LEM

Decision No. 16090.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
S. E. THROWELL,)
as owner of the Lomita Park Water)
Works, for authority to sell said)
water works and the pipe lines, pump) Application No. 12497
and equipment thereof to Daisy Noel.)

J. E. McCurdy, for applicants.

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

In the above entitled matter S. E. Throwell has applied to the Railroad Commission for permission to transfer a water system described in Exhibit "A", located in and near Lomita Park, San Mateo County, and known as the Lomita Park Water Works, to Daisy Noel, said properties to be transferred free and clear of liens and encumbrances in exchange for real property located at 3838 Scott Street, San Francisco, together with improvements thereon.

A Public hearing on the application was held before Examiner Fankhauser. At the hearing Daisy Noel testified that she had made an examination of, and was acquainted with, the properties comprising the Lomita Park Water Works; that she had read the report prepared by the Commission's hydraulic division in connection with Application No. 9746, a rate proceeding, in which the estimated historical cost new as of February 1, 1924, was reported at $25,430.; that she was aware that the depreciated cost of the properties was less than $25,430.; that she had been apprised that it might be necessary to expend substantial amounts of money for replacements in the event the

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streets of Lomita Park were paved and the grades lowered; that she was willing and financially able to make these and other replacements, extensions and enlargements to take care of the demand for service, and that she had knowledge of and was willing to assume the duties and responsibilities attendant upon the ownership and operation of a public utility water system.

The Commission has given consideration to applicants' request and is of the opinion that this application should be granted as herein provided, therefore,

IT IS HEREBY ORDERED that S. E. Throwell be, and he is hereby, authorized to transfer to Daisy Noel, free and clear of liens and encumbrances, the properties comprising the water system known as the Lomita Park Water Works, described in Exhibit "A" attached hereto, in exchange for certain real property and improvements located at No. 3838 Scott Street, San Francisco, described in Exhibit "B" attached hereto.

The authority herein granted is subject to the following conditions:-

1. The properties to be transferred to S. E. Throwell in consideration for the transfer of the properties comprising the Lomita Park Water Works shall not be urged before this Commission or other court or public body as a measure of value of such water works for any purpose other than the transfer herein authorized.
2. Within ten days from the date upon which S. E. Throwell actually relinquishes possession and control of the Lomita Park Water Works he shall file with the Commission a verified statement indicating the exact date upon which such possession and control was relinquished.

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3. Within thirty days after execution of the deed conveying the properties of S.E.Throwell to Daisy Noel, said Daisy Noel shall file a verified copy thereof with the Commission.

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

DATED at San Francisco, California, this 7th day of March, 1926.

H. D. Brandegee

C. L. Seavey

Leon O. Whitsell

Commissioners.

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EXHIBIT "A"

Properties to be transferred from S. E. Throwell to Daisy Noel

REAL ESTATE:

Main Pump Plant Lot- Easterly

40 ft. of lots 1 & 2 Block 5 Corner San Marco and San Antonio Avenues.

Tank Lot- Southerly side of

San Felipo Ave. being Lot 13 Block 2.

Auxiliary Pump Plant Lot-

Northerly side of Santa Clara Avenue Lot Block 13.

PERSONAL PROPERTY:

All reservoirs, pump houses, pumps and motors, pipes, storage tanks, services and meters, miscellaneous tools, pipe fittings and meter parts.

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EXHIBIT "B"

Properties to be Transferred from Daisy Noel to S.E.Throwell

All that certain real property situated in the City and County of San Francisco, State of California, and described as follows, to-wit:

BEGINNING on the Easterly line of Scott Street at a point distant Northerly thereon 140 feet from the Northerly line of Prado Street; and running thence Northerly and along the Easterly line of Scott Street 40.945 feet; thence at a right angle Easterly 58.309 feet to a point distant Southwesterly 61 feet from the Southwesterly line of Cervantes Boulevard measured at a right angle thereto; thence Southeasterly 43.573 feet to a point distant Northerly 140 feet from the Northerly line of Prado Street, measured at a right angle thereto and distant Easterly 73.214 feet from the Easterly line of Scott Street, measured at a right angle thereto; thence Westerly, parallel with the Northerly line of Prado Street 73.214 feet to the point of beginning.

BEING A PORTION OF Marina Gardens, as per map thereof recorded Nov.13,1918,in Book "H" of Maps, Page 104, 105 and 106, in the office of the Recorder of the City and County of San Francisco, State of California.

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