

RESOLUTION NO. 348

RESOLUTION DIRECTING CONDEMNATION OF REAL PROPERTY

WHEREAS it appears to the City Council of the Town of San Anselmo that PEARL E. BURTRHAELL, EFFIE E. BURTRHAELL, MARGUERITE F. BURTRHAELL, ROBERT C. BURTRHAELL, JANICE E. MARSTON and NORTHWESTERN PACIFIC RAILROAD COMPANY, a corporation, are the owners of the real property hereinafter described; and

WHEREAS in the opinion of said City Council a right of way and easement over across along and upon said real property is useful and necessary to said Town of San Anselmo for a public use as hereinafter mentioned, now therefore,

IT IS HEREBY RESOLVED by said City Council that public interest convenience and necessity require the acquisition of a perpetual right of way and easement over, upon, across and along the real property hereinafter described, by said Town of San Anselmo, and that it is necessary and convenient that said right of way be acquired by said Town by condemnation and by eminent domain proceedings for public use, to-wit, for the purpose of constructing, installing, laying, maintaining, repairing, reconstructing, grading, paving, and opening and dedicating to public use a public street, highway and thoroughfare for public use for the benefit of the people of the State of California and for the benefit of the Town of San Anselmo, together with the right of necessary ingress and egress thereto and thereon and therefrom as required for such purpose, together with all other incidental and customary highway and street uses, together with the right to maintain thereon and thereover public sewer and utility services and facilities;

BE IT FURTHER RESOLVED that the City Attorney of the Town of San Anselmo be and he is hereby authorized and directed to commence Condemnation Proceedings in the Superior Court of the State of California in and for the County of Marin, for the purpose of acquiring said properties and rights and to take such other proceedings, prepare and file such other suits, affidavits, motions, pleadings, briefs and other papers upon behalf of the Town of San Anselmo as may be in his opinion necessary to acquire said property and rights for the public uses hereinabove set forth.

BE IT FURTHER RESOLVED that the property and land to be acquired and which is hereinabove referred to, is described as follows to-wit:

That certain real property situate in the Town of San Anselmo, County of Marin, State of California, described as follows:

The lands described in Deed from James Ross to North Pacific Coast Railroad Company, a corporation, recorded October 28, 1873, in Liber "L" of Deeds, at page 375, described as follows-

BEGINNING on the West line of the County Road leading from Red Hill to Ross Landing at the Southeast corner of the party of the first part's homestead tract; thence westerly along the boundary line between said tract and lands of J. D. Walker, forty (40) feet; thence North 19° 10' West, Magnetic Six Hundred Thirty Six (636) feet to the East bank of the Creek; thence along said East bank of the Creek following its meanderings about Three Hundred and Twenty (320) feet to the boundary line between lands of the party of the first part and lands of S. F. Smith; thence along said boundary line in an easterly course to the West line of the County Road leading from Red Hill to Ross Landing; thence following said West line of County Road in a southerly course about nine hundred and fifty- five (955) feet to the point of beginning.

BE IT FURTHER RESOLVED that the consideration or damage for the taking of said right of way be paid out of the general funds of said Town.

I, RAY M. OVERDICK, clerk of the Town of San Anselmo, do hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the Town of San Anselmo held upon 24th the 11th day of May, 1943 by the following vote to-wit:

AYES: COUNCILMEN, WHITE, Von Rotz- Monte & LINCH.
NOES: COUNCILMEN, None
ABSENT : COUNCILMEN, Mason


RAY M. OVERDICK
CITY CLERK