

ORIGINAL

Decision No. 2273

Decision No. ✓

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Lagunitas Development Company)
to sell and of San Geronimo Valley)
Water Company to buy a certain water) Application No. 1551
system, located in Marin County,)
California.)

T. F. Draper, of Wilson & Wilson,
for applicant.

EDGERSON, Commissioner.

O P I N I O N

This is an application of Lagunitas Development Company for permission to sell its water system in Marin County to the San Geronimo Valley Water Company, for such an amount of stock of the latter company as the Commission may deem proper. For a more particular description of the property to be transferred reference is hereby made to Exhibit "A", filed in connection with the company's application.

The Lagunitas Development Company was incorporated April 22, 1913, and is engaged in buying and selling land on the San Geronimo Rancho, in Marin County. In connection with its real estate business it has operated a small water utility system. The purpose of the present application is to separate the Development Company's public utility business from its other activities.

The Lagunitas Development Company acquired its property from the Mailliard Estate for the sum of Two Hundred Twenty Thousand (\$220,000) Dollars, the transfer be-

ing authorized by the Commission in Decision No. 658, rendered on the 8th day of May, 1913.

At the present time there is a mortgage of One Hundred Sixty Thousand Five Hundred twenty-five (\$160,525) Dollars on the Development Company's property, but it was stated at the hearing that the water utility property will be released from the lien of this mortgage and transferred free from indebtedness.

The San Geronimo Valley Water Company was organized on December 17, 1914. It has an authorized capitalization of Fifty Thousand (\$50,000) Dollars, divided into fifty thousand (50,000) shares of stock of the par value of One (\$1) Dollar each. At the present time there is no stock outstanding, and the company has issued no bonds or other evidences of indebtedness.

An estimate made by the Commission's engineers places the reproduction cost of the property to be transferred at Twenty-nine Thousand Four Hundred eight (\$29,408) Dollars, and the present value at Twenty-seven Thousand, Eight Hundred twenty (\$27,820) Dollars. This is considerably less than the company's estimate, filed in connection with the application herein, but the company stated at the hearing that it had no objection to accepting the Commission's figures as a basis for the issuance of stock.

In view of the evidence presented I am of the opinion that the Lagunitas Development Company should be permitted to transfer its water utility properties (more particularly described in the order herein) to the San Geronimo Valley Water Company, and that the San Geronimo Valley Water Company should be permitted to issue in exchange therefor an amount of stock not in excess of Twenty-seven Thousand Eight Hundred twenty (27,820) shares of the

par value of One (\$1) Dollar per share.

I recommend the following order:

O R D E R

Lagunitas Development Company, having applied for permission to sell and transfer its water utility system to the San Geronimo Valley Water Company for such an amount of stock of the latter company as the Commission may deem proper, and it appearing that the public interest will be best served by permitting this transfer:

IT IS HEREBY ORDERED that Lagunitas Development Company be, and it is hereby, granted permission to transfer to San Geronimo Valley Water Company its water utility properties, more particularly described as follows:

"(1) Reservoirs, tanks, wells, springs, rights of way, rights of access to property, ditches, flumes, machinery, pumps, pipe, fittings, stock on hand, tools, equipment and other water utility property (not including real estate) installed or owned by Lagunitas Development Company prior to September 12th, 1913.

"(2) Reservoirs, tanks, wells, springs, rights of way, rights of access to property, ditches, flumes, machinery, pumps, pipe, fittings, stock on hand, tools equipment and other water utility property (not including real estate) installed or owned subsequent to September 12th, 1913.

"(3) Real estate used as reservoir sites, etc, detailed description of which follows:

"Of the Woodacre Division

Laurel Avenue Lot
Azalea Slope lot
Spring lot
Portion of Lot #1, Block #18

"Of the San Geronimo Division

Reservoir site

"Of the Lagunitas Division

Reservoir site, Lot 114 A, Subdivision 4
Spring lot, Subdivision 2
Spring lot, (Subdivision 3
(Southerly portion Lot 75

"LAUREL AVENUE LOT.

"BEGINNING at a point on the Southerly line of Laurel Avenue which point bears South $35^{\circ}02'$ East two hundred twenty-two and eighty two hundredths feet (222.82') from the most Southerly corner of Lot Number Seven (7) in Block Number Twenty-nine (29) as designated and delineated upon a map entitled "Map Number Three of Woodacre a subdivision of a portion of San Geronimo Rancho, Marin County, California", which map was recorded in the office of the County Recorder of said Marin County on the 3rd day of December, 1913, in Map Book 4, Page 63, thence running South $14^{\circ}09'$ East one hundred forty-one and forty-two hundredths feet (141.42'); thence running South $2^{\circ}08'$ East one hundred and forty-four hundredths feet (100.44'); thence running South $2^{\circ}42'$ West eighty-seven and twenty-three hundredths feet (87.23'); thence running South $33^{\circ}54'$ West one hundred twenty-one and sixty-four hundredths feet (121.64'); thence running South $62^{\circ}33'$ East one hundred thirty-seven and five tenths feet (137.5'); thence running South $47^{\circ}24'$ East ninety-seven and five tenths feet (97.5'); thence running South $47^{\circ}01'$ East one hundred twenty-four and five tenths feet (124.5'); thence running South $88^{\circ}41'$ East thirty-five and one tenth feet (35.1'); thence running North $49^{\circ}44'$ East forty-one and seventy-seven hundredths feet (41.77'); thence running North $21^{\circ}18'$ West eighty-seven and two hundredths feet (87.02'); thence running North $16^{\circ}31'$ West seventy-nine and thirty-three hundredths feet (79.33'); thence running North $12^{\circ}51'$ West one hundred twenty-eight and fifty-seven hundredths feet (128.57'); thence running North $31^{\circ}40'$ West one hundred thirty-six and fourteen hundredths feet (136.14'); thence running North $21^{\circ}53'$ West seventy-six and fifty-three hundredths feet (76.53'); thence running North $9^{\circ}25'$ East seventy-nine and seventy-seven hundredths feet (79.77'); thence running North $37^{\circ}27'$ West one hundred twenty-two and fifty-seven hundredths feet (122.57') to the South line of Laurel Avenue; thence running along the Southerly line of said Laurel Avenue South $56^{\circ}58'$ West seventy-one (71) feet to the point of beginning and containing two and two-tenths (2.2) acres more or less."

"AZALEA SLOPE LOT.

"BEGINNING at a point which bears South $20^{\circ}22'$ East ten hundred eighty and seven hundredths feet (1080.07') from the most southerly point of Lot Number Eighteen (18), Block Number Thirty-three (33) as designated upon a map entitled "Map Number Four of Woodacre, a subdivision of a portion of San Geronimo Rancho, Marin County, Cal.", which map was recorded in the office of the County Recorder of said Marin County on the 6th day of May, 1914, in Map Book 4, Page 68, thence running South $60^{\circ}37'$ East one hundred forty-five and nine tenths feet (145.9'); thence running South $14^{\circ}27'$ West one hundred fifteen and eight hundredths feet (115.08'); thence running South $70^{\circ}01'$ West one hundred five and ninety-five hundredths feet (105.95'); thence running North $68^{\circ}21'$ West eighty-seven and twenty hundredths feet (87.20'); thence running North $57^{\circ}20'$ West eighty and eighty hundredths feet (80.80'); thence running North $2^{\circ}43'$ East ninety and sixty-two hundredths feet (90.62'); thence running

North $34^{\circ}06'$ East eighty and one hundredths feet (80.01'); thence running South $82^{\circ}13'$ East one hundred three and fifty hundredths feet (103.50') to the point of beginning and containing one and six hundredths (1.06) acres, more or less."

"SPRING LOT #3, WOODACRE.

"BEGINNING at a point which bears South $24^{\circ}00'$ West twelve hundred eighty-two and twelve hundredths feet (1282.12') from the most southerly point of Lot Eighteen (18), Block Number thirty-three (33), as designated and delineated upon a map entitled 'Map Number Four of Woodacre, a subdivision of a portion of San Geronimo Rancho, Marin County, California,' which map was recorded in the office of the County Recorder of said Marin County on the 6th day of May, 1914, in Map Book 4, Page 68; thence running South $38^{\circ}55'$ East sixty-two and twenty-four hundredths feet (62.24'); thence running South $47^{\circ}41'$ West ninety-five and twenty-one hundredths feet (95.21'); thence running North $45^{\circ}19'$ West ninety-two and ninety hundredths feet (92.90'); thence running North $41^{\circ}35'$ East ninety-five and sixteen hundredths feet (95.16'); thence running South $57^{\circ}58'$ East forty-two and fourteen hundredths feet (42.14') to the point of beginning and containing two-tenths of an acre (.2), more or less."

"SOUTHERLY ONE-HALF OF LOT 1, BLOCK 18, WOODACRE,
CALIFORNIA."

"The Southerly one-half of Lot Number One (1) in Block Number Eighteen (18) as designated and delineated upon a map entitled 'Map Number Three of Woodacre, a subdivision of a portion of San Geronimo Rancho, Marin County, California,' which map was recorded in the office of the County Recorder of said Marin County on the third day of December, 1913, in Map Book 4, Page 63."

"RESERVOIR SITE AT SAN GERONIMO.

"BEGINNING at the intersection of the Westerly line of Sylvestris Drive with the Southerly line of a lane running along the Southerly boundary of Lot Number Thirty (30) as designated and delineated upon a map entitled 'Map of San Geronimo, a subdivision of a portion of San Geronimo Rancho, Marin County, California,' which map was recorded in the office of the County Recorder of said Marin County on the 14th day of October, 1913, in Map Book 4, Page 57, said point of intersection bearing South $4^{\circ}03'$ ten and five hundredths feet (10.05') West from the Southeast corner of the above mentioned Lot Number Thirty (30); thence running along the line of Sylvestris Drive thirteen (13) courses as follows:

"South $4^{\circ}03'$ West sixty-five and thirty-seven hundredths feet (65.37'), South $13^{\circ}57'$ East eighty-four (84.00) feet, South $4^{\circ}03'$ West sixty and eight tenths feet (60.8'), South $2^{\circ}03'$ West one hundred twenty-four and eight tenths feet (124.8'), South $00^{\circ}57'$

East sixty-one and six hundredths feet (61.06'), South 28°57' East forty-three and six tenths feet (43.6'), South 37°03' West twelve and seventy-six hundredths feet (12.76'), North 72°57' West twenty-one and twelve hundredths feet (21.12'), North 55°57' West thirty and five tenths feet (30.5'), North 74°57' West thirty-nine and six tenths feet (39.6'), North 3°57' West one hundred four and ninety-five hundredths feet (104.95'), North 37°57' West ninety-four and seventy-two hundredths feet (94.72'), North 44°57' West fifty-nine and sixty four hundredths feet (59.64').

7. "Thence leaving the northerly line of Sylvestris Drive and running North 5°27' West two hundred six and twelve hundredths feet (206.12') to the Southerly line of the above mentioned line; thence running along the Southerly line of said land South 68°25' East sixty-two feet (62') and North 88°36' East one hundred thirty-two feet (132') to the point of beginning."

"LOT 114 A - SUBDIVISION NUMBER 4 LAGUNITAS.

"Lot Number One hundred fourteen A (114 a) as designated and delineated upon a map entitled 'Map of the Lagunitas Tract Subdivision Number 4, a subdivision of a portion of San Geronimo Rancho, Marin County, California', which map was recorded in the office of the County Recorder of said Marin County on the 7th day of August, 1907, in Map Book 2, Page 95."

"SPRING LOT', SUBDIVISION NUMBER TWO, LAGUNITAS.

"The lot designated as 'Spring Lot' as delineated upon a map entitled 'Map of the Lagunitas Tract Subdivision Number Two, a subdivision of a portion of San Geronimo Rancho, Marin County, California', which map was recorded in the office of the County Recorder of said Marin County on the 13th day of December, 1904, in Map Book 2, Page 13."

"SOUTHERLY PORTION OF LOT NUMBER 75, SUBDIVISION No. 3 LAGUNITAS.

"BEGINNING at the point of intersection of the East line of a road with the North boundary line of Lot Number Seventy-six (76) and the South boundary line of Lot Number Seventy-five (75) as said lots are designated and delineated upon a map entitled 'Map of Lagunitas Tract Subdivision Number Three, a subdivision of a portion of San Geronimo Rancho, Marin County, California' which map was recorded in the office of the County Recorder of said Marin County on the 28th day of June, 1905, in Map Book 2, page 26; thence running along the East line of said road North 11°36' East twenty-four and two-tenths feet (24.2'); thence leaving the said East line of said road and running South 68°46' East one hundred eighty-eight and eight tenths (188.8) feet; thence running South 80°20' West eighty-four (84) feet; thence running North 59°10' West one hundred fourteen and one tenth feet (114.1') to the point of beginning."

IT IS FURTHER ORDERED that the San Geronimo Valley Water Company be and it is hereby authorized to issue and deliver in exchange for said property Twenty-seven Thousand Eight Hundred Twenty (27,820) shares of stock of the par value of One Dollar (\$1.00) per share.

The foregoing order is made upon the following conditions:

1. The price to be paid for said property shall not hereafter be binding before this Commission, or any other public body as representing, for rate fixing or other purposes, the true present value of the property.

2. The property herein authorized to be transferred to the San Geronimo Valley Water Company shall be transferred free from any and all incumbrance.

3. The property transferred shall be accepted by the San Geronimo Valley Water Company subject to all legal claims for water which might have been in force against the Lagunitas Development Company.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad Com-
mission of the State of California.

Dated at San Francisco, California, this 1st day
of April, 1915.

H. H. Howard
Alex. Gordon
Edwin O. Edgerton
Frank P. Durbin
Commissioners.