

ORIGINAL

Decision No. 22807.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
 A. B. CHAPMAN ESTATE, a corporation,
 and RICHARD BECK CHAPMAN, as Trustee,
 for an order authorizing said appli-
 cants to sell to the CITY OF PASADENA,
 the public utility comprising a water
 system owned and operated by said
 applicants.

Application No. 17363

James H. Howard, for City of Pasadena.

Chapman & Chapman, by L. M. Chapman, for
 A. B. Chapman Estate and Richard Beck
 Chapman as Trustee.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding, A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as trustee of the trust created by the last will and testament of Alfred Beck Chapman, make application to the Railroad Commission for authority to transfer their public utility water system supplying irrigation and domestic water to the residents within the boundaries of that certain territory situated in Los Angeles County, described as follows, to-wit:

Beginning at the intersection of the southerly line of Foothill Boulevard (State Highway) with the westerly line of Lot 1, Tract 901 as shown on map as recorded in Book 16, pages 174 and 175 of Maps, Records of Los Angeles County, thence easterly along said southerly line of Foothill Boulevard to its intersection with the center line of East Pasadena Avenue; thence southerly along said center line to its intersection with the center line of Colorado Street; thence westerly along said last mentioned center line to its intersection with the center line of Lotus Avenue; thence southerly along said last mentioned center line to its intersection with the center line of Blanche Street; thence easterly along the last mentioned center line to its intersection with the center line of East Pasadena Avenue; thence southerly along last mentioned center line to its intersection

with the center line of Huntington Drive (south side of Pacific Electric Right of Way); thence easterly along last mentioned center line to its intersection with the westerly incorporate limits of the City of Arcadia, as same existed on the 21st day of April, 1925; thence southerly along said incorporate limits to its intersection with the center line of Duarte Road (formerly called Melville Avenue); thence westerly along said last mentioned center line to its intersection with the southerly prolongation of the westerly line of land of A. B. Chapman, in Section 31, Township 1 north, Range 11 west, S.B. B. & M.; thence northerly, northwesterly, and northerly along the westerly line of said land of A. B. Chapman to its intersection with the center line of Blanche Street; thence easterly along last mentioned center line to its intersection with the southerly prolongation of the westerly line of Lot 16, Tract No. 901, formerly mentioned; thence northerly along said southerly prolongation and along the westerly line of said Lot 16 to its intersection with the center line of Colorado Street; thence westerly along said last mentioned center line to its intersection with the southerly prolongation of the westerly line of Lot 14, Tract No. 901, formerly mentioned; thence northerly along said southerly prolongation and along the westerly line of said Lot 14 to its northerly line thereof; thence easterly along said northerly line of Lot 14, and the prolongation thereof to its intersection with the westerly line of Lot 12 above mentioned Tract No. 901; thence northerly along said westerly line and the northerly prolongation to the point of beginning, EXCEPTING THEREFROM that parcel of land containing 13.1368 acres of land conveyed to Lucy C. Lantz by Alfred B. Chapman on January 29, 1913, and that parcel of land containing 3.212 acres as conveyed to Lucy C. Lantz by Alfred B. Chapman on December 12th, 1914,

to the City of Pasadena, a municipal corporation, which joins in the application.

A public hearing in this matter was held before Examiner Kennedy at Pasadena on June 10, 1931.

The evidence shows that the A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as Trustee of the trust created by the Last Will and Testament of Alfred Beck Chapman, installed a water system to aid in the sale of lots in that certain tract of land as described above, and in so doing operated same as a public utility under the control and jurisdiction of the Railroad Commission.

The City of Pasadena, a municipal corporation of the State of California, in its policy of expansion and conservation

of water, entered into an agreement on April 20, 1931, to purchase from A. B. Chapman Estate, a corporation, and Richard Beck Chapman, Trustee, for the sum of \$125,000., the above referred to water system and real property connected thereto and more particularly described in a copy of said agreement attached to the application, which is by reference made a part hereof for a detailed description of the property purchased and for the terms and conditions of said purchase.

The City of Pasadena, in purchasing this water system, agrees that the consumers within the boundaries of the land served by this water system, shall have a right to the continued service of water co-equal with the rights of all other consumers in the area now served by the City of Pasadena, both within and without the territorial limits of the City, at a rate not greater than those which from time to time will be established by the City for serving water to other consumers of the same class.

The rates now in effect by the City of Pasadena, which are applicable to this territory as outlined above, are less than those now charged by the A. B. Chapman Estate. The consumers will, therefore, receive a substantial benefit from the rates charged for water service, and the added protection of an additional source of water supply from the City.

No one appeared to protest the granting of this request, and it appears that it should be authorized.

O R D E R

A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as Trustee, having made application to the Railroad Commission for authority to transfer public utility water system

supplying water to the residents of that certain tract heretofore described and referred to in Los Angeles County, to the City of Pasadena, a municipal corporation, which joins in the application, a public hearing having been held before Examiner Kennedy, and the Commission being of the opinion this application should be granted,

IT IS HEREBY ORDERED that A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as Trustee, be, and they are, hereby authorized to sell and transfer to the City of Pasadena, a municipal corporation, their public utility water works, plant and system, such sale and transfer to be made under substantially the same terms and conditions set forth in the contract filed in this proceeding and subject to the terms and conditions of this order.

IT IS HEREBY FURTHER ORDERED that upon due and proper compliance with the terms and conditions of this order, A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as trustee, shall thereupon and thereby stand relieved of all public utility obligations and liabilities in connection with the properties herein authorized to be sold and transferred.

The authority herein granted to sell and transfer properties is subject to the following conditions:

1. On or before the first day of September, 1931, A. B. Chapman Estate, a corporation, and Richard Beck Chapman, as Trustee, shall refund to all of its water consumers entitled thereto, all amounts due said consumers arising from deposits made to guarantee the payment of water bills, or for main extensions, meters and/or service connections, and/or any other purpose whatsoever, and said A. B. Chapman Estate, a corporation, and Richard Beck

Chapman, as Trustee, shall file with this Commission, on or before the 10th day of September, 1931, a duly executed affidavit setting forth a list of all consumers to whom refunds are due as set forth above, due as of the date of this order, together with the amount of each refund and the date that each such refund has been fully paid to the consumer entitled thereto. In the event there are no consumers entitled to refunds as herein set out, the affidavit should so state.

2. The City of Pasadena, a municipal corporation, shall, on or before the first day of September, 1931, file with the Commission a stipulation in which it agrees that upon the acquisition of the works, plant and system of A. B. Chapman Estate, a corporation, and Richard Beck Chapman, Trustee, it will assume all the obligations which now rest upon said Company to furnish water to its consumers.

3. The authority herein granted will become effective upon the compliance with conditions 1 and 2 of this order.

4. Under the authority herein granted, no properties may be transferred subsequent to September 1, 1931. Within ten days from the date on which A.B. Chapman Estate, a corporation, and Richard Beck Chapman, Trustee, actually relinquish control and possession of the properties herein authorized to be transferred, there shall be filed with this Commission by A. B. Chapman

Estate, a corporation, and Richard Beck Chapman,
Trustee, or by the City of Pasadena, a municipal
corporation, or on their behalf, or on the behalf
of either of them, a certified statement indicating
the date upon which such control and possession were
relinquished.

Dated at San Francisco, California, this 27th day
of June, 1931.

O. Leary
Leon ...
M. J. ...
M. B. Harris
Wes. G. Stewart
Commissioners.