

ENCLOSURE  
FILED

SEP 12 1960

JACK C. BLUE, County Clerk  
Frank X. Veit, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

CITY OF OAKLAND, a municipal  
corporation,

Plaintiff and  
Cross-Defendant,

vs.

THE STATE OF CALIFORNIA,

Defendant and  
Cross-complainant.

No. 307465

JUDGMENT QUIETING  
TITLE

The above entitled action came on regularly for trial this day before the above entitled Court, the Honorable S. Victor Wagler, Judge thereof presiding, sitting without a jury, a jury having been waived. The plaintiff and cross-defendant appearing by Mark B. Shragge, Deputy City Attorney for John W. Collier, City Attorney of said City of Oakland, no one appearing for defendant and cross-complainant the State of California. Documentary evidence having been introduced and received and plaintiff and cross-defendant having presented to and filed with the Court Agreement for Compromise of Claim and offered in evidence a written stipulation for judgment, and the cause having been submitted to the Court for consideration and decision, and the said plaintiff and cross-defendant and defendant and cross-complainant having waived the making and filing of findings of fact and conclusions of law, and the Court being

1 fully advised in the premises and after due consideration

2 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
3 DECREED AS FOLLOWS:

4 1. That the true and correct common boundary line  
5 between the lands lying waterward of the line of mean high tide,  
6 as established by the Board of Tide Land Commissioners in 1871,  
7 and the land lying landward of said line of mean high tide so far  
8 as said line of mean high tide affects the real property de-  
9 scribed in paragraph III of the complaint on file herein is as  
10 follows:

11 Beginning at the point of intersection of the  
12 southeasterly line of 2nd Avenue and the northerly  
13 line of Parcel "B" described in Final Judgment in  
14 Condemnation in the action entitled "City of  
15 Oakland, a municipal corporation, Plaintiff, vs.  
16 Railway Equipment and Realty Company, Ltd., a  
17 corporation, et al., Defendants" No. 225812 in the  
18 Superior Court of the State of California in and  
19 for the County of Alameda, dated and recorded  
20 May 26, 1950 in Book 6120 of Official Records  
21 at page 543 in the office of the Recorder of  
22 Alameda County, California, said point of inter-  
23 section being also located from Station 66 of  
24 the exterior boundary line survey of the Rancho  
25 San Antonio shown upon that certain map entitled  
26 "Plat of the Part of the Rancho San Antonio  
27 finally confirmed to Antonio Mario Peralta"  
28 recorded September 15, 1874 in Book "A" of Patents,  
29 on pages 669 and 670 in the office of said Recorder,  
30 S. 88° 30' W., 235.24 feet to said northerly line  
31 of said Parcel "B" and N. 42° 10' 56" E., 35.17  
32 feet along said northerly line; thence along  
said southeasterly line of 2nd Avenue S. 26°  
32' 04" W., 32 feet more or less to course  
No. 66 of said exterior boundary line survey  
of said Rancho San Antonio.

2. That the plaintiff and cross-defendant, City of  
Oakland, a municipal corporation, is the owner in fee simple  
absolute and entitled to all that portion of the following  
described property which lies easterly of the common boundary  
line hereinbefore described in paragraph 1, to-wit:

Parcel B-1

Beginning at a point on the northeastern  
line of Foothill Boulevard, formerly East  
Sixteenth Street, distant thereon north-  
westerly 150.0 feet from the northwestern  
line of Third Avenue, formerly Chase Street;

1 and running thence northeasterly and parallel  
2 with said northwestern line of Third Avenue  
3 150.0 feet; thence northwesterly and parallel  
4 with said northeastern line of Foothill  
5 Boulevard 195.87 feet to the southeastern  
6 line of 2nd Avenue, as said 2nd Avenue is  
7 shown upon that certain map entitled "Map  
8 showing lands to be taken for the Opening  
9 of 2nd Avenue between East 16th and East 18th  
10 Sts.," filed February 11, 1904 in Map Book  
11 No. 19, at page 87, in the office of the  
12 Recorder of Alameda County, California; thence  
13 southwesterly along said southeastern line of  
14 2nd Avenue 94.59 feet; thence continuing  
15 along said line of 2nd Avenue southwesterly on  
16 an arc of a curve to the right, tangent to  
17 last said course and having a radius of 170.4  
18 feet, a distance of 31.0 feet to the north-  
19 eastern line of Foothill Boulevard as des-  
20 cribed in deed from Key System Transit Company,  
21 a corporation, to City of Oakland, a municipal  
22 corporation, dated July 27, 1928 and recorded  
23 September 17, 1928 in Volume 1901 of Official  
24 Records, at page 259, in the office of said  
25 Recorder; thence southeasterly along the  
26 last-mentioned line of Foothill Boulevard  
27 86.17 feet to the first hereinabove mentioned  
28 northeastern line of Foothill Boulevard,  
29 formerly East Sixteenth Street; and thence  
30 southeasterly along last said northeastern  
31 line of Foothill Boulevard 73.10 feet to the  
32 point of beginning. Containing 24,061.71  
square feet, more or less.

18 and defendant and cross-complainant, the State of California,  
19 has no right, title, interest, claim or estate whatsoever in  
20 or to said last mentioned portion, that plaintiff and cross-  
21 defendant's title to said last mentioned portion is hereby  
22 declared, established and quieted, and said defendant and cross-  
23 complainant, the State of California is, and all persons claim-  
24 ing under it are, hereby enjoined and forever barred from  
25 asserting any claim, right, title or interest, in or claim or  
26 lien upon said last mentioned portion, or any part thereof.

27 3. That said plaintiff and cross-defendant, City  
28 of Oakland, a municipal corporation, and said defendant and cross-  
29 complainant, the State of California, shall each bear its costs  
30 of suit herein incurred, each of said parties having waived any  
31 costs against the other.

SEP 12 1960

32 Done in open Court this \_\_\_\_\_ day of September, 1960.

S. Victor Wagler

Judge of the Superior Court