

32455

Recording Requested by:

RECORDED AT REQUEST OF

32455

City of SA
AT 09 MIN. PAST 3 M.
SEP - 6 1974

City of San Anselmo
P.O. Box 726
San Anselmo CA 94960

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GRANT

OF

DETERMINABLE FEE

Official Records of Marin County, Calif.

NO FEE
FEE \$ 9.00
N. J. Giacomini, Jr.
RECORDER

JOSEPHINE F. COWAN, Grantor, hereby Grants, subject to the following reservations, conditions and covenants, a Determinable Fee to the City of San Anselmo, a political corporation, in the following lands:

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

BEGINNING at a point in the Easterly line of San Anselmo Avenue (formerly Oak Street) in the Town of San Anselmo, which said point is distant North 71°30' East 368.88 feet and North 5°54' East 124.66 feet from the Southeasterly corner of Lot 1, as said Lot is laid down and delineated upon that certain Map entitled, "Magnolia Tract, San Anselmo, Marin Co., Cal.", filed August 23, 1904 in Map Book 2, page 7 in the office of the County Recorder of the County of Marin, running thence from said point of beginning as above located and described, North 69° East 97.13 feet to the Easterly bank of the Arroyo San Anselmo thence Northerly along said Easterly bank, 50.7 feet; thence South 69° West 80.39 feet to the said Easterly line of San Anselmo Avenue; thence along said Easterly line, South 5°54' West 56.06 feet to the point of beginning.

Excepting Therefrom that portion of said lands which are covered by the physical buildings, improvements and supporting structures thereof which front on San Anselmo Avenue and which structures are commonly known as 566 and 570 San Anselmo Avenue, San Anselmo, California.

And Reserving therefrom for the benefit of such excepted portion of said realty an easement for ingress and egress and for installation and maintenance of utilities and for the purpose of maintenance and repair, upon the lands so granted.

Such Grant of Determinable Fee to Grantee is made for the use and benefit of the general public and the residents of the City of San Anselmo. Should Grantee or its successors in interest

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discontinue using, or making the said property available for public use, or should Grantor, or its successors in interest, desire to recover the use and possession of said lands or construct improvements over or upon the property so granted in accordance with the then applicable rules and regulations of Grantee, the Fee shall terminate and determine upon thirty (30) days written Notice to Grantee.

Provided, however, termination of this Grant of Determinable Fee shall not occur when Grantor or her successor in interest claims Grantee or its successor in interest has discontinued using or making available the said property to the public generally unless and until Grantor or her successor in interest notifies Grantee or its successor in interest of the claim that said property is no longer being used by Grantee or its successor in interest or that Grantee is no longer making said property available to the public generally and Grantee or its successor in interest shall thereafter fail for more than thirty (30) days after receipt of said written notice to continue to use and make said property available to the public generally.

In consideration of said Grant, Grantee and its successors in interest, covenant and agree to permit no public or private nuisance, hazardous activities or unreasonable noise generation upon said granted property and to maintain it in a reasonably clean and orderly condition and to hold Grantor and her successors in interest harmless from any claims by any person alleging injury to person or property suffered on the subject property and defend Grantor and her successors in interest against the same.

By delivery and acceptance of this instrument neither Grantor nor Grantee make any warranty as to condition of title of the subject lands. Grantor and Grantee agree that the exact physical location

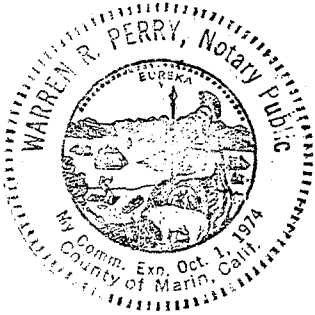
of the common line between the above described granted property and Grantor's property consisting of Creek Park has not been ascertained.

Executed this 29th day of August, 1974, at San Anselmo, California.

Josephine F. Cowan
JOSEPHINE F. COWAN

STATE OF CALIFORNIA) ss.
COUNTY OF MARIN)

On August 29, 1974, before me, WARREN R. PERRY, a Notary public in and for said State, personally appeared JOSEPHINE F. COWAN, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.



Warren R. Perry
WARREN R. PERRY, Notary Public

Resolution No. 1537 - Original in Book in safe

RESOLUTION OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within Grant of Determinable Fee dated August 27, 1974, from JOSEPHINE F. COWAN to the CITY OF SAN ANSELMO, a political corporation, is hereby accepted by the undersigned officer on behalf of the City Council of the City of San Anselmo pursuant to authority conferred by resolution of the City Council adopted on August 27, 1974, and the Grantee consents to recordation thereof by its duly authorized officer.

Date: August 27, 1974

Martin G. Blinder
MARTIN G. BLINDER, M.D., Mayor

Attest:

Date: August 27, 1974

Helen Ragan
HELEN RAGAN, City Clerk