

Order No. SP851408
Escrow No. 515923

WHEN RECORDED MAIL TO:

State of Calif. Dept. of General Services
1102 Q Street #6000, Attn: L. Buczyk
Sacramento, Ca 95814-6511

This is to certify that this is a true
and correct copy of AGREEMENT

recorded in the
Office of the Recorder of ALAMEDA
County, California, Instrument No. 2001
163562 in (Book-Record) N/A
(Page-Page) N/A on the 15th
day of May 192001

FIRST AMERICAN TITLE GUARANTEE COMPANY

By Paul C. Deubner \$34.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Agreement for the Transfer of Control and Possession of
State Owned Real Property

82-1908

WHEN RECORDED MAIL TO:
State of California - Dept. of General Services
1102 Q St., Suite 6000 - Attn: L.Buezyk
Sacramento, CA. 95814-6511

AGREEMENT FOR THE TRANSFER OF CONTROL AND POSSESSION OF STATE OWNED REAL PROPERTY

BY THIS AGREEMENT, made and entered into this 17th day of February 2000, by and between the Department of General Services (TRANSFEROR) and the Department of Fish and Game (TRANSFEREE), hereinafter collectively referred to as "The Parties";

WITNESSETH

WHEREAS, TRANSFEROR by Grant Deed dated August 3, 1999 and recorded as document number 99316425 in Official Records of Alameda (shown as attached Exhibit "1") acquired real property (the property) on behalf of the State of California and thereby has control and possession of the property;

WHEREAS, The Parties have previously entered into agreements known as the "Mitigation Agreement" dated April 6, 1998 and the "Byron Conservation Bank Implementation Agreement" dated February 9, 2000 to provide for transfer of the property to the TRANSFEREE;

WHEREAS, The Parties desire to transfer the property to be used solely for the following purpose in accordance with the conditions as specified herein as follows:

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE DEPARTMENT OF FISH AND GAME, ITS DESIGNEE OR SUCCESSOR SHALL HOLD TITLE TO AND PROTECT THE LANDS TRANSFERRED HEREIN SOLELY FOR THE PURPOSES OF CONSERVATION, PROTECTION, RESTORATION AND ENHANCEMENT OF WILDLIFE SPECIES KNOWN AS: (1) THE WESTERN BURROWING OWL; (2) THE CALIFORNIA TIGER SALAMANDER; (3) THE CALIFORNIA RED-LEGGED FROG; (4) THE WESTERN POND TURTLE; (5) THE SAN JOAQUIN KIT FOX.

THIS COVENANT SHALL RUN WITH THE LAND AND NO USE OF SUCH LAND SHALL BE PERMITTED BY THE DEPARTMENT OF FISH AND GAME OR ANY SUBSEQUENT TITLE HOLDER OR ASSIGNEE WHICH IS IN CONFLICT WITH THE STATED CONSERVATION PURPOSES HEREIN DESCRIBED. THE DEPARTMENT OF FISH AND GAME, ITS DESIGNEE OR SUCCESSOR MAY ALLOW SOME WETLAND CREATION AND OR LIMITED GRAZING ON THE PROPERTY IF SAID USES DO NOT CONFLICT IN ANY WAY WITH THE CONSERVATION GOALS FOR THE NAMED SPECIES.

THE PURPOSES, USES AND CONDITIONS AS DESCRIBED HEREIN ABOVE SHALL BE APPLICABLE TO THE ENTIRE PROPERTY WITH THE EXCEPTION OF AN EXISTING BUILDING/STRUCTURE INCLUDING APPROXIMATELY 1 ACRE OF SURROUNDING LAND LOCATED AT THE SOUTH EAST CORNER OF THE PROPERTY AND SHOWN ON THE ATTACHED EXHIBIT "2" PLAT MAP.

WHEREAS, upon acceptance of this Transfer to TRANSFEREE, it is the intention of the TRANSFEROR to record in the official records of the County of Alameda a Memorandum of Agreement to make this transfer and the uses and conditions specified herein a matter of public record;

NOW THEREFORE, in consideration of the foregoing, TRANSFEROR hereby transfers unto TRANSFEREE and TRANSFEREE accepts the control and possession of the property described as follows and as depicted on the attached Exhibit "2" plat map:

REAL PROPERTY in the City of Mountain House School, County of Alameda, State of California described as follows:

The Southeast quarter of Section 35, in Township 1 South, in Range 3 East of the Mount Diablo Base and Meridian, according to the United States Public Survey thereof.

Excepting therefrom: Those portions thereof described in the deed from Arden Hans Christensen, a single man, to the State of California, dated November 8, 1963, recorded May 20, 1964, on Reel 1207, Image 941, Series No. AW-80211, Alameda County Records.

Also excepting therefrom that portion thereof described in the Deed from Arden Christensen to Franklin D. Beck and D'Ette G. Beck, dated January 21, 1972, recorded February 1, 1972, Series No. 72-13886, Reel 3051, Image 958, Alameda County Records.

Also excepting therefrom: All oil, gas, casinghead gasoline and other hydrocarbons and mineral substances below a point 500 feet below the surface of the land, hereinabove described together with the right to take, remove, mine, pass through and dispose of all oil, gas, casinghead gasoline and other hydrocarbons and mineral substances but without any right whatsoever to enter upon the surface of said land, as reserved in the Deed from Ida B. Hayes Christensen, a widow, recorded June 30, 1988, Series No. 88-157279.

A.P. No. : 099B-7010-002-09

IN WITNESS WHEREOF, the parties hereto, by their respective officers thereunto duly authorized, have executed this agreement the day and year first above written.

TRANSFEROR:

DEPARTMENT OF GENERAL SERVICES

BY: *J. Frank Davidson*
J. Frank Davidson

ASSISTANT CHIEF ASSET, PLANNING AND ENHANCEMENT BRANCH
REAL ESTATE SERVICES DIVISION

TRANSFEREE:

DEPARTMENT OF FISH AND GAME
Wildlife Conservation Board

BY: *Al Wright*
~~BEAUCHAMPEL~~ Al Wright, Executive Director
REGIONAL MANAGER Wildlife Conservation Board

Approved as to form.
A. S. Miller
Deputy General Counsel.

I hereby certify that all conditions for exemption have been complied with and this document is exempt from Department of General Services approval.
WILDLIFE CONSERVATION BOARD
By: *[Signature]*
(authorized signatory)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of SACRAMENTO } ss.

On 2/17/2000, before me, JANETTE M. WILCOX
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared J. FRANK DAVIDSON
Name(s) of Signer(s)

- personally known to me
- 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.

Janette M Wilcox
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGREEMENT FOR THE TRANSFER OF CONTROL AND POSSESSION OF STATE OWNED REAL PROPERTY

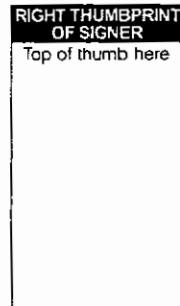
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: J. FRANK DAVIDSON
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: DEPT OF GENERAL SERVICES



ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Sacramento } ss.

On May 1, 2001 before me, Terri L. Muzik,
(DATE) (NOTARY)

personally appeared James V. Sarro
SIGNER(S)

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~~ signatures ~~(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.

Terri L. Muzik
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

_____ OTHER

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT THUMBPRINT
OF
SIGNER



Byron Conservation Bank
Department of General Services
Alameda County

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the Agreement for the Transfer of Control and Possession of State Owned Real Property, dated 2/17/2000 from the State of California Department of General Services to the State of California Department of Fish and Game, is hereby accepted by the undersigned officer on behalf of the State of California Department of Fish and Game, pursuant to authority conferred by authorization of the Fish and Game Commission, Department of Fish and Game, Resources Agency, State of California, adopted on October 20, 2000 and the grantee consents to the recordation thereof by its duly authorized officer.

STATE OF CALIFORNIA
Resources Agency
Department of Fish and Game

By 

Al Wright
Executive Director
Wildlife Conservation Board

Date 4/12/01

