

Decision No. 27401

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
PARR TERMINAL COMPANY, a corporation,) Application No. 19680
for an order authorizing the withdrawal)
of its tariffs and the surrender of)
certain leased property to the City of)
Oakland.)

BY THE COMMISSION:

ORDER AUTHORIZING DISCONTINUANCE OF
PUBLIC UTILITY OPERATIONS AND WITH-
DRAWAL OF TARIFF.

The Parr Terminal Company has applied to the Commission for authority to discontinue its business as a warehouseman and wharfinger at Oakland, California, and to withdraw its tariffs. In justification of its application it is alleged as follows:

"IV.

Applicant has owned and possessed a leasehold estate in certain premises situated on the Western Waterfront of Oakland, California, under and by virtue of a certain indenture of lease to applicant from the City of Oakland, originally entered into under date of June 15, 1918, upon the water front portion of which said leasehold the warehouse and wharf facilities of applicant have been situated. Said lease was for a stated term of twenty-five (25) years from June 1, 1918.

V.

On December 18, 1933, the Board of Port Commissioners of the City of Oakland adopted an ordinance known as Port Ordinance No. 175, which provided, among other things, for the carrying out by the City of Oakland of the recapture by said City of a certain portion of the aforementioned leasehold of Parr Terminal Company, consisting of the water front portion of said leasehold and more particularly described in said ordinance, such recapture being pursuant to the terms of the said lease. A copy of said Port Ordinance No. 175 has heretofore been filed with this Commission, being transmitted with a letter addressed to the Commission under date of June 4, 1934, by Morrison, Hohfeld,

Foerster, Shuman & Clark, attorneys for applicant. The provisions of said ordinance and of said letter of transmittal are hereby referred to and incorporated herein.

VI.

The legal validity of said Port Ordinance No. 175, and of the proceedings thereunder, have heretofore been adjudicated by final judgment of the Superior Court of the State of California, in and for the County of Alameda, which judgment was entered in said Court on October 2, 1934, in a certain proceeding in mandamus numbered 131922, in the records of said Court, and entitled as follows: 'BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND, a municipal corporation, said CITY OF OAKLAND, RALPH T. FISHER, R. A. LEST, LEORY R. GOODRICH, JAMES J. McELROY and GEORGE C. PARDEE, as and constituting the members of said Board of Port Commissioners, Petitioners, vs. HARRY G. WILLIAMS, as Auditor of the City of Oakland, a municipal corporation, Respondent. -- PARR TERMINAL COMPANY, a corporation, GENERAL PETROLEUM CORPORATION OF CALIFORNIA, a corporation, THE TEXAS COMPANY, a corporation, RICHFIELD OIL COMPANY, a corporation, Interveners.'

VII.

As a result of said Port Ordinance No. 175 and of said judgment confirming the same, applicant desires and will be legally required, upon receipt of the consideration due it thereunder, to surrender and deliver up to the City of Oakland the water front portion of its leasehold above referred to, including all of the facilities and operative properties of applicant as warehouseman and wharfinger. The remainder of applicant's leasehold, which it will retain, consists entirely of non-operative property, removed from the water front, to which applicant's tariffs do not apply and on which none of its public utility facilities are located. Accordingly, applicant will be unable to continue in business as a warehouseman and wharfinger, and will be required to withdraw its tariffs previously filed with this Commission."

In our opinion this application should be granted and a public hearing is not necessary.

IT IS, THEREFORE, HEREBY ORDERED that applicant Parr Terminal Company, a corporation, be and it is hereby authorized to abandon and discontinue the public utility business heretofore conducted by said applicant as a wharfinger and as a warehouseman in the City of Oakland, State of California, to surrender and deliver up to the City of Oakland, a municipal corporation, the water front portion of its leasehold hereinabove referred to, including the facilities and operative properties of said applicant as a warehouseman and wharfinger, pursuant to the terms of Port Ordinance No. 175, adopted by the Board of Port Commissioners of said City of

Oakland on or about December 18, 1933, and to cancel and withdraw its tariffs as a warehouseman and a wharfinger heretofore filed with this Commission, notice whereof shall be given by the filing upon one day's notice of a supplement to said tariffs.

Dated at San Francisco, California, this 31st day of October 1934.

Leon C. White

W. B. Davis
William M. ...
Frank R. ...
Commissioners