

Recorded at the request of

AT 37486

RECORD REQUEST OF
Western Title
Guaranty Company
2:30 P M.

Return to

City of San Leandro
City Hall - 4th L.
Attn Mr. Forbes

MAR 21 1962

510

OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIAThomas H. Safford
COUNTY RECORDER

(3)

DH

Corporation Grant Deed

92.60

629123
S-5

GARVCO, INCORPORATED,

a corporation organized under the laws of the State of California

does hereby Grant to CITY OF SAN LEANDRO, a municipal corporation,

the real property situated in the City of San Leandro County
of Alameda, State of California, described as follows:

SEE ATTACHED DESCRIPTION

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 21st day of February, 1962

AT 37486

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }On _____
before me, the undersigned, a Notary Public in and for said County and State,
personally appeared _____,
known to me to be the _____ President, andknown to me to be the _____ Secretary of
the Corporation that executed the within Instrument, known to me to be the persons
who executed the within Instrument on behalf of the Corporation therein named,
and acknowledged to me that such Corporation executed the within Instrument
pursuant to its by-laws or a resolution of its board of directors.

My commission expires _____

GARVCO, INCORPORATED

By *Harold E. Sabin, Pres.*
By *Norothy J. Scriber-Secy.*Seal
Affixed

Notary Public in and for said County and State

Order No.

When Recorded Mail To

Application No.

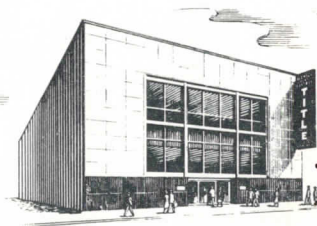
Corporation Grant Deed

FROM

TO

Dated:

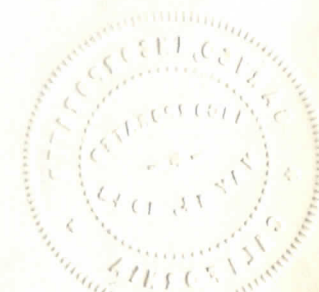
19 .



WESTERN TITLE GUARANTY COMPANY

MAIN OFFICE
1510 WEBSTER STREET
OAKLAND, CALIFORNIA

BERKELEY OFFICE 2148 CENTER STREET BERKELEY, CALIFORNIA	HAYWARD OFFICE 1165 A-STREET HAYWARD, CALIFORNIA
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State of California
County of Alameda

}SS

RE: 541 IM:736
On This 21st day of February in the year One Thousand
Nine Hundred and Sixty-two before me Kathleen H. Thomas

a Notary Public in and for the County of Alameda, State of California, residing therein, duly commis-
sioned and sworn, personally appeared HARLOW E. SCRIBNER

known to me to be the President and DOROTHY J. SCRIBNER
known to me to be the 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.

CORPORATION ACKNOWLEDGMENT

Form NF26X-4a PICA, Oakland, California

My Commission Expires Dec. 16, 1964.

Kathleen H. Thomas
In and for said County of Alameda, State of California
NOTARY PUBLIC

736/24
PARCEL 1:
Beginning at a point on the northeastern line of Hays Street,
distant thereon 243.00 feet southeasterly from the point of intersection
thereof with the southeastern line of West Joaquin Avenue, formerly
Hepburn Street, as said streets are shown on the map herein referred to;
running thence southeasterly, along the said line of Hays Street, 57.00
feet to a point on the northwestern line of West Juana Avenue, formerly
Saunders Street, as said street is shown on said map; thence northeasterly,
along the said line of West Juana Avenue, 125.00 feet; thence northwesterly,
parallel with the said line of Hays Street, 57.00 feet; thence
southwesterly, parallel with the said line of West Joaquin Avenue,
125.00 feet to the point of beginning.

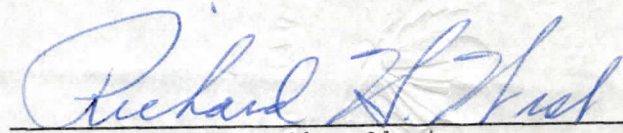
Being a portion of Lot "M" and all of Lot "N" in Block 4, as said
lots and block are shown on the "Map of the Town of San Leandro",
filed February 27, 1955 in Book 1 of Maps, page 19, in the office
of the County Recorder of Alameda County.

AT 37486

PARCEL 2:
All of Lot "G" and the southeastern portion of Lot "H" in
Block 4, according to the "Map of the Town of San Leandro", filed
February 27, 1955 in the office of the County Recorder of Alameda
County and of record in Map Book 1, page 19.

1 This is to certify that the interest in real property conveyed by
2 the deed or grant dated February 21, 1962 from GARVCO, INCORPORATED, a
3 California corporation, is hereby accepted by order of the City Council of
4 the City of San Leandro on June 19, 1961, and the grantee consents to record-
5 ation thereof by its duly authorized officer.

6 Dated:

7
8 
Richard H. West, City Clerk

9 **RECORDERS MEMO**
LEGIBILITY FOR MICROFILMING AND COPYING
10 UNSATISFACTORY IN A PORTION OF THIS
DOCUMENT WHEN RECEIVED.

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28 AT 37486
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* END OF DOCUMENT *

- 5 -

71 3188

DOCUMENT WHEN RECEIVED
INVESTIGATION IN A PORTION OF THIS
LEGISLATION FOR A SPECIFIC AND CORRESPONDING
RECORDING MEMO

Richard H. Mead, City Clerk

INDEXED

dated:

action thereof by its duly authorized officer.

the City of San Leandro on June 12, 1961, and the district consents to record-

California corporation, is hereby accepted by order of the City Council of

the City of San Leandro, California, on June 12, 1961, now SANLEANDRO, INCORPORATED, a

This is to certify that the interest in land properly conveyed by

1 OPTION

2 In consideration of the sum of One Hundred Dollars (\$100) paid to
3 the undersigned ~~XXXXXXXXXXXX~~ ^{GARVCO INCORPORATED} ^{H&S}, hereinafter called the "Seller," the
4 receipt of which is hereby acknowledged, the Seller hereby gives to the CITY
5 OF SAN LEANDRO, a municipal corporation, hereinafter called the "Purchaser,"
6 its heirs and assigns, the exclusive option to purchase for the further sum
7 of Eighty-three Thousand Six Hundred Fifty Dollars (\$83,650), that certain
8 real property located in the City of San Leandro, Alameda County, California,
9 and more particularly described as follows:

10 PARCEL I

11 Lot "N" and the southeastern 7 feet of Lot "M" in
12 Block 4, as said lots and block are shown on the
13 "Map of the Town of San Leandro," filed February
14 27, 1955, in Book 1 of Maps, at page 19, in the
15 office of the County Recorder of Alameda County,
16 California;

15 PARCEL II

16 Lot "G" and the southeastern 25 feet of Lot "H" in
17 Block 4, as said lots and block are shown on the
18 "Map of the Town of San Leandro," filed February
19 27, 1955, in Book 1 of Maps, at page 19, in the
20 office of the County Recorder of Alameda County,
21 California;

22 together with the buildings thereon and the appurtenances thereto.

23 The term of this Option Agreement shall be for a period of three
24 months, commencing on the 10th day of January, 1962, and continuing to and in-
25 cluding the 9th day of April, 1962.

26 The full amount of the purchase price hereinabove shown shall be
27 deposited in cash in escrow at the time of exercise of this Option by the
28 Purchaser. Notice of exercise of this Option shall be given to the Seller in
29 writing by personal delivery to, or by registered mail addressed to the Seller
30 at 1525 East 14th Street, San Leandro, California. Seller shall, within 15
31 days after such notice, deliver to the escrow holder against payment of the
32 purchase price, a deed to Purchaser in fee simple to the premises, free of all
liens and encumbrances, in proper form for recording. The Seller hereby
covenants that he is owner of the said land and premises and that the same

23 covenants that he is owner of the said land and premises and that the same
24 items and encumbrances, in proper form (if recording). The seller hereby
25 purchases notice, a deed to purchaser in fee simple to the premises, free of all
26 debts after such notice, deliver to the person making payment of the
27 \$1252 East 14th Street, San Leandro, California. Seller shall, within 12
28 months of delivery to, or by registered mail addressed to the seller
29 purchaser, notice of exercise of this option shall be given to the seller in
30 possession in cash in person at the time of exercise of this option by the

31 The full amount of the purchase price hereinafter shown shall be
32 including the first day of January, 1965.

33 months commencing on the first day of January, 1965, and continuing to and in-

34 The term of this option agreement shall be for a period of three
35 months with the following covenants and the appurtenances thereto.

36 California:
37 Office of the County Recorder of Alameda County,
38 51, 1962, in Book 1 of Maps, at page 12, in the
39 Map of the Town of San Leandro, filed for public
40 Block 4, as said lots and block are shown on the
41 lot 16, and the southeastern 32 feet of lot 16, in

42 PARCEL 11

43 California:
44 Office of the County Recorder of Alameda County,
45 51, 1962, in Book 1 of Maps, at page 12, in the
46 Map of the Town of San Leandro, filed for public
47 Block 4, as said lots and block are shown on the
48 lot 16, and the southeastern 32 feet of lot 16, in

49 PARCEL 1

50 and more particularly described as follows:
51 Lot 16, being located in the City of San Leandro, Alameda County, California,
52 of Eighty-three thousand six hundred fifty dollars (\$83,650), then certain
53 its heirs and assigns, the exclusive option to purchase for the purchaser, and
54 BE SAN LEANDRO, a municipal corporation, hereinafter called the "purchaser,"
55 receipt of which is hereby acknowledged, the seller hereby gives to the CITY
56 the undersigned ~~XXXXXXXXXXXX~~ hereinafter called the "seller," the
57 in consideration of the sum of one hundred dollars (\$100) paid to

58 OPTION

1 are free from all encumbrances.

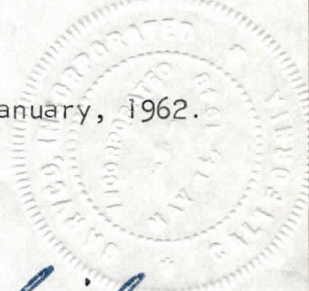
2 This Option shall be binding on the heirs, legal representatives
3 or assigns of the Seller. This Option may be assigned by the Purchaser either
4 before or after the Purchaser shall have given notice of his election to
5 exercise this Option.

6 This Option is specifically conditioned upon the adoption by Pur-
7 chaser prior to January 23, 1962, of a resolution finding and determining that
8 the public interest and necessity require the acquisition of said property for
9 public purposes, and finding and determining that the taking thereof in fee
10 simple is necessary. In the absence of the adoption of such resolution, this
11 Option shall be null and void, and in such event Seller agrees to return to
12 Purchaser the One Hundred Dollars (\$100) received by Seller from Purchaser,
13 and Purchaser agrees to execute to Seller a deed quitclaiming any interest in
14 and to said property arising as a result of this Option.

15 Dated at San Leandro, California, this 10th day of January, 1962.

16 GARVCO, INCORPORATED

17
18 By


Harold C. Schriber
Seller

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CIVIL SERVICE COMMISSION

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4 RECEIVED

5 JAN 22 1957

6 10:00 a.m. JH Bent
7 CITY OF SAN LEANDRO

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA

10
11 GARVCO, INC., a California Corporation,)

12 Plaintiff,)

13 vs.)

No. 278922

14 THE CITY COUNCIL OF THE CITY OF)
15 SAN LEANDRO, THOMAS O. KNICK,)
16 Mayor, JACK D. MALTESTER, Vice-)
17 Mayor, VALANCE GILL, Councilman,)
18 WILLIAM SWIFT, Councilman, JOSEPH)
19 O. BELLINI, Councilman, ALBERT)
20 KANT, Councilman, and JAMES R.)
21 FRAZIER, Councilman, constituting the)
22 members of said City Council, and)
23 RICHARD FORAKER, Chief Building)
24 Inspector of the City of San Leandro,)

25 Respondents.)

ALTERNATIVE WRIT
OF MANDATE

26 THE STATE OF CALIFORNIA TO:

27 THE CITY COUNCIL OF THE CITY OF SAN LEANDRO, and
28 THOMAS O. KNICK, JACK D. MALTESTER, VALANCE
29 GILL, WILLIAM SWIFT, JOSEPH O. BELLINI, ALBERT
30 KANT and JAMES R. FRAZIER, members thereof,

31 GREETINGS:

32 WHEREAS, it manifestly appears to us by the verified petition
of GARVCO, INC., the party beneficially interested herein, that said
petitioner is entitled to have enacted into law Amendment A-56-5, as it
appears on the records of the City Clerk of the City of San Leandro, or
such other amendment as is necessary to reclassify the premises commonly
described as 260 West Juana Avenue, San Leandro, California, from an

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LOCKHART 9-1201
SAN LEANDRO, CALIF.
PELTON CENTER
1514 WASHINGTON AVE.
ATTORNEYS AT LAW
BRYAN & BRYAN

RECEIVED

JAN 22 1957

CITY OF SAN LEANDRO

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

GARVCO, INC., a California Corporation,
Plaintiff,
vs.
THE CITY COUNCIL OF THE CITY OF
SAN LEANDRO, THOMAS O. KNICK,
Mayor, JACK D. MALTESTER, Vice-
Mayor, VALANCE GILL, Councilman,
WILLIAM SWIFT, Councilman, JOSEPH
O. BELLINI, Councilman, ALBERT
KANT, Councilman, and JAMES R.
FRAZIER, Councilman, constituting the
members of said City Council, and
RICHARD FORAKER, Chief Building
Inspector of the City of San Leandro,
Respondents.

278922

No.

ALTERNATIVE WRIT
OF MANDATE

THE STATE OF CALIFORNIA TO:

THE CITY COUNCIL OF THE CITY OF SAN LEANDRO, and
THOMAS O. KNICK, JACK D. MALTESTER, VALANCE
GILL, WILLIAM SWIFT, JOSEPH O. BELLINI, ALBERT
KANT and JAMES R. FRAZIER, members thereof,

GREETINGS:

WHEREAS, it manifestly appears to us by the verified petition

of GARVCO, INC., the party beneficially interested herein, that said
petitioner is entitled to have enacted into law Amendment A-56-5, as it
appears on the records of the City Clerk of the City of San Leandro, or
such other amendment as is necessary to reclassify the premises commonly
described as 250 West Juana Avenue, San Leandro, California, from an

1 R-3 zone to a C-1 zone and that there is not a plain, speedy and adequate
2 remedy in the ordinary course of law; and

3 WHEREAS, by an order of this court duly given and made in the
4 above entitled action on the 11 day of January, 1957, it was ordered that
5 a Writ of Mandate should issue to you,

6 THEREFORE, we do command you, and each of you, that immedi-
7 ately after the receipt of this Writ you do enact into law Amendment A-56-5,
8 or such other amendment as is necessary to reclassify the premises com-
9 monly described as 260 West Juana Avenue, San Leandro, California, from
10 an R-3 residential zone to a light commercial, or C-1, commercial zone,
11 or, that you show cause before this court at the Court Room of Department
12 One of said court, in said County and State, on Monday, the 28th day of
13 January, 1957, at the hour of 2:00 o'clock P.M. on said day, why you have
14 not done so.

15 WITNESS the Honorable Donald K. Quayle, Judge of
16 the Superior Court, attested by my hand and seal of said Court this
17 11 day of January, 1957.

18 JACK G. BLUE, Clerk

19 (SEAL)

20 Frank X. Veit

21 By _____
22 Deputy Clerk

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(2EAT)

BY Deputy Clerk

ELSAK X' LON

JACK C. BLAKE, Clerk

11 day of January, 1921.

the undersigned Clerk, appeared by my hand and seal of said Court this

WITNESS the Honorable

Douglas K. O'Neal

, Judge of

not done so.

January, 1921, at the hour of 3:00 o'clock P.M. on said day, my son was

one of said Court, in said County and State, on Monday, the 28th day of

at, that you were called before the Court at the Court Room of Department

in B-3 residential zone to a first commercial, or C-1, commercial zone,

which described as 300 West 10th Avenue, 2nd Floor, City of New York

on each other amendment as is necessary to reasonably the business com-

mercial area the results of this will you do under into law amendment A-20-2,

THEFORE, we do command you, and each of you, that immedi-

a will of mandate should issue to you.

where entered upon on the 11 day of January, 1921, it was ordered that

WHEREAS, by an order of the Court duly given and made in the

entered in the original copies of law, and

B-3 zone to a C-1 zone and that there is not a first, second and subordinate

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ENDORSED
FILED

JAN 11 1957

JACK G. BLUE, County Clerk
Frank X. Veit, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

GARVCO, INC., a California Corporation,)

Petitioner,)

vs.)

THE CITY COUNCIL OF THE CITY OF)
SAN LEANDRO, THOMAS O. KNICK,)
Mayor, JACK D. MALTESTER, Vice-)
Mayor, VALANCE GILL, Councilman,)
WILLIAM SWIFT, Councilman, JOSEPH)
O. BELLINI, Councilman, ALBERT)
KANT, Councilman, and JAMES R.)
FRAZIER, Councilman, constituting the)
members of said City Council, and)
RICHARD FORAKER, Chief Building)
Inspector of the City of San Leandro,)

Respondents.)

278922

No. _____

PETITION FOR WRIT OF MANDATE AND
REQUEST FOR DECLARATORY RELIEF

TO THE HONORABLE, THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE COUNTY OF ALAMEDA:

The petition of GARVCO, INC., respectfully shows:

I

That your petitioner is a corporation duly organized and existing
under and by virtue of the laws of the State of California, with its principal
place of business in the County of Alameda, State of California.

II

That the respondents THOMAS O. KNICK, JACK D. MALTESTER,

ROCKWELL 2-1301
SAN LEONARDO, CALIF.
REGION CENTER
1214 WASHINGTON AVE
ATTORNEYS AT LAW
SAN LEONARDO & BIRMINGHAM

25 That the respondents THOMAS O. KNICK, JACK D. MATTESLEY,
27
28
29 place of business in the County of Alameda, State of California,
30
31 under and by virtue of the laws of the State of California, with its principal
32
33 That your petitioner is a corporation duly organized and existing

34
35 I
36 The petition of SANACO, INC., respectfully shows:
37
38 CALIFORNIA, IN AND FOR THE COUNTY OF ALAMEDA:
39
40 TO THE HONORABLE, THE SUPERIOR COURT OF THE STATE OF

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Respondents:
Mayor of the City of San Francisco,
RICHARD LORANGER, Chief Building
Inspector of said City Council, and
ALANZIEB, Commissioner, concerning the
KVAL, Commissioner, and JAMES K.
O. BERTINI, Commissioner, ALBERT
WILLIAM SMITH, Commissioner, JOSEPH
MAYOR, ADVANCE CITY, Commissioner,
MAYOR, JACK D. MATTESLEY, ALICE-
SAN LEONARDO, THOMAS O. KNICK,
THE CITY COUNCIL OF THE CITY OF
AB.
Petitioner:
SANACO, INC., a California Corporation,

No. 338855

IN AND FOR THE COUNTY OF ALAMEDA
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

ELSON X. LEM, Deputy
JACK O. BLOE, County Clerk
JAN 11 1931
FILED
ENDORSED

1 VALANCE GILL, WILLIAM SWIFT, JOSEPH O. BELLINI, ALBERT KANT
2 and JAMES R. FRAZIER are members of the City Council of the City of San
3 Leandro, County of Alameda, State of California, hereinafter referred to as
4 City Council; that respondent RICHARD FORAKER is the Chief Building
5 Inspector of the City of San Leandro.

6 III

7 That petitioner now is and since January 31, 1956, has been owner
8 in fee of that lot of land situated in the City of San Leandro, County of
9 Alameda, State of California, described as follows:

10 All that lot of land situated in the City of San Leandro,
11 County of Alameda, State of California, and described
as follows:

12 All of Lot "G" and the southeastern 25.00 feet of Lot
13 "H" in Block 4, according to the "Map of the Town of
14 San Leandro," filed February 27, 1855 in the office
of the County Recorder of Alameda County and of
record in Map Book 1, page 19.

15 that said property is commonly known, and will hereinafter be referred to,
16 as 260 West Juana Avenue.

17 That petitioner now is and since May 10, 1956, has been owner in
18 fee of that lot of land situated in the City of San Leandro, County of Alameda,
19 State of California, described as follows:

20 Beginning at a point on the northeastern line of Hays
21 Street, distant thereon 243.00 feet southeasterly from
22 the point of intersection thereof with the southeastern
23 line of Hepburn Street, as said streets are shown on
the map herein referred to; running thence southeast-
24 erly along the said line of Hays Street 57.00 feet to a
point on the northwestern line of Saunders Street, as
25 said street is shown on said map; thence northeasterly
26 along the said line of Saunders Street 125.00 feet;
thence northwesterly parallel with the said line of Hays
Street 57.00 feet; thence southwesterly parallel with
the said line of Hepburn Street 125.00 feet to the point
of beginning.

27 Being a portion of Lot "M", and all of Lot "N" in Block
28 4, as said lots and block are shown on the "Map of the
29 Town of San Leandro", filed February 27, 1855 in Book
1 of Maps, page 19, in the office of the County Recorder
of Alameda County.

30 that said property is commonly known, and will hereinafter be referred to,
31 as 1492 Hays Street.

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as 1425 Hayes Street.

that said property is commonly known and will hereinafter be referred to

of Alameda County.

I of Maps' Page 13' in the office of the County Recorder

of San Francisco, filed February 23' 1922 in Book

4' as said lots and block are shown on the "Map of the

Being a portion of Lot "M" and all of Lot "N" in Block

of beginning.

the said line of Hebrun Street 152'00 feet to the point

Street 23'00 feet thence southeasterly bearing with

thence northeasterly bearing with the said line of Hayes

along the said line of Sanchez Street 152'00 feet

said street is shown on said map; thence northeasterly

point on the northeasterly line of Sanchez Street; as

early along the said line of Hayes Street 23'00 feet to a

the map herein referred to; thence thence southeasterly

line of Hebrun Street; as said streets are shown on

the point of intersection thereof with the southeasterly

Street; starting thereon 243'00 feet southeasterly from

beginning at a point on the northeasterly line of Hayes

State of California, described as follows:

fee of that lot of land situated in the City of San Francisco, County of Alameda,

that hereinafter now is and since May 10' 1922' has been owned in

as 220 West Third Avenue.

that said property is commonly known and will hereinafter be referred to,

record in Map Book 1' Page 13'

of the County Recorder of Alameda County and of

San Francisco, filed February 23' 1922 in the office

"N" in Block 4' according to the "Map of the Town of

of Lot "C" and the southeasterly 32'00 feet of Lot

as follows:

County of Alameda, State of California, and described

all that lot of land situated in the City of San Francisco,

Alameda, State of California, described as follows:

in fee of that lot of land situated in the City of San Francisco, County of

that hereinafter now is and since January 31' 1922' has been owned

III

Inspector of the City of San Francisco.

City Council: that respondent RICHARD BOKAKER is the Chief Building

San Francisco, County of Alameda, State of California, hereinafter referred to as

and JAMES H. EVANS are members of the City Council of the City of San

ADVANCE CITY, WILLIAM SWILL, JOSEPH O. BERTINI, ALBERT KNUD

IV

That on or about April 1, 1956, both parcels of property above referred to, save for the rear 25 feet of 260 West Juana Avenue, were classified and zoned for Third Residential use, or R-3 use, under the zoning ordinances of the City of San Leandro, being Chapter 3, Title VII, of the San Leandro Municipal Code.

V

That on or about April 2, 1956, petitioner made application to the City of San Leandro for Variance V-56-20 for the property at 260 West Juana; that said variance application was in the alternative, either to permit construction of a commercial building with reduced setbacks in the side yard and rear yard in an R-3 residential zone, or to permit reduced side yard and rear yard when building a commercial building in a Light Commercial, or C-1, commercial zone.

That on or about April 2, 1956, your petitioner petitioned the City of San Leandro for Amendment A-56-5, asking a change in zoning boundaries to reclassify the property at 260 West Juana from an R-3 zone and place it in a C-1 zone.

VI

That the Zoning Ordinance of the City of San Leandro provides for variances as follows:

"4.4 Variances and Appeals

Where practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this ordinance may result from the strict application of certain provisions thereof, variance may be granted as provided in this section.

"4.41 Applications:

(a) Application for variance shall be made in writing on a form prescribed by the Planning Commission and shall be accompanied by a fee of ten (10) dollars and statement, plans and evidence showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.

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- 1 2. That the granting of the application is necessary
2 for the preservation and enjoyment of substan-
3 tial property rights of the petitioner.
4
5 3. That the granting of such application will not,
6 under the circumstances of the particular case,
7 materially affect adversely the health or safety
8 of persons residing or working in the neighbor-
9 hood of the property of the applicant and will
10 not under the circumstances of the particular
11 case, be materially detrimental to the public
12 welfare or injurious to property or improve-
13 ments in said neighborhood.

14 "4.42 Public Hearing:

15 (a) A public hearing shall be held within thirty (30)
16 days after filing of application, notice of the time,
17 place, and purpose of which shall be given by one
18 (1) publication in a newspaper of general circulation
19 in the City at least five (5) days prior to such hear-
20 ing and by posting notice on the property involved or
21 adjacent thereto at least five (5) days prior to such
22 hearing.

23 "4.43 Action by Commission:

24 (a) After the conclusion of the public hearing, the
25 Planning Commission shall make a written finding
26 of facts showing whether the qualifications under
27 Section 4.41(a) apply to the land, building or use
28 for which variance is sought and whether such vari-
29 ance shall be in harmony with the general purposes
30 of this ordinance. Such written finding of facts
31 shall be submitted to the City Council within thirty
32 (30) days after the public hearing and may include
recommendations for such conditions as the Plan-
ning Commission deems necessary to secure the
purposes of this ordinance.

"4.44 Action by City Council:

(a) The City Council shall consider the application
for variance within thirty (30) days after receipt of
the Planning Commission report and, if the City
Council finds that the qualifications under Section
4.41(a) apply to the land, building, or use for which
variance is sought and that such variance is in harm-
ony with the general purposes of this ordinance, said
City Council shall by resolution grant such variance.

(b) The City Council may designate such conditions
in connection with the variance as it deems necessary
to secure the purposes of this ordinance and may re-
quire such guarantees and evidence that such condi-
tions are being or will be complied with. "

That the Zoning Ordinance of the City of San Leandro provides for
amendments as follows:

1 "4.5 Amendments:

2 This ordinance may be amended by changing the
3 boundaries of districts or by changing any other provi-
4 sions thereof whenever the public necessity and conven-
5 ience and the general welfare require such amendments
6 by following the procedure of this section.

7 "4.51 Initiation:

8 (a) An amendment may be initiated by:

- 9 1. The verified petition of one or more owners
10 of property affected by the proposed amend-
11 ment which petition shall be filed with the
12 Planning Commission and shall be accomp-
13 anied by a fee of Twenty-five (25) dollars,
14 no part of which shall be returnable to the
15 petitioner; or by
16 2. Resolution of Intention of the City Council; or
17 by
18 3. Resolution of Intention by the Planning
19 Commission.

20 "4.52 Public Hearings:

- 21 (a) The Planning Commission shall hold two (2)
22 public hearings on any proposed amendment at
23 least ten (10) days apart, and shall give notice
24 of the time, place, and purpose thereof by at
25 least one (1) publication in a newspaper of gen-
26 eral circulation within the City at least five (5)
27 days prior to the first of such hearings.
28 (b) In case the proposed amendment consists of a
29 change of the boundaries of any district so as
30 to reclassify property from any district to any
31 other district, the Planning Commission shall
32 give additional notice of the time, place, and
purpose of such hearings by posting at least
three (3) public notices thereof not less than
five (5) days prior to the date of the first of
such hearings along streets upon which the prop-
erty proposed to be reclassified abuts. Each
such notice shall consist of the words 'Notice
of Proposed Zoning Change' in letters not less
than one (1) inch in height, and, in addition
thereto, a statement in small letters setting
forth a general description of the property in-
volved in the proposed change of district, the
time and place at which the public hearings on
the proposed change will be held and any other
information which the Planning Commission may
deem to be necessary.
(c) Any failure to post public notices as aforesaid
shall not invalidate any proceedings for amend-
ment of this zoning ordinance.

33 "4.53 Action by Planning Commission:

- 34 (a) Following the aforesaid hearings the Planning
35 Commission shall make a report of its findings
36 and recommendations with respect to the proposed

4-23 ACTION BY DISTRICT COMMISSION:

(c) una istruzione da parte dell'ente pubblico o di un ente privato
destinato ad essere pubblicata.

(1) The Commission shall be composed of five members, one of whom shall be the President of the Commission. The Commission shall be appointed by the President of the Commission for a term of five years, and shall be eligible for reappointment. The Commission shall be organized into three divisions, each of which shall be headed by a member of the Commission. The Commission shall be authorized to make such rules and regulations as may be necessary for the efficient conduct of its business. The Commission shall be authorized to make such recommendations as may be necessary for the efficient conduct of its business. The Commission shall be authorized to make such recommendations as may be necessary for the efficient conduct of its business.

04-23 Барис Негмудин:

COMMISSION*

3. Resolution of intention by the Bismarck
by

5. Recommendation of suspension of the Girl Scout: or
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Bylining Commission was again re-assigned
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44-21 INSPECTION:

pl reporting the disclosure of this session.

rence and the Kennedy marriage had the effect of strengthening
 those forces which were the basis of the Kennedy and the com-
 munist forces of the world. It is a fact that the Kennedy
 marriage had the effect of strengthening the forces of the

4' 2 VINCIGUITS:

1 amendment and shall file with the City Council
2 an attested copy of such report within ninety (90)
3 days after the notice of the first of said hearings;
4 provided that such time limit may be extended
5 upon the mutual agreement of the parties having
6 an interest in the proceedings. Failure of the
7 Planning Commission so to report within ninety
8 (90) days without the aforesaid agreement shall
9 be deemed to be approval of the proposed amend-
10 ment by the Planning Commission.

11 "4.54 Action by City Council:

- 12 (a) Upon receipt of such report from the Planning
13 Commission or upon the expiration of such ninety
14 (90) days as aforesaid, the City Council shall set
15 the matter for public hearing after notice thereof
16 of the proposed amendment given as provided in
17 Section 4.52. After the conclusion of such hear-
18 ing the City Council may adopt the amendment or
19 any part thereof set forth in the petition in such
20 form as said Council may deem to be advisable.
21 (b) The decision of the City Council shall be rendered
22 within sixty (60) days after the receipt of a report
23 and recommendations from the Planning Commis-
24 sion or after the expiration of such ninety (90)
25 days as aforesaid."

26 VII

27 That the April 2, 1956, application for variance V-56-20 was made
28 in writing, accompanied by \$10.00 fee; that on April 12, 1956, and April
29 19, 1956, public hearing was held thereon by the Planning Commission of
30 the City of San Leandro; that on April 20, 1956, the Planning Commission
31 submitted a written recommendation to the City Council recommending
32 approval of Variance V-56-20, subject to three conditions, as follows:

1. The applicant shall provide additional parking for
his use on a permanent basis.
2. Applicant shall assume responsibility for continu-
ing existing parking in the event the Merchants Associa-
tion decides to discontinue their use of the lot.
3. The Commission requests that the granting of this
variance be contingent on the Council's Agreement on
the necessity of zoning the Merchants Association Park-
ing Lot referred to as a permanent parking area.

That the April 2, 1956, petition for Amendment A-56-5 was made
by verified petition in writing filed with the Planning Commission and
accompanied by a \$25.00 fee; that on April 12, 1956, and April 19, 1956,
public hearing was held thereon by the Planning Commission of the City of

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public meeting was held presided by the Planning Commission of the City of
accompanied by a \$52.00 fee: that on April 13, 1929, and April 18, 1929,
by written decision in writing filed with the Planning Commission and
that the April 5, 1929, decision for Amendment A-29-2 was made
for referred to as a permanent banking area.
the necessity of zoning the Merchants Association Bank-
assistance be contingent on the Council's agreement on
3. The Commission requests that the Planning of the
from decision to discontinue their use of the lot
the existing banking in the event the Merchants Associa-
5. Applicant shall assume responsibility for contin-
ing use of a permanent bank.
1. The applicant shall provide adequate banking for
abandonment of Amenity A-29-30, subject to three conditions, as follows:
submitted a written recommendation to the City Council recommending
the City of San Francisco: that on April 30, 1929, the Planning Commission
18, 1929, public meeting was held presided by the Planning Commission of
in writing, accompanied by \$10.00 fee: that on April 13, 1929, and April
that the April 5, 1929, application for Amenity A-29-30 was made

ALL

- shall be proposed:
- (a) upon or after the expiration of such period (30)
and recommendations from the Planning Commis-
within sixty (60) days after the receipt of a report
 - (b) The decision of the City Council shall be rendered
within 30 days after such report is received.
and shall be made as follows in the decision in such
the City Council shall adopt the amendment of
decision A-29. After the completion of such peri-
of the proposed amendment given as provided in
the notice for public meeting after notice thereof
(60) days as proposed, the City Council shall set
Commission or upon the expiration of such period
(c) Upon receipt of such report from the Planning

ART. 29. ACTION BY CITY COUNCIL:

shall be the Planning Commission.
be deemed to be approval of the proposed amend-
(60) days without the proposed amendment shall
Planning Commission as to report within ninety
in present in the proposed. If any of the
upon the written agreement of the parties making
provided that after five days may be extended
days after the notice of the date of such meeting:
in interest only of such report within ninety (90)
amendment and shall file with the City Council

1 San Leandro; that on April 20, 1956, the Planning Commission submitted a
2 written recommendation to the City Council recommending approval of
3 Amendment A-56-5.

4 VIII

5 That on April 23, 1956, the City Council at a public meeting consid-
6 ered Variance V-56-20 and by formal action referred it back to the Planning
7 Commission for clarification of Condition No. 3 of the conditions for approv-
8 al placed thereon by the Planning Commission.

9 That on April 23, 1956, the City Council at a public meeting consid-
10 ered Amendment A-56-5 and by formal action set the matter for public
11 hearing on May 7, 1956.

12 IX

13 That on or about May 3, 1956, the Planning Commission at a public
14 meeting once again considered Variance V-56-20 in order to clarify the
15 conditions thereto; that on May 4, 1956, the Planning Commission submitted
16 a written recommendation to the City Council recommending that Variance
17 V-56-20 be approved, subject to your petitioner providing permanent off-
18 street parking for eight vehicles on adjoining property, and further recom-
19 mending that Conditions Nos. 2 and 3 originally placed thereon by the
20 Planning Commission be reconsidered by the City Council in light of the
21 decision of the Planning Commission with respect to Condition No. 1.

22 X

23 That on May 7, 1956, the City Council at a public hearing once again
24 considered Variance V-56-20 and formally moved to grant said variance to
25 apply to Sections 3.44(a) and (b) of the Zoning Ordinance of the City of San
26 Leandro, that no side yard or rear yard would be required, provided that
27 permanent off-street parking for eight vehicles would be provided on adjac-
28 ent property; that said motion to grant the variance was carried by vote.

29 That on May 7, 1956, the City Council at a public hearing considered
30 Amendment A-56-5 and formally moved to uphold the recommendation of the
31 Planning Commission to approve the amendment; that said motion to uphold
32 the recommendation of the Planning Commission was carried by vote; that

the recommendation of the Planning Commission was carried by vote: that
Planning Commission to approve the amendment: that said motion to approve
Amendment A-28-2 and formally moved to approve the recommendation of the

That on May 1, 1929, the City Council at a public meeting considered
and properly: that said motion to grant the variance was carried by vote.
Permanent off-street parking for eight vehicles would be provided on adja-
cent property: that no side yard or rear yard would be required, provided that
apply to sections 3.44(a) and (b) of the Zoning Ordinance of the City of San
considered Variance A-28-20 and formally moved to grant said variance to

That on May 1, 1929, the City Council at a public meeting once again

X

decision of the Planning Commission with respect to Condition No. 1.
Planning Commission be reconsidered by the City Council in light of the
meeting that Conditions Nos. 2 and 3 originally passed thereon by the
street parking for eight vehicles on adjoining property, and further recom-
A-28-20 be approved, subject to some conditions providing permanent off-
a written recommendation to the City Council recommending that Variance
conditions thereto: that on May 1, 1929, the Planning Commission submitted
meeting once again considered Variance A-28-20 in order to clarify the

That on or about May 3, 1929, the Planning Commission at a public

IX

meeting on May 1, 1929.
ated Amendment A-28-2 and by formal action set the matter for public

That on April 23, 1929, the City Council at a public meeting consid-
ed passed thereon by the Planning Commission.

Commission for consideration of Condition No. 3 of the conditions for approv-
ated Variance A-28-20 and by formal action referred it back to the Planning

That on April 23, 1929, the City Council at a public meeting consid-

VIII

Amendment A-28-2.

written recommendation to the City Council recommending approval of
San Francisco: that on April 23, 1929, the Planning Commission submitted a

1 as a result of said motion the City Attorney was instructed to draft an
2 ordinance suitable for passage into law; that said ordinance was in fact
3 drafted by the City Attorney.

4 XI

5 That on or about May 10, 1956, petitioner herein, in order to pro-
6 vide permanent off-street parking for eight vehicles on adjacent property
7 and acting in reliance on the acts, deeds and obvious intentions of the
8 Planning Commission and the City Council did purchase, at a cost of
9 in excess of \$30,000.00, the parcel of land at 1492 Hays Street; that said
10 lot is adjacent to the lot at 260 West Juana Avenue and is suitable for off-
11 street parking for at least eight vehicles.

12 XII

13 That on or about May 15, 1956, petitioner made application to the
14 City of San Leandro for Use Permit U-56-40 for the property at 1492 Hays,
15 asking that parking be allowed in an R-3 zone adjacent to a C-1 zone; that
16 said application was made in writing to the Planning Commission, accomp-
17 anied by \$5.00 fee.

18 That on or about May 15, 1956, petitioner petitioned the City of San
19 Leandro for Amendment A-56-14, asking a change in zoning boundaries to
20 reclassify the property at 1492 Hays from an R-3 zone and place it in a C-1
21 zone; that said petition was verified and in a writing filed with the Planning
22 Commission and accompanied by a \$25.00 fee.

23 XIII

24 That on or about May 24, 1956, the Planning Commission at a public
25 hearing formally granted Use Permit U-56-40, providing for use of the
26 property at 1492 Hays as a parking lot to accommodate commercial uses at
27 260 West Juana; that pursuant to Section 4.25 of the Zoning Ordinance of the
28 City of San Leandro such action by the Planning Commission is sufficient for
29 valid issuance of a use permit.

30 That on or about May 25, 1956, at an adjourned meeting, the Planning
31 Commission considered the petition for amendment A-56-14; that on May 31,
32 1956, the Planning Commission submitted a written recommendation to the

1929' the Planning Commission submitted a written recommendation to the
Commission considered the petition for amendment A-20-14' and on May 31'

That on or about May 22' 1929' at an adjourned meeting, the Planning
Commission considered the petition for amendment A-20-14' and on May 31'

City of San Francisco and action by the Planning Commission is sufficient for
200 West Jones; that pursuant to Section 4.22 of the Zoning Ordinance of the
property at 1425 Hayes is a parking lot to accommodate commercial uses of
residentially zoned use. Petition A-20-14' regarding lot use of the

That on or about May 27' 1929' the Planning Commission at a public

XIII

Commission and accompanied by a \$22.00 fee.
zone; that said petition was verified and in a writing filed with the Planning
Commission the property at 1425 Hayes shown as an H-3 zone and place it in a C-1
residential for amendment A-20-14' asking a change in zoning regulations to

That on or about May 12' 1929' petitioner petitioned the City of San
Francisco by \$22.00 fee.

said application was made in writing to the Planning Commission, accompa-
nying that petition be allowed in an H-3 zone adjacent to a C-1 zone; that
City of San Francisco for use Petition A-20-14' for the property at 1425 Hayes'

That on or about May 12' 1929' petitioner made application to the

XII

street parking lot at least eight vehicles.
lot is adjacent to the lot at 200 West Jones Avenue and is suitable for use
in excess of \$30,000.00' the parcel of land at 1425 Hayes street; that said
Planning Commission and the City Council did authorize, at a cost of
and acting in reliance on the acts, deeds and oral intentions of the
said petitioner off-street parking for eight vehicles on adjacent property

That on or about May 10' 1929' petitioner petitioned, in order to pro-

XI

initiated by the City Attorney.
ordinance suitable for passage into law; that said ordinance was in fact
as a result of said motion the City Attorney was instructed to draft an

1 City Council recommending approval of said amendment.

2 XIV

3 That on May 29, 1956, there was issued to petitioner by RICHARD
4 FORAKER, Chief Building Inspector, at a cost of \$2.00, Building Permit
5 No. 4990 of the City of San Leandro authorizing the removal of sheds from
6 260 West Juana as preparation for commercial building; that on May 31,
7 1956, there was issued to petitioner by said Richard Foraker, at a cost of
8 \$147.50 Building Permit No. 4995 authorizing the building of commercial
9 stores on 260 West Juana; that pursuant to said permits, petitioner herein
10 removed buildings then on the property and actually commenced building
11 operations and incurred expense in reliance on said permits.

12 XV

13 That on June 4, 1956, the City Council at a public meeting considere
14 Amendment A-56-14 and the recommendation from the Planning Commission
15 was tabled.

16 XVI

17 That some time after June 4, 1956, petitioner herein was informed
18 that the City of San Leandro desired to purchase the property at 260 West
19 Juana for use as a parking lot; that after independent appraisals of the
20 property based on its obvious commercial value as C-1 property, petitioner
21 herein on July 12, 1956, offered said property for sale to the City of San
22 Leandro at a price of \$63,500.00, and said offer was refused.

23 That on or about July 16, 1956, there appeared on the agenda of the
24 City Council a proposed ordinance to enact into law Amendment A-56-5 to
25 reclassify the property at 260 West Juana; that the City Council refused to
26 and did not act on the proposed ordinance; that on July 17, 1956, petitioner
27 was informed by letter from the aforesaid Richard Foraker that Building
28 Permit No. 4995 authorizing the building of commercial buildings on 260
29 West Juana was revoked under authority of Section 302(e) of the Uniform
30 Building Code of the City of San Leandro.

31 XVII

32 That your petitioner has demanded of the City Council that it enact

FOCKHYLEN 8-1301
BYN LEVINDO: BUNIL
BETION DENIES
1814 WASHINGTON AVE
ATTORNEYS AT LAW
BRYANVILLE & BIRMINGHAM

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That Louis Bettinone was appointed of the City Council that it was

XIII

Building Code of the City of San Francisco.
West 12th was located under authority of Section 303(a) of the Uniform
Building Code No. 4000 authorizing the building of commercial buildings on 300
was informed by letter from the Planning Commission that building
and did not act on the proposed ordinance: that on July 11, 1928, Bettinone
reconsidered the property at 300 West 12th: that the City Council referred to
City Council a proposed ordinance to amend into law Amendment A-28-2 to
that on or about July 10, 1928, there appeared on the agenda of the
Council at a price of \$23,200.00, and said offer was referred.
therein on July 13, 1928, offered said property for sale to the City of San
Francisco based on the original commercial value as C-1 property, Bettinone
therefor was as a building lot: that after independent appraisals of the
that the City of San Francisco desired to purchase the property at 300 West
that some time after June 4, 1928, Bettinone therein was informed

XIV

was referred.
Amendment A-28-13 and the recommendation from the Planning Commission
that on June 4, 1928, the City Council at a public meeting considered

XV

operations and incurred expenses in reference on said property.
removed buildings from the property and actually commenced building
stores on 300 West 12th: that pursuant to said Bettinone, Bettinone therein
\$141.20 Building Permit No. 4000 authorizing the building of commercial
1928, there was issued to Bettinone by said Richard Fowler, at a cost of
300 West 12th as preparation for commercial building: that on May 31,
No. 4000 of the City of San Francisco authorizing the removal of sheds from
FOWLER, Chief Building Inspector, at a cost of \$3.00, Building Permit
that on May 28, 1928, there was issued to Bettinone by RICHARD

XVI

City Council recommending approval of said amendment.

1 into law Amendment A-56-5 and place among the ordinances of the City of
2 San Leandro an ordinance reclassifying the property at 260 West Juana from
3 an R-3 zone to a C-1 zone; that said demands of petitioner have been
4 refused.

5 XVIII

6 That the refusal to act and enact on the part of the City Council is
7 unreasonable, arbitrary, capricious, and deprives petitioner of its prop-
8 erty without due process of law; that petitioner has no plain, speedy and
9 adequate remedy at law whereby the City Council can be compelled to pass
10 an ordinance enacting Amendment A-56-5 into law.

11 WHEREFORE, petitioner prays, etc.

12
13 AS AND FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF
14 ACTION against respondents herein, petitioner alleges as follows:

15 I

16 Incorporates by reference and repleads as though fully set forth
17 herein Paragraphs I through and including XVIII of the first cause of action.

18 II

19 That an actual controversy has arisen between the petitioner herein
20 and respondents relating to the legal rights of petitioner in connection with
21 Building Permit No. 4995; that the purported revocation of said permit was
22 based on the fact that a commercial type of building intended for commer-
23 cial use was to be built on land in an R-3 zone; that in view of the facts
24 hereinabove stated your petitioner desires a declaration of its rights under
25 and by virtue of having obtained Building Permit No. 4995.

26 WHEREFORE, your petitioner prays as follows:

27 1. For the court to grant, issue and award an alternative Writ of
28 Mandate to the City Council of the City of San Leandro and to Thomas O.
29 Knick, Jack D. Maltester, Valance Gill, William Swift, Joseph O. Bellini,
30 Albert Kant and James R. Frazier, members thereof, compelling and
31 commanding said City Council, and each member thereof, to pass an
32 ordinance enacting into law Amendment A-56-5, or such other amendment

ordinance enacting into law Amendment A-20-2, or such other ordinance
concerning said City Council, and each member thereof, to pass an
Ordinance and James K. Flaherty, members thereof, concerning and
Knick, Jack D. Mather, Attorney General, William Smith, Joseph O. Bennett,
Mandate to the City Council of the City of San Francisco and to Thomas O.

I. For the court to grant, leave and award an appropriate writ of
Habeas Corpus, and the following:

and by virtue of having obtained Building Permit No. 4882,
petitioner stated that petitioner desires a declaration of his rights under
city law to be built on land in an R-3 zone; that in view of the facts
presented on the fact that a commercial type of building intended for commercial
Building Permit No. 4882; that the prohibited relocation of said Building was
and respondents relating to the legal rights of petitioner in connection with

That an actual controversy has arisen between the petitioner herein

II

petitioner herein I through and including XXIII of the first cause of action,
incorporated by reference and referred to through fully set forth

I

ACTION against respondents herein, petitioner alleges as follows:

AS AND FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF

HABEAS CORPUS, petitioner prays, etc.

an ordinance enacting Amendment A-20-2 into law.

adequate remedy at law whereby the City Council can be compelled to pass
city without the process of law; that petitioner has no claim, actual and
unlawful, unlawful, and deprives petitioner of his prop-

That the request to act and enter on the part of the City Council to

XXIII

referred.

an R-3 zone to a C-1 zone; that said demands of petitioner have been
San Francisco an ordinance reestablishing the property at 300 West 12th Street
into law Amendment A-20-2 and place among the ordinances of the City of

1 as is necessary to reclassify the premises commonly described as 260 West
2 Juana Avenue, San Leandro, California, from an R-3 residential zone to a
3 light commercial, or C-1, zone;

4 2. For a judgment of this court declaring the rights of the petition--
5 herein under San Leandro Building Permit No. 4995;

6 3. For a judgment of this court declaring the attempted revocation
7 of San Leandro Building Permit No. 4995 as null, void and without force or
8 effect;

9 4. For costs of suit herein incurred, and such other and further
10 relief as to the court may seem meet and just.

11
12 SPRUANCE & SIMONIAN and
13 ARTHUR L. PRETZER

14 By ARTHUR L. PRETZER
15 Attorneys for Petitioner
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APPROVED FOR REMITTANCE
BY ARTHUR G. BREITNER

ARTHUR G. BREITNER
SPENCER & SIMONIAN and

refers as to the court may seem meet and just.

4. For costs of suit herein instituted, and such other and further effect.

of San Francisco Building Permit No. 4442 as well, void and without force or

3. For a judgment of this court declaring the attempted relocation herein under San Francisco Building Permit No. 4442.

2. For a judgment of this court declaring the rights of the permittee herein commercial, or C-1, zone.

1. That the above, San Francisco, California, from an X-3 residential zone to a as is necessary to rectify the premises commonly described as 380 West

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7 STATE OF CALIFORNIA)
8 COUNTY OF ALAMEDA) SS

9 HARLOW E. SCRIBNER, being first duly sworn, deposes and
10 says:

11 That he is the President of GARVCO, INC., a corporation,
12 the above named petitioner, and is authorized to make this verification for
13 and on behalf of said corporation; that he has read the foregoing Petition
14 and knows the contents thereof; that the same is true of his own knowledge,
15 except as to those matters which are therein stated on his information or
16 belief, and as to those matters he believes it to be true.

17
18 HARLOW E. SCRIBNER
19

20 Subscribed and sworn to before me
21 this 9th day of January, 1957.
22

23 (SEAL) HOLLIS R. JONES
24 NOTARY PUBLIC in and for the County
25 of Alameda, State of California
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of Witnesses' State of California
MOLLYA BARTIC in and for the County
(SEAT) HOTTIS & JONES

this day of January, 1921.
Subscribed and sworn to before me

HARTOM E. SCHIBNER

relief, and as to those matters he believes to be true.
except as to those matters which are therein stated on his information or
and knows the contents thereof; that the same is true of his own knowledge,
and on behalf of said corporation; that he has read the foregoing Petition
the above named Petitioner, and is authorized to make this declaration for
that he is the President of CALICO, INC., a corporation,

says:

HARTOM E. SCHIBNER, being first duly sworn, deposes and

COUNTY OF ALAMEDA)
STATE OF CALIFORNIA) ss
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ENDORSED
FILED

JAN 11 1957

JACK G. BLUE, County Clerk
Frank X. Veit, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

GARVCO, INC., a California Corporation,

Petitioner,

vs.

THE CITY COUNCIL OF THE CITY OF
SAN LEANDRO, THOMAS O. KNICK,
Mayor, JACK D. MALTESTER, Vice-
Mayor, VALANCE GILL, Councilman,
WILLIAM SWIFT, Councilman, JOSEPH
O. BELLINI, Councilman, ALBERT
KANT, Councilman, and JAMES R.
FRAZIER, Councilman, constituting the
members of said City Council, and
RICHARD FORAKER, Chief Building
Inspector of the City of San Leandro,

Respondents.

278922

No. _____

MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF ISSUANCE OF WRIT OF MANDATE

The writ of mandate is available to compel performance of an act
by a City Council.

Roussey vs. City of Burlingame, 100 C.A.(2d) 321.

The power of the Superior Court to issue such a writ under appropri-
ate circumstances is without question.

Code of Civil Procedure, 1085.

In the instant case, petitioner is asking that the City Council of the
City of San Leandro be required to act pursuant to Section 4.54(b) of the
Zoning Ordinance of the City of San Leandro, being Chapter 3, Title VII, of

FOCKHVALEN 2-1301
SAN LEVINDRO' DAVIS
REGION CENTER
1214 WASHINGTON AVE
ATTORNEYS AT LAW
BIRMINGHAM 2 ALABAMA

25 Section 1 of the City of San Francisco, being Chapter 3, Title VII of
31 City of San Francisco is amended to set forth to section 1.24(p) of the
30 In the instant case, Defendant is asking that the City Council of the
38 City of San Francisco, 1082.
38 the circumstances is without question.

34 The power of the Superior Court to issue such a writ under subdivision
38 of the City of San Francisco, 100 C.V. (34) 351.
38 by a City Council.

34 The writ of mandamus is sought to compel performance of an act

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1 the San Leandro Municipal Code, as revised February 1, 1954, which
2 section deals with amendments of zoning ordinances and reads as follows:

3 "(b) The decision of the City Council shall be
4 rendered within sixty (60) days after the receipt of a
5 report and recommendation from the Planning Commis-
6 sion or after the expiration of such ninety (90) days as
7 aforesaid."

8 As the petition file herein clearly shows, all preceding acts and
9 conditions necessary to the action of the San Leandro City Council pursuant
10 to Section 4.54(b) have been completed and fulfilled.

11 Petitioner further asks that the City Council be directed not only to
12 act, but also to act in a certain way, namely: That the City Council be
13 directed to enact an ordinance providing for the rezoning of the land desig-
14 nated in the petition to reclassify it from an R-3 zone to a C-1 zone. The
15 writ will issue if the facts prove that there can be only one conclusion and
16 establish the right of the petitioner to have the act performed. In
17 Klevesahl vs. Byington, 1 C.A.(2d) 671, the test has been set down:

18 "Among the rules by which courts are guided in the
19 issuance of writs of mandate are the following: (1) The
20 writ will issue, in a proper case, to compel the exercise of
21 discretion; (2) It will never issue to control discretion,
22 either before or after exercise thereof; (3) In a proper case,
23 the writ will issue to correct an abuse of discretion. An
24 abuse of discretion, however, is not the exercise of discre-
25 tion but action beyond the limits of discretion; (4) It will
26 issue only when the act to be commanded is certain, defin-
27 ite and fixed. Where discretion has not been exercised, the
28 definite thing commanded is to act. Where the limits of
29 discretion have been exceeded, the definite command is to
30 act within such limits."

31 Browning vs. Dow, 60 C.A., 680, 682.

32 It is the contention of the petitioner that it has in good faith so
changed its position to its detriment in reliance upon the acts, deeds and
obvious intentions of the City Council that said Council now has a duty to
pass an ordinance rezoning the property as prayed in its petition.

Donovan vs. City of Santa Monica, 88 C.A.(2d) 386.

It is now well recognized that an equitable estoppel will run against
the government where justice and right require it. The basis for such
estoppel is this:

25 catfish is this:
27 the Government made finance and right before it. The state for each
20 It is now well recognized that an adequate catfish will not sustain

30 Donovan vs. City of Santa Monica, 88 C.A. (2d) 382.
32 have an ordinance regarding the property as placed in the position.
34 ordinance intentions of the City Council that said Council now has a duty to
36 changed the position to the Government in terms of when the state needs and
38 It is the contention of the petitioner that it has in good faith so

40 Brown vs. Board, 30 C.A. 2d 380, 383.

42 act within each district.
44 question have been exceeded, the definite commission is to
46 definite thing commissioned to do act. Where the limits of
48 the end fixed. Where question has not been exceeded, the
50 issue only when the act to be commissioned is certain, defini-
52 tion and action beyond the limits of question: (1) It will
54 arise of question, however, is not the exercise of discre-
56 tion which will issue to collect an issue of question. An
58 either before or after exercise question: (2) In a proper case,
60 question: (3) It will never issue to control question,
62 will will issue, in a proper case, to control the exercise of
64 exercise of acts of managers are the following: (1) The
66 "Among the laws of which courts are limited in the

68 Kellogg vs. Livingston, 1 C.A. (2d) 311, there has been set down:
70 character the right of the petitioner to have the act performed. In
72 will will issue in the facts above that there can be only one consideration and
74 acted in the position to reactively it from an M-3 zone to a C-1 zone. The
76 directed to enact an ordinance providing for the zoning of the land de-
78 act, but also to act in a certain way, namely: That the City Council be
80 Petitioner further asks that the City Council be directed not only to
82 to Section 4.24(p) have been completed and fulfilled.

84 conditions necessary to the action of the San Leandro City Council pursuant
86 as the position the herein clearly shows, all preceding acts and
88 discussion.
90 action of after the expiration of each interval (30) days to
92 report and recommendation from the Planning Commission.
94 rendered within sixty (60) days after the receipt of a
96 (b) The decision of the City Council shall be
98 decision shall with amendments of zoning ordinances and laws as follows:
100 the San Leandro Municipal Code, as amended February 1, 1954, which

1 "It has been aptly said: 'If we say with Mr. Justice
2 Holmes, "Men must turn square corners when they deal
3 with the Government, " it is hard to see why the government
4 should not be held to a like standard of rectangular rectitude
5 when dealing with its citizens. '"

6 48 Harvard Law Review, 1299;

7 Farrell vs. County of Placer, 23 C.(2d) 624, 628.

8 The petitioner herein shows that petitioner expended large sums
9 of money and incurred new liability in reliance upon the conduct of the City
10 Council of the City of San Leandro and other of its officers and agents. In
11 such a case, the rule of not only this, but also other jurisdictions, is that
12 the municipal corporation is subject to the doctrine of estoppel.

13 1 A.L.R. (2) 338.

14 It is not necessary that petitioner present case authority exactly in
15 point on the facts. It is enough that equity and justice require the writ to
16 issue.

17 Housing Authority of the City of Los Angeles vs. City
18 of Los Angeles, 40 C.(2d) 682.

19 The instant case, however, is very similar in some aspects to the
20 case just cited.

21 Some of the leading cases setting forth factual situations which
22 authorize estoppel are as follows:

23 La Societe Francaise vs. California Employment
24 Commission, 56 C.A.(2d) 354;
25 Times-Mirror Co. vs. Superior Court, 3 C.(2d) 309;
26 McGee v. City of Los Angeles, 6 C.(2d) 390;
27 City of Los Angeles vs. County of Los Angeles, 9 C.(2d) 624;
28 City of Los Angeles vs. Cohn, 101 Cal.373.

29 Respectfully submitted,

30 SPRUANCE & SIMONIAN and
31 ARTHUR L. PRETZER

32 By ARTHUR L. PRETZER
Attorneys for Petitioner

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ENDORSED
FILED

JAN 11 1957

JACK G. BLUE, County Clerk
Frank X. Veit, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

GARVCO, INC., a California Corporation,

Petitioner,

vs.

THE CITY COUNCIL OF THE CITY OF
SAN LEANDRO, THOMAS O. KNICK,
Mayor, JACK D. MALTESTER, Vice-
Mayor, VALANCE GILL, Councilman,
WILLIAM SWIFT, Councilman, JOSEPH
O. BELLINI, Councilman, ALBERT
KANT, Councilman, and JAMES R.
FRAZIER, Councilman, constituting the
members of said City Council, and
RICHARD FORAKER, Chief Building
Inspector of the City of San Leandro,

Respondents.

No. 278922

ORDER GRANTING ALTERNATIVE WRIT OF
MANDATE AND DIRECTING ISSUANCE THEREOF

On reading and filing the verified petition of GARVCO, INC., and
on motion of SPRUANCE & SIMONIAN and ARTHUR L. PRETZER, attorneys
for petitioner, and good cause appearing,

IT IS HEREBY ORDERED that an Alternative Writ of Mandate issue
out of and under the seal of this court directed to the City Council of the
City of San Leandro, and to Thomas O. Knick, Jack D. Maltester, Valance
Gill, William Swift, Joseph O. Bellini, Albert Kant and James R. Frazier,
members thereof, commanding said City Council, and each member thereof,
that they pass an ordinance enacting into law Amendment A-56-5, as it

that they have an ordinance amending into law Amendment A-20-2, as it
appears thereof, concerning said City Council, the city manager thereof,
and William Smith, Joseph O. Bertini, Albert Kent and James B. Frazier,
City of San Leandro, and to Thomas O. Knick, Jack D. Wattlester, Attorney
out of and under the seal of this court directed to the City Council of the
It is hereby ordered that an interlocutory writ of Mandate issue
for Bertini, and good cause appearing,
on motion of SERRANO & SIMONIAN and ALTHUS F. BREITZEL, attorneys
on behalf and under the various petition of CUBACO, INC., and

MANDATE AND DIRECTING RESOLVE THEREOF
ORDER QUALIFYING AT LEONARDO WILL OF

Respectfully
Directed of the City of San Leandro,
RICHARD FORAKER, Chief Building
Inspector of said City Council, and
BREITZEL, Commissioner, concerning the
KNICK, Commissioner, and JAMES B.
O. BERTINI, Commissioner, ALBERT
MARTIN SMITH, Commissioner, JOSEPH
MAYOR, ATTORNEY CITY, Commissioner,
MAYOR, JACK D. WATTLESTER, ALCE-
SAN LEONARDO, THOMAS O. KNICK,
THE CITY COUNCIL OF THE CITY OF
As
Bertini,
CUBACO, INC., a California Corporation

No. **338033**

IN AND FOR THE COUNTY OF ALAMEDA
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

Frank X. Leif, Deputy
Jack C. Bette, County Clerk

JAN 11 1925
FILED
ENDORSED

1 appears on the records of the City Clerk of the City of San Leandro, or
2 such other amendment as is necessary to reclassify the premises commonly
3 described as 260 West Juana Avenue, San Leandro, California, from an
4 R-3 residential zone to a light commercial, or C-1, zone; or that in default
5 thereof, said City Council, and each member thereof, show cause before
6 this court in Department No. One thereof, on Monday, the 28th day of
7 January, 1957, at 2:00 o'clock P.M. of said day, why they have not done so,
8 by the return to said Writ.

9 IT IS FURTHER ORDERED that a copy of said Petition be served on
10 said City Council and its members with such Writ.

11 Dated this 11 day of January, 1957.
12

13 Donald K. Quayle

14 JUDGE OF THE SUPERIOR COURT
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ГОСКНАУКА 2-1201
2411 ГЕВЕРНО-ОУГЛЕ
БЕЛТОИ СЕНТЕР
1214 WASHINGTON AVE
ATTORNEYS AT LAW
BIRMINGHAM & BIRMINGHAM

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JUDGE OF THE SUPERIOR COURT
Douglas K. Ouellet

ORDERED that on the 14th day of January, 1924,
said City Council and its members with each with
it is further ORDERED that a copy of said Petition be served on
by the return to said City.
January, 1924, at 2:00 o'clock P.M. of said day, why they have not done so,
this court in Department No. One thereof, on Monday, the 22nd day of
thereof, said City Council, and each member thereof, appear before
K-3 residence, some to a right commercial, or C-1, some of first in default
described as 220 West 10th Avenue, San Francisco, California, from an
each other and otherwise as is necessary to respectfully the business community
affairs on the records of the City Clerk of the City of San Francisco, or

SPENCER & SIMONIAN
Attorneys at Law
1814 Washington Avenue
San Leandro, California
Phone: L-0444 (Area 7-1341)

Attorney(s) for Plaintiff(s)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

CARTON, INC., a California Corporation,
Plaintiff(s)
vs.
THE CITY COUNCIL OF THE CITY OF SAN LEANDRO,
THOMAS G. KUTER, Mayor, JACK P. MALFESTO,
Vice-Mayor, Valance Hill, Councilman, William
Fritz, Councilman, Joseph G. Bellini, Councilman,
Albert Kent, Councilman and James H. Frasier,
Councilman, representing the members of said City
Council, and RICHARD FORDMAN, Defendant(s)
(Full Title)

No. 278922

SUMMONS
(General)

The People of the State of California,
To the above named Defendant(s) :

You are hereby directed to appear and answer the complaint of the above named plaintiff(s) filed in the above entitled court in the above entitled action brought against you in said court, within TEN days after the service on you of this summons, if served within the above named county, or within THIRTY days if served elsewhere.

You are hereby notified that unless you so appear and answer, said plaintiff(s) will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any relief demanded in the complaint.

Dated January 11, 1957.
(SEAL)

JACK G. BLUE, Clerk

By Frank X. Velt, Deputy Clerk

(Space above for notice required by Sec. 474 C. C. P.)

A defendant appears in an action when he answers, demurs, or gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him. C.C.P. Sec. 1014.

Answers, demurrers and all other pleadings, must be in writing, in form pursuant to rule of court, and filed with the clerk of this court, with proof of service of copy thereof on plaintiff or his attorney, accompanied with the necessary fee.

A pleading is a formal allegation of a claim or defense (C.C.P. Sec. 420).

(See reverse side for Proof of Service)

SUMMONS (General)

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

C. C. P. Secs. 410, 410.1, 411, 415, 474; Gov't. Code Secs. 26721, 26746; etc.

STATE OF CALIFORNIA,

County of

AFFIDAVIT OF SERVICE

(By Person Other Than Sheriff, Constable or Marshal)

I, the undersigned, being duly sworn, depose and say:

I was at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to the within entitled action.

I delivered a copy of the foregoing summons with a copy of the complaint in the action therein mentioned, to the defendant hereinafter named, or to each of the defendants hereinafter named, if more than one is named, personally at the address in the County of, State of California, and on the date hereinafter set forth opposite the name of said defendant, or the respective names of said defendants, to wit:

Name of Defendant Served* Street Address and City Where Served Date of Service

Fee for service \$, Mileage \$, Notary \$, Total \$

Subscribed and sworn to before me on

Server

(SEAL) Notary Public in and for said County and State

Deputy Clerk of the Above Entitled Court

(SEAL)

*If service is upon a corporation or partnership, insert name and official title of person to whom copy of summons and complaint is delivered. See C.C.P., Sec. 474 where service is made on fictitiously named defendant.

CERTIFICATE OF SERVICE

(By Sheriff, Constable or Marshal)
(In State of California ONLY)

I hereby certify that I received the foregoing summons on and that I delivered a copy of the foregoing summons with a copy of the complaint in the action therein mentioned, to the defendant hereinafter named, or to each of the defendants hereinafter named, if more than one is named, personally at the address in the County of, State of California, and on the date hereinafter set forth opposite the name of said defendant, or the respective names of said defendants, to wit:

Name of Defendant Served** Street Address and City Where Served Date of Service

Fee for service \$, Mileage \$, Total \$

Dated

Name of Officer

Title of Officer

of*

Court or Judicial District

County of

State of California

*Fill in where service made by Constable or Marshal.

By Deputy

**If service is upon a corporation or partnership, insert name and official title of person to whom copy of summons and complaint is delivered. See C.C.P., Sec. 474 where service is made on fictitiously named defendant.

(Land Residual process - straight capitalization - straight line depreciation).

Preliminary

GARVCO INC.

APPRAISAL REPORT

for

Harlow E. Scribner
San Leandro, Calif.

July 11, 1956.

Building: (Minimum 5 financially responsible tenants).

7, 525 sq. ft. at \$6.00 per sq. ft. \$45,150.00
(43' x 175')

Gross Income: (Annual)

7,525 sq. ft. @ .16¢ per sq. ft. per month - \$1,204.00
\$1,204.00 x 12 - Gross Annual Income
\$14,448.00 per year 14,448.20

Operating Expenses: (Annual)

Taxes	\$1,806.00
Insurance	300.00
Maintenance	1,000.00
Reserve for replace- ments - (Including new store front each 10 years).	1,200.00
Vacancy factor - 5%	<u>723.35</u>

TOTAL OPERATING EXPENSES - - - - - \$5,229.35

Net income (annual) before allowance building depreciation \$9,218.85

CAPITALIZATION; Building -- \$45,150.00

8% Interest
4% Depreciation (25 yr economic life)

\$45,150.00 x .12 equals \$5,418.00 - Net to Building

\$9,218.85 minus \$5,418.00 - \$3,800.85 - Net to Land

VALUATION:

Capitalization Rate 6%
\$3,800.85 capitalized at 6% - \$63,347.50

INDICATED MARKET VALUE OF LAND - - - - - \$63,347.50

ROUNDED TO * * * * * \$63,500.00


John L. Cromie, Appraiser

REPRODUCE: PS ML 5 Copies
7-13-56

(Land Residual process - straight capitalization - depreciation)

Preliminary

APPRAISAL REPORT

GARVOO INC.

for

Harlow E. Scribner
San Leandro, Calif.

July 11, 1958.

Building: (Minimum 5 financially responsible tenants).

7,525 sq. ft. at \$6.00 per sq. ft.
(\$45,150.00)

Gross Income: (Annual)

7,525 sq. ft. @ .16¢ per sq. ft. per month - \$1,204.00
\$1,204.00 x 12 - Gross Annual Income
\$14,448.00 per year

Operating Expenses: (Annual)

Taxes \$1,806.00
Insurance 300.00
Maintenance 1,000.00
Reserve for replacement - (including new store front each 10 years). 1,200.00
Vacancy factor - 5% 723.35

TOTAL OPERATING EXPENSES - \$5,829.35

Net income (annual) before allowance building depreciation \$9,218.85

CAPITALIZATION: Building -- \$45,150.00

8% Interest
4% Depreciation (25 yr economic life)

\$45,150.00 x .12 equals \$5,418.00 - Net to Building

\$9,218.85 minus \$5,418.00 - \$3,800.85 - Net to Land

VALUATION:

Capitalization Rate 6%
\$3,800.85 capitalized at 6% - \$63,347.50

INDICATED MARKET VALUE OF LAND - \$63,347.50

ROUNDED TO ***** \$63,500.00

John L. Gromie, Appraiser

RECORDED: 25-31-7
INDEXED: 25-31-7

Margaret Host
A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF G..., INCORPORATED WAS CALLED TO ORDER AT 11:00 A.M. BY THE PRESIDENT OF THE CORPORATION, AT THE CORPORATION OFFICES, 1525 EAST 14TH STREET, SAN LEANDRO, CALIFORNIA.

DIRECTORS OF THIS CORPORATION WERE PRESENT AS FOLLOWS:

HARLOW E. SCRIBNER
DOROTHY JAYNE SCRIBNER

ON MOTION DULY MADE, SECONDED, AND CARRIED, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED:

BE IT RESOLVED: THAT THE PRESIDENT OF THIS CORPORATION, HARLOW E. SCRIBNER, BE AUTHORIZED TO EXECUTE AN OPTION TO THE CITY OF SAN LEANDRO ON THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

LOT "N" AND THE SOUTHEASTERN 7 FEET OF LOT "M" IN BLOCK 4, AS SAID LOTS AND BLOCK ARE SHOWN ON THE "MAP OF THE TOWN OF SAN LEANDRO," FILED FEBRUARY 27, 1955, IN BOOK 1 OF MAPS, AT PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA; ~~COU~~

PARCEL 11

LOT "G" AND THE SOUTHEASTERN 25 FEET OF LOT "H" IN BLOCK 4, AS SAID LOTS AND BLOCK ARE SHOWN ON THE "MAP OF THE TOWN OF SAN LEANDRO," FILED FEBRUARY 27, 1955, IN BOOK 1 OF MAPS, AT PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA;

TOGETHER WITH THE BUILDINGS THEREON AND THE APPURTENANCES THERETO, FOR THE AMOUNT OF EIGHTY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$83,750), FOR A PERIOD OF THREE MONTHS, COMMENCING ON THE 10TH DAY OF JANUARY, 1962, AND CONTINUING TO AND INCLUDING THE 9TH DAY OF APRIL, 1962, DUE TO THE FOLLOWING FACTS: "PURCHASER" AND "SELLER" UNDER SUBJECT OPTION ACKNOWLEDGE THAT THE PROPERTY DESCRIBED ABOVE IS TO BE ACQUIRED FOR PUBLIC PURPOSES AS PUBLIC PARKING AREA, AND THE PURCHASER HAS ISSUED ORDERS FOR CONDEMNATION, AND SELLER IS SELLING UNDER THREAT OF THIS CONDEMNATION, AND THE PRICE AGREED TO HAS TAKEN THIS FACT INTO CONSIDERATION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES THIS 16TH DAY OF JANUARY, A.D. 1962.

Harlow E. Scribner
HARLOW E. SCRIBNER, PRESIDENT

Dorothy Jayne Scribner
DOROTHY JAYNE SCRIBNER, SECTY & TREAS.

JANUARY, A.D. 1962.

IN WITNESS WHEREOF, WE HAVE HEREBY SUBSCRIBED OUR NAMES THIS 10TH DAY OF JANUARY, A.D. 1962.

SELLER IS SELLING UNDER THREAT OF THIS CONDEMNATION, AND THE PRICE AGREED TO BE PAID BY THE PURCHASER HAS BEEN ISSUED ORDERS FOR CONDEMNATION, AND PURPOSES AS PUBLIC PARKING AREA, AND THE PURCHASER HAS ISSUED ORDERS FOR CONDEMNATION, AND SUBJECT OPTION ACKNOWLEDGE THAT THE PROPERTY DESCRIBED ABOVE IS TO BE ACQUIRED FOR PUBLIC

9TH DAY OF APRIL, 1962, DUE TO THE FOLLOWING FACTS: "PURCHASER" AND "SELLER" UNDER MONTHS, COMMENCING ON THE 10TH DAY OF JANUARY, 1962, AND CONTINUING TO AND INCLUDING THE EIGHTY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$83,750), FOR A PERIOD OF THREE TOGETHER WITH THE BUILDINGS THEREON AND THE APPURTENANCES THEREON, FOR THE AMOUNT OF

CALIFORNIA;
PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, AS SAID LOTS AND BLOCK ARE SHOWN ON THE "MAP OF THE TOWN OF SAN LEANDRO," FILED FEBRUARY 27, 1957, IN BOOK 1 OF MAPS, AT LOT "G" AND THE SOUTHEASTERN 25 FEET OF LOT "H" IN BLOCK 4;

COUNTY, CALIFORNIA; AND
AT PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, AS SAID LOTS AND BLOCK ARE SHOWN ON THE "MAP OF THE TOWN OF SAN LEANDRO," FILED FEBRUARY 27, 1957, IN BOOK 1 OF MAPS, AT LOT "N" AND THE SOUTHEASTERN 7 FEET OF LOT "M" IN BLOCK 4;

PARCEL 1

DESCRIBED AS FOLLOWS:

LOCATED IN THE CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, AND MORE PARTICULARLY BE AUTHORIZED TO EXECUTE AN OPTION TO THE CITY OF SAN LEANDRO ON THAT CERTAIN REAL PROPERTY BE IT RESOLVED: THAT THE PRESIDENT OF THIS CORPORATION, HARLOW E. SCRIBNER,

UNANIMOUSLY ADOPTED:

ON MOTION ONLY MADE, SECONDED, AND CARRIED, THE FOLLOWING RESOLUTION WAS

HARLOW E. SCRIBNER
DOROTHY JAYNE SCRIBNER

MEMBERS OF THIS CORPORATION WERE PRESENT AS FOLLOWS:

SAN LEANDRO, CALIFORNIA.

A.M. BY THE PRESIDENT OF THE CORPORATION, AT THE CORPORATION OFFICES,

THE BOARD OF DIRECTORS OF GARVCO, INCORPORATED WAS CALLED

JANUARY 10, 1962

SAN LEANDRO, CALIFORNIA

I CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL;



TO: A. M. Carden, City Atty.

FROM: H. H. Burbank, City Clerk

RE: Garvco, Inc. Property at 260 West Juana Avenue.

1 Extract from Minutes of Apr. 23, 1956:

2 "The recommendation of the Planning Commission for approval of rezoning
3 request of Garvco, Inc., to reclassify from R-3 to C-1 the property at 260
4 West Juana Ave. was read. Councilman Kant moved to set a public hearing on
the rezoning for 8:15 P.M. on May 7, 1956, seconded by Councilman Gill and
carried."

5 "The recommendation from the Planning Commission for approval of
6 variance application of Garvco, Inc. to permit reduced side and rear yards at
260 West Juana Ave. was read. Councilman Kant moved to refer the recommendation
7 back to the Planning Commission for clarification of condition No. 1 covering
additional parking; the reply to be received for the meeting of May 7, 1956.
8 The motion was seconded by Councilman Maltester and carried."

9 Extract from Minutes of May 7, 1956:

10 "This being the time and place for the hearing on the reclassification
11 of the property at 260 West Juana Ave. from R-3 to C-1. Councilman Bellini
moved to uphold the recommendation of the Planning Commission and to approve the
12 rezoning of the property; the motion was seconded by Councilman Maltester and
carried. In connection with this rezoning, the recommendation of the Planning
13 Commission for a variance was considered, Mr. Simonian, representing the
Garvco, Inc., addressed the Council on the matter. A five-minute recess was
14 declared and when the Council reconvened, the letter from Garvco, Inc. of
April 6, 1956, in regard to the parking lot, was read; also the original recommen-
15 dation of the Planning Commission of April 20, 1956, in regard to the rezoning and
the variance, and their letter of May 4, 1956, in regard to providing 8 permanent
16 parking spaces were read and discussed. Councilman Bellini moved to grant the
~~parking~~ variance to apply to Sections 3.44 (a) and (b) that no side or rear yard
17 would be required providing eight permanent parking spaces were provided on the
adjacent property. The motion was seconded by Councilman Kant and carried."

TO: A. M. Carden, City Atty.

FROM: H. H. Burbank, City Clerk

RE: Garco Property at 260 West Juana Ave.

Extract from Minutes of April 16, 1956:

"A letter from Garco, Inc. in regard to the lease on the parking lot

at Washington Ave. and West Juana Ave. was referred to the City Mgr. for

appropriate action."

Extract from Minutes of June 18, 1956:

The off-street parking program was brought up for discussion, Council-

man Haltester moved that the City Council expand its off-street parking program to include acquisition of the lot at 260 W. Juana Ave. (50' x 175') and the lot to its rear fronting on W. Joaquin, for public off-street parking; and that the Administrative Officers be instructed to take the necessary steps to acquire these lots; the motion was seconded by Councilman Gill. Councilman Kant stated that this should be considered in conjunction with the overall parking program and requested the City Manager to state the present policy of the Council, which was done. Mr. Olvera reported on the meetings that been held with Mr. H. Graves and requested the Council to retain control of the entire block until a decision was made. The City Clerk read the recommendation of the Chamber of Commerce contained in their letter of June 1, 1956, A five-minute recess was declared and when the Council reconvened, Councilman Haltester withdrew his motion which was consented to by the second. Councilman Haltester moved that the City acquire the entire block bounded by West Joaquin, West Juana, Washington and Hays and that the Administrative Officers start negotiations on the property; the motion was seconded and Councilman Bellini moved to amend the motion to acquire only the portion not under lease; the amendment was lost for a lack of a second. Mr. Bartonling, attorney for the Trustees of the Best Estate, explained provisions of the lease. Councilman Swift requested that the whole block be zoned for parking as soon as possible. Mr. Stimonian, attorney for Mr. Scribner, addressed the Council in opposition to the motion. The motion was carried by the following called vote:

AYES: COUNCILMEN: Bellini, Frazier, Gill, Kant, Haltester, Swift, Knick (7)
 NOES: COUNCILMEN: None (0)"

Extract from Minutes of July 16, 1956:

"An offer from Garco, Inc. to sell the property at 260 W. Juana Ave.

for \$63,500.00 was read and ordered filed."

Extract from Minutes of October 22, 1956:

"Mr. Stimonian, representing Mr. Scribner, brought up the question of

the action of the Council in regard to the property on West Juana Ave. The City Manager reported that the appraisal on the property should be ready by the November 5th meeting at which time the matter will again be taken up."

Cont.

RE: Garvco Inc., Property - 260 W. Juana Ave., con't.

1 Extract from Minutes of Nov. 5, 1956:

2 "Mr. Deadrich reported that the appraisal on the Garvco property
3 at 260 West Juana had been received and that the appraisal on the Hays St.
4 property would be ready next week. Mr. Simonian, representing the Garvco
5 Company, requested a decision on the matter at this time. A recess was
6 declared and when the Council was called to order, the City Manager reported
7 that the appraisal was in the amount of \$16,000.00. Councilman Bellini
8 moved that the amount of the appraisal of \$16,000.00 be offered as the
9 purchase price for the property at 260 West Juana Ave. The motion was
10 seconded by Councilman Frazier and carried. Mr. Simonian, representing the
11 Garvco Co., rejected the offer and Councilman Bellini moved to instruct the
12 Administrative Officers to proceed with condemnation proceedings; the motion
13 was seconded by Councilman Gill and carried."
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TO City Clerk

DATE July 17, 1956

For your information and possible use with respect to the zoning action on the
Garvco property located at 260 West Juana we quote the section of the City
Code which sets forth the proper procedure by the City Council:

Section 4.54(a) "Upon receipt of such report from the Planning Commission or upon the
expiration of such ninety (90) days as aforesaid, the City Council shall set
the matter for public hearing after notice thereof of the proposed amend-
ment given as provided in section 4.52. After the conclusion of such
hearing the City Council may adopt the amendment or any part thereof set f
orth in the petition in such form as said Council may deem to be
advisable.

(b) The decision of the City Council shall be rendered within sixty(60)
days after the receipt of a report and recommendations from the plann-
ing Commission or after the expiration of such ninety (90) days as
aforesaid."

56-332 page 418
Our records show that the amendment A-56-114 was tabled by the city council on
June 4th of this year. This amendment concerned the property at 1492 Hayes Street
which was up for rezoning to C-1 from R-3

56-212+213 pages 402 +405
Our records also show that amendment A-56-5 was referred to the Council for their
meeting of April 23rd of this year. This amendment concerned the property at
260 West Juana which was up for rezoning from R-3 to C-1.

SIGNED *Douglas E. Jay*

PLEASE REPLY HERE

TO _____

DATE _____

SIGNED _____

10

HARLOW E. SCRIBNER REALTOR

INCORPORATED



REAL ESTATE AND INSURANCE

PHONE LOCKHAVEN 8-7762

1525 EAST FOURTEENTH STREET, SAN LEANDRO, CALIFORNIA

July 12, 1956

The Honorable City Council of the
City of San Leandro
City Hall
San Leandro, California

Subject: 260 West Juana Avenue

Gentlemen:

Pursuant to a request from the office of the City Manager of the City of San Leandro that a price be established on property located at 260 West Juana Avenue, to facilitate purchase of subject property by the City for use as part of a city parking lot, Garvco, Incorporated, the owner, has received the enclosed appraisal from John L. Cromie, appraiser, indicating market value of land of subject property is \$63,500.00.

On May 31, 1956, Garvco, Incorporated, in good faith, received a building permit from the City of San Leandro to construct a commercial building on the above mentioned property.

Major expenditures for construction can not be stalled for any further length of time.

If the City of San Leandro is interested in purchasing the subject property at the above indicated market value of land in the amount of \$63,500.00 immediately, so that Garvco, Incorporated incurs no further expense, Garvco, Incorporated will accept such an offer to purchase within seven days from date or until July 19, 1956.

Yours very truly,

Garvco, Incorporated

Harlow E. Scribner
By: Harlow E. Scribner, Pres.

REPRODUCE: ✓ PS ML 12 Copies

7-13-56

*Letter
filed -*

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CITY OF SAN LEANDRO

SAN LEANDRO, CALIFORNIA

May 31, 1956

RECEIVED

JUN 1 1956

City Council
City Hall
San Leandro, California

CITY OF SAN LEANDRO

Gentlemen:

At an adjourned meeting held May 25, 1956, the Planning Commission considered the petition for amendment submitted by Garvco, Inc., which pertains to the property located at 1492 Hays Street in an R-3 (multiple family) zone. The petition requests rezoning of the property so that part of the property can be used for parking facilities for a commercial building to be built at 260 West Juana Avenue.

The Commission noted that it was the decision of the City Council to require eight additional parking spaces for the Garvco property at 260 West Juana Avenue, and that the rezoning of this parcel facilitates the provision of such parking spaces. The property proposed for rezoning is contiguous to property already zoned C-1 and commercial development is expanding in that area.

In view of the above, the Commission unanimously recommends that the petition, A-56-14, be granted, and that the property at 1492 Hays Street be rezoned to C-1 (light commercial).

Very truly yours,

Zeno H. Mauvais
ZENO H. MAUVAIS, Chairman
San Leandro Planning Commission

DEJ/s

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5-8-56

TO: A. Carden, City Atty.

FROM: H. H. Burbank, City Clerk

RE: Rezoning of property at 260 West Juana Ave. from R-3 to C-1

1 Kindly prepare amendment to Zoning Ordinance on the above.

2 Attached is copy of letter from Planning Commission recommending approval,

3 description of property, etc. for your information.

56-191

also

see

56-212



CITY OF SAN LEANDRO

SAN LEANDRO, CALIFORNIA

May 4, 1956

City Council
City Hall
San Leandro, California

Gentlemen:

At an adjourned meeting of the Planning Commission held May 3, 1956, the Commission considered the request of the City Council to clarify condition 1 of variance V-56-20 which was referred to the Council for their conditional approval on April 23, 1956. The Commission took the following action:

By unanimous vote of all those present they ruled that condition 1 "the applicant shall provide additional parking for his use on a permanent basis" be interpreted to mean that the applicant shall provide eight permanent parking spaces in connection with his proposed use.

In accordance with the request of the City Council, the Commission makes no other official statement regarding the variance at this time. However, it was the consensus at the Commission meeting that the Chairman of the Commission might present to the Council the thought that in view of the clarification of condition 1, the Council might consider reviewing conditions 2 and 3.

Very truly yours,

ZENO H. MAUVAIS, Chairman
San Leandro Planning Commission

DEJ/s

In the City of San Leandro of the State of California, in and
for the County of Alameda

matter of: Garvco, Inc.

vs.

Affidavit of Publication of

NOTICE OF HEARING

COUNTY OF ALAMEDA
STATE OF CALIFORNIA

SS.

A. Kofman

of said County, being duly sworn, deposes and says:

That he is and was during all the time herein mentioned, a white male citizen of the United States, over the age of 21 years and neither party to nor in any way interested in the matter or action herein set forth, and is and was competent to be a witness in said matter or action.

That he is now and at all times herein mentioned was the printer and publisher of THE MORNING NEWS which is and was at all times herein mentioned a newspaper of general circulation, printed and published week days in the City of San Leandro, Township of Eden, County of Alameda, State of California, and as such, has now and at all said times had charge of all legal notices and advertisements in said newspaper; that said THE MORNING NEWS, is now and was at all times herein mentioned a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said Section, is published for the dissemination of local and telegraphic news and intelligence of general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for any number of such classes, professions, trades, callings, races or denominations; that at all said times said newspaper has been established, printed and published at regular intervals, in said City, Township, County and State, for more than a year preceding the date of the first publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil, and was preceded with words in blackface type not smaller than nonpareil, describing and expressing in general terms the purport and character of the notice intended to be given.

That the Notice of Hearing

of which the annexed is a printed copy, was published in said newspaper.

one times
to-wit: from the 27th day of April A. D. 1956
to the 27th day of April A. D. 1956
both days inclusive, viz, on the April 27, 1956

A. Kofman

Subscribed and sworn to before me this 27th day of

April A. D. 1956

Morton Kofman
Notary Public in and for Said County of Alameda,
State of California

My Commission expires My Commission Expires July 27, 1959 19

NOTICE OF HEARING

NOTICE is hereby given that the City Council of the City of San Leandro, State of California, will hold a public hearing on the application of Garvco, Inc. to amend Section 2.2 of Chapter 3, Title VII of the Code so that property at 260 West Juana Avenue now located in an R-3 district can be reclassified in a C-1 district, said property further described as:

Lot 'G', Block 4, Map of the Town of San Leandro as per map recorded in the Office of the Recorder of Alameda County, California, on the 27th day of February, 1885, in Book 1 of Maps at page 19, Alameda County Records.

NOTICE is hereby further given that said hearing will be held on the 7th day of May, 1956, at the hour of 8:15 P.M. in the Council Chambers of the City Hall, San Leandro, California, at which time and place any and all persons interested may appear and be heard thereon.

H. H. BURBANK
City Clerk

Published April 27, 1956

NO. DEPT.

IN THE
SUPERIOR COURT
OF THE
STATE OF CALIFORNIA
IN AND FOR THE
COUNTY OF ALAMEDA

Plaintiff

—VS.—

Defendant

Affidavit of Publication
OF

IN

**The
Morning News**

FILED, 19....

By
County Clerk

.....
Deputy Clerk



4-24-56

TO: D. Joy, Planning Director

FROM: H. H. Burbank, City Clerk

RE: Variance Application V-56-20 of Garvco, Inc. - 260 W. Juana Ave.

Following is the action of the City Council at its meeting last night:

"Councilman Kant moved to refer the recommendation back to the Planning Commission for clarification of condition (1) covering additional parking; the reply to be received for the meeting of May 7th, 1956." The motion carried.

TO: City Clerk

May 7, 1956

FROM: Planning Director

Attached letter is presented by the Planning Commission in reply to the above.

Douglas E. Joy
DOUGLAS E. JOY
Planning Director

RECEIVED DIRECTOR
MAY 1 1950

Handwritten signature

Re: [illegible]

Reference is made to the letterhead memorandum dated May 1, 1950, from the [illegible] to the [illegible] regarding the [illegible] of the [illegible] Committee.

RE: [illegible]

TO: [illegible]

MAY 1 1950

The letter to be received for the meeting of May 1, 1950, is the motion calling for

consideration of the [illegible] of the [illegible] Committee.

It is recommended that the [illegible] be referred to the [illegible] Committee.

Following is the action of the [illegible] at the meeting held on May 1, 1950:

RE: [illegible] of the [illegible] Committee - [illegible]

RE: [illegible] of the [illegible] Committee

TO: [illegible]

MAY 1 1950

SAN LEANDRO PLANNING COMMISSION

City Hall

San Leandro, California

April 20, 1956

RECEIVED

APR 20 1956

City Council
City Hall
San Leandro, California

B

CITY OF SAN LEANDRO

Gentlemen:

At a regular meeting of the Planning Commission held April 12, 1956, the Commission considered the amendment application of Garveo, Inc., for reclassification of the property known as Lot 'G', and the southeast 25' of Lot 'H' in Block 4, Map of the Town of San Leandro, otherwise known as 260 West Juana Avenue, from the present zoning of C-1 (commercial) and R-3 (multi-family residential) to C-1.

During the course of the meeting, the Secretary read letters from the San Leandro Merchants Association and the Chamber of Commerce urging the rezoning of this property. It was brought out during the hearing that this particular piece of property was adjacent to a parking lot fronting on Washington Avenue, which is zoned C-1 (commercial).

The Commission feels that the commercial development of the downtown area of San Leandro is best encouraged by changing the zoning immediately adjacent to the commercial property in this particular area as the need arises and providing that development plans are brought in which promise a substantial improvement in the downtown commercial area.

As a result of the above findings, the Planning Commission by unanimous vote of those present recommends A-56-5 to Council for their approval.

Very truly yours,

ZENO H. MAUVAIS, Chairman
San Leandro Planning Commission

DEJ/s

*Al Hearing on
8/15 P.M. - May 7, 1956
Zandy Val -
8/7/56 Zandy Val -
Jal moved - rezoning
Carried - Jach*

*see also
56-191*

*Jal moved
Zandy*

C-1

125

125

57

HAYES

251

175

C-1

B-3

125'

GAZAR

6-12116-1

4 FAIR, RESIDENCE

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WASHINGTON AVE

C-1

PROPOSED TO BE REZONED C-1

W. JUANA AVE

125

R-3

C-1

C-1

A-56-5 GARVCO INC. REZONING

9 APRIL 56 Scale 1"=60'

BW
SAN LEANDRO CITY PLANNING DEPT

NORTH 

April 20, 1956

City Council
City Hall
San Leandro, California

Gentlemen:

The Planning Commission at a regular meeting held April 12, 1956, considered the variance application of Garvco, Inc., for property at 260 West Juana Avenue. This is a variance from Sections 3.3 to permit a commercial building in an R-3 residential zone with reduced set backs in the side and rear yard; or Section 3.4 to permit a reduced side yard and rear yard in a C-1 (light commercial) zone abutting a residential zone. The two possibilities mentioned above are made necessary by the fact that this variance was contingent on the granting of an amendment to the Zoning Ordinance which is now before you with an affirmative recommendation from the Planning Commission. If the Council acts favorably on the zoning amendment for this property, then the second part of this variance will be applicable, namely, reduced side and rear yards in what will then be a commercial zone.

During the course of the hearing it was brought out that this development would add to the commercial potential of that section of San Leandro, and the applicant stated that it was his intention to continue the present lease on the parking lot immediately adjacent to his property in the event that the Merchants Association decided to discontinue the parking lot.

The Planning Commission felt that the developer should insure some parking on a long term basis. It was pointed out that the present lease for the parking lot was only good for seven years, and that at the end of that time the City would face the parking problem created by a new development in an area which is now not over-stocked with parking places. The Commission also noted that in all probability the parking requirements at the end of seven years would be greatly in excess of those required now.

In view of the above findings, the Commission recommends variance V-56-20 to the Council for approval subject to the following conditions:

1. The applicant shall provide additional parking for his use on a permanent basis.
2. Applicant shall assume responsibility for continuing existing parking in the event the Merchants Association decides to

5-7-56- granted J. 44th St. & ~~St.~~ 1st Ave. moved
Lardner road - no side or rear yard required
providing he provides 8 permanent
parking spaces on adjoining property
End of Al - Carried

14 - all moved to
Held over to
Super back
to plan come for
clarification reply by
item 1. may get
Jack and
Barney

April 20, 1956

discontinue their use of the lot.

3. The Commission requests that the granting of this variance be contingent on the Council's agreement on the necessity of zoning the Merchants Association Parking Lot referred to as a permanent parking area.

Very truly yours,

ZENO H. MAUVAIS, Chairman
San Leandro Planning Commission

DEJ/s

SAN LEANDRO PLANNING COMMISSION

City Hall

San Leandro, California

April 20, 1956

City Council
City Hall
San Leandro, California

Gentlemen:

At a regular meeting of the Planning Commission held April 12, 1956, the Commission considered the amendment application of Garvco, Inc., for reclassification of the property known as Lot 'G', and the southeast 25' of Lot 'H' in Block 4, Map of the Town of San Leandro, otherwise known as 260 West Juana Avenue, from the present zoning of C-1 (commercial) and R-3 (multi-family residential) to C-1.

During the course of the meeting, the Secretary read letters from the San Leandro Merchants Association and the Chamber of Commerce urging the rezoning of this property. It was brought out during the hearing that this particular piece of property was adjacent to a parking lot fronting on Washington Avenue, which is zoned C-1 (commercial).

The Commission feels that the commercial development of the downtown area of San Leandro is best encouraged by changing the zoning immediately adjacent to the commercial property in this particular area as the need arises and providing that development plans are brought in which promise a substantial improvement in the downtown commercial area.

As a result of the above findings, the Planning Commission by unanimous vote of those present recommends A-56-5 to Council for their approval.

Very truly yours,

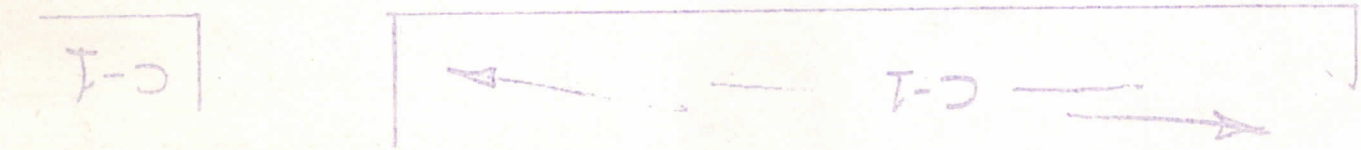
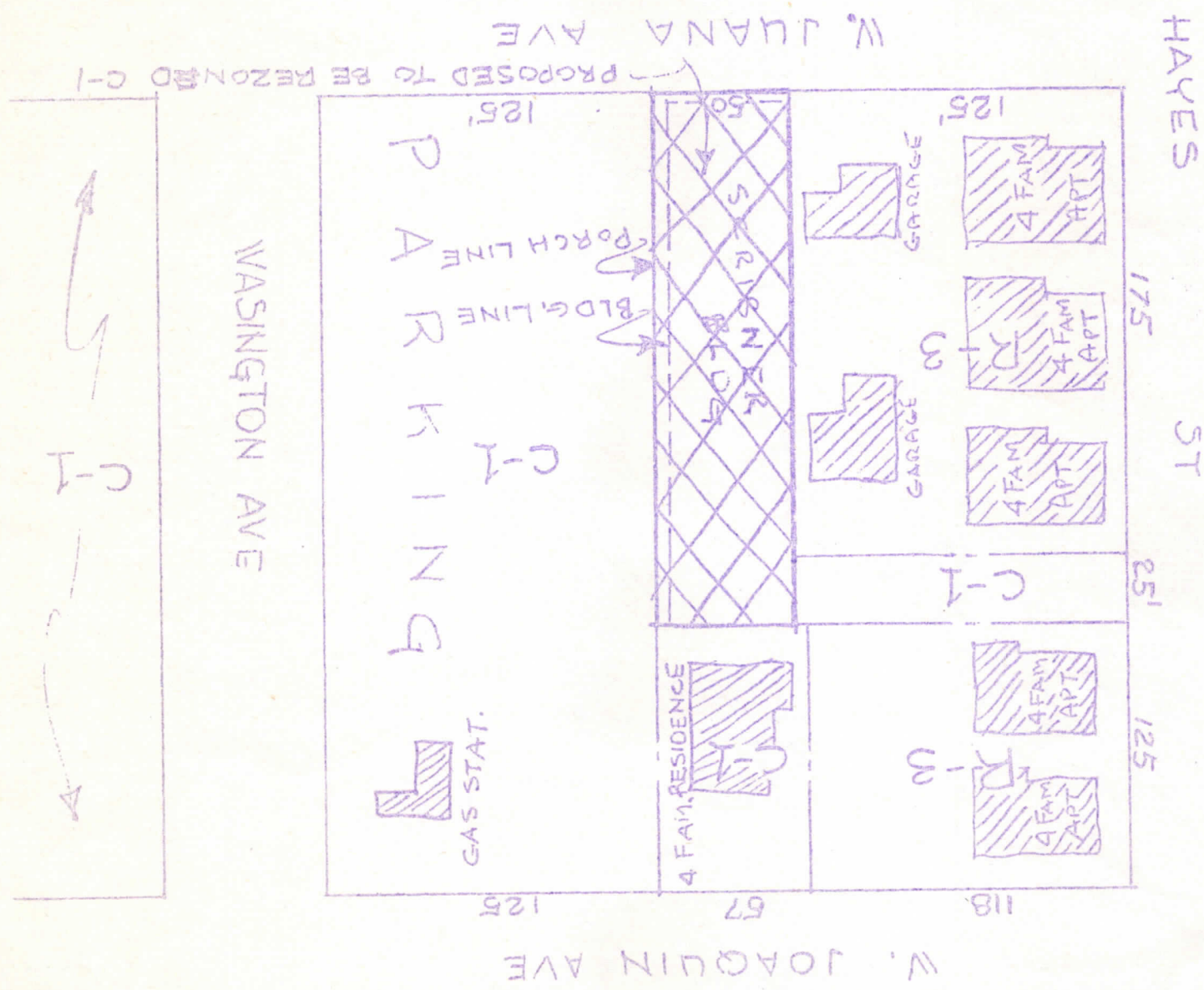
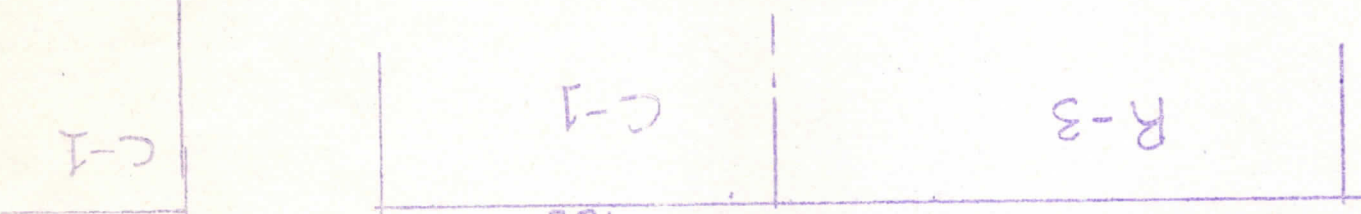
ZENO H. MAUVAIS, Chairman
San Leandro Planning Commission

DEJ/s

SAN LEANDRO CITY PLANNING DEPT
BW

A-56-5 GARVCO INC. REZONING
9 APRIL 56 Scale 1"=60'

NORTH



4-17-56

TO: W. McClure, City Mgr.

FROM: H. H. Burbank, City Clerk

RE: Lease - Parking Lot at Washington & West Juana Avenues.

1 Attached is a photostat copy of letter from Garvco, Inc., dated 4/6/56,
2 re: above parking lot, referred to you appropriable action.
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56-191

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APR 9 1956

9:10. *Emk*

CITY OF SAN LEANDRO

1525 East Fourteenth Street
San Leandro, California
April 6, 1956

To the Honorable
The City Council of the
City of San Leandro, California

Gentlemen:

An Agreement was executed April 4, 1956 between San Leandro Merchants Association, a corporation, Pelton Shopping Center Association, a corporation, and Garvco, Incorporated, a corporation, which owns certain property adjacent to the Southwesterly boundary line of the leased parking lot located at Washington Avenue and West Juana Avenue, upon which it proposes to erect buildings for lease to retail establishments and desires to insure adequate off street parking therefor. It was mutually agreed:

That during the term of the sublease or any extension thereof of the premises located at Washington Avenue and West Juana Avenue, free ingress and egress for foot traffic to and from the leased premises and Garvco's property adjacent will be permitted provided Garvco and/or its tenants pay their proportionate share of the obligations under the lease. Also, that should San Leandro Merchants Association and Pelton Shopping Center Association fail to exercise their option of renewal under such lease, their right, title and interest shall be granted to Garvco, Incorporated in order that Garvco, Incorporated may renew such lease.

The executors of the Estate of Christine Best, Deceased, Lessor in the original lease, have consented to all the terms of the above described agreement and agreed to the assignment of option to renew rights.

Copy of said Agreement has been filed with the City Manager's office for the City of San Leandro.

Yours very truly,

GARVCO, INCORPORATED

Harlow E. Scribner
Harlow E. Scribner, President

Refer to Was

REPRODUCE: ☒ PS ☒ ML ☒ Copies

APR 11 1956

see also

56-212

56-213

56 191