



Midpeninsula Regional
Open Space District

R-19-97
Meeting 19-19
July 24, 2019

AGENDA ITEM 8

AGENDA ITEM

Adopt a resolution to submit an application for the rehabilitation of Alma College to the County of Santa Clara's Historic Grant Program, administered through the Santa Clara County Parks and Recreation Department.

GENERAL MANAGER'S RECOMMENDATION *den*

Adopt a resolution by roll call vote authorizing the General Manager to file an application and execute a funding agreement with the County of Santa Clara for funding to assist with the rehabilitation of Alma College.

SUMMARY

The Historic Grant Program is a new grant opportunity established by the Board of Supervisors of the County of Santa Clara with the purpose of celebrating history in Santa Clara County. Competitive projects will acknowledge and celebrate untold stories and/or underrepresented/disadvantaged communities. The County of Santa Clara Parks and Recreation Department (Parks Department) will administer this program and a total of \$5 million is available in funding, with a total of \$1 million available for each of the five Supervisorial Districts in the county. The Midpeninsula Regional Open Space District (District) plans to submit an application in the amount of \$322,750 for the rehabilitation of Alma College. Adoption of a resolution by the Board of Directors (Board) is required to meet the grant requirements and execute the grant agreement.

DISCUSSION

The Historic Grant Program is a new grant opportunity established by the Board of Supervisors of the County of Santa Clara with the purpose of celebrating history in Santa Clara County. Competitive projects will acknowledge and celebrate untold stories and/or underrepresented/disadvantaged communities. Eligible projects must be located or take place in Santa Clara County, must involve something of historical significance related to Santa Clara County residents or communities, and must be completed within three year from the date the grant is awarded. Projects can include capital improvement, non-capital improvement, and events.

District staff are preparing an application to offset Alma College rehabilitation costs. The funding request will focus on Alma College as a cultural landscape and the compelling features that celebrate the history of numerous eras, dating back to Native American use of the site. The District's financial commitment to this project, the suite of public access opportunities at Bear

Creek Redwoods Open Space Preserve that dovetail with this historic site, and the compelling historic and cultural value of this resource, make this project proposal highly competitive.

Grant Requirements

Capital improvement projects must extend the useful life of an asset at least 20 years or adapt it to new uses, and must maintain the project and provide for continual public use for the same time period on a non-discriminatory basis. Grantees must provide at least a 50% match based on the total proposed project budget and applicant type.

If awarded, grantees must submit written progress reports to the Parks Department annually by June 1st of each year during the grant performance period. Grantees are further required to publicly acknowledge the funding source with a permanent plaque affixed to the building exterior or another prominent location and by crediting the County in other project-related materials.

The attached resolution (Attachment 1) certifies that the project is located on property owned by the District, that the District is ready and willing to carry out the terms of the grant agreement, and delegates the General Manager to execute the grant agreement and any necessary grant amendments.

FISCAL IMPACT

A Historic Grant Program grant would represent a positive fiscal impact, totaling \$322,750 beginning in FY2019-20. Total project costs for the MAA21-006 Bear Creek Redwoods – Alma College Cultural Landscape Rehabilitation project are estimated to be \$5.4 million, of which the County of Santa Clara would be contributing 6%. The District will contribute the remaining balance through its Measure AA funds.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Submitting grant applications to secure funding is not subject to CEQA. Rehabilitation of Alma College was evaluated in the Final Environmental Impact Report for the Bear Creek Redwoods Preserve Plan adopted in January 2017 (State Clearinghouse #2015062029).

NEXT STEPS

Near-term next steps for the project include:

- Application submittal (July 19)
- Document design and planning (August 2017 – June 2019)
- Permitting (April 2018 – October 2019)

- Grant awards announced (December 2019)
- Bid documents and award contract (October 2019 – April 2020)
- Construction (April 2020 – October 2020)

Attachments:

1. Resolution authorizing the District's grant application for Historic Grant Program.

Responsible Department Head:

Stefan Jaskulak, CFO/Director of Administrative Services

Prepared by:

Melanie Askay, Grants Program Manager

RESOLUTION NO. 19-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING MIDPENINSULA REGIONAL OPEN SPACE DISTRICT'S APPLICATION FOR A COUNTY OF SANTA CLARA HISTORIC GRANT FOR THE ALMA COLLEGE PROJECT IN LOS GATOS, CALIFORNIA; DELEGATING AUTHORITY TO AN AUTHORIZED REPRESENTATIVE TO SIGN AND SUBMIT THE GRANT APPLICATION TO THE COUNTY OF SANTA CLARA; SIGN THE GRANT AGREEMENT AND ADMINISTER THE PROJECT ON BEHALF OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT; AND, COMMITTING THE PROJECT PROPERTY TO THE PROJECT USE FOR A PERIOD OF AT LEAST TWENTY YEARS

WHEREAS, the County of Santa Clara ("County") has established the Historic Grant Program to acknowledge and celebrate untold perspectives of underrepresented communities within Santa Clara County ("Grant Program"); and,

WHEREAS, the County funds the Grant Program; and,

WHEREAS, Midpeninsula Regional Open Space District (the "Applicant") submitted a Grant Application to the County in order to seek Grant Program funds for the following Project: Rehabilitation of Alma College (the "PROJECT"); and,

WHEREAS, the PROJECT will be located at Bear Creek Road, Los Gatos, CA 95033 (the "Property"), and said Property is owned or controlled by Midpeninsula Regional Open Space District (the "Property Holder"); and,

WHEREAS, if the County-funded PROJECT is for a capital improvement of a structure or building of historic significance, then the County requires that the property on which the grant-funded capital- improvement PROJECT is located be continually used for a minimum of 20 years and be open to all Santa Clara County residents on a non-discriminatory basis; and,

WHEREAS, the Property Holder is the Applicant and will use the Property for the PROJECT for the period of time ("Term") set out in the Grant Application, and said consent is evidenced by an attached grant deed, lease, license or other agreement granting such rights to the Applicant (Exhibit A); and,

WHEREAS, Applicant is required pursuant to the Historic Grant Program Procedural Guide to designate a legally authorized representative to administer the PROJECT and to execute the Grant Agreement, along with any amendments thereto, on behalf of the Applicant; and

WHEREAS, Applicant is an independent special district formed pursuant to California Public Resources Code section 5500 *et seq*, and consequently the PROJECT will be subject to a public works construction bidding process awarded by Applicant's Board of Directors as set forth in California Public Resources Code section 5594.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Midpeninsula

Regional Open Space District hereby makes the following determinations:

1. The PROJECT is located on the Property that will be continually used for the PROJECT for the Term as set out in the Grant Application;

The Board of Directors of Midpeninsula Regional Open Space District hereby delegates authority to the General Manager, to sign and submit the Grant Application to the County of Santa Clara, to negotiate, execute, amend, or terminate the Grant Funding Agreement (“Grant Agreement”) and any other agreements in relation to the Historic Grant Program, and authority to administer and carry out all terms and conditions of the Grant Agreement and related agreements including but not limited to taking any all other necessary actions to complete the PROJECT, except as such authority is limited by state law and the policies of the District.

2. By delegating such authority to the General Manager, the Board of Directors of Midpeninsula Regional Open Space District acknowledges, agrees, represents and warrants that the execution of the Grant Agreement and any and all other agreements or amendments by the General Manager binds and obligates the Board of Directors of Midpeninsula Regional Open Space District to comply with all terms and conditions of such agreements, without the necessity of additional approvals or conditions;
3. The Board of Directors of Midpeninsula Regional Open Space District has had the opportunity to seek the advice of its own legal counsel and other professionals in connection with the Grant Agreement and the Historic Grant Program Procedural Guide.
4. The Board of Directors of Midpeninsula Regional Open Space District agrees that the terms and conditions of the Grant Agreement and the requirements of the Historic Grant Program Procedural Guide are acceptable and the Board of Directors of Midpeninsula Regional Open Space District is ready, willing and able to carry out the terms and conditions of the Grant Agreement without any amendment thereto.
5. The Board of Directors of Midpeninsula Regional Open Space District hereby approves the Grant Application submitted on its behalf to the County of Santa Clara in relation to the PROJECT and the request for Grant funds.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2019, at a regular meeting thereof, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk

491395-1111



WHEN RECORDED MAIL TO:

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
330 Distel Court
Los Altos, California 94022

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Old Republic Title Company

RDE # 003
7/15/1999
2:03 PM

MAIL TAX STATEMENTS TO:

(Same as above)

GRANT DEED

THIS GRANT DEED ("Deed") is made and entered into this 13th day of July, 1999 by ARLIE LAND AND CATTLE COMPANY, an Oregon corporation ("GRANTOR") in favor of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT, a Public District formed pursuant to Section 3 of Chapter 3 of Division 5 of the California Public Resources Code ("GRANTEE").

WITNESSETH:

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR hereby GRANTS to GRANTEE that certain real property in the County of Santa Clara, State of California (the "Property") described in Exhibit A attached hereto and incorporated herein.

The foregoing grant is expressly subject to all matters of record as of the date hereof.

EXECUTED as of the day and year set forth above.

GRANTOR:

ARLIE LAND AND CATTLE COMPANY

By: 

Its: President

Name: Suzanne Arlie

By: 

Its: VP

Name: Toluwani Musumeci

[ALL SIGNATURES TO BE ACKNOWLEDGED]

[OFF-RECORD TRANSFER TAX DECLARATION REQUIRED]

State of California
County of SANTA CLARA

On 7/13/99 before me, the undersigned, a Notary Public in and for said State, personally appeared SUZANNE ARLIE AND JOHN MUSUMECI

, personally known to me (or 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.

WITNESS my hand and official seal.

Signature

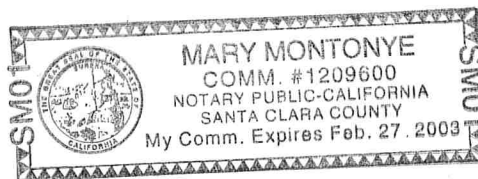
Mary Montonye

MARY MONTONYE

Name

(typed or printed)

(Seal)



The land referred to in this Report is situated in the County of Santa Clara, in the unincorporated area, State of California, and is described as follows:

PARCEL ONE:

BEING ALL OF PARCEL B DESCRIBED IN THE CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 20, 1995 IN BOOK P134 PAGE 1613 OF OFFICIAL RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 15, 1941 IN BOOK 1071, PAGE 368, OFFICIAL RECORDS, SAID POINT OF BEGINNING ALSO BEING IN THE CENTER LINE OF RESERVOIR OR RUNDLE CREEK AT A POINT CALLED STATION 40 OF THAT CERTAIN 212.7 ACRE PARCEL OF LAND CONVEYED TO THE NOVITIATE OF LOS GATOS, A CORPORATION, RECORDED BY DEED APRIL 20, 1934 IN BOOK 686, PAGE 204, OFFICIAL RECORDS; THENCE RUNNING ALONG THE CENTER LINE OF SAID RESERVOIR OR RUNDLE CREEK, BEING ALSO THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO ALMA COLLEGE, A CORPORATION, BY DEED RECORDED OCTOBER 30, 1934 IN BOOK 702, PAGE 594, OFFICIAL RECORDS, THE FOLLOWING COURSES AND DISTANCES: NORTH 42° 00' WEST 55.75 FEET TO STATION 41; THENCE SOUTH 49° 06' WEST 53.90 FEET TO STATION 42; THENCE NORTH 69° 34' WEST 99.62 FEET TO STATION 43; THENCE NORTH 76° 37' WEST 23.92 FEET TO STATION 44, IN THE CENTER OF CONCRETE DAM 20.0 FEET HIGH AT THE LOWER END OF A LAKE; THENCE ACROSS SAID LAKE AND CONTINUING UPSTREAM; SOUTH 87° 03' WEST 225.23 FEET TO STATION 45; THENCE SOUTH 61° 07' WEST 53.62 FEET TO STATION 46; THENCE SOUTH 51° 29' WEST 81.45 FEET TO STATION 47; THENCE SOUTH 08° 20' WEST 88.80 FEET TO STATION 48; THENCE SOUTH 85° 10' WEST 64.50 FEET TO STATION 49; THENCE NORTH 39° 02' WEST 41.80 FEET TO STATION 50; THENCE NORTH 88° 58' WEST 69.50 FEET TO STATION 51; THENCE SOUTH 49° 23' WEST 95.03 FEET TO STATION 52; THENCE NORTH 50° 22' WEST 53.55 FEET TO STATION 53; THENCE NORTH 79° 19' WEST 47.65 FEET TO STATION 54; THENCE SOUTH 77° 29' WEST 56.92 FEET TO STATION 55; THENCE SOUTH 24° 20' WEST 44.25 FEET TO STATION 56; THENCE SOUTH 04° 15' WEST 62.10 FEET TO STATION 57; THENCE SOUTH 59° 13' WEST 89.52 FEET TO STATION 58; THENCE SOUTH 77° 23' WEST 56.00 FEET TO STATION 59; THENCE NORTH 40° 37' WEST 91.45 FEET TO STATION 60; THENCE SOUTH 64° 25' WEST 57.65 FEET TO STATION 61; THENCE NORTH 47° 00' WEST 71.30 FEET TO STATION 62; THENCE NORTH 10° 58' WEST 49.14 FEET TO STATION 63; THENCE SOUTH 78° 38' WEST 56.85 FEET TO STATION 64; THENCE NORTH 41° 27' WEST 115.15 FEET TO STATION 65; THENCE NORTH 26° 19' WEST 98.80 FEET TO STATION 66; THENCE NORTH 48° 16' WEST 61.20 FEET TO STATION 67; THENCE SOUTH 38° 07' WEST 88.82 FEET TO STATION 68; THENCE NORTH 78° 25' WEST 73.70 FEET TO STATION 69; THENCE NORTH 39° 54' WEST 96.00 FEET TO STATION 70; THENCE NORTH 01° 02' WEST 122.20 FEET TO STATION 71; THENCE NORTH 24° 25' WEST 99.25 FEET TO STATION 72; THENCE NORTH 00° 53' EAST 175.75 FEET TO STATION 73; THENCE NORTH 35° 31' WEST 110.00 FEET TO STATION 74; THENCE SOUTH 63° 06' WEST 85.30 FEET TO STATION 75; THENCE NORTH 77° 47' WEST 64.90 FEET TO STATION 76; THENCE NORTH 04° 51' EAST 36.30 FEET TO STATION 77; THENCE NORTH 65° 33' WEST 85.00 FEET TO STATION 78; THENCE NORTH 16° 24' EAST 41.03 FEET TO STATION 79; THENCE NORTH 17° 25' WEST 44.80 FEET TO STATION 80; THENCE NORTH 78° 22' WEST 58.30 FEET TO STATION 81; THENCE SOUTH 70° 50' WEST 43.05 FEET TO STATION 82; THENCE NORTH 34° 41' WEST 35.55 FEET TO STATION 83; THENCE NORTH 72° 02' WEST 105.40 FEET TO STATION 84; THENCE NORTH 08° 33' EAST 135.50 FEET TO STATION 85; THENCE

EXHIBIT A

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SOUTH 85° 44' WEST 74.91 FEET TO STATION 86; THENCE SOUTH 73° 23' WEST 82.41 FEET TO STATION 87; THENCE NORTH 46° 37' WEST 54.64 FEET TO STATION 88; THENCE NORTH 13° 02' WEST 84.05 FEET TO STATION 89; THENCE NORTH 57° 12' EAST 56.30 FEET TO STATION 90; THENCE NORTH 09° 58' EAST 93.91 FEET TO STATION 91; THENCE NORTH 63° 25' WEST 38.77 FEET TO STATION 92; THENCE SOUTH 63° 41' WEST 132.27 FEET TO STATION 93; THENCE NORTH 87° 55' WEST 82.60 FEET TO STATION 94; THENCE SOUTH 83° 57' WEST 64.50 FEET TO STATION 95; AT AN IRON PIPE DRIVEN IN THE MIDDLE OF A CONCRETE BRIDGE IN THE CENTERLINE OF BEAR CREEK ROAD; THENCE LEAVING THE SAID CENTERLINE OF RESERVOIR OR RUNDLE CREEK AND ALSO THE NORTHERLY LINE OF SAID PARCEL CONVEYED TO ALMA COLLEGE, AND RUNNING IN A SOUTHERLY DIRECTION ALONG THE CENTERLINE OF BEAR CREEK ROAD TO THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY ALMA COLLEGE, A CORPORATION TO THE NOVITIATE OF LOS GATOS, A CORPORATION, RECORDED AUGUST 6, 1940 IN BOOK 993, PAGE 450, OFFICIAL RECORDS, SAID CORNER ALSO BEING IN THE DIVIDING LINE BETWEEN SECTIONS 5 AND 6, HEREINAFTER REFERRED TO; THENCE SOUTH ALONG SAID DIVIDING LINE SOUTH 0° 23' EAST 14.13 CHAINS TO A STATION NUMBER 1/48 WHERE A 4" X 4" STAKE AND IRON PIPE IS SET; THENCE CONTINUING ALONG SAID DIVIDING LINE SOUTH 0° 06' EAST 14.64 CHAINS TO A POINT IN THE CENTERLINE OF COLLINS CREEK AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JAMES L. FLOOD BY DEED RECORDED JUNE 19, 1895 IN BOOK 181 OF DEEDS, PAGE 532; THENCE ALONG THE SOUTHERLY LINE OF SAID LAST MENTIONED PARCEL OF LAND BEING ALSO THE CENTERLINE OF COLLINS CREEK, EASTERLY TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED NOVEMBER 22, 1937 IN BOOK 843, PAGE 569, OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF THIS STATE HIGHWAY AS ESTABLISHED BY THE DEED ABOVE REFERRED TO, THE FOLLOWING COURSES AND DISTANCES: NORTH 65° 44' 50" EAST 218.09 FEET; NORTH 2° 08' 40" EAST, 580.45 FEET; NORTH 65° 44' 55" EAST, 422.02 FEET; NORTH 24° 25' EAST 580.00 FEET; NORTH 8° 02' WEST 391.19 FEET; AND NORTH 31° 56' 10" EAST 40.00 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 1 WEST, AND A PORTION OF SECTIONS 5 AND 6, TOWNSHIP 9 SOUTH, RANGE 1 WEST, M.D.B. AND M.

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL ALL THAT PROPERTY LYING NORTHEASTERLY TO THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A STATION NO. 26 IN THE CENTERLINE OF BEAR CREEK ROAD (FORMERLY DOUGHERTY ROAD) AS SAID STATION IS DESIGNATED ON THE UNRECORDED MAP ENTITLED "NO. 3 MAP SHOWING LINES, COURSES, DISTANCES, CORNERS AND MONUMENTS SET IN SURVEY OF ALMA DALE THE PROPERTY OF JAS. L. FLOOD SURVEYED IN JULY AND AUGUST 1900 BY A.T. HERRMAN;

THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY TO AN IRON PIPE TO BE SET AT THE MOST WESTERLY CORNER OF AN EASEMENT FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND REPAIR OR WATER PIPELINE AND PUMP STATION, SAID POINT BEING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE NORTH 25° 34' 13" EAST 20.99 FEET AS DESCRIBED IN THE GRANT OF EASEMENT RECORDED AUGUST 27, 1993 IN BOOK M969 AT PAGE 931 OF OFFICIAL RECORDS.

THENCE ALONG THE SOUTHWESTERLY LINES OF SAID EASEMENT SOUTH 25° 34' 13" EAST 20.99 FEET TO AN IRON PIPE TO BE SET AND SOUTH 66° 59' 15" EAST 19.32 FEET TO AN IRON PIPE TO BE SET:

EXHIBIT A

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THENCE LEAVING SAID EASEMENT LINE SOUTHEASTERLY TO AN IRON PIPE TO BE SET 20.00 FEET MORE OR LESS SOUTHWESTERLY FROM THE SOUTHWESTERLY EDGE OF A ROAD LOCATED SOUTHWESTERLY 100.00 FEET MORE OR LESS FROM A SHORELINE OF A LAKE, SAID LAKE BEING 400 FEET MORE OR LESS SOUTHWESTERLY OF THE BUILDINGS OF ALMA COLLEGE.

THENCE ON THE SOUTHEASTERLY PROLONGATION OF LAST DESCRIBED LINE TO THE CENTERLINE OF COLLINS CREEK.

ALSO EXCEPTING THEREFROM ALL THE PETROLEIUM, NAPHTHA, ASPHALTUM AND OTHER SUBSTANCES CONTAINING OR PRODUCING OIL, AND ALL COAL, MINERAL AND MINERAL SUBSTANCES, AND THE RIGHT, PRIVILEGE AND EASEMENT TO HAVE, TAKE AWAY AND REMOVE TO THE USE AND BENEFIT OF T.G. MCLERAN, ET AL, AND THEIR HEIRS AND ASSIGNS ALL THE SUBSTANCES AFORESAID, AND FOR THAT PURPOSE, FROM TIME TO TIME AND AT ALL TIMES HEREAFTER TO ENTER UPON THE ABOVE DESCRIBED PREMISES WITH THEIR SERVANTS, AGENTS, ASSOCIATES AND ASSISTANTS TO PROSPECT, SEARCH, DIG AND BORE FOR SAID SUBSTANCES AND TO EXTRACT AND WORK THE SAME, AS CONVEYED TO T.G. MCLERAN, ET AL BY INDENTURE RECORDED OCTOBER 19, 1865 IN BOOK U OF DEEDS, PAGE 220 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO. 544-33-002

EXCEPTING THEREFROM:

ANY AN ALL TIMBER GROWING, STANDING, LYING, OR DOWN, TOGETHER WITH ALL RIGHTS TO HARVEST SAME, WITH FREE AND UNRESTRICTED ACCESS TO THE REAL PROPERTY FOR THE PURPOSES OF SEVERING AND REMOVING THE TIMBER CONVEYED THEREIN, INCLUDING, BUT NOT LIMITED TO, THE FREE AND UNRESTRICTED USE OF ANY AND ALL ROADS AND ROADWAYS LOCATED UPON THE REAL PROPERTY, TOGETHER WITH THE RIGHT TO CONSTRUCT SUCH ROADWAY(S) AS MAY BE REQUIRED IN ORDER TO HARVEST THE TIMBER CONVEYED THEREIN, AS CONVEYED BY HONG KONG METRO REALTY COMPANY, INC., A CALIFORNIA CORPORATION TO ARLIE LAND AND CATTLE COMPANY, AN OREGON CORPORATION, BY DEED RECORDED AUGUST 14, 1996 AS INSTRUMENT NUMBER 13408132 AND AS CONCURRENTLY CONVEYED BY ARLIE LAND AND CATTLE COMPANY, AN OREGON CORPORATION TO BIG CREEK LUMBER COMPANY, INC., A CALIFORNIA CORPORATION BY DEED RECORDED AUGUST 14, 1996 AS INSTRUMENT NUMBER 13408133.

PARCEL TWO:

BEING ALL OF PARCEL 'A' DESCRIBED IN THE CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 20, 1995 IN BOOK P134, PAGE 1613 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL DESCRIBED IN THE CERTIFICATE OF COMPLIANCE #2313-26-46-84CC, RECORDED AUGUST 13, 1985 IN BOOK J427 AT PAGE 709, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE CALIFORNIA STATE HIGHWAY, RUNNING FROM SANTA CRUZ TO LOS GATOS, KNOWN AS SECTION "B" ROUTE 5, DIVISION IV, SANTA CLARA COUNTY, SAID POINT OF BEGINNING BEING NORTH 48° 35' WEST 30.00 FEET FROM

STATION "A" 268-20.03 IN THE CENTER LINE OF SAID CALIFORNIA STATE HIGHWAY, AND RUNNING THENCE UP A CREEK KNOWN AS RESERVOIR CREEK WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 50° 05' WEST 39.53 FEET TO STATION 1; THENCE S. 87° 47' WEST 56.04 FEET TO STATION 2; THENCE NORTH 72° 43' WEST 88.50 FEET TO STATION 3; THENCE NORTH 20° 00' WEST 80.77 FEET TO STATION 4; THENCE NORTH 60° 16' WEST 98.20 FEET TO STATION 5; THENCE NORTH 54° 09' EAST 81.15 FEET TO STATION 6; THENCE NORTH 16° 36' EAST 34.70 FEET TO STATION 7; THENCE NORTH 23° 57' WEST 39.82 FEET TO STATION 8; THENCE NORTH 61° 14' WEST 48.05 FEET TO STATION 9; THENCE SOUTH 64° 32' WEST 58.55 FEET TO STATION 10; THENCE SOUTH 11° 44' WEST 64.50 FEET TO STATION 11; THENCE SOUTH 45° 07' WEST 87.41 FEET TO STATION 12; THENCE NORTH 63° 54' WEST 106.82 FEET TO STATION 13; THENCE SOUTH 64° 06' WEST 123.35 FEET TO STATION 14; THENCE SOUTH 2° 05' WEST 50.13 FEET TO STATION 15; THENCE SOUTH 31° 16' WEST 36.57 FEET TO STATION 16; THENCE SOUTH 56° 12' WEST 147.25 FEET TO STATION 17; THENCE NORTH 65° 47' WEST 199.32 FEET TO STATION 18; THENCE SOUTH 58° 18' WEST 84.20 FEET TO STATION 19; THENCE SOUTH 19° 42' EAST 73.15 FEET TO STATION 20; THENCE SOUTH 61° 23' WEST 128.60 FEET TO STATION 21; THENCE SOUTH 83° 52' WEST 60.60 FEET TO STATION 22; THENCE SOUTH 33° 01' WEST 26.25 FEET TO STATION 23; THENCE NORTH 28° 58' WEST 111.50 FEET TO STATION 24; THENCE NORTH 75° 13' WEST 44.40 FEET TO STATION 25; THENCE SOUTH 57° 04' WEST 102.55 FEET TO STATION 26; THENCE SOUTH 45° 46' WEST 105.62 FEET TO STATION 27; THENCE NORTH 42° 58' WEST 41.90 FEET TO STATION 28; THENCE NORTH 7° 32' WEST 42.20 FEET TO STATION 29; THENCE NORTH 82° 02' WEST 80.60 FEET TO STATION 30; THENCE NORTH 69° 06' WEST 66.60 FEET TO STATION 31; THENCE NORTH 43° 30' WEST 92.30 FEET TO STATION 32; THENCE SOUTH 74° 06' WEST 62.30 FEET TO STATION 33; THENCE NORTH 55° 45' WEST 95.90 FEET TO STATION 34; THENCE SOUTH 51° 00' WEST 84.30 FEET TO STATION 35; THENCE SOUTH 74° 32' WEST 40.30 FEET TO STATION 36; THENCE NORTH 23° 58' WEST 139.16 FEET TO STATION 37; THENCE SOUTH 86° 17' WEST 68.65 FEET TO STATION 38; THENCE SOUTH 67° 23' WEST 119.33 FEET TO STATION 39; THENCE NORTH 6° 56' WEST 58.70 FEET TO STATION 40; THENCE NORTH 42° 00' WEST 55.75 FEET TO STATION 41; THENCE SOUTH 49° 06' WEST 53.90 FEET TO STATION 42; THENCE NORTH 69° 34' WEST 99.62 FEET TO STATION 43; THENCE NORTH 76° 37' WEST 23.92 FEET TO STATION 44 IN THE CENTER OF A CONCRETE DAM 20.0 FEET HIGH, AT THE LOWER END OF A LAKE; THENCE ACROSS SAID LAND AND CONTINUING UPSTREAM; SOUTH 87° 03' WEST 225.23 FEET TO STATION 45; THENCE SOUTH 61° 07' WEST 53.62 FEET TO STATION 46; THENCE SOUTH 51° 29' WEST 81.45 FEET TO STATION 47; THENCE SOUTH 8° 20' WEST 88.80 FEET TO STATION 48; THENCE SOUTH 85° 10' WEST 64.50 FEET TO STATION 49; THENCE NORTH 39° 02' WEST 41.80 FEET TO STATION 50; THENCE NORTH 88° 58' WEST 69.50 FEET TO STATION 51; THENCE SOUTH 49° 23' WEST 95.03 FEET TO STATION 52; THENCE NORTH 50° 22' WEST 53.55 FEET TO STATION 53; THENCE NORTH 79° 19' WEST 47.65 FEET TO STATION 54; THENCE SOUTH 77° 29' WEST 56.92 FEET TO STATION 55; THENCE SOUTH 24° 20' WEST 44.25 FEET TO STATION 56; THENCE SOUTH 4° 15' WEST 62.10 FEET TO STATION 57; THENCE SOUTH 59° 13' WEST 89.22 FEET TO STATION 58; THENCE SOUTH 77° 25' WEST 56.00 FEET TO STATION 59; THENCE NORTH 40° 37' WEST 91.45 FEET TO STATION 60; FROM WHICH A MAPLE TREE 10" IN DIAMETER BEARS SOUTH 87° 15' WEST 14.53 FEET, AND AN ELM TREE 30" IN DIAMETER BEARS SOUTH 16° EAST 75 FEET; THENCE SOUTH 64° 25' WEST 57.65 FEET TO STATION 61; FROM WHICH AN ALDER TREE 24" IN DIAMETER BEARS NORTH 78° 20' WEST 10.5 FEET AND A REDWOOD TREE 10" IN DIAMETER BEARS NORTH 21° 55' EAST 19.35 FEET; THENCE NORTH 47° 00' WEST 71.30 FEET TO STATION 62; THENCE NORTH 10° 58' WEST 49.14 FEET TO STATION 63; THENCE SOUTH 78° 38' WEST 56.85 FEET TO STATION 64; THENCE NORTH 41° 27' WEST

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115.15 FEET TO STATION 65; THENCE NORTH 26° 19' WEST 98.80 FEET TO STATION 66; THENCE NORTH 48° 16' WEST 61.20 FEET TO STATION 67; THENCE SOUTH 38° 07' WEST 87.82 FEET TO STATION 68; THENCE NORTH 78° 25' WEST 73.70 FEET TO STATION 69; THENCE NORTH 39° 54' WEST 96.00 FEET TO STATION 70; THENCE NORTH 1° 02' WEST 122.20 FEET TO STATION 71; THENCE NORTH 24° 35' WEST 99.25 FEET TO STATION 72; THENCE NORTH 0° 53' EAST 175.75 FEET TO STATION 73; THENCE NORTH 35° 31' WEST 110.00 FEET TO STATION 74; THENCE SOUTH 63° 06' WEST 85.30 FEET TO STATION 75; THENCE NORTH 77° 47' WEST 64.90 FEET TO STATION 76; THENCE NORTH 4° 51' EAST 36.30 FEET TO STATION 77; THENCE NORTH 65° 33' WEST 85.00 FEET TO STATION 78; THENCE NORTH 16° 24' EAST 41.03 FEET TO STATION 79; THENCE NORTH 17° 25' WEST 44.80 FEET TO STATION 80; THENCE NORTH 78° 22' WEST 58.30 FEET TO STATION 81; THENCE SOUTH 70° 50' WEST 43.05 FEET TO STATION 82; THENCE NORTH 34° 41' WEST 35.65 FEET TO STATION 83; THENCE NORTH 72° 02' WEST 105.40 FEET TO STATION 84; THENCE NORTH 8° 33' EAST 135.50 FEET TO STATION 85; THENCE SOUTH 85° 44' WEST 74.91 FEET TO STATION 86; THENCE SOUTH 75° 23' WEST 82.41 FEET TO STATION 87; THENCE NORTH 46° 37' WEST 54.64 FEET TO STATION 88; THENCE NORTH 13° 02' WEST 84.05 FEET TO STATION 89; THENCE NORTH 57° 12' EAST 56.30 FEET TO STATION 90; THENCE NORTH 9° 58' EAST 93.91 FEET TO STATION 91; THENCE NORTH 63° 25' WEST 38.77 FEET TO STATION 92; THENCE SOUTH 63° 41' WEST 132.27 FEET TO STATION 93; THENCE NORTH 87° 55' WEST 82.60 FEET TO STATION 94; THENCE SOUTH 83° 57' WEST 64.50 FEET TO STATION 95 AT AN IRON PIPE DRIVEN IN THE MIDDLE OF A CONCRETE BRIDGE IN THE CENTER LINE OF DOUGHERTY OR BEAR CREEK ROAD; THENCE ALONG THE CENTER LINE OF DOUGHERTY ROAD WITH THE FOLLOWING COURSES AND DISTANCES; NORTH 12° 01' EAST 10.31 FEET TO STATION 54 IN THE SURVEY OF THE CENTER LINE OF DOUGHERTY ROAD, FROM WHICH A SYCAMORE TREE 24" IN DIAMETER BEARS NORTH 65° WEST, 6.6 FEET; THENCE ALONG SAID CENTER LINE NORTH 38° 33' EAST 114.80 FEET TO STATION 55; THENCE NORTH 34° 35' EAST 83.16 FEET TO STATION 56; FROM WHICH AN OAK TREE 14" IN DIAMETER BEARS NORTH 29° WEST 47.2 FEET; THENCE NORTH 79° 15' EAST 69.15 FEET TO STATION 57; THENCE SOUTH 80° 15' EAST 118.90 FEET TO STATION 58; FROM WHICH A WHITE OAK TREE 40" IN DIAMETER BEARS SOUTH 89° 20' EAST 54.3 FEET; THENCE NORTH 62° 37' EAST 210.10 FEET TO STATION 59; THENCE NORTH 75° 07' EAST 62.88 FEET TO STATION 60; THENCE NORTH 57° 46' EAST 286.33 FEET TO STATION 61; FROM WHICH A WHITE OAK TREE 4" IN DIAMETER BEARS NORTH 46° EAST, 15.1 FEET; THENCE NORTH 65° 59' EAST 176.22 FEET TO STATION 62; FROM WHICH A WHITE OAK TREE 18" IN DIAMETER BEARS NORTH 77° 30' WEST 40.9 FEET; THENCE NORTH 67° 59' EAST 308.88 FEET TO STATION 63; NORTH 63° 59' EAST 89.76 FEET TO STATION 64; THENCE NORTH 80° 29' EAST 99.00 FEET TO STATION 65; THENCE NORTH 65° 44' EAST 99.00 FEET TO STATION 66; THENCE NORTH 75° 04' EAST 75.24 FEET TO STATION 67; FROM WHICH A WHITE OAK TREE 12" IN DIAMETER BEARS NORTH 9° 30' EAST 18.0 FEET; THENCE SOUTH 83° 01' EAST 66.00 FEET TO STATION 68; THENCE SOUTH 67° 46' EAST 99.00 FEET TO STATION 69; THENCE SOUTH 83° 46' EAST 33.00 FEET TO STATION 70; THENCE SOUTH 86° 16' EAST 293.70 FEET TO STATION 71; THENCE NORTH 78° 59' EAST 89.76 FEET TO STATION 72; THENCE NORTH 66° 44' EAST 99.00 FEET TO STATION 73; THENCE NORTH 56° 14' EAST 75.24 FEET TO STATION 74; THENCE NORTH 24° 44' EAST 71.28 FEET TO STATION 75; THENCE NORTH 7° 05' EAST 78.05 FEET TO STATION 76; FROM WHICH A BLACK OAK TREE 36" IN DIAMETER BEARS NORTH 2° 30' EAST 117.6 FEET AND A 4" X 4" WITNESS POST IN THE EASE LINE OF THE DOUGHERTY ROAD BEARS NORTH 88° 43' EAST 31.02 FEET, SAID 4" X 4" WITNESS POST BEING THE SOUTHWEST CORNER OF THE LAND KNOWN AS THE CEMETERY; THENCE RUNNING ALONG THE SOUTH LINE OF SAID CEMETERY, NORTH 89° 03' EAST 143.22 FEET TO THE LINE RUNNING NORTH AND SOUTH

THROUGH THE CENTER OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE ALONG SAID 1/4 SECTION LINE AND ALONG THE EAST LINE OF SAID CEMETERY, AND ALSO ALONG THE EAST LINE OF THE LANDS OF CONRAD FRANK, NORTH 1° 05' WEST 801.14 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN 64.59 ACRE TRACT OF LAND AS DEEDED BY JOHN K. ALEXANDER AND SARAH R. ALEXANDER, HIS WIFE TO HERBERT E. LAW, BY DEEDS DATED APRIL 29, 1902 IN THE RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE RUNNING ALONG THE NORTH LINE OF SAID 64.59 ACRE TRACT, NORTH 78° 35' EAST 201.95 FEET TO A POINT IN THE SOUTHERLY LINE OF THE DOUGHERTY ROAD, SAID SOUTHERLY LINE BEING THE NORTH BOUNDARY OF SAID 64.59 ACRE TRACT; THENCE ALONG THE SOUTHERLY LINE OF THE DOUGHERTY ROAD NORTH 49° 51' EAST 487.13 FEET TO A POINT; THENCE NORTH 61° 06' EAST 344.11 FEET TO A POINT; THENCE NORTH 79° 58' EAST 49.94 FEET TO A POINT; THENCE SOUTH 76° 44' EAST 47.07 FEET TO A POINT; THENCE SOUTH 62° 41' EAST 100.16 FEET TO A POINT; THENCE SOUTH 74° 39' EAST 57.44 FEET TO A POINT; THENCE NORTH 78° 14' EAST 308.15 FEET TO A POINT; THENCE NORTH 57° 39' EAST 54.29 FEET TO A POINT; THENCE NORTH 53° 48' EAST 55.06 FEET TO A POINT; THENCE NORTH 28° 57' EAST 32.64 FEET TO A POINT; THENCE LEAVING THE SOUTH LINE OF THE DOUGHERTY ROAD AND RUNNING ALONG THE NORTH LINE OF THAT CERTAIN 19.52 ACRE TRACT OF LAND DEEDED BY J.H. LEVY TO HARRY TOVIS, AS RECORDED IN VOLUME 335 OF DEEDS, AT PAGE 596, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, NORTH 83° 48' EAST TO A STAKE MARKED "T.19"; THENCE SOUTH 12° 00' EAST 69.6 FEET TO THE WEST LINE OF THE CALIFORNIA STATE HIGHWAY IS HEREINBEFORE REFERRED TO; THENCE ALONG THE WEST LINE OF SAID STATE HIGHWAY ON A CURVE TO THE LEFT WITH A RADIUS OF 430 FEET FRO A DISTANCE OF 162.48 FEET TO A POINT OPPOSITE STATION 304-14; THENCE SOUTH 11° 12' WEST 406.26 FEET TO STATION 300-79.74; THENCE ON A CURVE TO THE LEFT, WITH A RADIUS OF 530 FEET FOR A DISTANCE OF 212.60 FEET TO STATION 298-09.17; THENCE SOUTH 11° 47' EAST 313.76 FEET TO A STATION 294-94.65; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 2530 FEET FOR A DISTANCE OF 439.35 FEET TO STATION 290-60.5; THENCE SOUTH 21° 44' EAST 104.71 FEET TO THE NORTH LINE OF THE RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY; THENCE ALONG SAID NORTH LINE SOUTH 89° 01' WEST 60.0 FEET TO THE NORTHWEST CORNER OF SAID RIGHT-OF-WAY, AT A STAKE MARKED "T.9"; THENCE ON A CURVE TO THE LEFT ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, WITH A RADIUS OF 917 FEET, FOR A DISTANCE OF 415.8 FEET TO THE END OF SAID CURVE; THENCE SOUTH 27° 03' EAST 113.52 FEET TO A STAKE MARKED "T.3" AT THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DEEDED TO M. STEWART AS RECORDED IN VOLUME 206 OF DEEDS, AT PAGE 588, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE RUNNING ALONG SAID LAND OF STEWART, SOUTH 84° 40' WEST 4.16 FEET TO THE NORTHEAST CORNER OF SAID LAND OF STEWART; THENCE ALONG THE WEST LINE OF SAID LAND OF STEWART SOUTH 11° 09' WEST 196.28 FEET TO A STAKE MARKED "T.1" IN THE SECTION LINE BETWEEN SECTION 32, TOWNSHIP 8 SOUTH, RANGE 1 WEST, AND SECTION 5, TOWNSHIP 9 SOUTH, RANGE 1 WEST, MOUNT DIABLO MERIDIAN, SAID LAST NAMED POINT BEING THE NORTH LINE OF LANDS OF GEORGE OSMER; THENCE ALONG THE NORTH LINE OF LANDS OF OSMER, SOUTH 88° 58' WEST 134.64 FEET TO THE NORTHWEST CORNER OF THE LANDS OF OSMER; THENCE ALONG THE WEST AND SOUTHWEST LINE OF THE LANDS OF OSMER, SOUTH 3° 58' WEST 118.14 FEET; THENCE ALONG THE BOTTOM OF THE LOS GATOS CREEK, SOUTH 34° 32' EAST 69.96 FEET; THENCE SOUTH 63° 17' EAST, 97.02 FEET; THENCE SOUTH 65° 06' EAST 56.76 FEET; THENCE SOUTH 80° 37' EAST, 284.87 FEET TO A POINT IN THE WEST LINE OF THE AFOREMENTIONED CALIFORNIA STATE HIGHWAY; THENCE ALONG THE WEST LINE OF SAID STATE HIGHWAY, SOUTH 0° 35' EAST, 55.01 FEET TO STATION 278-90.6; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 200 FEET, FOR A DISTANCE OF 175.99 FEET TO

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STATION "A" 277-41.5; THENCE SOUTH 50° 50' EAST 275.4 FEET TO STATION "A" 274-66.1; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 320.00 FEET FOR A DISTANCE OF 514.29 FEET TO STATION "A" 269-03.6; THENCE SOUTH 41° 15' WEST 83.52 FEET TO THE PLACE OF BEGINNING, BEING A PART OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 1 WEST, AND A PART OF SECTION 5, TOWNSHIP 9 SOUTH, RANGE 1 WEST, MOUNT DIABLO MERIDIAN, SANTA CLARA COUNTY, CALIFORNIA.

EXCEPTING THEREFROM ALL THAT PROPERTY LYING EASTERLY OF THE WESTERLY LINE OF STATE HIGHWAY NUMBER 17, AS DESCRIBED IN GRANT DEED FROM NOVITIATE OF LOS GATOS TO STATE OF CALIFORNIA, RECORDED IN COUNTY OF SANTA CLARA OFFICIAL RECORDS IN BOOK 2307 AT PAGE 241 AND DATED SEPTEMBER 13, 1951 AND GRANT DEED FROM NOVITIATE OF LOS GATOS TO STATE OF CALIFORNIA, RECORDED IN COUNTY OF SANTA CLARA OFFICIAL RECORDS IN BOOK 1071 AT PAGE 368 AND DATED DECEMBER 15, 1941.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL.

BEING ALL OF THE PARCEL DESCRIBED IN THE CERTIFICATE OF COMPLIANCE #2314-26-46-84CC, RECORDED JULY 30, 1985 IN BOOK J413 AT PAGE 275, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 15, 1941 IN BOOK 1071, PAGE 368, OFFICIAL RECORDS, SAID POINT OF BEGINNING ALSO BEING IN THE CENTER LINE OF RESERVOIR OR RUNDLE CREEK AT A POINT CALLED STATION 40 OF THAT CERTAIN 212.7 ACRE PARCEL OF LAND CONVEYED TO THE NOVITIATE OF LOS GATOS, A CORPORATION, RECORDED BY DEED APRIL 20, 1934 IN BOOK 686, PAGE 204, OFFICIAL RECORDS; THENCE RUNNING ALONG THE CENTER LINE OF SAID RESERVOIR OR RUNDLE CREEK, BEING ALSO THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO ALMA COLLEGE, A CORPORATION, BY DEED RECORDED OCTOBER 30, 1934 IN BOOK 702, PAGE 594, OFFICIAL RECORDS, THE FOLLOWING COURSES AND DISTANCES: NORTH 42° 00' WEST 55.75 FEET TO STATION 41; THENCE SOUTH 49° 06' WEST 53.90 FEET TO STATION 42; THENCE NORTH 69° 34' WEST 99.62 FEET TO STATION 43; THENCE NORTH 76° 37' WEST 23.92 FEET TO STATION 44, IN THE CENTER OF CONCRETE DAM 20.0 FEET HIGH AT THE LOWER END OF A LAKE; THENCE ACROSS SAID LAKE AND CONTINUING UPSTREAM; SOUTH 87° 03' WEST 225.23 FEET TO STATION 45; THENCE SOUTH 61° 07' WEST 53.62 FEET TO STATION 46; THENCE SOUTH 51° 29' WEST 81.45 FEET TO STATION 47; THENCE SOUTH 08° 20' WEST 88.80 FEET TO STATION 48; THENCE SOUTH 85° 10' WEST 64.50 FEET TO STATION 49; THENCE NORTH 39° 02' WEST 41.80 FEET TO STATION 50; THENCE NORTH 88° 58' WEST 69.50 FEET TO STATION 51; THENCE SOUTH 49° 23' WEST 95.03 FEET TO STATION 52; THENCE NORTH 50° 22' WEST 53.55 FEET TO STATION 53; THENCE NORTH 79° 19' WEST 47.65 FEET TO STATION 54; THENCE SOUTH 77° 29' WEST 56.92 FEET TO STATION 55; THENCE SOUTH 24° 20' WEST 44.25 FEET TO STATION 56; THENCE SOUTH 04° 15' WEST 62.10 FEET TO STATION 57; THENCE SOUTH 59° 13' WEST 89.52 FEET TO STATION 58; THENCE SOUTH 77° 23' WEST 56.00 FEET TO STATION 59; THENCE NORTH 40° 37' WEST 91.45 FEET TO STATION 60; THENCE SOUTH 64° 25' WEST 57.65 FEET TO STATION 61; THENCE NORTH 47° 00' WEST 71.30 FEET TO STATION 62; THENCE NORTH 10° 58' WEST 49.14 FEET TO STATION 63; THENCE SOUTH 78° 38' WEST 56.85 FEET TO STATION 64; THENCE NORTH 41° 27' WEST 115.15 FEET TO STATION 65; THENCE NORTH 26° 19' WEST 98.80 FEET TO STATION 66; THENCE NORTH 48° 16' WEST 61.20 FEET TO STATION 67; THENCE

SOUTH 38° 07' WEST 88.82 FEET TO STATION 68; THENCE NORTH 78° 25' WEST 73.70 FEET TO STATION 69; THENCE NORTH 39° 54' WEST 96.00 FEET TO STATION 70; THENCE NORTH 01° 02' WEST 122.20 FEET TO STATION 71; THENCE NORTH 24° 25' WEST 99.25 FEET TO STATION 72; THENCE NORTH 00° 53' EAST 175.75 FEET TO STATION 73; THENCE NORTH 35° 31' WEST 110.00 FEET TO STATION 74; THENCE SOUTH 63° 06' WEST 85.30 FEET TO STATION 75; THENCE NORTH 77° 47' WEST 64.90 FEET TO STATION 76; THENCE NORTH 04° 51' EAST 36.30 FEET TO STATION 77; THENCE NORTH 65° 33' WEST 85.00 FEET TO STATION 78; THENCE NORTH 16° 24' EAST 41.03 FEET TO STATION 79; THENCE NORTH 17° 25' WEST 44.80 FEET TO STATION 80; THENCE NORTH 78° 22' WEST 58.30 FEET TO STATION 81; THENCE SOUTH 70° 50' WEST 43.05 FEET TO STATION 82; THENCE NORTH 34° 41' WEST 35.55 FEET TO STATION 83; THENCE NORTH 72° 02' WEST 105.40 FEET TO STATION 84; THENCE NORTH 08° 33' EAST 135.50 FEET TO STATION 85; THENCE SOUTH 85° 44' WEST 74.91 FEET TO STATION 86; THENCE SOUTH 73° 23' WEST 82.41 FEET TO STATION 87; THENCE NORTH 46° 37' WEST 54.64 FEET TO STATION 88; THENCE NORTH 13° 02' WEST 84.05 FEET TO STATION 89; THENCE NORTH 57° 12' EAST 56.30 FEET TO STATION 90; THENCE NORTH 09° 58' EAST 93.91 FEET TO STATION 91; THENCE NORTH 63° 25' WEST 38.77 FEET TO STATION 92; THENCE SOUTH 63° 41' WEST 132.27 FEET TO STATION 93; THENCE NORTH 87° 55' WEST 82.60 FEET TO STATION 94; THENCE SOUTH 83° 57' WEST 64.50 FEET TO STATION 95; AT AN IRON PIPE DRIVEN IN THE MIDDLE OF A CONCRETE BRIDGE IN THE CENTERLINE OF BEAR CREEK ROAD; THENCE LEAVING THE SAID CENTERLINE OF RESERVOIR OR RUNDLE CREEK AND ALSO THE NORTHERLY LINE OF SAID PARCEL CONVEYED TO ALMA COLLEGE, AND RUNNING IN A SOUTHERLY DIRECTION ALONG THE CENTERLINE OF BEAR CREEK ROAD TO THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY ALMA COLLEGE, A CORPORATION TO THE NOVITIATE OF LOS GATOS, A CORPORATION, RECORDED AUGUST 6, 1940 IN BOOK 993, PAGE 450, OFFICIAL RECORDS, SAID CORNER ALSO BEING IN THE DIVIDING LINE BETWEEN SECTIONS 5 AND 6, HEREINAFTER REFERRED TO; THENCE SOUTH ALONG SAID DIVIDING LINE SOUTH 0° 23' EAST 14.13 CHAINS TO A STATION NUMBER 1/48 WHERE A 4" X 4" STAKE AND IRON PIPE IS SET; THENCE CONTINUING ALONG SAID DIVIDING LINE SOUTH 0° 06' EAST 14.64 CHAINS TO A POINT IN THE CENTERLINE OF COLLINS CREEK AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JAMES L. FLOOD BY DEED RECORDED JUNE 19, 1895 IN BOOK 181 OF DEEDS, PAGE 532; THENCE ALONG THE SOUTHERLY LINE OF SAID LAST MENTIONED PARCEL OF LAND BEING ALSO THE CENTERLINE OF COLLINS CREEK, EASTERLY TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED NOVEMBER 22, 1937 IN BOOK 843, PAGE 569, OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF THIS STATE HIGHWAY AS ESTABLISHED BY THE DEED ABOVE REFERRED TO, THE FOLLOWING COURSES AND DISTANCES: NORTH 65° 44' 50" EAST 218.09 FEET; NORTH 2° 08' 40" EAST, 580.45 FEET; NORTH 65° 44' 55" EAST, 422.02 FEET; NORTH 24° 25' EAST 580.00 FEET; NORTH 8° 02' WEST 391.19 FEET; AND NORTH 31° 56' 10" EAST 40.00 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 1 WEST, AND A PORTION OF SECTIONS 5 AND 6, TOWNSHIP 9 SOUTH, RANGE 1 WEST, M.D.B. AND M.

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL ALL THAT PROPERTY LYING SOUTHWESTERLY TO THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A STATION NO. 26 IN THE CENTERLINE OF BEAR CREEK ROAD (FORMERLY DOUGHERTY ROAD) AS SAID STATION IS DESIGNATED ON THE UNRECORDED MAP ENTITLED "NO. 3 MAP SHOWING LINES, COURSES, DISTANCES, CORNERS AND MONUMENTS SET IN SURVEY OF ALMA DALE THE PROPERTY OF JAS L. FLOOD SURVEYED IN JULY AND AUGUST

1900 BY A.T. HERRMAN;

THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY TO AN IRON PIPE TO BE SET AT THE MOST WESTERLY CORNER OF AN EASEMENT FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND REPAIR OR WATER PIPELINE AND PUMP STATION, SAID POINT BEING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE NORTH 25° 34' 13" EAST 20.99 FEET AS DESCRIBED IN THE GRANT OF EASEMENT RECORDED AUGUST 27, 1993 IN BOOK M969 AT PAGE 931 OF OFFICIAL RECORDS.

THENCE ALONG THE SOUTHWESTERLY LINES OF SAID EASEMENT SOUTH 25° 34' 13" EAST 20.99 FEET TO AN IRON PIPE TO BE SET AND SOUTH 66° 59' 15" EAST 19.32 FEET TO AN IRON PIPE TO BE SET:

THENCE LEAVING SAID EASEMENT LINE SOUTHEASTERLY TO AN IRON PIPE TO BE SET 20.00 FEET MORE OR LESS SOUTHWESTERLY FROM THE SOUTHWESTERLY EDGE OF A ROAD LOCATED SOUTHWESTERLY 100.00 FEET MORE OR LESS FROM A SHORELINE OF A LAKE, SAID LAKE BEING 400 FEET MORE OR LESS SOUTHWESTERLY OF THE BUILDINGS OF ALMA COLLEGE.

THENCE ON THE SOUTHEASTERLY PROLONGATION OF LAST DESCRIBED LINE TO THE CENTERLINE OF COLLINS CREEK.

ALSO EXCEPTING THEREFROM ALL THE PETROLEIUM, NAPHTHA, ASPHALTUM AND OTHER SUBSTANCES CONTAINING OR PRODUCING OIL, AND ALL COAL, MINERAL AND MINERAL SUBSTANCES, AND THE RIGHT, PRIVILEGE AND EASEMENT TO HAVE, TAKE AWAY AND REMOVE TO THE USE AND BENEFIT OF T.G. MCLERAN, ET AL, AND THEIR HEIRS AND ASSIGNS ALL THE SUBSTANCES AFORESAID, AND FOR THAT PURPOSE, FROM TIME TO TIME AND AT ALL TIMES HEREAFTER TO ENTER UPON THE ABOVE DESCRIBED PREMISES WITH THEIR SERVANTS, AGENTS, ASSOCIATES AND ASSISTANTS TO PROSPECT, SEARCH, DIG AND BORE FOR SAID SUBSTANCES AND TO EXTRACT AND WORK THE SAME, AS CONVEYED TO T.G. MCLERAN, ET AL BY INDENTURE RECORDED OCTOBER 19, 1865 IN BOOK U OF DEEDS, PAGE 220 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO. 544-32-001 AND 544-33-001

EXCEPTING FROM PARCELS ONE AND TWO:

ANY AN ALL TIMBER GROWING, STANDING, LYING, OR DOWN, TOGETHER WITH ALL RIGHTS TO HARVEST SAME, WITH FREE AND UNRESTRICTED ACCESS TO THE REAL PROPERTY FOR THE PURPOSES OF SEVERING AND REMOVING THE TIMBER CONVEYED THEREIN, INCLUDING, BUT NOT LIMITED TO, THE FREE AND UNRESTRICTED USE OF ANY AND ALL ROADS AND ROADWAYS LOCATED UPON THE REAL PROPERTY, TOGETHER WITH THE RIGHT TO CONSTRUCT SUCH ROADWAY(S) AS MAY BE REQUIRED IN ORDER TO HARVEST THE TIMBER CONVEYED THEREIN, AS CONVEYED BY HONG KONG METRO REALTY COMPANY, INC., A CALIFORNIA CORPORATION TO ARLIE LAND AND CATTLE COMPANY, AN OREGON CORPORATION, BY DEED RECORDED AUGUST 14, 1996 AS INSTRUMENT NUMBER 13408132 AND AS CONCURRENTLY CONVEYED BY ARLIE LAND AND CATTLE COMPANY, AN OREGON CORPORATION TO BIG CREEK LUMBER COMPANY, INC., A CALIFORNIA CORPORATION BY DEED RECORDED AUGUST 14, 1996 AS INSTRUMENT NUMBER 13408133.

544-33-002, 001, 544-32-001

**CERTIFICATE OF ACCEPTANCE
(GOVERNMENT CODE SEC. 27281)**

This is to certify that the interest in real property conveyed by the foregoing deed, grant or other instrument dated July 13, 1999, from

ARLIE LAND AND CATTLE COMPANY, AN OREGON
CORPORATION.

to the **MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**, a public district, is hereby accepted by the undersigned on behalf of the District pursuant to authority conferred by resolution of the Board of Directors of the Midpeninsula Regional Open Space District bearing No. 99-27, adopted on JUNE 28, 1999, and said District consents to recordation thereof.

Dated JUNE 28, 19 99.

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

By Jed Gys
President, Board of Directors

ATTEST:

[Signature]