

Decision No. PH91.

THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
THE UNION WATER COMPANY OF CALIFORNIA)
and THE UNION WATER DEVELOPMENT COMPANY)
to sell, and of EAST BAY WATER COMPANY) Application No. 5503.
to buy the whole of the plant and system)
of the Union Water Company of California.)

Harry A. Excell, for the Union Water Com-
pany of California and Breed & Bancroft.

R. P. Henshall, for the Union Water Company
of California and The Union Water Develop-
ment Company.

W.E.Creed and McKee, Tasheira & Warhaftig, by
Arthur G. Tasheira, for East Bay Water Com-
pany.

Leon E. Gray, for City of Oakland.

Frank V. Cornish, for City of Berkeley.

D. J. Hall, for City of Richmond.

W. J. Locke, for City of Alameda.

E. A. Freeman, for consumers of The Union
Water Company of California.

EDGERTON, Commissioner.

O P I N I O N

This is a proceeding in which the authorization of this Commission is sought by The Union Water Company of California and The Union Water Development Company to transfer a certain public utility water system owned and operated by them in Alameda and Contra Costa counties to the East Bay Water Company, and by the East Bay Water Company to purchase said system. In this application the parties also request that the Railroad Commission fix the price to be paid by East Bay Water Company for said system.

The application herein recites that the Union Water Company

of California is a public utility water company engaged in the business of supplying water to consumers in Oakland, San Leandro, and other communities in Alameda and Contra Costa counties; that The Union Water Development Company is sole owner of all the stock of The Union Water Company of California except such shares as are necessary to qualify directors; that East Bay Water Company is a public utility water company engaged in the business of selling and distributing water in Alameda and Contra Costa counties; and that the sale and transfer of the properties as outlined in said application will result in better service to consumers and economies in operation.

In this proceeding the Commission is primarily concerned with the question of whether or not the transfer of this property from one ownership to another, as outlined, will serve the best interests of the public. To determine this consideration must be given to whether or not the proposed transfer will better service conditions, effect economies in expenditures and efficiencies in operation. Furthermore, the public is concerned in eliminating prospective duplication of systems and competitive conditions which ultimately must react to the injury of the consumer.

At the present time the East Bay Water Company and The Union Water Company of California are competing in certain portions of the territory served. In some instances the area served by The Union Water Company of California is entirely surrounded by that served by the East Bay Water Company. There are duplications of equipment and distribution systems which could be eliminated if the systems were operated under one ownership. As the situation now exists neither company can proceed with its development or extend its service area in certain locations without a duplication of facilities and consequent economic waste. Such a situation develops competition which is economically unsound for the companies, and imposes an undue burden upon consumers.

If these companies continue to operate as separate entities,

they must eventually enter into a long period of expensive competition. This would mean that each company would have to expend large sums of money to maintain its present status and secure new consumers. Experience has shown that where competition occurs such as might develop here, the cost of this competition is ultimately borne by the consumers, resulting finally in a higher rate being paid for the service rendered than would otherwise obtain.

The rate schedule at present in effect under The Union Water Company's system is lower than that of the East Bay Water Company. In the event of the transfer of The Union Water Company's system to the East Bay Water Company, it would follow that the consumers of the first company would be required to pay a higher rate for the service rendered. However, if the present rate schedule of The Union Water Company were continued in effect, I wish to direct attention to the fact that this rate schedule would not yield to The Union Water Company an income sufficient to meet operating expenses, replacement fund, and an interest return on its investment. Although it is true that the territory now served by The Union Water Company is still in its development stage and therefore this company's present system is only partially utilized, obviously it cannot continue to operate indefinitely at a deficit. As its territory develops, additional sources of water supply must be obtained which would require the expenditure of a considerable sum of money, and it would follow that the ultimate consumer would pay in rates an interest return and replacement fund upon the sum so expended. Thus while it appears that the proposed transfer would result in an immediate increase in the rate for service to the present consumers of The Union Water Company, an analysis of the situation points to the conclusion that for reasons stated above, the present rate of The Union Water Company would probably be enjoyed for only a limited time and that in the long run the interest of the consumers and the welfare of the community at large will best be served by the consolidation of the two systems in question. Such a consolidation will inure to the benefit of the consumers of the East Bay Water Company, in that the

necessary overhead expenses will be distributed among a larger number of consumers, certain economies of operation will result, and expensive competition will be obviated. In this instance it is apparent that the public interest would best be served by combining the systems operating in this territory under one management, and that no good purpose would be served by prolonging the period of competition. With the combined systems operating under one management and ownership, using facilities and equipment without duplication, having all sources of supply under one supervision, the service can be more adequately administered.

While the above facts are true from an operating standpoint, the economic feasibility must necessarily be dependent upon the price that the East Bay Water Company will be required to pay for the properties of The Union Water Company.

In view of the scope of this proceeding, careful consideration should be given to the value of this plant to the purchaser, as well as the value to the seller.

It now remains to determine what is a fair price to be paid for these properties, under all of the circumstances outlined above.

The Union Water Company was incorporated in 1908, and obtained a 99-year franchise from the State. This franchise grants permission for the corporation to lay pipes and to sell water, gas and heat to consumers in any part of the State. The company was reorganized in 1910 under the name of The Union Water Company of California. Construction of the present system was begun in 1910, and at the present time it consists of 15 pumping plants, 103 wells, 11 storage tanks of a combined capacity of 1,375,000 gallons, and a distribution pipe system comprised of standard screw pipe, steel casing, converse pipe and cast iron pipe, of a total length of approximately 112 miles. There are approximately 4500 service connections and the system is

practically 100 per cent metered. Mr. F. M. Faude, one of the Commission's hydraulic engineers, and Mr. W. C. Fankhauser, the Commission's financial expert, presented exhibits at the hearing showing estimated reproduction cost, reproduction cost less depreciation, and historical cost as shown by the records of the company. Their presentation also includes statements of maintenance and operation expense, replacement funds, revenues, and other pertinent data. No other appraisal was presented, and practically no other evidence submitted with reference to the value of the plant by any of the parties to the proceeding, except that The Union Water Company of California presented a report prepared by Mr. Harold Everhart, expert accountant, purporting to show the cost of developing its present business.

The following is a summary of the estimates presented:

Cost of reproducing the property.....	\$1,768,537
Cost of reproduction less depreciation.....	1,499,022
Original cost of the property new, to August 31, 1920.....	1,042,710
Original cost depreciated in the same pro- portion as reproduction cost.....	886,303
Probable revenue in 1920, less amount paid by East Bay Water Company.....	117,000
Probable revenue by applying East Bay rates.....	206,000
Probable operating expenditures if operated by Union Water Co.....	\$65,000 to 67,500
Probable operating cost if operated by East Bay Water Co.....	\$41,000 to 48,500
Replacement fund (sinking fund method), approximately.....	12,000

The evidence shows that the territory served by The Union Water Company is, as a whole, sparsely settled. To serve a consumer of this company it requires more than twice the length of distribution pipe than is required in systems serving areas which have an average density of settlement. This fact becomes apparent upon comparing the length of pipe necessary to serve consumers of The Union Water Company with the length required to serve consumers of the East Bay Water Company, San Jose Water Company, Spring Valley Water Company and the Fresno City Water Company. In other words, the district served has at

this time attained only a fraction of its possible development.

In determining the value arrived at herein, an analysis has been made of the estimates submitted, the proportion of the system utilized in serving present consumers, the potential value of the system to serve future consumers, the present and prospective earnings of The Union Water Company and the East Bay Water Company, the loss from earnings heretofore sustained by The Union Water Company, the amount that the East Bay Water Company can afford to pay for this system without dilution of its present outstanding securities, reproduction cost, cost of reproducing the property less depreciation, the original cost of the property, the original cost less the value of the use already had by The Union Water Company, and such other elements as are pertinent. In other words, consideration has been given to the elements of the value of this plant to The Union Water Company, and also its value to the East Bay Water Company.

After a careful consideration of this matter, I am of the opinion that a fair price to be paid for these properties is the sum of \$1,100,000, and that public interest will be served by the transfer of these properties to the East Bay Water Company.

At the hearing herein a tabulation was submitted showing that The Union Water Company now has in its possession deposits for extensions aggregating \$58,908.10, which it must return to its consumers who made these deposits as the territory covered by the extensions develops. In fixing the price to be paid for the property herein, I have not deducted the amount of these deposits from the price fixed, but have left this matter for adjustment between the parties interested.

FINDINGS AND ORDER

Application having been made by The Union Water Company of California and The Union Water Development Company to sell, and by the East Bay Water Company to buy the certain water system now owned

and operated by The Union Water Company of California, and for the fixing of the price at which the property shall be transferred, public hearings having been held and the Commission being fully apprized in the matter;

IT IS HEREBY FOUND AS A FACT, that public convenience will be served by a transfer of the properties of The Union Water Company of California to East Bay Water Company and that a fair price to be paid for the said water utility system, which is more particularly described in Appendix "A" attached hereto and made a part hereof, is the sum of \$1,100,000.

And basing its order upon the foregoing finding of fact and the other statements of fact contained in the opinion which precedes this order;

IT IS HEREBY ORDERED, that The Union Water Company of California be and it is hereby authorized to sell and the East Bay Water Company to buy the public utility water system described in Appendix "A" as attached hereto and made a part hereof, upon the following conditions being complied with and not otherwise:

1. That the transfer herein authorized shall be completed on or before April 1st, 1921;
2. That within fifteen (15) days of the date of the transfer, certified copies of the instrument of conveyance shall be filed with this Commission by The Union Water Company of California;
3. That within ten (10) days from the date on which The Union Water Company of California relinquishes possession and control of the public utility properties herein authorized to be transferred, said company shall file with the Railroad Commission a certified state-

ment setting forth the date upon which such possession and control was actually relinquished.

4. That the consideration given for the transfer of the public utility properties herein authorized to be transferred shall not be urged before this Commission or any other public body as a finding of value of said properties for rate fixing or any purpose other than the transfer herein authorized.

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

Dated at San Francisco, California, this 24th day of December, 1920.

Edwin O. Edgerton
H. B. Kordland
Walter R. Doherty
H. H. Brundage

Commissioners.

APPENDIX "A"

A DESCRIPTION OF THE PROPERTY TO BE
CONVEYED BY THE UNION WATER COMPANY
OF CALIFORNIA TO EAST BAY WATER COMPANY.

REAL ESTATE

92nd Avenue Property
Described as follows:

Commencing at a point on the Southern line of Lot Number 4 (four), shown on the plot hereinafter referred to, distant thereon 225 (two hundred and twenty-five) feet Westerly from the Southeastern corner thereof and running thence Westerly along the Southern line of said Lot No. 4, 464 (four hundred and sixty-four) feet eight inches to the center line of Peralta Avenue, thence Southerly along the said line of Peralta Avenue 315 (three hundred and fifteen) feet two inches to the center line of Kinsell Avenue, thence Easterly along the center line of Kinsell Avenue 465 (four hundred and sixty-five) feet or thereabouts to the point of its intersection by a line parallel with and lying 225 (two hundred and twenty-five) feet to the Westward of the Eastern line of Lot 3 (three) shown on the plot hereinafter referred to and thence Northerly thereon to the place of beginning; containing $3\frac{1}{2}$ acres, being a portion of Lot Number 3 (three) as the said Lot is delineated and so designated on the plot entitled "Map of the Peralta Tract Alameda County, Cal." Filed on September 12, 1889, in the County Recorder's Office of said Alameda County, California.

Beginning at a point in the center line of Peralta Avenue, distant thereon Six Hundred and Thirty-One and $\frac{62}{100}$ (631.62) feet Northwesterly from the point of Intersection thereof with the center line of Kinsell Avenue; and running thence Northeasterly at right angles Six Hundred and Eighty-Nine and $\frac{7}{10}$ (689.7) feet; thence at right angles Southeasterly Forty (40) feet; thence at right angles Southwesterly Six Hundred and Eighty-nine and $\frac{7}{10}$ (689.7) feet to the center line of Peralta Avenue; and thence at right angles Northwesterly along said center line of Peralta Avenue Forty (40) feet to the point of beginning.

Containing $\frac{606}{1000}$ (.606) acres and being a portion of Lot Numbered Four (4) as said Lot is laid down and delineated upon that certain Map entitled, "Map of the Peralta Tract, Alameda County, Cal., W. F. Boardman" - filed September 12th, 1889, in the office of the County Recorder of Alameda County, California.

Commencing at a point on the center line of Peralta Avenue distant thereon Three Hundred and Sixteen (316) feet 1.68 inches Northwesterly from the point of intersection thereof with the center line of Kinsell Avenue; running thence Northwesterly along said line of Peralta Avenue three hundred and fifteen (315) feet 5.76 inches; thence at right angles Northeasterly Six Hundred and Eighty-Nine (689) feet 8.4 inches; thence at right angles Southeasterly Three Hundred and Fifteen (315) feet 5.76 inches and thence at right angles Southwesterly Six Hundred and Eighty-Nine (689) feet 8.4 inches to the point of commencement.

Being Lot No. 4 as laid down and delineated upon a certain Map entitled "Map of the Peralta Tract Alameda County, Cal. W. F. Boardman" filed September 12, 1889, in the office of the Recorder of Alameda County, California, Excepting the portion of said premises included in said Peralta Avenue.

Jones Avenue Property:

All that certain lot, piece or parcel of land situate, lying and being in the City of Oakland, County of Alameda, State of California, and bounded and particularly described as follows, to-wit:

Beginning at a point on the Southeasterly line of Road No. 1, or Jones Avenue, from which said point the intersection of the Southwesterly line of Plot No.2 with the said Southeasterly line of Road No. 1, (as said Plot and Road are delineated and so designated on that certain map entitled, "Map of Lands in Partition in the suit of William P. Toler, et al., vs. Jose C. Peralta, administrator, et al." Being Case No. 5408, Third District Court) bears South $45^{\circ} 33'$ West, one hundred and sixty-seven and $49/100$ (167.49) feet; thence following along an old fence line, South $44^{\circ} 58'$ East, five hundred and twenty-five and $80/100$ (525.80) feet; to the Southeasterly line of said Plot No.2; thence along the Southeasterly boundary line of Plot No. 2, South $45^{\circ} 39'$ West, one hundred and sixty-eight and $78/100$ (168.78) feet; to the said Southwesterly line of said Plot No.2; thence along said boundary line of Plot No. 2, North $44^{\circ} 49\frac{1}{2}'$ West, five hundred and twenty-five and $55/100$ (525.55) feet; to the Southeasterly line of Road No. 1, or Jones Avenue, thence along the said Southeasterly line of said Road No. 1, or Jones Avenue, North $45^{\circ} 33'$ East, one hundred and sixty-seven and $49/100$ (167.49) feet, to the point of commencement.

Containing two and $29/1000$ (2.029) acres, and being a portion of said Plot numbered Two (2).

Cherry Lynne Property:

All that certain lot, piece or parcel of land, in the Town of San Leandro, County of Alameda, State of California, described as follows, to-wit:

Being Lot No. 21, in Block Lettered A/83 as the said Lot and Block is delineated and so designated upon that certain map entitled, "Map of the Cherry Lynn Tract, in the Town of San Leandro, Alameda County, California," filed January 24th, 1908, in the office of the County Recorder of the said Alameda County.

Fremont Tract Property:

ALL of lot Number Two Hundred Fifty-one (251), as said lot is delineated and so designated upon that certain map entitled "Map of Fremont Tract, Oakland, Alameda County, Cal." etc., filed March 10th, 1911, in the office of the County Recorder of said county of Alameda, State of California.

Walker Property:

All that certain lot, piece or parcel of land in the City of Oakland, County of Alameda, State of California, described as follows:

(1) Beginning at the northeasterly line of Plot No. 7 at a station on the southerly corner of Plot No. 2; thence along said line south 45 deg. east 4.84 chains to the westerly corner of Plot No. 4; thence along the northwesterly line of said Plot north 45½ deg. east 12.48 chains to station on the southwesterly line of a road 25 links wide; thence along the southwesterly line of said road north 37 deg. 5' west 4.86 chains to the easterly corner of Plot No. 1; thence along the southeasterly line of Plots Nos. 1 and 2 south 45½ deg. west 13.15 chains to the place of beginning;

Containing 6.22 acres and being Plot No. 3 as said plot is shown on that certain map or diagram of lands in partition accompanying the Report of the Referee in Partition in that certain suit entitled Wm. P. Toler, et al., vs. Jose C. Peralta, Admr., et al., begun in the District Court of the Third Judicial District of the State of California, in and for the County of Alameda, on December 31, 1879, and numbered on the Register of said Court as No. 5408.

(2) Beginning on the northeasterly line of Plot No. 7 at a station on the southerly corner of Plot No. 3; thence along said line south 45 deg. east 5.11 chains to station on the westerly corner of Plot No. 5; thence along the northwesterly line of said Plot No. 5 north 45½ deg. east 11.77 chains to the southerly --- line of a road 25 links in width; thence along the southwestery line of said road north 37 deg. 05' west 5.15 chains to the easterly corner of Plot No. 3; thence along the southeasterly line of said Plot No. 3 south 45½ deg. west 12.48 chains to the place of beginning.

Containing 6.22 acres, and being Plot No. 4, as said Plot is shown on the map or diagram above referred to.

(3) Beginning on the northeasterly line of Plot No. 7 at station at the southerly corner of Plot No. 4; thence along said line south 45 deg. east 5.10 chains to the westerly corner of Plot No. 6; thence along the northwesterly line of said Plot No. 6 north 45½ deg. east 11.08 chains to the southwestery line of a road 25 links in width; thence along the southwestery line of said road north 37 deg. 05' west 5.14 chains to the easterly corner of Plot No. 4; thence south 45½ deg. west 11.77 chains to the place of beginning.

Containing 5.83 acres, and being Plot No. 5 as said Plot is shown on the Map or Diagram above referred to.

Pullman No. 3 and
Bay View Property de-
scribed as follows:

All of lots thirty-nine (39) and forty (40), in block four (4), and lot sixteen (16) in block seven (7), of Bay View Park; as said lots and blocks are respectively delineated on the Map of Bay View Park, filed in the office of the County Recorder of the County of Contra Costa, State of California, on the fourth day of April, 1905.

Pullman No. 1 Property
Described as follows:

Commencing at a point on the Easterly line of Mary St., dis-

tant thereon six hundred and fifty (650) feet northerly from Northeast corner of County Road No. 9 and Mary St., running thence northerly along said easterly line of Mary street ninety-three and 92/100 (93 and 92/100) feet; thence at an angle easterly one hundred and twenty-four and 83/100 (124 and 83/100) feet; thence at right angles southerly ninety-three and 92/100 (93 and 92/100) feet; thence at a right angle westerly one hundred and twenty-four (124) feet to the point of beginning, being a portion of Block No. twenty-three (23) El Cerito Land Co.'s Tract as delineated upon the official map of said El Cerito Land Co. filed in the office of the County Recorder on June 15th, 1904.

Also, all that certain lot, piece, parcel or tract of land situate, lying and being in Lot Twenty-six (26), in the San Pablo Rancho, in the County of Contra Costa, State of California, and particularly described as follows, to-wit: Lot Number Seven (7) in the El Cerito Tract, as the same is designated on that certain map of said El Cerito filed in the office of the County Recorder of Contra Costa County on June 20, 1904.

Pullman No. 2 and No.4 Property
Described as follows:

All of Lots Nos. 66-72-73-74-75-128-129-130-141-143-147-151-156-161-165-166-167-168-169-170, as said lots are delineated upon that certain Map entitled "Map of Parsons Pullman Center Tract," recorded in the office of the County Recorder of said County of Contra Costa, California, on the 6th day of May, 1912.

Stonehurst Property
Described as follows:

Lot Number Eighty-three (83) and Lot Numbered Eighty-four (84), as the same are delineated on that certain map entitled "Stone Orchard, Stonehurst, Brooklyn Township, Alameda Co., Cal., Feb.1908," filed for record in the office of the County Recorder of the County of Alameda, State of California, on the 3rd day of March, 1908.

Dover Villas Property
Described as follows:

Lot Twenty-one (21) in block one (1), lots nineteen (19) and twenty (20) in block two (2), lot fifteen (15) in Block three (3), as said lots are delineated upon the map entitled, "Map of Dover Villas", being a portion of Lot No. 99 of the San Pablo Rancho, Contra Costa County, California, and which said map was filed for record in the office of the County Recorder of Contra Costa County, California, on the 15th day of May, 1911.

Broadmoor Property
Described as follows:

Lot Numbered Eleven (11) in Block Numbered Twenty (20), as said Lot and Block are delineated upon that certain Map entitled, "Map of Broadmoor, Alameda County" - filed January 30th, 1908, in the office of the County Recorder of Alameda County, California.

Newark Property
Described as follows:

Lots Nos. 20, 21, 22 and 23, in Block 178, as delineated upon a certain map entitled "Map of the Town of Newark, Alameda County, California, surveyed by T. F. Wilson, C. E., 1876, and recorded in the office of the County Recorder of the County of Alameda, State of California, on the 6th day of May, 1876.

Nevin Avenue Property
Described as follows:

All of Lot Number twenty-five (25), of Block Number One (1). Also a strip of Land ten (10) feet in width extending along the Western line of Lot Number Nine (9), in Block Number One (1), said strip of land being a portion of said Lot Number Nine (9), in Block Number One (1), and extending along said western line of Lot Number Nine (9), in Block Number One (1) from Lot Number Twenty-five (25), in Block Number One (1), to Nevin Avenue, as said lots and said block and said Nevin Avenue are delineated, designated and so shown upon that certain map entitled "Nicholl Macdonald Avenue Civic Center, Richmond, Cal." recorded in the office of the County Recorder of said County of Contra Costa, State of California, on the 29th day of October, A. D. 1912.

Toler Heights Property
Described as follows:

Lots Nos. Five (5), Six (6) and Seven (7) in Block "M" as said lots and block are delineated upon that certain map entitled "Map of Toler Heights, Brooklyn Township, Alameda County, California, 1907, P. A. Haviland County Surveyor," filed in the office of the County Recorder of said Alameda County, September 30th, 1907, in Book 23 of Maps, page 34, subject however to a right of way for sewer and other public purposes through and under the "sewer reserve 5 feet wide" shown on the aforesaid map.

Also, that tract, piece, or parcel of land, situate in Toler Heights, Brooklyn Township, Alameda County, California, and more particularly described as follows, to-wit: Beginning at a point on the southerly line of the "Path" between Blocks T and U, N. 62° 21' E. 250.215 feet from the easterly line of William Street and running thence N. 62° 21' E. 210.215 feet to a point on the "Circle" at the southerly end of Hillcrest Avenue; thence following the line of said "Circle" southeasterly 57.7 feet; thence S. 26° 58' E. 64.96 feet; thence S. 62° 21' W. 259.51 feet; thence N. 21° 31' W. 100.57 feet to point of beginning, containing 0.565 Acres, and being the easterly half of Lot 1, Block U, of Toler Heights, as said Lot and Block are delineated upon that certain map entitled, "Map of Toler Heights, Brooklyn Township, Alameda County, California, 1907, P. A. Haviland County Surveyor," filed in the office of the County Recorder of said Alameda County, September 30th, 1907, in Book 23 of Maps, page 34, subject however to a right-of-way for sewer and other public purposes through and under the "sewer reserve 5 feet wide" shown on the aforesaid map.

Grandview Terrace Property
Described as follows:

All of Lot Number Seven (7), of Block Number Nineteen (19), as said lot and block are delineated upon that certain map entitled "Grand View Terrace, Richmond, Cal." recorded in the office of the

County Recorder of said County of Contra Costa, State of California, on the 9th day of April, A. D. 1912. Also all of Lot Lettered "A", of Block Number Eleven (11); as said lot and said block are delineated upon that certain map entitled "Amended Map of a portion of Grand View Terrace, Richmond, Cal.", recorded in the office of the County Recorder of said County of Contra Costa, State of California, on the 28th day of Dec. A. D. 1912.

Roberts Landing Property
Described as follows:

Lots "F" and "G", as the said lots are delineated and designated upon that certain map entitled, "Map of the Vegetable Lands belonging to the Estate of William Roberts, a bankrupt, Frank A. Leach, Trustee, Eden Township, Alameda Co., Cal." and filed in the office of the County Recorder of Alameda County, California, October 9th, 1906.

Also the following described tract, located in Alameda County, California:

Beginning at the intersection of the North line of the County Road No. 1007 leading from San Lorenzo to Roberts Landing and the Westerly line of the right-of-way of the South Pacific Coast Railroad Company; running thence South 72° West nine (9) chains; thence North $36^{\circ} 15'$ West eight and two-tenths (8.2) chains; thence North 72° East nine (9) chains to the West line of the right of way of said South Pacific Coast Railroad Company; thence Southeasterly along said line to place of beginning; containing seven (7) acres.

Also the following described tract, located in Alameda County, California:

Beginning at a point in the center of County Road No. 1007 South $71^{\circ} 35'$ West six hundred and twenty-one and forty-five hundredths (621.45) feet from the intersection of the center line of said Road No. 1007 with the Westerly line of the Southern Pacific Railroad right of way, said point being on the Northerly line of Swamp and Overflow Land Survey No. 120; thence following along the center line of said County Road No. 1007 South $71^{\circ} 35'$ West six hundred and eighty-one and forty-five hundredths (681.45) feet; thence South $5^{\circ} 30'$ East seven hundred and twenty-eight (728) feet; thence South $73^{\circ} 45'$ West four hundred and thirty-seven and sixty hundredths (437.60) feet to the center line of Roberts Slough, otherwise known as San Lorenzo Creek; thence South $0^{\circ} 58'$ West four hundred and nine and ninety-hundredths (409.90) feet to a point on the line between Swamp and Overflow Land Survey Nos. 120 and 167; thence following along the line between said Surveys Nos. 120 and 167 North $89^{\circ} 20'$ East fourteen hundred and five and fifty-five hundredths (1405.55) feet; thence North $15^{\circ} 25'$ West fifteen hundred and ten and ten hundredths (1510.10) feet to the point of beginning; containing thirty (30) acres, more or less, all of said land being in Township Three (3) South, Range Three (3) West, Mount Diablo Base and Meridian.

Also the following described tract, located in Alameda County, California:

Beginning at a stake in the center of Roberts Landing Road, known as County Road No. 1007, distant South 71 degrees 35 minutes west 20.65 chains from Westerly line of the South Pacific Coast Railroad right-of-way, and running thence South 5 degrees 30 minutes East 6.48 chains to a stake; thence South 73 degrees 45 minutes

West 4.68 chains to a stake on the Easterly bank of Roberts Slough; thence South 87 degrees 35 minutes West 50 links to a point in the center of said slough; then along the center of said slough South 1 degree West 4.77 chains to a point; thence North 73 degrees 45 minutes East 6.63 chains to a stake; thence North 5 degrees 30 minutes West 11.03 chains to a stake in the center of said County Road No. 1007; thence along said center of road South 71 degrees 35 minutes West 91 links to the place of beginning, containing 3.403 acres.

Also the following described tract, located in Alameda County, California:

1. Beginning at a stake in the center of Roberts Landing Road known as County Road No. 1007, distant twenty and sixty-five hundredths (20.65) chains Westerly measured in the center of said road from Westerly line of the South Pacific Coast Railroad right-of-way, and running thence North 5° 30' West fifty (50) links to the Northerly line of said County Road No. 1007; thence along said Northerly line of said County Road No. 1007 and the continuation thereof Westerly seven and eighty-five hundredths (7.85) chains to a stake; thence South five and ninety-four hundredths (5.94) chains to a stake; thence North 87° 35' East three and fifty-eight hundredths (3.58) chains to a stake on the Easterly bank of a slough; thence North 73° 45' East four and sixty-eight hundredths (4.68) chains to a post; thence North 5° 30' West six and forty-eight hundredths (6.48) chains to the place of beginning; containing five and twenty-six hundredths (5.26) acres, being the property generally known as "Roberts Landing";

Also the following described tract, located in Alameda County, California:

Also that certain tract of land described as follows: Beginning at the Northeast corner of Swamp and Overflow Land Survey No. 224, as conveyed by the State of California to William Roberts and Peter Anderson, the assignees of Caleb P. Wray, dated December 12, 1862, and recorded in Book "A" of Patents, at folio 92, records of Alameda County; thence following along the North line of said Swamp and Overflow Land Survey No. 224, West three (3.00) chains; thence South five and fifty-hundredths (5.50) chains; thence South 60° 49' East three and fifty-hundredths (3.50) chains; thence South 40° East six and thirty-hundredths (6.30) chains; thence South 4° 32' East thirty-two and eighty-one hundredths (32.81) chains to a point on the Northwesterly line of Swamp and Overflow Land Survey No. 89, as conveyed by the State of California to William Roberts, on June 17, 1870, and recorded in Book "A" of Patents, at folio 489, records of Alameda County; thence North 88° 51' East seven and ninety-hundredths (7.90) chains to a point on the East line of said Swamp and Overflow Land Survey No. 89; thence following along the East line of said Swamp and Overflow Land Survey No. 89, North 18° West five (5.00) chains to the Northwest corner of Swamp and Overflow Land Survey No. 167; thence following along the North line of said Survey No. 167 North 89° 20' East one and forty-hundredths (1.40) chains to a point in the center of Roberts Slough, also known as San Lorenzo Creek; thence along the center line of said Slough North 0° 58' East ten and ninety-eight hundredths (10.98) chains; thence South 87° 35' West three and eight-hundredths (3.08) chains to the Southwest corner of Swamp and Overflow Land Survey No. 224; thence following along the Easterly and Northerly boundary of said Survey No. 224 North nineteen (19.00) chains; thence North 71° West twelve and twenty-one hundredths (12.21) chains; thence North six (6.00) chains to the point of beginning; said piece of land containing thirty (30) acres, more or less, and being in Township Three (3) South, Range Three (3) West, Mount Diablo Base and Meridian.

Dutton Manor Property
Described as follows:

All of lot No. Seventy-eight (78), Block 304, as the same is delineated upon that certain map entitled, "Map of Dutton Manor Addition, Alameda Co., Calif.," filed July 29th, 1912, in the office of the Recorder of Alameda County, California.

Coleman Pullman Property
Described as follows:

Lot No. 37, in Block 12 as delineated on that certain map entitled "Map of Coleman Pullman Tract" filed in the office of the County Recorder of the County of Contra Costa, State of California, on the 6th day of February, A. D. 1911.

Also all the buildings, wells, banks, pumps, motors, pipe lines, valves and other equipment located upon the above described property, and all transmission and distribution pipe, services, meters, valves, valve boxes, fittings, hydrants, general equipment, material and supplies, owned by The Union Water Company of California, on March 25, 1920, and more particularly described in Railroad Commission's Exhibit No. 1, filed November 3, 1920, at the hearing of Application No. 5503, entitled as follows:

In the Matter of the Application of
The Union Water Company of California
and The Union Water Development Com-
pany to sell, and of East Bay Water
Company to buy the whole of the plant
and system of The Union Water Company
of California.
