

LEM

Decision No. 23600.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM LAMPERT and MAURICE STRAIN,)
to enter into a contract of lease)
and option to purchase that certain)
warehouse operated by said William)
Lampert in the City of Marysville,)
County of Yuba, State of California.)

ORIGINAL
Application No. 17265

William Lampert, in propria persona.

Maurice Strain, in propria persona.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Railroad Commission is asked to enter its order authorizing William Lampert and Maurice Strain to execute an agreement similar to that attached to the petition and marked "Exhibit A", and to which agreement reference will be made hereafter.

It is of record that William Lampert has been engaged in conducting a feed and seed business and in operating a public utility warehouse business in the City of Marysville. He reports his investment in the properties referred to in this application at \$31,000.00. His gross revenues for 1930 amounted to \$23,952.03, of which \$4,984.52 was obtained from warehouse operations. Because of ill health he has sold his feed and seed business and desires to withdraw from the operation of a public utility warehouse business. His warehouse operations have been limited to the storing of rice, grain and beans.

Under date of February 28, 1931 William Lampert has agreed to lease and sell to Maurice Strain, according to the terms of the agreement filed in this proceeding as Exhibit "A" the following described real and personal properties:

All those certain lots, pieces or parcels of land situate, lying and being in the City of Marysville, County of Yuba, State of California, and more particularly described as follows, to wit:

Lots Four(4), Five (5) and Six (6) of Block Eight (8), Range "C", as the said lots, block and range are laid down, numbered and designated on the official recorded map of the City of Marysville, on file and of record in the office of the County Recorder of the County of Yuba, State of California.

Together with all and singular the warehouse and improvements thereon, and the appurtenances, including the spur railroad track and spur railroad track privileges and any and all franchises, easements and rights of any and every character possessed by lessor in connection with or incidental to the use and occupation of said leased property, and also including the following described personal property, to wit:

Raisin stemming plant complete with all accessories, electric piler, hand trucks, platform scales, wagon scales, counter scales, seed cabinets, fanning mill, office equipment and other miscellaneous personal property now upon and used in connection with said premises.

Under the terms of the aforesaid agreement, William Lampert has agreed to lease to Maurice Strain the properties to which reference has been made for a term of ten years, commencing on the first day of March, 1931, and ending on the 28th day of February, 1941, for a total rental of \$36,000.00, payable in equal monthly installments of \$300.00 per month on the first day of each and every month beginning March 1, 1931 during the term of the lease. The agreement further grants to Maurice Strain the sole and exclusive right and option to purchase the properties at any time during the first five years of the term, for the total price of \$33,000.00. In the event the lessee does not exercise the option to purchase the properties but continues to operate them as tenant, the lessor will give him a

credit or refund of \$2,000.00 on the final year's rent.

Maurice Strain intends to continue the operation of the public utility warehouse business. He plans to install on the premises a bean cleaner at a cost of about \$8,000.00. If the parties exercise the authority herein granted, Maurice Strain must conduct the public utility warehouse business under the rates shown in Warehouse Tariff No. 2, C.R.C. No. 2, filed by William Lampert on May 31, 1923. Such rates may not be increased except as authorized by the Commission.

ORDER

Application having been made to the Railroad Commission for an order authorizing the leasing and possible sale of the aforesaid properties, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission having considered applicant's request and being of the opinion that the execution of the aforesaid agreement should be authorized, subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED, that William Lampert and Maurice Strain be, and they hereby are, authorized to execute an agreement in the same form as that filed in this proceeding as Exhibit "A".

IT IS HEREBY FURTHER ORDERED, that neither the agreed rental nor the purchase price provided in the agreement herein authorized to be executed shall hereafter be urged before this Commission as determining the value of the properties described in said agreement for the purpose of fixing rates or issuing securities.

IT IS HEREBY FURTHER ORDERED, that William Lampert and Maurice Strain shall unite in common supplement to the tariffs now on file with the Commission in the name of William Lampert, applicant William Lampert withdrawing and applicant Maurice Strain accepting and es-

establishing as his own such tariffs.

DATED at San Francisco, California, this 13th day of
April, 1931.

C. C. S. [unclear]

Leon [unclear]

M. J. [unclear]

M. B. [unclear]

Frederic G. [unclear]

Commissioners.