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May 4, 2006

Deanna Walston  
Vice President/Deputy Superintendent  
Ohlone College  
43600 Mission Boulevard  
P.O. Box 3909  
Fremont, CA 94539-0390

Re: Witherly Lane/Anza Road

Dear Ms. Walston:

The question has been posed as to what rights the neighbors of the college, who live near and currently utilize Anza Road, have with regard to use of Anza Road. We have reviewed title information and the records of Ohlone College.

In 1945 a deed was recorded creating a 20 foot wide right-of-way easement which became known as Witherly Lane. This deed was recorded prior to the creation of the City of Fremont. In 1962, a "Grant of Easement" was recorded in favor of the City of Fremont for use of the same right-of-way. In the 1990's, discussions ensued between the neighbors and Ohlone College for the purpose of creating a new road (Anza Road) and eliminating any improvements along the original easement known as Witherly Lane. A letter was submitted to the College District on June 3, 1994 signed by what appears to be all of the neighbors at that time, setting forth the terms of their understanding with regard to the creation of the new road. However, there is no indication that this letter was ever approved or signed by the College District. Eventually, the original Witherly Lane was demolished and the new Anza Road was built. The neighbors currently utilize Anza Road for ingress and egress.

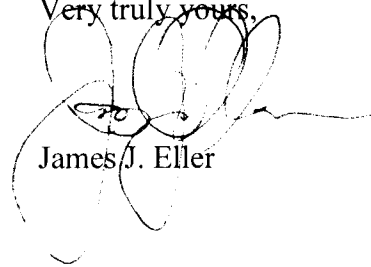
The rights and obligations of the neighbors and the College District are currently unclear. We recommend that the College proceed with discussions with the neighbors for the purpose of creating a new easement and granting certain rights of ingress and egress for Anza Road to the existing neighbors and terminating the old Witherly Lane easement which still exists as a matter of record but is not being used because the road was destroyed.

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There will be a number of issues considered in the discussions with the neighbors, including but not limited to obligations for maintenance and the nature of the use for which the adjoining properties may use the ingress and egress easement. The new easement documentation will include rights-of-way across District property which will effectively extend each neighbor's driveway.

I will be happy to answer any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James J. Eller', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James J. Eller

14601