

ORIGINAL

Decision No. 9357.

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA

In the Matter of the Application of)
CITRUS BELT GAS COMPANY)
to sell and of.)
SOUTHERN CALIFORNIA GAS COMPANY)
to buy certain property in the cities)
of Redlands, Colton and San Bernardino,)
in San Bernardino County, and in the)
city of Corona, in Riverside County,)
State of California; of SOUTHERN CALI-)
FORNIA GAS COMPANY for certificate of)
public convenience and necessity to ex-)
ercise certain franchises granted by)
said cities, or applied for; for the)
approval of a certain contract entered)
into between CITRUS BELT GAS COMPANY)
and SOUTHERN CALIFORNIA GAS COMPANY,)
as of date June 14, 1921, and of the)
SOUTHERN CALIFORNIA GAS COMPANY for)
permission to issue bonds pursuant to)
said contract.)

Application
Number
6917.

BY THE COMMISSION:

THIRD SUPPLEMENTAL ORDER

WHEREAS, the Railroad Commission by Decision No. 9238, dated July 15, 1921, authorized CITRUS BELT GAS COMPANY to sell its properties described in Schedule "A", attached to said decision, to SOUTHERN CALIFORNIA GAS COMPANY; and

WHEREAS, applicants report that they inadvertently omitted certain properties from the list of properties heretofore furnished the Commission, and applicants having filed with the Commission a complete list and description of the properties to be transferred and having requested the Commission to modify its order of July 15, 1921;

AND the Commission being of the opinion that appli-

cants' request should be granted;

IT IS HEREBY ORDERED, that provision "1" of the order in Decision No. 9238, dated July 15, 1921, reading:-

"Citrus Belt Gas Company may sell its properties described in Schedule "A", attached hereto, to Southern California Gas Company, and Southern California Gas Company may purchase said properties pursuant to the terms and conditions of the agreement filed in this proceeding and marked Exhibit "A", which agreement applicants are authorized to execute and perform all acts necessary to carry said agreement into effect."

be, and it is hereby, modified so as to read:-

"Citrus Belt Gas Company may sell its properties described in Schedule "B", attached hereto, to Southern California Gas Company, and Southern California Gas Company may purchase said properties pursuant to the terms and conditions of the agreement filed in this proceeding and marked Exhibit "A", which agreement applicants are authorized to execute and perform all acts necessary to carry said agreement into effect.

IT IS HEREBY FURTHER ORDERED, that the order in Decision No. 9238, dated July 15, 1921, as amended, shall remain in full force and effect except as modified by this Third Supplemental Order.

DATED at San Francisco, California, this 13th day of August, 1921.

H. B. Brundage
H. D. Loveland
Living Martin
Chas. L. Jones
J. J. [Signature]
COMMISSIONERS.

SCHEDULE "B"

The properties which Citrus Belt Gas Company is authorized to sell and Southern California Gas Company to purchase by the original and supplemental orders in Application Number 6917 are those described in the indenture filed on August 10, 1921, in Application Number 6917, and consist of the following:-

The Grantor (Citrus Belt Gas Company) agrees to sell and deliver, and the Grantee (Southern California Gas Company) agrees to take and pay for --

"All those certain lots, pieces and parcels of ground and interests in and to real property situated in the City of Redlands in the County of San Bernardino, State of California, more particularly described as follows:-

Parcel (a): Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), in Block "B" of Peller, Pratt & Kendall's Subdivision of a portion of Lot Twenty-seven (27), Block 77, of the Rancho San Bernardino, and a part of Lot One (1), Block 27 of Redlands, as per plat recorded in Book 5 of Maps, page 22, records of said county; together with all buildings, improvements and fixtures now located thereon.

Parcel (b): Lots Nine (9), Ten (10), and Eleven (11) in Block "B" of said Peller, Pratt & Kendall's Subdivision as per plat recorded in Book 5 of Maps, page 22, records of said county;

ALSO Beginning at a point six hundred twenty and one-half (620½) feet West and thirty (30) feet South of the Northeast corner of the South half (S½) of the South half (S½) of Lot Twenty-seven (27), Block 77 of the Rancho San Bernardino, as per plat recorded in Book 7 of Maps, page 2, records of said County, thence West one hundred thirty-four and eighty-five hundredths (134.85) feet; thence South one hundred four (104) feet;

thence West seventy-eight and one-half (78½) feet; thence South in a direct line, one hundred twenty-two (122) feet, more or less, to Mill Creek Zanja; thence Easterly along said Zanja, to a point of its intersection with Mill St., thence along the West line of said Mill St., North two hundred eighty-eight (288) feet, more or less, to the point of beginning; together with all buildings, improvements and fixtures now located thereon.

And for a like consideration the Grantor does hereby grant, bargain, sell, convey, assign, transfer and set over unto the Grantee, its successors and assigns, all those certain lots, pieces and parcels of ground, and interests in and to real property situated in the City of Colton, County of San Bernardino, State of California, more particularly described as follows:

Parcel (c): Lots One (1) to Sixteen (16) both inclusive, in Block 173 of the Town of Colton, in said city, county and state, as per plat recorded in Book 9 of Maps, page 37, records of said county; together with all buildings, improvements and fixtures now located thereon.

And for a like consideration the Grantor does hereby grant, bargain, sell, convey, assign, transfer and set over unto the Grantee, its successors and assigns, all those certain lots, pieces and parcels of ground, and interests in and to real property situated in the City of San Bernardino, County of San Bernardino, State of California, more particularly described as follows:

Parcel (d): All that portion of Lot One (1), in Block 10 of the five-acre survey of the Rancho San Bernardino in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 7 of Maps, page 2, records of said County, described as:

Commencing at a point in the North line of said Lot one (1), at the Northwest corner of land formerly owned by the San Bernardino Artificial Stone and Improvement Company as described in the deed from A.

Thompson, to said San Bernardino Artificial Stone & Improvement Company, recorded in Book 55 of Deeds, page 270, said records; thence West along the North line of said Lot One (1) one hundred and fifty (150) feet; thence South three hundred fifteen (315) feet, more or less, to the North line of right of way of the Southern California Railway (now Santa Fe Railroad); thence East one hundred fifty (150) feet; thence North three hundred fifteen (315) feet, more or less to the point of beginning; together with all buildings, improvements and fixtures now located thereon.

And for a like consideration, the Grantor does hereby grant, bargain, sell, convey, assign, transfer and set over unto the Grantee, its successors and assigns, all those certain lots, pieces and parcels of ground, and interests in and to real property situated in the City of Corona, County of Riverside, State of California, more particularly described as follows:

Parcel (e): All that portion of Lot Four (4) in Block Seventy-one (71) of South Riverside Colony Lands as shown by Map recorded in Book 9 page 6 of Maps, records of San Bernardino County, California, described as follows:

Commencing at the Northeast corner of Lot Five (5) in said Block Seventy-one (71); thence running Southeasterly along the Northeasterly line of said Lot 4, 89 feet and 1 inch; thence Southerly parallel with the Westerly line of said Lot 4, 194.42 feet; thence Westerly along the Southerly line of said Lot 4 to the Southwesterly corner thereof; thence Northerly along the West line of said Lot 4, 208.43 feet to the point of beginning;

Together with all buildings, improvements and fixtures now located thereon.

And for a like consideration, the Grantor does hereby grant, bargain, sell, convey, assign, transfer and set over unto the Grantee, its successors and assigns, all those certain lots, pieces and parcels of ground, and interests in and to real and personal property situated in the counties of San Bernardino and Riverside, State of California, more particularly described as follows:

Parcel (f): Grantor's gas generating systems, compressor plants and gas distributing systems and mains in and about each of the cities of Redlands, San Bernardino, Corona and Colton, including among other things, all mains, pipes, rights-of-way, licenses and like privileges, furnaces, boilers, purifiers, washers, holders, meters, motors, services, tools, equipment, appliances and property either real or personal used in or in connection with said systems.

"And for a like consideration the Grantor does hereby sell, convey, transfer, assign and set over unto the Grantee, its successors and assigns, the personal property situated within the counties of San Bernardino and Riverside, more particularly described as follows:

Parcel (g): All office furniture and equipment which was on the 14th day of June, 1921, located at any of the Grantor's offices in any of the cities of Redlands, San Bernardino, Corona and Colton; and all automobiles and automobile trucks now owned by Grantor, excepting therefrom, however, the Hudson automobile, License No. P.S. 4068, and the office desk and office chair now used by the manager of the Grantor.

Parcel (h): All material and supplies, including oil, now owned by Grantor.

And for a like consideration the Grantor does hereby grant, bargain, sell, convey, transfer, assign and set over unto the Grantee, its successors and assigns, those certain properties, rights and interests situated within the said counties of San Bernardino and Riverside, State of California, more particularly described as follows:-

Parcel (i): Those certain franchises, rights and privileges described as follows:

1. Redlands. All those certain franchises, rights and privileges granted by the Board of Trustees of the City of Redlands to the Redlands Gas Company, by Ordinance No. 267, and to Edison Company, by Ordinance No. _____, and to Home Gas and Electric Company, by Ordinance No. 407; together with all pipes, pipe lines, connections, meters and other apparatus and appliance installed pursuant to or in connection with said franchises, and each of them.

2. San Bernardino. All those certain franchises, rights and privileges heretofore granted by the City of San Bernardino to Seth Hartley by Ordinance adopted by the Board of Trustees of said City, November 5, 1904, being Ordinance No. 298; together with all pipes, pipe lines, connections, meters and other apparatus and appliances installed pursuant to or in connection with said franchise.

3. Colton. All rights, and privileges and franchises granted by the Board of Trustees of the city of Colton to George B. Ellis, by Ordinance No. 195, as amended by Ordinance No. 197; together with all pipes, pipe lines, connections, meters and

* other apparatus and appliances installed pursuant to or in connection with said franchise.

4. Corona All rights, privileges and franchises granted by the Board of Trustees of the city of Corona to P.J. Dubbell, by Ordinance No. 283; together with all pipes, pipe lines, connections, meters and other apparatus and appliances installed pursuant to or in connection with said franchise.

5. All franchises to use the public streets and thoroughfares of each and every of the cities hereinbefore in this indenture named, and of laying down pipes and conduits therein and connections therewith so far as may be necessary for introducing into and supplying said cities and their respective inhabitants with gaslight acquired by Grantor under and by virtue of section 19 of Article XI of the Constitution of the State of California as it existed prior to October 10, 1911; together with all pipes, pipe lines, connections, meters and other apparatus and appliances installed pursuant to or in connection with said franchises.

6. Any and all other franchises, rights and privileges not above specifically set forth, granted by any governmental or other public body to the Grantor, or now owned by it, together with all pipes, pipe lines, connections, meters and other apparatus and appliances installed pursuant to or in connection with any of said franchises.

All of said properties are subject to the State Franchise Tax of the Grantor for the fiscal year 1921-22, but are granted and conveyed free and clear from any and all other encumbrances.

TO HAVE AND TO HOLD, all and singular, the real and personal property, rights and interests aforesaid, unto the said Grantee, its successors and assigns, subject to the encumbrances above set forth.

IT IS EXPRESSLY CONDITIONED AND AGREED by and between the parties hereto that although this Indenture is executed and delivered and is to be accepted pursuant to the provisions of a certain indenture made in duplicate between the parties hereto, dated June 14, 1921, which said instrument makes provision for the sale and purchase of the properties herein described and contains similar privileges and agreements relating to said pro-

"parties, and other matters, yet nevertheless neither this instrument nor the execution, delivery and/or acceptance thereof shall be construed as satisfying, modifying, terminating or affecting any of the agreements, privileges or obligations of the parties arising under said instrument, under Sections IV, V, VIII and IX thereof, which relate to covenants on the part of the Grantor that it will pay or has paid certain obligations and has delivered or will deliver to the Grantee certain certificates of title and will bear certain risk of loss, and make certain financial adjustments after the transfer herein made and provided. But all of said agreements, covenants and obligations set forth in said sections shall continue unabridged in full force and effect.

The execution and delivery of this indenture is made by and with the written and acknowledged consent of the holders of more than two-thirds (2/3) of the capital stock of the Grantor, which written consent is hereto attached, marked "Exhibit A" and made a part hereof by reference. And this Indenture is furthermore made in accordance with Decision No. 9238 of the Railroad Commission of the State of California, in application No. 6917, entitled:

"In the Matter of the Application of CITRUS BELT GAS COMPANY to sell and of SOUTHERN CALIFORNIA GAS COMPANY to buy certain property in the cities of Redlands, Colton and San Bernardino, in San Bernardino County, and in the City of Corona, in Riverside County, State of California; of SOUTHERN CALIFORNIA GAS COMPANY for certificates of public convenience and necessity to exercise certain franchises granted by said cities, or applied for; for the approval of a certain contract entered into between Citrus Belt Gas Company and Southern California Gas Company, as of date June 14, 1921, and of the Southern California Gas Company for permission to issue bonds pursuant to said contract."

and in accordance with the decisions of the Railroad Commission supplementary thereto made in said matter."