

Attachment 3
Agreements for Access Rights from University of California and City of Berkeley
to City of Albany for construction access

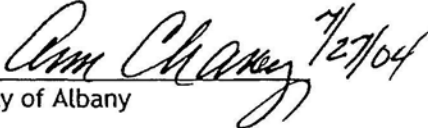
AGREEMENT FOR ACCESS RIGHTS

THIS ACCESS AGREEMENT, dated 7/27/04 is by and between THE CITY OF ALBANY ("Albany") and THE CITY OF BERKELEY ("Berkeley")

1. Upon reasonable prior written notice from Albany, not to be less than seventy-two (72) hours, Berkeley shall permit the Albany, its employees, agents, contractors, and representatives, the right to enter onto Berkeley's property adjoining Codornices Creek lying within the area outlined on the map entitled Plat to Accompany Legal Description attached as Exhibit A ("Property") during the period from August 1, 2004 through June 1, 2006, for the purpose of constructing the improvements identified as Lower Codornices Creek Restoration, Contract #04-07 of Albany. Construction activity shall comply with Albany and Berkeley requirements (i.e., noise, hours of operation, etc).
2. With respect to the Albany's entry as provided herein, the Albany shall: (i) indemnify and hold Berkeley harmless from and against any losses, costs (including reasonable attorneys' fees), damages, actions or expenses arising out of such entry and/or such activities on the Property, and (ii) promptly repair any damage to the Property caused by the Albany's entry.
3. Albany will contact and obtain from Berkeley any additional permits required for improvements described above.

THE CITY OF ALBANY

THE CITY OF BERKELEY


City of Albany


City of Berkeley

Attachments: Exhibit A - Plat to Accompany Legal Description
 Exhibit B - Legal Description
 Location Plan
 Work Plan

LEGAL DESCRIPTION

REAL PROPERTY PARTLY IN THE CITY OF ALBANY, ALAMEDA COUNTY, CALIFORNIA, AND PARTLY IN THE CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA, BEING A PORTION OF THE PARCEL OF LAND SHOWN ON THE MAP OF RECORD OF SURVEY NUMBER 1583, RECORDED AUGUST 5, 1999, IN BOOK 23 OF RECORDS OF SURVEY, PAGES 84 THROUGH 86, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF FIFTH STREET, DISTANT THEREON NORTH 13° 13' 03" WEST, 422.16 FEET FROM THE NORTH LINE OF HARRISON STREET, AS SAID LINES ARE SHOWN ON SAID RECORD OF SURVEY (23 RS 84-86), THENCE ALONG SAID WEST LINE, NORTH 13° 13' 03" WEST, 19.69 FEET; THENCE SOUTH 76° 14' 57" WEST, 215.13 FEET; THENCE SOUTH 13° 13' 08" EAST, 11.54 FEET; THENCE SOUTH 76° 46' 52" WEST, 340.89 FEET TO A POINT ON THE EAST LINE OF THE UNION PACIFIC RAILROAD, DISTANT THEREON NORTH 13° 12' 23" WEST, 428.30 FEET FROM THE NORTH LINE OF SAID HARRISON STREET; THENCE ALONG THE EAST LINE OF SAID UNION PACIFIC RAILROAD, NORTH 13° 12' 23" WEST, 168.93 FEET; THENCE SOUTH 56° 03' 33" EAST, 47.10 FEET; THENCE NORTH 80° 56' 27" EAST, 177.00 FEET; THENCE SOUTH 9° 03' 33" EAST, 3.00 FEET; THENCE NORTH 80° 56' 27" EAST, 90.06 FEET; THENCE NORTH 81° 42' 27" EAST, 68.12 FEET; THENCE NORTH 60° 42' 47" EAST, 59.15 FEET; THENCE NORTH 76° 46' 57" EAST, 193.15 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FIFTH STREET; THENCE ALONG SAID NORTHERLY EXTENSION AND SAID EAST LINE SOUTH 13° 13' 03" EAST, 112.92 FEET TO A POINT DISTANT NORTH 13° 13' 03" WEST, 422.16 FEET FROM THE NORTH LINE OF SAID HARRISON STREET; THENCE SOUTH 76° 46' 57" WEST, 60.00 FEET TO THE POINT OF BEGINNING.

THE ATTACHED PLAT IS MADE A PART OF THIS DESCRIPTION.

MATTHEW L. REI, DATE
L.S. NO. 7115
REGISTRATION EXPIRES: 12/31/06

Attachment 3, Exhibit

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

FACILITIES SERVICES
PHYSICAL AND ENVIRONMENTAL PLANNING
300 A & E BUILDING, # 1382

BERKELEY, CALIFORNIA 94720-1382

AGREEMENT FOR ACCESS RIGHTS

THIS ACCESS AGREEMENT, dated Aug. 12, 2004 is by and between THE CITY OF ALBANY ("City") and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ("University")

1. Upon reasonable prior written notice from the City, not to be less than seventy-two (72) hours, the University shall permit the City, its employees, agents, contractors, and representatives, the right to enter onto the University's property adjoining Codornices Creek as outlined on the map attached as Exhibit A ("Property") during the period from August 1, 2004 through June 1, 2006, for the purpose of constructing the improvements identified as Lower Codornices Creek Restoration, Contract #04-07 of the City of Albany. Construction activity shall comply with City and University requirements (i.e., noise, hours of operation, etc).
2. The City is aware that a portion of the Property is subject to a license agreement between the Regents and the Alameda Contra Costa Youth Soccer League (ACCYSL). The City shall be responsible for providing notice of construction activities to ACCYSL and coordinating construction to minimize interruption of the use of the fields.
3. With respect to the City's entry as provided herein, the City shall: (i) indemnify and hold the University harmless from and against any losses, costs (including reasonable attorneys' fees), damages, actions or expenses arising out of such entry and/or such activities on the Property, and (ii) promptly repair any damage to the Property caused by the City's entry.
4. The City will contact and obtain from the University any additional permits required for improvements described above.
5. At the termination of this agreement, City shall immediately cease construction on the property, return the premises to a clean and orderly condition, and replace in kind any existing improvements that may have been disturbed or removed during the course of the work.

THE CITY OF ALBANY

City of Albany

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

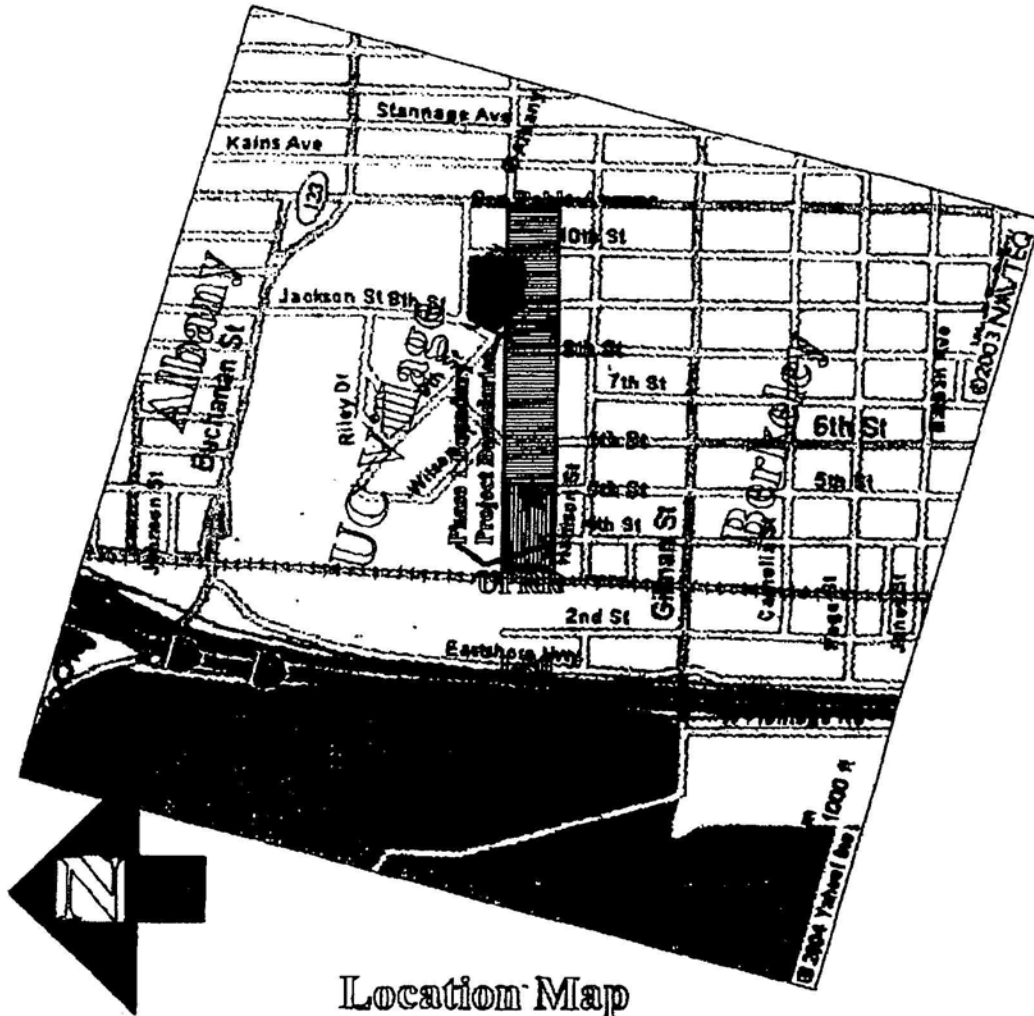
Helen Levay
UC Berkeley, Real Estate Services Manager

Recommended for Approval
Assistant Vice Chancellor, Physical & Environmental Planning

Attachments: Location Plan (one page)
Work Plan (one page)

Attachment 3, Exhibit A, p2

Attachment 1: Location Plan



Location Map
Lower Codornices Creek
Restoration - Contract #04-07
City of Albany, CA

Attachment 3, Exhibit A, p3

Attachment 2: Work Plan

The City's work plan consists of the following elements:

- dewatering the creek, Fifth Street to the UPRR, including the construction and operation of cofferdam above (east of) Fifth Street and bypass pumps and piping (temporary by-pass piping to be moved to inside the north Project Limits line in lieu of the locations shown on the project plans to accommodate requirements of permitting agencies);
- clearing and grubbing the entire project site area;
- removal of existing culverts and miscellaneous exposed and hidden concrete in the project reach;
- removal of metal object ("wire bird") on the property area and relocation to UC Village Parking Lot Q (Herman Survey Topo), off Sixth Street;
- removal of existing vegetation within the project area;
- importing clean soil to fill the old creek channel;
- grading to create a new flood plain and active channel area;
- export of local soils for disposal at appropriate land fill sites;
- new concrete work (deck, seat walls, bridge abutments);
- bioengineering (harvesting of live cuttings from trees that grew on site);
- harvesting of live cuttings from off site;
- installation of live cuttings;
- installation of rock and boulders for decoration and control of drainage and erosion;
- installation of container plants and temporary irrigation therefore;
- removal of existing fencing;
- installation of new permanent chain link fencing;
- installation and removal of temporary construction fencing as required;
- installation of gravel pathway, decomposed granite (DG) pathway and plaza;
- installation of concrete plaza at north end of footbridge;
- new prefabricated, painted steel footbridge at approximately the existing Fourth Street culvert crossing;
- relocation of existing 4" irrigation piping onto the bridge underside;
- relocation and modification of the existing "Fielding West" and "Fielding East" sports fields including and skinned infield, backstop, batting cage, backstops, irrigation and utility systems, and associated work.

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