

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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Decision No. 4949

In the Matter of the Application
of BOARD OF SUPERVISORS OF LOS
ANGELES COUNTY on behalf of LOS
ANGELES COUNTY WATERWORKS DISTRICT
NO. 1, and of J. W. McDONALD,
WALTER F. SAGAR, WALTER C. RUNYON } Applications Nos. 3324-25
and A. E. GREENSHIELDS, as Trustees }
of Athens and Woodcrest Water Com- }
pany, for permission to purchase }
and sell, respectively, certain }
real property and certain pump- }
ing machinery. }

Edward T. Bishop and J. Allen Davis for Los
Angeles County.

Andrew J. Copp for Trustee, Walter C. Runyon

Byron C. Hanna for certain other Trustees.

BY THE COMMISSION.

O P I N I O N

The Board of Supervisors of Los Angeles
County acting on behalf of Los Angeles Waterworks
District No. 1, and Messrs J. W. McDonald, Walter F.
Sagar, Walter C. Runyon and A. E. Greenshields, as
trustees of Athens and Woodcrest Water Company, an un-
organized association, join in applying for authority
to said trustees to convey to said Waterworks District
a lot 39 x 113 feet together with a pumping plant thereon,
located at Athens Heights near Los Angeles for the

agreed purchase price of \$1,800.00.

Some years ago Emil Firth subdivided and laid out a tract of land subsequently known as Athens Heights and as part of the plan constructed the said pumping plant on the rear portion of lot No. 153, and laid a system of distributing pipes. Purchasers of lots received deeds providing that they, their heirs or assigns, should at all times be entitled to secure water from said pumping plant at the ruling rates.

On or about April 29, 1911, said Firth notified the consumers of said system that he would on May 15, 1911, discontinue the operation of the plant and system and offered to turn the said property over to a board of trustees to be chosen by the consumers. Five trustees were accordingly chosen and the parcel of land and pumping plant were conveyed to them by Firth and wife, of whom the four trustees as applicants herein, are successors in trust as was found by the Superior Court of Los Angeles County in an action for accounting between said trustees, being Case No. B45735, the final decree of which said case provides for the distribution of the assets of the trust including a credit of \$1,042.50 due from the County of Los Angeles. Said credit of \$1,042.50 is the balance of the agreed purchase price of \$1,800.00 for said lot and pumping plant, after the payment by the County of agreed debts of the trust amounting to \$700.00 and \$57.50 respectively incurred for extensions and improvements to said water system.

Los Angeles County Waterworks District No. 1, is organized under the Act approved April 25, 1913, for the purpose of furnishing water for domestic use to the inhabitants of the District which includes Athens Heights and Woodcrest. The district was organized to facilitate the extension and improvement of the system for which it has voted bonds of \$30,000.00.

The rate originally collected by the trustees, who operated under the fictitious name of Athens and Woodcrest Water Company, was \$2.00 per thousand cubic feet, but this was subsequently reduced to \$1.00 per thousand cubic feet and 7 $\frac{1}{2}$ ¢ per hundred cubic feet for excess water. At this rate it is now distributed and sold by the trustees. The district expects to continue this rate after the transfer of the pumping plant to it.

Quitclaim deeds of Firth and wife and the five original trustees, and a grant deed by the present trustees have been executed and placed in escrow awaiting the Commission's authority to make the transfer before the deeds are delivered.

The pumping plant installed cost new May 4, 1915, \$1,775.00, which with some incidentals brought the entire cost new to \$1,809.88. The portion of the lot which the plant is erected on is valued by the trustees at \$400.00 to \$500.00.

O R D E R

The Board of Supervisors of Los Angeles County

acting on behalf of Los Angeles Waterworks District No. 1, and Messrs. J. W. McDonald, Walter F. Sagar, Walter C. Runyon and A. E. Greenshields, as trustees of Athens and Woodcrest Water Company, an unorganized association, having applied for an order authorizing said trustees to convey for said water district the property hereinafter described, a public hearing having been held thereon, and the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that J. W. McDonald, Walter F. Sagar, Walter C. Runyon and A. E. Greenshields, as trustees of Athens and Woodcrest Water Company, an unorganized association, are hereby authorized to convey to the Board of Supervisors of Los Angeles County on behalf of the Los Angeles County Waterworks District No. 1, land in Los Angeles County, described as follows:

"Beginning at a point in the Southwest corner of Lot one hundred and fifty three, Athens Heights, as per plat of said tract recorded in Book 9, page 170 of Maps, records of Los Angeles County; running thence northerly 39 feet parallel with the west line of said lot to a point; thence easterly parallel with the south line of said lot 113 feet to a point; thence southerly parallel with the west line of said lot 39 feet to a point in the southerly line thereof; thence westerly along the south line of said lot 113 feet to the point of beginning, all of said property lying and being in the County of Los Angeles, State of California.

together with the pumping plant and machinery thereon located, consisting of the following:

- 1 No. 1510 Pump Head
- 1 6 3/4 x 66 " cylinder with 3-cup double plungers.
- 140 ft. of 8" casings.
- 140 ft. of double rods.
- 1 10 horse power general Electric Motor
- 1 No. 9610 Self-starter, and Cutler-Hammer float switch.
- 1 Motor base
- 1 Self Oiler.

for the agreed purchase price of \$1,800.00, the sum of \$757.50 thereof to be paid in satisfaction of certain obligations of said trustees as described in the agreement dated June 25, 1917 between the Board of Supervisors of Los Angeles County and the said trustees and the balance of \$1,042.50 to be paid to said trustees as provided in said agreement and to be by them distributed pursuant to the final decree of the Superior Court of Los Angeles County in said Case No. B45735 J. W. McDonald et al., vs Walter C. Runyon.

The above authority is given upon the following conditions:

1.- Nothing herein contained shall be construed in any proceeding before this Commission or any court, tribunal or public body as a finding by this Commission of the value of the property authorized to be conveyed, for any purpose other than the purposes of this proceeding.

2.- Said Los Angeles Water District No. 1, shall assume and discharge all of the obligations to serve the public at any time heretofore resting upon said trustees or their predecessors in trust.

3.- The approval of said instruments of conveyance is for the purpose of this proceeding, only, and only in so far as this Commission has

jurisdiction under the terms of the Public Utilities Act; and is not intended as an approval of said instruments of conveyance as to any other legal requirements to which they may be subject.

4.- The authority herein contained shall extend only to such conveyances of real or personal property as shall have been delivered within 60 days from date hereof.

5.- Within ten days after the delivery of any such instrument of conveyance, said trustees shall make verified written report to the Commission of the fact and date of delivery of such conveyance, together with a certified copy thereof and a statement of the disposition of the proceeds of said sale.

Dated at San Francisco, California, this 15th day of December, 1917.

Max Thelen
J. B. K. K. K.

Edwin C. Edgerton
Frank C. Dyer
Commissioners