

Decision No. 23884.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 UNION OIL COMPANY OF CALIFORNIA, a
 corporation, for approval of a wharf
 franchise.

Application No. 17342.

ORIGINAL

BY THE COMMISSION:

ORDER APPROVING WHARF FRANCHISE

The Union Oil Company of California, a California corporation, by this application requests an order from this Commission approving the action of the Board of Supervisors of the County of Contra Costa, State of California, by Ordinance No. 206 in granting to it for the term of twenty years a wharf franchise on certain submerged, overflowed and tide lands belonging to the State of California bordering on a navigable strait or inlet of the sea, situated in the County of Contra Costa, State of California, and more particularly described as follows, to-wit:

Beginning at a point on the northerly line of State Tide Land Survey No. 58, Location No. 176, distant thereon South 69° 58' West, 190.32 feet from the most northerly corner of the lands conveyed to Union Oil Company of California by deed from Patrick Torney and wife, dated November 1, 1901, recorded in Volume 90, page 552 of Deeds, Records of said Contra Costa County; thence North 11° 24' 49" West, 115 feet; thence South 78° 35' 11" West, 9 feet; thence North 11° 24' 49" West, 452 feet; thence South 78° 35' 11" West, 12 feet; thence North 11° 24' 49" West, 615 feet; thence North 67° 35' 11" East, 5 feet; thence North 22° 24' 49" West, 80 feet; thence South 67° 35' 11" West, 410.50 feet; thence South 22° 24' 49" East, 80 feet; thence North 67° 35' 11" East, 370 feet;

thence South $11^{\circ} 24' 49''$ East, 44 feet; thence North $78^{\circ} 35' 11''$ East, 5 feet; thence South $11^{\circ} 24' 49''$ East, 675.50 feet; thence South $78^{\circ} 35' 11''$ West, 314.50 feet; thence South $11^{\circ} 24' 49''$ East, 50.50 feet; thence North $78^{\circ} 35' 11''$ East, 304 feet; thence South $11^{\circ} 24' 49''$ East, 57 feet; thence South $0^{\circ} 24' 49''$ East, 93 feet; thence South $78^{\circ} 35' 11''$ West, 178 feet; thence South $11^{\circ} 24' 49''$ East, 48 feet; thence North $78^{\circ} 35' 11''$ East, 137 feet; thence South $11^{\circ} 24' 49''$ East, 178 feet; thence South $78^{\circ} 35' 11''$ West, 250 feet to a point on the northerly line of said tide land survey, distant South $84^{\circ} 28'$ East, 87.35 feet from an angle point in said northerly line; thence South $84^{\circ} 28'$ East, 199.41 feet along said northerly line of State Tide Land Survey No. 58, Location No. 176 to an angle point; thence continuing along the northerly line of said State Tide Land Survey, North $69^{\circ} 58'$ East 181.40 feet to the point of beginning, containing 128,530 square feet or 2.9506 acres.

It appears from the application that applicant was heretofore granted a franchise by the Board of Supervisors of the County of Contra Costa (Ordinance No. 120 of January 16, 1911) to construct and maintain the wharf here under consideration. The present franchise is in effect a renewal of the prior franchise.

In so far as an approval of this Commission may be necessary under the provisions of Section 2906 et seq. of the Political Code, of the right to maintain a wharf as set forth above, such approval is hereby granted. The Commission desires to point out, however, that the use of said wharf by the public and the collection of tolls for such use would result in the Union Oil Company of California transacting a public utility (i.e. wharf-inger) business in this state. Such a result would require this applicant to file tariffs in conformity with the provisions of the Public Utilities Act.

Dated at San Francisco, California, this 14th day of May, 1931.

C. Seaver

M. J. Cur

Fred G. Stewart

Commissioners.