

ORIGINAL

Decision No. 38524

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
VENTURA COUNTY RAILWAY COMPANY, a)	First Supplemental
corporation, for an order authorizing)	Application No. 24708
exchange of portions of its right-of-)	
way in Eueneme, California.)	

BY THE COMMISSION:

ORDER

By Decision No. 35117, dated March 10, 1942, subsequently extended to March 10, 1947, Ventura County Railway Company was authorized to enter into an agreement with the Eueneme Wharf and Warehouse Company, Berylwood Investment Company and Oxnard Harbor District for the purpose of relocating a portion of its railroad line to serve Oxnard Harbor District, covering the transfer of certain parcels of right-of-way and joint usage of track facilities planned for the harbor development.

By its first supplemental application, filed October 29, 1945, applicant recites that since the above-numbered decision was issued, conditions have materially changed. ⁽¹⁾ It appears that the terms of the original agreement are no longer applicable and that a new order should be issued. This is not a matter in which a public hearing is necessary and the application should be granted.

Good Cause Appearing;

IT IS ORDERED that Ventura County Railway Company be and it is hereby authorized, according to the terms in the Exhibits, to:

(1) Properties of Oxnard Harbor District have been acquired by Federal Government and Eueneme Harbor has become a naval base; also certain of the properties to have been acquired from Berylwood Investment Company are now owned by Oxnard Citruz Association. The transfer of other parcels of property is now unnecessary. The agreement also covered construction and operation of track facilities on Oxnard Harbor District property, since acquired by the United States Government, now in use as a naval base.

- (a) Transfer that parcel of property more particularly described in Exhibit "A" of the first supplemental application to the Eueneme Wharf and Warehouse Company.
- (b) Acquire that parcel of property more particularly described in Exhibit "B" of the first supplemental application from Eueneme Wharf and Warehouse Company.
- (c) Acquire that parcel of property more particularly described in Exhibit "C" of the first supplemental application from Oxnard Citrus Association.

The above authority is subject to the following conditions:

- (1) Applicant shall file with the Railroad Commission within thirty days after the transfers and exchanges of said properties a true and correct copy of each 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 subsequent order.

IT IS FURTHER ORDERED that Decision No. 35117 is hereby rescinded and in no further force or effect.

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

Dated at San Francisco, California, this 14th day of December, 1945.

David C. Baker

Frank C. Brown

James P. Dwyer

Harold P. Hills
COMMISSIONERS