

ORIGINALDecision No. 19599

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LOS ANGELES-FIRST NATIONAL TRUST AND)
 SAVINGS BANK, a corporation, as Ex-)
 ecutor of the Estate of Fred L.)
 Somers, deceased, PHOEBE F. SOMERS,)
 THELMA SOMERS MANGOLD, CARL R.)
 MANGOLD, her husband, APTOS COMPANY,)
 a corporation, MONROE, LYON &)
 MILLER, INC., a corporation, L. G.)
 MONROE and ELSEY H. MONROE, his)
 wife, WM. C. LYON and ELVA P. LYON,)
 his wife, L. J. MILLER, RUTH READY)
 YOUNGER, AGNES HIEN YOUNGER, GEORGE)
 C. HUMES and ROSE HUMES, his wife,)
 VALENCIA ORCHARDS ASSOCIATION and)
 WESTERN TITLE INSURANCE COMPANY, a)
 corporation, for an order authoriz-)
 ing sale.)

Application No. 14430.

Wyckoff and Gardner, for applicants.

BY THE COMMISSION:

O P I N I O N

Applicants in this proceeding ask permission to sell the properties described in Exhibits F, G, H and I attached to the petition to the Aptos Water Company.

The properties which applicants ask permission to sell and transfer are the following:-

FIRST: Being a part of the Sequel Augmentation Rancho and beginning at a stake on the East Bank of the East branch of the Valencia Creek at a point 7-1/2 feet Southerly from the lower sand box near the head of the Spreckels flume, from which stake an oak tree 4 inches in diameter bears North 81° 45' East 15 feet distant; thence South 76° East 82.50 feet to a station; thence North 14° 30' East 234 feet to a station; thence North 36° 30' East 133.33 feet to a station; thence North 3° East 188.85 feet to a station; thence North 76° West (at 82-1/2 feet a redwood tree marked "W" on said side) 165 feet to a station; thence South 3° West 182 feet to a station; thence South 41° West 108.25 feet

to a station; thence South $14^{\circ} 30'$ West 267.33 feet to a station, and thence South 76° East 82.50 feet to the place of beginning; and containing two (2) acres of land more or less.

SECOND: Being a part of said Soquel Augmentation Rancho and being a strip 30 feet wide, extending from the Southwesterly side of the parcel of land first hereinabove described and thence along the line of a flume to the North boundary of the Aptos Ranch, the said strip being more particularly described as follows:-

Bounded on the Northerly by the 2 acre lot hereinbefore described; on the Southerly by the North boundary of the said Aptos Ranch; on the Northwesterly by a line running parallel with and five feet distant Northwesterly from a line beginning at a stake on the East bank of the East branch of the Valencia Creek at a point $7\text{-}1/2$ feet Southerly from the lower sand box near the head of the Spreckels flume from which point an oak tree 4 inches in diameter bears North $81^{\circ} 45'$ East 15 feet distant; thence following the general line of said flume South $8^{\circ} 45'$ East 50 feet; thence South $14^{\circ} 15'$ East 40 feet; thence South $9^{\circ} 45'$ West 50 feet; thence South $45^{\circ} 45'$ West 70 feet; thence South $14^{\circ} 15'$ East 120 feet; thence South $24^{\circ} 15'$ West 60 feet; thence South $11^{\circ} 15'$ West 65 feet; thence South $2^{\circ} 15'$ West 50 feet; thence South 16° West 55 feet; thence South $62^{\circ} 45'$ West 78 feet; thence South $1/4^{\circ}$ East 50 feet; thence South 63° West 115 feet; thence North $83^{\circ} 45'$ West 50 feet; thence South $39^{\circ} 45'$ West 125 feet; thence South 40° West 121 feet; thence South $61^{\circ} 45'$ West 35 feet; thence South $37^{\circ} 15'$ West 50 feet; thence South $16^{\circ} 15'$ West 50 feet; thence South $63^{\circ} 45'$ West 140 feet; thence South 24° East 50 feet; thence South $3/4^{\circ}$ East 36 feet; thence South $24^{\circ} 30'$ West 36 feet; thence South 65° West 70 feet; thence South $18^{\circ} 30'$ West 37 feet; thence South $65^{\circ} 15'$ West 47 feet; thence South $38^{\circ} 45'$ West 71 feet; thence South $27^{\circ} 30'$ West 34 feet; thence South $78^{\circ} 30'$ West 81 feet; thence South $64^{\circ} 45'$ West 50 feet; thence South $5\text{-}3/4^{\circ}$ West 72 feet; thence South 56° West 74 feet; thence South $21^{\circ} 15'$ West 35 feet; thence South $16\text{-}3/4^{\circ}$ East 50 feet; thence South $15\text{-}3/4^{\circ}$ West 50 feet; thence South $57\text{-}3/4^{\circ}$ West 25 feet; thence South $42\text{-}3/4^{\circ}$ West 73 feet; thence South $5\text{-}3/4^{\circ}$ West 65 feet; thence $10^{\circ} 15'$ West 100 feet; thence South $40^{\circ} 30'$ East 89 feet; thence South $16^{\circ} 30'$ West 41 feet; thence South $44^{\circ} 15'$ West 60 feet; thence South $22^{\circ} 15'$ West 50 feet; thence South $57^{\circ} 30'$ West 32 feet, and thence South $17^{\circ} 30'$ West 122 feet to an oak tree 10 inches in diameter; on the North boundary of the Aptos Ranch 4 feet East of the present line of the flume, and bounded on the Southeasterly side by a line running parallel with and 25 feet distant Southeasterly from the said last described line.

THIRD: All water rights, pipe lines, conduits, reservoirs and other equipment for distribution of water, pertaining to all of the lands described in that certain deed dated September 27, 1924, executed by Fred L. Somers and Phoebe Somers, his wife, to Aptos Company, and recorded on September 29, 1924, in Vol. 37 of Official Records at Page 1, in the office of the County Recorder of said County of Santa Cruz.

FOURTH: COMMENCING at the northeasterly corner of Lot 15 of Block 34, as said lot and block are delineated and so designated on that certain map entitled "Map of Subdivision No. 3, Aptos Beach Country Club Properties, Aptos, Santa Cruz County, California," filed for record August 10, 1925, in book 23 of Maps at map 3, records of Santa Cruz County, California, and running thence N. $65^{\circ} 25'$ E. 177.15 feet (the bearing of the southeasterly line of said Lot 15 being called No. $35^{\circ} 49'$ E. for purposes of this description), thence N. $78^{\circ} 15'$ E. 177.50 feet, thence N. $69^{\circ} 13'$ E. 138.85 feet and N. $58^{\circ} 22'$ E. 249.51 feet to the point of beginning of this description; thence from said point of beginning N. $85^{\circ} 22'$ E. 120 feet, thence at right angles S. $4^{\circ} 38'$ E. 200 feet, thence S. $85^{\circ} 22'$ W. 120 feet and thence N. $4^{\circ} 38'$ W. 200.00 feet to the point of beginning.

Being a portion of Lot 21 of the Aptos Rancho.

FIFTH: The right to construct and maintain a reservoir site on that certain parcel of land being part of the Aptos Rancho and more particularly bounded and described as:

BEGINNING at the northwest corner of lands conveyed by Ruth Ready Younger to Wm. Connolly by deed dated February 8th, 1927, and recorded in Vol. 76, at page 468 of Official Records of Santa Cruz County; and running thence along the Westerly boundary of said lands South $18^{\circ} 00'$ West 38.35 feet to a station; South $5^{\circ} 25'$ East 182.82 feet to a station; South $35^{\circ} 45'$ West 161.04 feet to a station; South $22^{\circ} 45'$ East 166.32 feet to a station; thence leaving said boundary, North $61^{\circ} 30'$ East 85.80 feet to a station; North $8^{\circ} 30'$ East 376.20 feet to a station on the Northerly boundary of said first above mentioned lands; thence along the Northerly boundary of said lands North $51^{\circ} 35'$ West 178.20 feet to the place of beginning.

SIXTH: The right to construct and maintain a pipe line leading from said last described reservoir site, Southerly across said lands conveyed by Younger to Connolly.

SEVENTH: That certain right of way for a pipe line or flume on a suitable grade across lands conveyed by Ruth R. Younger, et al, to Lawrence Pederson by Deed dated February 28th, 1922, and recorded in Vol. 317, at Page 151 of Deeds on record in the Office of the County Recorder of Santa Cruz County, and the right to install, repair and replace same at any time, and being that certain right of way as reserved secondly in said above mentioned deed from Ruth R. Younger, et al, to Lawrence Pederson.

EIGHTH: Being a portion of Lot 16 of the Aptos Rancho and beginning on the northwesterly line of Busch Road at the southwesterly corner of the lands of Amelia Arano as said road and corner are delineated and so designated on that certain map entitled "Subdivision No. 1 Deer Park Villa Sites," filed for record June 23, 1924, in Book 18 of Maps at page 48, records of Santa Cruz County, Calif., and running thence along said northwesterly line of Busch Road No. $44^{\circ} 21'$ E. 100.00 feet, thence at right angles N. $45^{\circ} 39'$ W. 49.53 feet to the southeasterly line of said lands of Arano, thence along last said line S. $18^{\circ} 00'$ W. 111.60 feet to the point of beginning.

NINTH: BEGINNING at a point on the southerly line of Lot 66, as said lot is delineated and so designated on the hereinafter mentioned map, distant thereon 99.28 feet northeasterly from the most southerly corner of said Lot 66 and running thence N. $26^{\circ} 52'$ W. 157.88 feet, thence N. $68^{\circ} 08'$ E. 95.31 feet, thence S. $42^{\circ} 17'$ E. 71.00 feet, thence S. $68^{\circ} 20'$ W. 20.00 feet, thence S. $4^{\circ} 04'$ W. 110.07 feet to said southerly line of said Lot 66 and thence along last said line S. $84^{\circ} 10'$ W. 30.00 feet to the point of beginning, as said lot is shown upon that certain map entitled "Subdivision No. 1, Deer Park Villa Sites, being a part of the Aptos Rancho, Santa Cruz County, California, "which map was filed for record in the office of the County Recorder of Santa Cruz County, California, June 23, 1924, in Book 18 of Maps, page 48, and being a portion of said Lot 66.

Upon the lands described there is and has long been a water works system supplying water to various buildings on the Aptos Ranch heretofore owned by applicants, and to a small extent to a few consumers in and near the village of Aptos. There are about fifty consumers at present being supplied through this water system.

Aptos Water Company was organized for the purpose of taking over and operating the properties described above. According to the application it is proposed to exchange stock of the Aptos Water Company for the properties referred to in such amount as the Railroad Commission shall authorize and permit to be used in Application No. 14438 now pending before the Commission.

It appears that Monroe, Lyon and Miller, Inc. acquired the Aptos Ranch and some other properties consisting of several thousand acres and that they or their successors in interest are now engaged in subdividing such properties. The transfer of the public utility properties is incidental to the transfer of the ranch properties. The consideration being paid for the ranch properties includes the public utility properties.

The testimony in this proceeding and in Application No. 14438 shows that the purchasers of the public utility properties contemplate to install some improvements and to give better service than has heretofore been furnished by the owners of the water system.

ORDER

Applicants in the above entitled matter having requested permission to sell the properties described in the foregoing opinion, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the transfer of the properties referred to in said opinion, to the Aptos Water Company, is in the public interest and that such transfer should be granted as herein provided

IT IS HEREBY ORDERED that the Los Angeles-First National Trust and Savings Bank, a corporation, as executor of the estate of Fred L. Somers, deceased, Phoebe F. Somers, Thelma Somers Mangold, Carl R. Mangold, her husband, Aptos Company, a corporation, Monroe, Lyon and Miller, Inc., a corporation, L. C. Monroe and Elsey E. Monroe, his wife, Wm. C. Lyon and Elva P. Lyon, his wife, L. J. Miller, Ruth Ready Younger, Agnes Hahn Younger, George C. Humes and Rose Humes, his wife, Valencia Orchards Association and Western Title Insurance Company, a corporation, be, and they hereby are, authorized to sell and convey to the Aptos Water Company the properties described in Exhibits F, G, H and I attached to the petition in this proceeding and referred to in the foregoing opinion, provided said properties are sold and conveyed to said Aptos Water Company, free and clear of all liens and incumbrances.

IT IS HEREBY FURTHER ORDERED that the Aptos Water Company shall file with the Railroad Commission within sixty (60) days after their execution, certified copies of the deeds or instruments of conveyance under which it acquires and holds title to said properties, and shall also file with the Commission a statement showing the date on which it acquired the properties and the date on which it took possession of the same.

DATED at San Francisco, California, this 13th
day of April, 1928.

Leon Whitehall

C. J. Young

Thos. J. Young

M. J. Young

Commissioners.