

Decision No. 14178

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Oakland, a municipal
corporation,
Complainant,

- vs -

Southern Pacific Company of
Kentucky, a railroad corporation,
Southern Pacific Railroad Company,
of California, a railroad corpora-
tion, and South Pacific Coast
Railway Company of California, a
railroad corporation.

Case No. 1487.

ORIGINAL

BY THE COMMISSION:

PRELIMINARY ORDER

At the hearing held on October 8, 1924, in the Supplemental
Petition of Defendants, filed September 29, 1924, in the above entitled
proceeding, this Commission is requested, among other things, to grant
to defendants, pursuant to Section 51(a) of the Public Utilities Act
by preliminary order, authority to abandon for operation purposes and
to sell and convey either as a whole or in separate parcels, that
irregular-shaped parcel of real property at the southwesterly corner
of 14th and Franklin Streets, more particularly bounded and described
as follows:

Beginning at a point on the northwesterly line
of Franklin Street that is distant thereon 65 feet
southwesterly from the southwesterly line of 14th
Street; thence northeasterly along said northwesterly
line of Franklin Street 65 feet, to the southwesterly
line of 14th Street; thence at a right angle north-
westerly along the said southwesterly line of 14th
Street 143 feet; thence southeasterly 40.45 feet to
a point distant 23.4 feet measured at a right angle
southwesterly from said southwesterly line of 14th
Street; thence southeasterly in a straight line 117.6
feet to the point of beginning.

and as shown in green on Drawing East Bay Division, Drawing 3583,

Case M-47 attached to the supplemental petition.

Testimony was introduced by the defendants to the effect that this piece of property is no longer necessary or useful as operative property and that the public service would not be prejudiced but would be better served by the removal of tracks from the property and by the sale thereof.

Defendants petitioned the Commission to make such preliminary order, irrespective of what is to be done with the other matters at issue in this proceeding. As both complainants and protestants in this proceeding agreed that the sale of this property was in the best interests of the public and the City of Oakland, and as it appears to the Commission that the making of such preliminary order will not interfere with or jeopardize the other issues before the Commission in this proceeding and that the request is just and reasonable and should be granted,

NOW THEREFORE, as a preliminary order in this proceeding and specifically declaring that such order shall not be construed as having any bearing on the other issues in this proceeding,

IT IS HEREBY ORDERED that the defendants in this proceeding be and they are hereby granted authority under Section 51(a) of the Public Utilities Act to abandon for operative purposes and to sell and convey their right, title and interest either as a whole or in separate parcels that irregular-shaped parcel of real property at the southwesterly corner of 14th and Franklin Streets more particularly bounded and described as follows:

Beginning at a point on the northwesterly line of Franklin Street that is distant thereon 65 feet southwesterly from the southwesterly line of 14th Street; thence northeasterly along said northwesterly line of Franklin Street 65 feet, to the southwesterly line of 14th Street; thence at a right angle northwesterly along the said southwesterly line of 14th Street 145 feet; thence southeasterly 40.45 feet to a point distant 23.4 feet measured at a right angle southwesterly from said southwesterly line of 14th Street; thence southeasterly in a straight line 117.6 feet to the point of beginning.

This order shall take effect immediately.

Dated at San Francisco, California, this 16th day of
October, 1924.

Cl Seaver
H. B. Burdick
Dwight Martin

Commissioners.