

**Department of the Army**

**Right-of-Entry**

**For**

**Environmental Assessment and Response**

Project, Installation or Activity: Former Basic Training Center No. 8

Tract No., Address or Property I.D.: 471-020-01T, 470-022-01T and 470-023-01T

The undersigned, herein called the "Owner," in consideration for the mutual benefits of the work described below, hereby grants the UNITED STATES OF AMERICA, hereinafter called the "Government," a right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable and assignable right to enter in, on, over and across the land described in Exhibit A, for a period not to exceed two (2) years, beginning with the signing of this instrument, and terminating with the earlier of the completion of the remediation or the filing of a notice of termination in the local land records by the representative of the United States in charge of the Environmental Assessment and Response, for use by the United States, its representatives, agents, and contractors, and assigns, as a work area for environmental investigation and response; including the right to store, move, and remove equipment and supplies; investigate and collect samples; remove pollutants, hazardous substances, containerized waste; and excavate and remove all storage tanks (above, at, and below ground level), contents, and appurtenant piping; and perform any other such work which may be necessary and incident to the Government's use for the investigation and response on said lands; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner(s), their heirs, executors, administrators, successors and assigns, all such right, title, interest, and privilege as may be used and enjoyed without interfering with or abridging the rights and right-of-entry hereby acquired.
2. All known Government-caused contaminates found will be mitigated at the Government's expense. However, should any other contaminates be identified in the investigation process, such data will be provided to Owner. As the current legal owner, the County of Fresno understands it may be liable for the mitigation costs associated with non-Government-caused contaminates per local and state ordinances and applicable laws.
3. The Owner also grants the right to enter and exit over and across any other lands of the Owner as necessary to use the described lands for the purposes listed above.
4. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit of right-of-entry.
5. If any action of the Government's employees or agents in the exercise of this right-

of-entry result in damage to the real property, personal property or persons, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement relating to real property damage exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this Right of Entry may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are with prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

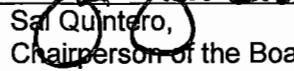
6. The land affected by this permit of right-of-entry is located in Fresno County, State of California and is described as follows: Assessment Parcel Numbers 470-020-01T, 470-022-01T and 470-023-01T, and as shown on the attached map.

WITNESS MY HAND AND SEAL this 10<sup>th</sup> day of July, 2018.

Property Occupant – Big Fresno Fair  
1121 S. Chance  
Fresno, CA 93702

  
John Alkire,  
CEO, Big Fresno Fair

Owner – County of Fresno  
333 W. Pontiac Way  
Clovis, CA 93612

  
Sal Quintero,  
Chairperson of the Board of Supervisors of  
The County of Fresno

ATTEST:  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By:

  
Deputy

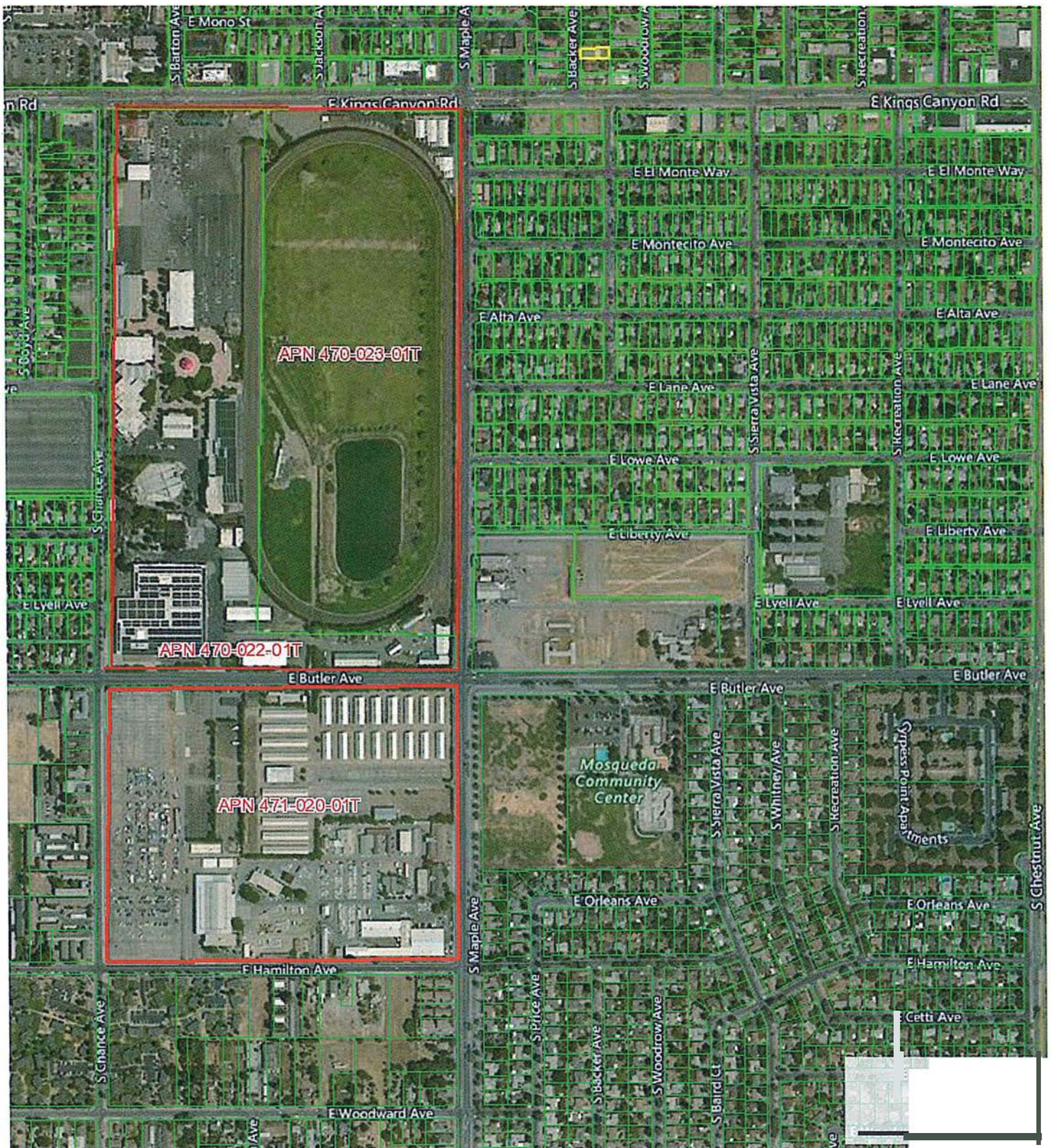
UNITED STATES OF AMERICA

By: \_\_\_\_\_  
Diane Simpson  
Real Estate Contracting Officer

Date: \_\_\_\_\_



EXHIBIT A



A

426 feet

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