



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Vossbrink
Kim Walesh

SUBJECT: GOOGLE FIBER HUT LICENSES
AND ASSOCIATED EASEMENTS

DATE: May 18, 2016

Approved

Date

5/18/16

REASON FOR ADDENDUM

Google Fiber has been working with the City to develop high speed broadband internet service in San Jose. Preparing the remaining Fiber Hut License Agreements and associated easements for ingress, egress, and power required additional data and information in order to bring them forward for Council consideration. Also on the May 24, 2016, Council Agenda, staff is bringing forward a Construction Impact Mitigation Plan to guide Google Fiber construction activity.

RECOMMENDATION

1. Consideration of Determination of Consistency to the Google Fiber Mitigated Negative Declaration (MND) adopted December 1, 2015, Resolution 77591; PP16-058 DC
2. Adopt a resolution authorizing the City Manager to:
 - a) Negotiate and execute Network Hut License Agreements and all other documents necessary to complete the transaction with Google Fiber for five City-owned sites located on the following Assessor Parcel Numbers (APN): Hellyer Road (APN 678-08-047), Los Lagos Golf Course (APN 497-46-001), Blossom Hill (APN 567-28-007), the West Yard (APN 381-19-025), and Guadalupe Parkway (APN 259-06-065).
 - b) Negotiate and execute all necessary ingress, egress, and utility connection easements for the Network Hut sites located at Hellyer Road (APN 678-08-047), Los Lagos Golf Course (APN 497-46-001), Blossom Hill (APN 567-28-007), the West Yard (APN 381-19-025), and Guadalupe Parkway (APN 259-06-065).

OUTCOME

The recommended actions will facilitate Google Fiber's efforts to provide San José residents with high-speed fiber optic residential service.

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BACKGROUND

Google Fiber is Google's "fiber-to-the-premises" project that provides residential broadband high-speed internet service to multiple U.S. cities. Google Fiber proposes a fiber-optic service that will provide residents with an internet connection with speeds up to 1,000 megabits or one gigabit per second (1Gb/s). The proposed internet service is significantly faster than the average broadband speeds currently available in the U.S. Google introduced the project in the spring of 2010 with the selection of Kansas City, Kansas, following a nationwide competition. Google expanded its project in 2013 by including Austin, Texas, and Provo, Utah, and in 2015 to Charlotte, South Carolina; Nashville, Tennessee; Atlanta, Georgia; and Raleigh/Durham, North Carolina.

In February 2014, Google invited 34 cities in nine metropolitan areas to be considered as candidates for potential expansion. Silicon Valley cities invited for consideration included San José along with Palo Alto, Mountain View, Sunnyvale, and Santa Clara. Google requested that cities submit extensive information regarding local ordinances, regulatory conditions, policies, right-of-way information, permitting requirements, and compatible infrastructure by May 2014. San José submitted the requested information and staff prepared an information memo to Council on the status of the submittal.

(<https://www.piersystem.com/extemal/content/document/1914/215763711/05-02-14CMO.PDF>)

On June 17, 2014, the City Council adopted a resolution approving the form of a master Network Hut License Agreement with Google Fiber for the potential siting of fiber infrastructure called "Fiber Huts" on non-right-of-way, City-owned property. The Network Hut License Agreement provided a form of a master agreement that would be the basis of individual licenses for specific Fiber Hut sites.

(<http://sanjoseca.gov/DocumentCenterNiew/32382>)

On December 1, 2015, the City Council adopted a resolution adopting the Mitigated Negative Declaration for the Google Fiber Project and related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA). Council also approved a Master Encroachment Permit between the City of San José and Google Fiber for the installation of a community-wide, residential high-speed fiber network. Council adopted a resolution authorizing the City Manager or his designee to negotiate and execute Network Hut License Agreements on two City-owned sites in San José as well as the necessary ingress, egress, and utility connection easements for the two Network Hut sites.

(http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=1475&meta_id=544455)

ANALYSIS

Since early 2014, the City and Google Fiber have worked together to bring the Google Fiber Project to San José. As mentioned above, it has been critical for the City to understand various components of the Google Fiber project such as the overall vision, Citywide fiber-optic network design, aggressive build schedule, and overall project delivery needs. The City and Google Fiber have achieved several major milestones in this collaborative effort, including securing City

Council approval of the Master Encroachment Permit, Conditional Use Permits for fiber hut sites, and fulfilling California Environmental Quality Act requirements. Also on the City Council Agenda of May 24, 2016, staff is bringing forward the Construction Impact Mitigation Plan to guide Google Fiber construction activity over the proposed three-year community-wide construction program.

Google Fiber is planning to provide a community-wide fiber optic service through an intricate network design. The fiber-to-the-premises network design comprises four primary elements including a Fiber Ring, nine Local Aggregation Sites (or Fiber Huts), underground vaults/telecommunications cabinets, and a direct fiber connection to households.

Fiber Hut License Agreements are necessary for Google to use City-owned property (with the City as the lessor) to locate its fiber infrastructure. Conditional Use Permits are necessary for the specific type of private use on public or private property (per Council Policy 6-16). Google Fiber has already obtained two Network Hut License Agreements and Conditional Use Permits located at Bird Avenue and Virginia Street and Glenbury Way and Thornwood Drive. In addition, it has obtained Conditional Use Permits for six other City-owned Fiber Huts located on Hellyer Avenue, Los Lagos Golf Course, Blossom Hill Road, the West Yard, Guadalupe Parkway, and Mexican Heritage Plaza parking lot. In addition, work is progressing on obtaining the appropriate permits for the use of a small portion of the Mexican Heritage parking lot. Google intends to secure one additional privately-owned site to complete its necessary ring of Network Hut sites to serve the entire community. The table below identifies the Council District, Assessor's Parcel Number (APN), Fiber Hut Locations, Site Name, Planning Commission File Number, and Planning Commission Approval Date:

Council District	APN	Fiber Hut Location	Site Name	Planning Commission File Number	Planning Commission Approval Date
3	464-28-010	Bird Ave and Virginia St.	SFO 109	CP15-068	December 2, 2015
10	264-41-074	Glenbury Way and Thornwood	SFO 111	CP15-069	December 2, 2015
2	678-08-047	Hellyer Ave and Bernal	SFO 112	CP15-76	February 24, 2016
7	497-46-001	Lone Bluff Way and Oldham Rd	SFO 113	CP15-079	February 24, 2016
10	567-28-007	Blossom Hill Road and State Rte 85	SFO 107	CP15-075	March 23, 2016
1	381-19-025	Williams Rd near Moorpark Ave	SFO 108	CP15-082	March 23, 2016
3	259-06-065	Guadalupe Pkwy near Mission St	SFO 115	CP15-077	March 23, 2016
5	481-18-060	Mexican Heritage Plaza parking lot	SFO 114	PDA97-083-01	April 20, 2016

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Based upon the configuration of the sites at Bird Ave and Virginia St, and at Glenbury Way and Thornwood, the Fiber Huts and ingress/egress and utility easements will encompass the entire parcel. For the remaining sites only a portion of the entire parcel will be encumbered by the Fiber Hut easement and the ingress/egress and utility easements. Exhibit A through Exhibit E highlight the specific areas that are needed to support the Fiber Huts and the ingress/egress and utility connection easements. The exhibits identify the Fiber Hut as "Parcel 1" and the ingress/egress and utility connection easements as "Parcel 2." There are two sites remaining that will require additional consideration in the future that include a portion of the Mexican Heritage parking lot and a privately-owned property. The specific area in the parking lot at the Mexican Heritage Plaza is still being evaluated, and the privately-owned property is still going through the Conditional Use Permit process.

To expedite the execution of the remaining Network Hut License Agreements with Google Fiber, staff is requesting the delegation of authority to the City Manager to execute the Network Hut License Agreements, consistent with prior Council approvals (with the exception of the Mexican Heritage Plaza parking lot), and to negotiate and execute any and all necessary City easements to Google Fiber for the five City-owned locations presented in this memorandum.

EVALUATION AND FOLLOW-UP

Google Fiber will be required to work with the City Manager or his designee for approval of the Hut Licenses and associated easements for the five remaining sites. In addition Google will need to return to the City Council for the Network Hut site intended for the Mexican Heritage Plaza parking lot and associated easement agreements. Additionally, Google will proceed to the Planning Commission for the one remaining Fiber Hut to be located on private property for a Conditional Use Permit.

Google Fiber will be required to obtain separate sub-permits for specific infrastructure installations. These sub-permits will be issued in accordance with City procedures and Municipal Code requirements, the terms of the Master Encroachment Permit, the CIMP, and any procedures set forth in the sub-permit. Finally, any additional City staffing that would be needed for the project shall be funded by Google Fiber through a future funding agreement that will come to Council this summer.

PUBLIC OUTREACH

The Google Fiber Project Mitigated Negative Declaration was circulated for public comment from October 13 through November 12, 2015. In addition, this memorandum will be posted on the City's Council Agenda website for the May 24, 2016, Council meeting.

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COORDINATION

Preparation of this memorandum has been coordinated with the Department of Public Works, Department of Planning, Building and Code Enforcement, City Attorney's Office, and City Manager's Budget Office.

COST SUMMARY/IMPLICATIONS

Google Fiber will expand its fiber network at its cost, which would include paying the costs of City permitting, inspection, and use of property associated with the project.

With the execution of City Network Hut License Agreements with Google Fiber, the City will receive approximately \$5,000 per year in rent per site, for a total of approximately \$40,000 per year for eight sites. In addition, the City will be charging a fee for the easement rights that will be given to Google Fiber for the ingress/egress and utility easements to access the Google Fiber Huts. The fee for these easements will be based upon the costs identified in the Network Hut License Agreements and the square footage required at each site which is still being determined.

Potential City revenue from franchise fees will be based on the number of video subscribers in the City to the Google Fiber network in future years. At this time it is not possible to estimate this number, but it could be in the order of magnitude of several million dollars annually if the project is successful.

Google Fiber will be required to assume the ongoing maintenance for the fiber-optic infrastructure at its cost.

CEQA

The environmental impacts of this project are addressed in an Initial Study and Mitigated Negative Declaration entitled, "Initial Study/Mitigated Negative Declaration Google Fiber Project" certified by the City Council on December 1, 2015. Resolution 77591; PP16-058 DC.

/s/
DAVID VOSSBRINK
Director of Communications

/s/
KIM WALES
Deputy City Manager
Director of Economic Development

For questions please contact Nanci Klein, Assistant Director, Office of Economic Development, at (408) 535-8184.

Attachments

DETERMINATION OF CONSISTENCY WITH A MITIGATED NEGATIVE DECLARATION FOR THE GOOGLE FIBER PROJECT, AS ADDENDED

Pursuant to Section 15162 of the CEQA Guidelines, the City of San José prepared a Determination of Consistency to the Google Fiber Mitigated Negative Declaration (MND), as addended, because the following actions, as described below, are pursuant to or in furtherance of the Google Fiber MND and do not involve new significant effects beyond those analyzed in the MND and subsequent addendums. Therefore, the City of San José can take action on the project as being within the scope of the Google Fiber MND and subsequent addendums.

PROJECT DESCRIPTION AND LOCATION: PP16-058 – Google Fiber Hut License and Easement Agreements. Adoption of a resolution authorizing the City Manager or his designee to conduct the following actions:

- a) Negotiate and execute Network Hut License Agreements and all other documents necessary to complete the transaction with Google Fiber for six City-owned sites at the following locations:
 1. Hellyer Ave. and Piercy Rd., APN 678-08-047 (CP15-076, approved by the Planning Commission on February 24, 2016)
 2. Blossom Hill Rd. and Blossom Park Ln., APN 567-28-007 (CP15-075, approved by the Planning Commission on March 23, 2016)
 3. Los Lagos Golf Course/Lone Bluff Wy. and Oldham Wy., APN 497-46-001 (CP15-079, approved by the Planning Commission on February, 24, 2016)
 4. Taylor/Guadalupe Pkwy, APN 259-06-065 (CP15-077, approved by the Planning Commission on March 23, 2016)
 5. West Yard/Williams Rd. and Moorpark Ave., APN 381-19-025 (CP15-082, approved by the Planning Commission on March 23, 2016)
 6. The School of Arts and Culture/Mexican Heritage Plaza, APN 481-18-060 (PDA97-083-01, approved by Planning Director on April 20, 2016)
- b) Negotiate and execute all necessary ingress, egress, and power connection easements for the Network Hut sites listed above.

The environmental impacts of this project were addressed by an MND entitled, "Mitigated Negative Declaration Google Fiber Project," and findings were adopted by City Council Resolution 77591 on December 1, 2015. Specifically, the following impacts were reviewed and found to be adequately considered by the MND, as supplemented:

Cultural Resources	Air Quality	Geology & Seismicity
Aesthetics	Greenhouse Gas Emissions	Energy Supply & Natural Resources
Noise	Biological Resources	Transportation & Circulation
Public Services and Utilities	Hazardous Materials	Hydrology & Water Quality
	Land Use	

David Keyon
Project Manager

Harry Freitas, Director
Planning, Building and Code Enforcement

5/16/16
Date

Meenaxi R. P.
Deputy

Exhibit A
Plat and Legal Description for APN 678-08-047

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY
(SFO 112)

All that Real Property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in that certain final order of condemnation, recorded on December 9, 2002, as Document No. 16671287, Santa Clara County Records. Also being a portion of Parcel A as shown upon that Record of Survey filed for record May 10, 1966 in Book 209 of Maps at page 26, Santa Clara County Records, more particularly described as follows:

Parcel One:

COMMENCING at a point along the centerline of Hellyer Avenue, being the most northerly terminus of a curve, having a radius of 1234.00' through a central angle of 16° 06' 13", and an arc length of 349.36', as shown upon that certain Record of Survey filed for record June 15, 2004 in Book 771 of Maps at pages 25 through 31, Santa Clara County Records;

Thence along the centerline of Hellyer Avenue, North 60° 10' 46" West, 25.74 feet to the northwesterly line of a portion of Lot 10 as shown on said Record of Survey;

Thence southwesterly along said line, South 44° 32' 11" West, 79.70 feet;

Thence leaving said line, South 59° 18' 18" East, 50.26 feet, to the TRUE POINT OF BEGINNING of this description;

Thence South 59° 18' 18" East, 9.41 feet to Point "A";

Thence South 59° 18' 18" East, 46.09 feet;

Thence South 30° 41' 42" West, 31.50 feet;

Thence North 59° 18' 18" West, 55.50 feet;

Thence North 30° 41' 42" East, 31.50 feet to the True Point of Beginning.

Containing a Gross Area of 1,748 square feet, more or less.

Parcel Two:

BEGINNING at herein above described Point "A";

Thence South 59° 18' 18" East, 46.09 feet;

Thence South 30° 41' 42" West, 18.37 feet;

Thence South 59° 18' 18" East, 37.32 feet;

Thence North 30° 41' 42" East, 40.80 feet;

Thence South 59° 18' 18" West, 8.54 feet;

Thence North 30° 41' 42" East, 10.15' to a point lying along the southerly line of Hellyer Avenue, as shown on that certain Record of Survey filed for record June 15, 2004 in Book 771 of Maps at pages 25 through 31, Santa Clara County Records;

Exhibit A (cont)
Plat and Legal Description for APN 678-08-047

Thence along said southerly line of Hellyer Avenue, along a non-tangent curve to the left having a radius of 1200 feet, from which a radial line bears South 34° 53' 34" West; thence along the arc of said curve 92.02 feet through a central angle of 4° 23' 36";

Thence leaving said curve, South 30° 41' 42" West, 34.92 feet to point "A", the Point of Beginning.

Containing a Net Area of 3,544 square feet, more or less.

Plat labeled "A-1" to accompany this description and made a part hereof.

This description, and plat attached, has been compiled from record data and not a field survey.

The Basis of Bearings for this description is the bearing North 60° 20' 00" West, for the centerline of Piercy Road as shown on the Record of Survey, filed for record May 7, 1997 in Book 688 of Maps at Pages 3 and 4, Santa Clara County Records;

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



Steve G. Choy, PLS 6672



Exhibit B
Plat and Legal Description for APN 497-46-001

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY
(SFO 113)

All that Real Property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in that certain grant deed from VALLEY TITLE COMPANY to the CITY OF SAN JOSE, a municipal corporation, recorded on November 10, 1987 in Book 7923 of Official Records at Page 667, as Document No. 3318129, Santa Clara County Records, more particularly described as follows:

PARCEL 1:

COMMENCING at the point of intersection of the centerline of Oldham Way with the northeasterly line of Lone Bluff Way (formally Dorsetshire Drive) as shown upon the map of Tract No. 2635 filed for record October 19, 1960 in Book 126 of Maps at Page 29, Santa Clara County Records;

Thence southeasterly, along said line, also being a non-tangent curve to the right, having a radius of 560.00 feet, from which a radial line bears South 77° 01' 44" West, arc length of 34.14 feet, through a central angle of 03° 29' 34", to a point of reverse curve;

Thence southerly along said reverse curve to the left, having a radius of 640.00 feet, arc length of 25.54 feet, through a central angle of 02° 17' 10" to Point "A";

Thence leaving said northeasterly line, North 70° 05' 17" East, 28.08 feet, to the TRUE POINT OF BEGINNING;

Thence continuing along said line, North 70° 05' 17" East, 50.87 feet;
Thence South 19° 54' 43" East, 29.68 feet;
Thence South 70° 05' 17" West, 50.87 feet;
Thence North 19° 54' 43" West, 29.68 feet to the True Point of Beginning.

Containing a Gross Area of 1,510 square feet, more or less.

Exhibit B (cont)
Plat and Legal Description for APN 497-46-001

PARCEL 2:

BEGINNING at herein above described Point "A", southerly along the northeasterly line of Lone Bluff Way (formally Dorsetshire Drive), also being a non-tangent curve to the right, having a radius of 640.00 feet, arc length of 108.16 feet, through a central angle of 09° 16' 14";

Thence leaving said line, North 49° 28' 15" East, 89.17 feet;

Thence North 19° 54' 43" West, 44.87 feet;

Thence South 70° 05' 17" West, 50.87 feet;

Thence North 19° 54' 43" West, 29.68 feet;

Thence South 70° 05' 17" West, 28.08 feet to the Point of Beginning.

Containing a Net Area of 5,938 square feet, more or less.

Plat labeled "A-1" to accompany this description and made a part hereof.

This description, and plat attached, has been compiled from record data and not a field survey.

The Basis of Bearings for this description is the bearing North 49° 29' 24" East, for the centerline of Oldham Way as shown the map of Tract No. 2635, filed for record October 19, 1960 in Book 126 of Maps at Page 29, Santa Clara County Records;

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



A handwritten signature in black ink, appearing to be "S. G. Choy".

Steve G. Choy, PLS 6672

Exhibit B (cont)
 Plat and Legal Description for APN 497-46-001

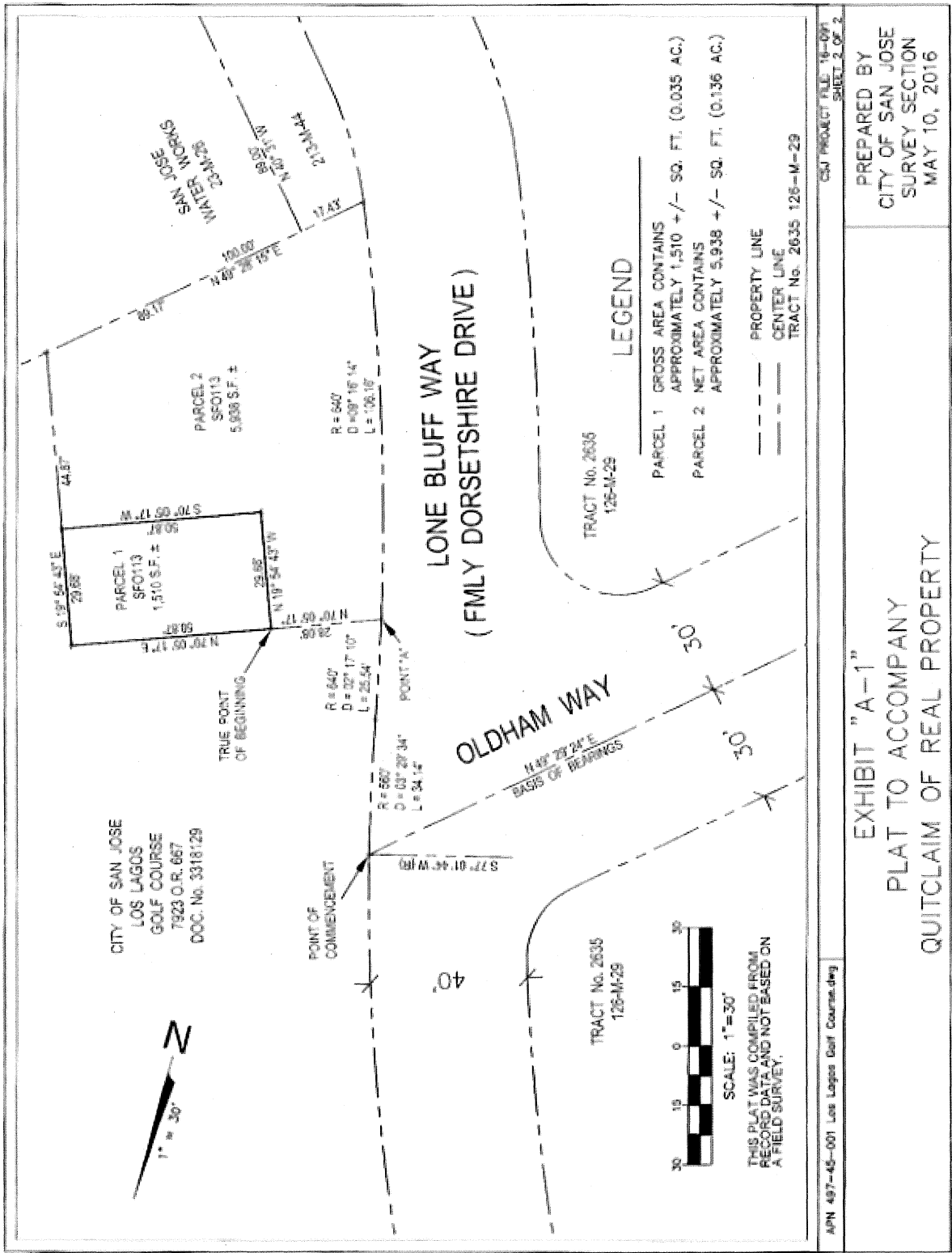


EXHIBIT "A-1"
PLAT TO ACCOMPANY
QUITCLAIM OF REAL PROPERTY

Exhibit C
Plat and Legal Description for APN 567-28-007

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY
(SFO 107)

All that Real Property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land, conveyed to the City of San Jose, a municipal corporation, by that certain instrument, recorded in Book 404 of Official Records at page 720, Document No. 4530900, Santa Clara County Records, more particularly described as follows:

PARCEL 1:

BEGINNING at the Northwest corner of Tract No. 3175, as shown on the Map thereof recorded in Book 148 of Maps, page 55, Santa Clara County Records;

Thence along the southeasterly line of Blossom Hill Road, southwesterly, along a non-tangent curve to the right, having a radius of 1645.00 feet, from which a radial line bears North 25° 28' 27" West, arc length of 92.00 feet, through a central angle of 3° 12' 15";

Thence leaving said line, South 23° 39' 02" East, 17.82 feet;

Thence North 66° 20' 58" East, 8.00 feet, to the TRUE POINT OF BEGINNING of this description;

Thence South 23° 39' 02" East, 51.50 feet;

Thence North 66° 20' 58" East, 46.00 feet;

Thence North 23° 39' 02" West, 51.50 feet;

Thence South 66° 20' 58" West, 46.00 feet, to the True Point of Beginning.

Containing a Gross Area of 2,369 square feet, more or less.

Exhibit C (cont)
Plat and Legal Description for APN 567-28-007

PARCEL 2:

BEGINNING at the Northwest corner of Tract No. 3175, as shown on the Map thereof recorded in Book 148 of Maps, page 55, Santa Clara County Records;

Thence along the southeasterly line of Blossom Hill Road, southwesterly, along a non-tangent curve to the right, having a radius of 1645.00 feet, from which a radial line bears North 25° 28' 27" West, arc length of 92.00 feet, through a central angle of 3° 12' 15";

Thence leaving said line, South 23° 39' 02" East, 117.42 feet;

Thence North 66° 20' 56" East, 98.42 feet, to the northeasterly line of said Document No.4530900;

Thence along said northeasterly line, North 26° 46' 40" West, 117.95 feet to the Point of Beginning.

EXCEPTING THEREFROM Parcel 1 of this description.

Containing a Net Area of 8,788 square feet, more or less (Gross Area of 11,157 square feet, more or less).

Plat labeled "A-1" to accompany this description and made a part hereof.

This description, and plat attached, has been compiled from record data and not a field survey.

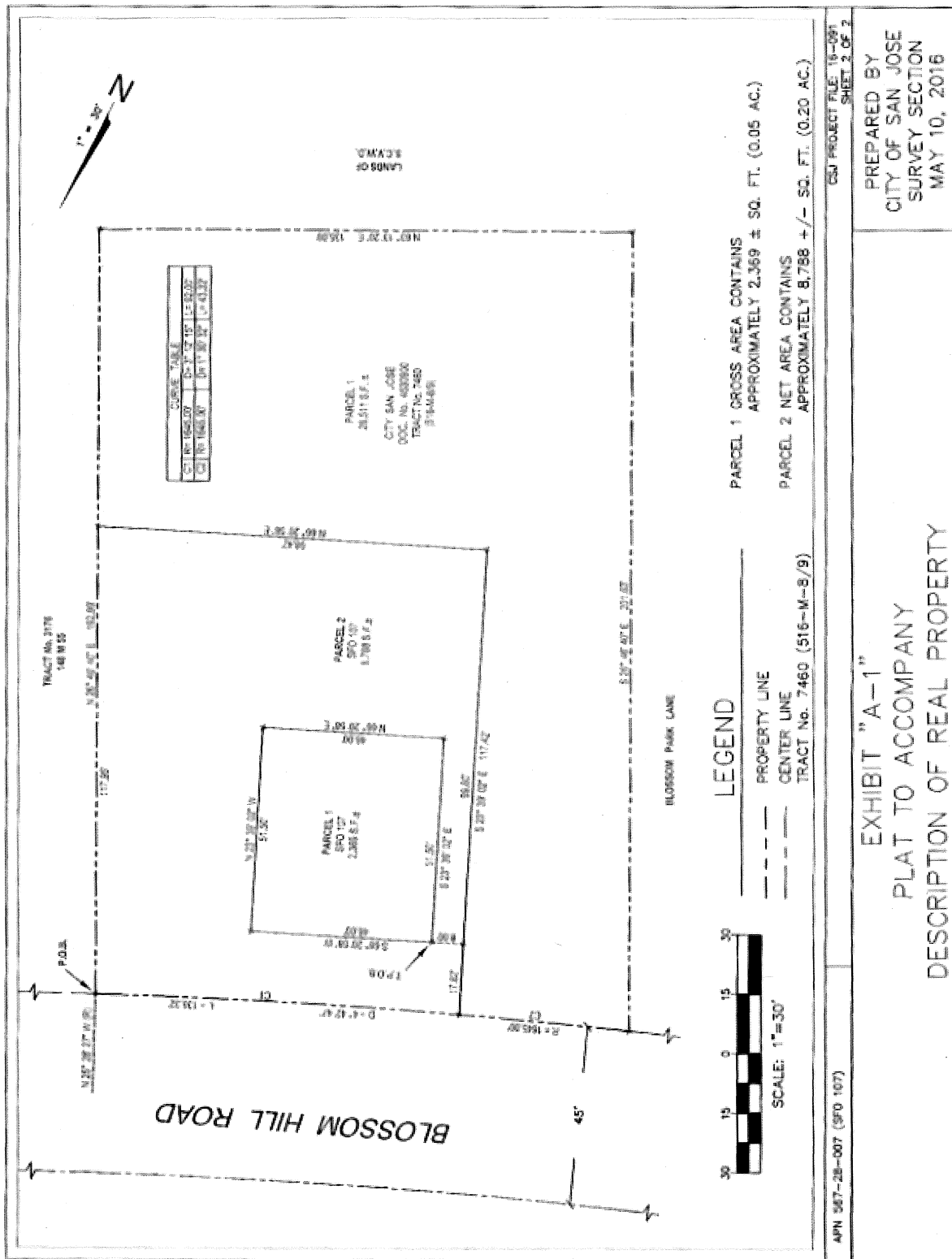
The Basis of Bearings for this description is the bearing North 60° 21' 53" East, for the centerline of Blossom Hill Road as shown on the Map of Tract No. 3176, filed for record June 29, 1962 in Book 148 of Maps at Page 55, Santa Clara County Records.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.


Steve G. Choy, PLS 6672



Exhibit C (cont)
 Plat and Legal Description for APN 567-28-007



APN 567-28-007 (SFO 107)

EXHIBIT "A-1"
PLAT TO ACCOMPANY
DESCRIPTION OF REAL PROPERTY

Exhibit D
Plat and Legal Description for APN 381-19-025

EXHIBIT A
DESCRIPTION OF REAL PROPERTY
(SFO 108)

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the property described in that certain Grant Deed in Book 4018 of Official Records, at Page 665, recorded on May 27th, 1958, also being a portion of Pcl. A, as shown on that certain Record of Survey, filed in Book 414, at Page 16, filed on March 7th, 1978, County of Santa Clara, and being more particularly described as follows:

Parcel 1:

Beginning at the most southwesterly corner of Pcl. A, as shown on said Record of Survey;

Thence along the southwesterly line of said Pcl. A, North 24°51'45" East 417.40 feet;

Thence leaving said southwesterly line, South 65°08'15" East 11.87 feet to the TRUE POINT OF BEGINNING;

Thence North 24°51'45" East 55.80 feet to "Point A";

Thence South 65°08'15" East 31.80 feet

Thence South 24°51'45" West 55.80 feet;

Thence North 65°08'15" West 31.80 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

Beginning at herein described "Point A,"

Thence North 24°51'45" East 28.95 feet to the most northerly line of said Pcl. A;

Thence along said line, North 89°43'24" East 176.57 feet to the southerly right of way of Williams Road, as shown on said map;

Thence along said southerly right of way of Williams Road, being a non-tangent curve to the left, with a radial bearing of North 30°23'13" East, with a radius of 330.00 feet, through a central angle of 08°07'01", along an arc length of 46.75 feet;

Exhibit D (cont)
Plat and Legal Description for APN 381-19-025

Thence leaving last said line, South 23°30'04" West 5.68 feet;
Thence North 65°49'52" West 20.60 feet;
Thence South 89°01'44" West 127.28 feet;
Thence South 68°32'42" West 31.73 feet;
Thence South 38°06'24" West 42.82 feet;
Thence South 24°51'45" West 32.55 feet;
Thence North 65°08'15" West 8.00 feet to the southeasterly corner of herein described Parcel 1;
Thence along the easterly line of said Parcel 1, North 24°51'45" East 55.80 feet northeasterly corner of said Parcel 1;
Thence along the northerly line of said Parcel 1, North 65°08'15" West 31.80 feet to the herein described "Point A."

The Basis of Bearing for this description is the southwesterly line Pcl. A, labeled "North 24°51'45" East 496.57", "as shown on said Record of Survey.

Parcel 1 contains approximately 1,774 +/- sq. ft. (0.04 ac).

Parcel 2 contains approximately 5,333 +/- sq. ft. (0.12 ac).

Plat labeled A-1 to accompany this description and made a part hereof.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



A handwritten signature in black ink, appearing to be "Steve G. Choy", written over a horizontal line.

Steve G. Choy, PLS 6672

Exhibit D (cont)
Plat and Legal Description for APN 381-19-025

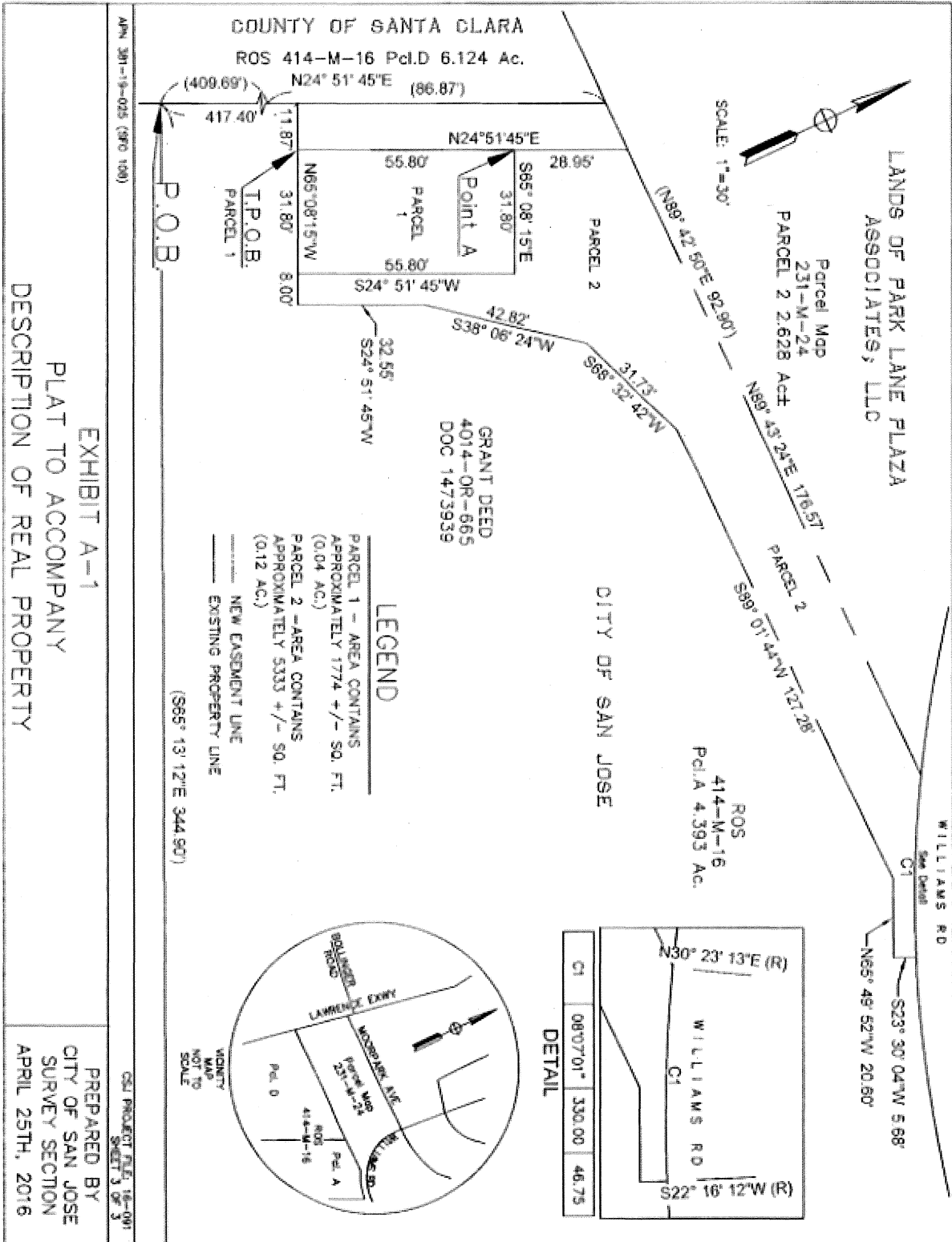


EXHIBIT A-1
PLAT TO ACCOMPANY
DESCRIPTION OF REAL PROPERTY

APN 381-19-025 (PFO 100)

CSJ PROJECT FILE: 16-091 SHEET 3 OF 3

Exhibit E
Plat and Legal Description for APN 259-06-065

EXHIBIT A
DESCRIPTION OF REAL PROPERTY
(SFO 115)

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the property described in Document Number 19379159, of Official Records, filed on April 11th, 2007, County of Santa Clara, and being more particularly described as follows:

Parcel 1:

Beginning at the most southerly corner of the lands as described in said Document;
Thence along the southwesterly line of said parcel, along a non-tangent curve to the left, with a radial bearing of North 40°44'31" East, with a radius of 2952.75 feet, through a central angle of 01°06'38", along an arc length of 57.22 feet;
Thence leaving said southeasterly line, North 38°43'32" East 17.69 feet;
Thence North 76°02'23" East 21.60 feet;
Thence North 44°10'12" East 67.56 feet to the TRUE POINT OF BEGINNING;
Thence North 45°49'46" West 8.57 feet;
Thence North 44°10'12" East 31.50 feet;
Thence South 45°49'46" East 55.50 feet;
Thence South 44°10'12" West 31.50 feet;
Thence North 45°49'46" West 46.93 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

Beginning at the most southerly corner of the lands as described in said Document;
Thence along the southwesterly line of said parcel, along a non-tangent curve to the left, with a radial bearing of North 40°44'31" East, with a radius of 2952.75 feet, through a central angle of 00°26'01", along an arc length of 22.14 feet to the TRUE POINT OF BEGINNING;

Exhibit E (cont)
Plat and Legal Description for APN 259-06-065

Thence continuing along said southwesterly line, along said curve with a radial bearing of North 40°18'45" East, with a radius of 2952.75 feet, through a central angle of 00°40'51", along an arc length of 35.08 feet;
Thence leaving said southeasterly line, North 38°43'32" East 17.69 feet;
Thence North 76°02'23" East 21.60 feet;
Thence North 44°10'12" East 67.56 feet to the southwesterly line of herein described Parcel 1;
Thence along said southwesterly line, South 45°49'46" East 30.14 feet;
Thence leaving said southwesterly line, South 44°10'12" West 69.94 feet;
Thence South 53°06'20" West 31.39 feet to said southwesterly and the TRUE POINT OF BEGINNING.

The Basis of Bearing for this description is the southeasterly line described as "South 49°39'32" West 58.175 meters," in said Document Number 19379159.

Plat labeled A-1 to accompany this description and made a part hereof.

Parcel 1 contains approximately 1,748 +/- sq. ft. (0.08 ac).

Parcel 2 contains approximately 3,275 +/- sq. ft. (0.04 ac).

This description, and plat attached, has been compiled from record data and not on a field survey.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



A handwritten signature in black ink, appearing to read "Steve G. Choy".

Steve G. Choy, PLS 6672

Exhibit E (cont)
Plat and Legal Description for APN 259-06-065

