

Bond Case Briefs

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Pear v. City and County of San Francisco

Court of Appeal, Sixth District, California - July 28, 2021 - Cal.Rptr.3d - 2021 WL 3186556 - 21 Cal. Daily Op. Serv. 7667

Grantors' successors brought action regarding their uses of surface of strip of property deeded to city and county for use for underground water pipes, alleging claims for quiet title, an irrevocable license, declaratory relief, and injunctive relief.

The Superior Court granted summary judgment for city and county. Successors appealed, and the Sixth District Court of Appeal reversed and remanded. Following a court trial, the Superior Court entered judgment for successors on claims to quiet title and for declaratory and injunctive relief, and city and county appealed.

The Court of Appeal held that:

- Deed reservation allowed grantors' successors to plant grass on the property;
- Deed reservation allowed grantors' successors to place ornamental landscaping on the property;
- Deed reservation permitted roads and streets for both residential and commercial use;
- Deed reservation allowed access to commercial property's service bays which were perpendicular to the pipeline property; and
- Deed reservation did not permit parking lot use of the property as part of general access to neighboring automotive service center.