

When recorded return to:

City of San Jose
Department of City Planning
801 N. First Street, Room 400
San Jose, CA 95110-1795

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FILED FOR RECORD
AT REQUEST OF
CITY OF SAN JOSE

DEC 7 11 11 AM '90

OFFICIAL RECORDS
SANTA CLARA COUNTY
LAURIE KANE
RECORDER

CP 85-057

NOTICE OF GRANTING OF A CONDITIONAL USE PERMIT
PURSUANT TO THE PROVISIONS OF PARTS 1 & 3 OF CHAPTER
20.44 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

NOTICE IS HEREBY GIVEN that a Conditional Use Permit (File No. CP 85-07-057) covering all of that certain real property hereinafter described was granted to SOLVENT SERVICES INC by the Planning Commission of the City of San Jose on September 26, 1990 and becomes effective on the date recorded as shown above. This Permit contains conditions, restrictions and use limitations which are subject to enforcement by the City. The subject property is located at the north side of Berryessa Road, 1,000 feet east of Mabury Rd, San Jose, California. That said real property is more particularly described in attached Exhibit "A".

Said Conditional Use Permit is on file in the office of the Department of City Planning of the City of San Jose and is available for inspection in said office by any person interested herein.

City of San Jose
Gary J. Schoennauer
Director of Planning

[Signature]
Deputy

State of CALIFORNIA) On this 24th day of OCTOBER 1990, before me,

) SS. CHERI M. GOOD

County of SANTA CLARA) the undersigned Notary Public, personally appeared

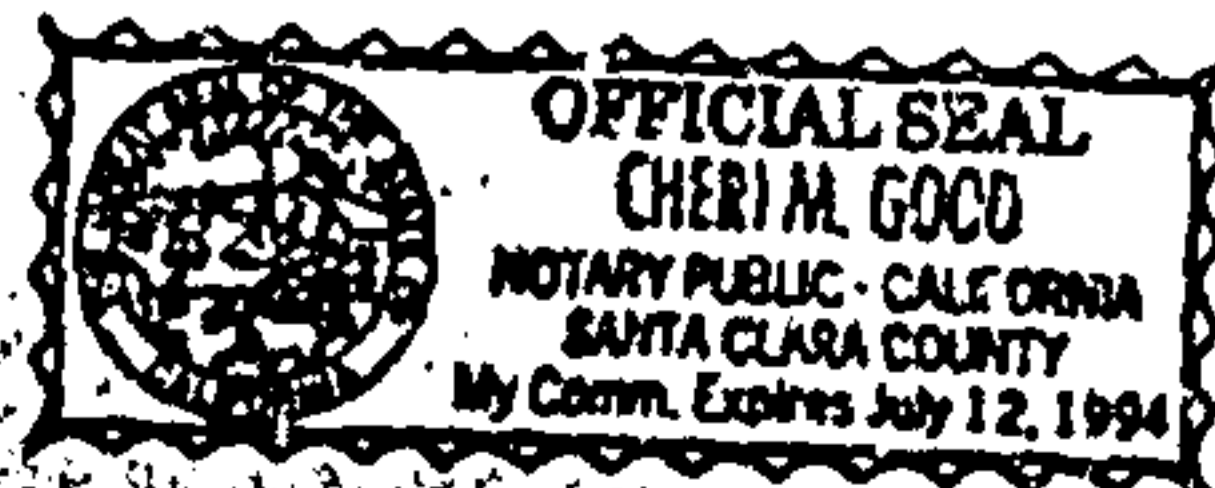
CAROL ANNE PAINTER

personally known to me or
 proved to me on the basis of satisfactory evidence
to be the Deputy Director of Planning of the City of
San Jose, the municipal corporation described in and
that executed the within instrument on behalf of the
corporation therein named, and acknowledged to me that
such corporation executed the same.

WITNESS my hand and official seal the day and year first herein-above written.

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[Signature]
NOTARY PUBLIC IN AND FOR THE COUNTY
OF SANTA CLARA, STATE OF CALIFORNIA
DB:p1
49121F37



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L561 PAGE 0076

SP 0718

K110 PAGE 1276

K018 PAGE 2089

LEGAL DESCRIPTION:

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

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PARCEL ONE:

BEGINNING at point in the Northwesterly line of the Berryessa Road, distant 6.11 chains Northeasterly from a stake marked "A" known as the common corner between lands now or formerly of G. W. Tarleton and those now or formerly of Dr. A. J. Spencer, from which stake "A" a locust tree marked with two notches bears North 21° 40' East distant 3 links and another locust tree marked with three notches bears South 51° West distant 25 links and an artesian well on lands now or formerly of Dr. Spencer bears North 50° 30' West distant 55 links; thence along said line of Berryessa Road North 46° 20' East 48 feet; thence North 43° 10' West, 108 feet; thence South 46° 20' West parallel to the Northwest line of Berryessa Road, a distance of 48 feet; thence South 43° 10' East, 108 feet to the place of beginning.

EXCEPTING THEREFROM all that portion conveyed to the County of Santa Clara by Deed recorded September 29, 1965 in Book 8684 Page 546 of Official Records, described as follows:

BEGINNING at a point in the Northwesterly line of Berryessa Road (50.00 feet), at the most Southerly corner of that certain parcel of land described in the Deed to Mrs. H. J. Simpson, which Deed was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 5, 1891 in Book 138 of Deeds, at Page 634; thence from said point of beginning North 47° 07' 06" East, 48.00 feet to the most Easterly corner of that certain parcel of land described in the Deed to Frank J. Chiappino, et ux, which Deed was filed for record in the Office of the above said Recorder on July 29, 1932 in Book 625 of Official Records, at Page 70; thence along the Northeasterly line of said lands of Frank J. Chiappino North 42° 22' 54" West, 40.00 feet to a point in a line which is parallel with the Northwesterly line of Berryessa Road; and distant Northwesterly 40.00 feet when measured at right angles therefrom; thence along said parallel line South 47° 07' 06" West, 40.00 feet to the Southwesterly line of said land of Frank J. Chiappino, et ux; thence along said Southwesterly line South 42° 22' 54" East, 40.00 feet to the point of beginning.

PARCEL TWO:

BEGINNING at a point in the Northwesterly line of the Berryessa Road, distant thereon 8.51 chains Northeasterly from a stake marked "A" known as common corner between lands now or formerly of G. W. Tarleton and those now or formerly of Dr. A. J. Spencer, from which stake "A" a locust tree marked with two notches, bears North 21° 40' East distant 3 links, and another locust tree marked with three notches bears South 51° West distant 25 links, and an artesian well on lands now or formerly of Dr. Spencer bears North 50° 30' West distant 55 links, said point of beginning also being the Easternmost corner of the 3 acre lot conveyed by Isaac Beardsley to George W. Tarleton by Deed dated December 1, 1873 and recorded December 1, 1873 in Book 29 of Deeds, at Page 615; thence from said point of beginning along the Northwesterly line of Berryessa Road, South 46° 20' West 65.40 feet; thence leaving said line and running North 43° 10' West 137.50 feet; thence parallel with the Northwesterly line of Berryessa Road, North 46° 20' East 46.50 feet, more or less to a point in the Easterly line of said 3 acre tract so conveyed to Tarleton hereinabove referred to; thence along said Easterly line South 50° 38' East 139.00 feet, more or less, to the point of beginning.

Continued

EXCEPTING THEREFROM that portion conveyed to the County of Santa Clara, by Deed recorded September 29, 1969, in Book 8684, Page 351 of Official Records, described as follows:

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BEGINNING at a point in the Northwesterly line of Berryessa Road (50.00 feet wide) at the most Easterly corner of that certain 3 acre parcel of land described in the Deed to George W. Tarleton which Deed was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on December 1, 1873 in Book 29 of Deed, Page 615; thence along said Northwesterly line, South 47° 07' 06" West 63.40 feet to the Southwesterly line of that certain parcel of land described in the Deed to Louis Gallo, et ux, which Deed was filed for record in the office of the above said Recorder on October 29, 1951, in Book 2307 of Official Records, at Page 24; thence along said Southwesterly line North 42° 22' 54" West, 40.00 feet to a point in a line which is parallel with the Northwesterly line of Berryessa Road and distant Northwesterly 40.00 feet when measured at right angles therefrom; thence along said parallel line North 47° 07' 1/2' 06" East 59.78 feet to the Northeasterly line of said lands of Louis Gallo, et ux; thence along said Northeasterly line South 50° 22' 34" East 40.35 feet to the point of beginning.

PARCEL THREE:

BEGINNING at a point in the Northwesterly line of the Berryessa Road, distant 6.11 chains Northeasterly from a stake marked "A" known as the common corner between lands now or formerly of G. W. Tarleton and those now or formerly of Dr. A. J. Spencer from which stake "A" a locust tree marked with two notches bears North 21° 40' East distant 5 links and another locust tree marked with three notches bears South 51 West distant 25 links and an artesian well on lands now or formerly of Dr. Spencer bears North 50° 30' West distant 55 links and running thence along said lines of said Berryessa Road North 46° 20' East 2.40 chains to the Easternmost corner of the 3 acre lot conveyed by Isaac Beardley to George W. Tarleton by deed dated December 1, 1873 and recorded December 1, 1873, in Book 29 of Deeds, Page 615; thence along the Northeast line of said 3 acre tract North 50° 58' West, 4.87 chains; thence parallel to said road line South 46° 50' West 1.74 chains; thence South 43° 10' East 4.84 chains to the place of beginning and being the same property conveyed by Eber C. Munn and wife to Mrs. H. J. Simpson by Deed dated October 2, 1891 and recorded in Book 138 of Deeds, Page 634, Santa Clara County Records.

EXCEPTING THEREFROM all that portion thereof described as follows:

BEGINNING at a point in the Northwesterly line of the Berryessa Road, distant 6.11 chains Northeasterly from a stake marked "A" known as the common corner between lands now or formerly of G. W. Tarleton and those now or formerly of Dr. A. J. Spencer, from which stake "A" a locust tree marked with two notches bears North 21° 40' East distant 5 links and another locust tree marked and with three notches bears South 51 West distant 25 links and an artesian well on lands now or formerly of Dr. Spencer bears North 50° 30' West distant 55 links; thence along said line of Berryessa Road North 46° 20' East 48 feet; thence North 43° 10' West 108 feet; thence South 46° 20' West parallel to the Northwest line of Berryessa Road, a distance of 48 feet; thence South 43° 10' East 108 feet to the place of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof described as follows:

BEGINNING at a point in the Northwesterly line of the Berryessa Road distant thereon 8.51 chains Northeasterly from a stake marked "A" known as the common corner between lands now or formerly of G. W. Tarleton and those now or formerly of Dr. A. J. Spencer, from which stake "A" a locust tree marked with two notches

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bears North 21° 01' distant 5 links and another tree marked with three notches bears South 51° West distant 25 links and an arcesian well on lands now or formerly of Dr. Spencer bears North 50° 30' West distant 55 links, said point of beginning also being the Easternmost corner of the 3 acre lot conveyed by Isaac Beardsley to George V. Tarleton by Deed dated December 1, 1873 and recorded December 1, 1873 in Book 39 of Deeds at Page 615; thence from said point of beginning along the Northwesternly line of Berryessa Road South 66° 20' West 65.40 feet; thence leaving said line and running North 43° 10' West 137.50 feet; thence parallel with the Northwesternly line of Berryessa Road, North 66° 20' East 46.50 feet, more or less, to a point in the Easterly line of said 3 acre tract so conveyed to Tarleton hereinabove referred to; thence along said Easterly line South 50° 58' East 139.00 feet, more or less, to the point of beginning;

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ALSO EXCEPTING THEREFROM all that portion conveyed to the County of Santa Clara by Deed recorded September 29, 1969, in Book 8684, Page 548 of Official Records, described as follows:

BEGINNING at a point in the Northwesternly line of Berryessa Road (50.00 feet wide) at the most Southerly corner of that certain parcel of land described in the Deed to Louis Gallo, et ux, which Deed was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on October 29, 1951 in Book 2307 of Official Records, at Page 24; thence along the Northeasterly line of said land of Louis Gallo North 42° 22' 54" West, 40.00 feet to a point in a line which is parallel with the Northwesternly line of Berryessa Road and distant Northwesternly 40.00 feet when measured at right angles therefrom; thence along said parallel line South 47° 07' 06" West, 45.00 feet to the Northeasterly line of that certain parcel of land described in the Deed to Frank J. Chiappino, et ux, which Deed was filed for record in the office of the abovesaid Recorder on July 29, 1932 in Book 625 of Official Records, at Page 70; thence along said Northeasterly line South 42° 22' 54" East 40.00 feet to the Northwesternly line of Berryessa Road; thence along said Northwesternly line North 47° 07' 06" East 45.00 feet to the point of beginning.

PARCEL FOUR:

BEGINNING at a stake in the Northline of Berryessa Road at the Southeast corner of lands, now or formerly of Mrs. H. J. Simpson, which stake is marked "M. H." and following said North line of said road Easterly 95 feet to a stake marked "S.H.2"; thence Northerly 406 feet, 4 inches to a stake marked "S.H.3"; thence Westerly 120 feet to a stake in the Easterly boundary line of lands now or formerly of C. W. Tarleton marked "T.H.3.1"; thence Southerly and along the Easterly boundary line of lands of Tarleton and the said lands of Simpson 406 feet, 4 inches to the place of beginning;

EXCEPTING THEREFROM all that portion conveyed to the County of Santa Clara by Deed recorded September 29, 1969 in Book 8664, Page 548 of Official Records, described as follows:

BEGINNING at a point in the Northwesternly line of Berryessa Road (50.00 feet wide) at the most Southerly corner of the lands described in the Deeds to J. C. Bateman, et ux, which Deed was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on November 16, 1951 in Book 2317 of Official Records, at Page 514; thence along the boundary line of said lands North 47° 03' 37" West 40.11 feet to a point in a line which is parallel with the Northwesternly line of Berryessa Road and distant Northwesternly 40.00 feet when measured at right angles therefrom; thence along said parallel line South 47° 07' 06" West

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97.34 feet to a point in the Northeasterly line of the certain parcel of land described in the Deed to Louis Gallo, et ux, which Deed was filed for record in the office of the abovesaid Recorder on October 29, 1951 in Book 2307, of Official Records, at Page 24; thence along said Northeasterly line South 50° 22' 34" East 40.35 feet to the Northwesterly line of Berryessa Road; thence along said Northwesterly line North 47° 07' 06" East 95.00 feet to the point of beginning.

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PARCEL ONE:

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BEGINNING at a point in the Northerly line of the Berryessa Road, distant thereon N. $46^{\circ} 50'$ E. Two Hundred Forty-Six (246) feet from the Southernmost corner of the 10 acre tract conveyed by Dr. A. J. Spencer to I. Beardsley by Deed dated August 23, 1864 of record in the office of the County Recorder of the County of Santa Clara, State of California, in Book 3 of Deeds, page 664, said corner being at a stake marked A standing in the Northerly line of the Berryessa Road and from which stake an artesian well bears N. $50^{\circ} 20'$ W. 55 lks., and running along said Northerly line of said Berryessa Road, N. $46^{\circ} 50'$ E. Ninety-one (91) feet to that certain parcel of land conveyed by Lucy B. Tarleton to Joe S.E. Brown by Deed dated October 5, 1921 and recorded in Book 538 of Deeds, page 407, records of Santa Clara County; thence N. $43^{\circ} 10'$ W. along the Southwesterly line of said land conveyed to Brown One Hundred Seventy-Five (175) feet; thence S. $46^{\circ} 50'$ W. Ninety-One (91) feet; thence S. $43^{\circ} 10'$ E. One Hundred Seventy-Five (175) feet to the point of beginning.

EXCEPTING THEREFROM, that portion thereof, described in the Deed from Fortunato Pellegrino, et ux to the County of Santa Clara, recorded December 8, 1969 in Book 761 of Official Records, page 367, described as follows:

That portion of 500 acre Lot 18 of the Pueblo Lands of the City of San Jose described as follows:

BEGINNING at a point in the Northwesterly line of Berryessa Road, distant thereon South $47^{\circ} 07' 06''$ West, 8.00 feet from the most Southerly corner of that certain parcel of land described in the deed to Alfonso Parruggia et ux, which deed was filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 17, 1945 in Book 1306 of Official Records, at page 334; thence along said Northwesterly line of Berryessa Road, South $47^{\circ} 07' 06''$ West, 91.02 feet to the Southeast-erly prolongation of the Southwesterly line of that certain 1.0 acre tract of land described in the deed to Joe S.E. Brown, which deed was filed for record in the office of the above-said Recorder on August 12, 1922 in Book 561 of Deeds at page 83; thence along said Southwesterly line North $42^{\circ} 49' 24''$ West, 40.00 feet to a point in a line which is parallel with the Northwesterly line of Berryessa Road and distant Northwesterly 40.00 feet, when measured at right angles therefrom; thence along said parallel line North $47^{\circ} 07' 06''$ East, 91.31 feet to the Southwesterly line of the lands of Mike Pellegrino; thence along said Southwesterly line Southeasterly to the point of beginning and containing approximately 0.084 acres of land.

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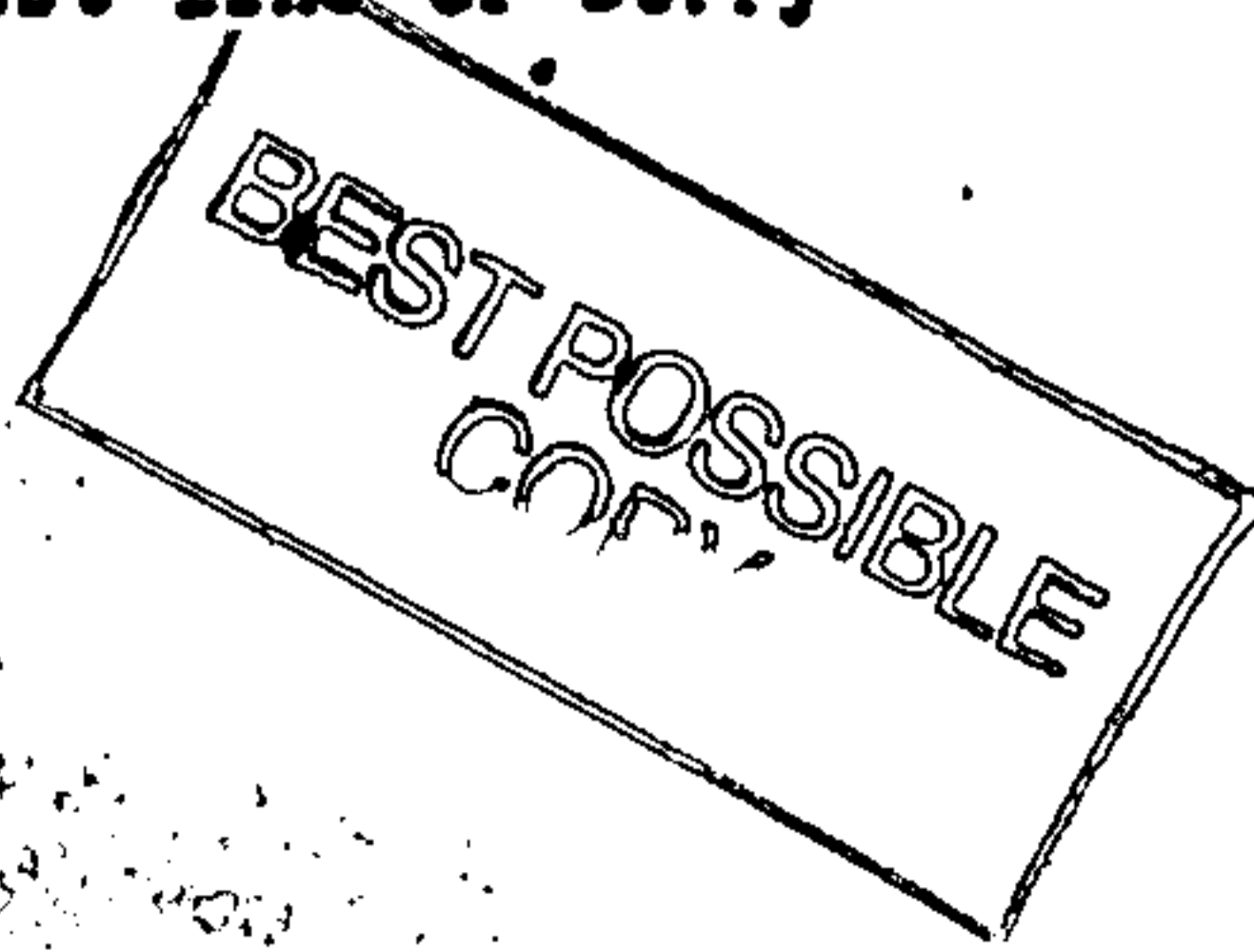
PARCEL TWO:

BEGINNING at a 2" by 3" stake marked B-5 standing in the most Westerly corner of that certain tract of land deeded to Joe S.E. Brown by Deed dated April 14, 1922 and recorded in Book 551 of Deeds, page 554, in the office of the County Recorder of Santa Clara County, California, running thence along the prolongation of the Southwesterly line of said tract deeded to Joe S.E. Brown, N. 43° 10' W. Two Hundred Twenty-Two and 68/100 (222.68) feet to a stake marked "B"; thence on a line parallel with the Berryessa Road, N. 46° 50' E. Two Hundred Sixty-One and 20/100 (261.29) feet to a stake marked B-1, standing on the Northeasterly line of the Tarleton Property; thence along said Northeasterly line S. 50° 58' E. Seventy-Eight and 57/100 (78.97) feet to the most Northerly corner of that 1 acre tract deeded to Eber C. Munn, by deed dated March 11, 1874 and recorded in Book 29 of Deeds, page 615, in the office of the County Recorder of Santa Clara County, California; running thence along the Northwesterly line of said 1 acre tract deeded to Eber C. Munn, S. 46° 50' W. One Hundred Fourteen and 84/100 (114.84) feet to a stake marked B-3, standing at the most Westerly corner of said 1 acre tract; thence along the Southwesterly line of said 1 acre tract, S. 43° 10' E.: One Hundred Forty-Four and 44/100 (144.44) feet to a stake marked B-4, standing at the most Northerly corner of that tract of land deeded to Joe S.E. Brown by deed dated October 5, 1931 and recorded in Book 538 of Deeds, page 407, in the office of the County Recorder of Santa Clara County, California, running thence along the Northwesterly line of the two tracts deeded to Joe S.E. Brown as herein mentioned, S. 46° 50' W. One Hundred Fifty-Seven and 26/100 (157.26) feet to the place of beginning and being a portion of 500 Acre Lot 18 of the Pueblo Lands of the City of San Jose

PARCEL THREE:

A portion of 500 acre Lot 18, of the Pueblo Lands to the City of San Jose, described as follows:

All that portion of the lands deeded to Santa Clara County by Vincent Zunino et ux, recorded April 10, 1970, Book 8885 Official Records, page 81, lying Northwesterly of a line parallel with and distant Northwesterly therefrom 40 feet measured at right angles from the Northwest line of Berryessa Road 90 feet wide



BEGINNING at a point in the Northerly line of the Berryessa Road distant thereon N. $46^{\circ} 50'$ E. Three Hundred Thirty-Seven (337) feet from the Southernmost corner of the 10 acre tract sold by A.J. Spencer to I. Beardsley by Deed dated August 23, 1864 and of record in the office of the County Recorder of the County of Santa Clara, State of California, in Book S of Deeds, page 664, said corner being at a stake marked "A" standing in the Northerly line of the Berryessa Road, and from which stake an artesian well bears N. $50^{\circ} 20'$ W. 55 lks.; and running thence along said Northerly line of said Berryessa Road N. $46^{\circ} 50'$ E. Sixty-eight (68) feet, more or less, to the most Southerly corner of that certain 1 acre tract described in the Deed from George W. Tarleton to Eber C. Munn, dated March 11, 1874 and recorded in Liber 29 of Deeds, page 615, being distant S. $46^{\circ} 50'$ W. One Hundred Fifty-eight and $40/100$ (158.40) feet from the Easternmost corner of that certain 10 acre tract sold by Dr. A.J. Spencer to I. Beardsley by Deed of August 23, 1864 and of record in the office of the County Recording of said County of Santa Clara, in Book S of Deeds, page 664, and running thence N. $43^{\circ} 10'$ W. One Hundred Seventy-five (175) feet; thence S. $46^{\circ} 50'$ W. Sixty-eight (68) feet, more or less, to a point distant N. $46^{\circ} 50'$ E. Three Hundred Thirty-seven (337) feet from the Westerly line of the 10 acre tract sold by Dr. A.J. Spencer to I. Beardsley above referred to, and also distant N. $43^{\circ} 10'$ W. One Hundred Seventy-five (175) feet from the Northerly line of the Berryessa Road; thence at right angles Southerly One Hundred Seventy-five (175) feet to the Northerly line of the Berryessa Road and point of beginning. Being a part of 500 Acre Lot 18 of the Pueblo Lands to the City of San Jose.

EXCEPTING THEREFROM, that portion thereof, described in the Deed from Mike Pelligrino, et ux, to Alfonso Ferruggio, et ux, recorded November 17, 1945 in Book 1306 of Official Records, page 334, described as follows:

BEGINNING at a point in the Northerly line of the Berryessa Road, distant thereon N. $46^{\circ} 50'$ E. 345 feet from the Southernmost corner of the 10 acre tract sold by D. A.J. Spencer to I. Beardsley by Deed dated August 23, 1864 and of record in Book "S" of Deeds, page 664, said corner being at a stake marked "A" standing in the Northerly line of the Berryessa Road and from which stake an artesian well, bears N. $50^{\circ} 20'$ W. 55 links; and running thence along said Northerly line of said Berryessa Road, N. $46^{\circ} 50'$ E. 60 feet, more or less, to the most Southerly corner of that certain 1 acre Tract described in the Deed from George W. Tarleton to Eber C. Munn, dated March 11, 1874 and recorded in Book 29 of Deeds, page 615, being distant S. $46^{\circ} 50'$ W. 158.40 feet from the Easternmost corner of that certain 10 acre tract sold by Dr. A.J. Spencer to I. Beardsley by Deed of August 23, 1864 and of record in Book "S" of Deeds, page 664;

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and running thence N. 43° 10' W. 125 feet; thence S. 46° 50' W. 60 feet, more or less, to a point, distant N. 46° 50' E. 345 feet from the Westerly line of the 10 acre tract sold by Dr. A.J. Spencer to I. Beardsley above referred to; and also distant N. 43° 10' W. 125 feet from the Northerly line of the Berryessa Road; thence at right angles S. 43° 10' E. 125 feet to the Northerly line of Berryessa Road; and point of beginning and being a part of 500 Acre Lot 18 of the Pueblo Lands to the City of San Jose

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