

Decision No. 14613.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
EAST BAY WATER COMPANY,
a Corporation, for an order author-
izing sale of real property.

Application No. 10660.

McKee, Tasheira & Wahrhaftig, by A. G. Tasheira,
for applicant.

W. J. Locke, for East Bay Municipal Utility
District.

BRUNDIGE and DECOTO, Commissioners:

O P I N I O N

East Bay Water Company, a corporation, has applied to this Commission for authority to sell certain non-operative real property as set out in the application herein.

A public hearing in this matter was held in San Francisco, after all interested parties had been duly notified and given an opportunity to appear and be heard.

Counsel for applicant and for the East Bay Municipal Utility District both agreed, and the evidence so indicates, that the property involved in this proceeding is neither necessary nor useful in the performance of the public utility duties of East Bay Water Company. However, in order that such existing rights as easements, rights of way, ingress and egress for maintenance and repairs, water rights to surface and underground waters, tunnel and other operating rights be fully pro-

tected and future operations and possible developments of this water system be adequately safeguarded, we believe that in any sale of this property such rights and privileges should be definitely and specifically reserved to East Bay Water Company, and the order authorizing this transfer will so provide.

The following form of order is submitted:

O R D E R

East Bay Water Company, a corporation, having applied to this Commission for authority to sell certain real property as set out in the application herein, a public hearing having been held thereon, the matter having been submitted, the Commission being now fully advised in the matter, and it appearing that said property is neither necessary nor useful in the performance of the duties of said company as a water utility, and that the application should be granted,

IT IS HEREBY ORDERED that East Bay Water Company, a corporation, be and it is hereby authorized to sell that certain real property more particularly described in the application herein, upon the following conditions:

1. That all rights and privileges now owned or controlled by East Bay Water Company and reasonably necessary to the continued operation of its water system in relation to the property herein authorized to be transferred, shall be reserved to East Bay Water Company in the instruments conveying said property.
2. That certified copies of the instruments of conveyance shall be filed with this Commission by said East Bay Water Company within thirty (30) days from the dates on which they are executed.

The authority granted in the order herein shall become effective upon the date hereof.

The foregoing opinion and order are hereby approved and

ordered filed as the opinion and order of the Railroad Commission
of the State of California.

Dated at San Francisco, California, this 27th day
of February, 1925.

H. A. Brundage

O. L. Seaver

Egerton Shore

George W. Squires

E. W. Jacobs

Commissioners.