

ORIGINAL

Decision No. 41873

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation, for an order  
authorizing it to sell certain property  
located in the Town of Emeryville,  
County of Alameda, California.

Application No. 29496

OPINION AND ORDER

The Pacific Telephone and Telegraph Company asks permission to transfer to Western Electric Company, Inc., hereafter referred to as Western, a parcel of land located in the town of Emeryville, California, in exchange for another parcel of land in the town of Emeryville.

The applicant reports that Western desires to expand its warehouse facilities to meet the greatly increased demands for material imposed upon it by the applicant; that to permit such expansion, Western desires to obtain from the applicant a parcel of land at the rear of Western's supply building on 53rd Street in Emeryville, containing 60,726 square feet, more particularly described as follows:

Beginning at a point which point bears North  $72^{\circ}28'$  East, 274.59 feet along the northwesterly boundary line of 53rd Street (formerly Santa Fe Avenue) and North  $170^{\circ}32'$  West, 380 feet along the southwesterly boundary line of the Southern Pacific spur track right of way from the intersection of the northeasterly boundary line of Horton Street with the northwesterly boundary line of 53rd Street, and running thence from the point of beginning South  $72^{\circ}28'$  West, 164.09 feet, thence North  $170^{\circ}32'$  West, 294.50 feet to the southeasterly line of the Southern Pacific Railway Company's Berkeley Branch right of way; thence northeasterly along said boundary line of said Berkeley Branch right of way on a curve to the right whose radius is 1645.31 feet and whose central angle is  $9^{\circ}50'24''$ , a distance of 282.56 feet to the point where the said boundary line of said Berkeley Branch right of way intersects the northwesterly boundary line of said Southern Pacific Spur

track right of way; thence southwesterly along the said northwesterly boundary line of said spur track right of way on a curve to the left whose radius is 340.14 feet and whose central angle is  $41^{\circ} 22' 45''$ , a distance of 245.65 feet; thence South  $17^{\circ} 32'$  East along said southwesterly boundary line of said spur track right of way, 202.48 feet to the point of beginning.

The applicant states that Western has agreed to convey to applicant, in exchange for the above-described parcel of land, a parcel of land containing 60,841 square feet, located on Hollis Street near Horton Street in Emeryville, presently owned by Western, more particularly described as follows:

Beginning at a point on the eastern line of Hollis Street distant thereon North  $17^{\circ} 32'$  West, 420 feet from the northern line of 45th Street; running thence along said line of Hollis Street North  $17^{\circ} 32'$  West, 237.597 feet; thence North  $72^{\circ} 28'$  East, 256.072 feet to the western line of that certain parcel of land described in and conveyed by deed of Ada Klemmer, also known as Ada Haines Klemmer, to Southern Pacific Railroad Company, a corporation, dated September 16, 1947, and recorded September 24, 1947, in the office of the County Recorder of Alameda County under Recorder's Series No. AB 81978; thence along the last mentioned line south  $17^{\circ} 32'$  East, 237.597 feet; thence South  $72^{\circ} 28'$  West, 256.072 feet to the point of beginning.

The applicant further states that the two parcels of land will be of substantially equal value and will be equally suitable for the applicant's purposes when pole yard facilities are provided on the parcel now owned by Western equivalent to the pole yard facilities with which the parcel now owned by the applicant is equipped; that provision of such equivalent facilities will involve grading and drainage, construction of roadways and spur track, fencing and installation of pole skids; that the estimated cost of equipping the parcel owned by Western with these facilities is \$40,100 and that Western has agreed to assume the cost of such work; and that the exchange can be made without impairing the operations of the applicant or the performance of its duties to the public.

A copy of the proposed grant deed, transferring from the applicant to Western the parcel of land at the rear of Western's

supply building, is on file in this application as Exhibit A. The estimated original cost to the applicant of said parcel is \$30,501.80.

The Commission has considered the applicant's request and is of the opinion that this is not a matter in which a public hearing is necessary and that this application should be granted. However, the action taken herein shall not be construed to be a finding of value of the properties herein authorized to be transferred, therefore,

IT IS HEREBY ORDERED that The Pacific Telephone and Telegraph Company is authorized to transfer its property as hereinabove described to Western Electric Company as soon as The Pacific Telephone and Telegraph Company has filed with this Commission a statement to the effect that the improvements outlined in Paragraph V of the Application have been completed and subject to the conveyance by Western Electric Company of its parcel of land as hereinabove described to The Pacific Telephone and Telegraph Company along with said improvements.

IT IS HEREBY FURTHER ORDERED that within sixty (60) days after the transfer of said property to Western Electric Company, Inc., The Pacific Telephone and Telegraph Company shall file with the Public Utilities Commission of the State of California a statement showing the action taken under the authority granted herein.

This Order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of July, 1948.

R. B. Johnson  
Justus J. Galloway  
Frank H. Russell  
Harold A. Kula