

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Autumn
Date: Tuesday, May 18, 2021 12:05:52 PM
Attachments: [31d-240 N. Montgomery ALTA Survey.pdf](#)
[34d-255 N. Autumn ALTA Survey.pdf](#)

From: Willhite, Britney <bwillhite@allenmatkins.com>
Sent: Wednesday, May 12, 2021 10:55 AM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: pandes@allenmatkins.com; gmiller@coblenzlaw.com
Subject: RE: Autumn

[External Email]

Hi Johnny,

As discussed with AP and Dave this morning, attached are the surveys for the Autumn parcels.

The 255 N. Autumn survey also covers 260 N. Montgomery, as they were acquired as part of the same transaction.

Thanks,
Britney

[Britney J. Willhite](#)

Allen Matkins Leck Gamble Mallory & Natsis LLP
(949) 851-5452 (direct)
(949) 280-3707 (mobile)
bwillhite@allenmatkins.com

From: Andes, Pam <PAandes@allenmatkins.com>
Sent: Tuesday, May 11, 2021 8:28 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: Willhite, Britney <bwillhite@allenmatkins.com>; gmiller@coblenzlaw.com
Subject: Autumn

Subject to Contract / Contract Denied

Hi, Johnny. Please find attached the Transfer Agreement for the Autumn Parcels. The PDF is a blackline. Please run your own blacklines since we are all moving fast.

Please note that the attached remains subject to any changes my client may have.

Please note that this correspondence is not intended to create any legally binding obligation on Google and that no contract will arise or be in existence until such time as all corporate approvals necessary to ratify this transaction have been confirmed by Google and formal written contracts have been executed and exchanged between the parties.

From: Andes, Pam

Sent: Tuesday, May 11, 2021 4:30 PM

To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>

Cc: Willhite, Britney <bwillhite@allenmatkins.com>; gmliller@coblenzlaw.com

Subject: FW: Revised Transfer Agreements - H1, H5, H6

Johnny:

Attached for your review are the Transfer Agreements, as follows:

- H1 Transfer Agreement – Redline to City’s Sunday (pdf rad E0A88)
- H1 Transfer Agreement – Clean
- H5 Transfer Agreement – Redline to City’s Sunday draft (pdf radAFOE6)
- H5 Transfer Agreement -- Clean
- H6 Transfer Agreement – Redline to City’s Sunday draft (pdfC4563)
- H6 Transfer Agreement -- Clean

The Autumn Parcels Transfer Agreement will follow.

We are moving fast so please run your own redlines.

Please note that the attached remains subject to any changes my client may have.

Thanks! Pam

From: Willhite, Britney <bwillhite@allenmatkins.com>

Sent: Thursday, May 6, 2021 4:44 PM

To: johnny.phan@sanjoseca.gov

Cc: Andes, Pam <PAandes@allenmatkins.com>; gmliller@coblenzlaw.com

Subject: Revised Transfer Agreements - H1, H5, H6 and Autumn

Subject to Contract / Contract Denied

Hi Johnny,

Attached for your review are the Transfer Agreements, as follows:

- H1 Transfer Agreement – Redline to City’s draft from 5/5 – This shows just the new changes
- H1 Transfer Agreement – Redline to Google’s initial draft from 4/13 – This shows the

cumulative changes

- H5 Transfer Agreement – Redline to Google’s initial draft from 4/13
- H6 Transfer Agreement – Redline to Google’s initial draft from 4/13
- Autumn Transfer Agreement – Redline to Google’s initial draft from 4/13

In H5, H6 and Autumn, we made changes to conform with the cumulative changes to H1.

Please let us know if anything else remains open.

Please note that the attached remains subject to any changes my client may have.

Thanks,
Britney

Please note that this correspondence is not intended to create any legally binding obligation on Google and that no contract will arise or be in existence until such time as all corporate approvals necessary to ratify this transaction have been confirmed by Google and formal written contracts have been executed and exchanged between the parties.

Britney J. Willhite

Partner

Allen Matkins Leck Gamble Mallory & Natsis LLP

1900 Main Street, 5th Floor, Irvine, CA 92614-7321

(949) 851-5452 (direct)

(949) 280-3707 (mobile)

(949) 553-8354 (fax)

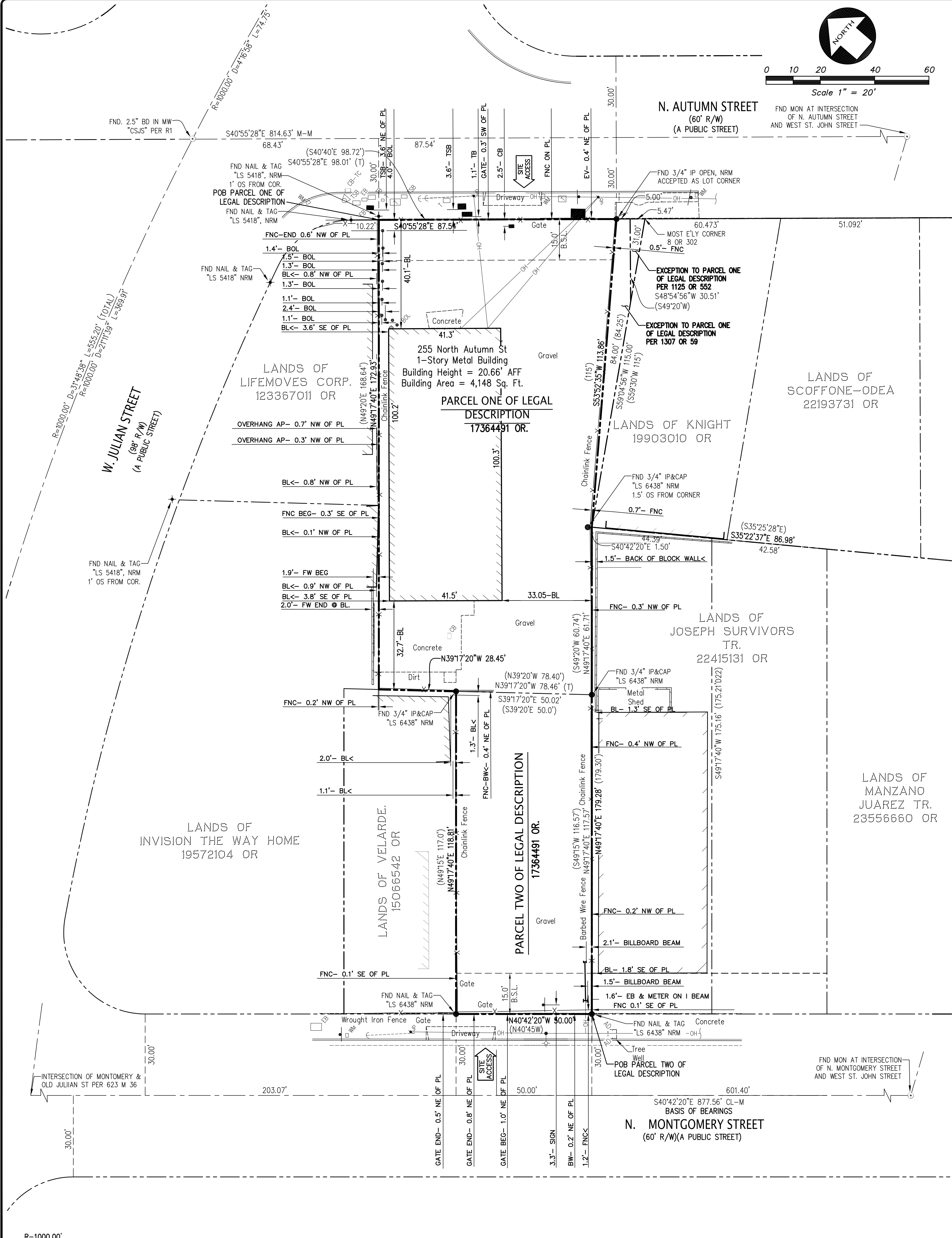
bwillhite@allenmatkins.com

Allen Matkins

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GENERAL NOTES

- ALL DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- APN: 259-29-020 AND 259-29-012
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED IN A PRELIMINARY TITLE REPORT, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED AS OF AUGUST 24, 2018, ORDER NUMBER NCS-909764-SC, FURNISHED TO KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC BY TC AGOGE ON AUGUST 31, 2018. NO LIABILITY IS ASSUMED FOR MATTERS OF RECORD NOT STATED IN SAID REPORT THAT MAY AFFECT THE TITLE LINES, OR EXCEPTIONS, OR EASEMENTS OF THE PROPERTY.
- BASIS OF BEARINGS:
THE BEARING OF NORTH 40° 42' 20" WEST TAKEN ON THE MONUMENT LINE OF NORTH MONTGOMERY STREET AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON JANUARY 28, 1991, IN BOOK 623 OF MAPS AT PAGES 36 AND 37, OFFICIAL RECORDS OF CONTRA SANTA CLARA COUNTY WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.
- PHYSICAL ITEMS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE ITEMS VISIBLE AS OF THE DATE OF THIS SURVEY. SUBSURFACE STRUCTURES, IF ANY, ARE NOT SHOWN. SAID SUBSURFACE OBJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO, CONCRETE FOOTINGS, SLABS, SHORING, STRUCTURAL PILES, UTILITY VAULTS, PIPING, UNDERGROUND TANKS, AND ANY OTHER SUBSURFACE STRUCTURES NOT REVEALED BY A SURFACE INSPECTION.

2016 ALTA/NSPS TABLE A OPTIONAL SURVEY ITEMS

- THE SUBJECT PROPERTY ADDRESS IS KNOWN AS: 260 NORTH MONTGOMERY STREET & 255 NORTH AUTUMN STREET, SAN JOSE.
- THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR SANTA CLARA COUNTY, CALIFORNIA, MAP NUMBER 060650234H FOR COMMUNITY NUMBER 060349 (CITY OF SAN JOSE), WITH AN EFFECTIVE DATE OF MAY 18, 2009, AS BEING LOCATED IN FLOOD ZONE "D". ACCORDING TO FEMA THE DEFINITION OF ZONE "D" IS: "AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE".
- INFORMATION OBTAINED FROM THE CITY OF SAN JOSE, PUBLIC WORKS DEPT. ON SEPTEMBER 20, 2018.
- GROSS LAND AREA: 20,078± SQUARE FEET OR 0.4655± ACRES.

- ZONING NOTE: THIS SURVEY MAKES NO EVALUATION AS TO COMPLIANCE WITH ZONING CODES AND/OR ORDINANCES OTHER THAN CURRENT MUNICIPAL BUILDING SETBACK LINE LOCATIONS.

THE PORTION OF THE SUBJECT PROPERTY KNOWN AS 260 NORTH MONTGOMERY STREET IS CURRENTLY ZONED: "H" (HEAVY INDUSTRIAL)

THE CURRENT BUILDING SETBACKS FOR THIS ZONING DESIGNATION ARE:

SETBACKS:
FRONT: 15 FEET
SIDE: 0 FEET
REAR: 0 FEET

MAXIMUM BUILDING HEIGHT: 50 FEET
(UNLESS A DIFFERENT MAXIMUM IS ESTABLISHED IN CHAPTER 20.85)

THE PORTION OF THE SOUTHERLY PROPERTY KNOWN AS 255 NORTH AUTUMN STREET IS CURRENTLY ZONED: "L" (LIGHT INDUSTRIAL)

THE CURRENT BUILDING SETBACKS FOR THIS ZONING DESIGNATION ARE:

SETBACKS:
FRONT: 15 FEET
SIDE: 0 FEET
REAR: 0 FEET

MAXIMUM BUILDING HEIGHT: 50 FEET
(UNLESS A DIFFERENT MAXIMUM IS ESTABLISHED IN CHAPTER 20.85)

EXCEPTIONS FOR THE BUILDING SETBACKS ARE LOCATED IN CHAPTERS 20.50.230 AND 20.50.240 OF THE CITY OF SAN JOSE MUNICIPAL CODE.

PARKING REQUIREMENTS: PARKING REQUIREMENTS FOR THIS ZONING DESIGNATION ARE BASED ON THE USE OF THE SUBJECT PROPERTY.

COMMERCIAL SUPPORT:
1 SPACE PER 350 SF. OF FLOOR AREA.

INFORMATION OBTAINED FROM THE CITY OF SAN JOSE, PLANNING DEPARTMENT ON SEPTEMBER 19, 2018.

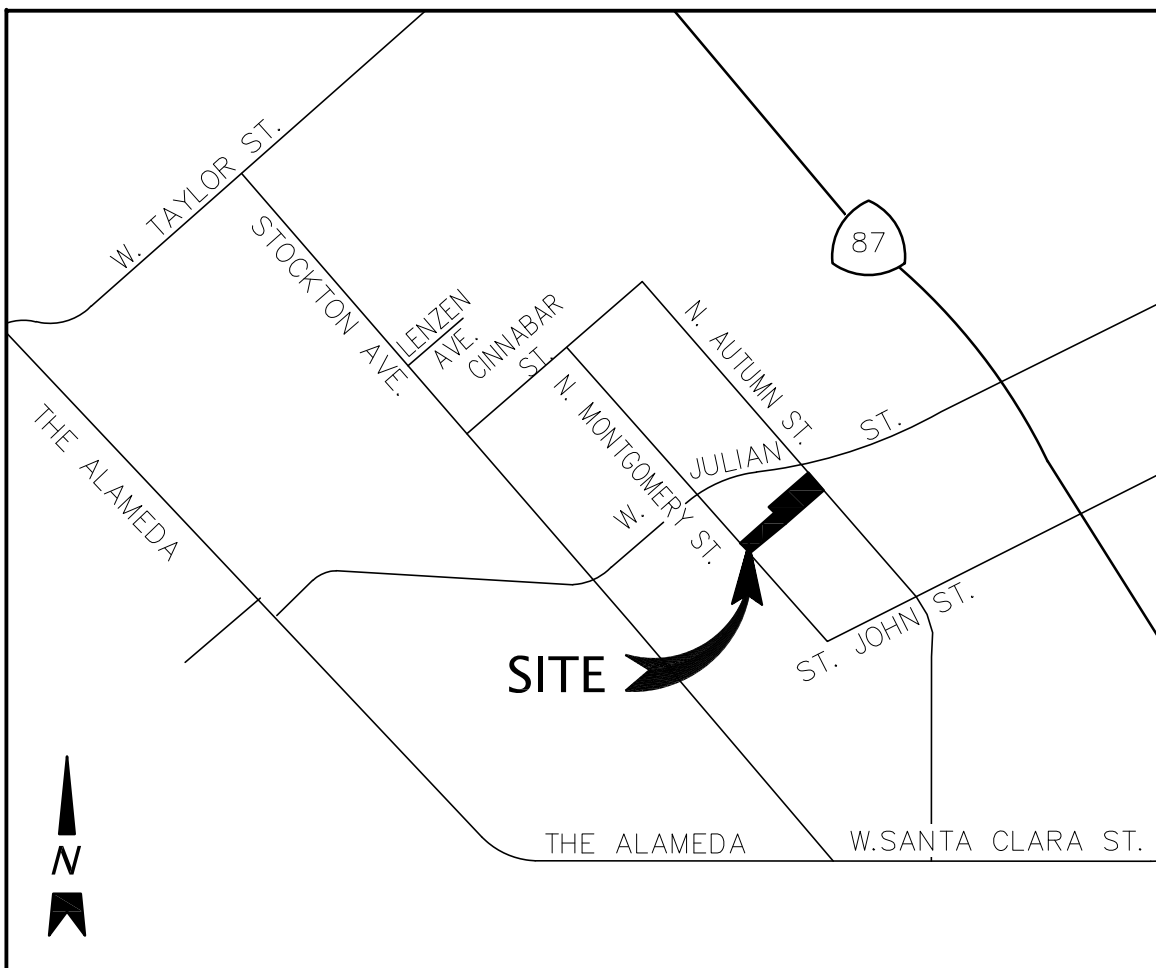
- THE BUILDING SETBACK LINES HAVE BEEN PLOTTED HEREON.
- EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL SHOWN HEREON.
- THE BUILDING AREAS SHOWN HEREON WERE DERIVED FROM MEASUREMENTS TAKEN ALONG THE OUTSIDE ENCLOSED FACE OF THE BUILDING ENVELOPE AS DIMENSIONED HEREON.
- MEASURED HEIGHT OF ALL BUILDINGS SHOWN HEREON. (TAKEN FROM THE FINISH FLOOR)
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY SUCH AS PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED AREAS, ETC. SHOWN HEREON.
- NAMES OF ADJOINING OWNERS OF PLATTED LANDS ACCORDING TO CURRENT PUBLIC RECORDS. SHOWN HEREON.
- DISTANCE TO THE NEAREST INTERSECTING STREET AS SPECIFIED BY THE CLIENT. SHOWN HEREON.
- AS OF THE DATE OF THIS SURVEY, THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- AS OF THE DATE OF THIS SURVEY, THERE ARE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, AS AVAILABLE FROM THE CONTROLLING JURISDICTION. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- AS OF THE DATE OF THIS SURVEY, THERE IS NO OBSERVED EVIDENCE OF WETLANDS MARKERS WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.

LEGEND

	BUILDING LINE
	CENTERLINE
	CONCRETE/BLOCK/RETAINING WALL
	CONCRETE CURB & GUTTER
	DRIVEWAY
	EASEMENT LINE
	EDGE OF PAVEMENT
	FENCE LINE
	LOT LINE
	MONUMENT/MONUMENT LINE
	OVERHEAD POWER LINE
	PROPERTY LINE
	SIDEWALK
	STORM DRAIN-MANHOLE & CATCH BASIN
	ELECTROLINER
	FIRE HYDRANT
	GUY ANCHOR
	GAS METER
	HOSEBIB
	POWER POLE/JOINT POLE
	TRANSFORMER
	TRAFFIC SIGNAL POLE
	TRAFFIC SIGN
	UTILITY BOX
	ANGLE POINT

ABBREVIATIONS

AC	ASPHALT CONCRETE
AP	ANGLE POINT
BEG	BEGIN
BL	BUILDING LINE
BLDG	BUILDING
BOL	BOLLARD
B.S.L.	BUILDING SETBACK LINE
BW	BACK OF WALK
CB	CATCH BASIN
COR	CORNER
E	EAST
EB	ELECTRIC BOX
FF	FINISH FLOOR
FNC	FENCE
FND	FOUND
FW	FACE OF WALL
GM	GAS METER
JP	JOINT POWER POLE
MON	MONUMENT
N	NORTH
OR	OFFICIAL RECORDS
OS	OFFSET
PL	PROPERTY LINE
ROW	RIGHT OF WAY
S	SOUTH
S.J.	SAN JOSE
SF	SQUARE FEET
SL	STREET LIGHT
ST	STREET
TR	TRUST
W	WEST
WM	WATER METER



VICINITY MAP

NOT TO SCALE

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF AUTUMN STREET, DISTANT THEREON SOUTH 40° 40' EAST 168 FEET FROM THE POINT OF INTERSECTION OF THE WESTERLY LINE OF AUTUMN STREET WITH THE SOUTHERLY LINE OF JULIAN STREET; THENCE RUNNING SOUTH 40° 40' EAST AND ALONG THE WESTERLY LINE OF AUTUMN STREET 98.72 FEET TO A STAKE STANDING AT THE MOST EASTERLY CORNER OF LAND DESCRIBED IN THE DEED FROM CHARLES B. POLHEMUS TO THOMAS S. NAGLEE, DATED FEBRUARY 12, 1868 AND RECORDED FEBRUARY 12, 1868 IN BOOK 8 OF DEEDS, PAGE 302, SANTA CLARA COUNTY RECORDS; THENCE RUNNING ALONG THE SOUTHEASTERLY LINE OF SAID LAND SO DESCRIBED IN THE DEED TO THOMAS S. NAGLEE SOUTH 59° 30' WEST 115 FEET TO A STAKE AND SOUTH 49° 20' WEST 60.74 FEET TO A STAKE AT THE MOST SOUTHERLY CORNER OF SAID LAND; THENCE RUNNING ALONG THE SOUTHWESTERLY LINE OF SAID LAND, NORTH 39° 20' WEST 78.40 FEET TO THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM THOMAS NAGLEE TO HENRY HOGAN, DATED SEPTEMBER 18, 1868 AND RECORDED SEPTEMBER 26, 1868 IN BOOK 11 OF DEEDS, PAGE 191, SANTA CLARA COUNTY RECORDS; THENCE RUNNING NORTH 49° 20' EAST 168.64 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF STOCKTON RANCHO.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED FROM JOSEPH M. GAGLIARDI, ET AL, TO ALBERT AGUILAR, ET UX, DATED MARCH 8, 1943 AND RECORDED MARCH 11, 1943 IN BOOK 1125 OFFICIAL RECORDS, PAGE 552, AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF AUTUMN STREET AT THE MOST EASTERLY CORNER OF LAND DESCRIBED IN THE DEED FROM CHARLES B. POLHEMUS TO THOMAS NAGLEE, DATED FEBRUARY 12, 1868 AND RECORDED FEBRUARY 12, 1868 IN BOOK 8 OF DEEDS, PAGE 302, SANTA CLARA COUNTY RECORDS, AND RUNNING THENCE ALONG THE SOUTHWESTERLY LINE OF AUTUMN STREET, NORTH 40° 40' WEST 5.47 FEET TO A 3/4 INCH PIPE; THENCE AT RIGHT ANGLES SOUTH 49° 20' WEST 30.51 FEET TO A 3/4 INCH PIPE IN THE SOUTHEASTERLY LINE OF SAID LAND DESCRIBED IN THE DEED TO THOMAS NAGLEE; THENCE ALONG SAID SOUTHEASTERLY LINE, NORTH 59° 30' EAST 31 FEET TO THE PLACE OF BEGINNING, BEING A PORTION OF SAID LAND DESCRIBED IN THE DEED TO THOMAS NAGLEE AND SITUATED IN THE CITY OF SAN JOSE.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED FROM RAYMOND H. ANDRE AND EVA V. ANDRE, HUSBAND AND WIFE, TO GUS JANS AND ROSE JANS, HUSBAND AND WIFE, DATED APRIL 19, 1945 AND RECORDED OCTOBER 24, 1945 IN BOOK 1307 OFFICIAL RECORDS, PAGE 59; AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF AUTUMN STREET, DISTANT THEREON NORTH 40° 40' WEST 5.47 FEET FROM THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM CHARLES B. POLHEMUS TO THOMAS NAGLEE, DATED FEBRUARY 12, 1868 AND RECORDED FEBRUARY 12, 1868 IN BOOK 8 OF DEEDS, AT PAGE 302, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID LINE OF AUTUMN STREET, NORTH 40° 40' WEST 5.0 FEET; THENCE IN A DIRECT LINE SOUTHWESTERLY 115 FEET, MORE OR LESS, TO AN ANGLE IN THE SOUTHEASTERLY LINE OF SAID LANDS SO DESCRIBED IN THE DEED TO THOMAS NAGLEE AFOREMENTIONED; THENCE NORTHEASTERLY AND ALONG THE SOUTHEASTERLY LINE OF SAID LANDS AFOREMENTIONED NORTH 59° 30' EAST 84.25 FEET TO THE POINT OF INTERSECTION OF SAID LAND WITH A LINE DRAWN SOUTH 49° 20' WEST FROM THE POINT OF BEGINNING; THENCE NORTH 49° 20' EAST 30.51 FEET TO SAID POINT OF BEGINNING, BEING A PORTION OF SAID LANDS SO DESCRIBED IN THE DEED TO THOMAS S. NAGLEE AFOREMENTIONED, SITUATED IN THE STOCKTON RANCHO.

PARCEL TWO:

BEGINNING AT A POINT ON THE EASTERLY LINE OF MONTGOMERY STREET, DISTANT THEREON SOUTH 40° 45' EAST 246.30 FEET FROM THE INTERSECTION OF SAID LINE OF MONTGOMERY STREET WITH THE SOUTHERLY LINE OF JULIAN STREET, AND RUNNING NORTHERLY ALONG SAID LIEN OF MONTGOMERY STREET, NORTH 40° 45' WEST 50.0 FEET; THENCE AT RIGHT ANGLE NORTH 49° 15' EAST 117.0 FEET TO THE SOUTHWESTERLY LINE OF PARCEL OF LAND CONVEYED BY CHARLES B. POLHEMUS TO THOMAS S. NAGLEE, BY DEED DATED FEBRUARY 12, 1868 AND RECORDED FEBRUARY 12, 1868 IN BOOK 8 OF DEEDS, PAGE 302; THENCE ALONG SAID LINE, SOUTH 39° 20' EAST 50.0 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER THEREOF, AND IN THE NORTHERLY LINE OF THE PARCEL OF LAND CONVEYED BY CHARLES B. POLHEMUS TO B. J. RHODES, AND WM. R. FRISBIE, BY DEED DATED MARCH 17, 1868 AND RECORDED MARCH 18, 1868 IN BOOK 8 OF DEEDS PAGE 491; THENCE SOUTH 49° 15' WEST 116.57 FEET TO THE PLACE OF BEGINNING, AND BEING A PORTION OF THE RANCHO POTRERO DE SANTA CLARA.

TITLE EXCEPTION NOTES

NOTE: THE FOLLOWING ITEMS CONTAINED IN THE HEREON REFERENCED PRELIMINARY TITLE REPORT ARE NOT A MATTER OF SURVEY: 1-6 INCLUSIVE.

SURVEYOR'S CERTIFICATE

TO: TC AGOGE ASSOCIATES, LLC

AND: FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 13, 14, 16, 17, 18 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 20, 2018.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

Gary K. Lamb
GARY K. LAMB, P.L.S. 6627
GLAMB@KIERWRIGHT.COM



09/21/2018
DATE

ALTA/NSPS LAND TITLE SURVEY

260 N MONTGOMERY ST. AND 255 N AUTUMN ST

FOR TC AGOGE ASSOCIATES, LLC

SAN JOSE, CALIFORNIA

DATE	SEPTEMBER, 2018
SCALE	1" = 20'
SURVEYOR	GKL
DRAWN BY	SS
JOB NO.	A162718-33
SHEET	1
OF	1 SHEETS