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ORIGINAL

Decision No. 7070

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA

In the matter of the application of)
CALIFORNIA WHARF & WAREHOUSE COMPANY,) Application No. 5260
a corporation, for approval of the)
renewal of a wharf franchise.)

Creed, Jones and Dall, for applicant.

BY THE COMMISSION:

O R D E R

CALIFORNIA WHARF & WAREHOUSE COMPANY, having been granted, on January 5, 1920, for a period of twenty years, by the Board of Supervisors of Contra Costa County, a renewal of the franchise theretofore granted to it on November 3, 1902, permitting said company to construct and maintain a wharf and to take tolls for the use of same, at rates to be fixed according to law, on all those certain overflowed and submerged lands belonging to the State of California, over which the tide ebbs and flows, bordering on the Straits of Carquinez, a navigable arm of the sea, situate in Township Number Two, in Supervisor District Number Two of the County of Contra Costa, State of California, and more particularly described as contained and within the following boundaries, to wit:

"Beginning at a point on the northerly boundary line of right of way of the Northern Railway Company, distant thereon 3059 feet northwesterly from the hinges of the ferry slip at Port Costa, which point is also distant 150 feet westerly from the intersection of the westerly line of

McNear's lower warehouse near Port Costa as the same stood in the year 1887, with the said northern line of right of way; running thence westerly along the said northerly line of right of way to its intersection with the shore-line of the Straits of Carquinez, and thence westerly following said shore line to a total distance from the point of beginning 1000 feet; thence north 14° 15' west (magnetic) 491 feet, more or less, to the line of four fathom depth of water; thence north 86° 35' east along the said four fathom line 1000 feet to station; thence southerly 259 feet to the point of beginning."

and having applied to the Railroad Commission for approval of the renewal of said franchise, and having submitted to the Railroad Commission, copies of papers filed with the Board of Supervisors of Contra Costa County, together with a copy of the order of said Board of Supervisors, granting a renewal of the franchise, and the Commission being of the opinion that this is not a case in which a public hearing is necessary and that the application should be granted,

NOW THEREFORE, IT IS HEREBY ORDERED, that the Railroad Commission hereby approves the renewal of the wharf franchise described in the petition herein, provided, that this order will not become effective until California Wharf & Warehouse Company has filed with the Railroad Commission, for approval, a stipulation, duly authorized by its Board of Directors declaring that neither California Wharf & Warehouse Company, its successors nor assigns will ever claim before the Railroad Commission, or any court or other public body, a value for said wharf franchise in excess of the amount actually paid to the County of Contra Costa, as a consideration for the grant of said franchise, which

amount shall be stated in the stipulation, and shall have received from the Railroad Commission a supplemental order declaring that such stipulation has been filed in form satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 5th day of February, 1920.

Erwin C. Egan

H. D. Leonard

Frank R. Miles

H. W. Boudreau

Commissioners.