

Decision No. \_\_\_\_\_

ORIGINAL

Decision No. 4930

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BENICIA WATER COMPANY, FRANK DOTTA  
and MERCANTILE TRUST COMPANY OF SAN  
FRANCISCO for an order authorizing  
the said Benicia Water Company to  
sell, and the said Frank Dotta to  
purchase and acquire certain lands  
of said Company in exchange for other  
lands, and for said Company to subject  
the lands received to a Deed of Trust  
now a lien on its properties.

Application No. 3323.

BY THE COMMISSION:

ORDER

BENICIA WATER COMPANY having applied to this Commission for authority to transfer to Frank Dotta, in accordance with the form of deed attached to the application in this proceeding and marked Exhibit "E", the following described property:

Beginning at a point located in Section 24, Township 3 North, Range 3 West, at the Southwest corner of a tract of land now belonging to Frank Dotta and formerly owned by T. Silva, which said point is on the easterly line of the County Road known as the "SULPHUR SPRING ROAD," and which point bears on a point in the center line of a concrete dam three feet wide and about two hundred feet long in Sulphur Spring Creek, which last point is twenty-five (25) feet easterly from the center of three sluice gates in said dam and is marked by a 1 1/2 inch pipe projecting one inch above the top of said dam; from which bearing point true courses (magnetic variation 17 1/2° East) and distances are as follows:

North  $2\frac{1}{2}^{\circ}$  West 213 feet; thence  
 North  $29\frac{3}{4}^{\circ}$  West 113 feet; thence  
 North  $19^{\circ}$  West 374 feet; to the aforesaid  
 point of beginning; running thence along the easterly  
 line of said County Road,  
 North  $6^{\circ}$  West 766 feet; thence  
 North  $47\frac{3}{4}^{\circ}$  West 159 feet; thence  
 North  $56\frac{1}{2}^{\circ}$  West 382 feet to the Southern  
 corner of a tract of land now owned by Joseph Clyne;  
 thence along the Southeasterly boundary line of said  
 Clyne tract,

North  $34\frac{1}{2}^{\circ}$  East 1018 feet; thence along the  
 Easterly bank of Paddy Dam Creek,  
 North  $49^{\circ}$  East 122 feet; thence  
 North  $30^{\circ}$  East 153 feet; thence  
 North  $38\frac{1}{2}^{\circ}$  East 142 feet; thence  
 North  $41\frac{3}{4}^{\circ}$  East 163 feet; thence  
 North  $37\frac{3}{4}^{\circ}$  East 180 feet; thence  
 North  $30\frac{3}{4}^{\circ}$  East 106 feet; thence  
 North  $39\frac{1}{2}^{\circ}$  East 205 feet; thence  
 North  $62^{\circ}$  East 47 feet; thence  
 North  $77\frac{1}{2}^{\circ}$  East 109 feet; thence  
 North  $58^{\circ}$  East 60 feet; thence leaving  
 the bank of said creek,

South  $47\frac{3}{4}^{\circ}$  East 1237 feet to the northerly  
 corner of said Frank Dotta tract; thence along the  
 northwesterly boundary line of said Frank Dotta tract  
 South  $42\frac{3}{4}^{\circ}$  West 2726 feet to the point of  
 beginning; containing 67.15 acres of land, more or  
 less;

Reserving and excepting therefrom a right-of-way  
 twenty-five (25) feet wide for a road and telephone  
 line as the same now exist, the westerly line of said  
 right-of-way <sup>five</sup> five (5) feet west, and the easterly line  
 twenty (20) feet east of the said telephone line, the  
 courses and distances of which are described as fol-  
 lows:

Commencing on the easterly line of the aforesaid  
 County Road, distant thereon 451 feet northerly from  
 the point of beginning of the description of the above  
 tract of land; running thence,

North  $32^{\circ}$  East 97 feet; thence  
 North  $28^{\circ}$  East 144 feet; thence  
 North  $26^{\circ}$  East 291 feet; thence  
 North  $24^{\circ}$  East 500 feet; thence  
 North  $23\frac{1}{2}^{\circ}$  East 1000 feet; thence  
 North  $23\frac{3}{4}^{\circ}$  East 210 feet; thence  
 North  $30^{\circ}$  East 286 feet to the point in  
 the northerly boundary line of the above described  
 tract of land, which line bears South  $47\frac{3}{4}^{\circ}$  East  
 and which said point is 155 feet distant thereon from  
 the most northerly corner of the above described tract  
 of land.

Also reserving and excepting therefrom a right-  
 of-way for a pipe line, with the right to relay the  
 existing pipe line, and to lay a second pipe line for  
 the entire distance parallel to the existing line and  
 within six (6) feet on either side of the center line  
 thereof, which center line is described as follows,  
 to-wit:

Commencing at a point on the southeasterly boundary line of the aforesaid tract of land (described as "South  $42\frac{3}{4}^{\circ}$  West 2726 feet); distant thereon 567 feet northeasterly from the point of beginning in the description of the above described tract of land; thence North  $8\frac{3}{4}^{\circ}$  East 2200 feet; thence in a northerly direction and following the present pipe line on a curve to the West 200 feet, more or less, to a point on the east bank of Paddy Dam Creek in the course ~~of~~ in the description of said tract of land designated as "North  $77\frac{1}{2}^{\circ}$  East 109 feet," and which point is 164 feet southerly from the most northerly corner of said described tract of land; with the right of ingress and egress, to make repairs, to build necessary protection for fittings and valves, to repair or relay the existing pipe line, and to lay a second pipe line as herein provided, and also to repair the said telephone line and road-way, and to replace said telephone line;

It being further understood that said grantee, his successors or assigns, shall erect no structures on plant any trees nearer than eight (8) feet, measured at right angles, to the center line of said pipe line.

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

And also having applied for authority to mortgage to Mercantile Trust Company of San Francisco in accordance with the form of mortgage attached to the application in this proceeding and marked Exhibit "D", the property which Benicia Water Company received in part payment for the property above authorized to be conveyed, the property received being described in the mortgage as follows:

Beginning at a point located in Section 24, Township 3 North, Range 3 West, which point bears on a point in the center line of a concrete dam three (3) feet wide and about two hundred (200) feet long, in Sulphur Spring Creek, which last mentioned point is twenty-five (25) feet Easterly from the center of three sluice gates in said dam and is marked by a  $1\frac{1}{2}$  inch pipe projecting one inch above the top of the dam; from which bearing point true courses (magnetic variation  $17\frac{1}{2}^{\circ}$  East) and distances are as follows:

North $70\frac{1}{2}^{\circ}$	West 167 feet;	thence
North $67\frac{1}{2}^{\circ}$	West 400 feet;	thence
North $62^{\circ}$	West 588 feet;	thence
South $78\frac{1}{2}^{\circ}$	West 506 feet to the said	

point of beginning, which point is in the Westerly boundary line of property now owned by Benicia Water Company; thence along the line of said Benicia

Water Company's property,

North	6 $\frac{1}{2}$ <sup>o</sup>	East	299 feet; thence
North	47 <sup>o</sup>	West	381 feet; thence
South	49- $\frac{3}{4}$ <sup>o</sup>	West	1925 feet to a point; thence
South	48 $\frac{1}{2}$ <sup>o</sup>	West	721 feet; thence
South	30 $\frac{1}{2}$ <sup>o</sup>	West	221 feet; thence
South	20- $\frac{3}{4}$ <sup>o</sup>	West	214 feet; thence
South	70 $\frac{1}{2}$ <sup>o</sup>	West	1506 feet; thence
South	60 $\frac{3}{4}$ <sup>o</sup>	East	1288 feet; to a stone monument;
thence			
North	27- $\frac{3}{4}$ <sup>o</sup>	East	1324 feet to a point; thence
South	62 $\frac{1}{8}$ <sup>o</sup>	East	1690 feet; thence
North	24 <sup>o</sup>	East	695 feet; thence
North	59 <sup>o</sup>	West	261 feet; thence
North	30 $\frac{1}{2}$ <sup>o</sup>	East	842 feet; thence
North	28- $\frac{3}{4}$ <sup>o</sup>	West	533 feet; thence
North	31 <sup>o</sup>	East	470 feet; thence
North	81 $\frac{1}{2}$ <sup>o</sup>	East	193 feet to the point of
beginning; containing 98 acres of land, more or less.			

TOGETHER with the appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same upon the trusts and for the purposes expressed in the deed of trust hereinbefore referred to.

And it appearing to the Commission that this is not a case in which a public hearing is necessary, and that said application should be granted,--

IT IS HEREBY ORDERED that the application herein be, and the same is hereby, granted upon the following conditions:

1. That the consideration given for the property herein authorized to be transferred shall not be taken before this Commission, or any other public body, as representing for rate fixing or other purposes the value of the property transferred.

2. The authority herein granted shall apply only to such conveyances or mortgages as shall be executed on or before December 31, 1917.

3. When any conveyance or mortgage is made in accordance with this order, a certified copy thereof shall, within ten (10) days thereafter be filed with the Railroad Commission.

Dated at San Francisco, California, this 10th day of December, 1917.

Max Thelen

H. Howard

W. Gordon

Edwin O. Edgerton

Frank R. DeWitt  
Commissioners.