

Decision No. 44764

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN JOSE WATER WORKS, a corporation,
 for an order approving the execution
 and performance of a contract between
 Applicant and the State of California
 acting by its Department of Public
 Works Division of Highways and author-
 izing and approving the sale and con-
 veyance to the State of California of
 certain property of Applicant in the
 County of Santa Clara presently
 devoted to public utility service.

Application No. 31719

O P I N I O N

This is an application for an order authorizing San Jose Water Works, a corporation, to execute a right-of-way contract with, and sell certain public utility properties to, the State of California, Department of Public Works, Division of Highways.

The properties to be transferred, under the right-of-way contract, include two parcels of land which are to be taken by the State in the course of its relocation of portions of State Highway No. 5. Such relocation work will be required because of the flooding of a portion of the highway when the proposed Lexington Dam is constructed in the vicinity of Los Gatos, Santa Clara County. The new highway will be on land owned by the water company which the water company had intended as the site of a future enlargement of its Madera-Colorado reservoir. The State has agreed to convey to the water company, upon its acquisition by the State, certain other lands which will permit the reservoir to be enlarged when such enlargement becomes desirable. The operating facilities located on the property to be sold to the State will not be transferred, but will be relocated on other water company property.

Particulars of the sale and transfers are contained in Grant Deed No. 7080, Easement Deed No. 7080-A and Easement Deed No. 7080-B, copies of which are attached to the application and identified as Exhibits C, D, and E, respectively. The right-of-way contract provides for the payment of \$12,000 to applicant for the conveyance of the property and easements described and set forth in said exhibits within sixty (60) days after the date that title thereto is transferred.

It is reported that the State is proceeding rapidly with its construction work. Since, primarily, only the interest of the State and the applicant are involved, it appears to the Commission that a public hearing is not necessary and it further appears that the proposed sale will not be adverse to the public interest. An order will be entered authorizing the sale as proposed; however, the action taken herein shall not be construed to be a finding of the value of properties herein authorized to be transferred or acquired.

O R D E R

The Commission having considered the above-entitled application and being of the opinion that a public hearing thereon is not necessary, and that the request of applicant should be granted,

IT IS HEREBY ORDERED that San Jose Water Works be and it is authorized to execute that certain Right-of-Way Contract, marked Exhibit B, and to sell and convey the properties above described in accordance with the Grant Deed and Easement Deeds which are marked as Exhibits C, D, and E in the application with and to the State of California, Department of Public Works, Division of Highways and to carry out the terms of said contract as set forth therein.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the transfer of said properties, San Jose Water Works shall file with this Commission a certified copy of said Contract, Grant Deed and Easement Deeds.

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

Dated at San Francisco, California, this 11th day of September, 1950.

A. E. Anderson
Justus F. Gallen
Grant Powell

Commissioners.