

Decision No. 14 400 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GLENDALE and MONTROSE RAILWAY, for)
permission to dispose of right-of-)
way under Section 51 of the Public)
Utilities Act.)

Application No. 10664.

BY THE COMMISSION:

ORIGINAL

O R D E R

In the above entitled application the Glendale and Montrose Railway seeks authority to deliver a grant deed (Exhibit #1) covering a section of its right-of-way adjoining Cañada Boulevard near Verdugo Canyon to the lawfully constituted authorities of the City of Glendale for street purposes and to accept from said City of Glendale in lieu thereof a twenty-five (25) year franchise over said section of right-of-way, the physical features of which are delineated upon a map attached to the application and entitled "Map showing portions of Cañada Boulevard to be vacated and portions to be dedicated, near intersection of Verdugo Cañon Road; Edward M. Lynch, Civil Engineer."

Said section of right-of-way is more particularly described in Exhibits Nos. 1, 2 and 3 attached to the application, as follows:

"That part of the 2629.01 Acre Tract allotted to Teodoro and Catalina Verdugo in partition of the Rancho San Rafael, as per District Court Case No. 1629, Los Angeles County, California, described as follows, to-wit:

Beginning at a point which is reached by the following courses, viz: Commencing at a County spike in the center line of Verdugo Cañon Road; shown as Station 106 + 35.78 on Los Angeles County Highway Commission's Map No. A-330; thence south $38^{\circ} 47' 20''$ west along the center line of said Verdugo Cañon Road, as shown on said Map No. A-330, a distance of 365.19 feet; thence north $51^{\circ} 12' 40''$ west 50.00 feet to the point of beginning of a curve concave northerly and having a radius of 14.59 feet, a radial line from said point bearing north $51^{\circ} 12' 40''$ west; thence westerly along said curve a distance of 11.99 feet to a point on the easterly line of Cañada Boulevard, as shown on map of Tract No. 250, as per map of same recorded in Book 15, Pages 130 and 131 of Maps, Records of Los Angeles County, California, said point being on a curve concave westerly and having a radius of 692.28 feet, a radial line from said point bearing north $62^{\circ} 21'$ west; thence southerly along said curve a distance of 4.63 feet to a point, a radial line from said point bearing north $61^{\circ} 58'$ west; thence north $61^{\circ} 58'$ west 110.00 feet to a point on the westerly line of said Cañada Boulevard, said point being on a curve concave westerly and having a radius of 582.28 feet, a radial line from said point bearing north $61^{\circ} 58'$ west; thence northerly along said curve and the westerly line of said Cañada Boulevard, a distance of 175.54 feet to the true point of beginning for this description, said point being situated on the easterly line of the right-of-way of the Glendale-Montrose Railway Company, 30.00 feet in width, as described in deed recorded in Book 4121, Page 174 of Deeds, Records of Los Angeles County, California; thence from said true point of beginning south $27^{\circ} 53' 55''$ west along said easterly line of said right-of-way 154.10 feet; thence north $15^{\circ} 20' 40''$ east 134.72 feet to a point in the westerly line of said right-of-way; thence north $27^{\circ} 53' 55''$ east along said westerly line of said right-of-way 96.65 feet to a point in the westerly line of Cañada Boulevard, said point being situated on a curve concave westerly and having a radius of 582.28 feet, a radial line from said point bearing north $87^{\circ} 24' 11''$ west; thence southerly along said westerly line of Cañada Boulevard and along said curve a distance of 82.96 feet to the point of beginning,

said parcel to be known as Cañada Boulevard."

Exhibit No. 2 is copy of Resolution No. 2570 of the Council of the City of Glendale which declares that it is the intention of said City to offer said franchise over the above-described real property for sale and which grants said Glendale and Montrose Railway permit to operate an electric railway thereover for a period of six months.

It appears that the applicant has entered into an agreement with Haddock-Nibley Company (Exhibit #3) in which the latter company in consideration of said Glendale and Montrose Railway agreeing to deed and convey the above-described real property to the City of Glendale for public street and highway purposes, agrees to pay to the Glendale and Montrose Railway all costs and expenses of every kind and description, including attorneys' fees, that said Glendale and Montrose Railway should incur or be liable for in the securing of said franchise for a period of twenty-five (25) years from the City of Glendale to operate over and upon said property and in securing from this Commission an order approving said deed of conveyance of the above-described real property from the Glendale and Montrose Railway to the City of Glendale.

It also appears from Exhibit #3 that the Haddock-Nibley Company further agrees that it will pay to the Glendale and Montrose Railway all costs and charges that may be imposed upon said railway, its successors or assigns, by the City of Glendale for the upkeep or improvement of said right-of-way and crossings thereof, including any pavement costs or other costs required to be made upon same property for a period of five (5) years from and after the acceptance of said deed by said City of Glendale.

The Commission has considered the request of applicant and believes that this is not a matter in which a public hearing is necessary and that this application should be granted; therefore:

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted Glendale and Montrose Railway Company to deliver, on or before March 1, 1925, a grant deed covering real property as hereinbefore described to the lawfully constituted authorities of the City of Glendale in exchange for a twenty-five year franchise as described in Exhibit No. 2 attached to the ap-

plication and subject to the fulfilment of such terms, conditions and agreements as are outlined in the application and the attached Exhibits.

This order shall take effect immediately.

Dated at San Francisco, California, this 26th day of December, 1924.

C. Cleary

James Masten
Egerton Shore

Commissioners.