

THE LEFTOVERS

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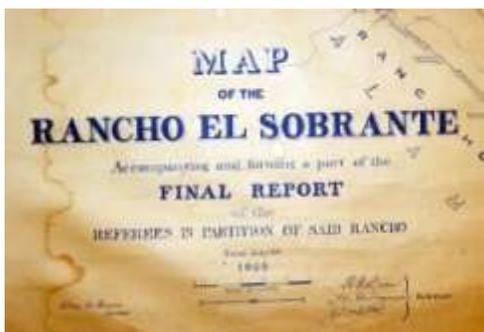
This newsletter is issued quarterly, as part of the mission of the ESHS, to preserve and publicize the history of the community of El Sobrante. If you would like to comment on this newsletter, or submit your own article for publication, please do so via: eshistory@gmail.com. Thanks!

Rancho El Sobrante: Filling in the Details

Donald Bastin

The Rancho El Sobrante was granted to the Castro brothers, Victor and Juan Jose, in 1841. The grant was created out of surplus or “sobrante” land that lay between five existing grants. As the boundaries of these existing grants were indefinite, disputes and lawsuits ensued. These difficulties were compounded when the United States and Mexico went to war in 1846. Shortly after the termination of the war, in 1848, gold was discovered at Sutter’s Mill, and California, particularly central and northern California, were swamped with new immigrants, many of whom settled onto the Rancho El Sobrante land. Some of these settlers had legitimate claims to their holdings, and others simply squatted on land that appeared to be open and unclaimed. But the outcome of all this activity, by the late 1800s, was a vastly altered world from the simple one that had existed in the early 1840s.

A brief look at the several Rancho El Sobrante grant maps that were



produced from the early 1880s to the last one, issued in 1909, shows that the original 18,000 acre (or so) holding was broken up into much smaller tracts, most no larger than 500 acres. One of the most important tracts, at least as far as the history of the El Sobrante community is concerned, is the Warnecke tract, situated along what is now the northeastern shoreline of the San Pablo Reservoir.



The earliest maps, issued in the 1880s, clearly show that the Warnecke Tract was owned by August and Sophia Warnecke. In the image above, we can see that the Warnecke tract was situated just to the east of the Clancy tract. The Clancy tract is now the site of Kennedy Grove, part of the East Bay Regional Park system. At the bottom of the tract we can clearly see the sinuous path of San Pablo Creek, and just

above it, the tracks of the, at this time, defunct California & Nevada Railroad.

We have a photograph of the extended Warnecke family, at their house on the tract, taken in 1890.



But other than the fact that the Warneckes were immigrants from Germany, we knew little about them and we did not know how the tract came into their possession. All that changed in late August of 2014, when we were contacted by John Haderler, a current resident of San Francisco who was doing genealogical research into his own family. In this endeavor, he had turned up a trove of letters, all written in German, dating from the early 1860s.

Hermann Haderler was John Haderler's great great uncle. He and his brother Wilhelm (John Haderler's great Grandfather) immigrated to America, from the village of Osten in Hanover (Germany was not unified until 1871) in 1848. Their sister, Clementine, who was married to Augustus Heinsohn, followed in 1853. The family members settled in Dayton, Ohio. Wilhelm stayed on in Dayton, but sometime between 1848 and 1856, Hermann came to California to join in the Gold Rush. Whether he actually struck gold or not is unclear, but by 1857, Hermann was in San Francisco, amassing a series of eight properties that are described in the court proceedings following his death in 1879. Seven of the properties were located within the city limits of San Francisco, while the eighth was in Contra Costa County. This

was the property that later came to be known as the Warnecke Tract.

Of historical interest is the description of the Contra Costa parcel, taken from the 1882 court decision, following Hermann's death.

Beginning on the north bank of San Pablo Creek where Clancy's easterly line comes into said creek at a point marked "O" on a certain map used in a partition suit in the 19th District Court in and for the County of San Francisco. Thence North 32 degrees, East 86 10/100 chains to the center of Weyhe's Canon Creek, marked on said partition map "I". Thence upstream through said creek to the northeast line of the Haderler tract, marked "H" on the said map. Thence south 58 degrees. East 40 60/100 chains to a stake and stone marked on said map "R." Thence at right angles to the last mentioned line 94 80/100 chains to the center of the creek known as Frenchman's Creek marked "P" on said map. Thence along the center line of said creek down stream to the San Pablo Creek, marked "T" on said map. Thence along the center line of said creek downstream to the place of beginning. The same being designated as division No. IV on said map, containing 435 30/100 acres, and being part of the Sobrante, so called.

It is interesting to note that many of these boundary lines are rather ephemeral, such as small creeks, stakes and rocks. Also, the language is antique. "Chains," for instance, is a unit of measure no longer in use, and is equivalent to 66 feet.

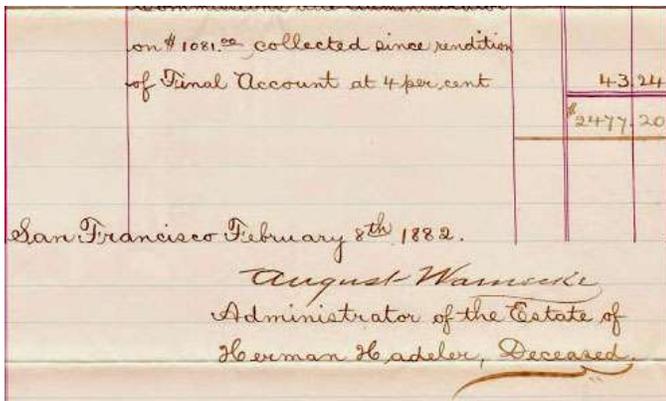
By 1865, Clementine's husband had died, and Clementine came out to California to join her older brother, bringing along her two young girls, Sophie and Dorothy. It seems that the Contra Costa property was already in Hermann's hands by this time, as we have a letter from Clementine, addressed to Wilhelm and her "aunt" in which she says that

"Dorie (Dorothy) is still in the country. . . . Dorie is getting all round and chubby out there. She doesn't want to come back to town (San Francisco) yet. They are making hay and she will be helping. That's fine and I support it. Certainly it must be healthy . . ."

It may well be that the house that appears in the 1890 picture of the Warnecke family was already constructed at the time that little “Dorie” was making hay along San Pablo Creek.

So how did August Warnecke get into the picture?

When Hermann died in 1879, he left no will. So the matter of the distribution of his land holdings naturally went to court. It was not until February of 1882 that the matter was resolved: all eight parcels of land were allocated equally between sister Clementine and brother Wilhelm. Take a look at the name at the bottom of this document.



You will note that the administrator of Hermann’s estate is none other than August Warnecke! Turns out he was Clementine’s son-in-law, as he and Sophie (Sophia) had married in 1867. By the time of the legal proceedings following Hermann’s death, Clementine and August had five children of their own.

The preceding information was taken from the *History of Contra Costa County* published in 1882. Here we also find that August was not only German, like the Hadelers, but also hailed from the kingdom of Hanover. The *History* relates that August purchased the Contra Costa property in 1881, but this seems unlikely, as the court awarded the tract to both Clementine and Wilhelm early in 1882. And it is clear from the letters between Clementine and Wilhelm (who remained in Dayton, Ohio) that some time elapsed before an agreement was made as to the price that Wilhelm would accept for his

share of the property. So while August and Sophie may have spent time on the property along San Pablo Creek, and even built a home there, actual legal possession of the land could not have taken place until 1882.

It seems that sometime after 1890, the Warneckes moved away from their home along San Pablo Creek, and the family ceased to be a part of the evolving history of El Sobrante. However, they did retain ownership of the land, leasing it to a Danish immigrant by the name of Soren Skow. It is the Skow family that has become woven into the fabric of our community’s history. As is well known, Soren started a dairy operation on the Warnecke property, which was apparently successful as the business was going strong as late as 1921, when the completion of the San Pablo reservoir necessitated a move to a new location. The Skow Family Dairy, also known as the Richmond Farm Creamery, set up shop along Clark Road, where the operation continued until sold in 1955.

The Warnecke property came under the control of the East Bay Municipal Utility District in 1923, where it remains today. As far as is known, nothing remains of the Haderler-Warnecke home or the buildings associated with the Skow dairy operation.

Filling in the details is what historical research is all about. Through the efforts of people like John Haderler, often simply tracing their own family background, we uncover information that illuminates the world around us, and come to a better understanding of how and why things happened the way they did. Bottom line, without people like John, doing the grunt work of historical research, our knowledge of history, particularly local history, would be barren indeed. Thanks John!



THOSE PERPLEXING CITY BOUNDARIES - SORTING OUT THE WHYS?

Maurice P. Abraham

Ever wonder how those confusing city boundary lines that zigzag through the El Sobrante Valley came to be? Well, you're not alone. People new to the community are often puzzled by the myriad City of Richmond signs that seem haphazardly placed along El Sobrante's main road corridors. Even long-time residents wonder how it came to be that Richmond has jurisdiction over so much of the valley, particularly where suburban housing tracts began replacing cattle ranches since the mid 1950s. The answer, not surprisingly, is complex.

The simple and accurate answer is these properties were annexed by the City of Richmond when they were undeveloped grazing lands. The complexity lies in the manner in which the annexations were accomplished and in some of the strategies employed by the city to extend its reach deep into the unincorporated El Sobrante Valley.

THE FIRST BIG MOVE

To explain how the city boundaries came to be, it's necessary to go back in time to December 1953 when Richmond's annexation plans first came to public light. That was when Richmond first disclosed its proposal to annex some 6,600 acres (10 square miles) of land stretching from Tilden Park along both sides of San Pablo Ridge and through what was known as Tank Farm Hill (now Rolling Hills Memorial Park and Hilltop Mall) and westerly to include the Atlas Powder Company properties (now Point Pinole regional Park).¹ (see figure 1). As proposed, the annexation would severely limit outward expansion by the cities of San Pablo and El Cerrito. It would also squelch any hopes

of El Sobrante one day becoming an incorporated city.

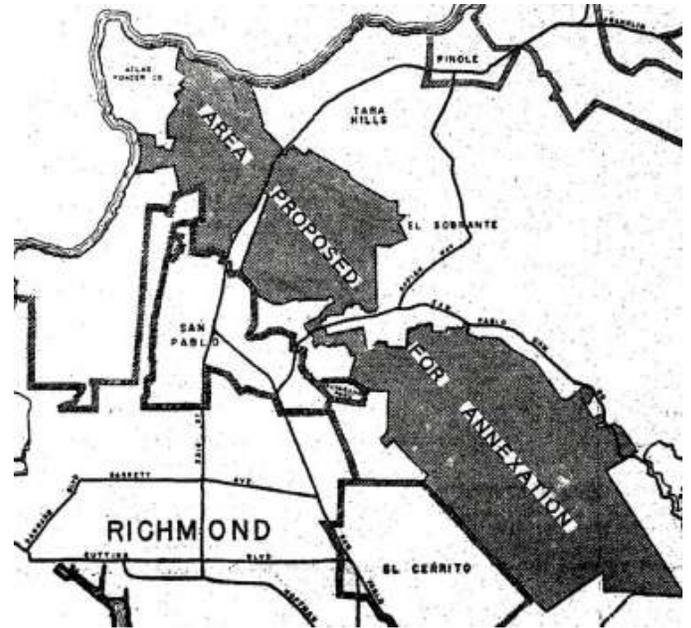


Figure 1 – 6,600-acre Annexation Proposal (Source: *El Sobrante Herald*, December 31, 1953)

The annexation would give Richmond control over most of El Sobrante's prime development land, reducing the size and potential value of its future tax base and thereby making incorporation financially marginal at best.

Properties included in this massive annexation proposal were mostly under three ownerships, EBMUD (Wildcat Canyon), Standard Oil of California (Tank Farm Hill), and Atlas Powder Company (Point Pinole). An interesting side note is that Interstate 80 had yet to be constructed, though its route had been established and construction was imminent. Richmond surely foresaw the tax-generating retail potential the new freeway would have for the Tank Farm Hill lands, and undoubtedly coveted those potential tax dollars.

Needless to say, both San Pablo and El Cerrito opposed Richmond's aggressive actions, but its City Council pushed ahead, adopting an Ordinance 1423 on February 16, 1954 purporting to annex the 6,600-acres, and then filing it with the Secretary of State. In a second annexation move just seven months later, Richmond's City Council filed Ordinance 1448

¹ *El Sobrante Herald*, December 31, 1953, page 1

with the Secretary of State on September 21, 1954, purporting to annex the planned De Anza Vista subdivision which overlapped a portion of the earlier 6,600-acres. The De Anza Vista annexation encompassed some 3,724-acres (5.82 square miles), and appears to have been a strategic move by Richmond to stay a step ahead of legal challenges.

The De Anza Vista subdivision lands were in the heart of the El Sobrante Valley, along May and Valley View Roads, and included much of the undeveloped lands that would become the De Anza Vista and Whitecliff neighborhoods, better known today as the May Valley neighborhood.

FIRST LEGAL CHALLENGE

Richmond's 6,600-acre annexation move faced a legal challenge in what came to be known as the Pennington case (Carl Pennington owned a small parcel that Richmond necessarily included in the annexation boundary). The presiding Superior Court judge, Dudley MacGregor (Butte County), handed a victory to Pennington, ruling against Richmond on January 13, 1955 and issuing a restraining order against the city on January 31, 1955. Judge MacGregor ruled that Richmond's purported annexation of the 6,600-acres was "void and invalid".² Though not a part of the Pennington case, the separate De Anza Vista annexation was indirectly challenged and affected because it overlapped a portion of the 6,600-acre area.³

Not to be thwarted and clearly anticipating this legal setback, Richmond's City Council adopted Resolution 5923 on Feb 1 1955, the day following Judge MacGregor's restraining order action, initiating a new annexation proceeding, the Fairmede-College Highlands annexation.

² ca.findacase.com, The People, ex rel. Carl Pennington et al., Respondents, v. City of Richmond et al., Appellants

³ibid

The new proposal included 640-acres (1.0 square miles) of territory almost completely within the original 6,600-acre "void and invalid" annexation under construction.⁴ Fairmede and College highlands were two subdivisions that were then, Fairmede situated between Hilltop Drive and the Rollingwood neighborhood, and College Highlands, as its name implies, above the Contra Costa College campus. In a separate resolution, Richmond also once again initiated annexation of the 1,035-acre Tank Farm Hill property.

The Fairmede/College Highlands annexation strategically avoided inhabited properties, allowing the State's Uninhabited Territories Act of 1939 to be employed. Richmond created an annexation boundary that began at the city's Alvarado Park boundary, included part of adjacent Wildcat Canyon, then crossed San Pablo Ridge into El Sobrante. There the annexation corridor took in the properties of El Sobrante's Hillcrest Baptist Church, Saint Callistus Catholic Church and what was then Rancho School (now Creek View apartments) on El Portal Drive, all uninhabited lands.

Soon after Judge MacGregor's January 13th "void and invalid" ruling against the Richmond, the city filed a motion for a new trial with the First District Court of Appeals in San Francisco.⁵ San Pablo officials were incensed by Richmond's aggressive actions. Its then Mayor John M. Snider declared, the "meandering and erratic boundary lines" were "dedicated to grasping hundreds of acres of land." Continuing, Snider said the Richmond moves were designed to "cut off from natural expansion the cities of San Pablo and El Cerrito and to attempt to force into its boundaries

⁴ ca.findacase.com; City of San Pablo et al., appellants, v. City of Richmond et al., respondents. College Highlands, Inc. (A Corporation) et al., respondents v. City of San Pablo et al., appellants

⁵ ibid

built-up unincorporated areas such as El Sobrante”.⁶

THINGS HEAT UP

So, the annexation ‘war’ was now in full force. San Pablo fired the next volley on February 15, 1955 when its Council adopted Resolution 832, initiating its own annexation request for the Fairmede/College Highlands properties. The County’s Boundary Commission (predecessor to today’s Local Agency Formation Commission, LAFCO) allowed the application, stating that it was neutral as to which cities claim was justly made. ⁷

San Pablo and Richmond sued one another, challenging the validity of their respective Fairmede/College Highlands annexation proceedings. The trial court heard these and a third related case (Johnson v. City of Richmond) jointly, upholding the validity of the Richmond annexation, and held that the San Pablo annexation was invalid, and entered its judgments accordingly. Superior Court Judge Lilburn Gibson (Mendocino) ruled Richmond’s claim valid because that city was first to file to annex the Fairmede-College Highlands area.⁸

San Pablo appealed Judge Gibson’s decision. The legal issue was basically this: If a city starts an annexation proceeding which is challenged and subsequently held to be invalid (as was Richmond’s 6,600-acre annexation), can that city validly start a second proceeding to annex the whole or part of the same territory (as Richmond did in the De Anza Vista and Fairmede-College Highlands annexations) before the judgment is entered declaring the first proceeding to be invalid? In its February

8, 1957 judgment, the appeals court said “yes, it may”, dealing a blow to San Pablo’s efforts to halt Richmond’s territorial aggressiveness.⁹

The Fairmede-College Highlands annexation was approved by the County’s Boundary Commission in September 1955. This action drove a permanent jurisdictional wedge between San Pablo and unincorporated El Sobrante, precluding any opportunity for El Sobrante to annex to San Pablo.

Richmond’s appeal of the January 13th MacGregor ruling finally wound its way through the First District Court of Appeal in San Francisco. The appellate court, while upholding MacGregor’s basic decision, amended it in one critically important way that was, in essence, a victory for Richmond. While the wording of MacGregor’s “void and invalid” ruling affected the entire 6,600-acre area, the subject territory of the Pennington case involved only several smaller properties whose residents objected to being annexed, not the total 6,600 acres.

The appellate court ruled that Judge MacGregor’s ruling was “too broad in its sweep” and that “it impinges upon any other annexation proceeding that may have been initiated concerning this territory or some portion thereof. It should be confined to the proceeding which is the subject of this action.” In other words, the ruling should apply only to the properties of those persons that were party to the legal action, in this case a very small portion of the total annexation acreage. So, by the appellate court’s affirmation of the MacGregor ruling as amended on March 29, 1955, the bulk of the 6,600-acre annexation area was thereby confirmed to have been legally annexed to the City of Richmond and not void and invalid.¹⁰

⁶ El Sobrante Herald, February 10, 1955, page 1

⁷ El Sobrante Herald, February 17, 1955, page 1

⁸ ca.findacase.com; City of San Pablo et al., appellants, v. City of Richmond et al., respondents. College Highlands, Inc. (A Corporation) et al., respondents v. City of San Pablo et al., appellants

⁹ *ibid*

¹⁰ *ibid*

POINT OF NO RETURN

The preceding actions by the City of Richmond, supported for the most part by various court cases gave Richmond major influence over the future of the El Sobrante Valley and, indirectly, over the destiny of its remaining unincorporated area.

A statewide proliferation of boundary issues such as those faced in the Richmond cases led to 1963 state legislation creating Local Agency Formation Commissions (LAFCO's) in California Counties. Later legislation expanded and reinforced LAFCO powers to oversee the logical and efficient creation and change of public agency jurisdictional boundaries. A specific legislative charge of LAFCO is to determine and update at least every five years the "sphere of influence" of each city and special district.¹¹ A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency. Factors that LAFCO must consider in determining spheres of influence are:

- The present and planned land uses, including agricultural and open space lands,
- The present and probable needs for public facilities and services in the area,
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide,
- The existence of any social or economic communities of interest in the area if the Commission determines they are relevant to the agency.¹²

Because Richmond's boundaries by then encompassed so much of the El Sobrante Valley, LAFCO determined that the City of

Richmond's logical Sphere of Influence would include unincorporated El Sobrante. This also paved the way for further Richmond annexations of El Sobrante territories that collectively created today's confusing city boundaries. Looking back, the 3,724-acre De Anza Vista annexation, once approved, was the point of no return for the El Sobrante Valley. With that annexation, Richmond's footprint and jurisdictional influence in the valley was firmly entrenched and irreversible. So what does that mean for unincorporated El Sobrante going forward?

THE FUTURE

El Sobrante's unincorporated area has in its future few jurisdictional possibilities. Will it incorporate as an independent city? Will it one day be swallowed up entirely by Richmond, voluntarily or otherwise? Or, will it remain in its current state, an unincorporated pocket? Any attempt to answer these questions would be pure conjecture. One thing is for certain, however; change is inevitable and the El Sobrante Valley community will change, just as it has throughout its relatively short history.

And, no matter what form Richmond's future city limits may take, the residents of the valley will still be saying "We live in El Sobrante"



¹¹ California Association of Local Agency Formation Commission web site, calafco.org; What is LAFCO?

¹² *ibid*

Remembering: Morris Benezra

Donald Bastin



I didn't know that Mr. Benezra's first name was Morris, but then I probably didn't know the first name of any teacher at De Anza. But I remember him, well. He was funny, kind, enthusiastic, and interested in his students. He was an art teacher at De Anza High School, and he was probably at the school when it opened, in 1955. I graduated in 1961, and he was already one of the old guard. He stayed on until 1987, when he retired. So, many of you out there, who went to De Anza, have memories of Mr. Benezra. He had a private life, naturally, and, according to his obituary, he produced a rich body of art work that has been exhibited widely. But what I remember is the animated and colorful teacher, who stands out in an otherwise fairly bland assembly of men and women, no doubt doing their best to motivate a mob of half-crazy teen-agers.

Mr. Benezra died on December 3, 2014, at the age of 90. The image above was taken from my 1961 yearbook. The drawing alongside was done by fellow student and cartoonist, Joel Beck, who did the artwork for the yearbook. Joel didn't adorn many of the teacher's pictures for the book, just the ones that he liked, I think.

*The El Sobrante Historical Society is an informal nonprofit organization, dedicated solely to the preservation and display of the history of the community of El Sobrante. We depend on our members and local residents for the information, artifacts, and photographs that make up the society's collection. Become a member and help out! It's free and simple. Just visit the website, at **ESHIST.ORG**.*

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1. **Maurice Abraham:** Administrator, Facebook Page; Historical Researcher and Writer.
2. **Donald Bastin:** Administrator, Website; Newsletter Editor; Historical Researcher and Writer.
3. **Steve James:** Membership and Communication Secretary;
4. **Lyle Miller:** Community Liaison and general support.

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The El Sobrante Historical Society is always looking for objects and photographs that help tell the story of our town. If you have any photographs of early El Sobrante, remember that it is not necessary to donate the original. All we need is your permission to scan your image and make it part of our archive. Your original photo stays with you.

It's a Win-Win!