

Decision No. 23430.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
 STEARNS WHARF COMPANY, a corporation,)
 for an order of the Railroad Commis-)
 sion of the State of California au-) Application No. 17153.
 thorizing it to sell certain real)
 property to the City of Santa Bar-)
 bara, State of California.)

BY THE COMMISSION:

OPINION AND ORDER

This is an application of the Stearns Wharf Company, a California corporation operating a public wharf in the City of Santa Barbara, for an order from this Commission authorizing it to sell and transfer to the City of Santa Barbara certain parcels of real estate to which it now holds title.

The property which it is proposed to sell and transfer is designated as Parcels I, II and III and is fully described in Exhibit "A" attached to the application. On Parcels I and III there is now situated a portion of applicant's public wharf. As to these parcels the agreement of sale specifically provides that applicant reserves "unto itself, its successors and assigns, the right to continue to use for wharf purposes all now existent structures now situate upon the property * * * ", subject to and in strict accordance with and for the unexpired portion of the term of the present franchise and any extension or renewal thereof. Parcel II is not now necessary or in any way useful to the Stearns Wharf Company in the performance of its public duties. The consideration to be paid applicant, provided for

by an agreement dated January 8, 1931, and made part of the application, is \$12,500.

Applicant herein is also a party to Case 2842, Santa Barbara Lumber and Mill Company et al. vs. Stearns Wharf Company, and Application 16925, In the Matter of the Application of Stearns Wharf Company, a corporation, for an Order Authorizing an Increase in Rates, now pending before the Commission. The property here proposed to be transferred, however, is not included in any valuations submitted and filed in those proceedings and it is alleged that neither of them will be in any wise affected by the granting of the authority now sought.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted as herein provided, therefore

IT IS HEREBY ORDERED that applicant Stearns Wharf Company be and it is hereby authorized to sell and transfer to the City of Santa Barbara for the sum of \$12,500 those certain portions of property hereinbefore referred to as Parcels I, II and III more particularly described in Exhibit "A" attached to and made part of the application.

As to the use by the Stearns Wharf Company of Parcels I and III the authority herein granted is subject to the reservation in the Agreement of Sale dated January 8, 1931, referred to herein.

Dated at San Francisco, California, this 24th day of February, 1931.

Cl. Seaver
Leon White
W. J. Tom
W. B. Harris
Fred G. Stewart
Commissioners.