

Decision No. 24969

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 PACIFIC GAS AND ELECTRIC COMPANY,  
 a corporation, for an order of the  
 Railroad Commission of the State of  
 California authorizing applicant to  
 execute and deliver to the City of  
 Oakland, a municipal corporation, a  
 grant deed substantially in the  
 form of the deed referred to in this  
 application, granting certain real  
 property to said City of Oakland  
 under the terms and conditions set  
 forth in a certain agreement between  
 Pacific Gas and Electric Company, a  
 corporation, and JOINT HIGHWAY DIS-  
 TRICT NO. 13 OF THE STATE OF  
 CALIFORNIA, a body corporate of the  
 State of California, set forth in  
 Exhibit No. 1 of this application.

**ORIGINAL**

Application No. 13253

C. P. Cutten for applicant.

BY THE COMMISSION:

ORDER

WHEREAS, Pacific Gas and Electric Company has asked per-  
 mission to execute and deliver to the City of Oakland, a municipal  
 corporation, a grant deed substantially in the form of the deed  
 marked Exhibit "A" and annexed to the agreement dated April 22, 1932,  
 and filed in this proceeding as Exhibit No. 1, and,

WHEREAS, it appears from said agreement of April 22, 1932,  
 that the Joint Highway District No. 13 of the State of California, a  
 body corporate of the State of California, has been organized for the  
 purpose, among others, of acquiring and constructing a highway and  
 tunnel, the westerly terminus of which is at the intersection of Keith  
 Avenue and Broadway, in the City of Oakland, County of Alameda, State

of California, and the easterly terminus of which is at the southerly boundary line of the East Bay Municipal Utility District lands and the northerly boundary line of the lands of Apartment Estate Company, Ltd., approximately fifteen hundred (1,500) feet northerly of the intersection of the Fish Ranch Road and the Tunnel Road in the County of Contra Costa, State of California, and that for the purpose of convenience all of the land necessary for said road and tunnel in the said County of Alameda is being acquired in the name of the City of Oakland, wherein said lands are located, and that said lands will ultimately be conveyed to the District which is to construct the tunnel and highway, and,

WHEREAS, because of the acquisition and construction of said tunnel and highway it will be necessary for applicant to convey the lands described in said Exhibit "A" to the City of Oakland and to move certain facilities and certain improvements located on its said lands at the Claremont Substation and to construct new improvements, all as set forth in said agreement of April 22, 1932, and,

WHEREAS, it further appears that the said properties are to be conveyed for the sum of \$3,902.00 and the further sum of \$12,185.00 as severance damages covering the changes and improvements which applicant will be required to make at its Claremont Substation, making in all a total sum of \$16,807.00, together with such further considerations and under such further terms and conditions as are set forth in said agreement of April 22, 1932, and,

WHEREAS, the Commission has considered applicant's request and believes that the same should be granted, subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED, that Pacific Gas and Electric Company may, on or before December 31, 1932, execute and deliver to the City of Oakland, a municipal corporation, a grant deed substantially in the

form of the deed marked Exhibit "A" and annexed to the agreement of April 22, 1932, filed in this proceeding as Exhibit No. 1, provided that the consideration which Pacific Gas and Electric Company will receive or pay for the properties described in said Exhibit No. 1 shall not be deemed to establish the value of said properties or other properties of applicant similarly situated for rate fixing, condemnation or security issue purposes.

DATED at San Francisco, California, this 1st day of July, 1932.

C. J. Seney

M. J. C. C.

Fred G. Stewart

Commissioners.