

Decision No. 36551

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of LATHROP HAY AND GRAIN COMPANY,)
a California corporation, for)
authorization to sell certain of)
its real property.)

Application No. 25533

BY THE COMMISSION:

OPINION

By this application, as amended, Lathrop Hay and Grain Company seeks authority to sell to Frank Guerra certain real property located near Hollister. A portion of the land proposed to be sold, including a shed located partly thereon, is leased to Clarence A. Gardner and John L. Beach, a public utility warehouseman, by Lathrop Hay & Grain Company, pursuant to authority from this Commission.¹ A spur track and pipe line, which serve property used by the lessee, extend through a portion of the land which applicant proposes to sell. To avoid impairing the public utility operations heretofore conducted by Gardner & Beach the purchaser has agreed to lease to the vendor the parcel occupied by Gardner and Beach for a term of five years and has made provisions for the continued use by Gardner & Beach of spur track and pipe line facilities under appropriate easements.

The consideration to be paid for the property proposed to be transferred is \$15,000 payable in installments on or before December 1, 1943.²

¹ See Decision No. 35423, dated May 26, 1942, in Application No. 25000.

² The consideration for the lease from Frank Guerra to Lathrop Hay & Grain Company is \$180 payable in cash. The property involved and the terms and conditions of the proposed sale and lease are set forth in the application, as amended.

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

O R D E R

IT IS ORDERED:

1. That Lathrop Hay and Grain Company, a corporation, be and it is hereby authorized to sell and to convey to Frank Guerra the real property involved in this application in accordance with the terms of the proposed contract of sale, as amended, which is a part of the application.

2. That concurrently with the transfer of title to said property Frank Guerra and Lathrop Hay and Grain Company shall exercise the "Lease and Agreement," dated July 8, 1943, a copy of which is attached to the first supplemental application as Exhibit "Bs."

This order shall become effective ten (10) days after the date hereof.

Dated at San Francisco, California, this 17th day of August, 1943.

Francis P. Havenue
John J. O'Connell
Richard L. ...

Commissioners