

Decision No. 29729

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Central Pacific Railway Company and Southern Pacific Company for authority to lease a certain parcel of land at Calwa, Fresno County, California, and to sell a certain track thereon to The Atchison, Topeka and Santa Fe Railway Company.

ORIGINAL

Application No. 15297.

BY THE COMMISSION:

O R D E R

Central Pacific Railway Company and Southern Pacific Company, corporations, filed the above entitled application with this Commission on the 2nd day of January, 1929, asking for authority to lease, for the sum of Three Hundred Eighty-seven Dollars (\$387.) per annum, a certain parcel of land at Calwa, Fresno County, California, and to sell, for the sum of Four Thousand Five Hundred Six Dollars and Twenty-six Cents (\$4,506.26), a certain track thereon to The Atchison, Topeka and Santa Fe Railway Company, as more particularly described hereinafter and in accordance with the terms of the agreement attached to the application.

Applicant states that the reasons for the proposed lease and transfer of property are that the Pacific Fruit Express Company, which has a contract for the operation of refrigerator cars upon lines operated by Southern Pacific Company, and The Atchison, Topeka and Santa Fe Railway Company have, for some time past, been the

joint owners of and have operated an ice plant at said Calwa; that Pacific Fruit Express Company has agreed to sell its interest in said ice plant to The Atchison, Topeka and Santa Fe Railway Company and is now about to execute and deliver instruments of transfer of said property; that the Pacific Fruit Express Company, upon transfer of its interest in said plant to The Atchison, Topeka and Santa Fe Railway Company, will no longer operate or receive ice from said plant; that The Atchison, Topeka and Santa Fe Railway Company will thereafter operate said plant, and requires the said property for the maintenance and operation of the icing platform appurtenant to said plant which is located upon said property, and also requires the track which is located upon said property for the purpose of switching cars to and from said icing platform and said ice plant; and that with the discontinuance of operations at said ice plant by Pacific Fruit Express Company, Southern Pacific Company will not require said track nor said property as long as it is used for the present purposes.

Applicants further allege that the proposed lease of said land and the proposed sale of said track to The Atchison, Topeka and Santa Fe Railway Company, in accordance with the terms of said lease, will be for the benefit of the public service.

The Commission is of the opinion that the proposed lease and transfer of property conserves the public interest; that this is not a matter in which a public hearing is necessary and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that Central Pacific Railway Company and Southern Pacific Company be and they are hereby authorized

to lease to The Atchison, Topeka and Santa Fe Railway Company in accordance with the terms of the agreement attached to the application that certain parcel of property described as follows:

Beginning at a point in the northeasterly right of way line of the Central Pacific Railway Company, said point being distant 50.0 feet at right angles northeasterly from the center line of original main track of Central Pacific Railway Company at Engineer Station 6019+00, thence southeasterly along said northeasterly right of way line a distance of 2255.0 feet to a point distant 50.0 feet at right angles northeasterly from said center line of original main track at Engineer Station 6041+55; thence northwesterly in a direct line a distance of 212.1 feet, more or less, to a point distant 30.0 feet at right angles northeasterly from said center line of original main track at Engineer Station 6039+45; thence northwesterly parallel to and distant 30.0 feet at right angles northeasterly from said center line of original main track a distance of 2045 feet to a point distant 30.0 feet at right angles northeasterly from said center line of original main track at Engineer Station 6019+00, thence at right angles northeasterly a distance of 30.0 feet to the point of beginning, containing an area of 2.961 acres, more or less, as shown outlined in red on said blueprint map of San Joaquin Division Drawing No. AB-3323, revised November 19, 1928, hereto attached and made a part hereof.

IT IS HEREBY FURTHER ORDERED that Central Pacific Railway Company and Southern Pacific Company be and they are hereby authorized to sell in accordance with the terms of the agreement attached to the application that certain track located upon the above described parcel of land described as follows:

Beginning at a point in the center line of said track, said point being distant 26.0 feet at right angles northeasterly from the center line of the original main track of the Central Pacific Railway Company at or near Engineer Station 6039+96.5, thence northwesterly parallel to said center line of original main track a distance of 1727.3 feet, more or less, to a point; thence on a curve concave to the left having a radius of 818.64 feet (the tangent to said curve at the last mentioned point is the last described course) an arc distance of 67.15 feet, more or less, to a point at right angles northeasterly from the said center line of original main track at Engineer Station 6022+02.0, as shown in dotted red on blueprint map of San Joaquin Division Drawing No. AB-3323, revised November 19, 1928, hereto attached and made a part hereof.

The authority to lease the parcel of land and sell the track located thereon as described above is granted subject to the

following conditions:

(1) Applicant shall within thirty (30) days thereafter notify this Commission, in writing, of the completion of the transfer of property and sale of the track herein authorized.

(2) The authority herein granted shall not be construed as a determination by this Commission of the value of the property for any other purpose than the lease and transfer herein authorized.

(3) If said property shall not have been leased or said track not have been sold within one (1) year of the date of this order, the authorization herein granted shall then lapse and become void unless further time is granted by subsequent order.

(4) The Commission reserves the right to make such further orders relative to this matter as to it may seem right and proper and to revoke its permission if in its judgment the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco this 30th day of January,
1929.

Thos D. Lott
Ch. Lewis
Ernest J. ...
John ...
M. J. ...
Commissioners.