

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

May 17, 1993

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

From: General Manager

Subject: 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 April 23, 1993, notice of intention to adopt a resolution of necessity and of an opportunity to appear and be heard before the Land Committee on May 10, 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. No requests to appear were received. 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.

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 General Manager

ATTACHMENT

<u>ASSESSOR'S PARCEL NO.</u>	<u>MWD PARCEL NO.</u>	<u>OWNERS' NAMES</u>
469-030-019	144-1-507	Stewart and Margaret Chase
469-240-002	144-1-33	Stewart Chase and Alice Funk
465-210-009	144-1-245	Dennis and Debra Engelhardt
454-130-008	144-1-509	Dorothy Searl

JV:ks
KARSCH\JVBOARD\ATTACH.LT4

**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 May 10, 1993, at MWDSC headquarters, a hearing was held by the Land Committee of the MWDSC 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. Mr. Vanderhorst advised the Committee that the eminent domain law makes adoption of a resolution of necessity a pre-requisite to the filing of an action to condemn property. The resolution establishes three issues: 1) Whether public interest or necessity require the project; 2) Whether the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury; and 3) Whether the subject property is necessary for the project.

Notice of the hearing and the opportunity to be heard was mailed to the owners of the subject properties on April 23, 1993. No requests to appear and be heard were received from any owner.

Mr. Dennis Majors made a presentation on the need for the project, and the process by which the site was selected. He identified the parcels which are the subject of the resolution and the reasons these parcels are required for the project. Parcels 33, 507, and 509 are in the inundation area of the reservoir and are also to be used as a source for clay, silt and rock for construction of the dams. Parcel 245 is located on the north hills and is needed for access and operational work on the reservoir.

There were no property owners present at the hearing.

There was a motion and a second to recommend adoption of the resolution of necessity. The motion was passed unanimously.

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.

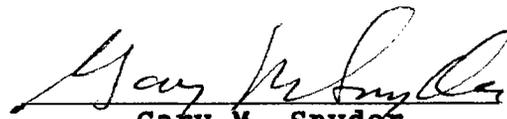
2. In order for Metropolitan to insure reliable delivery of water to its member public agencies for service to the public, it is necessary to construct, operate and maintain a water reservoir in Domenigoni Valley, Riverside County, California.

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 May 19, 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, 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 15th day of June, 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

144-1-507
Chase et ux

Parcel 4 of Parcel Map No. 15757, in the County of Riverside, State of California, as shown on map filed in Book 84, page 77, of Parcel Maps in the office of the County Recorder of said County.

PGW/p:/1441507



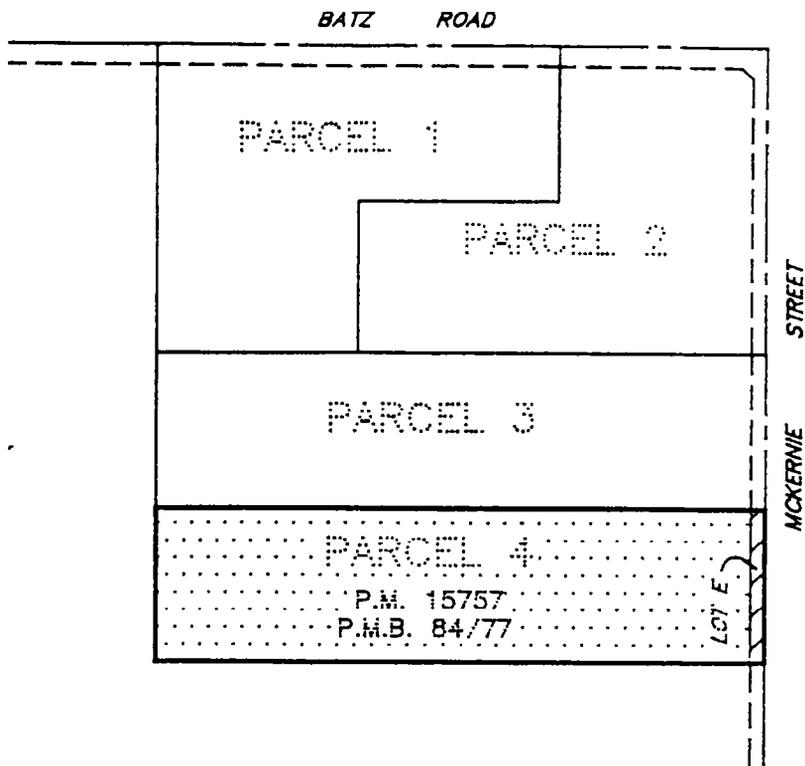
**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

12-9-91
DATE

EXHIBIT B

SE. 1/4, SECTION 6, T.6S., R.1W., S.B.M.
RIVERSIDE COUNTY, CALIFORNIA



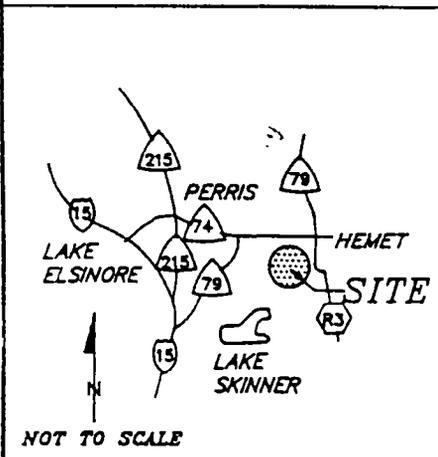
LEGEND:

 = FEE PARCEL 144-1-507
NOT IN ROAD R/W

 = FEE PARCEL 144-1-507
WITHIN ROAD R/W

NOTE: PARCEL 4 INCLUDES LOT E

VICINITY MAP



PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

12-9-91
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI

GRANT DEED

STEWART F. CHASE et ux
TO
M.W.D.

MWD PARCEL 144-1-507

NOT TO SCALE

EXHIBIT A

144-1-33

Chase et al

Parcel 3 as shown by Parcel Map No. 10692, in the County of Riverside, State of California, on file in Book 66, pages 20 through 22 inclusive, of Parcel Maps, Records of Riverside County, California.

PGW/p:/144133

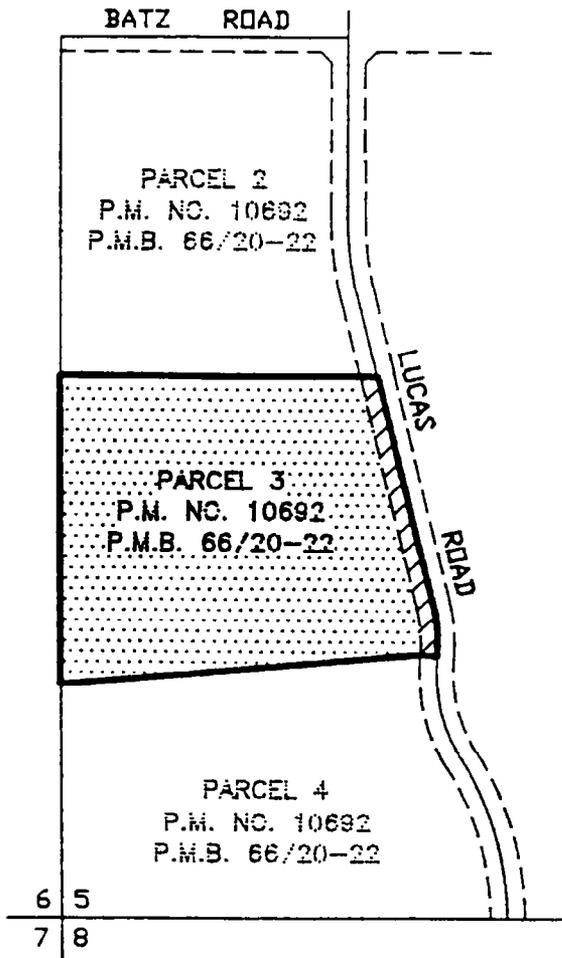


**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

10-15-91
DATE

EXHIBIT B
SECTION 5, T.6 S., R.1 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:

-  = FEE PARCEL 144-1-33 NOT IN ROAD RIGHT OF WAY
-  = FEE PARCEL 144-1-33 WITHIN ROAD RIGHT OF WAY

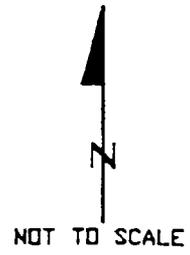
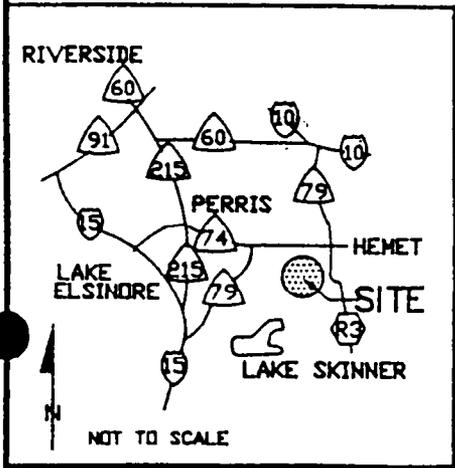


PREPARED UNDER
MY SUPERVISION.

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

10-15-91
DATE

VICINITY MAP



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI SITE

GRANT DEED
STEWART F. CHASE, ET AL
TO
M.W.D.
PARCEL 144-1-33

EXHIBIT A

144-1-245
ENGELHARDT et al

The westerly 331.00 feet, as measured on the south line of Parcel 1 of Parcel Map 6245, in the County of Riverside, State of California, as per map recorded in Book 17, page 82 of Parcel Maps, in the office of the County Recorder of said County.



**PREPARED UNDER
MY SUPERVISION.**

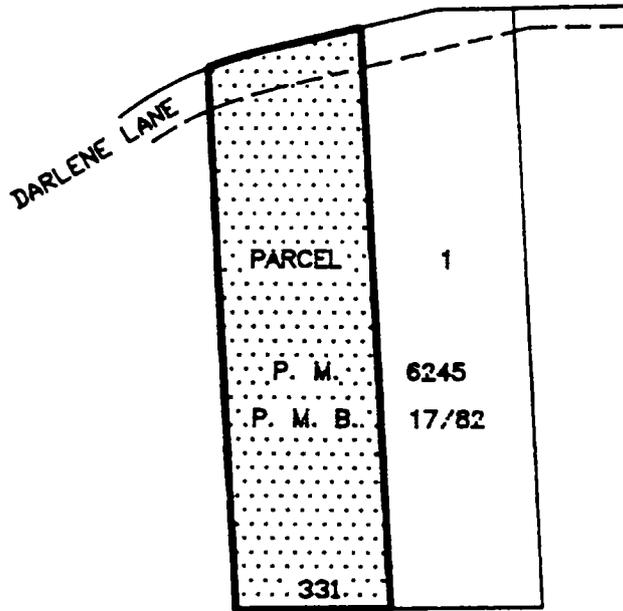
Gerald L. Van Gompel
GERALD L. VAN GOMPEL

2-2-93
DATE

GVG\1441245.wp

EXHIBIT B

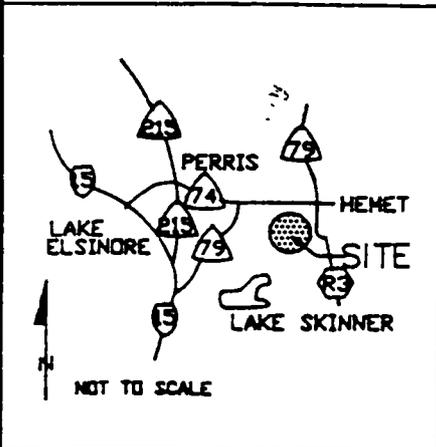
N.1/2, SW.1/4, SECTION 35, T.5S., R.2W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND:

 = FEE PARCEL 144-1-245

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

2-2-93
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENIGONI VALLEY RESERVOIR PROJECT

GRANT DEED
ENGELHARDT ET AL
TO
M.W.D.

PARCEL 144-1-245

EXHIBIT A

144-1-509
Dorothy S. Searl

The southerly 600 feet of Government Lot 2 of the southeast quarter of Section 32, Township 5 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California.



**PREPARED UNDER
MY SUPERVISION.**

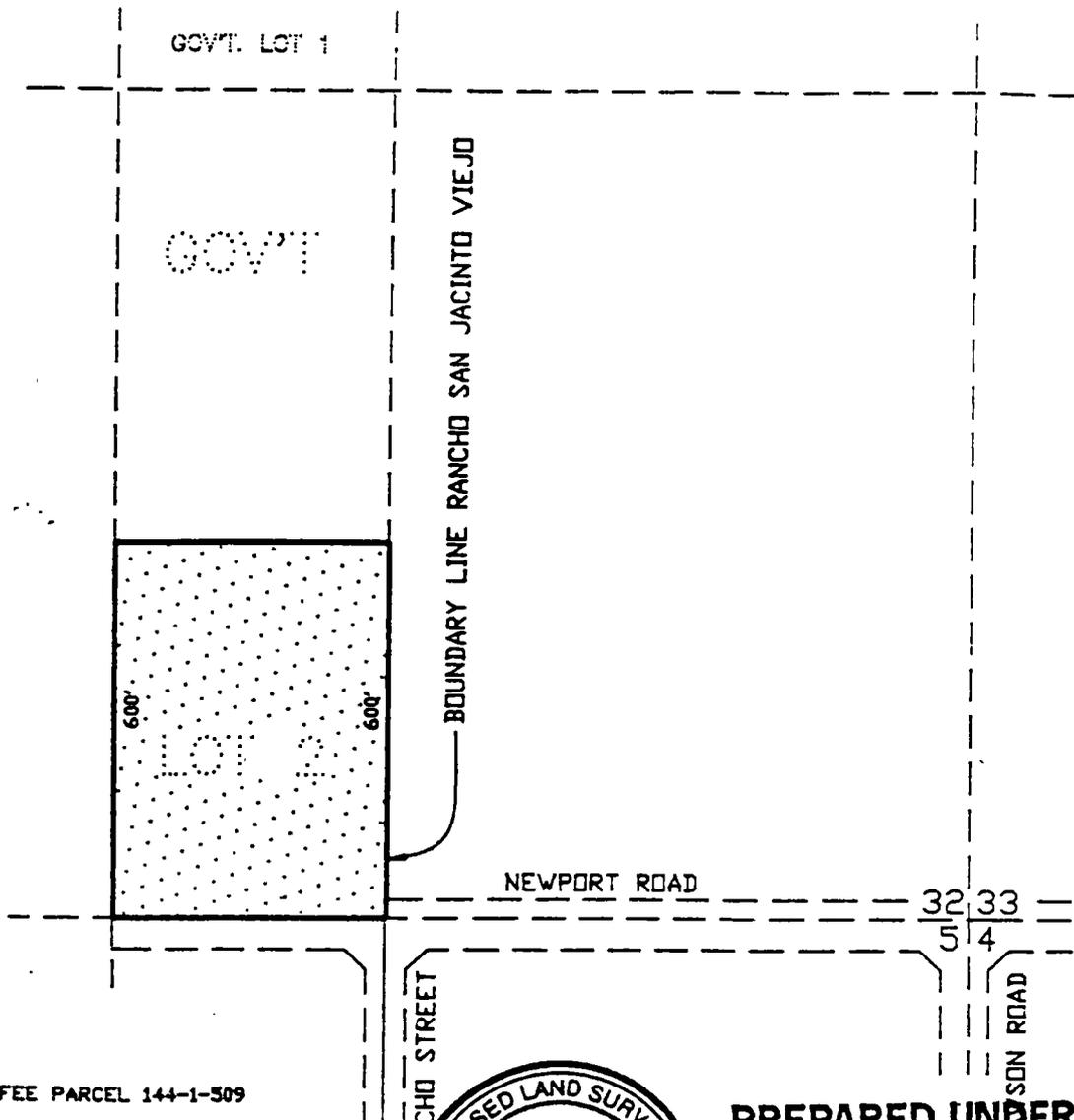
Gerald L. Van Gompel
GERALD L. VAN GOMPEL

1-2-92
DATE

GVG/1441509

EXHIBIT B

SECTION 32, T.5 S., R.1 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

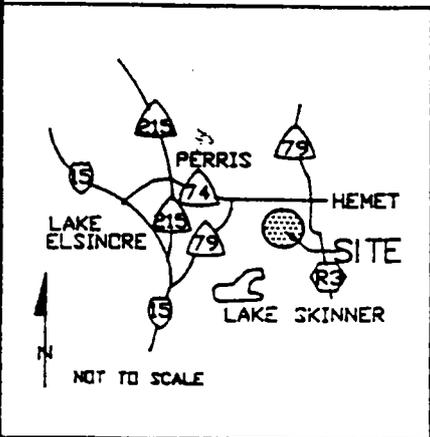


LEGEND:



■ FEE PARCEL 144-1-509

VICINITY MAP



**PREPARED UNDER
MY SUPERVISION.**

Gerald L. Van Gompel
GERALD L. VAN GOMPEL

1-2-92
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR - DOMENIGONI SITE

GRANT DEED
DOROTHY SEARL
TO
M.W.D.

PARCEL 144-1-509