

Decision No. 32016

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC RAILROAD COMPANY,
and its Lessee SOUTHERN PACIFIC COM-
PANY, for authority to sell to NORMA
G. BURNETT, an individual, certain
real property in the City of Santa Cruz,
County of Santa Cruz, State of Cali-
fornia, hereinafter more particularly
described, and abandon its passenger
station building located thereon.

Application No. 22696

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

Southern Pacific Railroad Company and its lessee, Southern Pacific Company, ask permission to sell to Norma G. Burnett that certain real property situate in the City of Santa Cruz, County of Santa Cruz, State of California, described as follows, to-wit:

BEGINNING at the intersection of the easterly line of Seabright Avenue (formerly Railroad Street) with the northerly line of the right of way of the Southern Pacific Railroad Company between Santa Cruz and Watsonville, said intersection being distant 33 feet northerly at right angles from the center line of main track of said Railroad Company; thence North $75^{\circ} 33'$ East, parallel to said center line of main track, 120 feet to a point; thence North $52^{\circ} 24' 09''$ East, 110.32 feet to the southeast corner of that certain parcel of land described in deed from J. A. and Emma Lily Pilkington to the City of Santa Cruz, dated April 11, 1912, and recorded in Book 241 of Deeds at page 206, Santa Cruz County Records; thence South $84^{\circ} 13'$ West along the southerly line of said parcel of land, 208.67 feet to a point in the easterly line of Seabright Avenue; thence South $3^{\circ} 00'$ East along the easterly line of Seabright Avenue 76.33 feet to the point of beginning, containing an area of 0.242 of an acre, more or less.

A portion of the above-described parcel of land is conveyed subject to rights of the public for roadway purposes.

The land described herein constitutes a portion of applicant's station premises at Seabright, in the City of Santa Cruz, situate on the land, is a passenger station building which is no longer being used by the Southern Pacific Company, for the reason that it does not

now maintain passenger train service to and from said station. Applicants ask permission to abandon said passenger station. They represent that the land which they intend to convey to Norma G. Burnett is not necessary or useful in the performance of their duties to the public.

Applicants propose to sell the property for \$700, subject to the provisions of the indenture on file in this proceeding. By accepting a deed to the property the purchaser agrees not to store, handle or pump gasoline upon the above described land within a distance of 39 feet from applicant's main track.

The Commission has considered the request of applicants and is of the opinion that this is not a matter in which a hearing is necessary and that this application should be granted, therefore,

IT IS HEREBY ORDERED that Southern Pacific Railroad Company and its lessee, Southern Pacific Company, may abandon the passenger station building, referred to herein, and sell the above described property to Norma G. Burnett.

DATED at San Francisco, California, this 23rd day of May, 1939.

Ray Bratton
Frank D. Miller
Ray D. Kelley
Justice J. Cramer
Commissioners.