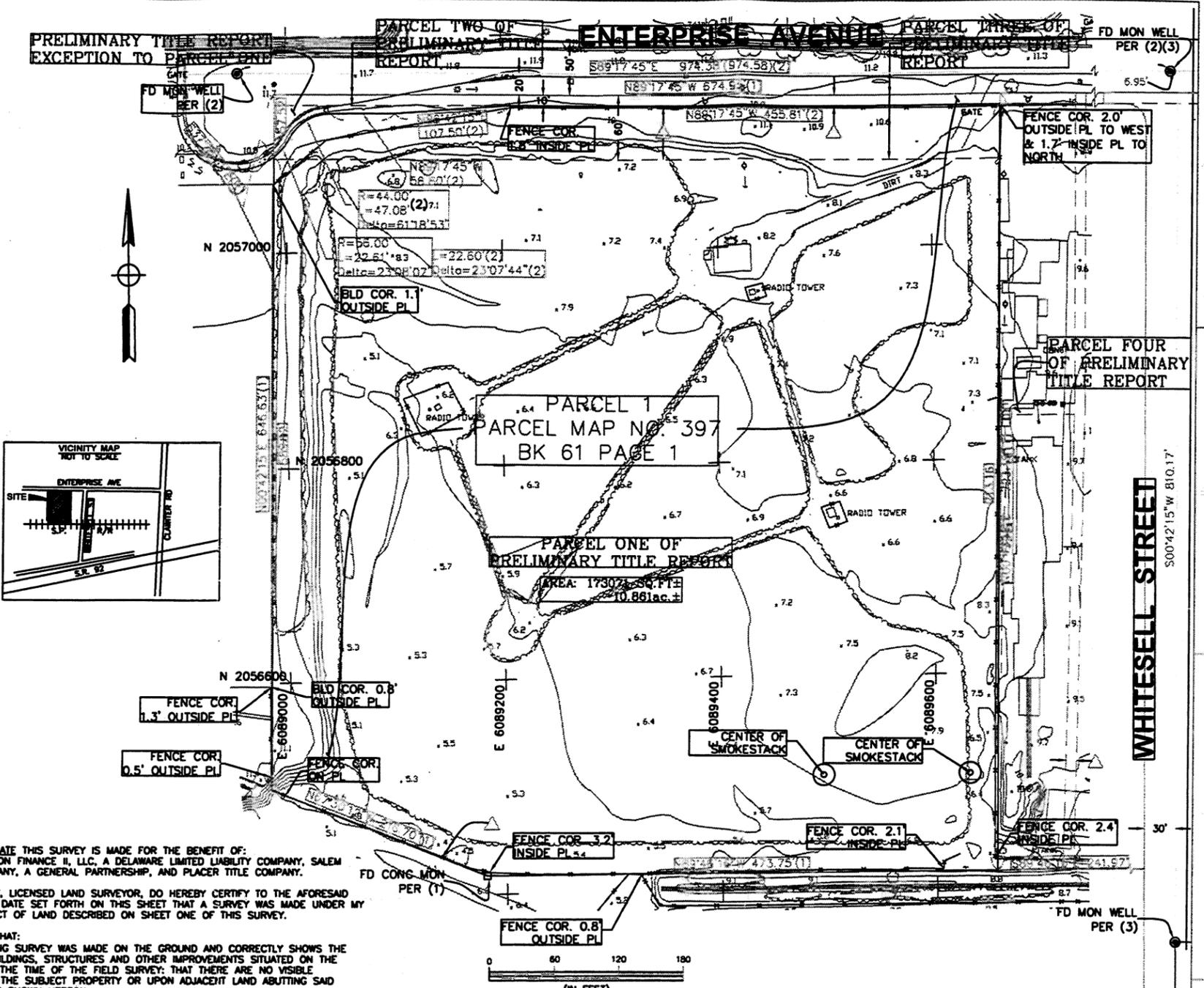
**SURVEYOR'S CERTIFICATE** THIS SURVEY IS MADE FOR THE BENEFIT OF: CALPINE CONSTRUCTION FINANCE II, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SALEM BROADCASTING COMPANY, A GENERAL PARTNERSHIP, AND PLACER TITLE COMPANY.

I, SCOTT R. TIKALSKY, LICENSED LAND SURVEYOR, DO HEREBY CERTIFY TO THE AFORESAID PARTIES, AS OF THE DATE SET FORTH ON THIS SHEET THAT A SURVEY WAS MADE UNDER MY DIRECTION OF A TRACT OF LAND DESCRIBED ON SHEET ONE OF THIS SURVEY.

I FURTHER CERTIFY THAT:

- 1.) THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES AT THE TIME OF THE FIELD SURVEY; THAT THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SAID PROPERTY EXCEPT AS SHOWN HEREON.
- 2.) THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999 AND INCLUDING ITEMS 2-4, 7(A), 7(B), 8, 10, 11 (A), 13 AND 16 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."
3. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN PLACER TITLE COMPANY PRELIMINARY TITLE REPORT NO. 804-8523, ISSUED DECEMBER 22, 2000, AT 7:30AM, AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT ARE APPARENT FROM PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME TO HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

DATE: \_\_\_\_\_  
SCOTT R. TIKALSKY LS 7608  
EXPIRES 12/31/04



PRELIMINARY

VERIFY SCALE

**CH2MHILL**

ALTA/ACSM LAND TITLE SURVEY OF THE LANDS DESCRIBED IN THE PRELIMINARY TITLE REPORT, ORDER No. 804-8523 ISSUED DECEMBER 22, 2000 BY PLACER TITLE COMPANY CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

**NOTES:**

BENCH MARK: N 1370 - BRASS DISK SET IN THE N/E CORNER OF A CATCH BASIN AT THE N/E CORNER OF THE INTERSECTION OF CLAWITER ROAD AND WINTON AVENUE. THE ELEVATIONS ARE BASED ON THE NGVD DATUM OF 1929 AS PUBLISHED IN THE NGS DATA SHEET PID NO. HT2400. ELEVATION: 33.41 FEET NGVD29

**BASIS OF BEARING:** BEARINGS ON THIS MAP ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, 1983, ZONE III (EPOCH 1991.35). THE BEARING, N89°17'45"W, IS A GRID INVERSE BETWEEN COORDINATES FOR THE TWO MONUMENTS FOUND ON ENTERPRISE AVENUE AS SHOWN ON THE CITY OF HAYWARD MAP TITLED "SURVEY MONUMENTATION PLAT - ENTERPRISE AVENUE" FILE NO. 1-138. ALL COORDINATES AND DISTANCES ARE GRID VALUES. TO OBTAIN GROUND VALUES, DIVIDE THE GRID DISTANCES BY 0.99993069.

Placer Title Company  
 CLTA Preliminary Report  
 Order No. 804-8525  
 Issued December 22, 2000, AT 7:30AM

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

ALTA Owners Policy  
 ALTA Lenders Policy 1992 Form

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

A FEE SIMPLE

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

RUNNELS INDUSTRIES INC., A CALIFORNIA CORPORATION

The land referred to herein is described as follows:

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF HAYWARD, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

LOT 3, AS SHOWN ON PARCEL MAP NO. 397, FILED APRIL 22, 1969, SERIES NO. 69-44450 IN BOOK 61 OF PARCEL MAPS, PAGE 1.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED TO THE CITY OF HAYWARD, RECORDED APRIL 28, 1972, SERIES NO. 55813, REEL 3118, OR IMAGE 689.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR ALL PUBLIC UTILITY PURPOSES OVER THE NORTHERN 10 FEET OF PROPERTY ADJOINING ON THE WEST, AND A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTHERN 60 FEET OF SAID PROPERTY ADJOINING ON THE WEST, AS RESERVED IN THE DEED FROM DONALD E. FOSS, ET AL, RECORDED OCTOBER 21, 1968, REEL 2276, OFFICIAL RECORDS, IMAGE 655.

A.P.N. 439-0099-003-07

EXCEPTIONS

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

3. RIGHTS OF THE PUBLIC AND OF THE COUNTY OF ALAMEDA, AS TO THAT PORTION OF THE HEREIN DESCRIBED PROPERTY LYING WITHIN ENTERPRISE AVENUE, A PUBLIC ROAD.

4. AN AGREEMENT RELATING TO BOUNDARY LINE, EXECUTED BY AND BETWEEN ANDRE PAPER BOX COMPANY, A CORPORATION, AND FRANCES MARISCANO HARRIS, ETAL UPON THE TERMS, COVENANTS, AND PROVISIONS CONTAINED THEREIN, RECORDED APRIL 20, 1962, SERIES NO. AT-52932, REEL 565, IMAGE 233, OFFICIAL RECORDS.

5. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF CITY OF HAYWARD, A MUNICIPAL CORPORATION FOR THE PURPOSE OF SANITARY SEWER PIPE LINES AND INGRESS AND EGRESS, RECORDED OCTOBER 20, 1965, SERIES NO. AX-145329, REEL 1624, IMAGE 225, OFFICIAL RECORDS.

AFFECTS: A PORTION OF PREMISES

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

6. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF CITY OF HAYWARD, A MUNICIPAL CORPORATION FOR THE PURPOSE OF PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSES OF A PUBLIC STREET, HIGHWAY OR SIDEWALK, OR FOR PUBLIC OR MUNICIPAL UTILITIES, NECESSITIES, FACILITIES, CONVENIENCES OR APPURTENANCES, RECORDED APRIL 12, 1966, SERIES NO. AY-47113, REEL 1747, IMAGE 109, OFFICIAL RECORDS.

AFFECTS: NORTHERLY PORTION

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

7. THE FOLLOWING AS DISCLOSED BY AGREEMENT RECORDED APRIL 4, 1968, REEL 2156, IMAGE 834

BUYER AGREES TO GRANT PROPOSED 15 FOOT EASEMENT TO SOUTHERN PACIFIC RAILWAY ALONG SOUTHERN BOUNDARY OF PARCEL FOR RAIL CONSTRUCTION.

BUYER AGREES TO GRANT 50 FOOT RIGHT-OF-WAY ALONG NORTHERN BOUNDARY OF PROPERTY AND 10 FOOT WIDE SANITARY SEWER EASEMENT.

8. UNRECORDED LEASE AGREEMENT DATED DECEMBER 10, 1965 UPON THE TERMS AND PROVISIONS CONTAINED THEREIN AS DISCLOSED BY INSTRUMENT RECORDED APRIL 4, 1968, REEL 2156, IMAGE 834.

9. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF ALICE F. LANE, ETAL FOR THE PURPOSE OF PUBLIC UTILITY, RECORDED APRIL 09, 1969, SERIES NO. 69-38936, REEL 2379, IMAGE 582, OFFICIAL RECORDS.

AFFECTS: THE NORTH 10 FEET OF PREMISES

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

10. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF ALICE F. LANE, ET AL FOR THE PURPOSE OF INGRESS AND EGRESS, RECORDED APRIL 09, 1969, SERIES NO. 69-38937, REEL 2379, IMAGE 585, OFFICIAL RECORDS.

AFFECTS: THE NORTH 60 FEET OF PREMISES

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

11. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT IN FAVOR OF ALICE F. LANE, ET AL FOR THE PURPOSE OF SEWER, RECORDED APRIL 09, 1969, SERIES NO. 69-38938, REEL 2379, IMAGE 588, OFFICIAL RECORDS.

AFFECTS: PORTION OF PREMISES

NO REPRESENTATION IS MADE AS TO THE CURRENT OWNERSHIP OF SAID EASEMENT.

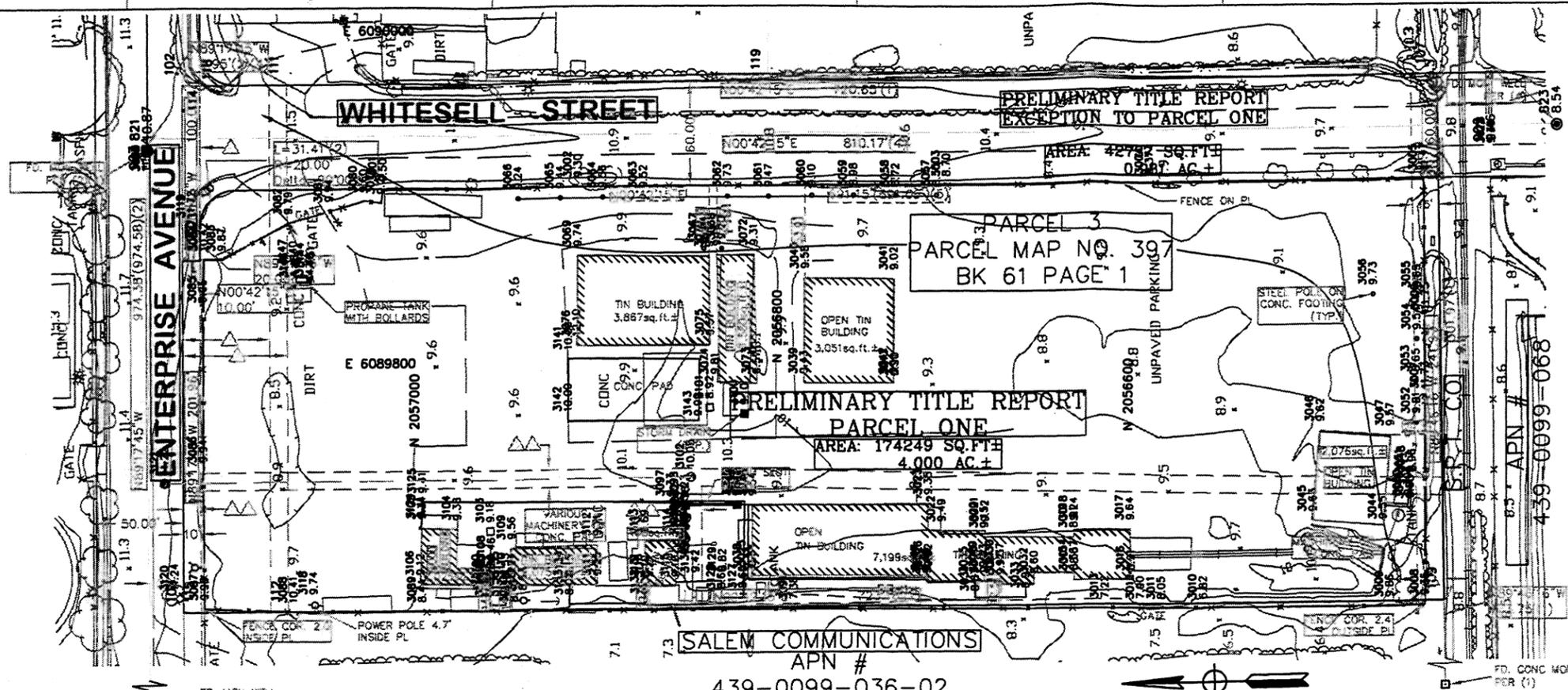
12. MANHOLE EASEMENT AS SHOWN ON THE MAP OF RECORD. (AFFECTS A PORTION OF PREMISES)

13. TERMS AND PROVISIONS OF AN UNRECORDED DECLARATION FOR THE EXTENSION OF ENTERPRISE AVENUE 968 FEET WESTERLY FROM ITS PRESENT TERMINUS AS DISCLOSED BY RESOLUTION RECORDED OCTOBER 16, 1987, INSTRUMENT NO. 87-282648.

14. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION OR BY A SURVEY OF SAID LAND THAT IS SATISFACTORY TO THIS COMPANY, OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.

NOTE: THIS COMPANY WILL REQUIRE THE FOLLOWING TO INSURE A LOAN BY OR A CONVEYANCE FROM THE VESTEE CORPORATION NAMED HEREIN:

- (A) A COPY OF THE CORPORATION BY-LAWS OR ARTICLES.
- (B) AN ORIGINAL OR CERTIFIED COPY OF THE RESOLUTION AUTHORIZING THE SUBJECT TRANSACTION.



NOTES:

BENCH MARK: N 1370 - BRASS DISK SET IN THE N/E CORNER OF A CATCH BASIN AT THE N/E CORNER OF THE INTERSECTION OF CLAWTHER ROAD AND WINTON AVENUE. THE ELEVATIONS ARE BASED ON THE NGVD DATUM OF 1929 AS PUBLISHED IN THE NGS DATA SHEET PID NO. HT2400. ELEVATION: 33.41 FEET NGVD29

BASIS OF BEARING: BEARINGS ON THIS MAP ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, 1983, ZONE III (EPOCH 1991.35). THE BEARING, N89°17'45"W, IS A GRID INVERSE BETWEEN COORDINATES FOR THE TWO MONUMENTS FOUND ON ENTERPRISE AVENUE AS SHOWN ON THE CITY OF HAYWARD MAP TITLED "SURVEY MONUMENTATION PLAT - ENTERPRISE AVENUE" FILE NO. 1-138. ALL COORDINATES AND DISTANCES ARE GRID VALUES. TO OBTAIN GROUND VALUES, DIVIDE THE GRID DISTANCES BY 0.99993069.

LEGEND:

- BUILDING LINE [diagonal hatching]
- PROPERTY LINE [solid line]
- CENTERLINE/MONUMENTLINE [dashed line]
- EASEMENT LINE [dotted line]
- FENCE LINE [line with 'x' marks]
- MAP REFERENCE (1) [triangle]
- EXCEPTION REFERENCE [square]
- FOUND CONCRETE MONUMENT AS NOTED [square]
- FOUND MONUMENT IN WELL AS NOTED [circle]
- ALAMEDA COUNTY RECORDS A.C.R. [circle]
- EXISTING DRAIN INLET [square]
- EXISTING FIRE HYDRANT [circle]
- EXISTING POWER POLE [diamond]
- EXISTING SEWER MANHOLE [circle]

REFERENCES

- (1) PARCEL MAP NO. 397 BOOK 61 - PAGE 1 A.C.R.
- (2) CITY OF HAYWARD "SURVEY MONUMENTATION PLAT - WHITESSELL STREET EXTENSION" FILE NO. 1-139
- (3) PARCEL MAP NO. 3189 BOOK 121 - PAGE 22 A.C.R.
- (4) CITY OF HAYWARD "SURVEY MONUMENTATION PLAT - WHITESSELL STREET EXTENSION" FILE NO. 1-138
- (5) REAL: 3118 OFFICIAL RECORDS, IMAGE: 692, A.C.R.

SURVEYOR'S CERTIFICATE

THIS SURVEY IS MADE FOR THE BENEFIT OF: CALPINE CONSTRUCTION FINANCE II, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RUNNELS INDUSTRIES, INC., A CALIFORNIA CORPORATION, AND PLACER TITLE COMPANY.

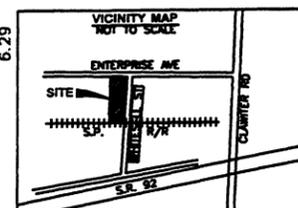
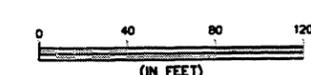
I, SCOTT R. TIKALSKY, LICENSED LAND SURVEYOR, DO HEREBY CERTIFY TO THE AFORESAID PARTIES, AS OF THE DATE SET FORTH ON THIS SHEET THAT A SURVEY WAS MADE UNDER MY DIRECTION OF A TRACT OF LAND DESCRIBED ON SHEET ONE OF THIS SURVEY.

I FURTHER CERTIFY THAT:

- 1.) THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES AT THE TIME OF THE FIELD SURVEY; THAT THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SAID PROPERTY EXCEPT AS SHOWN HEREON.
- 2.) THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999 AND INCLUDING ITEMS 2-4, 7(A), 7(B1), 8, 10, 11 (A), 13 AND 16 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."
3. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN PLACER TITLE COMPANY PRELIMINARY TITLE REPORT NO. 804-8525, ISSUED DECEMBER 22, 2000, AT 7:30AM, BY PLACER TITLE COMPANY AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT ARE APPARENT FROM PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME TO HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
4. THE PROPERTY DESCRIBED HEREON IS LOCATED IN FLOOD MAP DESIGNATION ZONE C, AREAS OF MINIMAL FLOODING, AS SHOWN ON PANEL NO. 065033 001B D OF THE FLOOD INSURANCE RATE MAPS, REVISED, FEBRUARY 19, 1986.
5. THE PROPERTY HAS DIRECT ACCESS TO A PUBLIC STREET OR HIGHWAY.
6. EXCEPT AS SHOWN, ALL UTILITIES SERVING THE THE SUBJECT PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.

DATE: \_\_\_\_\_

SCOTT R. TIKALSKY LS 7608  
 EXPIRES 12/31/04



PRELIMINARY

62

VERIFY SCALE

CH2MHILL

ALTA/ACSM LAND TITLE SURVEY OF THE LANDS DESCRIBED IN THE PRELIMINARY TITLE REPORT, ORDER No. 804-8525 ISSUED JANUARY 08, 2001 BY PLACER TITLE COMPANY CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

***Russell City Energy Center***

***Appendix 1-B  
Owners Adjacent to the Site and Linear  
Corridors***

***May 2001***

*Russell City Energy Center AFC*

*May 2001*

## Property Owners Adjacent to the Site and Linear Corridors

438 0080 006 02  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

438 0080 006 03  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

438 0080 013 04  
WASTE MANAGEMENT OF  
CALIFORNIA  
19600 FAIRCHILD #350  
IRVINE, CA 92612

438 0080 013 06  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

438 0080 013 07  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

438 0080 013 08  
STATE OF CALIFORNIA & CITY  
OF  
BUSH LN  
HAYWARD, CA 94545

439 0070 001 01  
Hans Kruger  
22958 SAKLAN RD  
HAYWARD, CA 94545

439 0070 002 00  
Hans Kruger  
22958 SAKLAN RD  
HAYWARD, CA 94545

439 0070 003 00  
Ruben P Dorris  
3696 DEPOT RD  
HAYWARD, CA 94545

439 0070 004 00  
Paul R Dorris  
3720 DEPOT RD  
HAYWARD, CA 94545

439 0070 005 01  
Baryalan;Feroz Masood Feroz  
3744 DEPOT RD  
HAYWARD, CA 94545

439 0070 005 02  
Ghulam & Najeeba N Rabani  
3090 WOLSEY PL  
FREMONT, CA 94555

439 0070 006 00  
Ethel J Lutschan  
19157 PARSONS AVE  
CASTRO VALLEY, CA 94546

439 0070 008 04  
J & M INC  
PO BOX 128  
HAYWARD, CA 94543

439 0070 008 06  
Robert L & Thomas W Spinardi  
23294 CONNECTICUT ST  
HAYWARD, CA 94545

439 0070 009 00  
Jon R Eash  
3862 DEPOT RD  
HAYWARD, CA 94545

439 0075 009 02  
Institutional Alliance Fund I Amb  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

439 0075 010 02  
Linda M & Judith Mullens  
3508 DEPOT RD  
HAYWARD, CA 94545

439 0075 012 00  
Barry M Gallagher  
1 KAISER PLZ #480  
OAKLAND, CA 94612

439 0075 013 02  
Barry M Gallagher  
1 KAISER PLZ #480  
OAKLAND, CA 94612

439 0075 069 02  
Institutional Alliance Fund I Amb  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

439 0080 003 07  
GILLIG CORPORATION  
25800 CLAWITER RD  
HAYWARD, CA 94545

439 0080 003 09  
GILLIG CORPORATION  
25800 CLAWITER RD  
HAYWARD, CA 94545

439 0080 003 10  
GILLIG CORPORATION  
25800 CLAWITER RD  
HAYWARD, CA 94545

439 0080 003 12  
GILLIG CORPORATION  
25800 CLAWITER RD  
HAYWARD, CA 94545

439 0080 003 14  
BERKELEY FARM INC  
4550 SAN PABLO AVE  
EMERYVILLE, CA 94608

439 0080 013 02  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 014 02  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 015 02  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 016 00  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 017 00  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 018 00  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 019 00  
PRUDENTIAL INSURANCE  
COMPANY  
505 14TH ST #460  
OAKLAND, CA 94612

439 0080 020 00  
Ann M Nejasnich  
3108 DIABLO AVE  
HAYWARD, CA 94545

439 0098 001 00  
R A & Alissa L Haderer  
3449 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0098 002 00  
Oscar & Lydia Bueno  
25589 SEABOARD LN  
HAYWARD, CA 94545

439 0098 003 00  
DPA ASSOCIATES  
90 TOBIN CLARK DR  
HILLSBOROUGH, CA 94010

439 0098 004 00  
Steven R Allington  
4348 HEYER AVE  
CASTRO VALLEY, CA 94546

439 0098 005 00  
Ehud & Eileen V Kirschner  
528 OAKSHIRE PL  
ALAMO, CA 94507

439 0098 006 00  
Dorothy M Foster  
25546 SEABOARD LN  
HAYWARD, CA 94545

439 0098 007 00  
Sheila H Siegel  
25568 Seaboard Lane  
Hayward, CA 94545

439 0098 008 00  
Ronald L;Kilpatrick Kathryn Stern  
20 WARMWOOD WAY  
HILLSBOROUGH, CA 94010

439 0098 009 00  
Gary Patigler  
2164 BLUEJAY CIR  
PINOLE, CA 94564

439 0098 010 00  
MANUFACTURERS  
EQUIPMENT COMPAN  
1313 SANDERLING IS  
POINT RICHMOND, CA 94801

439 0098 011 00  
Lillian & Schneider David Freeman  
208 BELHAVEN CIR  
SANTA ROSA, CA 95409

439 0098 012 00  
Gerard W Dowd  
1835 PORTOLA RD  
WOODSIDE, CA 94062

439 0099 001 06  
YELLOW FREIGHT SYSTEM  
INC  
10990 ROE AVE  
OVERLAND PARK, KS 66211

439 0099 002 00  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

439 0099 003 07  
RUNNELS INDUSTRIES INC  
3590 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 004 14  
TUSCARORA  
INCORPORATED  
800 5TH AVE  
NEW BRIGHTON, PA 15066

439 0099 004 15  
TUSCARORA INCORPORATED  
800 5TH AVE  
NEW BRIGHTON, PA 15066

439 0099 004 19  
Patrick J Monaghan  
3440 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 005 07  
Alfred D & Jean C Lawson  
301 BRENTWOOD AVE  
SAN FRANCISCO, CA 94127

439 0099 019 00  
John M Malcom  
3503 BREAKWATER CT  
HAYWARD, CA 94545

439 0099 032 00  
CRANBROOK REALTY  
INVESTMENT FU  
2020 STANDIFORD AVE #E2  
MODESTO, CA 95350

439 0099 034 02  
PARKER VENTURES LTD  
LIABILITY  
433 N CAMDEN DR #1070  
BEVERLY HILLS, CA 90210

439 0099 035 00  
SALEM BROADCASTING  
COMPANY  
4880 SANTA ROSA RD #300  
CAMARILLO, CA 93012

439 0099 036 01  
CITY OF HAYWARD  
22300 FOOTHILL BLVD  
HAYWARD, CA 94541

439 0099 036 02  
SALEM BROADCASTING  
COMPANY  
4880 SANTA ROSA RD #300  
CAMARILLO, CA 93012

439 0099 037 01  
Manuel L Barbosa  
PO BOX 56802  
HAYWARD, CA 94545

439 0099 037 02  
Manuel L & Phyllis J Barbosa  
4520 VALLEY ST  
FREMONT, CA 94538

439 0099 038 01  
Patrick J Monaghan  
3440 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 038 03  
Patrick J Monaghan  
3450 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 045 01  
Carl E & Pamela Bowker  
1212 MURCHISON DR  
MILLBRAE, CA 94030

439 0099 046 00  
PANRESOURCES  
INTERNATIONAL INC  
2462 WYANDOTTE ST  
MOUNTAIN VIEW, CA 94043

439 0099 047 00  
Sam & Terry M Portillo  
4040 SUGAR MAPLE DR  
DANVILLE, CA 94506

439 0099 051 00  
Joe & Denis Vandera  
3500 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 052 00  
Joe & Denis Vandera  
3500 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 064 01  
R D Young  
71 ATHERTON AVE  
ATHERTON, CA 94027

439 0099 065 00  
Robert J Jr Vanier  
10345 CULL CANYON RD  
CASTRO VALLEY, CA 94552

439 0099 066 00  
Robert J Jr Vanier  
3453 ENTERPRISE AVE  
HAYWARD, CA 94545

439 0099 067 00  
WXI/AJP REAL ESTATE LIMITED  
PA  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

439 0099 068 00  
WXI/AJP REAL ESTATE  
LIMITED PA  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

439 0099 073 00  
SPIEKER PROPERTIES  
1255 TREAT BLVD #150  
WALNUT CREEK, CA 94596

439 0099 075 00  
SPIEKER PROPERTIES LP  
1255 TREAT BLVD #150  
WALNUT CREEK, CA 94596

439 0099 076 00  
CRANBROOK REALTY  
INVESTMENT FU  
2020 STANDIFORD AVE #E2  
MODESTO, CA 95350

439 0099 077 00  
SPIEKER PROPERTIES  
1255 TREAT BLVD #150  
WALNUT CREEK, CA 94596

439 0100 001 00  
ENTERPRISE AVENUE  
ASSOCIATES L  
27900 VIA VENTANA  
LOS ALTOS HILLS, CA 94022

439 0100 002 00  
Chiun M & George L Tong  
48812 DEER VIEW TER  
FREMONT, CA 94539

439 0100 003 00  
Glenn Ullom  
9 BRYN MAWR CT  
SAN RAMON, CA 94583

439 0100 004 00  
A M Daw  
3559 GREENWOOD AVE  
LOS ANGELES, CA 90040

439 0100 005 02  
ORLIMAR GOLF COMPANY  
30826 SANTANA ST  
HAYWARD, CA 94544

439 0100 006 02  
Dean L & Shirley A Schenone  
5682 SAN LUIS CT  
PLEASANTON, CA 94566

439 0100 007 00  
Richard & Susan Mendell  
25652 NICKEL PL  
HAYWARD, CA 94545

439 0100 008 00  
Mark Tr & Kenith A Goodman  
5617 SLOAN PL  
CALABASAS, CA 91302

439 0100 009 00  
D J & Rhonda G Frank  
25616 NICKEL PL  
HAYWARD, CA 94545

439 0100 010 00  
Steve K Sr & Doris S Owen  
1530 VISTA GRAND DR  
SAN LEANDRO, CA 94577

441 0045 005 04  
MOUNT EDEN NURSERY  
COMPANY  
PO BOX 936  
MOUNTAIN VIEW, CA 94042

461 0001 026 00  
M Jr & Joyce C Hart  
3486 INVESTMENT BLVD  
HAYWARD, CA 94545

461 0001 027 00  
Joachim & Johann Wiest  
3122 JORDAN RD  
OAKLAND, CA 94602

461 0001 028 00  
FOSTER ENTERPRISES &  
FOSTER RI  
400 S EL CAMINO REAL #1400  
SAN MATEO, CA 94402

461 0001 029 01  
CUSTOM LABELS  
INCORPORATED  
3392 INVESTMENT BLVD  
HAYWARD, CA 94545

461 0001 046 00  
P G & E CO 135-1-58D-1  
PO BOX 770000  
SAN FRANCISCO, CA 94177

461 0001 048 00  
P G & E CO 135-1-58C-1  
PO BOX 770000  
SAN FRANCISCO, CA 94177

461 0060 009 00  
STATE OF CALIFORNIA  
801 K ST #806  
SACRAMENTO, CA 95814

461 0085 001 07  
STATE OF CALIFORNIA  
EDEN LANDING RD  
HAYWARD, CA 94545

461 0085 001 08  
Rajinderpal S & Maskeen K  
Sabharwal  
3550 MOWRY AVE #102  
FREMONT, CA 94538

461 0085 016 00  
PACIFIC GULF PROPERTIES  
INC  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

461 0085 017 00  
PACIFIC GULF PROPERTIES INC  
2235 FARADAY AVE #O  
CARLSBAD, CA 92008

461 0085 018 03  
CALWEST INDUSTRIAL  
PROPERTIES  
3521 Investment Bl  
Hayward, CA 94545

461 0085 021 00  
Thomas R & Kathleen A White  
2023 OAKLAND AVE  
PIEDMONT, CA 94611

461 0085 025 00  
HAYWARD POINT EDEN I  
LIMITED P  
1939 HARRISON ST #715  
OAKLAND, CA 94612

***Russell City Energy Center***

***Appendix 1-C  
City of Hayward Letter Regarding RCEC  
Architectural Design Concept***

***May 2001***

*Russell City Energy Center AFC*

*May 2001*



CITY OF  
**HAYWARD**  
HEART OF THE BAY

May 14, 2001

Mr. William I. Toman  
Calpine-Bechtel Joint Development  
6700 Koll Center Parkway  
Suite 200  
Pleasanton, California 94566

**SUBJECT: RUSSELL CITY ENERGY CENTER ARCHITECTURAL TREATMENT**

Dear Mr. Toman:

Thank you for presenting Calpine-Bechtel's proposed architectural treatment for the Russell City Energy Center to the citizens and City Council of Hayward at the workshop held on April 17, 2001. The architectural designs for the power plant that the Hillier Group developed each reflect a very creative approach to building screen design.

The general consensus at the meeting was that some kind of architectural treatment is both desirable and appropriate for the Russell City Energy Center and that Calpine-Bechtel is moving in the right direction with your plans for architectural treatment. The specific design that you have indicated you wish to propose as the preferred treatment, and known as the "wave" design, was endorsed by several members of the City Council and the public at the meeting. The City is supportive of Calpine-Bechtel's efforts in this direction. We are also very appreciative of the collaborative approach that you have taken during the project development process. The architectural screening workshop was an example of Calpine-Bechtel informing and involving the Hayward community in a key project decision.

The City will continue to work with Calpine-Bechtel to develop the best possible architectural design for all concerned.

Sincerely,

  
Jesús Armas  
City Manager

**OFFICE OF THE CITY MANAGER**

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4300 • FAX: 510/583-3601 • TDD: 510/247-3340

*Russell City Energy Center AFC*

*May 2001*

*Russell City Energy Center*

*Appendix 1-D  
Persons who Prepared the AFC*

*May 2001*

*Russell City Energy Center AFC*

*May 2001*

**APPENDIX 1D  
LIST OF CONTRIBUTORS**

<b>Affiliation</b>	<b>Name</b>	<b>Responsibility</b>
Calpine-Bechtel Joint Development	James R. Leahy	Development Manager
	James M. Dunstan, P.E.	Senior Technical Advisor
	Peter Mason, Ph.D., CEP	Senior Project Engineer
	Wayne Icenhower	Senior Project Engineer
	Chak Srinivasan	Senior Project Engineer
	Richard R. Stanley, P.E.	Senior Project Engineer
Argonaut Consulting	Andrea Grenier	Environmental Manager
Foster Wheeler Environmental Corporation	Douglas Davy, Ph.D.	AFC Project Manager
	Thomas Adams	Noise
	Jennifer Amdursky, P.E.	Waste Management, Hazardous Materials Handling, Phase I Assessment
	Monica Caravati	Public Health
	Dean Carrier	Wildlife Biology
	Chris DiDio	Geographic Information Systems
	David Dirkin	Geological Resources, Soils
	Andrew Gorman	Cultural Resources
	Brett Hartman	Wetlands and Botanical Resources
	Wendy Hill	Technical Editor
	Tamer Kirac	Traffic and Transportation
	Roger Margotto	Worker Health and Safety
	Brent Moore	Traffic and Transportation
	Court Morgan	Land Use, Traffic and Transportation
	Jennifer Nachmanoff	Cultural Resources
	Craig Rice	Water Resources
	Dean Sedlachek	Phase I Assessment
	Tom Stewart, Ph.D.	Paleontology
	Josh Teigiser	Land Use, Traffic and Transportation
	Douglas Urry	Assistant Project Manager, Waste Management, Hazardous Materials Handling
	Bradley Wheeler	Geographic Information Systems
CH2M Hill	David Richardson	Water supply
	Laura Harnish	Water supply
	Priya Patel	Water Supply
Commonwealth Associates Incorporated	Steve Miller	Transmission Engineering
	Joel Schaeffer	Transmission Engineering

**APPENDIX 1D  
LIST OF CONTRIBUTORS**

<b>Affiliation</b>	<b>Name</b>	<b>Responsibility</b>
Ellison, Schneider, and Harris	Jeff Harris, Esq. Gregg Wheatland, Esq.	Attorney Attorney
Environmental Vision	Marsha Gale Chuck Cornwall	Visual simulation Visual simulation
Harza Engineering	Thomas Priestley, Ph.D., AICP	Visual Resources
The Hillier Group	David Finci, AIA Paul Stocks	Architectural Design Architectural Design
Kris Helm	Kris Helm	Water Supply
Hessler Associates, Inc.	David Hessler	Noise modeling
RTP Environmental	Greg Darvin Rick Booth Bill Corbin Rick Graw	Air Quality
Sierra Research	Mark Valdez	Air Quality
Trident Engineering	John Rich	Natural Gas Transmission
Utility System Efficiency	Dan Wood	Transmission Engineering