

**ORIGINAL**

Decision No. 42698

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
R. W. SPARLING, INC., to purchase )  
and acquire the water system operated ) Application No. 30906  
by MATTIE E. HANEY as Topanga Canyon )  
Public Utility Water System. )

OPINION AND ORDER

In this application, R. W. Sparling, Inc., a corporation, requests permission to buy, and Mattie E. Haney requests permission to sell, a part of that certain water system owned by Mattie E. Haney and included in the following description:

(a) PARCEL I

Lot 54 of Tract 8910, in the County of Los Angeles, State of California, as per map thereof recorded in Book 119, pages 39, 40 and 41 of Maps, in the office of the County Recorder of said County;

PARCEL II

That portion of Lot 2 and the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 South, Range 16 West, S. E. B. & M., in the County of Los Angeles, State of California, described as follows:

Beginning at a point in the Northeasterly line of the Topanga Canyon Road, as conveyed to the County of Los Angeles, by deed recorded in Book 5839, Page 300 of Deeds, Records of said County, and as shown on County Surveyor's Map No. 7915 on file in the office of the County Surveyor of said County, distant Northwesterly 421.41 feet measured along said Northeasterly line, being in a curve concave to the Southwest having a radius of 425 feet from the Southerly extremity of said curve, opposite center line station No. 243-32.63, as shown on said County Surveyor's Map No. 7915; thence Northwesterly along said curve, 45.90 feet to the beginning of a compound curve in said Northeasterly line concave to the South, having a radius of 225 feet; thence Northwesterly and Westerly along

said last mentioned curve, 188.50 feet to the beginning of a reverse curve concave to the Northeast having a radius of 75 feet; thence Westerly and Northwesterly along said last mentioned curve 108.65 feet; thence still along said Northeasterly line of said Topanga Canyon Road, North  $32^{\circ} 13' 05''$  West 54.48 feet; thence North  $41^{\circ} 45' 55''$  East 29.66 feet; thence North  $59^{\circ} 16' 55''$  East 115.23 feet thence North  $80^{\circ} 24' 55''$  East 124.87 feet, thence South  $72^{\circ} 58' 05''$  East 59.18 feet; thence South  $43^{\circ} 52' 30''$  East 73.62 feet; thence South  $13^{\circ} 33' 30''$  East 97.31 feet; thence South  $41^{\circ} 20' 40''$  West 35.80 feet to the point of beginning.

EXCEPT that portion of said land lying northwesterly of a line extending northeasterly at right angles from the Northeast line of Topanga Canyon Road, 60 feet wide, as now established, which right angle line intersects said Northeast line of Topanga Canyon Road at a point that is distant northwesterly 100 feet along said Northeast line from the course above described as S.  $41^{\circ} 20' 40''$  W., 35.80 feet or the prolongation of said course.

- (b) All water, oil and mineral rights of every description pertaining to the land described in the exception set forth in PARCEL II above.
- (c) All water wells, pumps, motors, tanks, pipelines, meters, valves, pipe, fittings, equipment (except two trucks), material and supplies pertaining to said water system, or incidental thereto.
- (d) All franchises, permits, rights of way or easements for pipelines, roadways or access to or from any Topanga Public Utility Water System property or operating facility.
- (e) All customer accounts for water owing to HANEY on or after January 1, 1950, whether due and unpaid or held for adjustment by the Public Utilities Commission.
- (f) All good will and other intangible and tangible property which are a part of said water system not herein more specifically described.

Applicant, who presently operates a public utility water system under authority from this Commission, which system is in the vicinity of the property above described, has entered into a contract with Mattie E. Haney setting forth the proposed terms of the purchase. The purchase price is to be Seventeen Thousand

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Dollars (\$17,000), Five Thousand Dollars (\$5,000) of which is to be paid at the time the transfer is approved and the balance to be paid in monthly payments of One Hundred Dollars (\$100) each, bearing no interest, except in case of default in making payments. It is understood and agreed to by the parties that all authority to conduct a public utility water system now held by Mattie E. Haney under certificates of public convenience and necessity issued by this Commission shall be transferred to R. W. Sparling, Inc. <sup>(1)</sup>

The Commission has considered applicant's request and finds that the proposed sale is not adverse to the public interest and that this application should be granted. This is not a matter which requires a public hearing. Therefore,

IT IS ORDERED that Mattie E. Haney be, and she hereby is authorized to sell, and R. W. Sparling, Inc., is authorized to purchase and acquire, for Seventeen Thousand Dollars (\$17,000) the <sup>Q. J. M.</sup> certificates of public convenience and necessity and the property described above, in accordance with the terms and conditions of the contract providing for the sale of said property, of record in this proceeding, subject to the following conditions:

(1) The authority herein granted shall apply only to such transfer as shall be made on or before the 28th day of February, 1950, and a certified copy of the final instrument of conveyance shall be filed with this Commission within thirty (30) days after the date on which it is concluded.

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(1) By Decision No. 27503, dated November 5, 1934, on Application No. 19458, B. J. Lewis was granted a certificate of public convenience and necessity to operate a public utility water system. This was transferred to Albert E. Haney, now deceased, husband of Mattie E. Haney by Decision No. 32206, dated August 1, 1939, on Application No. 22829, Mattie E. Haney acquired this operating authority by Decision No. 39747, dated December 16, 1946, in Case No. 4822 additional authority was added by Decision No. 40636, dated August 26, 1947, on Application No. 28325.

- (2) Within ten (10) days after the date on which Mattie E. Haney actually relinquishes control and possession of the property herein authorized to be transferred, she shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
- (3) The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.
- (4) The authority herein granted will become effective when R. W. Sparling, Inc., has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is \$25.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of January, 1950.

R. E. Johnson  
Justice J. C. ...  
...  
Harold P. Kula  
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...  
 COMMISSIONERS

