

Decision No. ✓

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

---oOo---

In the matter of the application
of J. A. GRAVES and JACOB BEAN to
have certain property relieved
from the character of public utility
property.

)
) Application No. 2084.
)

Decision No. 3256

BY THE COMMISSION:

SUPPLEMENTAL ORDER.

Applicants having applied for a modification of the order heretofore entered herein, representing that the properties in said order authorized to be disposed of are well suited for high class residence development and that under Section 1069, Civil Code of California, the reservations directed by the order to be inserted in conveyances might possibly be so favorably construed in favor of the grantors as to authorize the entry for the purpose of drilling wells to take the underground water in lots conveyed, and that such a liberal construction will tend to interfere with the sale of said lots, that it is desired at this time that restrictions for the protection of said water against pollution be reduced to a form satisfactory to the Commission; and, that lot 59 be also made subject to the pipe line easement described in paragraph 3 of the said order;and

IT APPEARING TO THE COMMISSION that the request is reasonable, that it is in conformity with the public interest, and should be granted, and that the phraseology suggested by applicants may properly be inserted in this order,

IT IS HEREBY ORDERED that the original order herein be and it is hereby modified or amended so that paragraph 5 of said original order and the succeeding portions of said order

will read as follows, to wit:

"3. The right to conduct water through the present cement pipe line or otherwise through the tunnel underneath the surface of lots eighty-one (81), eighty (80), seventy-nine (79), seventy-eight (78), seventy-seven (77), seventy-six (76), fifty-nine (59), sixty (60), sixty-one (61), sixty-two (62), sixty-three (63), sixty-four (64), sixty-five (65), two (2), one (1) and seventy-two (72), all in said Tract No. 34, and under Oakland Avenue and Glenarm Street, said tunnel and pipe line being located as shown on plat attached to the application.

"4. The right to all underground water in or under lots one to fifteen (1-15) both numbers inclusive; fifty-two to sixty-six (52-66) both numbers inclusive; sixty-seven to seventy-one (67-71) both numbers inclusive; seventy-three to eighty-one (73-81) both numbers inclusive and lot eighty-three (83); all in said Tract No. 34; so far as the same can be taken from said lands by means of the wells heretofore drilled or that may hereafter be drilled upon lots sixteen (16), fifty-one (51), seventy-two (72) and eighty-two (82) of said tract, and the tunnels and pipe lines above described.

"IT IS HEREBY ORDERED that the following described lands are hereby found to be not necessary to the operation of the said utility, and are to the extent described herein, relieved from the burden of their public utility character; but they are subject nevertheless to the said utility's right to the underground water hereinbefore described so far as the same can be taken from said lands by means of the

wells heretofore drilled, or that may hereafter be drilled, upon lots sixteen (16), fifty-one (51), seventy-two (72) and eighty-two (82) of said tract, and the tunnels and pipe lines above described; and any conveyance of any of said real property described as unnecessary to the operation of said water utility shall be upon the condition that no well or wells shall be sunk or drilled by the purchaser thereof, his successors or assigns, upon any of said real property so conveyed. All of said lands are located in Tract No. 34, and are described as follows, to-wit:

That portion of lot one not hereinabove found necessary to the operation of said water utility; lots two to fifteen (2-15); both numbers inclusive; lots fifty-two to sixty-six (52-66), both numbers inclusive; lots sixty-seven to seventy-one (67-71), both numbers inclusive; lots seventy-three to eighty-one (73-81), both numbers inclusive; and lot eighty-three (83).

"IT IS HEREBY FURTHER ORDERED that all conveyances of any of the real property hereinbefore described shall contain a clause reserving to the said util-

ity now operated by J. A. Graves and Jacob Bean and to any utility of which it may at any time form a part, the right to all underground water in said property, as described and limited in paragraph 4 hereinabove; and any conveyance of any of said real property hereinabove found not necessary to the operation of said water utility shall be upon the condition that no cess-pool or privy vault shall be dug or sunk upon any portion of the land conveyed, and that all of the buildings, whether dwelling houses, out-houses, garages or stables, erected upon said premises, together with the

washing racks and washing facilities and drainage from any stable or garage erected thereon, shall at all times be connected with the outfall sewer in the public street upon which any property conveyed fronts.

"Conveyances of any of the real property hereinbefore described shall be made only after a certified copy of this order shall have been recorded in the office of the Recorder of Deeds for Los Angeles County."

Dated at San Francisco, California, this 17th day of April, 1916.

Max Thelen
H. J. Donaldson
Alfred Gordon
Edwin B. Edgerton
Walter R. DePier
Commissioners.