

RESOLUTION NO. 341

RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS FOR LUMP SUM PREPAYMENT OF RENT UPON LAND TO BE LEASED FROM NORTHWESTERN PACIFIC RAILROAD

WHEREAS this Council did upon the 8th day of December, 1942, adopt its resolution number 337 approving a proposed lease contract with the Northwestern Pacific Railroad Company and directing the execution thereof, and did then further adopt its resolution number 338 directing the City Attorney to institute and prosecute mandate proceedings to test the validity of said lease contract and to require the execution thereof; and

WHEREAS said lease was approved by the Superior Court of the State of California in and for the County of Marin in an action therein entitled Town of San Anselmo vs Linch and others and which is therein numbered 14816, in which action a writ of mandate was issued upon the 22nd day of December, 1942; and

WHEREAS said lease has been executed by the officers of said Town, but it now appears that the computation of rentals therein was erroneous and that said Railroad will not execute or deliver said lease unless in addition to ~~said~~ the payments provided for in the lease a certain additional amount of advance or prepaid rents are paid by the Town at this time;

NOW THEREFORE BE IT RESOLVED that in addition to the lump sum payment of \$500.00 provided for in said lease and in addition to the monthly rentals of \$104.00, further and additional advance rentals of \$452²⁵ be now appropriated and paid as and for a portion of the rents to be paid for the use of said premises;

BE IT FURTHER RESOLVED that this council do and it does hereby find and determine that the use of said premises is worth in excess of all sums provided for in the lease and the said sum of \$452²⁵ hereinabove provided for, ~~and~~ that the whole of said rentals, both in cash

and in monthly installments ought to be paid for said lease period and for the use of said premises for such term;

BE IT FURTHER RESOLVED that the officers of the Town of San Anselmo be and they are hereby authorized and directed to consummate said transaction and to pay out said sums for the execution of the lease and for the purpose of obtaining use and possession of the premises and to pay to the County Recorder and San Rafael Land Title Company which now holds the instruments in escrow, the monies reasonably required to procure recordation;

BE IT FURTHER RESOLVED THAT the sum of \$500.00 plus said sum of \$452²⁵ plus the sum of \$104.00 set up as the January installment of rent, be paid and delivered forthwith to Bank of America N. T. and S. A. San Anselmo Branch, with instructions to disburse the same to the railroad or its assignee if and when there is recorded a full, true and correct copy of said lease and option duly executed by the Northwestern Pacific Railroad Company and that a copy of this resolution be delivered to said bank as its instructions in said matter. Said recorded copy of the lease shall be delivered to the City Clerk upon its return from the County Recorder.

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Ray M. Cordick, Clerk of the Town of San Anselmo
hereby certifies that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on Tuesday the 9th day of Feb 1943, by the following vote:
Ayes: Councilmen Mason-Von Rotz-Monte-Lynch
Noes: Councilmen None
Absent: Councilmen White
Ray M. Cordick
City Clerk

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