

ORIGINAL

Decision No. 43224

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE OAKLAND TERMINAL RAILWAY, a
corporation, for permission to sell
to the East Bay Municipal Utility
District certain real property.

Application
No. 30534

O R D E R

The Oakland Terminal Railway asks permission, in this application, to sell to East Bay Municipal Utility District, its interest in certain real property situate in the City of Oakland, County of Alameda, State of California, described as follows:

BEGINNING at a point on the northeastern Charter Line of the City of Oakland, as of 1862, distant thereon South 62° 35' 02" East (the bearing of said Charter Line being taken as South 62° 35' 02" East for the purpose of this description) 330.59 feet from the point of intersection thereof, with a line drawn parallel to and 21 feet northerly (measured at right angles) from the westerly prolongation of the northern line of Yerba Buena Avenue; running thence North 72° 24' 46" East 1200.81 feet; thence North 75° 14' 48" East 184.33 feet; thence North 76° 47' 19" East 2086.27 feet to a point on the southwestern line of the San Francisco-Oakland Bay Bridge approach, as said southwestern line is described in the easement and right of way granted by Wells Fargo Bank & Union Trust Co., et al., to State of California, in Agreement dated May 31, 1935 and recorded June 12, 1935 in Book 3197 of Official Records of Alameda County, at page 154 (said easement and right of way being outlined in green upon Exhibit "A" attached to, and made a part of, said agreement); thence along said southwestern line as described in said agreement and along the southwestern line of said Bay Bridge approach as described in "Parcel II", in the deed from Wells Fargo Bank & Union Trust Co., et al., to State of California, dated June 11, 1935 and recorded August 17, 1935 in Book 3194 of Official Records of Alameda County, at Page 242, easterly along the arc of a curve to the right, having a radius of 957 feet, a distance of 107.89 feet to the intersection of said last named line as described in said "Parcel II", with a line drawn parallel to and distant 159.25 feet southerly (measured at right angles) from the westerly prolongation of said northern line of Yerba

Buena Avenue; said parallel line being the northern line of that certain parcel of land containing 25.141 acres, more or less, described in the deed from Railway Equipment & Realty Company, Ltd. to East Bay Municipal Utility District dated January 23, 1948 and recorded February 11, 1948 in the office of the County Recorder of said Alameda County, in Volume 5210 of Official Records, at Page 204; thence along said northern line of said 25.141 acre parcel of land South $76^{\circ} 47' 57''$ West 2786.76 feet and South $72^{\circ} 21' 56''$ West 744.23 feet to the said northeastern Charter Line; thence along said last named line North $62^{\circ} 35' 02''$ West 35.30 feet to the point of beginning.

CONTAINING 4.142 acres, more or less.

Applicant has a limited fee in said real property solely for use by it for a railroad purpose. In the event applicant, its successors or assigns, shall not, for a continuous period of one year, use said properties for any railroad purpose, the property reverts to the Railway Equipment & Realty Company, Ltd., its successors or assigns. The latter joins in the sale of said properties to the East Bay Municipal Utility District. The district has agreed to pay for the properties, \$31,500, one half of which will be received by applicant, and one half by the Railway Equipment & Realty Company, Ltd. The application shows that the district needs said properties for its sewage disposal facilities.

The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

The Commission has considered applicant's request and is of the opinion that a hearing on this application is not necessary, and that the application should be granted; therefore,

IT IS HEREBY ORDERED that The Oakland Terminal Railway may sell, on or before December 31, 1949, the above

described properties to the East Bay Municipal Utility District.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 16th day of August 1949.

R. B. Johnson

James P. Luce

Harold P. Kula

Commissioners