

LBM

Decision No. 22249.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CITY AND COUNTY OF SAN FRANCISCO,)
a municipal corporation, and of)
SPRING VALLEY WATER COMPANY,)
a corporation, for an order author-)
izing a lease of certain properties)
from Spring Valley Water Company to)
the City and County of San Francisco.)

Application No. 16220

McCutchen, Olney, Mannon and Greene,
by Warren Olney, Jr. and John O. Moran,
for Spring Valley Water Company.

John O'Toole, City Attorney, and Dion R. Holm,
Special Counsel, for City and County
of San Francisco.

BY THE COMMISSION:

ORDER

Applicant Spring Valley Water Company asks permission to lease to applicant City and County of San Francisco certain real property, more particularly described in that certain indenture of lease, a copy of which is filed in this proceeding as Exhibit "A". The property proposed to be leased is a tract of land lying generally between the northerly and southerly arms of Laguna de la Merced.

Applicant City and County of San Francisco desires to use the property for golf course and playground purposes. The proposed lease contains provisions which it seems to us protect the property from any act or thing which may injuriously affect the use or value thereof for or in connection with the water supply of the City and County of San Francisco.

The lease provides that the City and County of San Francisco for the term commencing July 1, 1929 and ending June 30, 1930, shall pay for the use of the properties a rental of \$6,000.00.

In addition to such rental the lessee agrees to pay to the lessor as additional rental an amount equal to the installments of all taxes, assessments and other municipal or government charges levied against or a lien upon the said real property or any part thereof.

The lease provides for its renewal from year to year and for the payment of varying amounts as an annual rental. It further provides that in the event the City and County of San Francisco acquires the demised premises with the other operative properties of the Spring Valley Water Company, the lease shall terminate and the rent for the year in which said properties are so purchased shall be pro rated as of the date of the payment of the purchase price.

No one protested the granting of the application. It appears to us that the execution of the lease referred to in this application does not adversely affect the public utility operations of Spring Valley Water Company and that the application should be granted, therefore,

IT IS HEREBY ORDERED that Spring Valley Water Company and the City and County of San Francisco, applicants in this proceeding, may execute a lease substantially in the same form as that filed in this proceeding and marked Exhibit "A", and that Spring Valley Water Company may complete and perform the same.

DATED at San Francisco, California, this 24th day of January, 1930.

Al Seaman
Ernest C. O'Sullivan
Leon Seaman