

Decision No. 30164

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
M. J. WYNDELTS )  
to sell the real property heretofore )  
and now operated as a warehouse in the ) Application No. 21407  
City of Merced, County of Merced, State )  
of California, and to receive and exe- )  
cute lease of the premises so sold. )

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

This is an application for an order authorizing the sale and lease of certain public utility warehouse properties located in the City of Merced now owned and operated by M. J. Wyndelts.

The real property which he asks permission to sell is described in the grant deed, Exhibit A, as follows:-

Lots One(1), Two(2), Three(3), Four(4), Five(5), Six(6), Seven(7), Eight(8), Nine(9), Ten(10), Eleven(11), Twelve(12), Thirteen(13), Fourteen(14), Fifteen(15), Sixteen(16), in Block Fifty-four(54) of the City of Merced, County of Merced, State of California, as said lots and block are designated and delineated upon that certain map, entitled "SUPPLEMENTAL MAP TO TOWN OF MERCED" filed March 4, 1889 in the office of the County Recorder of said Merced County, now appearing in Vol."2" of Official Plats at page 12. Together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining".

It appears from the 1936 annual report that the warehouse building is of concrete and wood construction, 100 by 200 feet in dimension and of 80,000 sacks capacity. It is used primarily for the storage of grain.

Heretofore the Commission by Decision No. 26432, dated October 16, 1933, authorized M. J. Wyndelts and J.W.Caldwell, then the owners of the above properties, to execute a mortgage on the above properties and to issue a \$15,000. note payable on or before four years after date with interest at the rate of six per cent per annum in payment of indebtedness outstanding against said properties. Thereafter,

pursuant to authority granted by Decision No. 29898, dated June 28, 1937, M. J. Wyndelts acquired J. W. Caldwell's interest in said warehouse properties.

M. J. Wyndelts now reports that he does not require all the space in the warehouse building for public utility purposes and that accordingly he has arranged to transfer the ownership of the above described property to F. E. Hadley and Marjorie Hadley and to lease from said purchasers sufficient space to enable him to continue his public utility operations. The purchasers are fruit packers and will use the remainder of the building for their private operations. They will not be associated with M. J. Wyndelts in the public warehouse operations.

The agreement of sale and transfer provides for a purchase price of \$19,500. payable \$7,500. in cash upon delivery of the deed of conveyance and \$12,000. through the assumption of the balance of the mortgage indebtedness authorized by Decision No. 26432. It is the intention of the purchasers to execute a new mortgage and note in evidence of the \$12,000. indebtedness to be assumed.

The purchasers have agreed to lease to M.J.Wyndelts about 10,000 square feet of floor space or about two fifths (2/5) of the entire floor area of the building. The lease (Exhibit B) is for a term ending July 1, 1938 and at a rental of \$2,000. After July 1, 1938 the lease may be extended on a month to month basis.

Applicant reports that the transaction will not result in any curtailment of service to the public.

The Commission has considered this application and is of the opinion that it is not one in which a public hearing is necessary, that the requests of applicant should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED that M. J. Wyndelts be, and he hereby is, authorized to sell and transfer to F. E. Hadley and Marjorie Hadley the

properties referred to herein and to enter into the lease agreement, also referred to herein, a copy of which is filed as Exhibit B.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective upon the date hereof.

IT IS HEREBY FURTHER ORDERED that within thirty(30) days after the sale and lease, M. J. Wyndelts shall file with the Commission a copy of each instrument executed to effect such sale and lease.

DATED at San Francisco, California, this 27<sup>th</sup> day of September, 1937.

Robert M. Jones  
Leon Arthur  
John R. Nelson  
Rafaela

Commissioners.