



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-7

March 23, 1993

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

General Manager

Resolution of Necessity Directing the General Counsel to Condemn Property Required for the Domenigoni Valley Reservoir Project in Riverside County, California, Identified by Riverside County Assessor's Parcel Numbers, MWD Right-of-Way Parcel Numbers and Owners' Names, on the Attachment hereto

Report

The Metropolitan Water District will require the real property described in Exhibits A and B, attached hereto, located in Domenigoni Valley, Riverside County, California, for portions of the Domenigoni Valley Reservoir Project. The reservoir, the proposed construction, the required property, and the public necessity for the project and for the property are discussed in the attached statement of Metropolitan's Chief Engineer, Gary M. Snyder. The location of each property is shown on the attached drawings designated as Exhibits B. Offers to purchase the property required by California Government Code section 7262.2 were made. On February 18, 1993, notice of intention to adopt a resolution of necessity and of an opportunity to appear and be heard before the Land Committee on March 8, 1993, as to the necessity for the Project and for the taking of the property were mailed to the owners of the property identified in Exhibits A and B. Under the law, we must have received a written request for a hearing within 15 days after the notice was served in order for a hearing to be required. A request was received from Kenneth Yee. Tom Maxwell, a representative of certain property owners, also appeared. A quorum of the Committee was present and a hearing was held. A written summary of the hearing and a written recommendation by the Land Committee as to whether the Board should adopt a resolution is attached hereto and was provided to the persons who appeared before the Committee.

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

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 Assignment

This letter is referred for action to the Legal and Claims Committee because of its authority (1) to advise, study, and make recommendations with regard to litigation brought by the District under Administrative Code section 2461(a).

Recommendation

LEGAL AND CLAIMS COMMITTEE FOR ACTION.

It is recommended 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 property described in Exhibits A and B attached thereto and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the property.


for Carl Boronkay

ATTACHMENT

<u>ASSESSOR'S PARCEL NO.</u>	<u>MWD PARCEL NO.</u>	<u>OWNERS' NAMES</u>
454-150-018, 019, 021	144-1-1,5	Kenneth and Christina Yee
454-150-006	144-1-115	Gilbert, Kenichi, and Aiko Nishino
454-140-008	144-1-125	John and Beatric Grodhal
454-030-056, 057, 058	144-1-171	Edmond and Margaret Vadnais
466-290-001	144-1-215	Theodore and George Rawson, Adelaide McKiernan, and Gary Wanczuk
466-290-003	144-1-219	Searl Brothers
466-290-007	144-1-227	Gary Wanczuk

**SUMMARY OF HEARING AND RECOMMENDATION
OF THE LAND COMMITTEE REGARDING
WHETHER THE BOARD OF DIRECTORS SHOULD
ADOPT A RESOLUTION OF NECESSITY TO
CONDEMN CERTAIN PROPERTY FOR THE
DOMENIGONI VALLEY RESERVOIR PROJECT**

On March 8, 1993, at Metropolitan Water District of Southern California headquarters, a hearing was held by the Land Committee of the Metropolitan Water District of Southern California Board of Directors. Land Committee Chairman Edward L. Kussman presided. The Committee was called to order and a quorum was present.

Chairman Kussman requested that Deputy General Counsel Joseph Vanderhorst present the matter to the Committee. Director Kazarian requested the reason why it was necessary to adopt numerous resolutions, rather than one resolution for all the properties in the project area. Mr. Vanderhorst stated that the Eminent Domain Law requires a finding that each parcel of land to be acquired is necessary for the project, and that the owners of each property have been made an offer based on an appraisal.

Mr. Vanderhorst then discussed the legal requirements for the adoption of a Resolution of Necessity, including the requirement that the Resolution be adopted by a two-thirds vote of the Board of Directors. The law also requires that notice and the opportunity to be heard be given to the property owners. Metropolitan's Board of Directors has delegated to the Land Committee the authority to hold the hearing required by law.

Mr. Vanderhorst reported that the property owners were served with the notice of the hearing by mailing on February 18, 1993, and a declaration of service was filed with the Executive Secretary. A written request to be heard was received from Kenneth Yee. Tom Maxwell, a representative of certain property owners, was also present. Mr. Vanderhorst then requested that Gary Snyder make the staff presentation regarding the project and properties.

Mr. Gary Snyder, Chief Engineer of Metropolitan Water District, described the project and referred to slides to show the location of the properties. Parcels 1 and 5 are outside the dam inundation area, but they will be required for construction areas and for future recreation areas identified as mitigation measures in the EIR. Parcel 171 is required for habitat mitigation. Parcels 215, 219 and 227 are part of the reservoir watershed. They are required for protection of water quality, as well as being potential borrow sites for construction work. Parcels 125 and 115 are in the dam construction areas. In response to questions from the

Committee, Mr. Snyder described the recreation areas which are a part of the environmental mitigation for the project. Mr. Randy Case of Right of Way and Land Division also stated that the offers made for the acquisition of the properties are based on appraisals of fair market value. He further stated that property owners are provided relocation benefits as required by law.

Chairman Kussman then inquired if Mr. Yee wished to ask questions or make a presentation. Mr. Yee stated that he had purchased his property for a long-term investment. The offer he had received from Metropolitan was inadequate and should be higher. He had retained two appraisers to look at comparable sales on the property and he had been provided a total of nine sales ranging in value from \$30,555 per acre to \$53,677 per acre. Of these sales, seven were above \$36,000 per acre. He presented a package of materials containing information on these sales and requested that they be considered and that he be offered a higher amount for his property. The package was accepted by Mr. Vanderhorst, and Mr. Case indicated that any information provided by a property owner would be considered in determining whether it reflected on the fair market value of the property.

It was moved, and seconded, that the Land Committee recommend that the Board of Directors adopt the proposed Resolution. The motion carried unanimously. Chairman Kussman stated that a written summary of the hearing would be provided to the Board of Directors and to each person who appeared before the Committee, and that each such person was entitled to appear and be heard before the Board of Directors on April 13, 1993, at 12:30 p.m.

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.

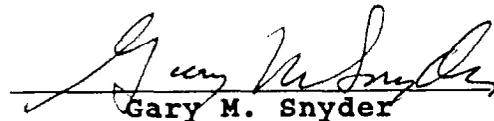
2. In order for Metropolitan to insure reliable delivery of water to its member public agencies for service to the public, it is necessary to construct, operate and maintain a water reservoir in Domenigoni Valley, Riverside County, California.

3. The acquisition of the fee interest in the properties described in the proposed resolution of necessity is necessary for the construction, operation and maintenance of the reservoir. The properties are located within Metropolitan's boundaries.

4. Metropolitan will require entry upon the properties in order to be able to commence construction of the project.

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 March 25, 1993.


Gary M. Snyder

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 to be acquired for the public use set forth in Section 1 hereof consist of the fee interest in the parcels of land described in Exhibits A attached hereto and incorporated herein by reference. The properties are located within the District's boundaries at the locations shown on Exhibits B attached hereto and incorporated herein by reference. The District's Board finds and determines that the properties are necessary for the proposed project.

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. The offer required by section 7267.2 of the California Government Code has been made to the owners of record 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 property 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 April, 1993, 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

EXHIBIT A

144-1-1, 5
Yee

Parcels 7, 8, 10 and 11 of Parcel Map No. 10007 in the County of Riverside, State of California as shown by map on file in Book 50, pages 6, 7, 8 and 9 of Parcel Maps, records of Riverside County, California.

PGW/p:/14411



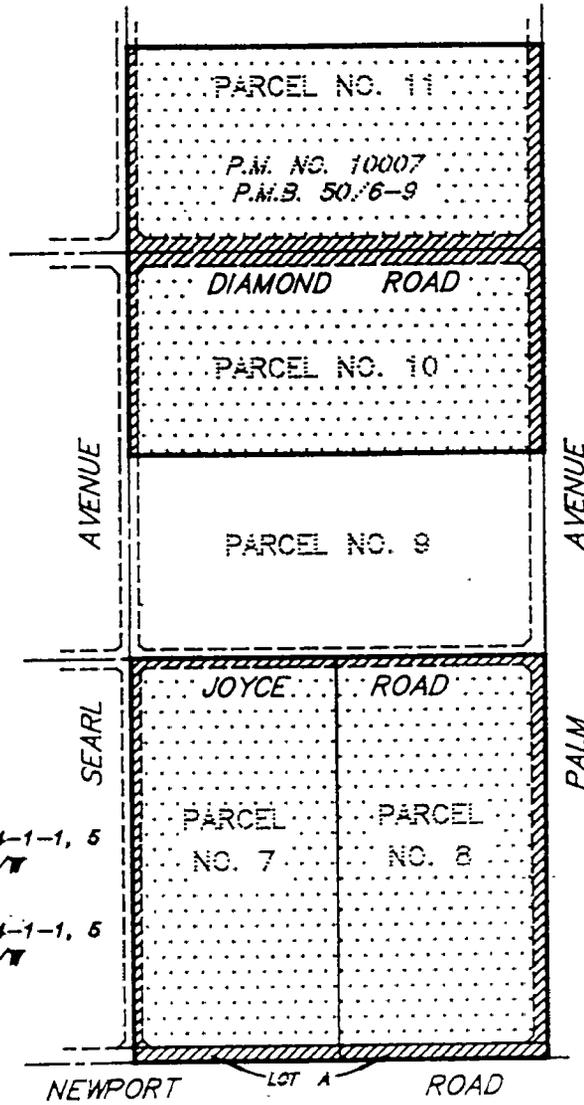
**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

10-22-91
DATE

EXHIBIT B

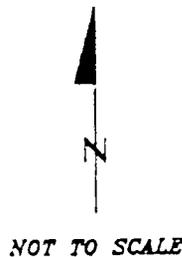
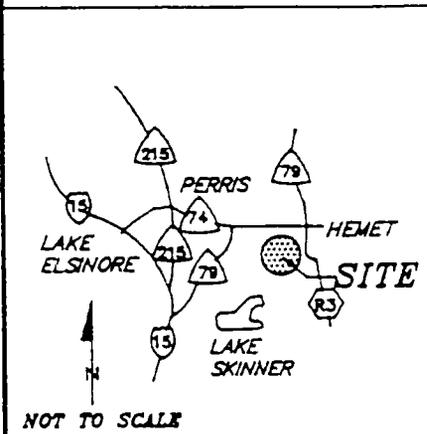
E. 1/2, SECTION 33, T.5S., R.1W., RANCHO SAN JACINTO VIEJO
RIVERSIDE COUNTY, CALIFORNIA



LEGEND:

-  = FEE PARCEL 144-1-1, 5 NOT IN ROAD R/W
-  = FEE PARCEL 144-1-1, 5 WITHIN ROAD R/W

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

10-22-91
DATE



**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

EASTSIDE RESERVOIR - DOMENIGONI

GRANT DEED

**KENNETH N. YEE & CHRISTINA C. YEE
CO-TRUSTEE OF THE YEE FAMILY TRUST**

TO
M.W.D.

MWD PARCELS 144-1-1, 5

EXHIBIT A

144-1-115
Nishino et al

Parcel 2 of Parcel Map No. 6028, in the County of
Riverside, State of California, as shown on map filed in Book
14, page 23, of Parcel Maps in the office of the County
Recorder of said County.

PGW/p:/1441115



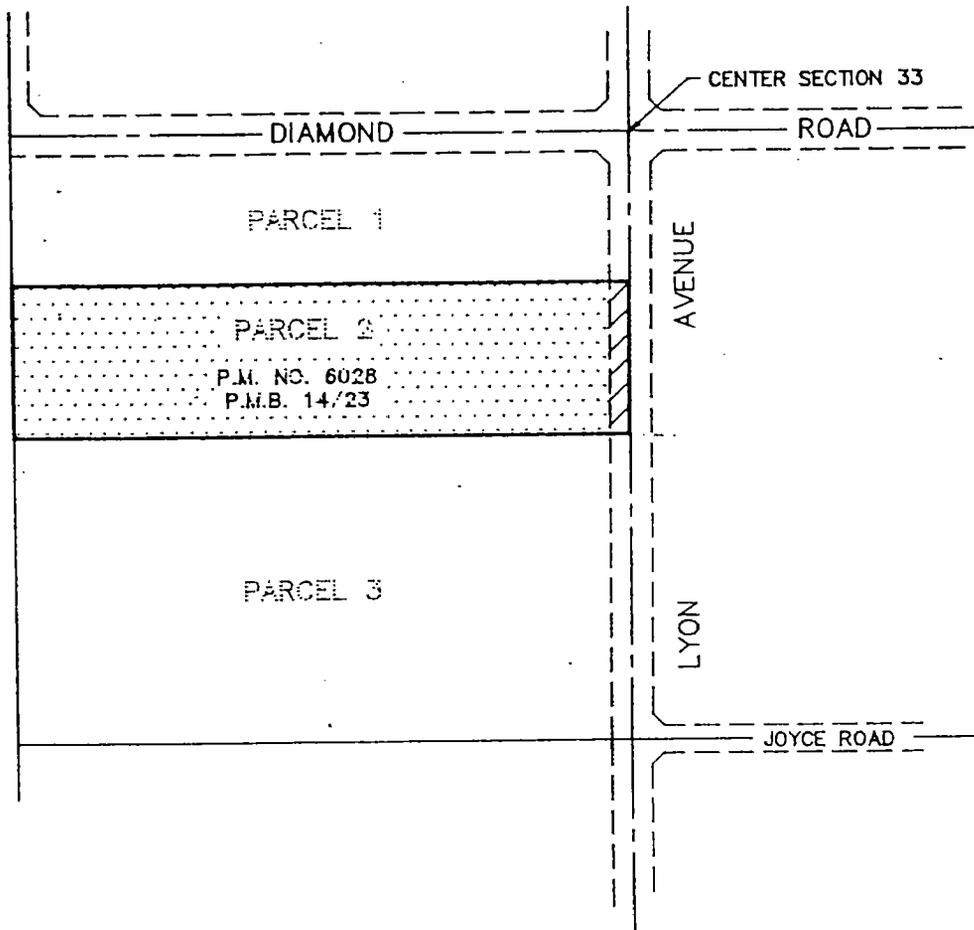
**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

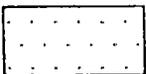
10-15-91
DATE

EXHIBIT B

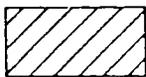
SW.1/4, SECTION 33, T.5S., R.1W., RANCHO SAN JACINTO VIEJO
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:

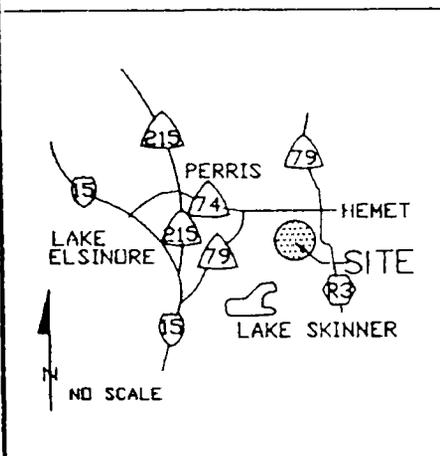


= FEE PARCEL 144-1-115
NOT IN ROAD R/W



= FEE PARCEL 144-1-115
WITHIN ROAD R/W

VICINITY MAP



PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

10-15-91
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI SITE

GRANT DEED

NISHINO et al
TO
M.W.D.

PARCEL 144-1-115

EXHIBIT A

144-1-125
Grodahl et ux

That portion of the northwest quarter of Section 33, Township 5 South, Range 1 West, Riverside County, California lying within Tract XVI of the Partition of the Rancho San Jacinto Viejo, as described in a Decree of the Superior Court of San Diego County, California dated November 22, 1882, and as shown by Map of said Partition made under said Decree recorded December 8, 1882 in Book 43 page 161 of Deeds, San Diego County Records, described as follows:

Commencing at the center of said Section 33; thence west on the south line of said northwest quarter 1320 feet; thence north parallel with the east line of said northwest quarter 1320 feet to the TRUE POINT OF BEGINNING; thence continuing north parallel with the east line of said northwest quarter 660 feet; thence west parallel with the south line of said northwest quarter 660 feet; thence south parallel with the east line of said northwest quarter 660 feet; thence east parallel with the south line of said northwest quarter 660 feet to the TRUE POINT OF BEGINNING.



PGW/p:/1441125

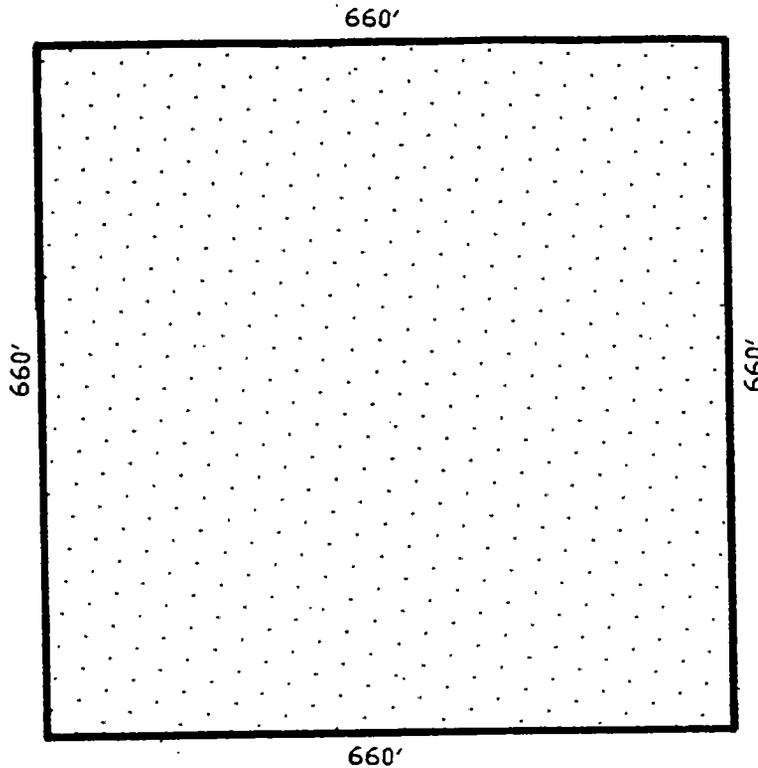
PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

11-5-91
DATE

EXHIBIT B

SECTION 33, T.5 S., R.1 W., RANCHO SAN JACINTO VIEJO
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:



= FEE PARCEL 144-1-125

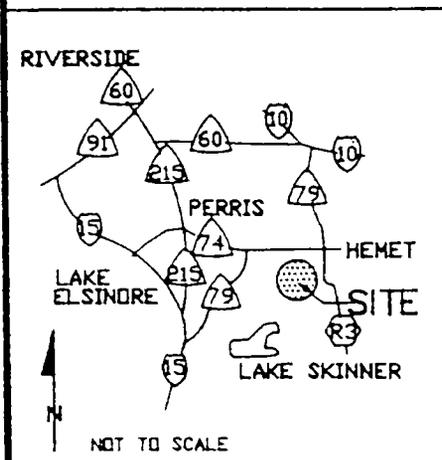


PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

11-5-91
DATE

VICINITY MAP



NOT TO SCALE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI SITE

GRANT DEED

JOHN GRODAHL, ET UX
TO
M.W.D.

PARCEL 144-1-125

EXHIBIT A

144-1-171

Edmond J. Vadnais et ux

The south 500 feet, as measured at right angles to the south line of Parcel Map Number 20069, in the County of Riverside, State of California, being portions of Parcels 2 and 3 of said Parcel Map, as shown on map filed in Book 141, pages 7 and 8, of Parcel Maps in the office of the County Recorder of said County, containing 7.68 acres, more or less.

PMO/p:/1441171



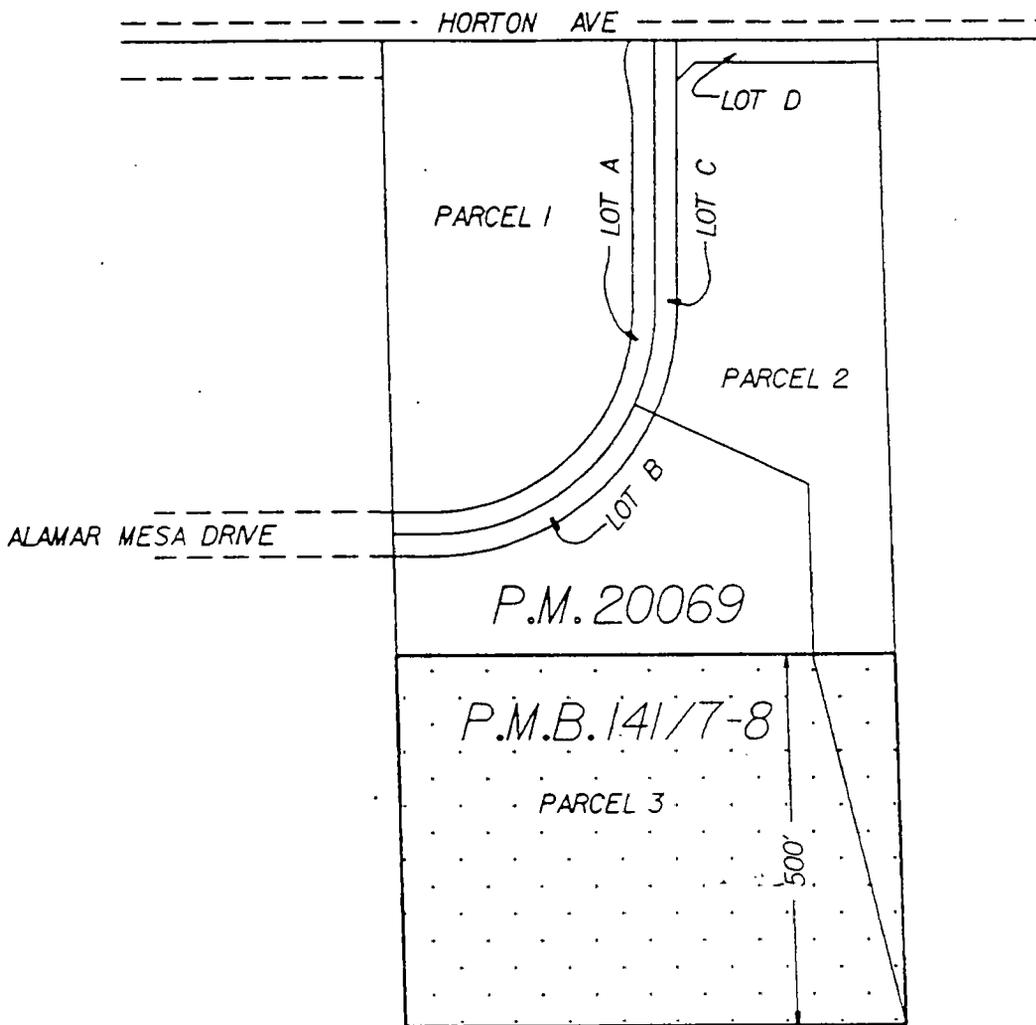
**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

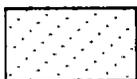
2-17-93
DATE

EXHIBIT B

E. 1/2, NW. 1/4, SE. 1/4, SEC. 30, T.5S, R.1W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND



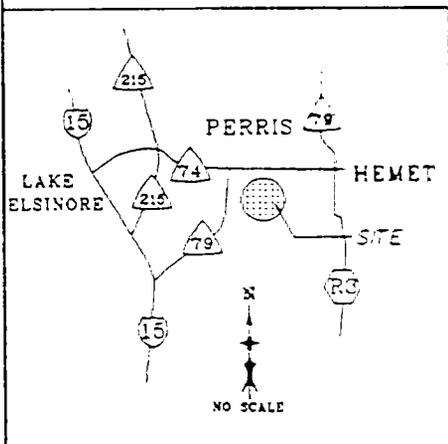
FEE TAKE PARCEL 144-1-171
1755 ACRES



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

2-17-93
DATE



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENIGONI VALLEY RESERVOIR PROJECT
GRANT DEED

EDMOND J. VADNAIS et ux

TO
MWD

PARCEL 144-1-171

EXHIBIT A

144-1-215
Rawson et al

The northwest quarter of the northwest quarter (NW $\frac{1}{2}$ NW $\frac{1}{4}$); the west half of the northeast quarter of the northwest quarter (W $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{4}$); the southeast quarter of the northeast quarter of the northwest quarter (SE $\frac{1}{4}$ NE $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 13, Township 6 South, Range 2 West, San Bernardino Meridian in the County of Riverside, State of California.

EXCEPTING therefrom all mineral rights as reserved for the United States of America, as disclosed by document recorded August 31, 1894 in Book 20, page 260 of Deeds, records of Riverside County, California.



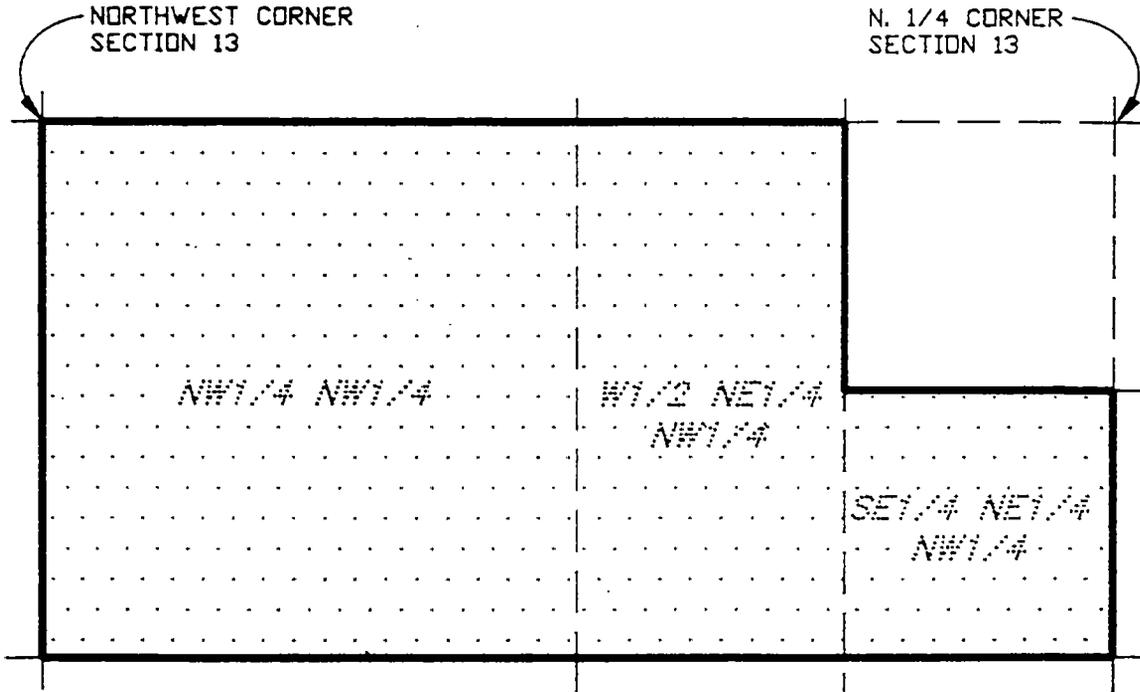
PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

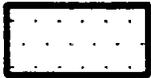
8-4-92
DATE

EXHIBIT B

NW 1/4, SECTION 13, T.6 S., R.2 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

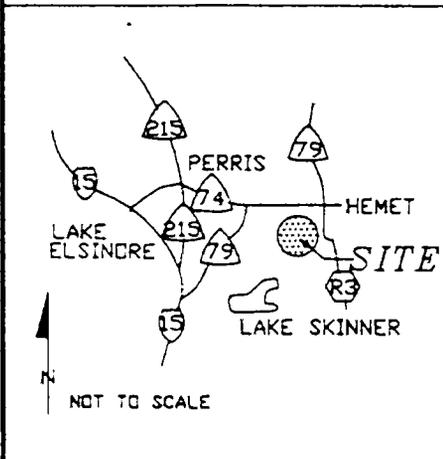


LEGEND:



= FEE PARCEL 144-1-215

VICINITY MAP



PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

8-4-92
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENICONI SITE

GRANT DEED

THEODORE RAWSON, ET AL
TO
M.W.D.

PARCEL 144-1-215

EXHIBIT A

144-1-219
Searl Bros.

The southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); the east half of the southwest quarter of the northwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 13, Township 6 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California.



**PREPARED UNDER
MY SUPERVISION.**

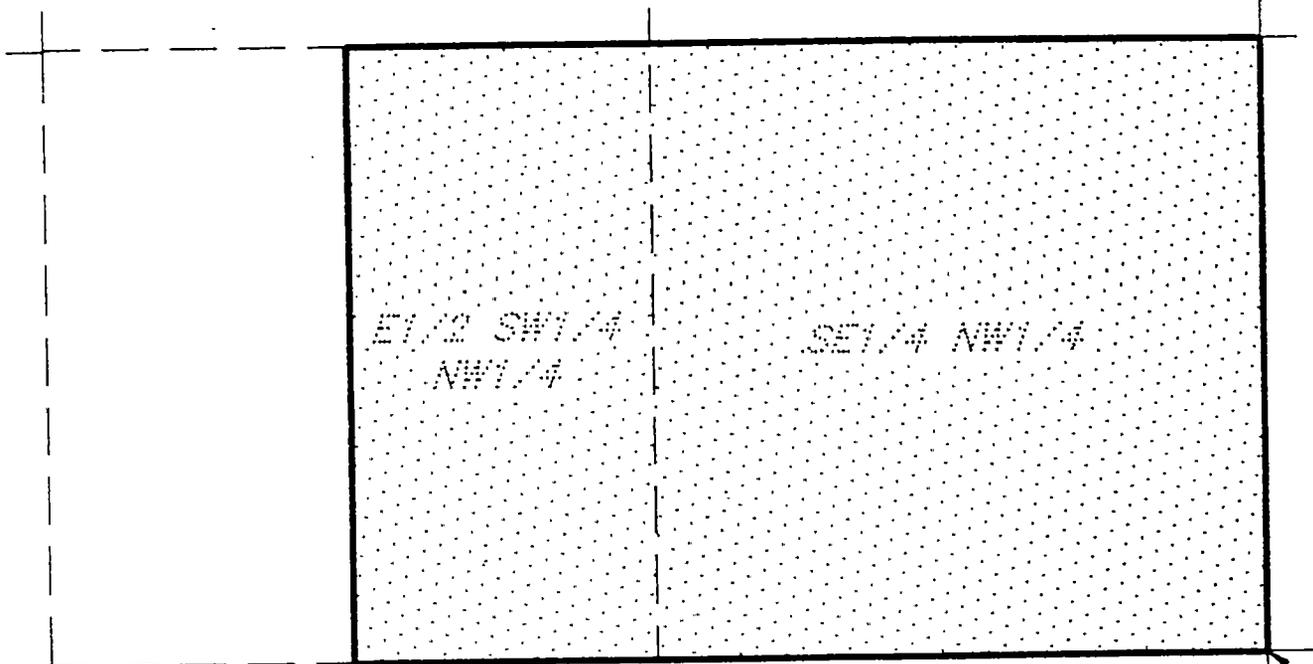
Gerald L. Van Gompel
GERALD L. VAN GOMPEL

8-4-92
DATE

PGW/p:/1441219

EXHIBIT B

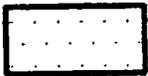
NW 1/4, SECTION 13, T.6 S., R.2 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



W 1/4 CORNER
SECTION 13

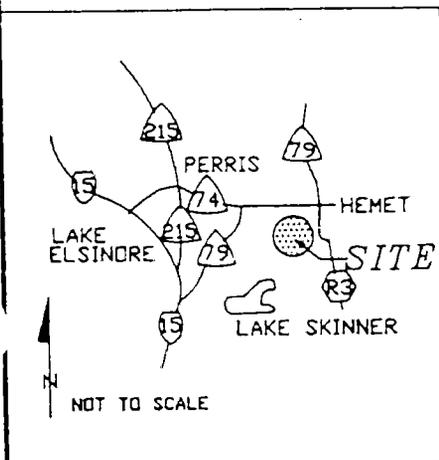
CENTER SECTION 13

LEGEND:



= FEE PARCEL 144-1-219

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

8-4-92
DATE

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

EASTSIDE RESERVOIR - DOMENICONI SITE

GRANT DEED

SEARL BROTHERS, PARTNERSHIP
TO
M.W.D.

PARCEL 144-1-219

EXHIBIT A

144-1-227
Wanczuk, Gary

The northeast quarter of the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, Township 6 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California.

EXCEPTING therefrom all mineral rights as reserved for the United States of America as disclosed by document recorded August 31, 1894 in Book 20, page 260 of Deeds, records of Riverside County, California.



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

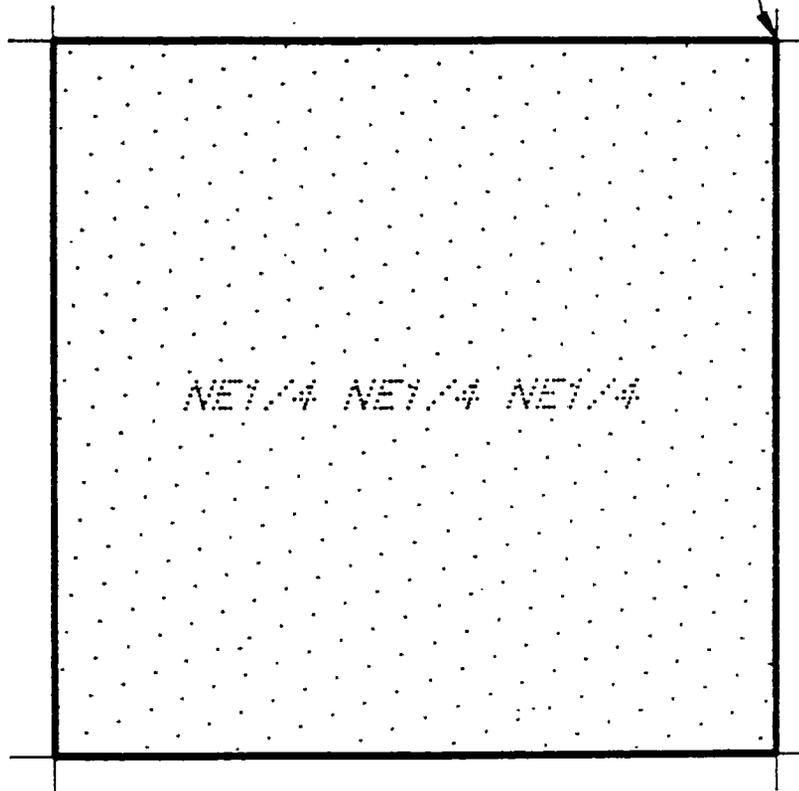
8-4-92
DATE

PGW/p:/1441227

EXHIBIT B

**NE 1/4 NE 1/4 NE 1/4, SECTION 13, T.6 S., R.2 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

NORTHEAST CORNER
SECTION 13



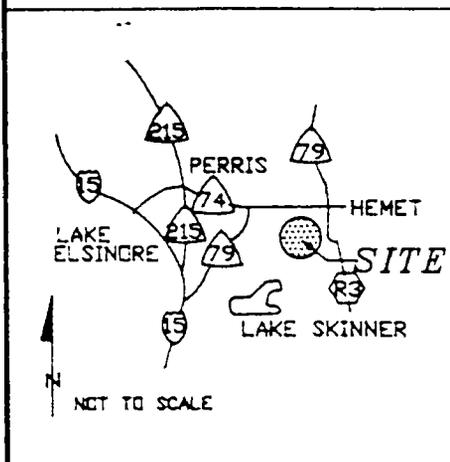
NE 1/4 NE 1/4 NE 1/4

LEGEND:



= FEE PARCEL 144-1-227

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

8-4-92
DATE

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

EASTSIDE RESERVOIR - DOMENIGONI SITE

**GRANT DEED
GARY WANCZUK
TO
M.W.D.**

PARCEL 144-1-227

