

CITY OF SAN LEANDRO

INTEROFFICE MEMO

TO G. Homer Hamlin, Public Works Director

DATE March 18, 1960

FROM Arthur M. Carden, City Attorney

SUBJECT GRANT OF RIGHT OF WAY FOR STREET PURPOSES -- BAY-FAIR

1 Please check the attached Grant of Right of Way for Street Purposes - Bay-Fair.

2 If in order return to me with your O. K.

3 *Arthur M. Carden*
4 **ANC:av** Arthur M. Carden
City Attorney

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March 23, 1960

12 L. Riordan, Assistant City Manager

13 As far as we are concerned this is ready for recording. If you agree please
14 give to Mr. Burbank.

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16 **ANC:av**

Arthur M. Carden
City Attorney

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November 24, 1959

William Boyd, Esq.
c/o Erskine Erskine & Tully
625 Market Street
San Francisco, California

Dear Mr. Boyd:

Pursuant to our telephone conversation,
I am returning Right Of Way For Storm Drain between
Bay-Fair and the City of San Leandro. Will you
please have this instrument acknowledged and returned
to me?

Very truly yours,

Arthur M. Carden
City Attorney

Enc. 1
ANC:nf

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 4158 C.M.S.

RESOLUTION VACATING A PORTION OF AN EASEMENT
BAYFAIR STORM DRAIN

*File
Bayfair*

Whereas, on November 16, 1959, this Council adopted Ordinance No. 1235 N.S. declaring its intention to proceed under the provisions of the Public Service Easements Vacation Law to vacate a portion of an easement for storm drain in the Bayfair properties near Hesperian Boulevard which is hereinafter more particularly described; referring to that certain map entitled "BAYFAIR STORM DRAIN EASEMENTS, DWG. 36, CASE 703" on file in the office of the City Clerk for particulars as to the proposed vacation; fixing a time and place for hearing all persons interested in or objecting to the proposed vacation, to wit: December 7, 1959, at 8:15 o'clock p.m. in the Council Chambers, City Hall, 835 East 14th Street, San Leandro, California, which said time is not less than fifteen days from the above-mentioned date of the passage of said Ordinance; and

Whereas, said Ordinance was published in the manner prescribed by law for the publication of ordinances for this City, to wit: once prior to its passage on November 19, 1959, in the official newspaper of this City, to wit: THE EVENING NEWS; and

Whereas, on November 24, 1959, three notices of street vacation were posted conspicuously along the line of the easement proposed to be vacated not more than 300 feet apart, which notice stated the passage of the Ordinance of Intention and the time and place of the hearing, to wit: Monday, December 7, 1959, at 8:15 o'clock p.m. in the Council Chambers, City Hall, 835 East 14th Street, San Leandro, California; and

Whereas, on the day fixed for the hearing at the time and place fixed as above stated, the Council has heard the evidence offered by any and all persons interested:

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

That this Council finds from all of the evidence submitted that the easement, which is described in the above-mentioned Ordinance of Intention and hereinafter described, is unnecessary for present or prospective public purposes, and therefore, it is hereby ordered that the following described part of said easement be and it is hereby abandoned and vacated to wit:

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

A ten foot wide easement across the southwesterly portion of Bay-Fair running in a general south-easterly and southerly direction, the center line of said easement being more particularly described as follows, and which said easement is a part of a right of way for storm drain dated May 9, 1957, granted by Bay-Fair to the City of San Leandro and recorded June 5, 1957 in Book 8382 at page 105 of Official Records of Alameda County:

Beginning at a point from which the northwest corner of said Bay-Fair parcel (said northwest corner being the northwest corner of that parcel described in quitclaim deed from R. H. Macy and Co., Inc., and Capital Company to Bay-Fair, a California corporation, recorded February 6, 1956, in Book 7926 at page 525, Official Records of Alameda County, California) bears north 22° 42' west 232.7 feet, more or less; thence south 38° 09' east 299.5 feet, more or less, to an angle point; thence south 39° 48' east 278.1 feet, more or less, to an angle point; thence south 6.8 feet, more or less, to the south line of said Bay-Fair parcel.

IT IS FURTHER RESOLVED that the City Clerk cause a certified copy of the Resolution attested by him under the seal of this City to be recorded in the office of the County Recorder of Alameda County, being the County in which this City is located.

Introduced by Councilman _____ and passed and adopted this 7th day of December, 1959, by the following called vote:

Ayes:	Councilmen:	()
Noes:	Councilmen:	()
Absent:	Councilmen:	()

Attest: H. H. Burbank, City Clerk Jack D. Maltester
Mayor of the City of San Leandro

I hereby certify that the foregoing is a true copy
of Resolution No. C.M.S. adopted by the City
Council of the City of San Leandro on December 7, 1959,
and on file in my office.

H. H. Burbank, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 1235 N.S.

AN ORDINANCE DECLARING INTENTION TO VACATE A
PORTION OF AN EASEMENT--BAYFAIR STORM DRAIN

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

That pursuant to the Public Service Easements Vacation Law, it is the intention of the City Council of the City of San Leandro to vacate a portion of an easement for storm drain in the Bayfair properties near Hesperian Boulevard. Said portion of such easement proposed to be vacated is described as follows, to wit:

A ten foot wide easement across the southwesterly portion of Bay-Fair running in a general southeasterly and southerly direction, the centerline of said easement being more particularly described as follows, and which said easement is a part of a right of way for storm drain dated May 9, 1957, granted by Bay-Fair to the City of San Leandro and recorded June 5, 1957 in Book 8382 at page 105 of Official Records of Alameda County:

Beginning at a point from which the northwest corner of said Bay-Fair parcel (said northwest corner being the northwest corner of that parcel described in quitclaim deed from R. H. Macy and Co., Inc., and Capital Company to Bay-Fair, a California corporation, recorded February 6, 1956, in Book 7926 at page 525, Official Records of Alameda County, California) bears north 22° 42' west 232.7 feet, more or less; thence south 38° 09' east 299.5 feet, more or less, to an angle point; thence south 39° 48' east 278.1 feet, more or less, to an angle point; thence south 6.8 feet, more or less, to the south line of said Bay-fair parcel,

all being in the City of San Leandro, Alameda County, California. Said portion of easement proposed to be vacated is shown on that certain map entitled "BAYFAIR STORM DRAIN EASEMENTS, DWG. 36, CASE 703," now on file in the office of the City Clerk.

Notice is hereby given that on Monday, December 7, 1959, at 8:15 o'clock p.m. in the Council Chambers of the City Council of said City, City Hall, 835 East 14th Street, San Leandro, California, any and all persons having any objections to the proposed vacation of easement may appear before said Council and show cause why said proposed vacation should not be carried out in accordance with this ordinance.

This ordinance shall be published once in the official newspaper of the City of San Leandro.

Inasmuch as this is an improvement proceeding ordinance, adopted under the Public Service Easements Vacation Law, it shall take effect upon adoption.

Introduced by Councilman Cheatham on this 16th day of November, 1959, and adopted by the following called vote:

Ayes:	Councilmen:	Cheatham, Frazier, Gill, Kant, Swift, Taylor, Maltester	(7)
Noes:	Councilmen:	None	(0)
Absent:	Councilmen:	None	(0)

Jack D. Maltester
Mayor of the City of San Leandro

Attest: _____
H. H. Burbank, City Clerk

11/18/59/nf



EAST 14th STREET AT 155th AVENUE, SAN LEANDRO, CALIFORNIA

REPLY: 248 TERRACE LEVEL, BAY FAIR SHOPPING CENTER, SAN LEANDRO, CALIFORNIA
TELEPHONE ELgin 7-6000

The East Bay Area REGIONAL SHOPPING CENTER serving a consumer trade area of 350,000

November 10, 1959



Mr. A. M. Carden
San Leandro City Attorney
City Hall
835 E. 14th Street
San Leandro, Calif.

Dear Mr. Carden:

We are pleased to enclose duplicate originals of the agreement dated November 2, 1959, in connection with certain easements on the Bay Fair property, together with duplicate originals of the RIGHT OF WAY FOR STORM DRAIN, dated November 2, 1959, indicated as Exhibit "A" together with Exhibit "B" and Exhibit "C" to said agreements.

These agreements have now been completely executed by the officers of Bay Fair.

Cordially yours,

BAY FAIR

R. C. Wachs
Secretary

RCW:AR
enc.

A G R E E M E N T

This Agreement made this 2d day of November, 1959, between the City of San Leandro, a municipal corporation of the State of California, herein called "City" and Bay-Fair, a California corporation.

W I T N E S S E T H:

RECITALS:

A. Bay-Fair is the owner and operator of a shopping center in San Leandro known as the Bay Fair Shopping Center.

B. Bay-Fair in 1957 granted to City an easement for storm drain purposes, which said easement was recorded in Book 8382 at page 105 of Official Records of Alameda County, and constructed therein, at its sole cost and expense, a storm drain for City's use.

C. Bay-Fair is now constructing certain additional shopping center improvements which will be located in part over and upon said easement and Bay-Fair is willing to grant to City a storm drain easement to replace in part the easement referred to in Paragraph B hereof, with comparable storm drain facilities located therein if City, upon receipt thereof, will take such steps as may be reasonably required to abandon that part of said old storm drain easement hereinafter described.

D. City is willing to take such steps as may be reasonably required to abandon said part of said old storm drain upon acquiring from Bay-Fair said replacement easement with comparable facilities located therein.

Now, Therefore, it is mutually agreed:

1. Bay-Fair agrees to grant to City an easement for a storm drain as more particularly described on Exhibit A, attached hereto, and to construct or cause to be constructed therein a

storm drain of a size and type as shown on Exhibit C, attached hereto. Such construction shall be done in a manner reasonably acceptable to City.

2. City, upon acceptance of said easement and upon satisfactory completion of the work referred to in Paragraph 1 hereof, shall forthwith take such steps as may be reasonably required to abandon the easement for storm drain purposes over and along that certain parcel of real property described on Exhibit B, attached hereto.

3. It is mutually agreed that, except as herein otherwise expressly provided, the provisions of the agreement dated May 9, 1957 between the parties hereto shall remain in full force and effect and shall apply with equal force and effect to the easement to be herein granted to City by Bay-Fair and to the easement property herein to be released and abandoned to Bay-Fair.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year hereinabove written.

CITY OF SAN LEANDRO

By Jack D. Maltz
Mayor

By _____

BAY-FAIR

By John J. Egan
VICE PRESIDENT

By F. L. Nash
SECRETARY



RIGHT OF WAY FOR STORM DRAIN

THIS INDENTURE, made this 2d day of November, 1959, between BAY-FAIR, a California corporation, hereinafter called "Grantor," and CITY OF SAN LEANDRO, a municipal corporation of the State of California, hereinafter called "Grantee,"

W I T N E S S E T H

Grantor, for and in consideration of the sum of one dollar (\$1.00) in lawful money of the United States to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, and for other good and valuable considerations, the receipt of which is hereby acknowledged, does by these presents grant to Grantee, its successors and assigns, an easement for the purpose of maintaining, repairing, operating, and using as Grantee may see fit storm drains and appurtenances, for flood control and related purposes for so long as it shall be used for said purposes in, through, along, and under any part of that certain real property in the County of Alameda, State of California, described as follows:

Real property in the City of San Leandro, County of Alameda, State of California, being a ten foot wide easement across that parcel of land described in the quitclaim deed from R. H. Macy and Co., Inc. and Capital Company to Bay-Fair, a California corporation, recorded February 6, 1956 in Book 7926, page 525, Official Records of Alameda County, California and across that parcel of land described in the deed from Capital Company to Bay-Fair, a California corporation, recorded March 11, 1959 in Book 8958, page 568, Official Records of Alameda County, the eastern and northeastern line of said easement being more particularly described as follows:

Commencing at the northwestern corner of the first mentioned parcel of land; thence south 22° 42' east 232.7 feet to the ACTUAL POINT OF BEGINNING; thence south 0° 26' east 251.0 feet along a line parallel with the eastern line of Hesperian Boulevard and 88.17 feet (measured at right angles) easterly therefrom as said eastern line existed prior to December 1956; to its intersection with a line parallel with the southwestern line of the first mentioned parcel of land and 25 feet (measured at right

angles) northeasterly therefrom; thence south 49° 27' 45" east 312.3 feet along the said parallel line to its intersection with the southern line of the first mentioned parcel of land; thence continuing south 49° 27' 45" east to the southern line of the second mentioned parcel of land.

The respective rights, covenants and conditions contained herein shall inure to the benefit of and bind the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has executed this indenture the day and year first above written.

BAY-FAIR

By

John J. Egan

VICE-PRESIDENT

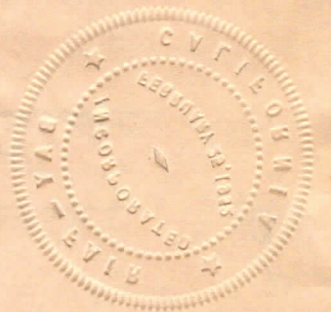
By

J. L. Natch

SECRETARY



EXHIBIT "A"



A ten foot wide easement across the south-westerly portion of Bay-Fair running in a general southeasterly and southerly direction, the center-line of said easement being more particularly described as follows, and which said easement is a part of a right of way for storm drain dated May 9, 1957, granted by Bay-Fair to the City of San Leandro and recorded June 5, 1957 in Book 8382 at page 105 of Official Records of Alameda County:

Beginning at a point from which the northwest corner of said Bay-Fair parcel (said northwest corner being the northwest corner of that parcel described in quitclaim deed from R. H. Macy and Co., Inc., and Capital Company to Bay-Fair, a California corporation, recorded February 6, 1956, in Book 7926 at page 525, Official Records of Alameda County, California) bears north $22^{\circ} 42'$ west 232.7 feet, more or less; thence south $38^{\circ} 09'$ east 299.5 feet, more or less, to an angle point; thence south $39^{\circ} 48'$ east 278.1 feet, more or less, to an angle point; thence south 6.8 feet, more or less, to the south line of said Bay-Fair parcel.

EXHIBIT "B"

