

Decision No. 6695

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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|---------------------------------------|---|----------------------|
| In the Matter of the Application of |) | |
| Martinez Land Company for permission |) | |
| to transfer to Contra Costa Realty |) | Application No. 4774 |
| Company the property of said Martinez |) | |
| Land Company. |) | |

A. F. Bray for Martinez Land Company and
Contra Costa Realty Company.

MARTIN, Commissioner.

O P I N I O N .

The former directors of Martinez Land Company, a corporation, who are now by reason of the dissolution of the corporation Trustees for the stockholders, and Contra Costa Realty Company, a corporation, ask the Commission to authorize and confirm the transfer of a water system, serving consumers in the vicinity of Martinez, owned and formerly operated by Martinez Land Company, to Contra Costa Realty Company.

A public hearing was held in Martinez on September 11, 1919.

Testimony shows that Martinez Land Company, a corporation, owned real estate and a water system in the vicinity of Martinez, and in 1917 became dissolved by reason of failure to pay the state franchise tax, and that all property owned by Martinez Land Company, including the water system, was transferred to Contra Costa Realty Company in February of that year. The Railroad Commission's consent to the transfer of the water system was not obtained.

It was shown that Contra Costa Realty Company has operated the water system and supplied water to consumers for more than two years.

Obviously the transfer, made without consent of this Commission, is void but, as it is apparent that the interests of the consumers under the water system will be in no way adversely affected, it appears that the transfer should be authorized.

O R D E R .

Application having been made to this Commission for authority to transfer a water system, by trustees of the stockholders of Martinez Land Company to Contra Costa Realty Company, a public hearing having been held thereon, and the Commission being fully informed in the matter and there appearing no good reason why the transfer should not be authorized,

IT IS HEREBY ORDERED, that the trustees of the stockholders of Martinez Land Company, a defunct corporation, be and the same are hereby authorized to transfer to Contra Costa Realty Company, a corporation, a certain water system supplying water to consumers in Martinez Land Company's tracts, adjacent to Martinez, and consisting of a well, pump, electric motor, tanks, pipes, meters and other facilities, on the following conditions and not otherwise:

1.--The consideration given for the transfer of public utility properties as herein authorized, shall not be taken as a measure of value of said properties before this Commission or any other public body for rate fixing or for any purpose other than the transfer of property as herein authorized.

2.--Within thirty (30) days from the date of this order, certified copy of the instruments of conveyance transferr-

ing the properties referred to herein shall be filed with
this Commission by Contra Costa Realty Company.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad
Commission of the State of California.

Dated at San Francisco, California, this 2nd day
of October 1919.

Edwin A. Edgert

H. D. Loveland

Frank R. Dewey

Irving Martin

Commissioners.