
EXHIBIT "A"
to the Agreement by and between BART and the City of Albany

RIGHT OF ENTRY AGREEMENT

Date: _____

Ms. Laura Giraud
Real Estate Manager
San Francisco Bay Area Rapid Transit District (BART)
P.O. Box 12688 (LKS-22)
Oakland, CA 94604-2688

Permission is granted hereby to enter upon land located at City Limit Line to Dartmouth Street; Dartmouth Street to Marin Avenue; Marin Avenue to Solano Avenue; Solano Avenue to Washington Avenue; Washington Avenue to Portland Avenue; Portland Avenue to Brighton Avenue; Brighton Avenue to City Limit Line, (APN) 065-2409-0870-02; 065-2409-0890-02; 065-2650-0320-02; 065-2650-034-02; 065-2650-036-02; 065-2652-085-02; 065-2652-083-02; 065-2652-081-02; 066-0805-011-02; 066-2805-013-02; 066-2806-008-02; 066-2806-010-02; 067-2819-010-02; 067-2820-011-02; 067-2820-010-02; 067-2832-017-02 for all general and public transit facility construction purposes, including, but not limited to, storage, ingress and egress, relating to BART's Earthquake Safety Program (the "Project") and other activities in, on, over and across all that real property in the City of Albany, County of Alameda, State of California, described as follows:

PARCEL 1: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R26-1-3D as identified as Parcel R26-1-3D and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 2: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R27-1-3C as identified as Parcel R27-1-3C and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 3: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R28-1-3B as identified as Parcel R28-1-3B and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 4: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R28-2-3B as identified as Parcel R28-2-3B and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 5: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R29-1-3B as identified as Parcel R29-1-3B and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 6: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R30-1-3B as identified as Parcel R30-1-3B and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

PARCEL 7: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCEL #R31-1-3B as identified as Parcel R31-1-3B and shaded in **Exhibit 1**, attached and incorporated by reference hereto.

Grantor hereby provides a Right of Entry to perform work as set forth in the Acquisition Agreement of the date herewith by and between the City of Albany and the San Francisco Bay Area Rapid Transit District.

This Right of Entry is for a period of forty-two (42) months between December 1, 2009 and June 30, 2013. Possession and use of each PARCEL within the Right of Entry area (also referred to as Temporary Construction Area on Exhibit "1" attached hereto) is anticipated to be required on the average of seven (7) months within the said forty-two month period. The consideration paid includes full payment for such possession and use for the average seven (7) month period. Upon expiration of this Right of Entry after said forty-two month period, Grantee's rights shall revert automatically to Grantor.

Grantee shall give Grantor at least 45 days advance written notice prior to entry. At or before the issuance of the notice of entry, Grantee shall submit a project timeline. Right of Entry shall be contingent upon Grantor's receipt and approval of said project timeline. The construction sequence for each city block shall proceed and be completed considering Grantor's requirements and with least impact to the public. Grantee shall restore the Right of Entry area as set forth in the Acquisition Agreement and the plans and specifications approved in the bid documents. Grantor and its representatives, employees, agents or independent contractors may enter said property, as follows, provided such use does not unreasonably interfere with Grantee's rights herein:

- a. maintenance of sanitary sewers, open storm drain channels, irrigation mainlines and electrical wiring;
- b. emergency response;
- c. inspection of said property or any portion thereof or any improvements thereon at any time and from time to time at reasonable times to verify Grantee's compliance with the terms and conditions of this Right of Entry;
- d. construction of improvements to meet federal grant deadlines for the Highway Safety Improvement Program and Safe Routes to Transit Program.

Dated this _____ day of _____, 20____

Project: Earthquake Safety Program
Owner: City of Albany
BART Parcel No.: R26-1-3D, R27-1-3C,
R28-1-3B, R28-2-3B, R29-1-3B,
R30-1-3B, R31-1-3B

GRANTOR

CITY OF ALBANY

a body politic and municipal corporation

Name: _____

Beth Pollard

Title: _____

City Administrator

Name: _____

Robert Zweben

Title: _____

City Attorney

GRANTEE

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT,

a rapid transit district

APPROVED BY:

Laura Giraud

Real Estate Department Manager

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CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27281

This is to certify that the interest in real property conveyed by the foregoing deed or grant to the San Francisco Bay Area Rapid Transit District is hereby accepted by the undersigned on behalf of the San Francisco Bay Area Rapid Transit District pursuant to authority conferred by resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District entitled "In The Matter of Authorizing Acceptance of Deeds and Grants," bearing No. 291, adopted on October 24, 1963, and the grantee consents to recordation thereof.

Dated this _____ day of _____, 20__

Recommended for Acceptance:

By: _____

Name: _____

Accepted:
San Francisco Bay Area Rapid Transit District

By: _____
Laura Giraud
Real Estate Department Manager