

TOWN OF SAN ANSELMO

RESOLUTION NO. 504

RESOLUTION OF INTENTION TO EXCHANGE REAL PROPERTY OWNED BY THE TOWN OF SAN ANSELMO FOR REAL PROPERTY SITUATE IN SAN ANSELMO AND OWNED BY PEARL E. BURTCHAELL, EFFIE R. BURTCHAELL, MARGUERITE F. BURTCHAELL, JANICE B. MARSTON, AND EGBERT C. BURTCHAELL, AND FOR CONTRACTING WITH SAID PERSONS FOR THE RE-PURCHASE OF SAID REAL PROPERTY NOW OWNED BY THE TOWN OF SAN ANSELMO AND EXCHANGED AS AFORESAID.

WHEREAS, there is now pending in the Superior Court in and for the County of Marin, State of California, an action to quiet title and for other relief, said action being numbered 17936, and referring to the following described real property situated in the Town of San Anselmo, County of Marin, State of California:

Beginning at a point on the westerly line of Red Hill and Ross Landing Road, distant thereon S. 1°58' W. 501.89 feet from its intersection with the dividing line between the land of James Ross as described in deed from David Porter, recorded January 14, 1871, in Liber "I" of Deeds at page 333, Marin County Records, and that of Sidney V. Smith as described in Deed from David Porter, recorded September 14, 1871, in Liber "I" of Deeds at page 569, Marin County Records, and running thence along said westerly line, S. 1°58' W. 289.56 feet, S. 1°25' E. 162.92 feet, S. 15°23' W. 25.34 feet to the southerly boundary line of the aforesaid James Ross property, thence along said boundary line S. 69°00' W. 49.01 feet to the westerly right of way line of the Northern Pacific Coast Railroad as described in Deed from James Ross, recorded October 28, 1873 in Liber "L" of Deeds at page 375, Marin County Records, thence along said right of way line, N. 2°48' W. 491.47 feet, thence leaving said right of way line, N. 87°12' E. 69.03 feet to the point of beginning.

and

WHEREAS, unless the Town of San Anselmo can establish its title to said real property the same will be quieted in the following named claimants: PEARL E. BURTCHAELL, EFFIE R. BURTCHAELL, MARGUERITE F. BURTCHAELL, JANICE B. MARSTON, and EGBERT C. BURTCHAELL, and

WHEREAS, said claimants are willing to sell said property to the Town of San Anselmo, by way of compromise and

settlement of said action, for a principal sum of One Hundred Thousand (\$100,000.00) Dollars, or in the alternative to exchange said property for real property now owned by the Town of San Anselmo known as the Corporation Yard which is reasonably valued at One Hundred Thousand (\$100,000.00) Dollars, exclusive of any buildings or improvements thereon, and

WHEREAS, the Town of San Anselmo is in critical condition with respect to having adequate streets through the business section of the Town and providing safe and orderly traffic control now required by the growth of San Anselmo and all surrounding communities, and

WHEREAS, the real property hereinbefore described as being the subject of Action No. 17936 is the only property available for street widening purposes whereby to provide the Town of San Anselmo with a wide and modern principal thoroughfare providing a safe and speedy means of ingress and egress through said business district and connecting with other principal streets and highways, and

WHEREAS, the Town of San Anselmo is in no financial position to purchase said property for cash and the prospective vendors cannot afford to sell the said property on any unsecured long-term contract basis, and

WHEREAS, said prospective vendors are willing to do the following:

1. Immediately convey good, clear, fee-simple title to the said real property to the Town of San Anselmo in exchange for the real property owned by the Town of San Anselmo generally known as the "Corporation Yard" good, clear, fee-simple title to which would be conveyed by the Town of San Anselmo to said vendors.
2. Contemporaneously with the above exchange,
  - (a) to enter into a contract of sale with the Town of San Anselmo whereby said Town would

contract for the re-conveyance of the Corporation Yard for the principal sum of One Hundred Thousand (\$100,000.00) Dollars, with interest at a reasonable rate, on a long-term basis, said sum to be paid in annual unequal instalments out of gasoline <sup>OR OTHER FUNDS</sup> tax refunds to the Town of San Anselmo from the State of California; said contract to be on an amortized basis with interest to be paid only on the unpaid principal existing from time to time.

3. During the life of the contract referred to in 2 above, to give the Town of San Anselmo full and free right to retain possession and control of said Corporation Yard for any and all municipal purposes, the same, and for all intents and purposes as if the Town of San Anselmo had never divested itself of its title, and

WHEREAS, the City Council of the Town of San Anselmo has heretofore carefully considered the aforesaid exchange of real property and contract for re-conveyance and has concluded that public convenience, necessity and welfare demand that timely action be taken to provide San Anselmo with the kind of streets through the business section that past, and anticipated growth of the community requires, and that said exchange and contract for re-conveyance provides a quick means of procuring the land necessary for proper street expansion without prejudicing the Town's rights to use and control the Corporation Yard; and that the ultimate purchase price is reasonable and payment thereof as proposed will not be or become a burden to the taxpayers,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of San Anselmo intends to convey the real property owned by it to the plaintiffs in Action No. 17936 (Marin County Superior Court) and generally referred to

as the Corporation Yard, exclusive of improvements thereon, in exchange for a conveyance of fee-simple title by the plaintiffs in Action No. 17936 (Marin County Superior Court) to the Town of San Anselmo of the following generally described real property located in San Anselmo, County of Marin, State of California:

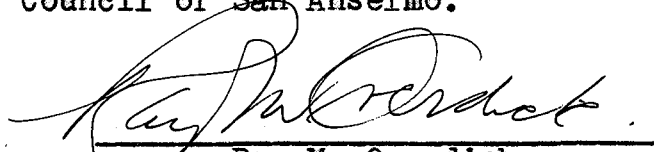
Beginning at a point on the westerly line of Red Hill and Ross Landing Road, distant thereon S. 1°58' W. 501.89 feet from its intersection with the dividing line between the land of James Ross as described in Deed from David Porter, recorded January 14, 1871, in Liber "I" of Deeds at page 333, Marin County Records, and that of Sidney V. Smith as described in Deed from David Porter, recorded September 14, 1871, in Liber "I" of Deeds at page 569, Marin County Records, and running thence along said westerly line, S. 1°58' W. 289.56 feet, S. 1°25' E. 162.92 feet, S. 15°23' W. 25.34 feet to the southerly boundary line of the aforesaid James Ross property, thence along said boundary line S. 69°00' W. 49.01 feet to the westerly right of way line of the Northern Pacific Coast Railroad as described in Deed from James Ross, recorded October 28, 1873 in Liber "L" of Deeds at page 375, Marin County Records, thence along said right of way line, N. 2°48' W. 491.47 feet, thence leaving said right of way line, N. 87°12' E. 69.03 feet to the point of beginning.

2. That contemporaneously with the completion of the exchange stated in 1 and on express condition precedent to the delivery of titles mentioned in 1 that the plaintiffs in Action No. 17936 (Marin County Superior Court) agree in writing to reconvey the Corporation Yard to the Town of San Anselmo upon payment by the Town of the principal sum of One Hundred Thousand (\$100,000.00) Dollars, with interest to be determined, principal and interest to be paid in annual unequal instalments, over a period of time not to exceed 20 years, upon express condition that the Town of San Anselmo retain full possession and right of control of said Corporation Yard the same as if title had never been transferred, and upon the further condition that the buildings and improvements on said real property remain the property of the Town at all times with right to remove or raze the same.

AND RESOLVED, that the foregoing real property exchange and contract for re-conveyance is intended to be consummated not sooner than ninety (90) days from date hereof.

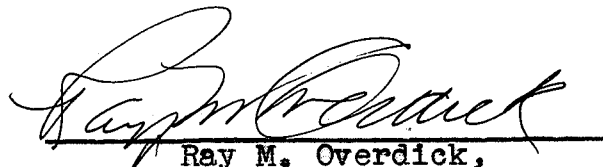
AND RESOLVED, that the City Attorney prepare all papers, documents, deeds and agreements, necessary to perfect and carry out the entire transaction; and

BE IT FURTHER RESOLVED: That this Resolution be posted in three (3) public places, namely, the bulletin boards of: (1) The City Hall; (2) Public Library; and (3) United States Post Office, and that a public hearing with reference to the matters stated herein be set for 8:00 P.M. on TUESDAY the 14 day of NOVEMBER, 1950, at the City Hall, Town of San Anselmo, the same being the time and place for a regular meeting of the City Council of San Anselmo.

  
Ray M. Overdick,  
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted at an ~~and~~ ADJOURNED REGULAR meeting of the City Council of the Town of San Anselmo, held on the 17th day of October, 1950, by the following vote:

AYES: Councilmen Knowles, Skinner, O'Mara, Smith, Booth  
NOES: Councilmen - None  
ABSENT: Councilmen - None

  
Ray M. Overdick,  
City Clerk