

Decision No. 35117

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
VENTURA COUNTY RAILWAY COMPANY,
a corporation, for an Order authorizing
Exchange of Portions of its Right
of Way in Hueneme, California.

}
} Application No. 24708.
}

BY THE COMMISSION:

O R D E R

In the above entitled proceeding Ventura County Railway Company seeks authority to enter into an agreement with the Hueneme Wharf and Warehouse Company, Berylwood Investment Company and Oxnard Harbor District, which agreement, among other things, provides for:

- (a) The conveyance by applicant to Hueneme Wharf and Warehouse Company and to Berylwood Investment Company of certain portions of applicant's railroad right of way in the town of Hueneme, in exchange for the conveyance by said companies, respectively, of rights of way upon which applicant's railroad line would be relocated;
- (b) The leasing by applicant from Hueneme Wharf and Warehouse Company of a certain railroad right of way in the form of a "wy";
- (c) The construction and maintenance by Oxnard Harbor District of railroad tracks connecting said district's docks and warehouses with the tracks to be constructed by applicant upon the new right of way to be acquired by it; and
- (d) A mutual grant of rights by applicant and said Oxnard Harbor District under which each would be entitled to the use of certain of the tracks and facilities of the other.

Attached to and made a part of the application as Exhibit "A" is a copy of the proposed agreement.

Applicant alleges that the relocation and realignment, as proposed, will enable it to better serve the harbor area.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore;

IT IS HEREBY ORDERED that Ventura County Railway Company be, and it is hereby, authorized to execute an agreement in, or substantially in, the same form as the agreement filed in this proceeding as Exhibit "A," and to make the transfers and exchanges of properties therein provided for, subject to the following conditions:

- (1) Applicant shall file with the Railroad Commission within thirty (30) days after the transfers and exchanges of said properties a true and correct copy of every deed or other instrument of conveyance by means of which it transfers title to property or by means of which it receives title or possession of property under the authority herein granted.
- (2) The authorization herein granted shall not be construed as a determination of the value of the property transferred or received by applicant for any purpose other than the transfer and exchange herein authorized.
- (3) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by a subsequent order.

The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this 10th day of March, 1942.

Justin F. Garner
Wm. J. Rice
Frank R. Stevenson
Richard L. ...
Commissioners