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Karen E. Duff
EXECUTIVE SECRETARY

CONFIDENTIAL



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

April 29, 1994

To: Board of Directors (Land Committee--Action)
From: General Manager
Subject: Request for Authority to Acquire Property for the Domenigoni Valley Reservoir Project (MWD Parcel Nos. 144-002-006 & 008, Assessor's Parcel Nos. 465-120-011 & 014; Owner/Party: Brigham T. Jarvis; Under Negotiation: Price). (Conference with Real Property Negotiator, to be heard in closed session pursuant to Gov. Code §54956.8)

Report

Parcel Nos. 144-002-006 and 144-002-008 are partial acquisitions in fee consisting of 0.721 and 0.956 gross acres, while Parcel Nos. 144-002-006TEA1 and 144-002-008TEA1 are five-year temporary construction easements consisting of 1.245 and 1.650 gross acres. These four unimproved parcels, located in a heavy agricultural (A-2-10) zone, are required for the Eastside Pipeline Project, a support facility of the Domenigoni Valley Reservoir Project. The combined acreage of the larger parcel is approximately 41 acres in size and is owned by widower Brigham T. Jarvis.

An independent appraisal of the fair market value of the property was obtained by Metropolitan, and by letter dated January 27, 1994, Metropolitan offered to purchase the fee interests and temporary construction easements for a total combined amount of \$31,700. The Jarvis representative rejected the offer and instead countered at approximately \$62,000, referring to his own independent appraisal report. Metropolitan staff reviewed this report and determined it to be a mere property profile that did not substantiate their value claim. As a result, the Jarvis representative expressed the intent to pursue legal action and asked that a second independent appraisal report be prepared.

After lengthy negotiations a Jarvis representative has indicated, by written correspondence, that the Jarvis family is willing to accept \$37,500 as full compensation for the purchase of the fee and temporary easements over the subject property. In an effort to avoid additional expenses

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associated with an eminent domain trial and the possibility of a jury awarding in excess of \$37,500, staff believes that a settlement of \$37,500 for the subject parcels is prudent and in Metropolitan's best interest.

On October 8, 1991, your Board reviewed, certified and approved the Environmental Impact Report (EIR) for the Domenigoni Valley Reservoir Project and additional support facilities. The Eastside Pipeline Project is one such support facility, for which your Board reviewed, certified, and approved a Supplemental EIR on February 8, 1994. The Supplemental EIR identified the need to acquire additional property on the east side of the Canal for operational and construction requirements. Through the EIR for the Domenigoni Valley Reservoir Project and Supplemental EIR for the Eastside Pipeline, compliance with the California Environmental Quality Act (CEQA) has been met for these easement and property acquisitions and no further environmental documentation is needed for your Board to act on in this matter.

Board Committee Assignment

This letter is referred for action to the Land Committee because of its authority to study, advise, and make recommendations with regards to policies for the fixing of purchase prices, and the initiation and conduct of condemnation and other proceedings relating to the purchase of land or interest in property and related negotiations, pursuant to Administrative Code Section 2451(g).

Recommendation

LAND COMMITTEE FOR ACTION.

It is recommended that the General Manager be authorized to purchase Parcels 144-002-006, 144-002-006TEA1, 144-002-008, and 144-002-008TEA1 for a combined administrative settlement amount of \$37,500 in a form approved by the General Counsel.


John R. Wodraska