

Decision No. 19523

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

IN THE MATTER OF THE APPLICATION
 OF ED FLETCHER, doing business
 under the firm name and style of
 SHEPMAN WATER COMPANY, operating
 as a public utility, TITLE INSURANCE
 AND TRUST COMPANY, a California cor-
 poration, as Trustee, and CITY OF
 BEVERLY HILLS, a municipal corpora-
 tion of the sixth class, FOR PER-
 MISSION TO CARRY OUT THE TERMS OF
 AN OPTION HERETOFORE APPROVED BY
 THE COMMISSION IN ITS ORDER AND
 OPINION NO. 13,659.

Application No. 14495.

BY THE COMMISSION:

OPINION AND ORDER

Ed Fletcher, doing business under the firm name and style of Sherman Water Company, operates a public utility water system in and in the vicinity of the Town of Sherman in Los Angeles County, as more particularly described in the application herein. All of the lands and water rights, easements and rights-of-way described in said application are now owned by Title Insurance and Trust Company, as Trustee, subject to the contract between James K. Diebold and the Sherman Water Company, and also subject to an option entered into in accordance with the authorization hitherto granted by Decision No. 18414, in Application No. 13659.

Applicants now seek authorization to carry out the terms of said option agreement with two exceptions; first, that the price specified therein be changed to the sum of \$350,000, second, that paragraph Eighth of the option (Exhibit "B") be

changed so that the obligation of the City of Beverly Hills to fulfill public service obligations of the Sherman Water Company shall be limited by substituting for the property described under paragraph Eighth the property described in paragraph Third of the application, these changes to be accomplished by the execution of an agreement marked "Exhibit E". It is proposed that these transactions shall be carried out through an escrow, being Escrow No. 313,788, Trust Department, with Title Insurance and Trust Company.

Full consideration having been given to the above application, the Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that said application should be granted,

IT IS HEREBY ORDERED:

(1) That Title Insurance and Trust Company be and it is hereby authorized to execute a grant deed to the City of Beverly Hills, granting and conveying all of the water, water rights, pumping rights, real property, easements, rights-of-way, and other rights agreed to be sold by James K. Diebold under the option agreement attached to the application and marked "Exhibit B", which is hereby referred to and made a part of this order by reference.

(2) That Title Insurance and Trust Company and Sherman Water Company be and they are hereby authorized to execute and deliver to the City of Beverly Hills bills of sale to all of the personal property agreed to be sold under said option marked "Exhibit B".

(3) That Sherman Water Company, City of Beverly Hills and Title Insurance and Trust Company be and they are hereby authorized to execute and deliver

through escrow an agreement substantially in accordance with the terms and provisions of the agreement attached as "Exhibit E" to the application herein, and which is hereby referred to and made a part of this order by reference; provided, that such authorization is conditioned upon the assumption by said City of Beverly Hills of all public utility obligations, duties and liabilities of said Sherman Water Company.

(4) That Sherman Water Company be and it is hereby authorized to execute and deliver to the City of Beverly Hills an assignment of that certain franchise known as Ordinance No. 369.

(5) That Sherman Water Company be and it is hereby authorized to deliver to the City of Beverly Hills deeds to the tank sites forming a part of said distribution system.

IT IS HEREBY FURTHER ORDERED that the authorization herein granted is subject to the following conditions:

(A) The transfer herein granted shall apply only to such transfer as shall have been completed on or before the thirty-first day of May, 1928, and a certified copy of the final instruments of conveyance shall be filed with this Commission by said Sherman Water Company within thirty (30) days from the dates upon which said instruments are executed.

(B) Within ten (10) days from the date on which Sherman Water Company actually relinquishes control and possession of the property herein authorized to be transferred, it shall file with this

Commission a certified statement indicating the date upon which such control and possession were relinquished.

(C) Within ten (10) days from the date of this order, Sherman Water Company shall file with this Commission a statement showing the name and address of each person, firm, corporation and/or consumer entitled to refund of deposit on the date of this order, the amount and date of the original deposit and all refunds, if any, heretofore paid, together with a letter stating that said Sherman Water Company will, within ninety (90) days from the date of this order, pay said refunds, and each and every thereof to the persons thereunto entitled. Thereafter, a monthly statement as of the first day of the month shall be filed with this Commission setting forth the name and address of each person, firm, corporation, and/or consumer to whom refund has been made, and the date and the amount thereof. Disputes regarding the said refunds, or any of them, shall be referred to this Commission for further action and determination.

(D) Within ten (10) days from the date of this order, Sherman Water Company shall file with this Commission, and shall cause to be published at least three times in a newspaper published in or in the vicinity of Beverly Hills, and of general circulation in the territory served, a notice to the effect that said company will pay

