

LEM

Decision No. 16075-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SPRING VALLEY WATER COMPANY, )  
a corporation, for an order author- )  
izing the exchange of certain of its ) Application No. 11130  
lands for lands of Julia J. Morrison. )

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

In Application No. 11130, filed with the Railroad Commission on May 19, 1925, Spring Valley Water Company applied for an order authorizing it to transfer certain properties to Julia J. Morrison pursuant to the terms of an exchange agreement attached to the application as Exhibit "A", and, upon receiving certain lands from her in consideration, to include such lands within the option to purchase heretofore given the City and County of San Francisco on April 14, 1922.

The record in the matter shows that applicant owns certain lands, constituting part of its water sheds in San Mateo County, which are adjacent to, and border upon, certain other lands owned by Julia J. Morrison. It appears that the center line of the state highway known as the Skyline Boulevard crosses and re-crosses the boundary line between the lands of the two owners, resulting in certain small parcels of land being cut off by the road from the rest of the property. The application was filed to permit the exchange of these parcels and to establish the highway as the boundary line.

The exchange agreement between the two parties, executed on June 3, 1925, provided for the transfer by Spring Valley Water Company to Julia J. Morrison of three small parcels of land containing in the aggregate 24.18 acres of land in exchange for \$476.40 in cash and three other parcels of land containing 12.27 acres.

By Decision No. 15022, dated June 6, 1925, the Commission made its order approving the transfer of properties subject to the terms and conditions of the exchange agreement. It is now reported, however, in a supplemental petition filed in this proceeding on November 13, 1925, that subsequent to June 6th it appeared that certain portions of the lands proposed to be transferred had been theretofore conveyed to the State of California and that therefore the exchange could not be consummated as originally contemplated in the agreement of June 3rd and as authorized by the Commission's order of June 6th.

Applicant now reports that both parties are nevertheless desirous of establishing the boulevard as the common boundary line between their respective properties and that to that end they have entered into a new agreement, dated September 10, 1925, and filed with the supplemental petition on November 13th, providing that the agreement of June 3, 1925, be rescinded and that in lieu of the property described therein, Spring Valley Water Company transfer to Julia J. Morrison three parcels of land containing 19.31 acres and that Julia J. Morrison transfer to the water company \$442.80 in cash and three parcels of land containing 8.24 acres. It is also reported that applicant and the City and County of San Francisco have entered into an agreement dated October 27, 1925, whereby the properties to be received by the water company from Julia J. Morrison will be substituted within the option given the city and county on April 14, 1922 in the place of the properties to be conveyed to her, the purchase price specified in the

option to be reduced by the sum of \$442.80.

The company therefore asks the Commission to make an order authorizing it to transfer the properties described in the first supplemental petition to Julia J. Morrison to carry out the agreement of September 10, 1925, and to include the properties received with the option heretofore granted the City and County of San Francisco. The Commission has given consideration to applicant's request and believes it should be granted, as herein provided, therefore.

IT IS HEREBY ORDERED that Spring Valley Water Company be, and it is hereby, authorized to convey to Julia J. Morrison, subject to the terms of the exchange agreement dated September 10, 1925, and filed with the Commission with the first supplemental petition in the above entitled matter, those certain lands described therein pursuant to the terms and conditions of said exchange agreement, and to include the lands to be received as part consideration from Julia J. Morrison within the option to purchase heretofore given the City and County of San Francisco.

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 15022, dated June 6, 1925, be, and it is hereby, vacated and set aside.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 3<sup>rd</sup> day of March, 1926.

H. P. Brundage  
C. Searcy  
Ernest A. ...  
Lion ...

Commissioners.