

Decision No. 52012

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THOMAS DONALD HAGERTY, a sole)
 proprietorship, for authority to)
 encumber utility property by conveyance) Application No. 37296
 of an easement for road purposes over)
 a portion of said property to the)
 County of Contra Costa.)

OPINION AND ORDER

Thomas Donald Hagerty, a sole proprietorship, doing business as Pleasantimes Water System, requests authority by his application filed September 15, 1955, to execute a grant deed to the County of Contra Costa conveying an easement which is described in the application and indicated on a map attached to the application as Exhibit A. The Board of Supervisors of Contra Costa County, by its Resolution dated September 13, 1955, and docketed September 15, 1955, as a part of the record in this proceeding, states that it joins in applicant's request.

Applicant Hagerty acquired ownership of his water system properties from Frank J. Hollender under the authority of Decision No. 48114, dated January 6, 1953, in Application No. 33925. His utility furnishes water service to residents of Pleasant Time Subdivision, Bethel Island, Contra Costa County.

The application states that the easement is required to permit the County to construct a road to serve the area providing that other property owners also grant necessary easements. The road to be constructed under present plans would not interfere with any utility facilities of applicant nor cause any interruptions to service. However, under the terms of the right of way contract, a copy of which is attached to the application as Exhibit B, the

County agrees to pay the expense of any future relocation of applicant's facilities that may become necessary as a result of future construction. The terms of said contract provide for the granting of the easement without monetary consideration.

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

The Commission has been asked by letter to expedite the granting of the necessary authorization so that construction of the road may be completed before the fall rain season commences. Therefore, the order herein will be made effective as of the date of issuance.

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

IT IS HEREBY ORDERED as follows:

1. Thomas Donald Hagerty, on or after the effective date of this order and on or before March 31, 1956, may grant an easement to the County of Contra Costa substantially in accordance with the terms and conditions set forth in the application.
2. If the authority herein granted is exercised, Thomas Donald Hagerty, within thirty days thereafter, shall file with this Commission a certified copy of the executed grant deed conveying the easement authorized to be granted herein.

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

Dated at San Francisco, California, this 17th day of October, 1955.

Paul E. Mitchell
President

Justin J. Cravotta

Robert J. [unclear]

William J. [unclear]

R. [unclear]
Commissioners