

LEW

Decision No. 17418.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SAN JOSE WATER WORKS,  
a corporation, for permission to  
ded a right-of-way to the Pacific  
Gas and Electric Company for a pole  
line over part of Lots Nos. 15 and  
61 of the lands of San Jose Water  
Works.

ORIGINAL

Application No. 13164

R. C. Leib, for applicant.

BY THE COMMISSION:

OPINION AND ORDER

San Jose Water Works, a corporation, asks permission to grant to the Pacific Gas and Electric Company, its successors and assigns, the right and privilege of erecting, maintaining and using for the transmission and distribution of electricity and for all purposes connected therewith, a single line of poles and wires suspended thereon and all necessary and proper crossarms and braces and other fixtures for use in connection therewith, and also a right of way along said line of poles, together with the right of ingress thereto and egress therefrom along said line, upon, over and across the following land situate in the County of Santa Clara, State of California:

"That certain 25.0 acre tract of land lying in Section 32, Township 8 South, Range 1 West, M.D.B. & M., being Lot No. 61, as shown upon that certain map entitled, 'MAP NO. 8 of SAN JOSE WATER CO. LANDS', recorded in the office of the County Recorder of Santa Clara County, State of California, in Book 'O' of Maps, at page 31.

The route of said line of poles and wires across said land shall be as follows:-

"Beginning at a point in the northerly boundary line of the lands of the party of the first part (marked by a fence now upon the ground) from which the northwesterly corner of the said lands of the party of the first part (marked by the intersection of fences now upon the ground) bears north 88 degrees 42 minutes west, 188.3 feet distant, and running thence south 1 degree 48½ minutes east, 118.7 feet; thence south 74 degrees 24 minutes east, 369.8 feet; thence south 82 degrees 23 minutes east, 179.3 feet; thence north 45 degrees 57 minutes east, 201.6 feet; thence north 77 degrees 16 minutes east, 163.6 feet; thence north 89 degrees 26 minutes east, 381.4 feet; thence north 53 degrees 21½ minutes east, 116.3 feet, more or less, to a point in the easterly boundary of the said lands of the party of the first part (marked by a fence now upon the ground)."

and also,

"That certain 106.0 acre tract of land lying in the southeast quarter of Section 29, and the north half of the northeast quarter of Section 32, Township 8 South, Range 1 West, M.D.B. & M., being Lot No. 15, as shown upon that certain map entitled 'MAP No. 7 of SAN JOSE WATER CO LANDS', recorded in the office of the County Recorder of Santa Clara County, State of California, in Book "N" of Maps, at page 38.

The route of said line of poles and wires across said land shall be as follows:-

"Beginning at a point in the southerly boundary line of the lands of the party of the first part, from which a 2" iron pipe, marking the point common to the said lands of the party of the first part, the lands of Margaret F. Neill, and the lands of X. Woltz, bears west, 85.0 feet distant, and running thence north 16 degrees 19 minutes east, 79.5 feet, more or less, to a point in an existing line across the said lands of the party of the first part."

San Jose Water Works reports that the granting of the right of way herein referred to will in no way interfere with the operation of its business as a public utility and that the granting of said right of way will be of material benefit to the Pacific Gas and Electric Company in rendering service to the public.

The agreements between the San Jose Water Works and the Pacific Gas and Electric Company provide that if the Pacific Gas and Electric Company shall cease to use the right of way for the purposes set forth in the agreement marked "Exhibit D" all of its right shall immediately cease and determine and the full title to the land shall revert to the San Jose Water Works.

The Commission has considered applicant's request and is of the opinion that a hearing is not necessary in this matter and that applicant's request should be granted, therefore,

IT IS HEREBY ORDERED that San Jose Water Works be, and it is hereby, authorized to grant to the Pacific Gas and Electric Company the right of way (or rights of way) referred to in this application pursuant to the terms and conditions set forth in the agreements filed in this proceeding as Exhibit "D" and to execute agreements substantially in the same form as said agreements marked "Exhibit D".

DATED at San Francisco, California, this 1st day of October ~~September~~, 1926.

H. A. Brundage  
C. H. Jones  
L. M. D. Hall

Commissioners.