

Decision No. 17292

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 J. A. GRAVES, WILLIAM E. BEAN,  
 EUGENE E. BEAN, ANN E. LEHMICKE,  
 MARY ELLA MURRAY and EARLE MYRTLE  
 BEAN (formerly Earle Myrtle  
 Rachael) to have certain property  
 relieved from the character of  
 public utility property.

ORIGINAL

Application No. 12989.

O'Melveny, Millikin, Teller and MacNeil,  
 by William Clary, for applicants.

BY THE COMMISSION:

ORDER

The Railroad Commission is asked to enter its order relieving Lot 16 of Tract No. 34 as per map recorded in Map Book 13, pages 190 and 191, Records of Los Angeles County, California, from its public utility uses. In Decision No. 3161 dated March 14, 1916, (Vol. 9, Opinions and Orders of the Railroad Commission of California, page 338) the Commission found that Lot 16 of Tract No. 34 was necessary for the operation of the water system owned by J. A. Graves and Jacob Bean. At the time of said decision and for some time subsequent thereto there was a water well on said lot known as the Los Robles well. The pump house for this well was located immediately joining the sidewalk

of Los Robles Avenue, Pasadena. Subsequently the water level of the well declined and because of the fact that the casing had collapsed, it was found impractical to lower the pump. Thereafter an agreement was entered into between the City of Pasadena and applicants whereby applicants were permitted to drill a well on Lot 51 of Tract No. 34. A 16" well was drilled on said lot and a pump installed. It is of record that this well is producing water in a highly satisfactory manner and quantity and that it is not necessary for applicants to drill <sup>a well</sup> and install a pump on Lot 16.

Applicants propose to sell Lot 16 if the same is relieved from its public utility uses. If the lot is sold the deed conveying title to said lot will contain a clause reserving to applicants and their successors in interest the underground water in and under Lot 16 in so far as the same can be taken from said lot by means of wells heretofore or hereafter drilled by applicants on lands other than said lot. The record shows that the deed will also contain a condition subsequent to the effect that no well or wells shall be drilled on said Lot 16 by the grantee or the successors in interest of the grantee and a further condition subsequent to the effect that no cess pool or privy vault shall be dug or sunk upon any portion of said Lot 16 and that all of the buildings whether dwelling houses, outhouses, garages or stables erected at any time on said Lot 16 together with the washing racks and washing facilities, and drainage from any such stable or garage shall at all times be connected with the outfall sewer in the public street upon which said lot fronts.

At the hearing had before Examiner Fankhauser on August 16 no one protested the granting of the application. The City of Pasadena through its assistant city attorney advises the Commission that it has no objection to the granting of the application.

The Commission has considered the request of applicants in this proceeding and believes that the same should be granted, therefore,

IT IS HEREBY ORDERED that Lot 16 of Tract No. 34 referred to in this application be, and it is hereby, relieved and discharged from all public utility uses and burdens provided, that in any conveyance by applicants or any of them of said lot to any third person there be inserted in the conveyance reservations and conditions subsequent substantially in the same form as set forth in this application.

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

DATED at San Francisco, California, this 27<sup>th</sup> day of August, 1926.

H. B. Brundage  
C. L. Cheney  
John S. Rott

Commissioners.