

Decision No. _____

ORIGINAL

Decision No. 5397

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Petition)
of the CITY OF PALO ALTO to)
fix the just compensation to be)
paid to LORETTA B. HART, proper-)
ty owner, for property or any)
interest therein to be taken or)
damaged in the separation of)
grades at the City of Palo Alto)
and for final order of condemnation.)

Application No. 3427.

BY THE COMMISSION.

OPINION ON PETITION FOR REHEARING.

Loretta B. Hart has filed herein her petition for re-hearing on this Commission's Decision No. 5361, made on April 30, 1918, in the above entitled proceeding.

Petitioner alleges, in part, that this Commission's Opinion and Order hold that the Commission "has power or authority to proceed without any hearing or after-hearing to fix the just compensation to be paid for the acquisition of or damage to the said Block 1 or to designate the party or parties to said proceeding who shall pay such compensation and the owners or claimants to whom such compensation shall be paid and to make final or any other order of condemnation herein."

Petitioner is in error on this point. The last paragraph of the opinion distinctly states that "this proceeding should thereafter be set for further hearing on the issues of fact herein presented." Such further hearing will be set as soon as convenient and all parties will have an opportunity to be heard.

It is not necessary to discuss the other points urged in the petition. The petition should be denied.

O R D E R.

LORETTA B. HART having filed herein her petition for rehearing, careful consideration having been given to the same and no good cause appearing why a rehearing should be held,

IT IS HEREBY ORDERED that said petition be and the same is hereby denied.

Dated at San Francisco, California, this 16th day of May, 1918.

Max Thelen
H. L. Rossland
W. J. Gordon
Edwin O. Fitzgerald
Frank R. Holm

Commissioners.