

RESOLUTION NO. R. A. 4-2008

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING THAT THE CONSIDERATION FOR THE SALE
OF CERTAIN REAL PROPERTY IN THE WEST LONG
BEACH INDUSTRIAL REDEVELOPMENT PROJECT AREA
IS NOT LESS THAN FAIR MARKET VALUE IN
ACCORDANCE WITH COVENANTS AND CONDITIONS
GOVERNING SUCH SALE; APPROVING THE SALE OF
PROPERTY TO CAL-CAN HOLDINGS, LLC; APPROVING
THE DISPOSITION AND DEVELOPMENT AGREEMENT
PERTAINING THERETO; AND AUTHORIZING THE
EXECUTION OF THE DISPOSITION AND DEVELOPMENT
AGREEMENT

WHEREAS, the Redevelopment Agency of the City of Long Beach,
California (the "Agency"), is engaged in activities necessary to execute and implement
the Redevelopment Plan for the West Long Beach Industrial Redevelopment Project
Area (the "Project"); and

WHEREAS, in order to implement the Redevelopment Plan, the Agency
proposes to sell certain real property (the "Property") in the Project pursuant to the
terms and provisions of the Disposition and Development Agreement and which
Property is described in Exhibit "A" which is attached and incorporated by reference;
and

WHEREAS, Cal-Can Holdings, LLC (the "Developer") has submitted to the
Agency a written offer in the form of a Disposition and Development Agreement to
purchase the Property for not less than fair market value for uses in accordance with the

Redevelopment Plan and the covenants and conditions of the Disposition and Development Agreement; and

WHEREAS, the proposed Disposition and Development Agreement contains all the provisions, terms and conditions and obligations required by Federal, State and local law; and

WHEREAS, Developer possesses the qualifications and financial resources necessary to acquire and insure development of the Property in accordance with the purposes and objectives of the Redevelopment Plan; and

WHEREAS, Agency has prepared a summary setting forth the cost of the Disposition and Development Agreement to the Agency, the estimated value of the interest to be conveyed, determined at the highest uses permitted under the Redevelopment Plan and the purchase price and has made the summary available for public inspection in accordance with the California Redevelopment Law; and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law, the Agency held a public hearing on the proposed sale of the Property and the proposed Disposition and Development Agreement after publication of notice as required by law; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed sale and has found that the redevelopment of the Property pursuant to the proposed Disposition and Development Agreement is in the best interests of the City and the health, safety, morals and welfare of its residents and in accord with the public purposes and provisions of applicable Federal, State and local law;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California resolves as follows:

Section 1. The Agency hereby determines that the development of the Property is categorically exempt under the California Environmental Quality Act.

Section 2. The Agency finds and determines that the consideration for sale of the Property pursuant to the Disposition and Development Agreement is not less

than fair market value in accordance with covenants and conditions governing the sale.

Section 3. The sale of the Property by the Agency to Developer and the Disposition and Development Agreement which establish the terms and conditions for the sale and development of the Property are approved.

Section 4. The sale and development of the Property shall eliminate blight within the Project Area and is consistent with the implementation plan for the Project adopted pursuant to Health and Safety Code Section 33490.

Section 5. The Executive Director of the Agency is authorized to execute the Disposition and Development Agreement (including attachments).

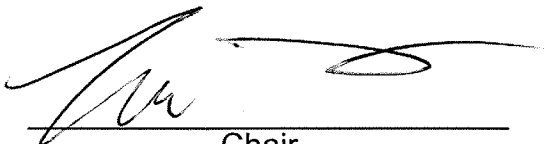
Section 6. The Executive Director of the Agency is authorized to take all steps and to sign all documents and instructions necessary to implement and carry out the Disposition and Development Agreement on behalf of the Agency.

APPROVED AND ADOPTED by the Redevelopment Agency of the City of Long Beach, California this 7th day of April, 2008.



Executive Director/Secretary

APPROVED:



Chair

EXHIBIT A

LEGAL DESCRIPTION OF THE SITE

APN: 7429-018-900 through -903, -905, -908, and -909

2110 West Cowles Street

The land referred to herein is situated in the State of California, County of Los Angeles, described as follows:

PARCEL 1:

THE EAST 25 FEET OF LOT 6, OF TRACT NO. 8120, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 113 PAGES 94 AND 95 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961, AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 2:

LOT 1, IN BLOCK "A", OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 100 FEET OF THE SURFACE OF THE LAND, AS RESERVED BY M. D. HIATT AND MARJORIE R. HIATT, IN DEED RECORDED JULY 2, 1953 IN BOOK 42115 PAGE 336, OF OFFICIAL RECORDS, AND AS SUBSEQUENTLY GRANTED TO PETROLEUM MIDWAY COMPANY IN A DEED RECORDED JULY 17, 1953 AS INSTRUMENT NO. 3154. THE SURFACE LYING ABOVE 100 FEET BELOW THE MEAN HIGH TIDE OF THE PACIFIC OCEAN, TOGETHER WITH ANY RIGHT OF ENTRY, WAS QUITCLAIMED BY PETROLEUM MIDWAY COMPANY BY A DEED RECORDED JULY 2, 1953 AS INSTRUMENT NO. 1849.

ALSO EXCEPTING THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 3:

LOTS 3 AND 4, IN BLOCK "A", OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION THEREOF WHICH LIES BELOW A DEPTH OF 75 FEET BELOW THE MEAN HIGH TIDE OF THE PACIFIC OCEAN, AS CONVEYED TO PETROLEUM MIDWAY COMPANY, WITHOUT THE RIGHT OF SURFACE ENTRY, BY AGREEMENT RECORDED APRIL 18, 1952 IN BOOK 38737 PAGE 20, OF OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961, AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 4:

LOT 2, IN BLOCK "A", OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 5:

LOTS 5, 6 AND 7, IN BLOCK "A", OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OTHER SUBSURFACE OF SAID LAND LYING BELOW A DEPTH OF 100 FEET, BELOW THE EXISTING AVERAGE SURFACE LEVEL OF SAID LAND, INCLUDING ALL OIL, GAS, ETC. THEREIN, AS QUITCLAIMED TO PETROLEUM MIDWAY COMPANY, A CORPORATION, BY DEED DATED OCTOBER 20, 1953 RECORDED MAY 7, 1954 AS INSTRUMENT NO. 438 IN BOOK 44518 PAGE 42, OF OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND, AS OF JUNE 22, 1961 AS CONVEYED TO HOWARD M. KUPFER, A

MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 6:

THE WEST 25 FEET OF LOT 6, OF TRACT NO. 8120, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 113 PAGES 94 AND 95 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 7:

LOT 1 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OF THAT PORTION OF SAID LAND LYING BELOW THE DEPTH OF 100 FEET WITHOUT, HOWEVER, ANY RIGHTS OF ENTRY OR ANY OTHER RIGHTS OR INTERESTS IN AND TO THE SURFACE OR THE SUBSURFACE OF THE LAND DOWN TO THE LEVEL OF 100 FEET BELOW THE PRESENT AVERAGE SURFACE OF SAID LAND, AS PROVIDED IN THE DEED TO HOWARD H. KUPFER, A MARRIED MAN, BY DEED RECORDED DECEMBER 16, 1963 IN BOOK D-2291 PAGE 234, OFFICIAL RECORDS.

PARCEL 8:

THE EAST 25 FEET OF LOT 2 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OF THE SUBSURFACE OF SAID LAND LYING BELOW THE DEPTH OF 100 FEET AS PROVIDED IN THE DEED TO PETROLEUM MIDWAY COMPANY, A CORPORATION, RECORDED FEBRUARY 16, 1961 IN BOOK D-1125 PAGE 458, OFFICIAL RECORDS.

PARCEL 9:

THE WEST 25 FEET OF LOT 2 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OF THE SUBSURFACE OF SAID LAND LYING BELOW THE DEPTH OF 100 FEET AS PROVIDED IN THE DEED TO PETROLEUM MIDWAY COMPANY, A CORPORATION, RECORDED JUNE 26, 1953 IN BOOK 42065 PAGE 264, OFFICIAL RECORDS.

PARCEL 10:

THE EAST 25 FEET OF LOT 3 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING BELOW THE DEPTH OF 100 FEET WITHOUT, HOWEVER, ANY RIGHTS OF ENTRY OR ANY OTHER RIGHTS OR INTERESTS IN AND TO THE SURFACE OR THE SUBSURFACE OF THE LAND DOWN TO THE LEVEL OF 100 FEET BELOW THE PRESENT AVERAGE SURFACE OF SAID LAND, AS PROVIDED IN THE DEED TO HOWARD H. KUPFER, A MARRIED MAN, RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 831, OFFICIAL RECORDS.

PARCEL 11:

THE WEST 25 FEET OF LOT 3 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 12:

THE EAST 25 FEET OF LOT 4 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND HYDROCARBON SUBSTANCES IN AND UNDER OR RECOVERABLE FROM THE PROPERTY HEREBY CONVEYED WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID PROPERTY, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS AND EQUIPMENT HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID PROPERTY AS RESERVED BY IDAHO FIDELITY CORPORATION, AN IDAHO CORPORATION, IN DEED RECORDED DECEMBER 20, 1961 AS INSTRUMENT NO. 236 IN BOOK D-1455 PAGE 709, OFFICIAL RECORDS.

ALSO EXCEPTING ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND WITHOUT THE RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE

SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS PROVIDED IN THE DEED RECORDED FEBRUARY 24, 1989 AS INSTRUMENT NO. 89-301704.

PARCEL 13:

THE WESTERLY 25 FEET OF LOT 4 OF TRACT 9138, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 121 PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERAL RIGHTS OF ANY NATURE, IN OR UNDER SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY ESTHER B. ORR, A WIDOW, BY DEED RECORDED JULY 7, 1960 IN BOOK D-902 PAGE 157, OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS PROVIDED IN THE DEED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 831, OF OFFICIAL RECORDS.

PARCEL 14:

LOT 17 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM OIL, GAS, MINERALS AND HYDROCARBON SUBSTANCES IN AND UNDER OR RECOVERABLE FROM THE PROPERTY HEREBY CONVEYED WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID PROPERTY, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS AND EQUIPMENT HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID PROPERTY AS RESERVED BY IDAHO FIDELITY CORPORATION, AN IDAHO CORPORATION, IN DEED RECORDED DECEMBER 20, 1961 AS INSTRUMENT NO. 236 IN BOOK D-1455 PAGE 709, OFFICIAL RECORDS.

ALSO EXCEPTING ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS, ALL OTHER HYDROCARBON SUBSTANCES BY WHATSOEVER NAME KNOWN, AND ALL WATER, CLAIMS OR RIGHTS TO WATER, TOGETHER WITH APPURTENANT RIGHTS TOGETHER THERETO, WITHOUT, HOWEVER, ANY

RIGHT TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET, AS PROVIDED IN THE DEED RECORDED FEBRUARY 24, 1989 AS INSTRUMENT NO. 89-301704, OFFICIAL RECORDS.

PARCEL 15:

LOTS 18, 19, 20 AND 21 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES, BELOW A DEPTH OF 100 FEET FROM THE SURFACE OF SAID LAND BUT WITHOUT THE RIGHT OF ENTRY OVER, BY, ON OR THROUGH THE SURFACE, AS RESERVED BY PETROLEUM MIDWAY COMPANY IN THE DEED RECORDED DECEMBER 17, 1952 IN BOOK 40540 PAGE 179, OFFICIAL RECORDS.

PARCEL 16:

LOT 22 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS CONVEYED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, BY DEED RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 17:

LOT 23 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS PROVIDED IN THE DEED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 834, OF OFFICIAL RECORDS.

PARCEL 18:

LOTS 24 AND 25 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS PROVIDED IN THE DEED TO HOWARD M.

KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 831, OF OFFICIAL RECORDS.

PARCEL 19:

LOT 26 IN BLOCK "A" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID PARCEL WHICH LIES BELOW A DEPTH OF 100 FEET, MEASURED FROM THE AVERAGE SURFACE LEVEL OF SAID LAND AS OF JUNE 22, 1961 AS PROVIDED IN THE DEED TO HOWARD M. KUPFER, A MARRIED MAN, WITHOUT RIGHT OF SURFACE ENTRY, RECORDED SEPTEMBER 11, 1961 IN BOOK D-1350 PAGE 831, OF OFFICIAL RECORDS.

End of Legal Description.