

RESOLUTION NO. 69 - 7

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR THE CONSTRUCTION OF A PUBLIC IMPROVEMENT, NAMELY, WIDENING OF ESTUDILLO AVENUE AT AND NEAR BENEDICT DRIVE, AND FINDING AND DETERMINING THAT THE TAKING THEREOF IN FEE SIMPLE IS NECESSARY

The City Council of the City of San Leandro does RESOLVE as follows:

1. The public interest and necessity require the acquisition by the City of San Leandro of the property hereinafter described for the widening of Estudillo Avenue at and near Benedict Drive, all in the City of San Leandro, County of Alameda, State of California, together with the temporary right to enter in and upon the premises lying adjacent thereto for such purposes as may be necessary to facilitate said widening, said temporary right to terminate on December 31, 1969.

2. The City Council of the City of San Leandro further finds and determines that the taking of the property hereinafter described and the whole thereof in fee simple is necessary.

3. Said real property hereinafter described should be acquired by proceedings in eminent domain in accordance with the appropriate provisions of Part 3, Title 7, of the Code of Civil Procedure of the State of California relating thereto.

4. The real property hereinafter described is selected and located in the manner which will be the most compatible with the greatest public good and the least private injury, and said real property is in the opinion of this Council, that which is best adapted for the public use and purposes hereinabove set out.

5. The City Attorney is hereby authorized and directed to take any and all action necessary on behalf of the City of San Leandro to acquire said property by eminent domain proceedings or otherwise, including the application to a court of competent jurisdiction for an order permitting the City of San Leandro to take immediate possession and use of the here-

inafter described real property or interest in real property as a right of way for public use. Said City Attorney is hereby authorized to retain legal assistance in all matters in connection with the acquisition of said property.

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6. The property hereinabove referred to is all that real property situated in the City of San Leandro, County of Alameda, State of California, more particularly described as follows:

Commencing at the most western corner of Lot 5, in Block 2, at a point on the southeastern line of Estudillo Avenue, as said lot, block, and avenue are shown on the map of Tract 532, filed June 20, 1938, in Book 29 of Maps, pages 12 and 13, Alameda County Records; thence along said southeastern line of Estudillo Avenue, north 72° 00' 07" east (north 72° 00' 07" east being taken as the bearing of said southeastern line for the purpose of this description) 11.24 feet; thence leaving said southeastern line, north 29° 47' 56" west 67.42 feet to a point on the northwestern line of Estudillo Avenue; thence along said northwestern line of Estudillo Avenue, north 48° 24' 02" east 100.75 feet to the Actual Point of Beginning; thence continuing along said northwestern line of Estudillo Avenue, north 48° 24' 02" east 75.00 feet; thence north 41° 35' 58" west 4.68 feet; thence south 52° 57' 24" west 71.42 feet; thence south 21° 22' 08" east 11.03 feet to the actual point of beginning.

The above described parcel of land contains 555 square feet, more or less.

Introduced by Councilman Kant and passed and adopted this 13th day of January, 1969, by the following called vote:

Members of the Council:

Ayes:	Councilmen Gancos, Kant, Polvorosa, Pomares, Suerstedt, Swift; Mayor Maltester	( 7 )
Noes:	None	( 0 )
Absent:	None	( 0 )

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Jack D. Maltester  
Mayor of the City of San Leandro

Attest:

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Richard H. West, City Clerk

1/9/69/S/nf