



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-1

September 28, 1992

To: Board of Directors (Land Committee--Action)
(Legal and Claims Committee--Action)

From: General Manager

Subject: Adoption of Revised Resolution of Necessity Directing the General Counsel to Condemn Certain Properties Required for the Domenigoni Valley Reservoir Project in Domenigoni Valley, Riverside County, California Identified by the Riverside County Assessor's Parcel No. 469-270-015, Legal Parcel No. 20, Owned by Robert Jean Burkel and Robin Sawyer Burkel, Patricia R. Sawyer, Randy Jean Wilson and Patricia Kim Wilson as Their Interests Appear of Record

Report

On August 19, 1992, the Land Committee, with a quorum present, recommended that the Board of Directors, by a two-thirds vote, adopt a Resolution declaring the necessity for the Domenigoni Valley Reservoir Project and for the properties described in Exhibit A attached thereto and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the properties. Notices of intention to adopt such a resolution and of an opportunity to appear and be heard before the Land Committee as to the necessity for the project and for the taking of the properties had been mailed on July 22, 1992 to the owners of the properties identified in Exhibit A to the Resolution, including the property identified in the letter to the Land Committee as Assessor's Parcel No. 469-270-015, a copy of which is attached hereto. By inadvertence, Paragraph 2 of Exhibit A to the proposed resolution attached to the letter, which included said property as Legal Parcel 20, did not designate the property as containing an appurtenant easement sought to be condemned along with the fee simple therein. However, as can be seen, the attached notice to the owners of the Parcel of the hearing on the Resolution of Necessity did describe the fee simple sought to be acquired as containing an appurtenant easement thereto.

Neither the owners of said Parcel or any representative thereof attended the hearing on the Resolution

of Necessity before the Land Committee on August 19, 1992 nor at the meeting of the Board of Directors on September 15, 1992 at which time action on the Resolution, as to all named parcels, including Parcel 20, was deferred until the October 13 meeting of the Board.

It is necessary that Exhibit A to the Resolution of Necessity be amended to delete the reference in Paragraph 1 thereof to Parcel 20, and to refer in Paragraph 2 thereof to Parcel 20 as including an appurtenant easement.

On October 8, 1991 your Board and its Advisory Committees acting on this matter certified that the Final Environmental Impact Report for the Eastside Reservoir Project, herein referred to as the Domenigoni Valley Reservoir Project, had been completed in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines, and that it had reviewed and considered the information contained in that document. Your action on the subject resolution is therefore in compliance with CEQA. No further environmental documentation or review is necessary for your Board to act on this request.

Board Committee Assignments

This letter is referred to:

The Land Committee because of its authority (1) under Administrative Code Section 2451(g) to advise, study and make recommendations with regard to the initiation of condemnation proceedings; and (2) under Administrative Code Section 8207 to hold the hearing and make a recommendation required by Code Civ. Proc. Section 1245.135(c) concerning adoption by the Board of a Resolution of Necessity to acquire property; and

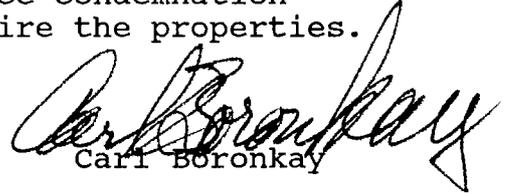
The Legal and Claims Committee because of its authority under Administrative Code Section 2461(a) to advise, study, and make recommendations with regard to litigation brought by the District.

Recommendation

LAND AND LEGAL AND CLAIMS COMMITTEES FOR ACTION.

It is recommended that the Board of Directors by a two-thirds vote adopt the Resolution attached to the General Manager's letter dated August 27, 1992 declaring the necessity for the Domenigoni Valley Reservoir Project and for the properties described in Exhibit A attached thereto, as amended

by Exhibit A attached hereto with reference to Parcel 20, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the properties.


Carl Boronkay

RDT\jb
rdt.res

Attach.

EXHIBIT A

1. Fee simple in properties designated as Parcels 1-13, inclusive, 19, and 21 in the attached Appendicies hereto and described therein.
2. Fee simple in properties designated as Parcels 15, 16, 17, 18 and 20, with appurtenant easements, in the attached Appendicies hereto and described therein.

July 22, 1992

Robert Gene Burkel and Robin Sawyer Burkel
Patricia P. Sawyer
Randy Gene Wilson and Patricia Kim Wilson
c/o Marlena Mouser, Esq.
McMurry, Russ, August,
Kabat, & de Recat
12424 Wilshire Boulevard, Suite 1200
Los Angeles, California 90025

NOTICE OF HEARING ON RESOLUTION OF NECESSITY

You are hereby notified that The Metropolitan Water District of Southern California (Metropolitan) intends to adopt a resolution declaring the necessity for acquiring your property for the construction, operating and maintenance of a water reservoir. The resolution will authorize Metropolitan's General Counsel to obtain such property in condemnation proceedings. Attached as Exhibits A and B are, respectively, a legal description of and a drawing depicting the property to be taken.

If you wish to appear and be heard on the matters referred to in section 1240.030 of the Code of Civil Procedure, to wit:

"The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

"(a) The public interest and necessity require the project.

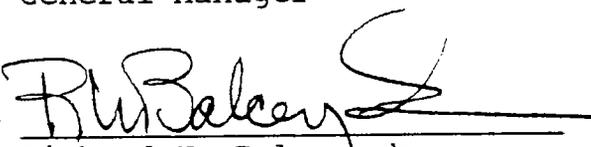
"(b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

"(c) The property sought to be acquired is necessary for the project."

You should file a written request for such a hearing within 15 days after this Notice was mailed to you. If such a request is received, the hearing will be held before the Land Committee of Metropolitan's Board of Directors at the committee's August 19, 1992 meeting at 8:00 a.m., in Metropolitan's

headquarters building at 1111 Sunset Boulevard, Los Angeles, California. Failure to file such a request will result in waiver of the right to appear and be heard.

Carl Boronkay
General Manager

By 
Richard W. Balcerzak
Assistant General Manager

RDY:CIR:mg
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EXHIBIT A

144-1-305
Burkel et al

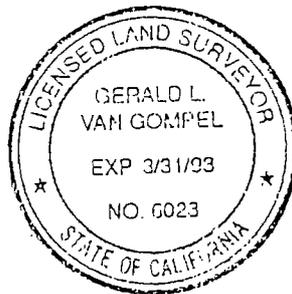
PARCEL A

Parcel 3 of Parcel Map No. 5189, in the County of Riverside, State of California, as shown on map filed in Book 10, page 72, of Parcel Maps in the office of the County Recorder of said County.

PARCEL B

A non-exclusive easement for ingress and egress purposes over and across the northerly 30 feet of the south half of the southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 4, Township 6 South, Range 1 West, San Bernardino Meridian, also the southerly 30 feet of the north half of the southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of said Section 4, also the westerly 60 feet of the northerly 60 feet of the southwest quarter of the southwest quarter (southeast quarter record) (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 6 South, Range 1 West, San Bernardino Meridian, also the southerly 30 feet of Government Lot 3, Section 4, Township 6 South, Range 1 West, San Bernardino Meridian, all in the County of Riverside, State of California.

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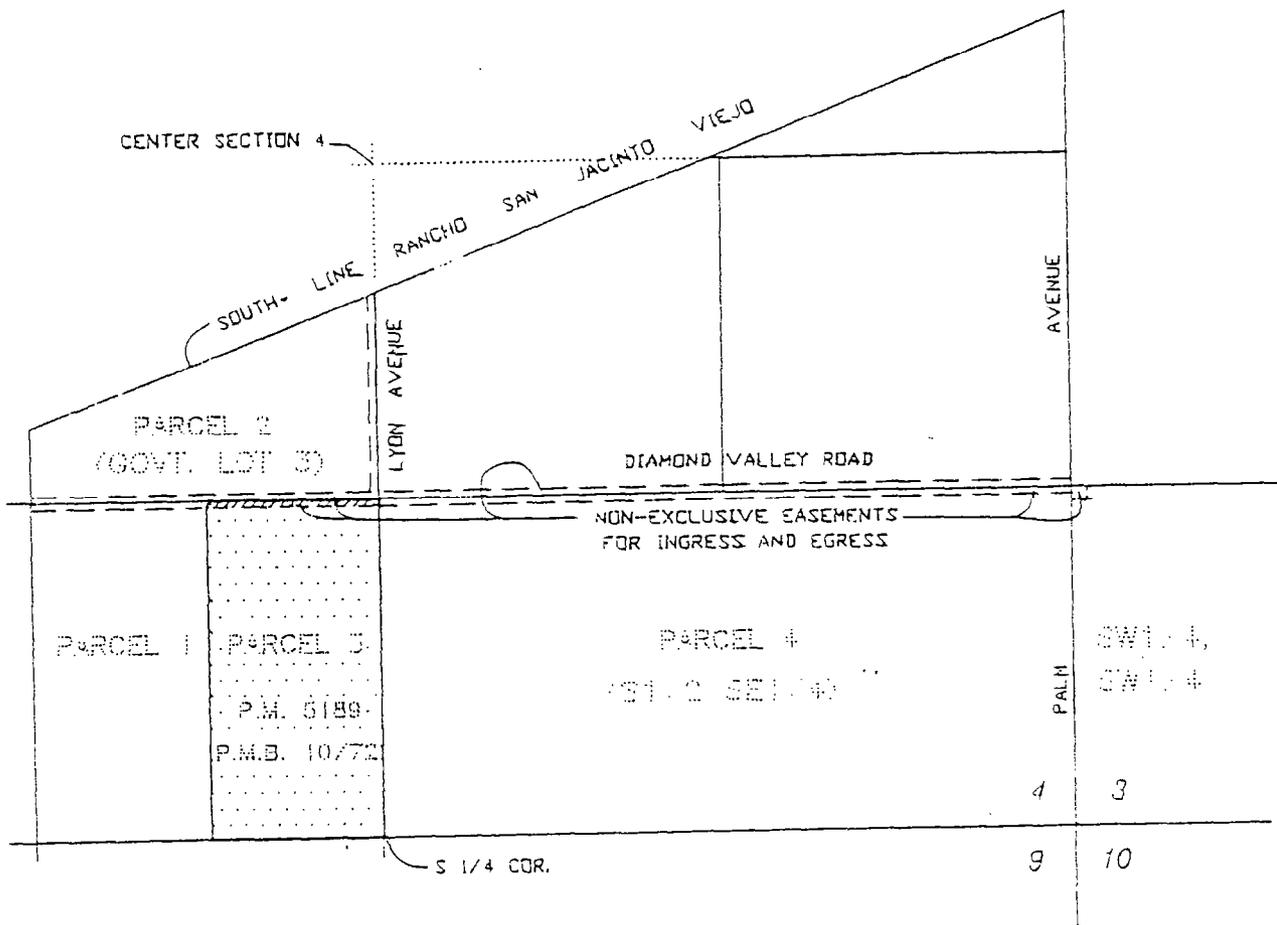


PREPARED UNDER
MY SUPERVISION.

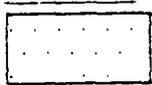
Gerald L. Van Gompel
GERALD L. VAN GOMPEL

11-5-91
DATE

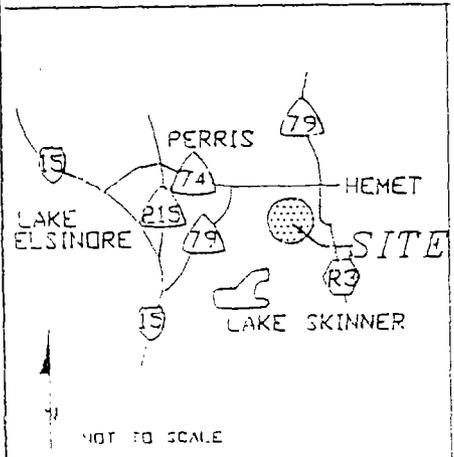
EXHIBIT B
 SECTION 4, T.6 S., R.1 W., S.B.M.
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:

-  = FEE PARCEL 144-1-305 NOT IN ROAD R/W
-  = FEE PARCEL 144-1-305 WITHIN ROAD R/W

VICINITY MAP



PREPARED UNDER MY SUPERVISION.
Gerald L. Van Gompel
 GERALD L. VAN GOMPEL
 11-5-91
 DATE

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
 EASTSIDE RESERVOIR - DOMENIGONI SITE
 OFFER TO PURCHASE
 ROBERT G. BURKEL et al
 TO
 M.W.D.
 PARCEL 144-1-305