

ORIGINAL

Decision No. 69029

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William B. Renwick Co.,  
Complainant,

vs.

Vallecito Water Company,  
Defendant.

Case No. 8093  
(Filed December 31, 1964)

Overton, Lyman and Prince, by Donald H. Ford, for complainant.  
Bewley, Knoop, Lassleben & Whelan, by William M. Lassleben, Jr., for defendant.  
Robert C. Durkin, for the Commission staff.

O P I N I O N

By the above-entitled complaint, William B. Renwick Co. (complainant) seeks an order from this Commission requiring the relocation and installation of water transmission mains in Tract No. 27368 in the unincorporated territory in Los Angeles County in a particular manner in a 20-foot easement. Vallecito Water Company (defendant) objects to the proposed method of installation and the width of the easement as being improper and unworkable due to the terrain involved and requests that the complaint be dismissed for the reason that it has a blanket easement covering the entire tract pursuant to which it claims to have absolute discretion in placing its mains.

A public hearing was held before Examiner Rogers in Los Angeles on March 29, 1965, and the matter was submitted.

Complainant's Tract No. 27368 (tract) is a tentative subdivision, which will contain approximately 131 residential lots. It will be bounded on the north by Orange Grove Avenue, on the west by the subdivision boundary, and on the south and east by a street to be called Seventh Avenue, which will have a 90° curve and run east and west on the south boundary and north and south on the east boundary. The elevation of the tract varies from approximately 526 feet at the northwest corner to approximately 880 feet on the southwest corner. The western boundary is approximately 1,800 feet in length.

Defendant has a water transmission line easement, which includes all of the above tract. In reliance on said easement, it has constructed and has had in use for many years a 22-inch main, the center of which is 15 feet from the western boundary of the tract. This main extends from the northwest corner of the tract to a point near the southwest corner where certain branches extend east to a reservoir approximately 540 feet east of the west boundary and 180 feet north of Seventh Avenue. One branch of the main extends from a point north of the site of a street to be known as Old Canyon Drive, across said Old Canyon Drive site to the said reservoir, and one branch stretches from a point south of the proposed Old Canyon Drive to the reservoir. Old Canyon Drive will extend from a deadend near the west boundary of

the tract, at which point it will be approximately 360 feet north of the proposed Seventh Avenue and at an elevation of approximately 630 feet in a curve roughly paralleling Seventh Avenue to an intersection with Orange Grove Avenue, the northern boundary of the proposed subdivision, at which point it will be approximately 140 feet west of Seventh Avenue.

In order to provide service to the tract, the complainant desires that most of the 22-inch main on the west side of the subdivision be permitted to remain in place, but that certain changes be made in the southern end to run the main along proposed Old Canyon Drive. The complainant proposes to grant defendant a 20-foot wide easement along the west side of the subdivision to proposed Old Canyon Drive for this existing main. The defendant is willing to keep the main in place, but demands a 30-foot easement along the west side. As an alternative, it insists that a new 22-inch main be extended from the vicinity of the reservoir along proposed Old Canyon Drive and Orange Grove Avenue to replace the existing 22-inch main.

The complainant presented evidence purporting to show that a 20-foot easement would be adequate to service and repair the 22-inch main in place. Evidence was presented on behalf of the defendant that a 20-foot easement is inadequate and that a 30-foot easement is necessary, or the main should be relocated.

The preliminary topographical layout of the tract is shown in Exhibit No. 5, three pages of a proposed map of Tract No. 27368. The record shows that for drainage purposes, a 30-inch gunite trough is to be constructed along the extreme western edge of the subdivision. This trough must have adjacent to it on the

east a 6-inch shoulder to prevent damage to the trough. The existing 22-inch main is parallel to the western boundary of the tract and the center is 15 feet east thereof. The top of the 22-inch main is approximately two feet below the existing ground level throughout its length. The center of this main is five feet from the eastern edge of the 20-foot easement proposed by complainant and 15 feet from the eastern edge of the easement demanded by defendant.

There was testimony by both parties concerning the method of stacking spoil when repairing or replacing the existing 22-inch main and the space required for the necessary power equipment. The complainant contended, through its witnesses, that it would be possible to work on and replace the main in the bounds of the proposed 20-foot easement. The defendant contended that it would be impossible to do necessary work in the 20-foot easement. The evidence which convinces us that the complainant's proposal is not feasible is the testimony of defendant's manager. His testimony shows that the tract slopes from an elevation of 526 feet along Orange Grove Avenue in the northwest corner to approximately 880 feet in the southwest corner, and 630 feet at proposed Old Canyon Drive. The witness said that Exhibit No. 5 herein, the tract contour map, shows that with a 20-foot easement maintained and the grading as tentatively proposed by complainant, at Lot 50 eight feet of the 22-inch main would be exposed; at Lot 51 four feet to five feet would be exposed; at Lot 52 two feet to six feet would be exposed; at Lot 53 five feet to six feet would be exposed;

at Lots 54 and 55 seven feet would be exposed; at Lot 57 five feet would be exposed, and at Lots 58 and 59 two feet would be exposed. The witness further testified that if the ground remains in its present state, none of the main is exposed and that if a 30-foot easement were granted, none of the main would be exposed.

The complainant also introduced evidence to show that it would cost between \$16,167 and \$22,167 more to install the 22-inch main on proposed Old Canyon Drive and on Orange Grove Avenue than it would to relocate the southern end of the 22-inch transmission main and install an 8-inch main on said streets (Exhibits Nos. 3 and 4).

#### Findings

We find that:

1. The defendant is a public utility water corporation under the jurisdiction and control of this Commission. It has a blanket easement to extend mains into and through complainant's subdivision area comprising Tentative Tract No. 27368. Pursuant to said easement, it has constructed and has in place a 22-inch transmission main, the center of which is 15 feet from the western boundary of said tract and the top of which is approximately two feet below the existing surface.

2. Complainant owns the area comprising Tract No. 27368 and has plans for subdividing said tract into approximately 131 lots. Lots 49 through 59, inclusive, and Lots 21 and 22 comprise the western lots in said tract. The elevation at Lot 59, the northernmost lot, is 526 feet and at Lot 22, is approximately 630 feet, at the location of proposed Old Canyon Drive.

3. The complainant has had engineered Tract No. 27368. The revised plans call for cutting and filling of the land and leaving undisturbed a 20-foot wide easement on the west side. The preliminary plans as proposed by complainant would have exposed the existing 22-inch main in place 15 feet from the western edge at various places from two feet to seven feet.

4. If a 30-foot width easement were left along said Lots 49 through 59 and Lot 22, on the west side thereof, the said main would not be exposed by subdivision excavation and defendant would have adequate access for maintenance of the main.

5. If the 22-inch main is removed from the existing location on the western boundary of the tract and replaced with a main on proposed Old Canyon Drive and along Orange Grove Avenue, complainant could make any excavation it required as to the said numbered lots. The increased cost to complainant for removing the existing 22-inch main on the west side of the proposed subdivision and replacing it with a 22-inch main on Old Canyon Drive and Orange Grove Avenue will amount to between \$16,167 and \$22,167.

6. The defendant has offered the complainant the alternatives of either retaining a 30-foot easement on the western side of the subdivision through Lots 49 through 59, inclusive, and Lot 22, or replacing the 22-inch main on the western side with a 22-inch main on proposed Old Canyon Drive and Orange Grove Avenue. Either of said alternatives is reasonable, and the 20-foot easement proposed by complainant is not feasible and will not permit defendant proper access for maintenance of said existing 22-inch main.

Conclusions

The Commission concludes that it has jurisdiction of this proceeding; that the alternative requirements of the defendant are reasonable; and that a 20-foot easement under the proposed layout of Tentative Tract No. 27368, as shown by Exhibit No. 5, is not reasonable. The complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. The motion to dismiss for lack of jurisdiction is denied.
2. The complaint is dismissed.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of MAY, 1965.

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*Robert E. Hutchill*  
 President

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*George J. Trover*

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*Augustine*

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*William G. Deane*  
 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.