

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.Decision No. 3289

In the Matter of the Application of)
ARCATA & MAD RIVER RAILROAD COMPANY)
and NORTHERN REDWOOD LUMBER CO. for)
permission to sell logging road and)
to make an agreement for reciprocal)
use of tracks.)

Application No. 2218.

BY THE COMMISSION:

ORDER.

ARCATA & MAD RIVER RAILROAD COMPANY and NORTHERN
REDWOOD LUMBER CO. having filed an application asking for the
authority of the Commission:

- (1) To the sale by Arcata & Mad River Railroad Company
to Northern Redwood Lumber Co. for the sum of
\$65,387.80, a certain branch line and certain
equipment of Arcata & Mad River Railroad Company,
which branch line runs from its connection with
the main line at a point near Riverside, in Humboldt
County, along the course of the Mad River to cer-
tain timber land of Northern Redwood Lumber Co.,
and the real property which it is proposed to
transfer, being described in a form of deed at-
tached to the application and marked "Exhibit B,"
as follows:

PARCEL 1: A right of way 30 feet wide for a railroad across the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 5, in Township 5, North of Range 2 East of Humboldt Meridian. Being the right of way mentioned in the Deed from California Redwood Company to Arcata and Mad River Railroad Company, dated August 17, 1892, and recorded in the Recorder's office of Humboldt County in Book 43 of Deeds, page 559.

PARCEL 2: A right of way 30 feet wide for a railroad through the East half of the Northeast quarter of Section 6, in Township 5 North of Range 2 East of Humboldt Meridian, as conveyed by M. McGarraghan to The Arcata and Mad River Railroad Company by Deed dated January 16, 1888, and recorded in the Recorder's office of Humboldt County in Book 25 of Deeds, page 56.

PARCEL 3: A right of way for a railroad across the Southwest quarter of the Northwest quarter of Section 5, in Township 5 North of Range 2, East of Humboldt Meridian, and across the Southeast quarter of the Southeast quarter of Section 31, and across the Southwest quarter of section 32, in Township 6 North of Range 2 East of Humboldt Meridian; all as conveyed to the Arcata & Mad River Railroad Company by the following Deeds: (a) Deed from Francis Korbelt et al, dated September 1, 1903, and recorded in the Recorder's office of Humboldt County, in Book 92 of Deeds, page 305; (b) Deed from Francis Korbelt et al, dated January 10, 1905, and recorded in said Recorder's office in Book 92 of Deeds, page 311; (c) Deed from Eleanora Zaruba et al, dated January 10, 1905 and recorded in said Recorder's office in Book 92 of Deeds, page 309.

PARCEL 4: A right of way for a railroad across the southeasterly portion of the Northeast quarter of the Southeast quarter of Section 31, in Township 6 North of Range 2 East of Humboldt Meridian, as conveyed by William Boyes to Arcata and Mad River Railroad Company by Deed dated December 12, 1890, and recorded in the Recorder's office of Humboldt County in Book 44 of Deeds, page 533.

PARCEL 5: A railroad right of way 30 feet wide, owned by the party of the first part, in the Southeast quarter of the Northwest quarter of Section 32, in Township 6 North of Range 1, East of Humboldt Meridian.

PARCEL 6: A right of way 35 feet wide for a railroad across the Southwest quarter of the Northeast quarter of Section 32 in Township 6 North of Range 2 East, as conveyed by Dennis Tighe to the Arcata & Mad River Railroad Company by Deed dated September 8, 1886, and recorded in the Recorder's office of Humboldt County, in Book 19 of Deeds, page 629.

PARCEL 7: A right of way 16 feet wide for a railroad in the East half of the Northeast quarter of Section 32 in Township 6 North of Range 2 East as conveyed by George W. Chandler et al, to Arcata and Mad River Railroad by Deed dated December 31, 1886, and recorded in the Recorder's office of Humboldt County in Book 23 of Deeds, page 345.

PARCEL 8: A right of way 1 rod wide for a railroad in the East half of the Northeast quarter of Section 32, in Township 6 North of Range 2 East of Humboldt Meridian as conveyed by Riverside Lumber Company to Arcata and Mad River Railroad Company by Deed dated December 5, 1892, and recorded in the Recorder's office of Humboldt County in Book 45 of Deeds, page 162.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

And the equipment which it is proposed to convey being set forth in a form of bill of sale attached to the application and marked "Exhibit C", as follows:

One (1) steam shovel; two (2) small locomotives, numbered Two (2) and Six (6) respectively; one hundred sixteen (116) logging cars or trucks, and the telephone line and its equipment now used in connection with said logging road and beginning at said point in said Section thirty-two (32) above mentioned and running thence easterly and approximately parallel with said Railroad, it being the intent of this Bill of Sale to transfer all of said telephone line and equipment beginning at said point and used in connection with said logging railroad.

- (2) To the execution of an agreement between Arcata and Mad River Railroad Company and Northern Redwood Lumber Co. the form of the agreement being attached to the application and marked "Exhibit D," under which agreement it is provided that after the property herein sought to be transferred has been conveyed, Northern Redwood Lumber Co. may use the railroad tracks of Arcata and Mad River Railroad Company for the transportation of its locomotives and logging cars and for the transportation of its logs and timber at such times and under such circumstances as will not conflict with the operation by Arcata & Mad River Railroad Company of its trains or locomotives over said

railroad, and that said use shall be without cost to Northern Redwood Lumber Co., except that the latter shall pay all of the cost of operation and maintenance of its said locomotives and cars over said tracks of said Arcata & Mad River Railroad Company, and further, that Arcata & Mad River Railroad Company may use the railroad tracks of Northern Redwood Lumber Co. for the operation by Arcata & Mad River Railroad Company of its locomotives and cars, provided that said operation and use of said railroad tracks shall be at such times as not to conflict with its operation by Northern Redwood Lumber Co. of its logging trains and engines; and it is further agreed that said use shall be without cost to Arcata & Mad River Railroad Company, except that said Railroad Company shall pay all of the cost of the operation and maintenance of its said locomotives and cars over said railroad tracks of said Northern Redwood Lumber Co.

And the Commission being duly advised in the premises and being of the opinion that the application should be granted,--

IT IS HEREBY ORDERED that the application in this proceeding be, and the same is hereby, granted in all particulars, upon the following condition:

That it is clearly understood that the Railroad Commission reserves the right under its general jurisdiction to supervise and regulate the service of railroads, to revise in case the Commission should deem it wise to do so, the arrangement under which the tracks of Arcata & Mad River Railroad Company are used

by the cars and engines of Northern Redwood Lumber Co.

Dated at San Francisco, California, this 27th day
of April, 1916.

Max Thelen

Alex Gordon

Frank R. Dyer
Commissioners.