

RECORDING REQUESTED BY:

Giant Properties LLC  
1601 Willow Road  
Menlo Park, California 94025

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710  
Attention: Barbara Cook, P.E., Chief  
Brownfields and Environmental  
Restoration Program

GOVERNMENT CODE 27383

**2012-110977 CONF**

County

12:53 pm 08/06/12 DR Fee: NO FEE

Count of pages 5

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

FIRST AMENDMENT TO  
COVENANT TO RESTRICT USE OF PROPERTY

ENVIRONMENTAL RESTRICTION

(Re: County of San Mateo APN 055-260-220 Menlo Park West Campus, DTSC Site Code 201902)

This First Amendment to the Covenant to Restrict Use of Property ("First Amendment") is made by and between the Department of Toxic Substances Control (the "Department") and Giant Properties LLC, current owner of certain property situated in San Mateo County, State of California, City of Menlo Park.

*Recitals*

- A. The Department of Toxic Substances Control (the "Department") and Tyco Electronics Corporation entered into a Covenant to restrict the use of certain property situated in Menlo Park, County of San Mateo, State of California (the "Property") as described in Exhibit A of the Covenant. The Covenant was duly recorded on January 19, 2007, Instrument No. 2007-009472 ("Covenant") and applies to approximately 81 acres of real Property also referred to as San Mateo County Assessor's Parcel Numbers 055-260-150, 055-260-140, 055-260-130,

055-260-110, 055-260-080, and 050-244-101.

- B. On December 17, 2010, Giant Properties LLC purchased a portion of the Property currently identified as San Mateo County Assessor's parcel numbers 055-260-210 and 055-260-220 (formerly San Mateo County Assessor's parcel numbers 055-260-130 and 055-260-140).
- C. This First Amendment to the Covenant is applicable to certain real property currently owned by Giant Properties LLC that is depicted in Exhibit B-1 and described in Exhibit B-2 of the Covenant.

THE PARTIES HEREBY AGREE AS FOLLOWS:

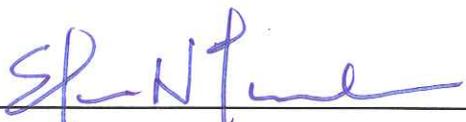
- 1. Section 4.3(d) is amended to read as follows:

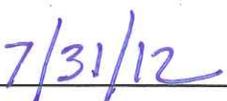
"(d) Any activity that may disturb or adversely affect the integrity of the engineered cap, as shown on the map and described in the property description attached to this Covenant as Exhibits B-1 (Map) and B-2 (Legal Description), without the written approval of the Department and U.S. EPA. Paving and non-tree landscaping over the engineered cap is permitted so long as such surfacing does not disturb or adversely affect the integrity of the engineered cap or interfere with any remedy or operation and maintenance activities required for the Property."

Except as amended by this First Amendment, the provisions, restrictions, and requirements of the Covenant shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties enter into this First Amendment.

Giant Properties LLC

By:   
Steve Tsuruoka

Date: 

ACKNOWLEDGMENT

State of California  
County of San Mateo

On July 31, 2012 before me, Jossette Y. Thompson, Notary Public, personally appeared Steve Tsurka, 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, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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.

Jossette Y. Thompson  
Jossette Y. Thompson, Notary Public  
My Commission expires: March 29, 2013



Seal

The Department of Toxic Substances Control

By: Denise M Tsuji  
Denise Tsuji, Supervising Hazardous Substances Scientist  
Cleanup Program

Date: Aug 1, 2012

State of California  
County of Alameda

On August 1, 2012 before me,

Nicole Thuemmler Notary Public

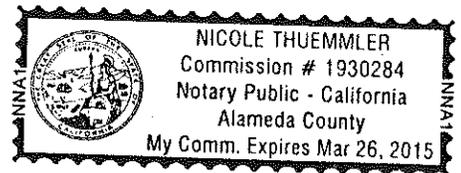
(space above this line is for name and title of the officer/notary),

Personally appeared Denise M. Tsuji

\_\_\_\_\_, personally known to me (or 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.

WITNESS my hand and official seal.

Signature Nicole Thuemmler (Seal)



State of California  
County of Alameda  
On Aug. 1, 2012 before me, Nicole Thuemmler Notary Public,  
personally appeared Denise M. Tsuji

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. Nicole Thuemmler