

(ENDORSED)
FILED
MAY - 1 1970
JACK G. BLUE, County Clerk
JAMES KITTERMAN

1 Glenn A. Forbes, City Attorney
2 City Hall, 835 East 14th Street
3 San Leandro, California 94577
4 Phone: 638-4100

5 Attorney for Plaintiff

70-45471

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

11 CITY OF SAN LEANDRO, a municipal
12 corporation,

13 Plaintiff,

No. 388709

14 vs.

15 MARSHALL C. COUNCIL, BANK OF AMERICA
16 NATIONAL TRUST AND SAVINGS ASSOCIATION,
17 a national banking association, and
18 DOE ONE to DOE TEN, inclusive,

FINAL ORDER OF
CONDEMNATION

19 Defendants.

20 The plaintiff in the above entitled cause having paid into court
21 for the benefit of all defendants having any compensable interest and the
22 County of Alameda, a body corporate and politic, as their respective interests
23 shall be determined, the total amount of compensation awarded by the court
24 for the property described in the plaintiff's complaint on file herein and
25 for all claims and demands of said defendants against plaintiff by reason of
26 the taking of said property for **street widening purposes and the possession**
27 thereof from May 8, 1969;

28 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
29 parcel of real property described in Exhibit A attached hereto and incorporated
30 herein by reference be and it is hereby condemned to plaintiff in fee simple
31 absolute, said property being situated in the City of San Leandro, County of
32 Alameda, State of California.

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IT IS FURTHER ORDERED that a copy of this final order be filed in the office of the Recorder of the County of Alameda and that thereupon the title to the property hereinabove described shall vest in plaintiff in fee simple absolute.

Dated:

MAY - 1 1970

WM. H. BRAILSPORE

Judge of the Superior Court

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: MAY - 1 1970
JACK G. BLUE, County Clerk
County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Alameda

[Handwritten signature] Deputy

70-45471

RECORDED at REQUEST OF
CITY OF SAN LEANORO
At Min. Past 4 P.M.
MAY 1 1970

OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIA
JACK G. BLUE
COUNTY RECORDER

JH

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EXHIBIT A

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REAL PROPERTY in the City of San Leandro, County of Alameda, State of California, described as follows:

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A portion of that parcel of land described in the deed by Charles A. Russell Investment Co. to Marshall C. Council and Helen W. Council, his wife, dated September 9, 1952, and recorded September 17, 1952, in Book 6827, page 378, Official Records of Alameda County, described as follows:

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BEGINNING at a point on the western line of Hesperian Boulevard, distant along said line north $0^{\circ} 54' 21''$ east 104.96 feet from the northern extremity of the curve with a radius of 20 feet that connects said western line of Hesperian Boulevard with the northern line of Olive Street, as shown on the map of Tract 774, filed June 27, 1947, in Map Book 8, page 87, Alameda County Records; thence along said western line of Hesperian Boulevard north $0^{\circ} 54' 21''$ east 21.94 feet to the northeastern line of said parcel; thence along said northeastern line north $48^{\circ} 07' 24''$ west 36.79 feet; thence south $1^{\circ} 04' 38''$ east 46.04 feet to the southern line of said parcel; thence along said southern line south $88^{\circ} 59' 18''$ east 26.19 feet to the point of beginning.

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The above-described parcel of land contains 907 square feet, more or less.

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Bearings and distances used above are based on the California Coordinate System, Zone III. To obtain ground distance, multiply by 1.0000721.

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EXHIBIT A

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70-45471

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O P T I O N

In consideration of TEN AND NO/100 (\$ 10.00) DOLLARS,
 THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED, I HEREBY GIVE TO The CITY OF SAN
LEANDRO, a Municipal Corporation HEREINAFTER REFERRED
 TO AS OPTIONEE, THE OPTION OF BUYING, FOR THE FULL PRICE OF THREE THOUSAND THREE
HUNDRED FORTY ONE AND NO/100 (\$ 3,341.00) DOLLARS,
 THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF San Leandro
 COUNTY OF Alameda, STATE OF CALIFORNIA, AND MORE PARTICULARLY
 DESCRIBED AS FOLLOWS, TO WIT: _____

OPTIONEE SHALL HAVE THE RIGHT TO CLOSE THIS APPLICATION AT ANY TIME WITHIN
 _____ 60 days FROM DATE HEREOF, AND I AGREE TO EXECUTE AND DELIVER TO
 OPTIONEE, OR TO ANY ONE NAMED BY OPTIONEE, A GOOD AND SUFFICIENT GRANT DEED. ON
 EXECUTION OF SAID DEED I AM TO BE PAID THE FURTHER SUM OF THREE THOUSAND THREE
HUNDRED THIRTY ONE AND NO/100 (\$ 3,331.00) DOLLARS, IN FULL PAYMENT
 OF THE PURCHASE PRICE OF SAID REAL PROPERTY: BUT IF SAID OPTION IS NOT CLOSED
 WITHIN _____ 60 days FROM DATE HEREOF, I AM TO RETAIN THE SAID SUM OF
 _____ TEN AND NO/100 (\$ 10.00) DOLLARS, SO PAID AS AFORESAID, AS LIQUIDATED
 DAMAGES. IF SAID OPTION IS CLOSED WITH THE SAID _____ 60 days, THE
 AMOUNT PAID AS AFORESAID IS TO BE APPLIED TOWARDS THE PURCHASE PRICE. TIME IS
 OF THE ESSENCE OF THIS CONTRACT.

DATED THIS 17th DAY OF July, 1969.

Marshall C. Council Sr

State of California)
 County of Alameda) ss

On this _____ day of _____, 19____, before me, the undersigned
 Notary Public, personally appeared

Known to me to be the person described in and whose name _____ subscribed
 to and who executed the within instrument and acknowledged to me that _____
 executed the same.

Notary Public in and for said County and State

 Notary Name Typed
 My Commission Expires: _____

Beginning at a point on the western line of Hesperian Boulevard, distant along said line north $0^{\circ} 54' 21''$ east 104.96 feet from the northern extremity of the curve with a radius of 20 feet that connects said western line of Hesperian Boulevard with the northern line of Olive Street, as shown on the map of Tract 774, filed June 27, 1947, in Map Book 8, page 87, Alameda County Records; thence along said western line of Hesperian Boulevard north $0^{\circ} 54' 21''$ east 21.94 feet to the northeastern line of said parcel; thence along said northeastern line north $48^{\circ} 07' 24''$ west 36.79 feet; thence south $1^{\circ} 04' 38''$ east 46.04 feet to the southern line of said parcel; thence along said southern line south $88^{\circ} 59' 18''$ east 26.19 feet to the point of beginning.

This option reimburses the optionor for installation of sidewalks, utility hook-ups and any grade separation work between sidewalk and building.

City of Atty of San Leandro RE IMAGE

Approved as to Form RICHARD J. MOORE, County Counsel

By _____ Deputy

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CITY ATTORNEY'S OFFICE

On motion of Supervisor _____, Seconded by Supervisor _____, and approved by the following vote, Ayes: Supervisors _____ Noes: Supervisors _____ Excused or Absent: Supervisors _____

DEC 4 - 1970

CITY OF SAN LEANDRO

THE FOLLOWING RESOLUTION WAS ADOPTED: CANCEL TAXES NUMBER 136631

WHEREAS, certain real property situate in the City of San Leandro, County of Alameda, State of California, and more particularly described under the following account number(s):

- 77D-1487-20-2 WOP (1968-69) (1969-70) (1970-71) 77C-1265-1-1 WOP (1968-69) (1969-70) (1970-71) 77D-1488-1-2 WOP (1968-69) 77D-1490-1 WOP (1969-70) (1970-71) 77-448-31 WOP (1970-71)

is now subject to a lien for uncollected taxes or assessments and penalties or costs thereon; and

WHEREAS, after the time said taxes or assessments and penalties and costs thereon became a lien on said real property, it was acquired by the City of San Leandro, as shown on that/those certain deed(s) duly recorded in the office of the Recorder of Alameda County, and because of such public ownership is not subject to sale for delinquent taxes; and

WHEREAS, the City of San Leandro has requested the cancellation of said uncollected taxes and assessments and penalties and costs thereon now a lien upon the hereinabove described real property;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by this Board of Supervisors, with the written consent of the County Counsel of the County of Alameda, and with the written consent of the City Attorney of the City of San Leandro,

that the County Auditor be and he is hereby ordered and directed to cancel any and all uncollected taxes or assessments and penalties or costs thereon, now a lien upon the above described parcel(s) of real property; provided, however, that this resolution and order shall not be construed as making or authorizing the cancellation of any taxes or assessments or penalties or costs thereon, charged or levied on any possessory interest in or to said parcel(s) of real property, or any special assessment levied on said parcel(s) of real property; and

BE IT FURTHER RESOLVED AND ORDERED that if said parcel(s) of real property has/have been sold to the State for nonpayment of any of said taxes, and a certificate of sale or deed therefor has been issued to the State, and the State has not disposed of the property so sold, the County Auditor be and he is hereby ordered and directed to cancel the certificate of sale or deed so issued; and

BE IT FURTHER RESOLVED that pursuant to the provisions of Sections 134, 2921.5 and 4986 of the Revenue and Taxation Code, the Auditor is hereby authorized and directed to transfer uncollected taxes and penalties thereon from the "Secured Roll" to the "Unsecured Roll".

CONSENT OF THE COUNTY COUNSEL OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

The County Counsel of the County of Alameda, State of California, hereby consents to the cancellation of all uncollected county taxes or assessments and penalties or costs thereon, charged or levied and now a lien upon the real property hereinabove described, and as shown on that/those certain deed(s) duly recorded in the office of the Recorder of Alameda County.

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE BOARD OF SUPERVISORS ALAMEDA

COUNTY, CALIFORNIA DEC 1 1970

ATTEST: JACK K. POOL, CLERK OF THE BOARD OF SUPERVISORS

BY: [Signature]

RICHARD J. MOORE County Counsel for the County of Alameda, State of California

By [Signature] Deputy County Counsel for the County of Alameda, State of California

County of Alameda, State of California
County of Alameda, State of California

COUNTY OF ALAMEDA, STATE OF CALIFORNIA
COMMISSIONERS OF THE COUNTY OF ALAMEDA

Resolved, That the Commissioners of the County of Alameda do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the County of Alameda, State of California, to-wit:

That the said original is a true and correct copy of the original as the same appears in the records of the County of Alameda, State of California, to-wit:

That the said original is a true and correct copy of the original as the same appears in the records of the County of Alameda, State of California, to-wit:

That the said original is a true and correct copy of the original as the same appears in the records of the County of Alameda, State of California, to-wit:

BY JAMES M. ROSS
Assistant City Attorney for the City of
San Leandro, County of Alameda, State of
California

BY GLENN A. FORBES
City Attorney for the City of San Leandro,
County of Alameda, State of California

The City Attorney of the City of San Leandro, County of Alameda, State of California, hereby consents to the cancellation of all uncollected city taxes or assessments and penalties or costs thereon, charged or levied and now in lien upon the real property heretofore described, and as shown on those certain deeds duly recorded in the office of the Recorder of Alameda County.

COMMISSIONERS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

OFFICE OF THE
CITY CLERK



CITY OF SAN LEANDRO
CITY HALL - 835 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

May 18, 1970

Board of Supervisors
Administration Building
1221 Oak Street
Oakland, California 94612

Gentlemen:

Will you please cancel taxes on the following property
deed to the City of San Leandro:

Assessed to: Marshall C. Council
Recorded: May 1, 1970
No: 70-45471
Re: 2609
Im: 784
Legal Description: Attached

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. H. West". The signature is written in a cursive, flowing style.

Richard H. West
City Clerk

RHW:KK

Enclosure

CITY OF SAN LEANDRO

INTEROFFICE MEMO

TO R. West, City Clerk DATE 5/15/70

FROM James M. McSharry, Asst. City Attorney

SUBJECT Hesperian Blvd. Widening - Final Orders

1 We attach for your files original endorsed filed copies of Final Orders in the
2 following cases:

- 3 San Leandro v. Edwards, No. 388905 recorded RE 2609 IM: 790
4 " " United Artists Theatre
5 Circuit, Inc. No. 388712 recorded RE 2609 IM: 787
6 " " v. Council, No. 388709 recorded RE 2609 IM: 784

James M. McSharry
Asst. City Attorney

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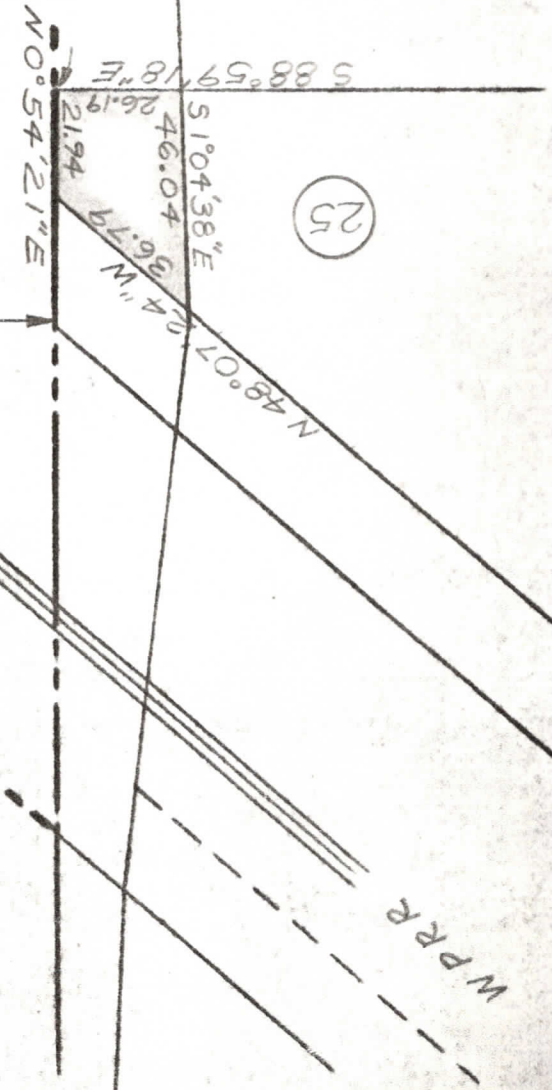
CITY OF SAN LEANDRO BOUNDARY

HESPERIAN BLVD.

PROPOSED R/W

EXISTING R/W

(25)



MICROFILMED

MICROFILMED

JAMES F. VIVETTE
CITY ENGINEER
REG. C.E. 8087
DATE 9-1-58
CASE 1602
DWG 452

ACQUIRED
DATE 5-1-70
BY Re 2609 I 784
Area = 907 S.F.
LD 68-52
INDICATES PARCEL TO BE ACQUIRED

SCALE 1"=40'



BY J.M.P. DATE 8-7-68
CHKD. BY R.W. DATE 8-30-68
SUBJECT HESPERIAN BLVD. WIDENING COUNCIL
SHEET NO. 25 OF 25
JOB NO. PARCEL 25

723