

**ORIGINAL**Decision No. 23319

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
NORTHWESTERN REALTY COMPANY, a cor-  
poration; and MARIN MUNICIPAL WATER  
DISTRICT, a corporation, for a permit  
to transfer water system.

Application No. 17087.

B.G. Feist, for Northwestern Realty Company.  
George H. Harlan, for Marin Municipal Water District.  
Paul Schoss, in propria persona.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding the Northwestern Realty Company, a corporation, asks for authority to transfer to the Marin Municipal Water District, a corporation, its public utility water systems now supplying water for domestic purposes to consumers residing in those certain subdivided properties known as Marin Heights, Marin Terraces, Marin Half Acres, Mill Valley Terraces, and Little City Farms comprising a territory designated generally as Tamalpais Valley, Marin County.

A public hearing was held in the above proceeding before Examiner Williams at Mill Valley.

Case No. 2925 was a proceeding directed against Leonard & Holt and as the answer thereto conclusively showed that said defendant was not in any manner connected with any of the water systems involved therein, a new case (Case No. 2962) was thereupon filed by the same complainants making Northwestern

Realty Company, a corporation, defendant. The complaint in this latter proceeding alleged that the water service was intermittent, frequently interrupted for periods of several consecutive days and in general wholly inadequate and unsatisfactory. Negotiations were entered into by Northwestern Realty Company, owner of the water systems involved, which have resulted in an agreement to transfer to the Marin Municipal Water District at a nominal consideration all pipe lines, meters and service connections now supplying consumers in the various subdivisions set out above. The District at present furnishes the water supply used by defendant for resale to its consumers and, in addition thereto, supplies water generally to the various cities, towns and communities located in southeastern Marin County. Mr. John Burt, General Manager, and Mr. J.S. Peters, Engineer of the Water District, testified that the District would take over the service to all consumers now being served in the above tracts and would commence in the immediate future the installation of larger mains and pipe lines to provide and insure a proper and dependable water service. This proposal was agreeable to all complainants in the above mentioned cases and, with the understanding that this transfer would be granted, they requested the dismissal thereof.

There was a question raised as to the status of service now being rendered to some four or five consumers in a tract known as Tamarin Highlands, which obligation the District declined to assume. It appears that this tract is located a considerable distance from the territory now served by defendant herein and is in fact being supplied by Leonard & Holt, the real estate firm which marketed the properties. It is therefore not in any manner whatsoever involved in this proceeding.

From the evidence it is apparent that the public interest will best be served by the authorization of the transfer as requested and it will therefore be so ordered.

O R D E R

Northwestern Realty Company, a corporation, having made application to this Commission for authority to transfer to the Marin Municipal Water District, a corporation, its water systems serving Marin Heights, Marin Terraces, Marin Half Acres, Mill Valley Terraces and Little City Farms, and the Marin Municipal Water District, a corporation, having authorized the acquisition of said properties by Resolution No. 1125 of its Board of Directors passed the sixteenth day of December, 1930; now therefore,

IT IS HEREBY ORDERED that Northwestern Realty Company, a corporation, be and it is hereby authorized to transfer to Marin Municipal Water District, a corporation, the public utility water systems owned by it and used to supply consumers in those certain districts in Marin County known as Marin Heights, Marin Terraces, Marin Half Acres, Mill Valley Terraces and Little City Farms, subject to the following terms and conditions:

1. The authority herein granted shall apply only to such transfer as may have been made on or before the first day of April, 1931, and a certified copy of the final instrument of conveyance shall be filed with this Commission by the Northwestern Realty Company, a corporation, within thirty (30) days of the date on which it is executed.
2. Within ten (10) days from the date on which the Northwestern Realty Company, a corporation, actually relinquishes control and possession of the properties 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.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of January, 1931.

Clarence

Leon White

M. J. [unclear]

M. B. [unclear]

Fred G. Stewart

Commissioners