

Recorded at the request of:
CITY OF ALBANY

When recorded mail to:
City Clerk
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

(Space Above for Recorder's Use Only)

OFFER OF DEDICATION – Conservation Easement,

Codomices Creek @ 1101 5th Street, Berkeley, CA
John Chalik Living Trust U/A dtd 4/18/2000

Assessor's No: 060-2385-009-09

The undersigned, being the present title owner of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to CITY OF ALBANY, ALAMEDA COUNTY, a political subdivision of the State of California, and its successors or assigns, of a non-exclusive easement for the maintenance of works associated with the restoration project for Codornices Creek including improvements, structures, landscaping and vegetation, or the clearing of obstructions and vegetation, upon the real property situated in the City of Berkeley, County of Alameda, State of California, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

Purpose of Conservation Easement: To assure that the Easement Area will be retained and managed in perpetuity in a manner that will protect its Conservation Value.

Prohibited uses: Any activity within the Conservation Easement area that is inconsistent with the purposes of this Easement is prohibited. In addition, without limiting the generality of the foregoing, the following activities are expressly prohibited in the Easement Area.

1. Any commercial, agricultural or industrial development.
2. Cutting of live trees except as required for (i) approved restoration and enhancement activities, (ii)remediating or abating emergency conditions that constitute a hazard to people or property, (iii) drainage, (iv) prevention or treatment of disease, (v) fire breaks consistent with all applicable laws and regulations, and (vi) such other purposes as Grantee determines are consistent with the Conservation Value.
3. The dumping, storage, or disposal of wastes, refuse or junk or other materials unrelated to the purposes of the Conservation Area.
4. The placement of signs, except where the signs are directly related to the Conservation value and are approved by Grantee.
5. Hunting, shooting or trapping, except that trapping for rodents or small mammals may be allowed if it is determined necessary to maintain the conservation values of the Easement Area, or for vector control, or scientific purposes if the trapper has obtained the appropriate scientific collecting permits for this purpose. Any trapping must be approved by Grantee.

It is understood and agreed that CITY OF ALBANY and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties. And the rights and easements granted hereunder shall run with the land and continue in perpetuity; provided however, that if any rule of law or equitable principle would prevent any covenant or other right of interest set forth herein from existing in perpetuity, then the same shall continue for 99 years from the date of execution of this easement.

IS WITNESS WHEREOF, these presents have executed this instrument this 28 day of January, ~~2007~~ 2008

For: **John Chalik Living Trust U/A dtd 4/18/2000**
308 63rd Street, Oakland, CA 94618

By: John Chalik
John Chalik, Trustee

Dated: 1/28/08

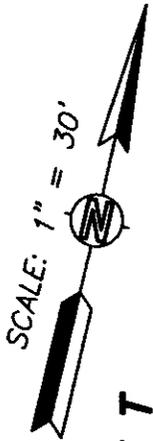
**LEGAL DESCRIPTION
CHALIK TRUST PARCEL**

REAL PROPERTY IN THE CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA, BEING THAT PORTION OF THE PARCEL DESCRIBED IN THE DEED TO JOHN CHALIK, TRUSTEE OF THE JOHN CHALIK LIVING TRUST, RECORDED JUNE 09, 2006, SERIES NO. 2006223983, ALAMEDA COUNTY RECORDS, LYING NORTHERLY OF A LINE PARALLEL WITH AND DISTANT 60.48 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID CHALIK TRUST PARCEL.

THE ATTACHED PLAT IS MADE A PART OF THIS DESCRIPTION.

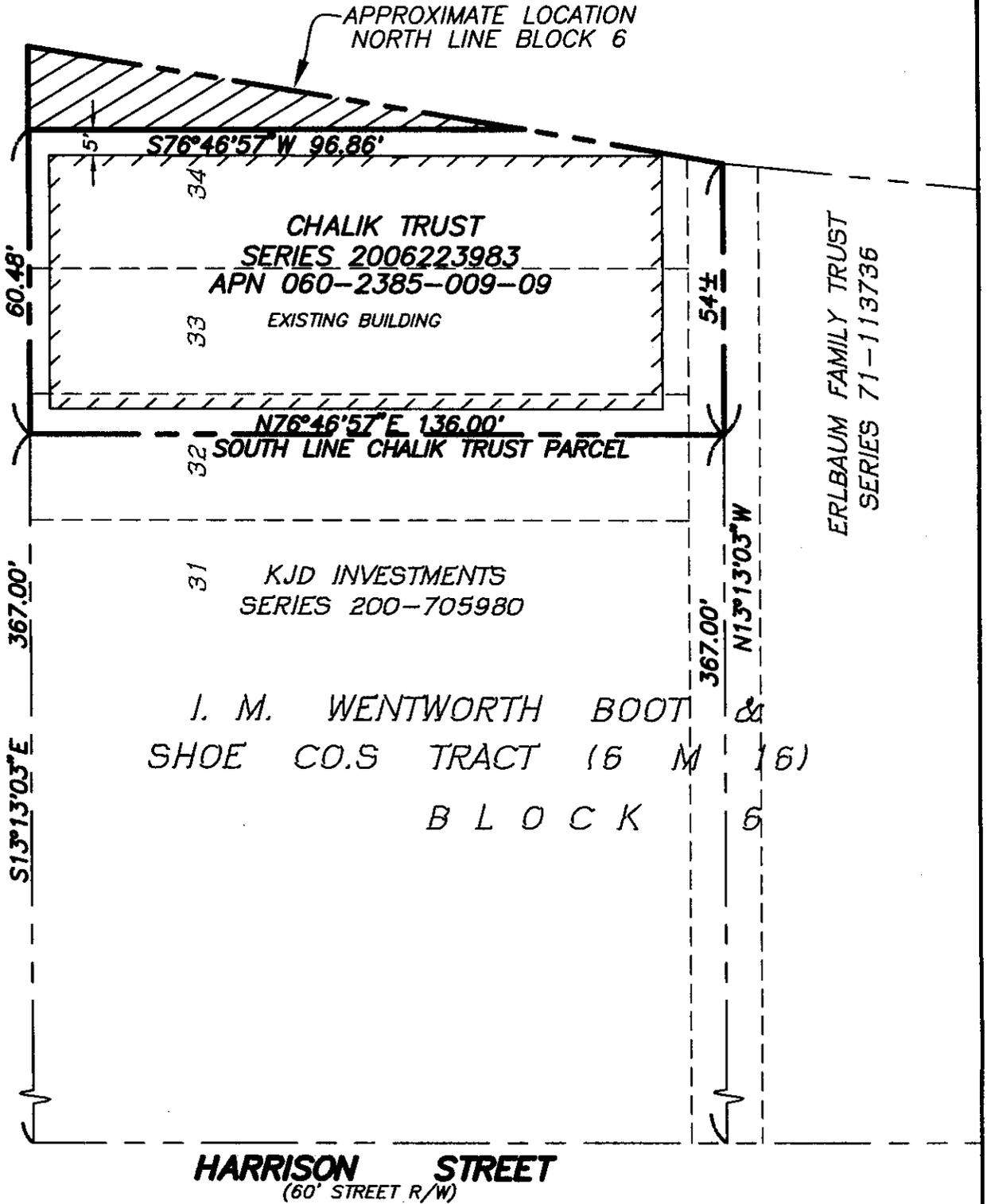


Patrick M. Rei 10/29/07
PATRICK M. REI, DATE
L.S. 8178
REGISTRATION EXPIRES: 12/31/08



5 TH STREET

(60' STREET R/W)



ERLBAUM FAMILY TRUST
SERIES 71-113736

PLAT TO ACCOMPANY LEGAL DESCRIPTION
CHALIK TRUST PARCEL APN 060-2385-009-09

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda }

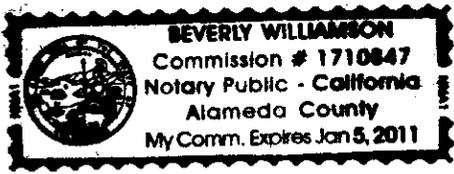
On Jan 28, 2008 before me, Beverly Williamson Notary Public
Date Here Insert Name and Title of the Officer

personally appeared John Chaluk III
Name(s) of Signer(s)

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.



Place Notary Seal Above

Signature Beverly Williamson
Signature of Notary Public

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: offer of Dedication - Conservation Easement

Document Date: Jan 28, 2008 Number of Pages: 3

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: John Chaluk III

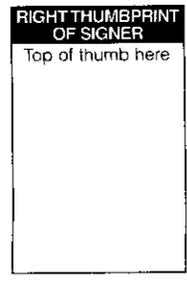
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: None

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____