

ORIGINAL

Decision No. 56662

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
of an agreement between Applicant and
the State of California, Department
of Public Works, Division of Highways,
and the sale, conveyance and disposition
pursuant to said agreement of certain
properties of Applicant in the County
of Santa Clara.

Application No. 39935.

OPINION AND ORDER

San Jose Water Works^{1/}, a corporation, by its application filed on March 26, 1958, requests an order of the Commission approving the execution and performance of a proposed contract between San Jose and the State of California^{2/} and also authorizing the conveyance of public utility property to State in accordance with the provisions of the contract. An unexecuted copy of the proposed contract, entitled "Right of Way Contract - State Highway" is attached to the application as Exhibit E. State joins with San Jose in filing the application.

The contract provides that San Jose will convey to State, acting by and through its Department of Public Works, Division of Highways, seven parcels of land and two easements which are required by State for a freeway. In exchange for the properties to be conveyed to State by San Jose, State proposes to convey to San Jose four parcels of land and three easements.

^{1/} Sometimes herein called San Jose.

^{2/} Sometimes herein called State.

The hereinabove-mentioned parcels of land owned by San Jose have been used for pipeline purposes. In 1954, according to the application, State instituted condemnation proceedings to acquire six of the seven parcels and two easements. As a result of the litigation, State secured a court order granting it the right of immediate possession of the six parcels, the seventh parcel remaining under the ownership of San Jose and presently is used as a pumping station site. The aggregate cost of the seven parcels and two easements is stated to be \$8,322.32.

State and San Jose subsequently negotiated the subject contract under which State is to cause dismissal of the condemnation actions and the hereinabove-mentioned exchange of properties is to be effected. San Jose intends to use the four parcels to be acquired from State as well sites.

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

The Commission having considered the above-entitled application and being of the opinion that the proposed transfer will not be adverse to the public interest, that a public hearing is not necessary, and that the application should be granted; therefore,

IT IS HEREBY ORDERED that:

1. San Jose Water Works be and it is authorized to carry out the exchange of properties substantially in accordance with the terms and conditions of the written contract entitled "Right of Way Contract - State Highway", an unexecuted copy of which is attached to the application as Exhibit E.

2. San Jose Water Works shall file with the Commission, within thirty days after the effective date of this order, one

certified copy of the contract as executed, together with a statement of the date on which the contract is deemed to have become effective.

3. San Jose Water Works shall, within thirty days thereafter, notify the Commission in writing of the completion of the property transfer herein authorized, and of its compliance with the conditions hereof.

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

Dated at San Francisco, California, this 13th day of May, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners