

Decision No. 21541

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC FREIGHT LINES,)
a corporation, for authority to sell) Application No. 21541
certain terminal properties.)

Wallace K. Downey, for applicant.

BY THE COMMISSION:

OPINION

ORIGINAL

Pacific Freight Lines, a corporation, asks permission to sell to the Pacific Tank Lines, Inc. the following described properties:-

PARCEL 2. Lots J, K and L in Block 27 of New San Diego, according to map thereof made by Gray and Johns, on file in the office of the County Recorder of said San Diego County.

PARCEL 3:

Parcel (a) A part of that certain parcel of land as patented by the United States of America to Fernando Tico, by Letters Patent dated June 9, 1866, and recorded in Book 1 of Patents, at page 107, et seq., Ventura County Records, and particularly described as follows:

Beginning at a point in the North line of West Main Street in said City of San Buenaventura, at the Southeast corner of Lot 4 of the Dubbers Tract according to the map thereof recorded in Book 2, page 133 of Miscellaneous Records, in the office of the County Recorder of said County, from which the point of intersection of the North line of said West Main Street and the East line of Olive Street, as delineated upon the above described map, bears North 81° 27' West 131.70 feet distant; thence from said point of beginning,

1st-North 6° 45' East 403.30 feet along the Easterly line of Lots 4, 5, 6 and 7, as delineated upon the above described map, to a point at an angle in the Southerly line of said Lot 7 of said Dubbers Tract; thence,

2nd-South 79° 30' East 115.30 feet to a point at an angle in the Westerly line of Lot 21, Tico Tract, according to the map thereof recorded in the office of said County Recorder in Book 3, page 4, Miscellaneous Records (Maps) at the Southeast corner of Lot 7 of said Dubbers Tract; thence,

3rd-South 82° 56' East 24.00 feet to a point at an angle in the Westerly line of Lot 21 of said Tico Tract; thence,

4th-South $8^{\circ}30'$ West 398.80 feet along the Westerly line of Lots 21, 22 and 23 of said Tico Tract, and along the Westerly line of that certain parcel of land as described in the deed from Joseph Etchegary to Juana Zugasti, dated October 1, 1896, and recorded in Book 48, page 396 of Deeds, to a point in the North line of said West Main Street, at the Southwest corner of that certain parcel of land as conveyed by Title Guaranty Company of Ventura to Abram Ayala, by deed dated August 13, 1917, and recorded in Book 158, page 371 of Deeds; thence,

5th-North $81^{\circ}27'$ West 127.43 feet along the North line of said West Main Street, to the point of beginning.

Parcel (b)- Beginning at a point in the West line of Garden Street (formerly Garden Place) in the said City of San Buenaventura, distant Northerly 248.00 feet from the point of intersection of the West line of said Garden Street with the North line of West Main Street; thence from said point of beginning,

1st- Westerly 130.00 feet, more or less, parallel with the South line of Lot 23 of the Tico Tract, according to the map thereof recorded in the office of the County Recorder of Ventura County, in Book 5, page 4, of Miscellaneous Records (Maps) to a point in the East line of what was formerly known as the "Williams Place"; thence along said East line.

2nd- Northerly 13.69 feet to the Southwest corner of that certain parcel of land described in a deed to Mabel King recorded in Book 299 at page 106 of Official Records; thence along the Southerly line of said Parcel,

3rd- South $81^{\circ}05'$ East 131.25 feet, more or less, to a point in the West line of said Garden Street, at the Southeast corner of said Lot 23; thence along same,

4th- Southerly 12.75 feet to the point of beginning.

Improved with a reinforced concrete terminal building.

PARCEL 4: Lots One(1), Two (2), Three (3), Ten (10) Eleven(11) and Twelve(12), in Block One Hundred Seventy-three (173) in the City of Bakersfield, County of Kern, State of California, as per Map recorded November 25, 1898, in Book 1, Pages 13 and 14 of Maps in the Office of the County Recorder of said County.

Improved with a reinforced concrete terminal building.

Applicant also intends to sell to the Pacific Tank Lines, Inc. the properties referred to in its petition as Parcel 1 and consisting of

"Lots 1 to 7 inclusive and Lots 14 and 15 on the easterly 10 feet of Lot 16 in Calkins Arcade Depot Tract, Los Angeles, California, improved with a one story brick building."

Applicant alleges that Parcel 1 is nonoperative property. At one time it was used as a freight terminal by one of applicant's predecessors in interest, but since 1932 has been leased to the Western Truck Lines, Ltd.

Applicant requests that we make a finding in this proceeding that said Parcel 1 is nonoperative property. While applicant is not presently using said properties in its common carrier operations, the properties are so being used in such service by the lessee, Western Truck Lines, Ltd. The order herein will authorize the transfer of said Parcel 1 and thus avoid raising the issue as to whether said properties are operative or nonoperative.

Parcels 2, 3 and 4 above described are being used by applicant as freight terminals in the Cities of San Diego, Ventura and Bakersfield. It proposes to sell these terminal properties as well as the properties referred to in Parcel 1 to the Pacific Tank Lines, Inc. for a total consideration of \$143,665.32. In general, the \$143,665.32 represents the original cost of the properties to applicant less the accrued depreciation on the improvements located on such properties. The Pacific Tank Lines, Inc. will pay applicant the sum of \$57,000. within fifteen(15) days after the delivery of deeds to said premises and the remainder of the purchase price in installments of \$800. a month or more until the purchase price is fully paid. The balance of the purchase price will be represented by a note secured by a trust deed from Pacific Tank Lines, Inc.

Applicant reports that its physical operations by reason of said sale will not be impaired because it will lease from Pacific Tank Lines, Inc. Parcels 2, 3 and 4 for a total monthly rental of \$800. The rentals will be credited by Pacific Freight Lines to Pacific Tank Lines, Inc. on account of the unpaid balance of the purchase price, until said purchase price is fully paid.

While we at this time have no objection to the agreed rental, it should be understood that the Commission may in some subsequent proceeding modify the rental which the Pacific Freight Lines now agrees to pay for the use of said terminals.

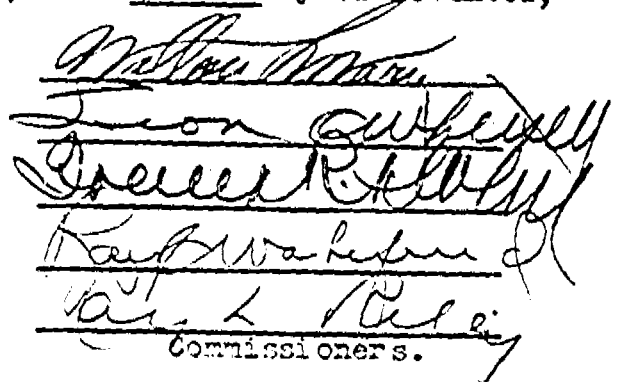
ORDER

The Commission having considered the request of the Pacific Freight Lines, and it being of the opinion that this is not a matter in which a hearing is necessary and that this application should be granted, subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED that Pacific Freight Lines be, and it is hereby, authorized to sell on or before December 31, 1937, to the Pacific Tank Lines, Inc. the properties described in the aforesaid opinion for a total consideration of not less than \$143,665.32, payable in the manner set forth in said opinion, provided that the Commission reserves the right to fix the rent which Pacific Freight Lines may pay for the use of said terminals.

IT IS HEREBY FURTHER ORDERED that within thirty(30) days after the transfer of the properties herein authorized, Pacific Freight Lines shall file with the Railroad Commission a copy of each and every entry recorded on its books to reflect the sale of the aforesaid properties, and shall file with the Commission a copy of each and every deed executed by it to effect the sale of said properties, together with a copy of the note and trust deed executed by the Pacific Tank Lines, Inc. to represent and secure the payment of the balance due on the purchase price.

DATED at San Francisco, California, this 15th day of November, 1937.


Commissioners.