

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 28, 1992

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

From: General Manager

Subject: 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 Riverside County Assessor's Parcel Numbers, Vicinity, and Owners' Names, on the Attachment Hereto.

Report

The Metropolitan Water District will require property consisting of 4 fee parcels of land in Domenigoni Valley, Riverside County, California, for portions of the Domenigoni Valley Reservoir Project. The reservoir, the proposed construction, the required properties, and the public necessity for the project and for the properties are discussed in the attached statement of Metropolitan's Chief Engineer, Gary M. Snyder. The locations of the properties are shown on the attached drawings designated Exhibit B. Offers to purchase the properties required by California Government Code Section 7262.2 were made. On August 28, 1992, notices of intention to adopt a resolution of necessity and of an opportunity to appear and be heard before the Land Committee on September 14, 1992, as to the necessity for the Project and for the taking of the properties were mailed to the owners of all of the properties identified in Exhibit A attached hereto as Legal Parcels 1-4, inclusive. Under the law, we must have received a written request for a hearing within 15 days after the notice was mailed in order for a hearing to be required. No such request was made. A staff presentation was made in lieu of a hearing.

Transmitted herewith is a form of resolution declaring the necessity for the Project and for the acquisition of the properties described in Exhibit A attached thereto, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the properties.

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.

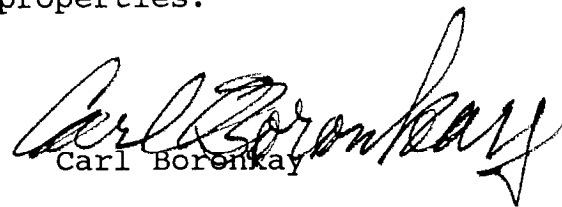
Board Committee Assignments

This letter was referred to the Legal and Claims Committee for action 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

LEGAL AND CLAIMS COMMITTEE FOR ACTION.

That the Board of Directors, by a two-thirds vote, adopt the attached 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.


Carl Borenkay

ATTACHMENT

<u>Assessor's Parcel No.</u>	<u>Vicinity</u>	<u>Owner's Names</u>
465-230-008	Northwest of Intersection of Newport Road and Castano Road	Scott L. Vaughn and Hassan and Mildred Hamza, as their interests appear of record.
466-060-031, 032, 033, 034, and 466-070-025, 026	Southwest corner of Newport Road and Winchester Road	3-M Property Investment Co., a partnership
465-200-007, 008, 009, 010	Southerly side of San Diego Canal and Darlene Lane, west of California Avenue	Ralph W. Rucker and Sherry A. Rucker, as their interests appear of record
469-270-016	Southeast corner Diamond Valley Road and Lyon Avenue	BSW Ranch, a partnership

RDT:pmsm
reso\eastland.att

STATEMENT OF GARY M. SNYDER IN SUPPORT OF
RESOLUTION OF NECESSITY (DOMENIGONI VALLEY RESERVOIR PROJECT)

I, GARY M. SNYDER, declare:

1. I am chief engineer of The Metropolitan Water District of Southern California.

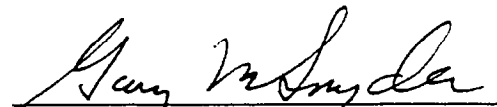
2. In order for Metropolitan to insure reliable delivery of water to its member public agencies for service to the public, it is necessary to construct, operate and maintain a water reservoir at a certain location in Domenigoni Valley, Riverside County, California.

3. The acquisition of properties, consisting of 4 fee parcels of land, described in the proposed resolution of necessity, is necessary for the construction, operation and maintenance of portions of the reservoir for the storage and transportation of water for domestic and municipal uses within the District's boundaries. The properties are located within the District's boundaries. Legal Parcels 1, 3 and 4 contain no affixed improvements. Parcel 2 contains fencing and two wells. The work to be performed includes clearing, grading and site preparation for or pertaining to the reservoir. It also includes necessary work for construction of a portion of the west dam of the reservoir on property designated as legal Parcel 2 in the proposed resolution of necessity, as well as relocation of a portion of the San Diego Canal thereon, and construction of a portion of the east dam of the reservoir on property designated as legal Parcel 4.

4. Metropolitan will require entry upon the properties in order to be able to commence the work.

5. So that it may be assured that Metropolitan will have possession and may proceed with the work, it is necessary that the resolution be adopted in order that an action or actions may be commenced to condemn the properties described in the proposed resolution of necessity, and a court order or orders obtained authorizing Metropolitan to take possession of the properties.

Executed in Los Angeles, on August 28, 1992.


Gary M. Snyder

RDT:pmsm
reso\eastland.4

EXHIBIT A

1. Fee simple in properties designated as Parcels 1-4, inclusive, in the attached Appendicies hereto and described therein.

RDT:pmsm:mg
reso\eastland.exh

PARCEL 1

144-1-57
Vaughn et al

Lot 2, also known as the northwest quarter of the southeast quarter of Section 36, Township 5 South, Range 2 West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

EXCEPTING therefrom one-sixteenth of all coal, oil, gas and other mineral deposits contained in said land, as reserved by the State of California in patent recorded April 28, 1928 in Book 9, page 309, of Patents, Riverside County Records.

PGW/p:/144157



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

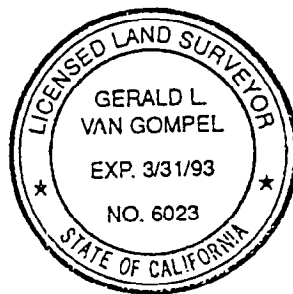
6-14-91
DATE

PARCEL 2

144-1-71
3M Property Investment Co.

Parcels 1 through 29, inclusive, as shown by Parcel Map No. 15532 on file in Book 115, pages 57 through 66, inclusive, of Parcel Maps, Records of Riverside County, California.

GVG/hk-D183



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MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

7-31-90
DATE

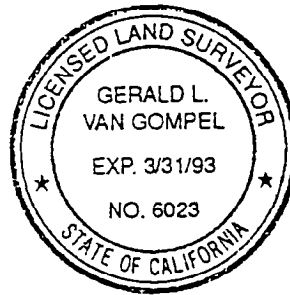
PARCEL 3

144-1-157
Rucker et ux

Parcels 1, 2, 3 and 4 of Parcel Map No. 17349, in the County of Riverside, State of California, as shown on map filed in Book 137, pages 26 through 29 inclusive, of Parcel Maps in the office of the County Recorder of said County.

EXCEPTING therefrom all gas, oil, hydrocarbons and other minerals below a depth of 500 vertical feet from the surface thereof, without right of entry on the surface thereof, as reserved to The Metropolitan Water District Of Southern California in the deed recorded December 20, 1977 as Instrument No. 251466 of Official Records.

PGW/p:/1441157



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MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

9-5-91
DATE

PARCEL 4

144-1-185
BSW Ranch,
a partnership

That portion of Parcel 4 of Parcel Map number 5189 recorded November 13, 1973, as shown by map on file in Book 10, page 72 of Parcel Maps, together with lettered Lots A and H of Parcel Map number 23901 recorded December 20, 1991, as shown by map on file in Book 174, pages 19 and 20 of Parcel Maps, all records of Riverside County, California, more particularly described as follows:

Beginning at the northwest corner of said Parcel 4, said corner also being the centerline intersection of Lyon Avenue and Diamond Valley Road, as shown on said Parcel Map number 5189; thence North 89° 26' 35" East 1227.41 feet along the north line of said Parcel 4 to the northwest corner of Parcel 1 of said Parcel Map number 23901; thence South 00° 25' 28" East 1328.89 feet along the west lines of Parcels 1 and 4 of said Parcel Map number 23901 to the southwest corner of last said Parcel 4, said point also being on the south line of said Parcel 4 of Parcel Map number 5189; thence South 89° 34' 32" West 1229.17 feet along said south line to the southwest corner of said Parcel 4 of Parcel Map number 5189; thence North 00° 20' 53" West 1326.05 feet, along the west line of said Parcel 4 of Parcel Map number 5189 to the point of beginning.



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Gerald L. Van Gompel
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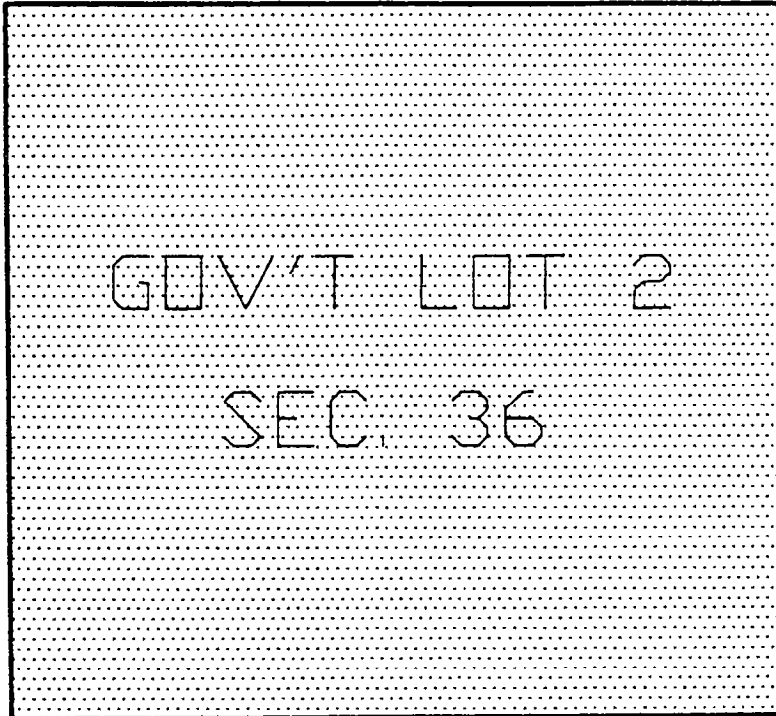
5-27-92
DATE

GVG\dom185.wp


Parcel 1

EXHIBIT B

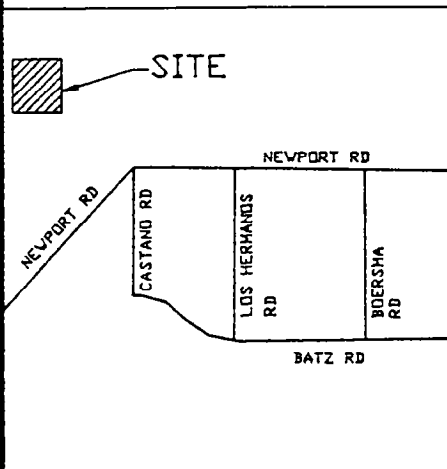
GOV'T LOT 2 OF SEC.36, T.5S., R.2W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:

 = FEE PARCEL
144-1-57

VICINITY MAP



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MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

6-14-91
DATE



NOT TO SCALE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENICONI RESERVOIR

GRANT DEED

SCOTT L. VAUGHN et al.

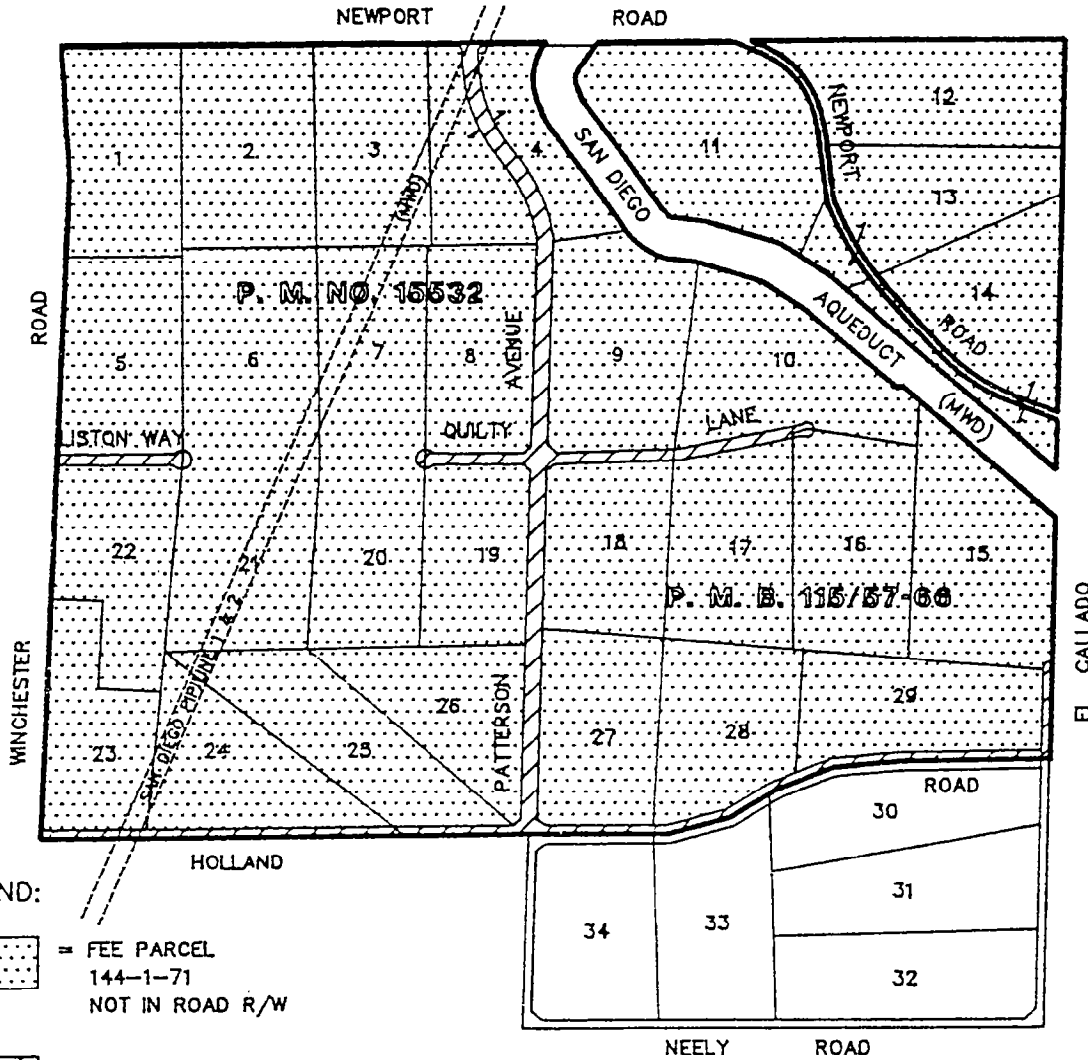
TO
M.W.D.

PARCEL 144-1-57

Parcel 2

EXHIBIT B

PARCELS 1 THROUGH 29 PER P. M. # 15532, P.M.B. 115/57-66
IN SEC. 3 & N1/2 NE 1/4 SEC. 10 , T6S , R2W S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

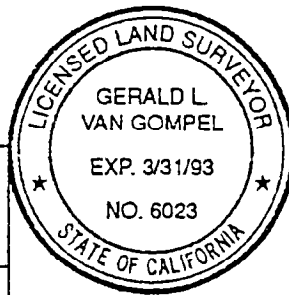
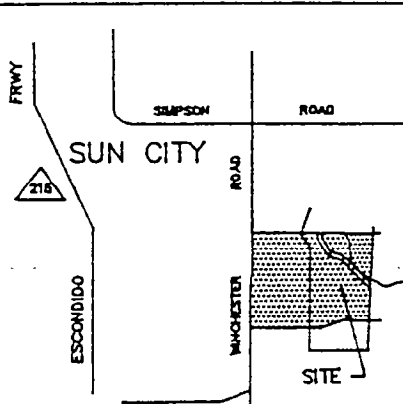


LEGEND:

= FEE PARCEL
144-1-71
NOT IN ROAD R/W

= FEE PARCEL
144-1-71
IN ROAD R/W

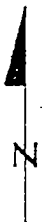
VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

7-31-90
DATE



NOT TO SCALE

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

DOMINGO RESERVOIR

GRANT DEED

3M PROPERTY INVESTMENT CO.

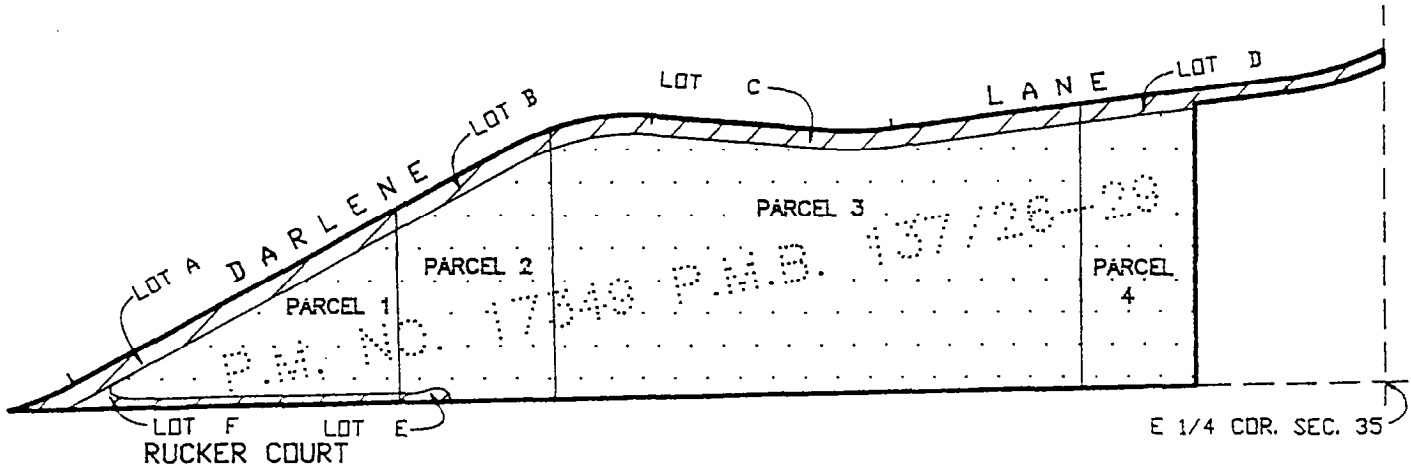
TO
M.W.D.

PARCEL 144-1-71

Parcel 3

EXHIBIT B


N 1/2 SECTION 35, T.5 S., R.2 W., S.B.M.
RIVERSIDE COUNTY, STATE OF CALIFORNIA




E 1/4 COR. SEC. 35

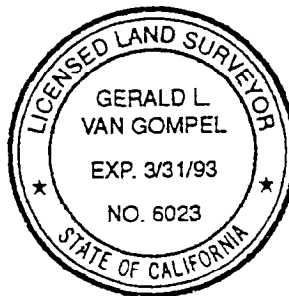
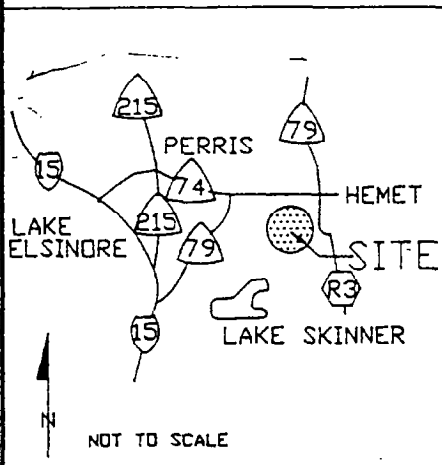
NOTE: PARCEL 1 INCLUDES LOT A AND F
 PARCEL 2 INCLUDES LOT B AND E
 PARCEL 3 INCLUDES LOT C
 PARCEL 4 INCLUDES LOT D

LEGEND:

 = FEE PARCEL 144-1-157
 NOT IN ROAD RIGHT OF WAY

 = FEE PARCEL 144-1-157
 WITHIN ROAD RIGHT OF WAY

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
 GERALD L. VAN GOMPEL

9-5-91
 DATE

**THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA**

EASTSIDE RESERVOIR - DOMENICONI SITE

GRANT DEED

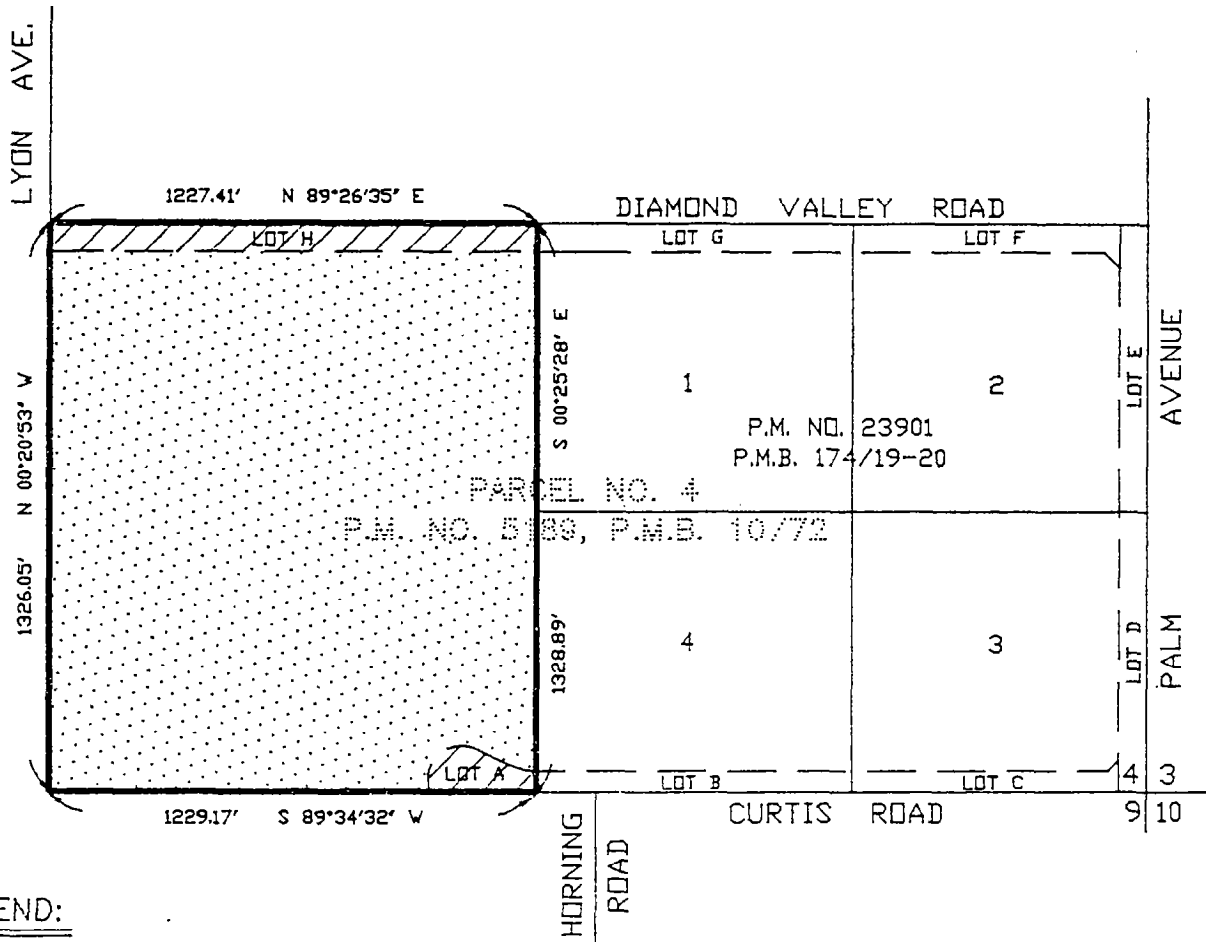
RUCKER
 TO
 M.W.D.

PARCEL 144-1-157



Parcel 4

EXHIBIT B

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



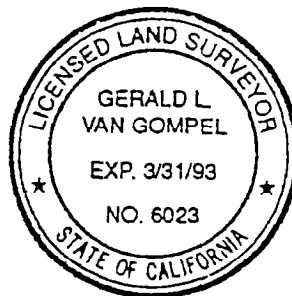
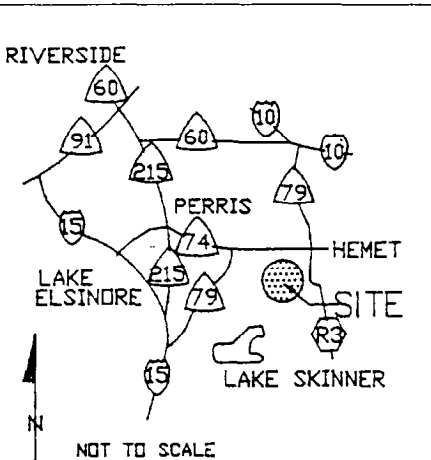
LEGEND:

-  = FEE PARCEL 144-1-185
Not in Road Right of Way
-  = FEE PARCEL 144-1-185
Within Road Right of Way

NOTES:

BASIS OF BEARINGS: P.M. NO. 23901

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

5-27-92
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI SITE

GRANT DEED

BSW RANCH, A Partnership
TO
M.W.D.

PARCEL 144-1-185

NOT TO SCALE

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
DIRECTING THE CONDEMNATION OF CERTAIN PROPERTIES SITUATED
IN RIVERSIDE COUNTY (DOMENIGONI VALLEY RESERVOIR PROJECT)

BE IT RESOLVED, by the Board of Directors of The
Metropolitan Water District of Southern California (District):

Section 1. The District's Board finds and determines that the public interest and necessity require, for public use, the construction, operation, and maintenance of a reservoir in the County of Riverside, California, for the storage and transportation of water for domestic and municipal uses within the District's boundaries, and that certain properties situated in the County of Riverside are necessary therefor.

Section 2. The properties, the acquisition of which is required by the public interest and necessity for the uses set forth in Section 1 hereof, consisting of 4 fee parcels of land, are described in Exhibit A attached hereto and incorporated herein by reference. The properties are located within the District's boundaries.

Section 3. The District's Board of Directors hereby declares its intention to acquire the properties by proceedings in eminent domain as authorized by the Metropolitan Water District Act (Stats. 1969, Ch. 209, as amended).

Section 4. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 5. Offers required by Section 7267.2 of the California Government Code have been made to the owners of record of each of the properties.

Section 6. The District's General Counsel is hereby directed to commence proceedings in the Superior Court of California, County of Riverside, for the purpose of condemning and acquiring the properties and to take such steps as may be necessary to secure an order of court permitting the District to take possession of the properties for the uses and purposes herein described. He is authorized to take such action and steps as he deems necessary in connection with such proceedings, including the amending of the complaint to reduce the extent of the properties to be acquired so as to reduce the compensation payable in the action where such change would not

substantially impair the construction and operation of the said public works, and to incur expenses necessary and incidental to the action.

I HEREBY CERTIFY, that the foregoing resolution was adopted at the meeting of the Board of Directors of The Metropolitan Water District of Southern California held the 13th day of October 1992, by vote of two-thirds of all its members, and I further certify that the foregoing is a full, true and correct copy of the resolution.

Executive Secretary
The Metropolitan Water District
of Southern California

RDT:pmsm
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