

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

247773

ENTERED
Office of Proceedings
May 14, 2019
Part of
Public Record

Finance Docket No. FD 36302

**OAKLAND BULK & OVERSIZE TERMINAL, LLC—ACQUISITION
EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION UNDER 49 C.F.R § 1151.31

**Kathryn Kusske Floyd
Margaret K. Fawal
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001
(202) 344-4000
(202) 344-8300 (fax)**

Counsel to Oakland Bulk & Oversize Terminal

Dated: May 14, 2019

Filing Contains Color Images

**FILED
May 14, 2019
SURFACE
TRANSPORTATION BOARD**

**FEE RECEIVED
May 14, 2019
SURFACE
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Pursuant to 49 C.F.R. § 1150.31 *et seq.*, Oakland Bulk & Oversize Terminal, LLC (“OBOT”), a non-carrier, hereby provides this Notice of Exemption pursuant to 49 C.F.R. Part 1150, Subpart D—Exempt Transactions, to permit OBOT to acquire approximately 15,000 lineal feet of rail line (located within approximately 11.5 acres of rail right of way) located at the former Oakland Army Base (“OAB”) in Alameda County, California (the “Rail Line”).¹ The Rail Line does not have milepost designations. A map of the Rail Line is attached to this Notice as Exhibit A, and copies of the plats and legals to the area are attached hereto as Exhibit B.

BACKGROUND

On May 23, 2018, Oakland Global Rail Enterprise (“OGRE”), an affiliate of OBOT, filed a petition asking the Board to issue a declaratory order regarding the historical jurisdictional status of a section of rail located at the former Oakland Army Base (“OAB”) in Oakland,

¹ This number is distinguished from the approximately 22,202 lineal foot number used in filings by Oakland Global Rail Enterprise (“OGRE”) because it does not include rail to be rehabilitated on the contested City of Oakland owned lands controlled by the Port of Oakland or the portion of track referred to as “West Segment” in the Board’s March 15, 2019 Decision in *Oakland Global Rail Enterprise—Petition for Declaratory Order*, STB Docket No. FD 36168. Please note, however, that the Rail Line length does still include parallel tracks running within the same rail right of way.

California.² OGRE explained that OBOT had previously entered into a ground lease with the City of Oakland (the “City”) for the portions of the OAB known as the West Gateway and an existing railroad right of way located on the West Gateway. OGRE, in turn, subleased the railroad right of way from OBOT with the intent to rehabilitate the rail line in order to provide rail service to the rail-to-ship bulk commodity marine terminal OBOT plans to build at the OAB. OGRE sought the Board’s clarification regarding the jurisdictional status of the track previously located within the rail right of way so that it could ensure that all regulatory requirements are met before proceedings with its rail rehabilitation efforts.

On March 15, 2019, the Board granted OGRE’s Petition for Declaratory Order and issued a Decision clarifying the jurisdictional status of the track in question.³ Specifically, the Board found that a portion of the track⁴ “was part of the rail line that OTR was authorized by the ICC to acquire and operate in 1943.”⁵ And, of relevant to this Notice of Exemption, the Board explained that there appear to have been “three acquisitions requiring Board authority for which no Board authority has been sought or granted.”⁶ The Board therefore directed the City of Oakland, OBOT, and OGRE to seek acquisition authority under § 10901 within 60 days of the Decision, or by May 14, 2019. OBOT is filing this Notice of Exemption in compliance with that Board directive.

² Oakland Global Rail Enterprise Petition for Declaratory Order, STB Docket No. FD 36168 (filed May 23, 2019) (“OGRE Petition”).

³ *Oakland Global Rail Enterprise—Petition for Declaratory Order*, STB Docket No. FD 36168 (served March 15, 2019).

⁴ The Board referred to this section of track as the “Middle Segment.” *Id.* at 6.

⁵ *Id.*

⁶ *Id.* at 10.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) Applicants' name and address:

Oakland Bulk & Oversize Terminal, LLC
300 Frank H. Ogawa Plaza, Ste. 340
Oakland, CA 94612
Attn: Phil Tagami

(b) Applicants' representative

Kathryn Kusske Floyd
Venable LLP
600 Massachusetts Avenue, N.W.
Washington, DC 20001
(202) 344-4000

(c) Statement of agreement;

OBOT and the City of Oakland entered into a ground lease for control of the Rail Line on February 16, 2016.

(d) The operator of the property;

OGRE will be the operator of the Rail Line.

(e) A brief summary of the proposed transaction, including:

This exemption involves the acquisition by OBOT of the Rail Line owned by the City of Oakland under the ground lease and sublease referenced in (c) above.

(1) The name and address of the railroad transferring the subject property to the applicant;

OBOT is acquiring the Rail Line from:

City of Oakland
City Hall
1 Frank H. Ogawa Plaza, 3rd Fl.
Oakland, CA 94612
Attn: City Administrator
Reference: Oakland Army Base

(2) *The proposed time schedule for consummation of the transaction;*

The transaction between OBOT and the City of Oakland was consummated on February 16, 2016.

(3) *The mileposts of the subject property, including any branch lines; and*

The Rail Line does not have milepost designations. The Rail Line is shown in orange on Exhibit A, as well as described in the plats and legals attached hereto as Exhibit B.

(4) *The total route miles being acquired.*

The length of the Rail Line is approximately 15,000 lineal feet.⁷ The rail right of way acquired by OBOT, in which the Rail Line is located, is approximately 11.5 acres.

(f) *A map of the Rail Line.*

A map of the Rail Line being acquired is attached as Exhibit A.

(g) *Certification of Compliance with the provisions of 49 C.F.R. § 1150.33(g).*

Attached as Exhibit C is a certification affirming that the projected revenues as a result of this transaction will not exceed the amount that would qualify OBOT as a Class III railroad.

(h) *Interchange Commitments.*

The agreement between OBOT and the City of Oakland does not contain any provision that would prohibit, restrict, or otherwise limit future interchange traffic with any third-party carrier.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.34 is attached to this Notice as Exhibit D.

⁷ The sublease right of way encompasses both the “Middle Segment” and “West Segment” of track at the West Gateway. Because there is no clear demarcation between the two segments, OBOT has made its best efforts to approximate the length of track within the Middle Segment.

ENVIRONMENTAL AND HISTORIC IMPACTS

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i), the proposed transaction is exempt from environmental review because the action proposed herein will not result in operational changes that would exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

In addition, the transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1) because it is contemplated that rail operations will continue over the line. Further STB approval would be required to abandon any service, and there are no plans to dispose or alter properties subject to STB jurisdiction that are 50 years or older.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kathryn Kusske Floyd".

Kathryn Kusske Floyd
Margaret K. Fawal

Counsel to Oakland Bulk & Oversize
Terminal

Dated: May 14, 2019

VERIFICATION

I, Phil Tagami, declare under penalty of perjury that I am the President and CEO of California Capital & Investment Group, Inc., the sole member of OBOT, that I have read the foregoing Notice of Exemption and know the facts asserted therein, and that the foregoing is true and correct. Further, I verify that I am qualified and authorized to file this Notice.



Phil Tagami

[Notary Page Follows]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

On May 14, 2019 before me, Megan Morodomi, Notary Public
(insert name and title of the officer)

personally appeared Phillip H. Tagami,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)



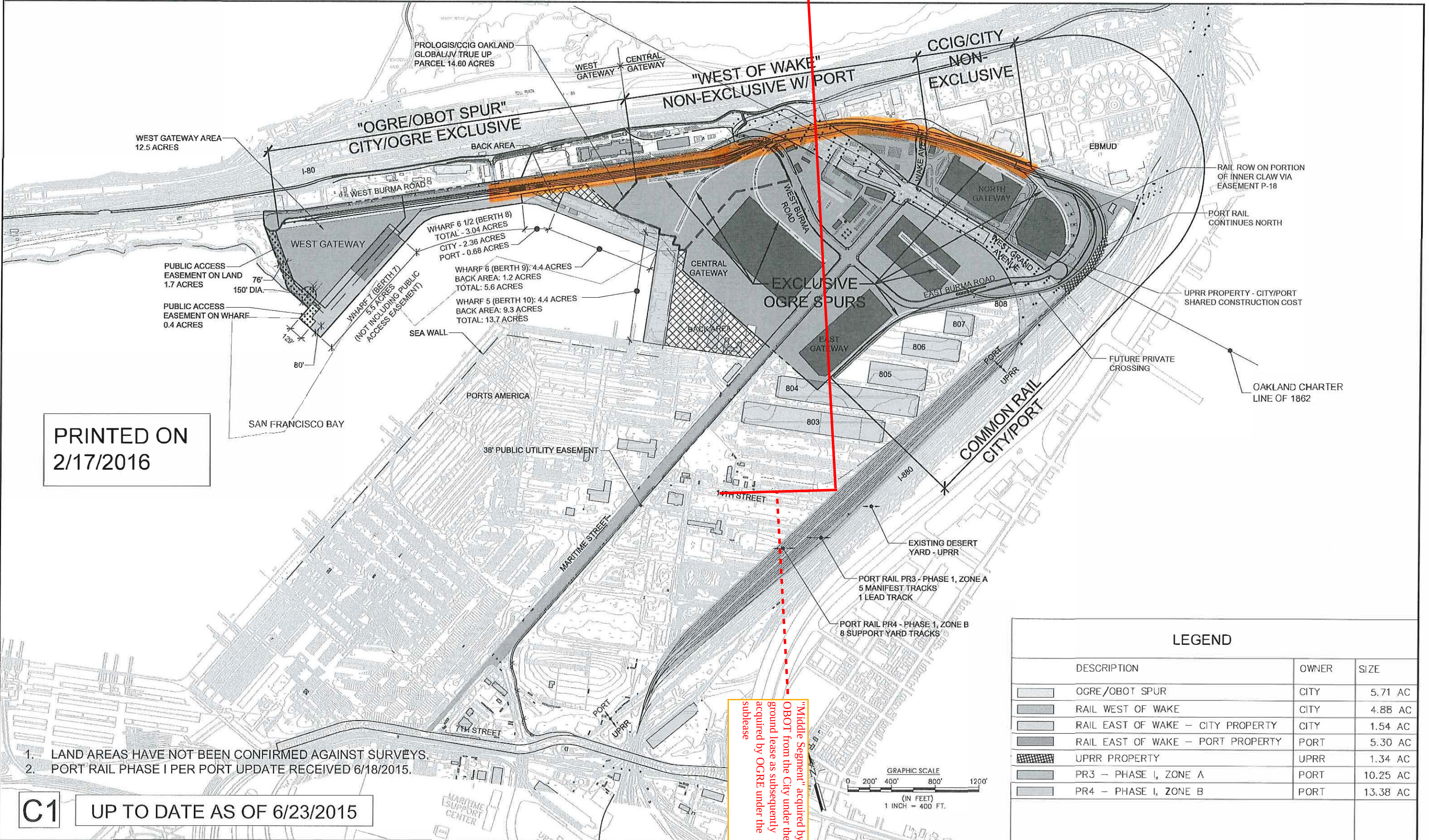
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. FD 36302

**OAKLAND BULK & OVERSIZE TERMINAL—ACQUISITION
EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION UNDER 49 C.F.R § 1151.31

EXHIBIT A



PRINTED ON
2/17/2016

1. LAND AREAS HAVE NOT BEEN CONFIRMED AGAINST SURVEYS.
2. PORT RAIL PHASE I PER PORT UPDATE RECEIVED 6/18/2015.

C1

UP TO DATE AS OF 6/23/2015



ARCHITECTURAL
DIMENSIONS

ARCHITECTURAL DIMENSIONS
JAMES HILBRONNER
510-443-8300
300 FRANK H. OGAWA PLAZA, SUITE 375
OAKLAND, CA 94612

PROJECT INFO.

OAKLAND PORT SYSTEM
AREA CALCULATIONS
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

CAT. NO. AD-0447.02
INV. NO. 33257

REV	DATE	COMMENT	JOB NO.	SCALE	DRAWING NO.
			OAK02	1" = 400'	X-1705
			DATE: 6/23/2015		
			DRAWN BY: J. ARMADA		
			CHECKED BY: J. ARMADA		

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. FD 36302

**OAKLAND BULK & OVERSIZE TERMINAL—ACQUISITION
EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION UNDER 49 C.F.R § 1151.31

EXHIBIT B

Plat RR-1 // Rail Road at West Gateway

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being a portions of Lots 9 and 10 as shown upon Parcel Map 10095 filed August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, and being more particularly described as follows:

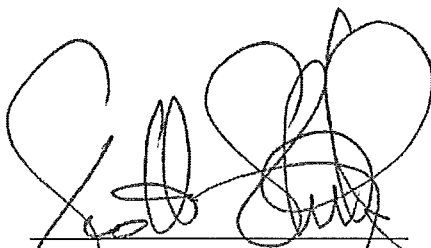
Beginning at the northeast corner of Lot 9; Thence along the east line of Lot 9, South 08° 55' 17" East – 87.47 feet; Thence across Lot 9, South 81° 33' 14" West – 446.81 feet to a point on the south line of Lot 9; Thence along said south line for the following three (3) courses: (1) North 48° 48' 07" West – 19.77 feet, and (2) South 81° 26' 43" West – 354.66 feet, and (3) South 80° 58' 50" West – 241.57 feet; Thence crossing through lots 9 and 10 for the following three (3) courses: (1) North 08° 24' 05" West – 1.43 feet, (2) South 87° 20' 57" West – 15.79 feet, and (3) South 81° 33' 14" West – 2219.71 feet to a point on the curving north line of Lot 10, being a curve to the left from which the center bears North 40° 53' 17" West; Thence along the north lines of Lots 9 and 10 for the following five (5) courses: (1) in a northeasterly direction 44.31 feet along the arc of said curve to the left, having a radius of 84.00 feet and through the central angle of 30° 13' 14" to the point of reverse curvature, (2) in an easterly direction 109.99 feet along the arc of said reverse curve to the right, having a radius of 91.00 feet and through the central angle of 69° 15' 01", (3) North 88° 08' 30" East – 29.27 feet to the beginning of a curve to the left, (4) in an easterly direction 38.09 feet along the arc of said curve to the left having a radius of 334.00 feet and through the central angle of 06° 32' 04", and (5) North 81° 36' 26" East – 3102.60 feet to the Point of Beginning.

Containing 248,604 square feet (5.7 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-1 Rail Road at West Gateway), attached and hereby made part of the land description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction, in February 2016.



Scott A. Shortlidge, LS 6441

2-8-2016
Date

NOTE

BEARINGS AND DISTANCES ARE BASED ON
RECORD OF SURVEY NO. 990. ALL
DISTANCES SHOWN OR DERIVED FROM THIS
DRAWING ARE GRID. TO OBTAIN GROUND
LEVEL DISTANCES MULTIPLY BY 1.0000705.

LEGEND

P.O.B. POINT OF BEGINNING

LEASE LIMITS

LEASE AREA
248,604± SQ. FT.
(5.7± AC)
(MEASURED IN
GROUND DISTANCES)

PARCEL S
STATE OF CALIFORNIA
BK 4186 PG 156

BURMA ROAD

PARCEL H
PORT OF OAKLAND
2006-301849

PARCEL 2

PARCEL F-1
PORT OF OAKLAND
2006-301849

CITY OF OAKLAND
STATUTES 1911, CHAPTER 657

Curve Table			
Curve	Radius	Delta	Length
C1	84.00'	30°13'15"	44.31'
C2	91.00'	69°15'01"	109.99'
C3	334.00'	6°32'04"	38.09'

Line Table		
Line	Bearing	Distance
L1	S08°55'17"E	87.47'
L2	N48°48'07"W	19.77'
L3	S80°58'50"W	241.57'
L4	N08°24'05"W	1.43'
L5	S87°20'57"W	15.79'
L6	N88°08'30"E	29.27'

USA
TRACT 14
PARCEL 1
REEL 32,
IMAGE 660

PARCEL MAP 10095
324 PM 6

PARCEL F-1
PORT OF OAKLAND
2006-301849



(IN FEET)
1 inch = 400 ft.



G:\Job2011\111069\Mapping\Plats\PLAT RR-1.dwg

PLAT RR-1 RAIL ROW AT WEST GATEWAY

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:
1"=400'

DATE:
2-8-2016

JOB NO.:
111069

**EXHIBIT 1.1.1-B
TO
GROUND LEASE
FOR
WEST GATEWAY**

DESCRIPTION OF RAILROAD R/O/W PROPERTY

[See Attached]

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being a portion of Lot 7 as shown upon Parcel Map 10095 filed August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, and being more particularly described as follows:

Beginning at the northwest corner of Lot 7; Thence along the north line of Lot 7 for the following four (4) courses: (1) North $81^{\circ} 36' 26''$ East – 749.36 feet to the beginning of a curve to the left, (2) in an easterly direction 76.36 feet along the arc of said curve to the left, having a radius of 334.00 feet and through the central angle of $13^{\circ} 05' 56''$, (3) North $68^{\circ} 30' 30''$ East – 205.60 feet to the beginning of a curve to the right, and (4) in an easterly direction 172.87 feet along the arc of said curve to the right, having a radius of 262.00 feet and through the central angle of $37^{\circ} 48' 16''$; Thence crossing through Lot 7 for the following four (4) courses: (1) South $68^{\circ} 34' 54''$ West – 89.58 feet, (2) South $62^{\circ} 09' 09''$ West – 212.71 feet for the beginning of a curve to the right from which the center bears North $27^{\circ} 39' 03''$ West, (3) in a westerly direction 231.70 feet along the arc of said curve to the right having a radius of 615.27 feet and through the central angle of $21^{\circ} 34' 36''$, and (4) South $81^{\circ} 33' 14''$ West – 677.72 feet to a point on the west line of Lot 7; Thence along said west line, North $08^{\circ} 55' 17''$ West – 87.47 feet to the **Point of Beginning**.

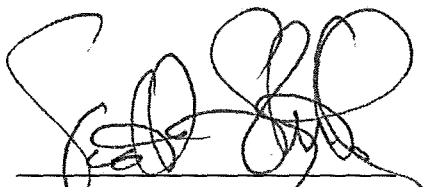
Containing 93,881 square feet (2.2 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-2 Rail ROW at MH-1), attached and hereby made part of the land description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of

Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction, in February 2016.



Scott A. Shortlidge LS 6441



2-8-2016
Date

NOTE

BEARINGS AND DISTANCES ARE BASED ON
RECORD OF SURVEY NO. 990. ALL
DISTANCES SHOWN OR DERIVED FROM THIS
DRAWING ARE GRID. TO OBTAIN GROUND
LEVEL DISTANCES MULTIPLY BY 1.0000705.

LEGEND

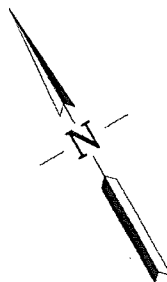
P.O.B.

POINT OF BEGINNING



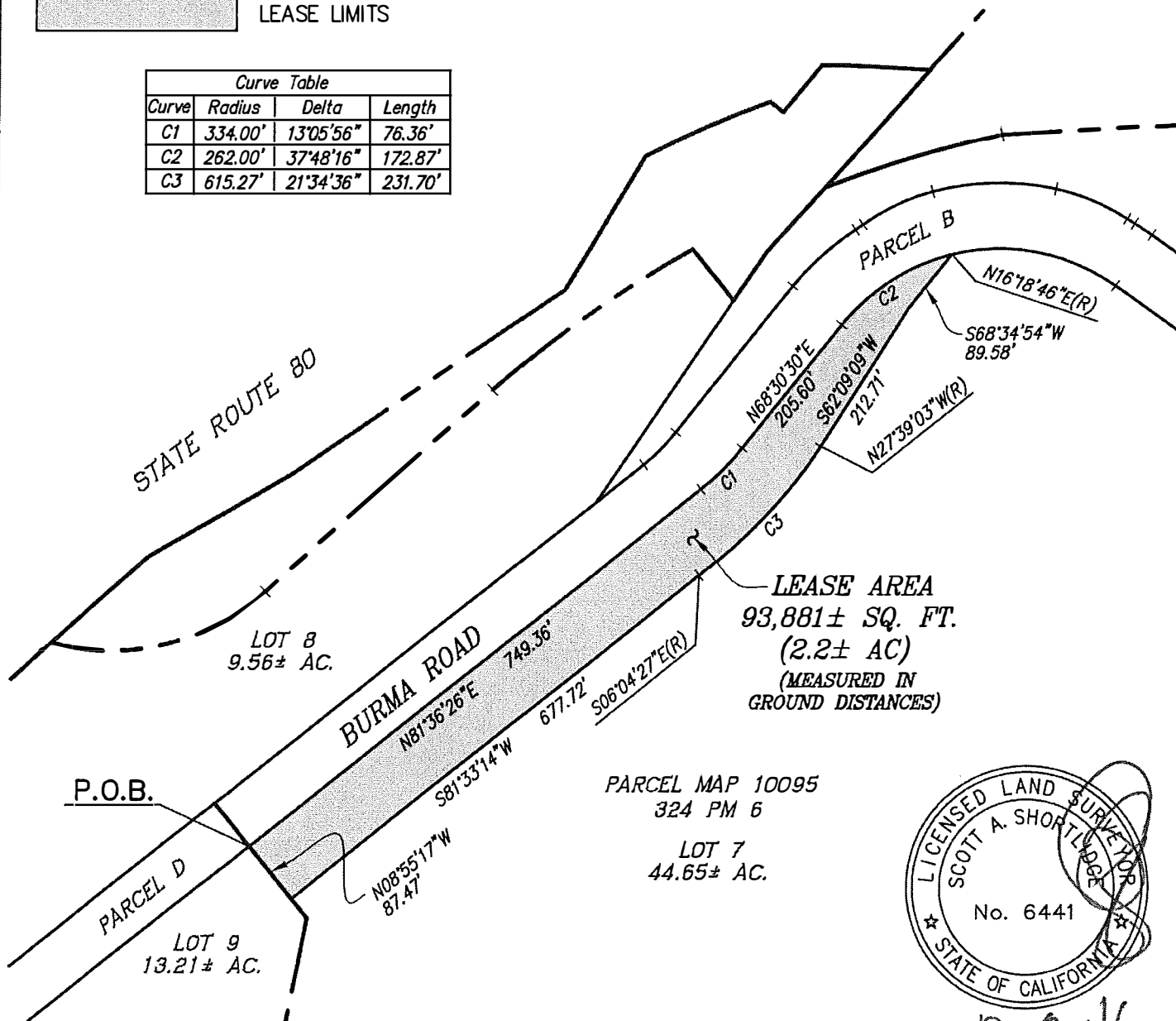
LEASE LIMITS

Curve Table			
Curve	Radius	Delta	Length
C1	334.00'	13°05'56"	76.36'
C2	262.00'	37°48'16"	172.87'
C3	615.27'	21°34'36"	231.70'



(IN FEET)

1 inch = 200 ft.



PARCEL MAP 10095
324 PM 6

LOT 7
44.65± AC.



2-8-16

PLAT RR-2
RAIL ROW AT MH-1

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

G:\Job2011\111069\Maping\Plats\PLAT RR-2.dwg

RJA

RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:
1"=200'

DATE:
2-8-2016

JOB NO.:
111069

Plat RR-3.1 // Rail ROW at Sliver

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being a portion of Lot 5 as shown upon Parcel Map 10095 filed August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, and being more particularly described as follows:

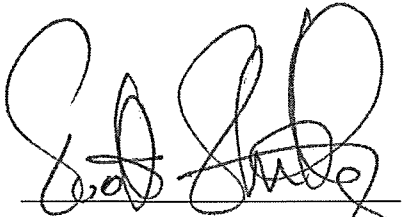
Beginning at a northern corner of said Lot 5 being at the westerly terminus of the course labeled "North 63° 07' 59" West – 314.87 feet"; Thence with the north line of Lot 5, South 63° 07' 59" East – 126.51 feet; Thence across Lot 5 for the following two (2) courses: (1) South 75° 44' 10" West – 23.70 feet for the beginning of a curve to the left, and (2) in a southwesterly direction 78.27 feet along the arc of said curve to the left, having a radius of 439.28 feet and through a central angle of 10° 12' 32" to a point on the southerly curving line of Lot 5, being a curve to the left from which point the center bears South 40° 13' 44" West; Thence with said south line in a northwesterly direction 125.27 feet along the arc of said curve to the left, having a radius of 347.50 feet and through a central angle of 20° 39' 17"; Thence across Lot 5, North 68° 30' 30" East – 84.69 feet to a point on the curving north line of Lot 5, being a curve to the right from which point the center bears South 17° 34' 01" West; Thence with said north line in a northeasterly direction 13.72 feet along the arc of said curve to the right, having a radius of 1475.00 feet and through a central angle of 00° 32' 23" to **Point of Beginning**.

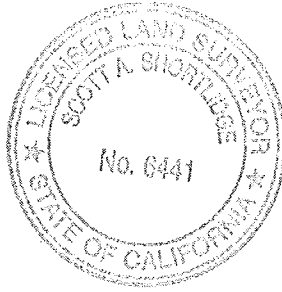
Containing 8,585 square feet (0.2 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-3.1 Rail ROW at Sliver), attached and hereby made part of the land description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction,
in February 2016.


Scott A. Shortlidge, LS 6441



2-8-2016

Date

LEGEND

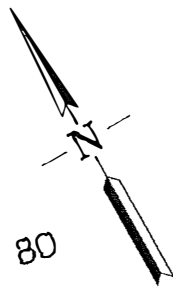
P.O.B. POINT OF BEGINNING

LEASE LIMITS



(IN FEET)

1 inch = 100 ft.



Curve Table			
Curve	Radius	Delta	Length
C1	439.28'	10°12'32"	78.27'
C2	1475.00'	00°32'23"	13.72'

Line Table		
Line	Bearing	Distance
L1	S75°44'10"W	23.70'

WEST GRAND AVENUE
STATE OF CALIFORNIA
2002-072863

STATE ROUTE 80

LEASE AREA
8,585± SQ. FT.
(0.2± AC)
(MEASURED IN
GROUND DISTANCES)

P.O.B.

LOT 5
10.69± AC.

PARCEL B

LOT 7
44.65± AC.

PARCEL MAP 10095
324 PM 6

BURMA ROAD



NOTE

BEARINGS AND DISTANCES ARE BASED ON
RECORD OF SURVEY NO. 990. ALL
DISTANCES SHOWN OR DERIVED FROM THIS
DRAWING ARE GRID. TO OBTAIN GROUND
LEVEL DISTANCES MULTIPLY BY 1.0000705.

PLAT RR-3.1
RAIL ROW AT SLIVER

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA



RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:
1"=100'

DATE:
2-8-2016

JOB NO.:
111069

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being a portion of that certain parcel described as Parcel 56444 (West Grand Avenue) in a Quitclaim Deed recorded on February 13, 2002 under document no. 2002-072863 in the Official Records of said County, and being more particularly described as follows:

Beginning at the most westerly corner of Lot 3 as shown upon Parcel Map 10095 filed on August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, same corner being on the north line of said Parcel 56444; Thence along said north line for the following two courses: (1) South 57° 29' 34" East – 72.43 feet, and (2) South 59° 14' 43" East – 64.95 feet; Thence crossing through Parcel 56444 for the following four (4) courses: (1) South 74° 01' 57" West – 65.38 feet for the beginning of a curve to the right, (2) in a southwesterly direction 83.51 feet along the arc of said curve to the right, having a radius of 593.69 feet and through a central angle of 08° 03' 34", (3) South 82° 05' 31" West – 270.27 feet, and (4) South 68° 30' 30" West – 25.57 feet to a point on the south line of Parcel 56444; Thence along said south line for the following two (2) courses: (1) North 63° 07' 59" West – 126.51 feet to the beginning of a curve to the left, from which point the center bears South 18° 06' 24" West, and (2) in a northwesterly direction 13.72 feet along the arc of said curve to the left, having a radius of 1457.00 feet and through a central angle of 00° 32' 23"; Thence crossing through Parcel 56444 for the following three (3) courses: (1) North 68° 30' 30" East – 25.57 feet for the beginning of a curve to the right, (2) in an northeasterly direction 126.66 feet along the arc of said curve to the right, having a radius of 593.69 feet and through a central angle of 12° 13' 24", and (3) North 80° 43' 54" East – 331.10 feet to a point on the north line of Parcel 56444; Thence along said the said north line, South 57° 29' 34" East – 5.94 feet to **the Point of Beginning**.

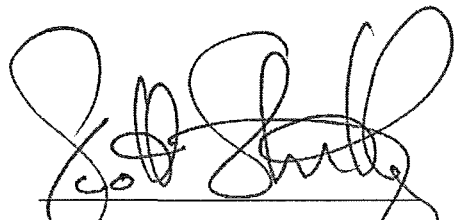
Plat RR-4.1 // Rail ROW under Freeway

Containing 47,120 square feet (1.0 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-4.1 Rail ROW under Freeway), attached and hereby made part of the land description.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction, in February 2016.


Scott A. Shortlidge, LS 6441



2-8-2016
Date

LEGEND

P.O.B.

POINT OF BEGINNING

LEASE LIMITS



(IN FEET)

1 inch = 100 ft.

Curve Table

Curve	Radius	Delta	Length
C1	593.69'	08°03'34"	83.51'
C2	1457.00'	00°32'23"	13.72'

NOTE

BEARINGS AND DISTANCES ARE BASED ON RECORD OF SURVEY NO. 990. ALL DISTANCES SHOWN OR DERIVED FROM THIS DRAWING ARE GRID. TO OBTAIN GROUND LEVEL DISTANCES MULTIPLY BY 1.0000705.

EAST BAY MUNICIPAL
UTILITY DISTRICT
2007-243205

LOT 3
4.51± AC.

PARCEL MAP 10095
324 PM 6

STATE ROUTE 80

P.O.B.

5.94'
66.49'
S57°29'34"E 72.43'(T)
64.95'
S59°14'43"E 262.30'
197.35'
N74°01'57"E 65.38'

WEST GRAND AVENUE
STATE OF CALIFORNIA
2002-072863

EASEMENT AREA
47,120± SQ. FT.
(1.0± AC)
(MEASURED IN
GROUND DISTANCES)

N68°30'30"E 25.57'
R=593.69'
Δ=12°3'24"
L=126.66'
N63°07'59"W 126.51'
N18°06'24"E(R)

N80°43'54"E 331.10'
N82°05'31"E 270.27'
N68°30'30"E 25.57'

LOT 5
10.69± AC.

PARCEL MAP 10095
324 PM 6

BURMA ROAD
PARCEL B

N59°26'20"W 388.09'



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RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

PLAT RR-4.1
RAIL ROW UNDER FREEWAY

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

SCALE:
1"=100'

DATE:
2-8-2016

JOB NO.:
111069

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being a portion of Lot 3 as shown upon Parcel Map 10095 filed on August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, and being more particularly described as follows:

Beginning at the northwest corner of said Lot 3, same corner being at the beginning of a curve to the right from which the center bears South 08° 32' 47" East; Thence along the north of Lot 3 for the following four (4) courses; (1) in a northeasterly direction 177.04 feet along the arc of said curve to the right, having a radius of 1252.80 feet and through a central angle of 08° 05' 48" to the point of compound curvature, (2) in an northeasterly direction 121.05 feet along the arc of said curve to the right, having a radius of 3336.10 feet and through a central angle of 02° 04' 44", (3) North 82° 00' 02" West – 308.54 feet for the beginning of a curve to the right, and (4) in a northeasterly direction 199.96 feet along the arc of said curve to the right, having a radius of 3316.09 feet and through a central angle of 03° 27' 18" to the northeast corner Lot 3, same corner being at the beginning of a curve to the left from which the center bears South 70° 30' 29" East; Thence along the east line of Lot 3 for the following six (6) courses: (1) in a southerly direction 1.80 feet along the arc of said curve to the left, having a radius of 15.00 feet and through a central angle of 06° 53' 38", (2) South 12° 35' 53" West – 9.85 feet to the beginning of a curve to the left, (3) in a southerly direction 9.01 feet along the arc of said curve to the left, having a radius of 15.00 feet and through the central angle of 34° 23' 54" to a point of reverse curvature, (4) in a southerly direction 3.00 feet along the arc of said curve to the right, having a radius of 5.00 feet and through the central angle of 34° 23' 54", (5) South 12° 35' 53" West – 27.19 feet to the beginning of a curve to the left, and (6) in a southerly direction 14.15 feet along the arc of a curve to the left, having a radius of 346.00 feet and through a central angle of 02° 20' 38" for the beginning

Plat RR-5.1 Rail ROW west of Gateway

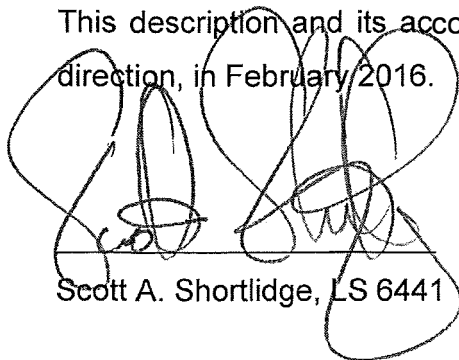
of a curve to the left, from which point the center bears South 11° 12' 04" West; Thence crossing through Lot 3 for the following four (4) courses: (1) in a northwesterly direction 159.53 feet along the arc of said curve to the left, having a radius of 2844.93 feet and through a central angle of 03° 12' 46", (2) North 82° 00' 42" West – 283.53 feet for the beginning of a curve to the left, (3) in a southwesterly direction 231.50 feet along the arc of said curve to the left, having a radius of 553.69 feet and through a central angle of 23° 57' 21", and (4) South 74° 01' 57" West – 13.23 feet to a point on the south line of Lot 3; Thence along said south line for the following two (2) courses: (1) North 59° 14' 43" West – 64.95 feet, and (2) North 57° 29' 34" West – 66.49 feet to the **Point of Beginning**.

Containing 44,407 square feet (1.0 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-5.1 Rail ROW west of Wake), attached and hereby made part of the land description.

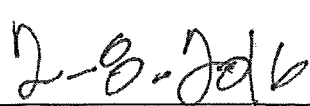
Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction, in February 2016.


Scott A. Shortlidge, LS 6441




Date

NOTE

BEARINGS AND DISTANCES ARE BASED ON
RECORD OF SURVEY NO. 990. ALL
DISTANCES SHOWN OR DERIVED FROM THIS
DRAWING ARE GRID. TO OBTAIN GROUND
LEVEL DISTANCES MULTIPLY BY 1.0000705.

LEGEND

P.O.B. POINT OF BEGINNING



LEASE LIMITS

Line Table		
Line	Bearing	Distance
L1	S12°35'53"W	9.85'
L2	S12°35'53"W	27.19'

Curve Table			
Curve	Radius	Delta	Length
C1	15.00'	06°53'38"	1.80'
C2	15.00'	34°23'54"	9.01'
C3	5.00'	34°23'54"	3.00'
C4	346.00'	2°20'38"	14.15'

PARCEL E
0.69± AC.

LOT 3
4.51± AC.

PARCEL MAP 10095
324 PM 6

LEASE AREA
44,407± SQ. FT.
(1.0± AC)
(MEASURED IN
GROUND DISTANCES)

EAST BAY MUNICIPAL
UTILITY DISTRICT
2007-243205

STATE OF
CALIFORNIA
2002-072863

OAKLAND CHARTER
LINE OF 1862



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(IN FEET)
1 inch = 100 ft.

PLAT RR-5.1
RAIL ROW WEST OF WAKE

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:
1"=100'

DATE:
2-8-2016

JOB NO.:
111069

Land Description of a parcel of land situate in the City of Oakland, County of Alameda, State of California, and being portions of Lots 1 and 2 as shown upon Parcel Map 10095 filed on August 13, 2013, in Book 324 of Parcel Maps at Pages 6 thru 15 Official Records of said County, and being more particularly described as follows:

Beginning at the northwest corner of said Lot 2, same corner being at the beginning of a curve to the right from which the center bears South 11° 54' 36" West; Thence along the north lines of Lots 1 and 2 for the following six (6) courses: (1) in a northeasterly direction 392.74 feet along the arc of said curve to the right, having a radius of 3316.09 feet and through a central angle of 06° 47' 09", (2) North 71° 17' 43" West – 326.54 feet, (3) North 70° 28' 52" West – 279.52 feet, (4) South 13° 11' 35" East – 15.15, (5) South 79° 58' 02" East – 2.12 feet to the beginning of a curve to the right, from which the center bears South 13° 11' 35" East, and (6) in a southeasterly direction 138.66 feet along the arc of said curve to the right, having a radius of 599.96 feet and through a central angle of 13° 14' 31"; Thence crossing through Lots 1 & 2 for the following eight (8) courses: (1) North 70° 57' 49" West – 127.43 feet for the beginning of a curve to the right, (2) in a northwesterly direction 38.17 feet along the arc of said curve to the right, having a radius of 638.80 feet and through a central angle of 03° 25' 24", (3) North 67° 32' 25" West – 205.60 feet for the beginning of a curve to the left, (4) in a northwesterly direction 61.30 feet along the arc of said curve to the left, having a radius of 935.37 feet and through a central angle of 03° 45' 18", (5) North 71° 17' 43" West – 258.36 feet for the beginning of a curve to the left, (6) in a northwesterly direction 68.53 feet along the arc of said curve to the left, having a radius of 1126.28 feet and through a central angle of 03° 29' 10", (7) North 74° 46' 53" West – 261.90 feet for the beginning of a curve to the left, and (8) in a northwesterly direction 103.97 feet along the arc of said curve to the left, having a radius of 2844.93 feet and through a central angle of 02° 05' 38" to a

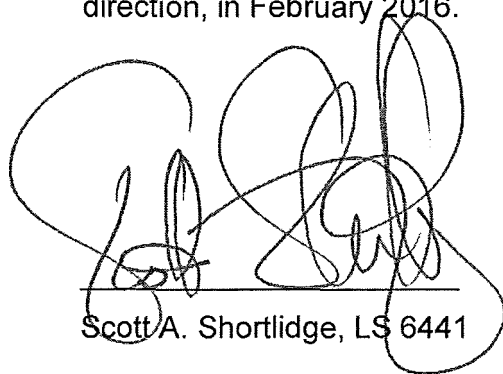
point on the west line of Lot 2; Thence along said west line for the following four (4) courses: (1) North 10° 48' 11" East – 5.58 feet to the beginning of a curve to the left, (2) in a northerly direction 8.39 feet along the arc of said curve to the left, having a radius of 17.00 feet and through a central angle of 28° 15' 51" to the point of reverse curvature, (3) in a northerly direction 5.25 feet along the arc of said curve to the right, having a radius of 10.00 feet and through a central angle of 30° 03' 33", and (4) North 12° 35' 53" East – 40.10 feet to **Point of Beginning**.

Containing 63,071 square feet (1.4 acres), more or less, measured in ground distances, as depicted on the Plat labeled (Exhibit "B" Plat RR-6.1 Rail ROW east of Wake), attached and hereby made part of the land description.

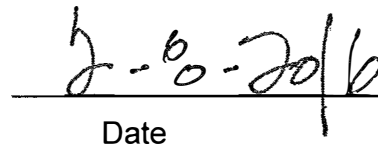
Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Official Records of the said County of Alameda. To obtain ground level distances, multiply distances called for herein by 1.0000705.

End of Description

This description and its accompanying plat were prepared by me, or under my direction, in February 2016.


Scott A. Shortlidge, LS 6441




Date

LEGEND

P.O.B. POINT OF BEGINNING

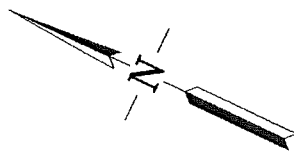
LEASE LIMITS



EAST BAY MUNICIPAL
UTILITY DISTRICT
2007-243205



(IN FEET)
1 inch = 120 ft.



N36°18'08"E(R)

N13°11'35"W 15.15'

PARCEL 1-2
PORT OF OAKLAND
2005-301854

N70°57'49"W 127.43'
N49°32'39"E(R)

LOT 1
8.31± AC.

LEASE AREA
63,071± SQ. FT.
(1.4± AC)
(MEASURED IN
GROUND DISTANCES)

Line Table		
Line	Bearing	Distance
L1	S12°35'53"W	40.10'
L2	N79°58'02"W	2.12'

Curve Table			
Curve	Radius	Delta	Length
C1	599.96'	13°14'31"	138.66'
C2	638.80'	03°25'24"	38.17'
C3	935.37'	03°45'18"	61.30'
C4	1126.28'	03°29'10"	68.53'
C5	2844.93'	02°05'38"	103.97'
C6	17.00'	28°15'51"	8.39'
C7	10.00'	30°03'33"	5.25'

PARCEL E
0.69± AC.

LOT 2
13.54± AC.

PARCEL MAP 10095
324 PM 6

N1°54'36"E(R)
R=3316.09'

Δ=06°47'09"
L=392.74'

N74°46'53"W 261.90'

N71°17'43"W 326.54'
N71°17'43"W 258.36'

SEE DETAIL "A"

WAKE AVENUE

DETAIL "A"
NOT TO SCALE

NOTE

BEARINGS AND DISTANCES ARE BASED ON
RECORD OF SURVEY NO. 990. ALL
DISTANCES SHOWN OR DERIVED FROM THIS
DRAWING ARE GRID. TO OBTAIN GROUND
LEVEL DISTANCES MULTIPLY BY 1.0000705.

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PLAT RR-6.1
RAIL ROW EAST OF WAKE

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

SCALE:
1"=100'

DATE:
2-8-2016

JOB NO.:
111069

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. FD 36302

**OAKLAND BULK & OVERSIZE TERMINAL—ACQUISITION
EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION UNDER 49 C.F.R § 1151.31

EXHIBIT C

CERTIFICATION

I, Phil Tagami, certify that the projected annual revenues as a result of this transaction will not exceed the amount that would qualify OBOT as a Class III railroad, and that the projected annual revenue for the rail line described in this notice will not exceed \$5 million.



Phil Tagami

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. FD 36302

**OAKLAND BULK & OVERSIZE TERMINAL—ACQUISITION
EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION UNDER 49 C.F.R § 1151.31

EXHIBIT D

SURFACE TRANSPORTATION BOARD

Finance Docket No. FD 36302

OAKLAND BULK AND OVERSIZE TERMINAL—ACQUISITION EXEMPTION—RAIL LINE IN ALAMEDA COUNTY, CA

Oakland Bulk & Oversize Terminal (“OBOT”), a non-carrier, has filed a Notice of Exemption, pursuant to 49 C.F.R. Section 1150.31 *et seq.*, to acquire a rail line from the City of Oakland located at the former Oakland Army Base in Oakland, California.

Comments must be filed with the Board and served on Kathryn Kusske Floyd, Venable LLP, 600 Massachusetts Avenue, NW, Washington, DC 20001 (tel. 202-344-4000).

This Notice is filed under 49 C.F.R. § 1150.31, *et seq.* If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated:

By the Board,