

BLA # 41

ENTERED Dec 22 1950  
JUDGMENT BOOK No. 334 P 82

G. E. WADE  
County Clerk  
Jack K. Pool

By \_\_\_\_\_ Deputy

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

ALAMEDA COUNTY-EAST BAY TITLE  
INSURANCE COMPANY, a corpora-  
tion,

Plaintiff,

vs.

THE STATE OF CALIFORNIA,

Defendant

Endorsed DEC 22 1950  
Filed \_\_\_\_\_ 19  
G. E. WADE  
County Clerk  
By \_\_\_\_\_ Deputy Clerk

No. 228089

STATE OF CALIFORNIA,  
Cross Complainant,

vs

ALAMEDA COUNTY-EAST BAY TITLE  
INSURANCE COMPANY, a corpora-  
tion,

Cross Defendant.

JUDGMENT QUIETING TITLE

The above-entitled action came on regularly for trial  
this day before the above-entitled court, the Honorable  
O. D. Hamlin, Jr. Judge thereof presiding,  
sitting without a jury, a jury having been duly waived on  
plaintiff's complaint to quiet title and upon the answer and  
cross complaint of the defendant, State of California, and cross  
defendant's answer to said cross complaint. The plaintiff and  
cross defendant, Alameda County-East Bay Title Insurance Company,

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1952 CALENDAR

1 a corporation, and the defendant and cross complainant, State  
2 of California, appeared by their respective counsel. Evidence  
3 both oral and documentary having been introduced and received  
4 and plaintiff and said defendant having presented to and filed  
5 with the court and offered in evidence a written stipulation  
6 for judgment, and the cause having been submitted to the court  
7 for consideration and decision, and the said plaintiff and said  
8 defendant having waived the making and filing of findings of  
9 fact and conclusion of law and the court being advised and  
10 after due consideration,

11 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
12 DECREED AS FOLLOWS:

13 1. That the common boundary line between and dividing  
14 the lands owned by plaintiff hereinafter more particularly  
15 referred to and the lands owned by defendant hereinafter more  
16 particularly referred to is hereby fixed, established and  
17 determined to be the following line, to wit:

18 Beginning at the point of intersection  
19 of the northerly line of Parcel "A" described  
20 in the Final Judgment in Condemnation in the  
21 action entitled "City of Oakland, a municipal  
22 corporation, Plaintiff, vs. Railway Equipment  
23 and Realty Company, Ltd., a corporation et al.  
24 Defendants" No. 225812 in the Superior Court  
25 of the State of California in and for the  
26 County of Alameda, dated and recorded May 26,  
27 1950 in Book 6120 of Official Records, at  
28 page 543 in the office of the Recorder of  
29 Alameda County, California, with course No. 65  
30 of the exterior boundary line of the part of  
31 the Rancho San Antonio shown upon that certain  
32 map entitled "Plat of the Part of the Rancho  
San Antonio finally confirmed to Antonio Mario  
Peralta" recorded September 15, 1874 in Book "A"  
of Patents, on pages 669 and 670, in the office  
of said Recorder; thence S. 36° 30' E. along  
said course No. 65 to the southerly line of  
said Parcel "A" at a point on a curve, the center  
of which bears S. 7° 43' 56" E. 50 feet; thence  
along the arc of said curve westerly and south-  
westerly through an angle of 45° 44' a distance  
of 39.91 feet to a tangent point; thence continu-  
ing along said southerly line of said Parcel "A" and

1 the extension thereof along the southeasterly  
2 line of 2nd Avenue S. 26° 32' 04" W. 176.63 feet  
3 to the intersection with the northerly line of  
4 Parcel "B" described in said Final Judgment in  
5 Condemnation; thence along the northerly line  
6 of said Parcel "B", S. 42° 10' 56" E. 35.17 feet  
7 to the intersection with course No. 66 of said  
8 exterior boundary line of said Rancho San Antonio  
9 which course No. 66 is, for the purpose of this  
10 description, fixed at said indicated point of  
11 intersection and which said point of intersection  
12 bears S. 88° 30' W. 235.24 feet from Station 66  
13 of said exterior boundary.

14 2. That plaintiff and cross defendant, Alameda  
15 County-East Bay Title Insurance Company, is owner in fee  
16 simple absolute and entitled to possession of all that portion  
17 of the following described property which lies Easterly of the  
18 common boundary line hereinbefore described in Paragraph I, to  
19 wit:

20 PARCEL 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9  
21 10, 11, 12, 13, 14 and 15 in Block  
22 79 according to the "Map Showing  
23 Portion of Watson Property, Subdivided April 22nd,  
24 1896" filed June 10, 1896 in the office of the  
25 County Recorder of Alameda County and of record  
26 in Map Book 15, at page 48.

27 PARCEL 2: Beginning at a point on the north-  
28 western line of 3rd Avenue distant  
29 thereon northeasterly 150 feet from  
30 the northeastern line of Foothill Boulevard,  
31 formerly East 16th Street, as said boulevard ex-  
32 isted on October 25, 1930, and running thence  
northeasterly along said northwestern line of  
3rd Avenue 50 feet; thence northwesterly and  
parallel to said northeastern line of Foothill  
Boulevard 365.46 feet, more or less to the south-  
eastern line of 2nd Avenue, as said 2nd Avenue  
is shown on the map entitled "Map Showing Lands  
to be taken for the opening of 2nd Avenue  
between East 16th and East 18th Streets",  
etc., filed February 11, 1904 in the office  
of the County Recorder of said Alameda  
County; thence southwesterly along said  
southeastern line of 2nd Avenue, 53.65 feet  
more or less, to the northeastern line of  
the parcel of land described in the deed  
from Railway Equipment & Realty Company,  
Ltd., to City of Oakland, dated May 3, 1950  
and recorded May 19, 1950 under Recorder's  
Series AE-44193; and thence southeasterly  
along said northeastern line and its direct  
extension southeasterly, 345.87 feet more or  
less, to the point of beginning;

1 and defendant and cross complainant, State of California, has  
2 no right, title, interest, claim or estate whatsoever in or to  
3 said last-mentioned portion, that plaintiff's title to said  
4 last-mentioned portion is hereby declared established and quieted  
5 and said defendant, State of California, is and all persons  
6 claiming under it are hereby enjoined and forever barred from  
7 asserting any claim, right, title or interest, and that plain-  
8 tiff is owner of said hereinbefore described parcel in fee  
9 simple absolute.

10 3. That the defendant and cross complainant, State  
11 of California, is the owner in fee simple absolute and entitled  
12 to possession of all that portion of the following described  
13 land lying westerly of said common boundary line, to wit:

14 PARCEL 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9,  
15 10, 11, 12, 13, 14 and 15 in Block  
16 79 according to the "Map Showing  
17 Portion of Watson Property, Subdivided April 22nd,  
18 1896" filed June 10, 1896 in the office of the  
19 County Recorder of Alameda County and of record  
20 in Map Book 15, at page 48.

21 PARCEL 2: Beginning at a point on the north-  
22 western line of 3rd Avenue distant  
23 thereon northeasterly 150 feet from  
24 the northeastern line of Foothill Boulevard,  
25 formerly East 16th Street, as said boulevard ex-  
26 isted on October 25, 1930, and running thence  
27 northeasterly along said northwestern line of  
28 3rd Avenue 50 feet; thence northwesterly and  
29 parallel to said northeastern line of Foothill  
30 Boulevard 365.46 feet, more or less to the south-  
31 eastern line of 2nd Avenue, as said 2nd Avenue  
32 is shown on the map entitled "Map Showing Lands  
to be taken for the opening of 2nd Avenue  
between East 16th and East 18th Streets",  
etc., filed February 11, 1904 in the office  
of the County Recorder of said Alameda  
County; thence southwesterly along said  
southeastern line of 2nd Avenue, 53.65 feet  
more or less, to the northeastern line of  
the parcel of land described in the deed  
from Railway Equipment & Realty Company,  
Ltd., to City of Oakland, dated May 3, 1950  
and recorded May 19, 1950 under Recorder's  
Series AE-44193; and thence southeasterly  
along said northeastern line and its direct  
extension southeasterly, 345.87 feet more or  
less, to the point of beginning;

1 and plaintiff and cross defendant, Alameda County-East Bay  
2 Title Insurance Company, a corporation, has no right, title,  
3 interest, claim or estate whatsoever in or to said last-mention-  
4 ed portion; that defendant's, State of California, title to  
5 said last-mentioned portion is hereby declared established  
6 and quieted and said plaintiff, Alameda County-East Bay Title  
7 Insurance Company, a corporation, is and all persons claiming  
8 under it are hereby enjoined and forever barred from asserting  
9 any claim, right, title or interest, and that defendant is  
10 owner of said hereinbefore described parcel in fee simple  
11 absolute.

12 4. That said plaintiff and cross defendant and said  
13 defendant and cross complainant shall each bear its own costs  
14 of suit herein incurred, each of said parties having waived  
15 any costs against the other.

16 DONE IN OPEN COURT this DEC 22, 1950  
day of \_\_\_\_\_

17 195    .

18 O. D. Hamlin, Jr.  
19 Judge of the Superior Court  
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AGREEMENT FOR COMPROMISE OF CLAIM

THIS AGREEMENT, made and entered into this 7th day of December, 1950, by and between the STATE LANDS COMMISSION, Department of Finance, State of California, acting for and on behalf of the State of California, First Party, and ALAMEDA COUNTY-EAST BAY TITLE INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California, Second Party,

W I T N E S S E T H :

THAT WHEREAS, the Second Party claims to be the owner in fee simple absolute of all of those parcels of land situate, lying and being in the County of Alameda, State of California, more particularly described as follows:

That portion of the following described property lying without the exterior Boundary line of the portion of the Rancho San Antonio patented by the United States to Antonio Peralta:

PARCEL 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in Block 79 according to the "Map Showing Portion of Watson Property, Subdivided April 22nd, 1896" filed June 10, 1896 in the office of the County Recorder of Alameda County and of record in Map Book 15, at page 48.

PARCEL 2: Beginning at a point on the northwestern line of 3rd Avenue distant thereon northeasterly 150 feet from the northeastern line of Foothill Boulevard, formerly East 16th Street, as said boulevard existed on October 25, 1930, and running thence northeasterly along said northwestern line of 3rd Avenue 50 feet; thence northwesterly and parallel to said northeastern line of Foothill Boulevard 365.46 feet, more or less to the southeastern line of 2nd Avenue, as said 2nd Avenue is shown on the map entitled "Map Showing Lands

to be taken for the opening of 2nd Avenue between East 16th and East 18th Streets", etc., filed February 11, 1904 in the office of the County Recorder of said Alameda County; thence southwesterly along said southeastern line of 2nd Avenue, 53.65 feet more or less, to the northeastern line of the parcel of land described in the deed from Railway Equipment & Realty Company, Ltd., to City of Oakland, dated May 3, 1950 and recorded May 19, 1950 under Recorder's Series AE-44193; and thence southeasterly along said northeastern line and its direct extension southeasterly, 345.87 feet more or less, to the point of beginning.

AND WHEREAS, First Party, acting for and on behalf of the State of California, claims that the State of California is the owner of the following portions of the above-described parcels of land:

That portion of Parcels 1 and 2 described hereinabove lying waterward of the line of mean high tide as established by the Board of Tide Land Commissioners in 1871.

AND WHEREAS, the claim of the State of California to said lands lying easterly of 2nd Avenue is based upon the claim that said last-mentioned lands were formed as the result of artificial accretions on tide and submerged lands belonging to the State of California and accordingly belong to the State of California.

AND WHEREAS, Second Party denies said claim of the State of California in its entirety and claims that said lands lying easterly of said easterly line of 2nd Avenue are portions of the Rancho San Antonio and belong to Second Party by deed.

AND WHEREAS, the controversy over the claims aforementioned is now the subject matter of an action to quiet title brought by the Alameda County-East Bay Title Insurance

Company, a corporation, Plaintiff, vs. The State of California, Defendant, No. 228089 in the Superior Court of the State of California, in and for the County of Alameda, in which action the State of California has filed a cross complaint entitled State of California, cross complainant vs. Alameda County-East Bay Title Insurance Company, a corporation, cross defendant,

AND WHEREAS, the parties hereto have compromised and settled the aforesaid controversy and agreed upon the proper common boundary line between the lands of Second Party and those of the State of California upon the basis hereinafter set forth, and this compromise has been authorized by resolution of First Party at a meeting after due notice thereof and by at least two members of First Party present;

NOW, THEREFORE, in consideration of the premises and of the payment hereinafter provided for and of the agreements hereinafter set forth,

IT IS HEREBY MUTUALLY AGREED, as follows:

- (1) That the true and correct common boundary line between the lands owned by the Second Party and those of the State of California, constituting the tide and submerged and other lands of the northerly arm of the San Antonio Estuary, now known as Lake Merritt is the following described line, to wit:



Beginning at the point of intersection of the northerly line of Parcel "A" described in the Final Judgment in Condemnation in the action entitled "City of Oakland, a municipal corporation, Plaintiff, vs. Railway Equipment and Realty Company, Ltd., a corporation et al. Defendants" No. 225812 in the Superior Court of the State of California in and for the County of Alameda, dated and recorded May 26, 1950 in Book 6120 of Official Records, at page 543 in the office of the Recorder of Alameda County, California, with course No. 65 of the exterior boundary line of the part of the Rancho San Antonio shown upon that certain map entitled 'Plat of the Part of the Rancho San Antonio finally confirmed to Antonio Mario Peralta' recorded September 15, 1874 in Book "A" of Patents, on pages 669 and 670, in the office of said Recorder; thence S. 36° 30' E. along said course No. 65 to the southerly line of said Parcel "A" at a point on a curve, the center of which bears S. 7° 43' 56" E. 50 feet; thence along the arc of said curve westerly and south-westerly through an angle of 45° 44' a distance of 39.91 feet to a tangent point; thence continuing along said southerly line of said Parcel "A" and the extension thereof along the southeasterly line of 2nd Avenue S. 26° 32' 04" W. 176.63 feet to the intersection with the northerly line of Parcel "B" described in said Final Judgment in Condemnation; thence along the northerly line of said Parcel "B", S. 42° 10' 56" E. 35.17 feet to the intersection with course No. 66 of said exterior boundary line of said Rancho San Antonio which course No. 66 is, for the purpose of this description, fixed at said indicated point of intersection and which said point of intersection bears S. 88° 30' W. 235.24 feet from Station 66 of said exterior boundary.

and that said line is hereby agreed to as the established common boundary line between and dividing the lands owned by the Second Party and the lands owned by the State of California, and that all of the lands in the first recital above described lying easterly of the line in this paragraph above described are owned by the Second Party and that the State of California has no right, title or interest therein or thereto and correspondingly, that the State of California owns all of the lands in the first recital above described lying westerly of the line in this paragraph above described and that Second Party has no right, title or interest therein or thereto.

(2) Contemporaneously with the delivery of this agreement and after it has been approved as provided in paragraph 4 hereof, Second Party shall pay or cause to be paid to the State of California the sum of \$5,000.00 as a part and on account of this compromise and settlement.

(3) Upon the approval of this agreement as provided in paragraph 4 hereof, the action to quiet title hereinabove referred to shall be disposed of pursuant to a compromise between the Second Party hereto and the Attorney General of the State of California, which compromise shall provide for the payment referred to in the preceding paragraph 2 hereof, by a judgment of the court in which said action is pending in favor of Second Party hereto as to all of the lands in the first recital hereof above described lying easterly of the common boundary line in paragraph 1 hereof and in favor of the State of California as to all of the lands in the first recital hereof above described lying westerly of said common boundary line in paragraph 1 hereof.

(4) This compromise agreement is to be submitted to the Governor of the State of California for his approval and upon such approval, and not before, it shall be binding upon Second Party and the State of California.

(5) This compromise agreement shall inure to the benefit of and shall be binding upon the respective successors and assigns of the Second Party and of the State of California.

... hereby executed, in duplicate, the day and year first hereinabove written.

STATE LANDS COMMISSION,  
Department of Finance,  
State of California,

APPROVED AS TO FORM

FRED N. HOWER  
Attorney General

By *Rufus M. Ingram*  
Its Executive Officer

*Amiram C. Wolff*  
Deputy Attorney General

By *James T. Beaman*  
Its Chairman

First Party

ALAMEDA COUNTY-EAST BAY TITLE  
INSURANCE COMPANY, a corporation

*Approved for second party  
Maltwalsh-baugh*

By *J. P. Thompson* *vice Pres.*

By *J. A. Sisk* *secretary*

Second Party

... instrument is hereby approved.  
*Fred Hower*  
Governor of the State of California

State of California }  
County of Alameda } SS

On This 7th day of December in the year One Thousand  
Nine Hundred and Fifty before me Dora Lee Merrill

a Notary Public in and for the County of Alameda, State of California, residing therein, duly commis-  
sioned and sworn, personally appeared J. A. SISK

known to me to be the Vice President and L. E. HOLLADAY  
known to me to be the Secretary of the Corporation that executed the within instrument and the offi-  
cers who executed the within instrument on behalf of the Corporation therein named, and acknowledged  
to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and  
year in this certificate first above written.

*Dora Lee Merrill* NOTARY PUBLIC  
In and for said County of Alameda, State of California

