

ORIGINAL

Decision No. _____

Decision No. 3485

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of SOUTHERN PACIFIC COMPANY,)
 SOUTHERN PACIFIC RAILROAD COMPANY,)
 CENTRAL PACIFIC RAILWAY COMPANY,)
 SOUTH PACIFIC COAST RAILWAY COM-)
 PANY and PENINSULAR RAILWAY COM-)
 PANY for authority to make certain)
 transfers and agreements in the)
 adjustment of their respective)
 property interests in various)
 electric railroad lines in Alameda)
 County.)

ApplicationNumber 2108

Guy V. Shoup, for applicant.

EDGERTON, Commissioner.

O P I N I O N

This is an application of Southern Pacific Company, Southern Pacific Railroad Company, Central Pacific Railway Company, South Pacific Coast Railway Company and Peninsular Railway Company for authority to transfer certain property and to enter into certain agreements for the purpose of adjusting their respective property interests in the suburban electric lines in Alameda County.

Southern Pacific Company owns all of the issued capital stock, except directors' shares of the other parties to this application. It also operates under lease

the lines of railroad in Alameda County and elsewhere owned by Central Pacific Railway Company, Southern Pacific Railroad Company and South Pacific Coast Railway Company.

During the past 10 years Southern Pacific Company has expended large sums of money for the electrification and extension of the suburban lines in Alameda County owned by Southern Pacific Railroad Company, Central Pacific Railway Company and South Pacific Coast Railway Company. Although no formal agreement was entered into at the time these moneys were expended there was a general understanding that Southern Pacific Company would eventually transfer the properties so constructed to Southern Pacific Railroad Company, Central Pacific Railway Company and South Pacific Coast Railway Company as their interests might appear, said companies paying therefor an amount equal to the actual cost of said properties to Southern Pacific Company. It is in accordance with this understanding that the present application is brought.

For the purpose of adjusting these various property interests, it is now proposed:-

1.-That Southern Pacific Company transfer the electric lines, franchises, rights of way, station grounds and appurtenant property owned by it in the City of Berkeley and vicinity to Southern Pacific Railroad Company for the sum of \$1,774,790.66, which is represented as being the cost of said properties to Southern Pacific Company.

2.-That said properties thus transferred be subjected to the existing lease from Southern Pacific Railroad Company to Southern Pacific Company and operated under the terms of said lease.

3.-That the electric lines, franchises, rights of way, station grounds and appurtenant property on 18th, 20th, 21st. and Franklin Streets in the City of Oakland, be transferred to Southern Pacific Railroad Company by Peninsular Railway Company, in whose name the franchise for said lines was taken, for the sum of \$913,423.78 which is represented as being the cost of constructing said lines and of acquiring the necessary rights of way.

4.-That the lines of railroad in Oakland thus transferred to Southern Pacific Railroad Company be also subjected to the lease from the Southern Pacific Railroad Company to the Southern Pacific Company and operated under the terms of said lease.

5.-That the line of railroad in the City of Oakland known as the "Melrose Extension" together with franchises, rights of way, station grounds, etc, appurtenant thereto, be conveyed by Southern Pacific Company to Central Pacific Railway Company for the sum of \$567,738.58, which is represented as being the cost of said properties to Southern Pacific Company.

6.-That the line of railroad referred to as the "Melrose Extension" be subjected to the lease from Central Pacific Railway Company to Southern Pacific Company and operated under the terms of said lease.

7.-That the ownership of the lines of railroad in Alameda known as the "Pacific Avenue Line", "Lincoln Avenue Line", " Loop Line", and "Eighth or Prospect Street Line" be retained by the Southern Pacific Company but for convenience in accounting be treated as part of the lines leased by Central Pacific Railway Company to Southern Pacific Company.

8.-That an agreement be entered into between Central Pacific Railway Company and South Pacific Coast

Railway Company leasing to the latter company for 999 years, the property upon which a portion of the car shops and certain tracks of South Pacific Coast Railway Company are situated, with an option on the part of South Pacific Coast Railway Company to purchase said property during the continuance of the lease at its appraised value.

Witness for applicants stated that the sums of money proposed to be paid for said properties represent the actual expenditures made by Southern Pacific Company plus interest at 6 per cent per annum from the date of expenditure to June 30, 1915. Witness stated, however, that only interest during construction had been capitalized.

The following table, compiled from figures submitted by applicants, shows the original cost of said lines, the amount charged to interest during construction and the amount charged for interest after the lines were placed in operation.

	<u>Melrose Extension</u>	<u>Berkeley Lines</u>	<u>Peninsular Rail- way Lines in Oakland</u>
Original Cost	\$463,378.00	\$1,375,620.85	\$733,212.30
Interest during Construction	18,942.42	82,486.46	30,630.33
Interest from date placed in operation to June 30, 1915	<u>85,418.16</u>	<u>316,683.35</u>	<u>149,581.15</u>
	\$567,738.58	\$1,774,790.66	\$913,423.78

Applicants stated that they were willing to stipulate that the price at which these properties were transferred should not be binding upon this Commission or any other public body as a basis of rate making or other purposes. Such condition will be made a part of the order herein.

The transfer of properties as herein proposed will serve to divest Southern Pacific Company of any ownership in the Alameda County suburban lines except in the suburban lines in and about the City of Alameda, and the power house, sub-stations, etc., common to all of the lines.

Applicants state that the reason for not transferring the lines in and about the City of Alameda to the logical owner thereof, viz., South Pacific Coast Railway Company, is that the mortgage of said company provides that all additions and betterments shall fall under said mortgage, which provision would prevent the Southern Pacific Company from receiving reimbursement for its advances.

Applicants further state that none of the franchises which it is proposed to transfer contain prohibitory provisions with the exception of Ordinance Number 58, new series, of the City of Berkeley, which provides that said franchise shall not be leased or assigned or otherwise alienated without the consent of the city. In view of this provision the order herein will require Southern Pacific Company ^{to} obtain the consent of the City of Berkeley before said franchise is transferred.

It appears that the various transfers and leases of property proposed by the applicants herein are reasonable and that the granting of this application will assist applicants in adjusting their respective property rights and obligations. It does not appear that the granting of this application will have any effect upon the tariffs, train schedules or other operating conditions affecting the general public.

I shall accordingly recommend that the application herein be granted, subject however, to the terms of the following Order:

O R D E R

SOUTHERN PACIFIC COMPANY, SOUTHERN PACIFIC RAILROAD COMPANY, CENTRAL PACIFIC RAILWAY COMPANY, SOUTH PACIFIC COAST RAILWAY COMPANY, and PENINSULAR RAILWAY COMPANY having applied to this Commission for authority to make certain transfers of property and to enter into certain agreements in the adjustment of their respective property interests in various electric railroad lines in Alameda County;

And a hearing having been held;

And it appearing to this Commission that applicants' request is reasonable and should be granted.

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby authorized to transfer to Southern Pacific Railroad Company the electric lines of railroad in Berkeley and vicinity for the sum of \$1,774,790.66 in accordance with the proposed form of Indenture attached to the application herein and marked Exhibit "A". The property to be thus conveyed by Southern Pacific Company is described in Exhibit "1" which is attached to this order and made a part hereof.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Railroad Company be and it is hereby authorized to subject said lines to the existing lease of Southern Pacific Railroad Company to Southern Pacific Company dated June 26, 1902 in accordance with draft of agreement attached to the original application herein and marked Exhibit "B".

IT IS HEREBY FURTHER ORDERED that Peninsular Railway Company be and it is hereby authorized to transfer to Southern Pacific Railroad Company the electric lines on 18th, 20th, 21st, and Franklin Streets in the City of

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Oakland for the sum of \$913,423.78 in accordance with the formal conveyance attached to the original application herein and marked Exhibit "C". The property to be thus conveyed by Peninsular Railway Company is described in Exhibit "2" which is attached to this order and made a part hereof.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Railroad Company and Southern Pacific Company be and they are hereby authorized to subject said electric lines on 18th, 20th, 21st. and Franklin Streets in the City of Oakland to the lease from Southern Pacific Railroad Company to Southern Pacific Company dated June 26, 1902 in accordance with an agreement attached to the original application herein and marked Exhibit "D".

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby authorized to transfer to Central Pacific Railway Company the line of railroad known as the "Melrose Extension" for the sum of \$567,738.58 in accordance with the formal conveyance attached to the original application herein and marked Exhibit "E". The property to be thus conveyed by Southern Pacific Company is described in Exhibit 3 which is attached to this order and made a part hereof.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company and Central Pacific Railway Company be and they are hereby authorized to subject said line to the lease from Central Pacific Railway Company to Southern Pacific Company dated March 1, 1912 in accordance with the formal agreement attached to the original application herein and marked Exhibit "F".

IT IS HEREBY FURTHER ORDERED that Central Pacific Railway Company and Southern Pacific Company be and they are hereby authorized to enter into agreement, substantially in the form of the agreement attached to the original application herein and marked Exhibit "G", by which the lines of railroad in Alameda referred to as the Pacific Avenue Line, Lincoln Avenue Line, Loop Line, and Eighth or Prospect Street line may, for accounting purposes, be treated as part of the lines leased by Central Pacific Railway Company to Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED that Central Pacific Railway Company be and it is hereby authorized to lease

to South Pacific Coast Railway Company for 999 years certain property upon which a portion of the car shops and tracks of South Pacific Coast Railway Company are situated in accordance with a formal agreement attached to the original application herein and marked Exhibit "H".

IT IS HEREBY FURTHER ORDERED that the respective agreements and transfers herein authorized may be made effective as of June 30, 1915.

The authority herein granted is granted upon the following conditions and not otherwise:

1.-The price at which the properties herein authorized to be transferred are transferred shall not be binding upon this Commission or any other public body as a basis for rate making or other purposes.

2.-Within 60 days from the date of this order Southern Pacific Railroad Company and Central Pacific Railway Company shall file with this Commission a stipulation to the effect that they do not and never will claim in any proceeding before this Commission or any other public body a value for the franchises acquired from Southern Pacific Company and Peninsular Railway Company in excess of the actual cost to Southern Pacific Company and Peninsular Railway Company of acquiring said franchises which cost shall be stated in each instance in the stipulation.

3.-Before the authority herein granted Southern Pacific Company to transfer to Southern Pacific Railroad Company the electric lines of railroad in Berkeley and vicinity shall become effective, Southern Pacific Company shall secure the consent of the City of Berkeley to the transfer of the franchise granted by Ordinance Number 58, new series, of said city.

4.-The authority herein granted shall apply only to such transfers of property as shall have been made

on or before November 30, 1916.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of California.

Dated at San Francisco, California, this 1st day of July, 1916.

Max Thelen
H. H. Overland
Wm. Gordon
Edwin A. Edgerton

Commissioners.

E X H I B I T "1"

"1.-BEGINNING at a point in the Villa Homestead Association as shown upon the official map of said Villa Homestead Association on file in the office of the County Recorder, of the County of Alameda, State of California, the said point being 800 feet, more or less, westerly from the westerly line of San Pablo Avenue, on the boundary line between the City of Berkeley and the Town of Emeryville, and running thence in a northerly direction across private property and crossing Folger Avenue, Murray Street, Mason Street, Anthony Street and private property to Snyder Avenue; thence across Snyder Avenue into and along Ninth Street; thence northerly along Ninth Street across intervening streets to a point in Ninth Street northerly from Harrison Street; thence northwesterly through private property to the northerly boundary line of the City of Berkeley. Being the route first described in Section 1 of Ordinance No. 550-A, Town of Berkeley to Southern Pacific Company, dated December 11th, 1908, being 2.34678 miles of double track railroad.

"2.-COMMENCING at a point in Shattuck Avenue between Vine and Rose Streets; thence southerly along Shattuck Avenue and across intervening streets to a connection with the Southern Pacific Railroad at or near University Avenue being the single track route described in the second described route of Section 1 of Ordinance No. 550-A, Town of Berkeley to Southern Pacific Company, dated December 11th, 1908, being 0.56353 miles of second track.

"3.-COMMENCING at a point on California Street, also known as Calais Street, where the southerly boundary line of the City of Berkeley crosses said street and running thence northerly along said street and across intervening streets to the southerly line of Dwight Way; thence northerly across Dwight Way and private property and along California Street and across intervening streets to a point in California Street where same is intersected by the Southerly line of Cedar Street, running thence northerly along California Street 300 feet, more or less; thence curving to the west and entering private property; thence northerly across intervening streets to Monterey Avenue; thence northerly along Monterey Avenue and across intervening streets to the northerly line of the City of Berkeley. Being a portion of the third described route of Section 1 of Ordinance No. 550-A, Town of Berkeley to Southern Pacific Company, dated December 11th, 1908, and all of Route No. 1 of Section 1 of Ordinance No. 58 NS, City of Berkeley to Southern Pacific Company, dated March 29th, 1910, being 2.80897 miles of double track railroad.

"4.-COMMENCING at a point on the line of railroad of the Southern Pacific Railroad Company on Adeline Street southerly from Woolsey Street, and running on a curve to the right into Woolsey Street and easterly along Woolsey Street and across intervening streets to a point about midway between Deakin Street and Telegraph Avenue; thence northerly across private property and intervening streets to the

northerly line of Ashby Avenue; thence northerly along Ellsworth Street and across intervening streets to the center of Allston Way, being all of the fourth described route in Section No. 1 of Ordinance No. 550-A, Town of Berkeley to Southern Pacific Company, dated December 11th, 1908, and being 1.15082 miles of double track railroad and 0.56672 miles of single track railroad.

"5.-COMMENCING at a point on the westerly boundary line of the City of Berkeley in Block 5 as said block is delineated and so designated upon a certain map entitled (North Brae Berkeley, California) which said map was recorded in the office of the County Recorder of Alameda County, April 8th, 1907, in Liber 22 of Maps, Page 65, said point being 50 feet, more or less, southerly from the southerly line of Solano Avenue, running thence northeasterly with a curve to the right and crossing Private property into Solano Avenue at or near its intersection with Fresno Avenue; running thence easterly along and upon Solano Avenue, to its intersection with the easterly line of The Alameda; thence entering private property and running along and upon the same in a southeasterly direction and passing under Los Angeles Avenue and the circle as said Avenue and circle are designated on the map hereinabove referred to, and entering Hopkins Street between Eldorado Avenue and Del Norte Avenue; thence crossing Hopkins Street to the intersection of Hopkins Street and Sutter Street; thence along and upon Sutter Street to a point sixty feet, more or less, northerly from the northern line of Yolo Avenue; thence running southeasterly and crossing private property and intervening streets to the southerly line of Eunice Street, near its intersection with Henry Street, thence continuing through private property parallel to and west of Henry Street to a point 400 feet, more or less, northerly from the northerly line of Rose Street; thence curving to the left crossing Henry Street and Rose Street to a connection with the proposed double track of the Southern Pacific Company, franchise for which was granted by Ordinance No. 550-A of the Board of Trustees of the Town of Berkeley held December 11th, 1908, duly passed and approved on January 11th, 1909. Being all of Route No. 2, Section No. 1 of Ordinance No. 58 NS, City of Berkeley to Southern Pacific Company, dated March 29th, 1910, being 1.05958 miles of double track railroad.

"6.-COMMENCING at a point where Solano Avenue intersects the westerly boundary line of the City of Berkeley at or near Fresno Avenue, running thence easterly along Solano Avenue to a connection with the line fifth and last above described, being all of Route No. 3, Section 1 of Ordinance No. 58 NS, City of Berkeley to Southern Pacific Company, dated March 29th, 1910, being 0.05446 miles of double track railroad.

"7.-COMMENCING at a point where Solano Avenue intersects the easterly boundary line of the City of Albany at or near Tulare Avenue; running thence easterly along Solano Avenue to the westerly boundary line of the City of Berkeley, where said boundary line intersects Solano Avenue between Colusa and Fresno Avenue.

"8.-COMMENCING at a point in the northwesterly boundary line of the City of Berkeley, said point being in Monterey Avenue at or near Sonoma Avenue; thence in a northeasterly direction and crossing Sonoma Avenue, Monterey Avenue, and private property to Colusa Avenue at or near

Madera Avenue; thence northerly along Colusa Avenue to a point 425 feet, more or less, southerly from the southerly line of Solano Avenue; thence in a northwesterly direction curving to the left and crossing private property to Solano Avenue to a connection with the line of railway first hereinabove described.

"9.-COMMENCING at a point on the westerly boundary line of the City of Berkeley, in Block 5, as said Block is delineated and designated upon a certain map entitled "Northbrae, Berkeley, California" said point being 50 feet, more or less, southerly from the southerly line of Solano Avenue; thence running southwesterly curving to the left through private property to Colusa Avenue and to a connection with the line of railway second hereinbefore described, said point of connection being 425 feet, more or less, southerly from the southerly line of Solano Avenue.

Being all of the lines described in Ordinance No. 119 (Branch) County of Alameda to Southern Pacific Company, dated March 28th, 1910, being 0.81853 miles of double track railroad.

"10.-COMMENCING at a point in the Berkeley Branch of the Southern Pacific Railroad Company at or near Shellmound Station; thence running northerly across private property to a point on the westerly line of Fifth Street near its intersection with the northerly line of Stanford Avenue, as said street and avenue are shown upon the map of the Beaudry and Peladeau Tract, filed in the office of the County Recorder, Alameda County, November the 16th, 1876; thence continuing northerly on a curve to the left crossing Fifth Street and private property in Block 35 to a point on the westerly line of Sixth Street, 45 feet, more or less, southerly from the southerly line of Powell Street, as said streets and Block are shown upon the map hereinbefore referred to; thence continuing northeasterly crossing Sixth Street and Powell Street and private property in Block 18, to a point in the westerly line of Seventh Street 250 feet, more or less, southerly from the southerly line of Folsom Street, as said streets and block are shown on the map hereinabove referred to; thence continuing northeasterly crossing Seventh Street and private property in Block 19, to the southerly line of Folsom Street 80 feet, more or less, easterly from the easterly line of Seventh Street, as said streets and block are shown on the map hereinabove referred to; thence continuing northeasterly crossing Folsom Street and curving to the left over private property in Block 6 to the westerly line of Eighth Street, 180 feet, more or less, northerly from the northerly line of Folsom Street, as said streets and block are shown on the map hereinabove referred to; thence continuing on a curve to the left on to the center line of Eighth Street; thence running northerly along and upon Eighth Street, and crossing all intervening streets to a point on the center line of Eighth Street, where same is intersected by the northerly line of Landregan (or Sixty-fourth Street) as said streets are shown on the map of the "Landregan Tract" filed July 27th, 1892, in the office of the County Recorder, Alameda County, California; thence curving to the right and crossing private property in Block 15 to a point in the southerly line of Peabody Lane,

16, feet, more or less, easterly from the easterly line of Eighth Street, as said block, street and lane are shown on the map next above referred to; thence continuing on a curve to the right crossing Peabody Lane and private property in Block 8 to a point on the southerly line of Dalton Street, 260 feet, more or less, westerly from the westerly line of Maple Street as said streets, lane and block are shown on the map of the "Maxwell Tract" filed September 19th, 1872, in the office of the County Recorder, Alameda County, California; thence continuing northeasterly crossing Dalton Street and private property, in Block 5 of the southerly line of Hallett Street, 110 feet, more or less, westerly from the westerly line of Maple Street, as said streets and block are shown on the map next above referred to; thence continuing northeasterly, crossing Hallett Street and private property in Block 2 of the westerly line of Maple Street, 90 feet, more or less, southerly from the southerly line of Union Street as said streets and block are shown upon the map next above referred to; thence continuing northeasterly crossing Maple Street; Union Street and private property in Block 1514 to a point on the northern boundary line of the Town of Emeryville, said point being 50 feet easterly from the intersection of the easterly line of Maple Street if produced northerly with the said northerly boundary line of the Town of Emeryville, as shown upon the map of the Villa Homestead Association, filed August 20th, 1870, in the office of the County Recorder, Alameda County, California.

Being all the line described in Ordinance No. 99 (Franchise) Town of Emeryville to Southern Pacific Railroad Company, dated October 3, 1910, being 0.87045 miles of double track railroad.

"11.-COMMENCING at a point in the southerly line of the Town of Albany, said point being 800 feet, more or less, westerly from the westerly line of San Pablo Avenue, running thence in a northerly direction through private property to the intersection of the center line of Jackson Street, with the southerly line of Buchanan Street; thence northerly along Jackson Street and curving to the right through private property to Main Street; thence northeasterly along Main Street and Solano Avenue and across intervening streets to the easterly boundary line of the Town of Albany.

Being all of the line described in Ordinance No. 28 (Franchise) City of Ocean View to Southern Pacific Company dated April 20th, 1909 and being 1.50815 miles of double track railroad.

"12.-COMMENCING at a point on Stanford Avenue, in the City of Oakland, between 59th Street and 60th Street, there connecting with the railroad of the Southern Pacific Railroad Company, and thence curving to the left into and running northerly along Occidental Street also known as "Calais Street" and across intervening streets to the boundary line of the City of Oakland and the City of Berkeley, a distance of 810 feet, more or less, being all of the line described in Ordinance No. 3170, City of Oakland to Southern Pacific Railroad Company, dated October 3rd, 1910 and being 0.15572 miles of double track railroad.

Also all franchises, privileges, rights of way, station yards and station grounds and other property appurtenant to the foregoing described lines of railroad."

EXHIBIT "2"

"First: Double track railway commencing with connection with the double track railway of the South Pacific Coast Railway Company in the block bounded by 13th, 14th, Webster and Franklin Streets, and running thence northerly across Fourteenth Street at its intersection with Franklin Street to the center line of Franklin Street, and thence northerly along and upon Franklin Street and across intervening streets to a point in Franklin Street distant 150 feet, more or less, southerly from the southerly line of 20th Street, formerly Delger Street.

"Second: Single track railway commencing at a point in Franklin Street distant 150 feet, more or less, southerly from the southerly line of Twentieth Street, formerly Delger Street, running thence northerly along Franklin Street to a point in Franklin Street southerly from Twenty-first Street, (formerly Twenty-second or Walnut Street); thence curving to the left across Broadway westerly and along Twentyfirst Street, (formerly Walnut or Twenty-second Street) to a point in said Twenty-first Street easterly from Telegraph Avenue; thence curving to the left across private property and Telegraph Avenue to a point in the center line of Jones Street westerly from Telegraph Avenue; thence westerly along the line of Jones Street crossing Grove Street and San Pablo Avenue to the Center of Twenty-first Street where said Twenty-first Street is intersected by San Pablo Avenue; thence westerly along the center line of Twenty-first Street crossing Brush and West Streets and curving to the left on to a point in the Center line of Curtis Street distant thereon 24 feet, more or less, southerly from the southerly line of Twentieth Street; thence curving to the right, and into and through private property, in a southwesterly direction to a point in the northerly line of Nineteenth Street distant thereon 94 feet, more or less, westerly from the westerly line of Curtis Street; thence crossing Nineteenth Street and into and through private property, to a point in the easterly line of Market Street, distant thereon 81 feet, more or less; southerly from the southerly line of Nineteenth Street; thence crossing Market Street and curving to the right to a point in Eighteenth Street westerly from Market Street.

"Third: Single track railway commencing at a point in Franklin Street one hundred fifty (150) feet, more or less southerly from the southerly line of Twentieth Street, (formerly Delger Street); thence curving to the left in a northwesterly direction to a point in Twentieth Street westerly from Franklin Street; thence westerly along and upon Twentieth Street crossing Broadway, Telegraph Avenue, San Pablo Avenue, Grove Street, Castro, Brush and West Streets to a point in Twentieth Street easterly from Curtis Street; thence curving to the left to the center line of Curtis Street; thence in a southwesterly direction parallel and 15 feet southeasterly from the last portion of the second herein described line through private property and crossing Nineteenth Street and curving to the right across Market Street to a point in Eighteenth Street westerly from Market Street,

"Fourth: Double track railway commencing at a point in Eighteenth Street westerly from Market Street at a connection with the single track railways, second and third hereinabove referred to; thence westerly along the center line of Eighteenth Street and across all intervening streets to the westerly line of Wood Street; thence curving to the left to a connection with the railroad of the Southern Pacific Railroad Company at Sixteenth Street Depot, Oakland.

Hereinabove described lines being a portion of the lines described by Ordinance No. 3089, City of Oakland to Peninsular Railway Company, dated May 19th, 1910, and passed by the Council of the City of Oakland June 20th, 1910 and approved by the Mayor of said City on June 28th, 1910 and all of the line described by Ordinance No. 3205, City of Oakland to Peninsular Railway Company, dated October 24th, 1910 and passed by the City Council of the City of Oakland, November 28th 1910 and approved by the Mayor December 3rd, 1910 and being 1.35582 miles of double track railroad and 1.80653 miles of single track railroad."

"Also all franchises, privileges, rights of way, station yards and station grounds and other property appurtenant to the foregoing described lines of railroad."

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E X H I B I T "3"

"First: COMMENCING at a point at the terminus of the existing Melrose Branch of the Central Pacific Railway running thence northeasterly and crossing east Fourteenth Street or San Leandro Road and curving to the right into private property and crossing 47th Avenue and 48th Avenue to a point in the center line of Bond Street; thence easterly along and upon Bond Street and across intervening streets to 55th Avenue (formerly Central Avenue); thence crossing 55th Avenue (formerly Central Avenue) and entering private property and running in a southeasterly direction and crossing Hilton Street (formerly Portland Street) and 57th Avenue (formerly Nutley Avenue) to the center line of Bond Street where said Bond Street is intersected by said 57th Avenue (formerly Nutley Avenue); thence continuing along and upon Bond Street and across intervening streets to Seminary Avenue; thence crossing Seminary Avenue and entering private property; thence continuing through private property and across all intervening streets to the northwestern boundary line of Havenscourt as said line is shown on Map of "Havenscourt Oakland, California"; thence continuing southeasterly through Havenscourt to a point in Havenscourt midway between Havenscourt Boulevard and 67th Avenue; thence continuing on a curve to the right to a point at or near the center line of Church Street; thence leaving said Havenscourt Tract and crossing Church Street and continuing southeasterly through private property to 73rd Avenue (formerly Yeakum Avenue); thence crossing said 73rd Avenue to the center line of Beck Street (formerly Railroad Avenue); thence continuing along and upon Beck Street and across intervening streets to the southeasterly line of Anita Avenue where same intersects said Beck Street (formerly Railroad Avenue); thence continuing southeasterly through private property and across intervening streets to 80th Avenue (formerly Thermal Avenue) thence crossing said 80th Avenue and continuing through private property on a curve to the right and crossing 81st Avenue (formerly Farnum Avenue) to 82nd Avenue (formerly Moss Avenue) where said Avenue is intersected by Blanche Street; thence continuing southeasterly crossing said 82nd Avenue to the center line of Blanche Street; thence along and upon the center line of Blanche Street and across intervening streets to a point in Blanche Street one hundred (100) feet, more or less, southeasterly from the southerly line of 87th Avenue (formerly 6th Avenue); thence continuing southeasterly and entering private property and crossing 90th Avenue (formerly Grand Avenue) and 92nd Avenue (formerly Orchard Avenue) to the center line of Almond Street; thence continuing along and upon the said center line of Almond Street to the southeasterly line of 96th Avenue (formerly Bayview Avenue) thence continuing southeasterly and entering private property and crossing 98th Avenue (formerly Jones Avenue) to the center line of Harriman Avenue; thence continuing southeasterly along and upon Harriman Avenue or Bancroft Avenue and across intervening streets to the County Road (commonly known as Stanley Road) and the southeasterly boundary of the City of Oakland, being all of the line described by Ordinance No. 3146 City of Oakland to Central Pacific Railway Company, dated August 15th, 1910, passed by the City Council of the City of Oakland September 19th, 1910 and approved by the Mayor October 6th, 1910, being 4.26897 miles of double track railroad.

"Second: COMMENCING at a point on the existing tracks of the Central Pacific Railway Company, 200 feet, more or less, southerly from the southerly line of Lloyd Street, thence along the right of way of said Central Pacific Railway to a point on the westerly line of Fruitvale Avenue, 30 feet, more or less, southerly from the southerly line of said Lloyd Street; thence crossing said Fruitvale Avenue to a point on the easterly line thereof 190 feet, more or less, northerly from the northerly line of said Lloyd Street; thence across private property to Bassett Street; thence crossing said Bassett Street at a point 400 feet, more or less, northerly from the northerly line of said Lloyd Street, thence entering private property crossing Brandon Street at a point 430 feet, more or less northerly from the northerly line of said Lloyd Street; thence entering private property and the right of way of said Central Pacific Railway to a connection with the existing track of said railway, being all of the line described by Ordinance No. 3267, City of Oakland to Central Pacific Railway Company, dated April 7th, 1911, passed by the Council May 8th, 1911, and approved by the Mayor May 23rd, 1911, being 0.30040 miles of double track railroad.

Also that certain line of railroad situate in the County of Alameda, State of California, and more particularly described as follows:

"COMMENCING at a point in the center line of Bancroft Avenue where said center line intersects the boundary line between the City of Oakland and City of San Leandro and connecting with the southeastern terminus of what is known as the Melrose, San Leandro Line, or extension of the Melrose Branch of the Central Pacific Railway Company in the City of Oakland; running thence southeasterly along said Bancroft Avenue and across intervening streets to a point at or near Dutton Avenue being 0.42764 miles of double track railroad.

Also all easements and agreements in connection with the right of way of the above described line.

Also all franchises, privileges, rights of way, station yards and station grounds and other property appurtenant to the foregoing described lines of railroad."

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