

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

November 16, 1993

To: Board of Directors (Land Committee--Action)
(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 as MWD
Right-of-Way Parcel Numbers 144-1-159 and 144-1-159.1 and
owned by FN Development Company, Alpha, a California
corporation.

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 property is designated as MWD Right-of-Way Numbers 144-1-159 and 144-1-159.1, and is owned by FN Development Company, Alpha. The location of the property is shown on the attached drawings designated as Exhibit B. An offer to purchase the property as required by California Government Code section 7262.2 was made.

A hearing for resolution of necessity is scheduled to be held by the Land Committee regarding this property at its meeting on December 13, 1993. If the Land Committee recommends that the resolution of necessity be adopted, the matter will be presented to the Legal and Claims Committee and to the Board at its meeting on December 14, 1993.

On November 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 December 13, 1993, as to the necessity for the Project and the taking of the property were served on the owner 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 quorum of the Committee is required for such a hearing. Following the hearing, and before the meeting of the Board of Directors on December 14, 1993, a written summary of the hearing and a written recommendation by the Land Committee as to whether the Board should adopt a resolution will be provided to the Board

and to each person who received notice and appeared before the Committee.

Transmitted herewith is the form of resolution declaring the necessity of the Project and for the acquisition of the property described in Exhibits A and B, 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. On April 13, 1993, your Board adopted Addendum No. 1 to the Final Environmental Impact Report and determined that the alignment of Relocated Newport Road will not have a significant impact on the environment. 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 for action to:

The Land Committee because of its authority (1) to advise, study, and make recommendations with regard to the initiation of condemnation proceedings under Administrative Code section 2451(g); and (2) to hold the hearing and make the recommendation required by Code of Civil Procedure section 1245.135(c) concerning adoption by the Board of a resolution of necessity to acquire property under Administrative Code section 8225; and

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

Board of Directors

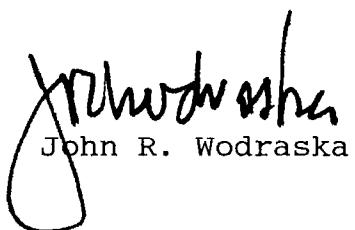
-3-

November 16, 1993

Recommendation

LAND AND LEGAL AND CLAIMS COMMITTEES FOR ACTION.

It is recommended that the Board of Directors, by a two thirds vote, adopt the attached resolution declaring the necessity for the 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.



John R. Wodraska

JV:ks
KARSCH\JVBOARD\RESNLT12
Attn.

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.

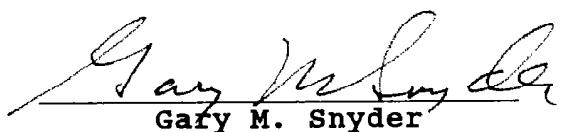
2. In order for Metropolitan to insure reliable delivery of water to its member public agencies for service to the public, it is necessary to construct, operate and maintain a water reservoir in Domenigoni Valley, Riverside County, California. Construction of the reservoir will result in the closure of existing roadways including Newport Road. Metropolitan will reconstruct Newport Road on an alignment north of the reservoir project.

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 Relocated Newport Road. 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 November 22, 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 for the storage and transportation of water, and for the relocation of Newport Road in connection with the reservoir, in the County of Riverside, California, 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 Exhibit A attached hereto and incorporated herein by reference. The properties are located within the District's boundaries at the locations shown on Exhibit 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 14th day of December, 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

144-1-159
FN Projects Inc.

Parcel 1

Government Lots 3 and 4 in Section 29, Township 5 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California, containing 82.378 acres, more or less.

Parcel 2

The northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 5 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California.

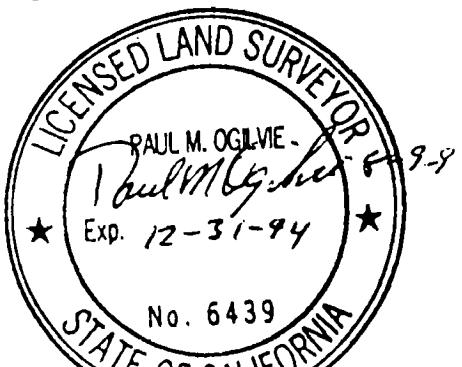
EXCEPTING from said NE $\frac{1}{4}$ SE $\frac{1}{4}$ that portion conveyed to Eastern Municipal Water District by Corporation Grant Deed recorded January 7, 1988 as Instrument No. 4049, Official Records of Riverside County, State of California.

Said portion to be conveyed contains 37.870 acres, more or less.

Parcel 3

All of Lots 2, 18 and 19 and that portion of Lots 1, 17, 20 and 21 of Los Santos Tract No. 2, as shown on map filed in Book 9, page 14 of Maps, records of Riverside County, State of California, lying southerly of a line being parallel and concentric with, and 250 feet southerly of, as measured at right angles, and radial to the following described line:

Beginning at the northwest corner of Section 34, T5S, R2W, SBM, as marked by 1 $\frac{1}{4}$ inch diameter iron pipe with County Surveyor tag, 12" below the surface, thence S 00° 20' 36" W 294.02 feet along the west line of said Section 34 to the TRUE POINT OF BEGINNING of said described line; thence leaving said west line N 89° 37' 23" E 2662.98 feet; thence N 89° 50' 00" E 2657.59 feet; thence N 88° 52' 53" E 2653.29 feet; thence N 88° 53' 07" E 2626.12 feet; thence 582.57 feet along the arc of a tangent curve, concave northwesterly, having a radius of



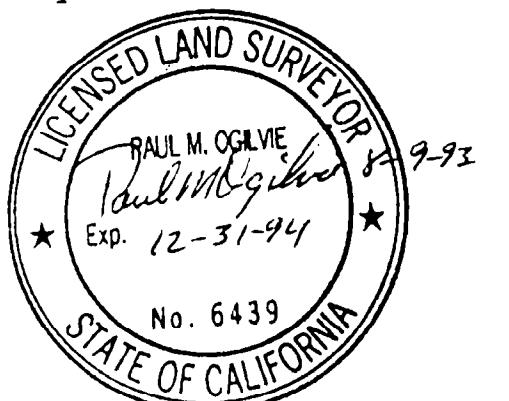
1000 feet; thence tangent to said curve N 55° 30' 23" E 18.01 feet; thence 535.41 feet along the arc of a tangent curve, concave southeasterly, having a radius of 1000 feet; thence tangent to said curve N 86° 11' 00" E 1711.13 feet; thence 1113.69 feet along the arc of a tangent curve, concave northwesterly, having a radius of 1275.86 feet; thence tangent to said curve N 44° 21' 52" E 2162.82 feet; thence 2174.65 feet along the arc of a tangent curve, concave southeasterly, having a radius of 2727 feet; thence tangent to said curve S 89° 56' 42" E 916.72 feet; thence 1172.83 feet along the arc of a tangent curve, concave northwesterly, having a radius of 2073 feet; thence tangent to said curve N 57° 38' 21" E 1480.70 feet to a point on the east line of Section 30, T5S, R1W, SBM.

Said portion to be conveyed contains 34.439 acres, more or less.

Parcel 4

That portion of Parcel 4 of Parcel Map No. 24114, as shown on map filed in Book 157, pages 23 through 26, inclusive, of Parcel Maps, records of Riverside County, State of California, lying southerly of the southerly line of that Parcel conveyed in an Irrevocable Offer To Dedicate, 320 feet wide, recorded April 18, 1985 as Instrument No. 81700 of Official Records of said Riverside County, together with that portion of said Parcel 4 described as follows:

Commencing at the southeast corner of said Parcel 4 as marked by a 1" diameter iron pipe, 4" above the surface, with RCE tag 12116; thence N 00° 34' 22" W along the easterly line of said Parcel 4 a distance of 1234.71 feet to the southerly line of said Irrevocable Offer to Dedicate; thence along said southerly line N 89° 53' 06" W 44.09 feet; thence 257.31 feet along the arc of a tangent curve, concave southerly, having a radius of 840 feet; thence S 72° 33' 52" W 575.35 feet to THE TRUE POINT OF BEGINNING; thence leaving said southerly line N 11° 35' 36" W 321.67 feet to the northerly line of said Irrevocable Offer to Dedicate; thence S 72° 33' 52" W along said northerly line 100.52 feet; thence leaving said northerly line S 11° 35' 36" E 321.67 feet to the southerly line of said



144-1-159
FN Projects Inc.

3

Irrevocable Offer to Dedicate; thence N 72° 33' 52" E along
said line 100.52 feet to the TRUE POINT OF BEGINNING.

Said portion contains 43.229 acres, more or less.

Total area to be conveyed in Parcels 1, 2, 3 and 4 is
197.916 acres, more or less.

PMO\SCC\1441159

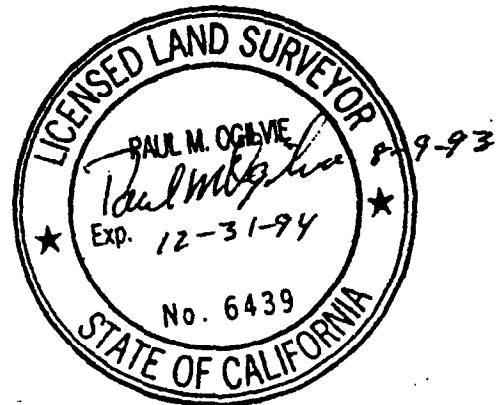
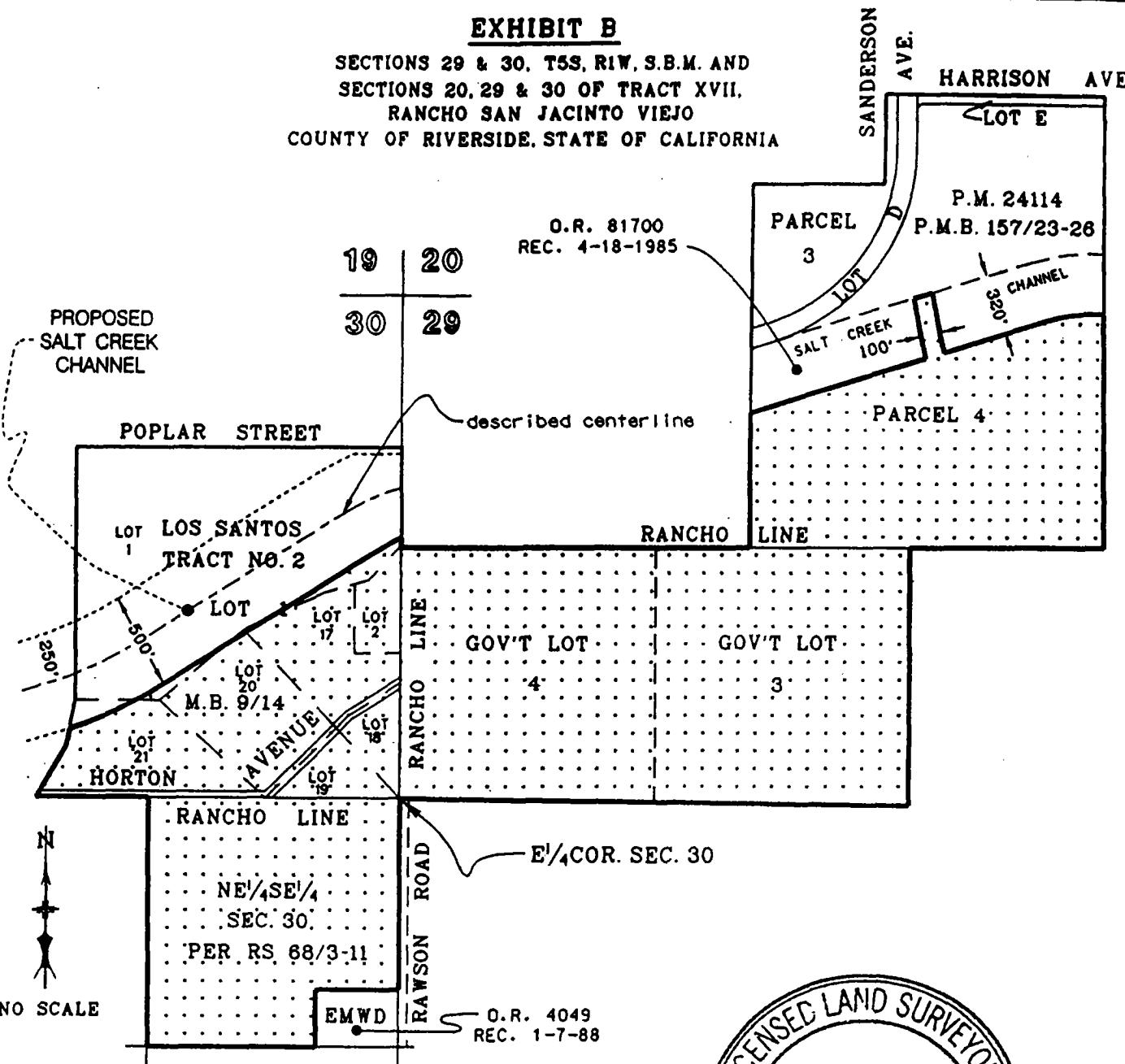


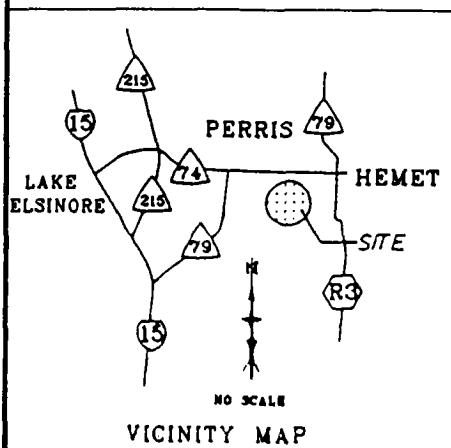
EXHIBIT B

SECTIONS 29 & 30, T5S, R1W, S.B.M. AND
SECTIONS 20, 29 & 30 OF TRACT XVII,
RANCHO SAN JACINTO VIEJO
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND :

FEE PARCEL
144-1-159
(197.916 ac.)



PREPARED UNDER
MY SUPERVISION

Paul M. Ogilvie
PAUL M. OGILVIE P.L.S. 6439
8-9-93
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENIGONI VALLEY RESERVOIR PROJECT
(NEWPORT ROAD RE-LOCATION)

GRANT DEED
FN PROJECTS, INC.
TO
M.W.D.
PARCEL 144-1-159

EXHIBIT A

144-1-159.1
FN Projects, Inc.

All those portions of Lots 1, 17, 20 and 21 of Los Santos Tract No. 2, as shown on map recorded in Book 9, page 14, of Maps, Records of Riverside County, State of California, described as follows:

Commencing at the southeast corner of said Los Santos Tract No. 2; thence N 00° 03' 26" W 1389.72 feet along the east line of said Los Santos Tract No. 2 to the TRUE POINT OF BEGINNING; thence S 57° 38' 21" W 1480.70 feet; thence 549.06 feet along the arc of a tangent curve, concave northwesterly, having a radius of 2323 feet to a point on the westerly line of said Lot 21; thence non-tangent to said curve and along said west line N 11° 05' 55" E 158.98 feet to the southwest corner of said Lot 1; thence N 00° 04' 35" W 394.84 feet along the west line of said Lot 1 to the beginning of a non-tangent curve, concave northwesterly, having a radius of 1823 feet and being concentric with the curve described above having a radius of 2323 feet, to which a radial line bears S 25° 18' 42" E; thence leaving said west line of said Lot 1 northeasterly 224.29 feet along the arc of said non-tangent curve; thence tangent to said curve N 57° 38' 21" E 1253.97 feet; thence 217.30 feet along the arc of a tangent curve, concave southeasterly, having a radius of 1250 feet; thence non-tangent to said curve N 89° 58' 17" E 266.03 feet to a point on the east line of said Lot 1; thence S 00° 03' 26" E along said east line 400.93 feet to the TRUE POINT OF BEGINNING.

Said portion to be conveyed contains 22.437 acres, more or less.

PMO/SCC/1441159.1

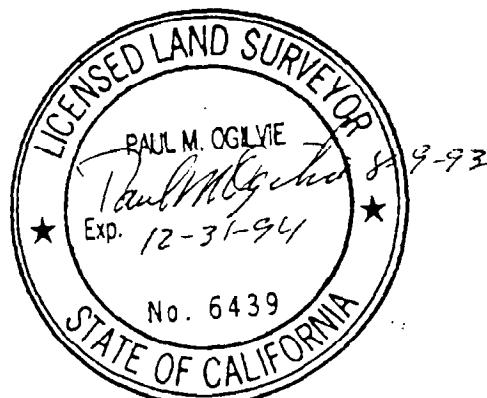
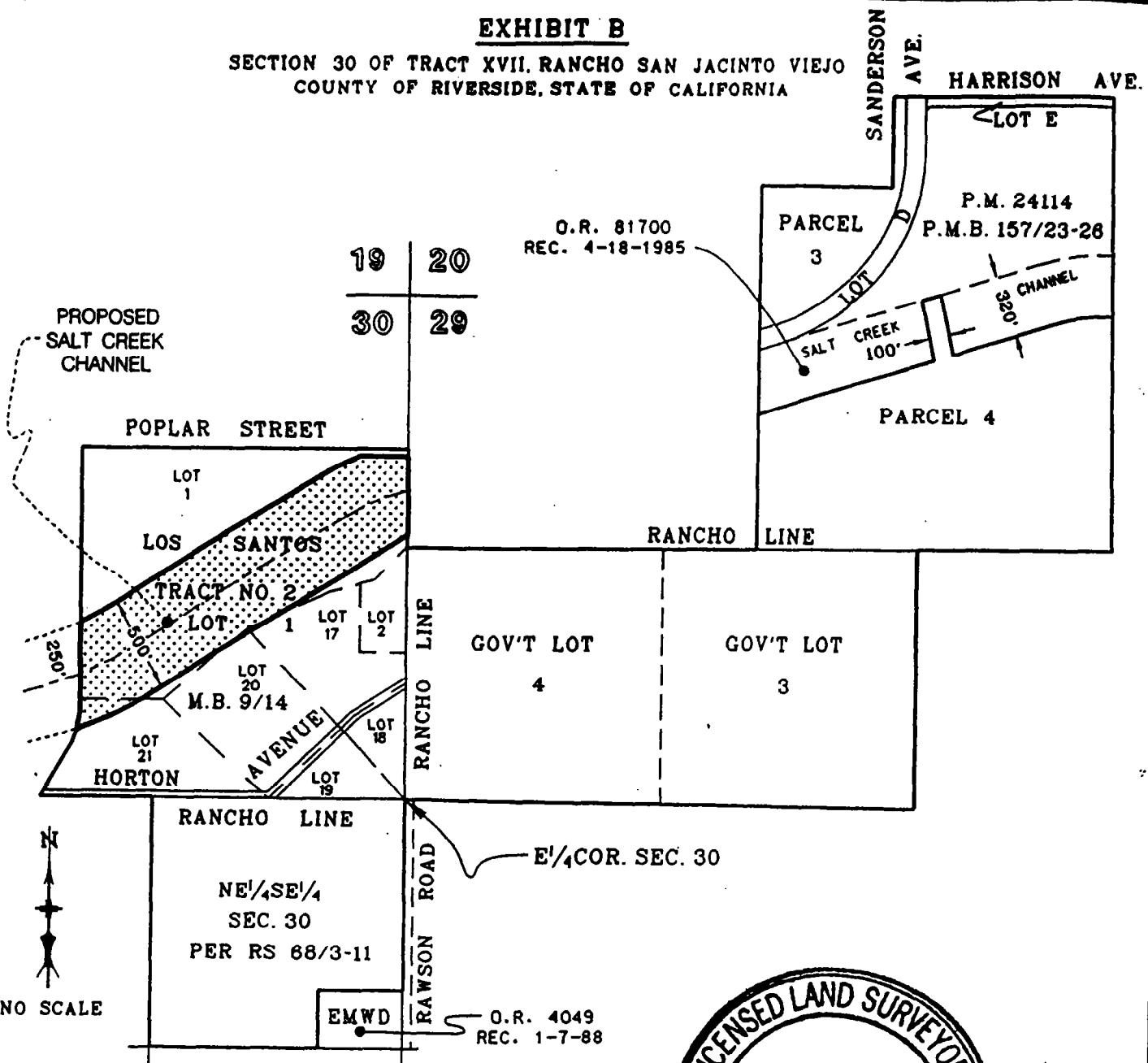


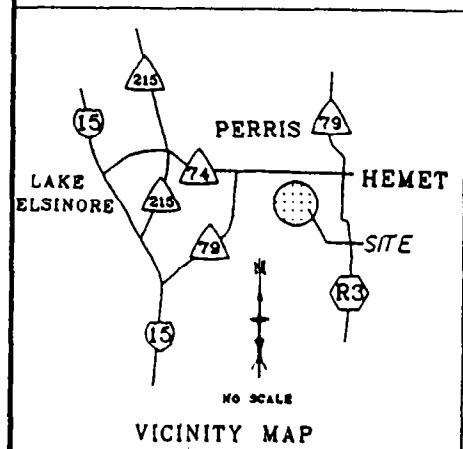
EXHIBIT B

SECTION 30 OF TRACT XVII, RANCHO SAN JACINTO VIEJO
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND :

- [FEE PARCEL] - FEE PARCEL
144-1-159J
(22,437 ac.)



PREPARED UNDER
MY SUPERVISION

Paul M. Ogilvie
PAUL M. OGILVIE P.L.S. 6439
8-9-93
DATE

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
DOMENIGONI VALLEY RESERVOIR PROJECT (NEWPORT ROAD RE-LOCATION)	
GRANT DEED	
FM PROJECTS, INC.	
TO	
CITY OF HEMET,	
A GENERAL LAW MUNICIPALITY	
PARCEL 144-1-159.1	