

Decision No. 17718

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CALIFORNIA WHARF AND WAREHOUSE COMPANY,)
a corporation, for approval of the re-) Application No. 13188
newal of a wharf franchise.)

BY THE COMMISSION:

ORDER

CALIFORNIA WHARF AND WAREHOUSE COMPANY, a corporation, having been granted by the Board of Supervisors of the County of Contra Costa a renewal of a franchise theretofore granted to the said corporation by the said Board of Supervisors on January 5, 1920, together with the right to construct and maintain a wharf and to take tolls for the use of the same, at rates to be fixed according to law, for the term of twenty years from and after the granting of said order, on all those certain overflowed and submerged lands belonging to the State of California, over which the tide ebbs and flows, bordering on the Straits of Carquinez, a navigable arm of the sea, situate in Township Number Two, in Supervisor District Number Two of the County of Contra Costa, State of California, and more particularly described as contained and within the following boundaries, to-wit:

Beginning at a point on the northerly boundary line of right of way of the Northern Railway Company, distant thereon 3059 feet northwesterly from the hinges of the ferry slip at Port Costa, which point is also distant 150 feet westerly from the intersection of the westerly line of McNear's lower warehouse near Port Costa as the same stood in the year 1887, with the said northern line of right of way; running thence

westerly along the said northerly line of right of way to its intersection with the shore-line of the Straits of Carquinez, and thence westerly following said shore-line to a total distance from the point of beginning 1000 feet; thence north 14° 15' West (magnetic) 491 feet, more or less, to the line of four fathom depth of water; thence north 86° 35' east along the said four fathom line 1000 feet to station; thence southerly 259 feet to the point of beginning.

Applicant having applied to the Railroad Commission for approval of said renewal of the franchise heretofore granted to it by the said Board of Supervisors of the County of Contra Costa, State of California, on the 5th day of January, 1920, which franchise is fully set forth in the application herein, and having submitted to the Railroad Commission copies of its Articles of Incorporation, and of the application of said corporation for the said renewal of the franchise heretofore granted to it on January 5, 1920, to the Board of Supervisors of the County of Contra Costa, State of California, and a copy of the ordinance of said Board of Supervisors granting said renewal of franchise heretofore granted to it on January 5, 1920; and

The Commission being of the opinion that this is not a case in which a public hearing is necessary and that this application should be granted;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Railroad Commission hereby approves the renewal of the franchise dated January 5, 1920, described in the application herein; provided, that this order will not become effective until California Wharf and Warehouse Company, a corporation, has filed with the Railroad Commission, for approval, a stipulation, declaring that neither the said California Wharf and Warehouse Company, a corporation, nor its successors, transferees nor assigns will ever claim before the Railroad Commission, or any court or other pub-

lic body, a value for said right, privilege and franchise in excess of the amount actually paid to the County of Contra Costa, State of California, as a consideration for the granting of said right, privilege and franchise, which amount shall be stated in the stipulation and shall have received from the Railroad Commission a supplemental order declaring that such stipulation has been filed in form satisfactory to said Railroad Commission.

Dated at San Francisco, California, this 7th day of December, 1926.

H. B. ...
O. A. ...
Francis ...
Leon ...
Tim ...
Commissioners.