

File No.:

156E

Name (Previous Owner):

Frank A. Wells

Assessor's Parcel No.:

Address of Property:

Sewer easement (WPCP & Garbage Disposal)

Year:

1938

Be it remembered that certain map entitled map of Franklin
County, California, filed for record in the
Office of County Recorder of Alameda County on May 3rd,
1937 in Book 12 of Maps page 21.

MAIL TO

On this _____ day of _____, 1938 before me

a Notary Public in and for the said county, residing

in the said county, personally appeared before me

known to me to be

in and who executed the above instrument and they

acknowledged to me that they executed the same.

Witness my hand and seal this _____ day of _____, 1938.

Notary Public in and for the

STATE OF CALIFORNIA, as

COUNTY OF TREASNO

On this _____ day of _____, 1938 before me Arthur

Blank, a Notary Public in and for the said County, residing

therein, duly commissioned and sworn, personally appeared before

me F. A. Wells, known to me to be the person named in and who

executed the above instrument and he acknowledged to me that he

executed the same.

In witness whereof, I have hereunto set my hand and seal

the day and year on this certificate first above written.

Wells, Frank A.
to
City of San Leandro

INDEXED
EASEMENT
AEG1459

Being a portion of Lot 10 as said lot is delineated and so designated upon that certain map entitled map of Franklin Subdivision, San Leandro, California filed for record in the Office of the County Recorder of Alameda County on May 3rd, 1927 in book 12 of Maps page 71.

~~State of California
County of _____~~

~~On this _____ day of _____, 1938 before me _____
_____ a Notary Public in and for the said county, residing
therein, duly commissioned and sworn, personally appeared before me
_____ known to me to be
the persons named in and who executed the above instrument and they
acknowledged to me that they executed the same.~~

IN WITNESS WHEREOF, we have hereunto set our hands and seals
the day and year on this certificate first above written.

+ Frank A. Wells

~~Notary Public in and for the
County of _____
State of California~~

STATE OF CALIFORNIA) ss
COUNTY OF FRESNO)

On this 13th day of September, 1938 before me Arthur Blank, a Notary Public in and for the said County, residing therein, duly commissioned and sworn, personally appeared before me F. A. Wells, known to me to be the person named in and who executed the above instrument and he acknowledge to me that he executed the same.

In witness whereof, I have hereunto set my hand and seal
the day and year on this certificate first above written.

-2-

Arthur Blank
Notary Public in and for
the said County & State.

My Commission Expires
March 19, 1942

EASEMENT OVER AND ALONG CERTAIN REAL PROPERTY

WHEREAS, the City of San Leandro is about to construct and maintain a certain sewage and garbage disposal plant to be erected and constructed upon certain lands near the property hereinafter described, and

WHEREAS, said City of San Leandro is desirous of obtaining and easement over and along the lands hereinafter described for the purpose of laying, maintaining certain pipes and equipment necessary in the operation of said plant, and

WHEREAS, the undersigned the owner in fee of the lands hereinafter described is desirous of co-operating with the said City of San Leandro,

THERE-FORE, KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar in United States lawful money, receipt whereof is hereby acknowledged, the undersigned owner in fee of the lands hereinafter described, hereby grant and convey unto the City of San Leandro, a municipal corporation, its successors and assigns, forever, the right to erect, construct, repair, enter upon, maintain and operate a sewage line consisting of pipes, manholes, excavations and equipment necessary in the operation of a sewage disposal plant proposed to be constructed and operated on lands belonging to the City of San Leandro.

That the land referred to above and which is hereby granted to the City of San Leandro is described as follows:

#1--Wells (Nick)

Commencing at a point on the Southerly line of West Broadmoor Blvd., as said boulevard is shown and designated upon the map hereinafter referred to, distant thereon 108.6 feet from the point of intersection thereof with the Northerly line of San Leandro Blvd. as the same now exists; running thence at right angles Southerly 30 degrees 55 minutes 20 seconds Easterly a distance of 95.27 feet more or less to the Northerly line of San Leandro Blvd. thence Easterly along the Northerly line of San Leandro Blvd. a distance of 8 feet more or less to a point thence at right angles Northwesterly 30 degrees 55 minutes 20 seconds West a distance of 95.27 feet to the Northerly line of West Broadmoor Blvd. thence Westerly along said last named line a distance of 8 feet to the point of beginning.

AE61459

BEFORE THE CITY COUNCIL OF THE CITY OF
SAN LEANDRO.

RESOLUTION NO. 138 C. M. S.

RESOLUTION ACCEPTING AND APPROVING EASEMENT OVER AND ALONG
CERTAIN LANDS.

WHEREAS, FRANK A. WELLS, has submitted to this Council an instrument in writing wherein and whereby an easement over and along the lands therein described is granted to the City of San Leandro to lay, operate and maintain, etc., a sewage line necessary in the operation of a sewage disposal plant by the City of San Leandro, which instrument is executed by the said Frank A. Wells on the 13th day of September, 1938, and is duly acknowledged before Arthur Blank a Notary Public in and for the County of Fresno, State of California.

BE IT RESOLVED: That said easment granted in said instrument be and the same is hereby accepted.

Introduced by Councilman C. L. Orendorff and passed and adopted this 22nd day of September, 1938, by the following called vote:

AYES: COUNCILMAN

: Groves, Lawrence, Orendorff, Thomas and
Pres. Derry

(5)

NOES: COUNCILMAN

: None

(0)

ABSENT: COUNCILMAN

: None

(0)

Approved this 22nd day of September, 1938.

Earl Derry Mayor.

Attest:

E. H. Hutchings City Clerk.

I hereby certify that the above is a true and correct copy of a Resolution adopted by the City Council at a meeting on September 22, 1938.

AE61459

H. H. Burbank

H. H. Burbank
City Clerk,

RECORDED at REQUEST OF
GRANTEE

At 59 Min. Past 10 A. M.

JUL 14 1950

BOOK 6164 PAGE 238

OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIA

D. H. Thomas H. Siffert
COUNTY RECORDER 12 F

RECEIVED
AT VERA CRUZ, CALIFORNIA
OFFICIAL RECORDS OF
838
JUL 14 1920

GRANTEE
RECORDED IN REQUEST OF

STATE OF
H. H. HARRIS

838

55 1838

I hereby certify that the above is a true and correct copy of a



[Handwritten signature]

[Handwritten signature]

RECORDED

INDEXED

RECORDED

RECORDED

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838

838

MEMORANDUM

December 13, 1949


To: A. M. Carden
From: C. P. Martin
Re: Sewer Easement in Franklin Subdivision

Mr. Loder who owns property at the southeast corner of Broadmoor and Park St. brought up the matter of the new interceptor sewer constructed in 1938 passing through his property without an easement.

Cliff has gone into this and found that easements were granted but were never recorded.

The sewer map showed the sewer going through the middle of Lot 10. Field investigation has shown that it runs along the northeasterly line of Lot 10 but Mr. Loder owns the adjacent lot 8 and the sewer still prevents him from utilizing the two lots as a building site.

He threatens some litigation believing that the City has no easement through his property. The fact that these easements were not recorded does not invalidate the City's right to construct a sewer in the location, does it?


C. P. Martin

MEMORANDUM

December 9, 1949

To: Chas. P. Martin
From: C. W. Cline
Re: Report on Sewer Easement in Franklin Subdivision

A field investigation has been made in connection with the existing 15" sanitary sewer across the Franklin Subdivision. This matter was called to our attention by Mr. Loder who owns Lot 10.

A field investigation shows that the existing sewer is located in an 8 foot unrecorded easement, agreements for which are attached hereto. These easements are along the NE 8 feet of Lot 10 and across West Broadmoor on Lot 9. A house is built upon the easement on the northerly side of West Broadmoor (House No. 460), which is a portion of Lot 9 and portion of Lot 7.

What will be the status of these unrecorded easements?

Attached also is the resolution which accepted the easements and field map showing location of sewer.