

GRANT OF SEWER RIGHT OF WAY

THIS INDENTURE, made and entered into this 17th day of January, 1957
by and between

MAXWELL HARDWARE COMPANY, a corporation, the Party of the First Part,
and the CITY OF SAN LEANDRO, a municipal corporation, the Party of
the Second Part.

WITNESSETH: That the said Party of the First Part, does hereby grant,
transfer and alien unto the said Party of the Second Part the easement
and right of way to establish, construct and maintain for all time a
public sewer in, through, on and along that certain piece and strip of
land, situate, lying and being in the City of San Leandro, County of
Alameda, State of California, and particularly bounded and described
as follows:

Beginning at a point on the western line of Lot 85, as said lot is
shown on the map hereinafter mentioned, distant thereon south 16° 34'
15" west 10.52 feet from the point of intersection thereof with the
southwestern line of Lake Chabot Road, as said road is shown on said
map; running thence along the exterior boundary line of said Lot 85,
the three following courses and distances: north 16° 34' 15" east
10.52 feet, thence south 55° 19' 45" east 111.74 feet, and thence
southeasterly and southerly along the arc of a curve to the right,
with a radius of 20.00 feet, tangent to the said last mentioned
course, a distance of 20.95 feet until intersected by a line drawn
south 55° 19' 45" east from the point of beginning; thence along
the line so drawn north 55° 19' 45" west 125.79 feet to the point of
beginning; being a portion of Lot 85 of Tract 1445, according to the
map thereof, filed April 1, 1955 in the office of the County Recorder
of said Alameda County and of record in Map Book 35, pages 82, 83 and
84.

THIS GRANT is made by the Party of the First Part under the full under-
standing and condition that the Party of the Second Part, by acceptance
of this grant, has the right to remove all trees thereon that interfere
with the purpose for which said easement is granted. Further, it is
agreed by the Party of the First Part that any tree, plant or shrub
planted on, along or adjacent to said easement which injures the sewer
will be removed by the Party of the First Part at its expense when
notified in writing to do so by the Party of the Second Part.

IN WITNESS WHEREOF, said corporation has caused its corporate name
and seal to be affixed hereto and this instrument to be executed by
its duly authorized officers this 17th day of January, 1956.

MAXWELL HARDWARE COMPANY

By

John M. Bryan
President

By

Florence E. Bryan
Asst. Secretary

AM13121

RECORDED AT REQUEST OF CITY OF SAN LEANDRO
AL. 11 Min. Past 10A M. FEB -6 1957
OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIF.
Thomas W. Fitzsimmons, County Recorder

BOOK 8279 PAGE 123

116-0187

SMITH

BR. 2800000000 2800000000
UNREF. SOCIETY

1897

Buckley

Clerk

T. J. Buckley

INDEXED

AM13121

Return to:

At. 71

City Clerk
San Francisco

A-7
 C-7
 Jan 1947

State of California
County of Alameda

} SS



CORPORATION ACKNOWLEDGMENT

Form 1414 Lyn A. Mollath & Co., Oakland, California

My Commission Expires 4/2/60

AM13121

On This 17th day of January in the year One Thousand
Nine Hundred and fifty seven before me W.J. Conklin

a Notary Public in and for the County of Alameda, State of California, residing therein, duly commis-
sioned and sworn, personally appeared John M. Bryan

known to me to be the President and Florence E. Bryan

known to me to be the Assistant Secretary of the Corporation that executed the within instrument and the offi-
cers who executed the within instrument on behalf of the Corporation therein named, and acknowledged
to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and
year in this certificate first above written.

W.J. Conklin

NOTARY PUBLIC

In and for said County of Alameda, State of California

AM13121

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 3136 C.M.S.

RESOLUTION ACCEPTING EASEMENT
(Maxwell Hardware Company)

Whereas, there has been presented to this Council a certain deed dated January 17, 1957, to an easement for the purpose of a public sewer under a parcel of land more fully described in the said deed to the same executed by Maxwell Hardware Company, a corporation, to the City of San Leandro, a municipal corporation, duly acknowledged and delivered to the City of San Leandro and which conveys to said City of San Leandro said parcel of land:

Now, therefore, the City Council of the City of San Leandro does RESOLVE as follows:

That said deed and the easement therein described be and the same is hereby accepted by the said City of San Leandro, upon the condition subsequent nevertheless that said easement be improved by the party making said conveyance and dedication thereof, said improvement to be without cost to the City of San Leandro.

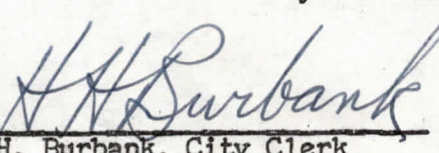
Introduced by Councilman Maltester and passed and adopted this 4th day of February, 1957, by the following called vote:

Ayes: Councilmen: Bellini, Frazier, Gill, Kant, Maltester, Swift, Knick (7)

Noes: Councilmen: None (0)

Absent: Councilmen: None (0)

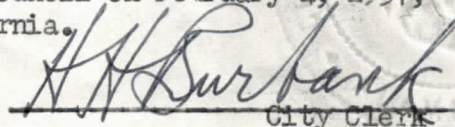

Mayor of the City of San Leandro

Attest: 
H. H. Burbank, City Clerk

I, the undersigned, H. H. Burbank, City Clerk of the City of San Leandro, hereby certify the foregoing to be a full, true and correct copy of Resolution No. 3136 C.M.S. adopted at a meeting of said City Council on February 4, 1957, at San Leandro, California.

1/29/57/sc

2-5-57


City Clerk

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1445

January 4, 1957

Maxwell Hardware Company
Real Estate Division
1441 Franklin Street
Oakland, California

Attn: N. Russell

Gentlemen:

We are returning herewith Grant of Sewer Right of Way from Maxwell Hardware Company to the City of San Leandro, together with a copy of a survey made by Chas. P. Martin.

Our City Attorney has informed me that the City cannot accept an easement containing restrictions such as the forfeiture clause in the last paragraph.

It is therefore requested that the Grant of Sewer Right of Way be re-written without restrictions and resubmitted for Council action.

Very truly yours,

G. Homer Hamlin
Public Works Director

ic
Attach.

124

January 11, 1951

Maxwell Hardware Company
Real Estate Division
1111 Franklin Street
Oakland, California

Attn: W. Russell

Gentlemen:

We are returning herewith Grant of Sewer Right of Way from
Maxwell Hardware Company to the City of San Leandro, together
with a copy of a survey made by Chas. F. Martin.

Our City Attorney has informed us that the City cannot
accept an easement containing restrictions such as the forfeiture
clause in the last paragraph.

It is therefore requested that the Grant of Sewer Right
of Way be re-written without restrictions and resubmitted for
Council action.

Very truly yours,

G. Homer Martin
Public Works Director

is
Attach.

MAXWELL HARDWARE COMPANY
Real Estate Division
1441 Franklin Street
Oakland, California

January 22, 1957

City Engineer
City of San Leandro
San Leandro City Hall
San Leandro, California

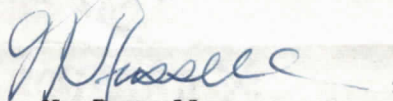
Dear Sir:

In accordance with your recent request we are enclosing corrected Grant of Sewer Right of Way from Maxwell Hardware Company to the City of San Leandro.

After acceptance by the City Council, please record same at your earliest convenience.

Yours very truly,

MAXWELL HARDWARE COMPANY
Real Estate Division


N. Russell.

R:D



TO: Arthur Carden

January 24, 1957

RE: Easement

On January 2nd, we forwarded a letter and Grant of Sewer Right-of-way from Maxwell Hardware for your comment. The same date, you returned these documents advising against the acceptance because of restrictions (forfeiture clause in particular).

Under these circumstances, this office returned the Grant to Maxwell Hdwe. requesting that the same be re-written. (See attached copy of letter).

Maxwell Hardware has again submitted this Grant with the corrections and we request that you examine the document to determine if the wording, etc. are suitable.

Thank you.

G. Homer Hamlin
G. Homer Hamlin
P. W. Director

shoot the works
AM

To: Lee Riordan, Assistant to the City Manager

January 29, 1957

"Resolution Accepting Easement (Maxwell Hardware Company)" has been prepared.

Arthur M. Carden,
City Attorney

Burbank

for next regular meeting of Council

1/29/57

Lee Riordan

FOR THE CITY MANAGER

LE ROY E. RIORDAN

RECEIVED
CITY OF LOS ANGELES

CITY ATTORNEY
ALBERT M. CARMICHAEL

"Resolution accepting easement (Maxwell Nat'l Bank Company)" has been prepared.

To: Lee Wilson, Assistant to the City Manager January 20, 1921

L. M. Wilson
City Manager

Thank you.

Respectfully,

We request that you examine the document to determine if the foregoing, etc. are
correctly stated and if not, please advise this office with the corrections and
recommending that the same be re-written. (See attached copy of letter).
Under these circumstances, this office returned the copy to Maxwell Bank
to determine.
We are waiting further the acceptance because of the fact that the
from Maxwell Bank for your comment. The same date, you returned these docu-
on January 20, we forwarded a letter and copy of same to Lee Wilson.

RE: Easement

TO: Albert M. Carmichael

January 21, 1921



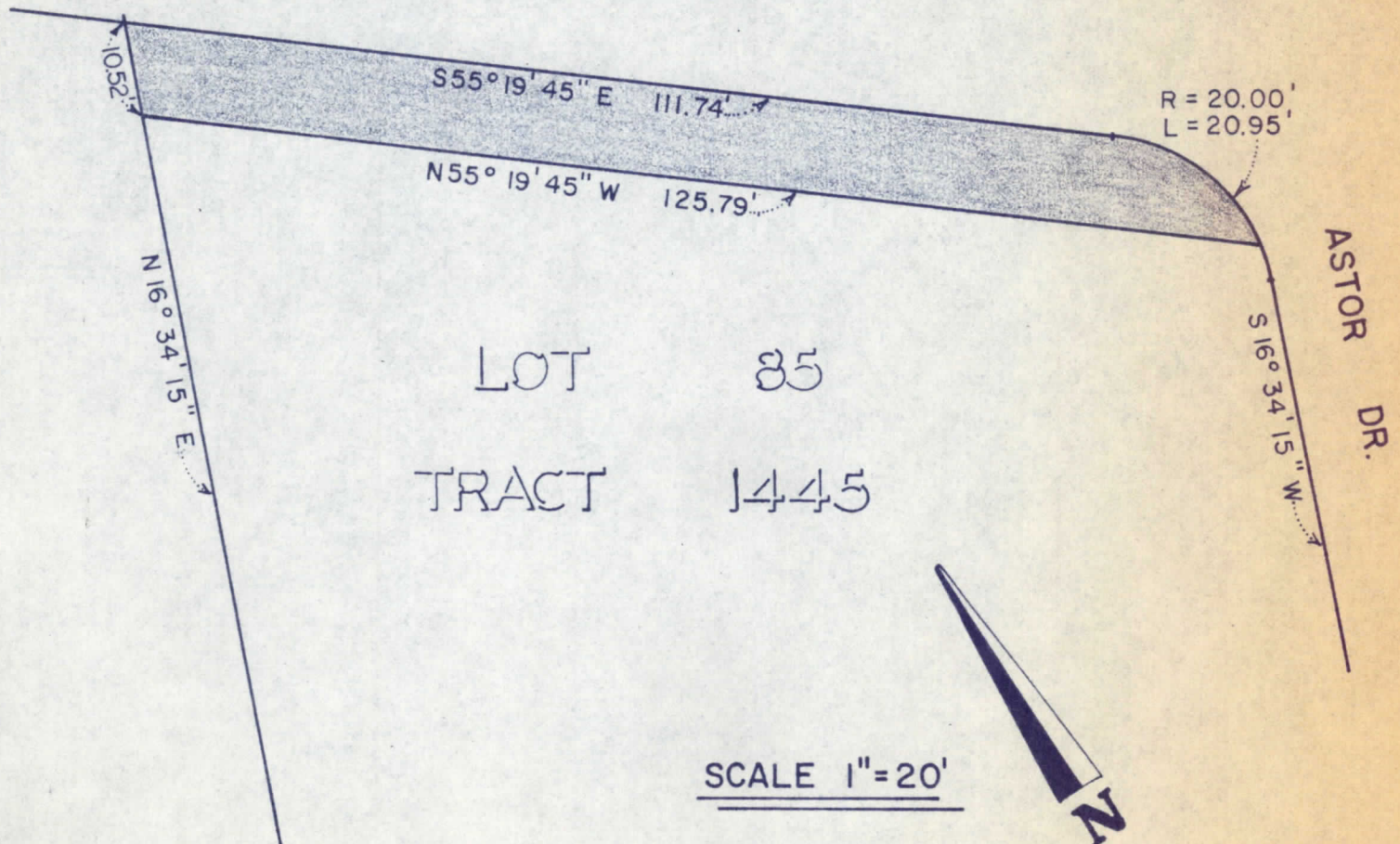
CITY OF SAN LEANDRO ENGINEERING DIVISION

BY CWC DATE 4-2-76
CHKD. BY RMS DATE 4-2-76

SUBJECT LAKE CHABOT ROAD
AT ASTOR DRIVE SEWER
RIGHT OF WAY

SHEET NO. 1 OF 1
JOB NO. _____

LAKE CHABOT ROAD



INDICATES EASEMENT ACQUIRED