

FEB -8 1994

Revised 8-8



MWD

EXECUTIVE SECRETARY
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Daren E. Duff
EXECUTIVE SECRETARY

February 7, 1994

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 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. A list of Assessor's Parcel Numbers, MWD Right-of-Way Numbers, and Owners' Names is set forth in the Parcel List attached hereto. The location of each property is shown on the attached drawings designated as Exhibit B. Offers to purchase the property as required by California Government Code section 7262.2 were made.

A hearing for resolution of necessity was held by the Land Committee regarding these properties at its meeting on February 7, 1994. At the hearing, the representative of SJV Development, Inc. requested that the remainders created by the taking of its property also be acquired. Such acquisition is authorized by Code of Civil Procedure section 1240.150. The Land Committee voted to amend the proposed resolution of necessity to authorize a full take of the SJV Development Property, and voted to recommend that the resolution be adopted as so amended. A written summary of the hearing before the Land Committee is attached hereto.

An amended form of resolution declaring the necessity of the Project and for the acquisition of the property is also attached.

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).

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

A T T A C H M E N T

<u>ASSESSOR'S PARCEL NO.</u>	<u>MWD PARCEL NO.</u>	<u>OWNER'S NAMES</u>
465-180-002	144-1-649, 144-1-649.1 144-1-649PEA1	Bruce L. and Shirley H. Odou
465-140-010 465-140-011	144-1-619	SJV Development, Inc.

**SUMMARY OF FEBRUARY 7, 1994, 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 February 7, 1994, at the offices of The Metropolitan Water District of Southern California, a hearing was held by the Land Committee of Metropolitan's Board of Directors. Land Committee Vice Chairman Doude Wysbeek presided. A quorum of the Committee was present.

Vice Chairman Wysbeek 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 prerequisite to the filing of an action to condemn property. The hearing is on the issues of the necessity for the project, whether the project is planned or located in the manner most compatible with the greatest public good and least private injury, and whether the property is necessary for the project. Prior to consideration of a resolution of necessity, the property owner must be given an opportunity to be heard. Metropolitan's Board of Directors has designated the Land Committee as the body to hold such hearings.

Notice of the hearing was served on the property owners, and representatives of each owner were present at the Committee hearing.

Mr. Vanderhorst requested that Dennis Majors make a presentation of the project and the need for the properties involved. Mr. Major explained that the Eastside Reservoir project would cause the inundation of the existing Newport Road, which crosses both the East and West Dams. Newport Road must be relocated before dam construction can commence. The new alignment for Newport Road crosses both of the properties at issue in the hearing. The property owned by the Odous is located near the west end of the project and will be bisected by the roadway, as well as the Salt Creek Flood Control Channel. The SJV Development property is crossed at a diagonal by the roadway and channel. Concurrent construction of the roadway and channel are planned to provide a source of fill material for the roadway and to ensure that the roadway meets the County's all-weather road standard.

Mr. Vanderhorst then invited the representatives of the property owners to make any comments or presentations to the Committee. Mr. George Popoff spoke on behalf of the

Odous. He stated that they were aware of the need for the project, but found the amount of compensation offered by Metropolitan to be unacceptable. Mr. Vanderhorst responded that the issue of compensation was not an issue to be determined by the Resolution of Necessity hearing, but that it would be resolved by negotiations of the parties or by the eminent domain action.

The representative of SJV Development also stated that they were not satisfied with the amount of compensation offered. However, they were also concerned with the effect of the taking on their property. Because the roadway and channel cross the property on a diagonal, they will be left with three separate triangular remainders. They contend that these remainders will be of no use to them, and requested that Metropolitan take their entire property. Mr. Vanderhorst advised the Committee that the Eminent Domain Law authorizes an agency to acquire a remainder when the owner requests it. The Committee indicated it wished to discuss the monetary impacts of a taking of the entire property, and the General Counsel recommended that the discussion be held in closed session pursuant to Government Code section 54956.8.

The Committee adjourned to closed session to discuss the matter with its real estate negotiators. When the Committee resumed its open session, Mr. Vanderhorst announced that the Committee voted to recommend approval for a full take of the SJV Development property. In open session, the Committee voted unanimously to recommend that the Board of Directors adopt, by a two-thirds vote, the proposed Resolution of Necessity as amended to provide for a full take of the SJV Development property.

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 interests 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 January 25, 1994.


Gary M. Snyder

RESOLUTION NO. 8433A 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 interests 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 8th day of February, 1994, 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

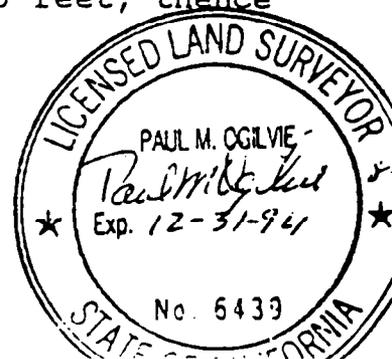
144-1-649
 Bruce L. Odou &
 Shirley H. Odou,
 Trustees

That portion of the west half of the northeast quarter of Section 34, Township 5 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, lying northerly of the following described line:

Commencing at the west quarter corner of said Section 34, said corner being marked by a 2" diameter iron pipe, 3" below the surface, tagged L.S. 2001; thence N 00° 20' 36" E 1045.27 feet along the westerly line of said Section to the TRUE POINT OF BEGINNING of said described line; thence leaving said westerly line S 89° 39' 24" E 50.00 feet; thence N 45° 20' 36" E 301.23 feet; thence S 89° 39' 24" E 337.00 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 300.00 feet; thence N 00° 20' 36" E 30.00 feet; thence S 89° 39' 24" E 850.00 feet; thence S 00° 20' 36" W 20.00 feet; thence S 89° 39' 24" E 650.00 feet; thence S 00° 20' 36" W 40.00 feet; thence S 89° 39' 24" E 241.88 feet; thence N 00° 03' 57" E 30.00 feet; thence S 89° 39' 24" E 308.27 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1464.56 feet; thence easterly 335.44 feet along the arc of a tangent curve, concave northerly, having a radius of 2547 feet; thence leaving said curve on a radial line N 07° 12' 09" W 30.00 feet to the beginning of a non-tangent curve, concentric with the last mentioned curve, to which a radial line bears S 07° 12' 09" E; thence easterly 605.50 feet along the arc of said non-tangent curve, concave northerly, having a radius of 2517 feet, to a point on the easterly line of said Section 34, said point being distant southerly along said easterly line S 00° 18' 06" E 1321.75 feet from the northeast corner of said Section 34, said corner marked by a 3/4" diameter iron pipe, 21" below the surface, with illegible tag.

EXCEPTING therefrom that portion lying northerly of the following described line:

Commencing at the west quarter corner of said Section 34; thence N 00° 20' 36" E 1695.27 feet along said westerly line of said Section 34 to the TRUE POINT OF BEGINNING; thence leaving said westerly line S 89° 39' 24" E 50.00 feet; thence



144-1-649

2

Bruce L Odou &
Shirley H. Odou,
Trustees

S 44° 39' 24" E 343.66 feet; thence S 89° 39' 24" E 507.00 feet; thence N 00° 20' 36" E 20.00 feet; thence S 89° 39' 24" E 300.00 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1665.69 feet; thence N 00° 03' 57" E 30.00 feet; thence S 89° 39' 24" E 234.45 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1414.56 feet; thence N 00° 20' 36" E 30.00 to the beginning of a non-tangent curve to which a radial line bears S 00° 20' 36" W; thence easterly 285.44 feet along the arc of said non-tangent curve, concave northerly, having a radius of 2273 feet; thence leaving said curve on the prolongation of a radial line S 06° 51' 06" E 30.00 feet to the beginning of a non-tangent curve, concentric with the last mentioned curve, to which a radial line bears S 06° 51' 06" E; thence easterly 630.25 feet along the arc of said non-tangent curve, concave northerly, having a radius of 2303 feet; thence leaving said curve N 22° 31' 54" W 30.00 feet on a radial line; thence N 68° 28' 58" E 31.24 feet to a point on the easterly line of said Section 34, said point being distant southerly along said easterly line S 00° 18' 06" E 1059.75 feet from the northeast corner of said Section 34.

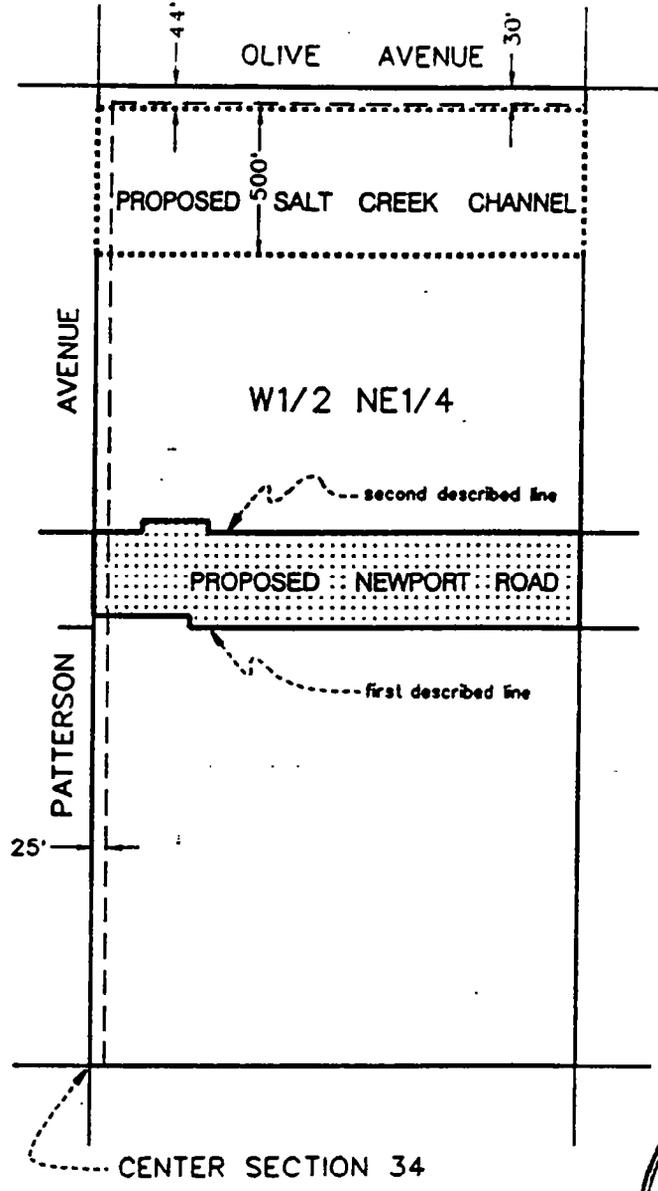
Containing 7.429 acres, more or less.



PMO\NPTRD\1441649

EXHIBIT B

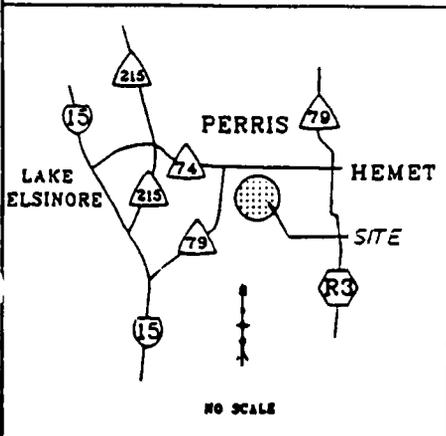
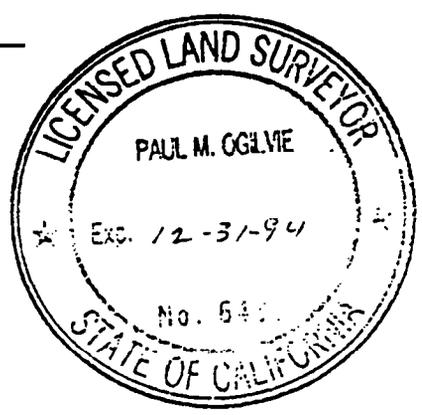
W¹/₂NE¹/₄, SEC 34, T5S, R2W, S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NO SCALE

LEGEND

-  FEE PARCEL 144-1-649 (7.429 ac.)



NO SCALE

PREPARED UNDER MY SUPERVISION

Paul M. Ogilvie
 PAUL M. OGILVIE PLS 6439
 8-6-93
 DATE

THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA
 DOMENICONI VALLEY RESERVOIR PROJECT
 (NEWPORT ROAD RE-LOCATION)
 GRANT DEED
 BRUCE L. & S. H. ODOU, TRUSTEES
 TO
 MWD
 PARCEL 144-1-649

EXHIBIT A

144-1-649.1
Bruce L. Odou &
Shirley H. Odou,
Trustees

The south 500 feet of the north 544 feet of the west half of the northeast quarter of Section 34, Township 5 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, according to the Official Plat thereof, as measured at right angles to the north line of said Section 34.

Containing 15.252 acres, more or less.

PMO\SCC\1441649.1

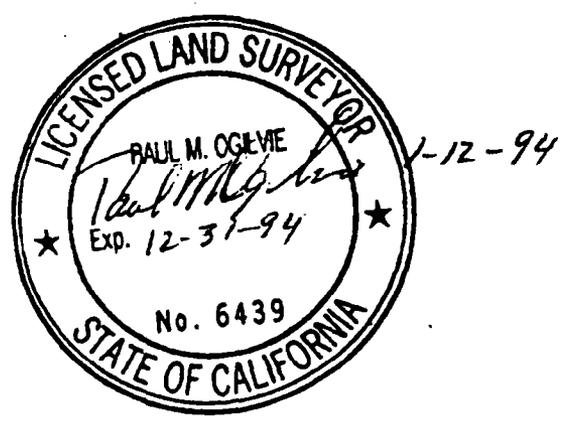
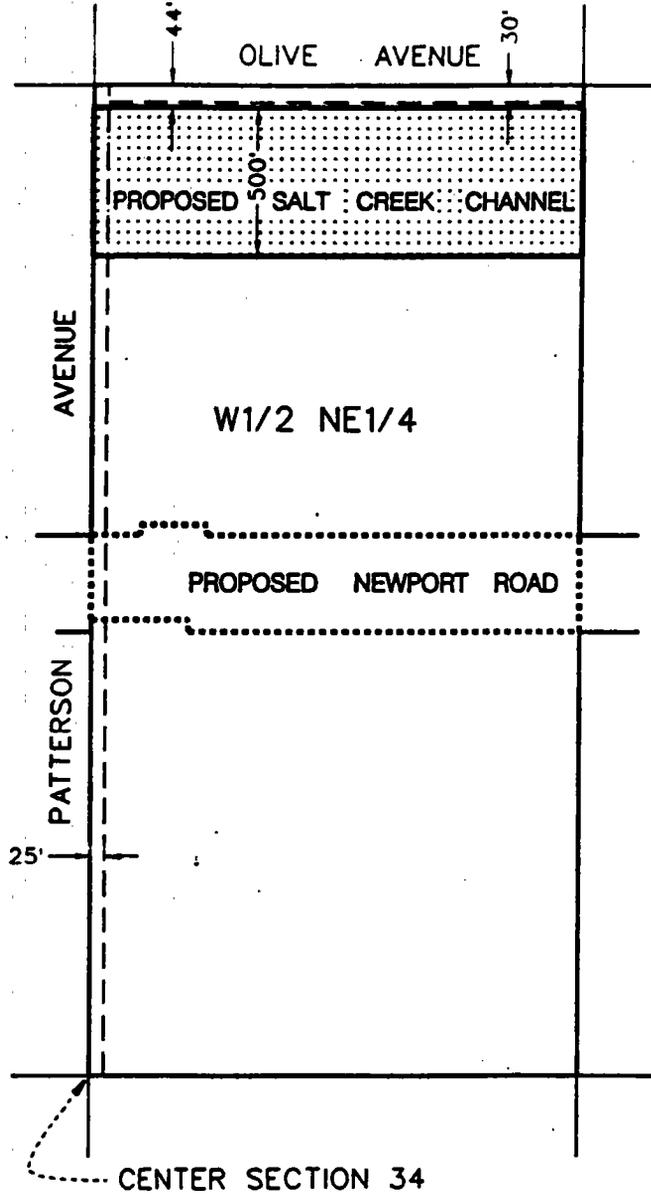


EXHIBIT B

W $\frac{1}{2}$ NE $\frac{1}{4}$, SEC 34, T5S, R2W, S.B.M.

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

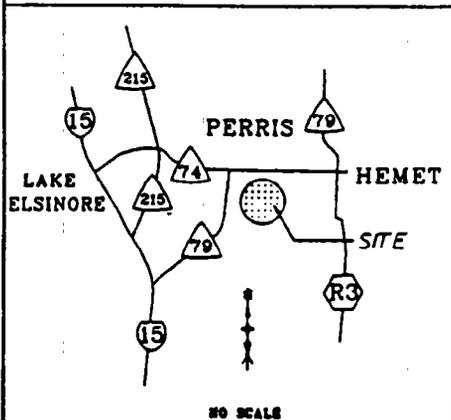


NO SCALE

LEGEND



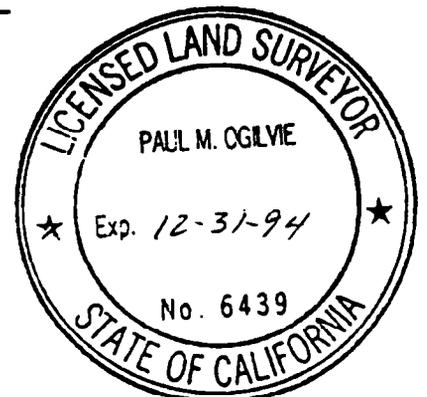
FEE PARCEL
- 144-1-649.1
(15.252 ac.)



**PREPARED UNDER
MY SUPERVISION**

Paul M. Ogilvie
PAUL M. OGILVIE PLS 6439

1-12-94
DATE



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENIGONI VALLEY RESERVOIR PROJECT
(NEWPORT ROAD RE-LOCATION)

GRANT DEED

BRUCE L. & S. H. ODOU, TRUSTEES
TO
MWD

PARCEL 144-1-649.1

EXHIBIT A

144-1-649PEA1
 Bruce L. Odou &
 Shirley H. Odou,
 Trustees

The west 100.00 feet, measured at right angles to the west line, of the west half of the northeast quarter of Section 34, Township 5 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, lying north of the following described line:

Commencing at the west quarter corner of said Section 34; marked by a 2" diameter iron pipe, 3" below the surface, tagged L.S. 2001; thence N 00° 20' 36" E 1695.27 feet along said westerly line of said Section 34 to the TRUE POINT OF BEGINNING of said described line; thence leaving said westerly line S 89° 39' 24" E 50.00 feet; thence S 44° 39' 24" E 343.66 feet; thence S 89° 39' 24" E 507.00 feet; thence N 00° 20' 36" E 20.00 feet; thence S 89° 39' 24" E 300.00 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1665.69 feet; thence N 00° 03' 57" E 30.00 feet; thence S 89° 39' 24" E 234.45 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1414.56 feet; thence N 00° 20' 36" E 30.00 feet to the beginning of a non-tangent curve to which a radial line bears S 00° 20' 36" W; thence easterly 285.44 feet along the arc of said non-tangent curve, concave northerly, having a radius of 2273 feet; thence leaving said curve on the prolongation of a radial line S 06° 51' 06" E 30.00 feet to the beginning of a non-tangent curve, concentric with the last mentioned curve, to which a radial line bears S 06° 51' 06" E; thence easterly 630.25 feet along the arc of said non-tangent curve, concave northerly, having a radius of 2303 feet; thence leaving said curve N 22° 31' 54" W 30.00 feet on a radial line; thence N 68° 28' 58" E 31.24 feet to a point on the easterly line of said Section 34, said point being distant southerly along said easterly line S 00° 18' 06" E 1059.75 feet from the northeast corner of said Section 34, said corner marked by a 3/4" diameter iron pipe, 21" below the surface. with illegibly tag.

EXCEPTING any portion lying within the north 544 feet of said west half of the northeast quarter.

Containing 1.637 acres, more or less.

PMO\NPTRD\649PEA1

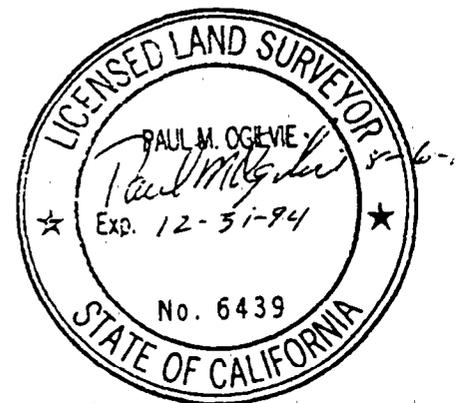
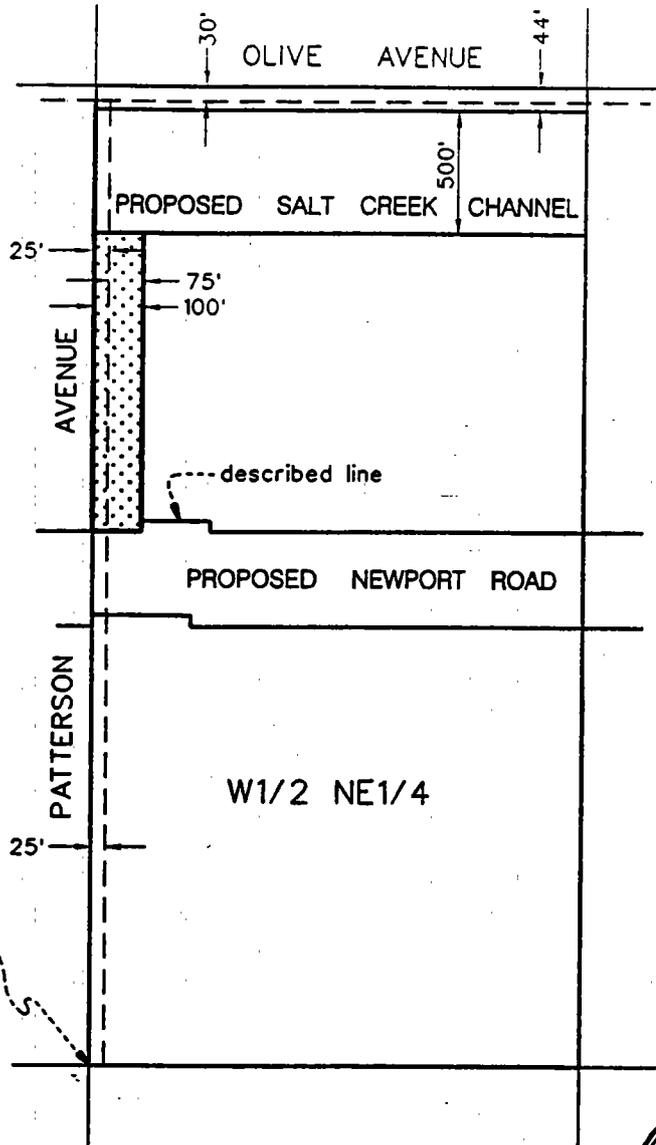


EXHIBIT B

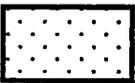
W $\frac{1}{2}$ NE $\frac{1}{4}$, SEC 34, T5S, R2W, S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



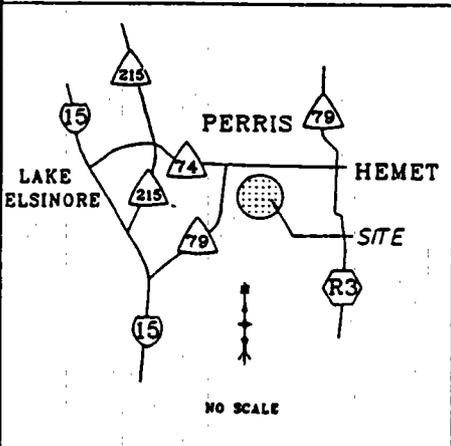
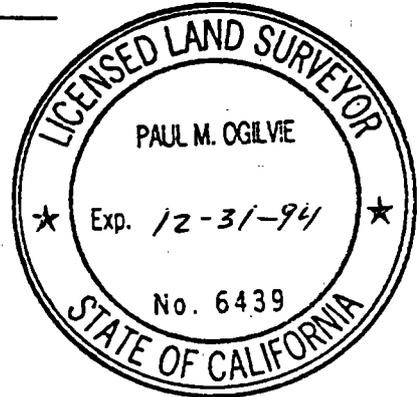
NO SCALE

Center of Section 34

LEGEND



EASEMENT PARCEL
- 144-1-649PEA1
(1.637 ac.)



**PREPARED UNDER
MY SUPERVISION**

Paul M. Ogilvie
PAUL M. OGILVIE PLS 6439
8-6-93
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DOMENIGONI VALLEY RESERVOIR PROJECT
(NEWPORT ROAD RE-LOCATION)

PERMANENT EASEMENT
BRUCE L. & S.H. ODOU, TRUSTEES
TO
MWD
PARCEL 144-1-649PEA1

EXHIBIT A

144-1-619
SJV Development, Inc.

The southeast quarter of Section 25, Township 5 South,
Range 2 West, SBM, in the County of Riverside, State of
California.

PMO\NPTRD\1441619

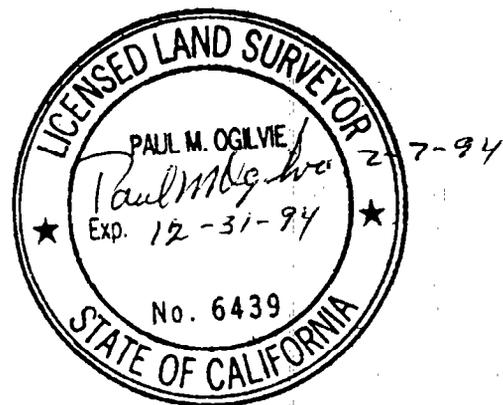
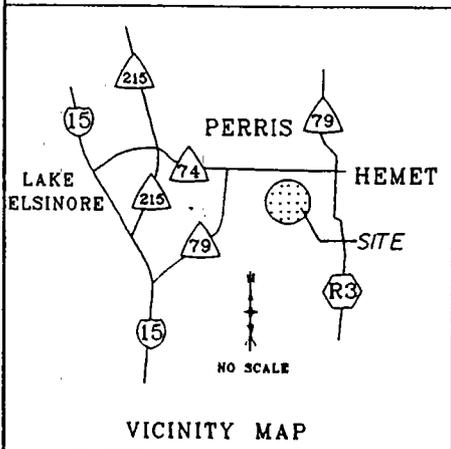
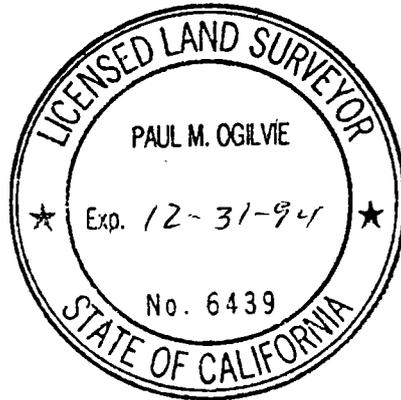
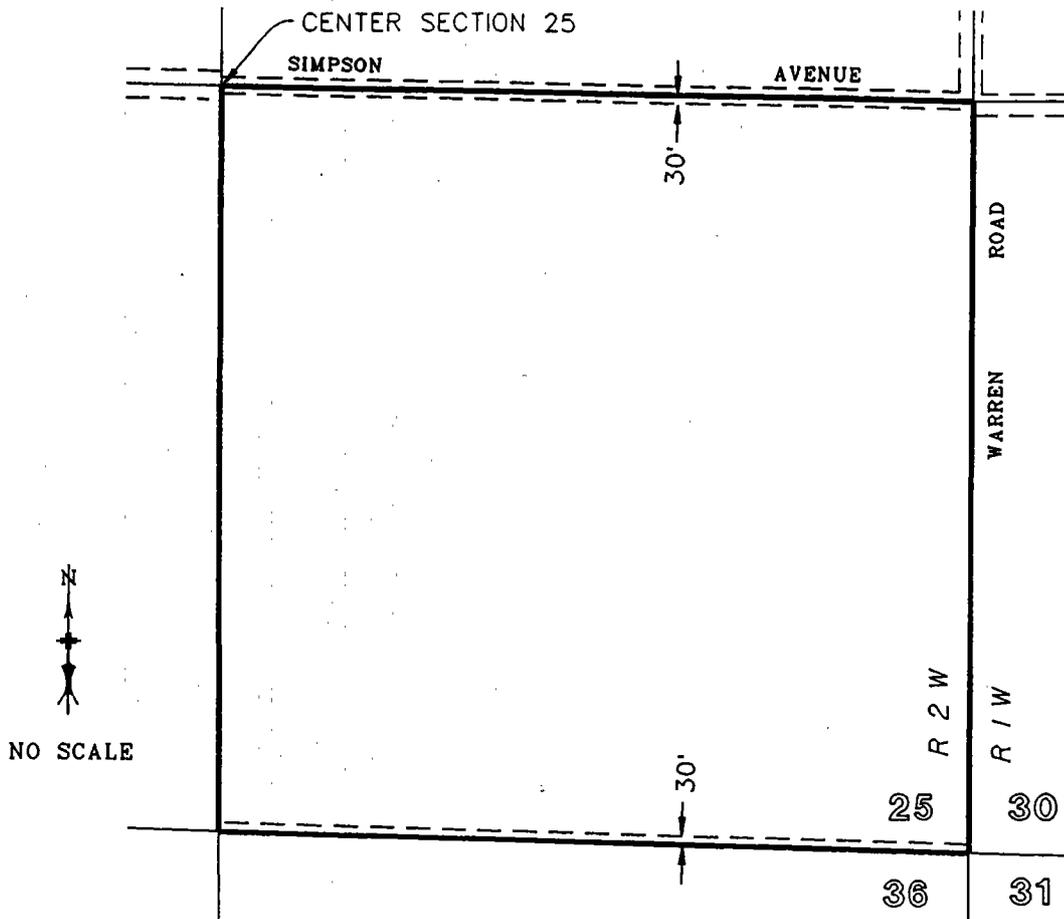


EXHIBIT B

SE1/4 SECTION 25, T5S, R2W, S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



PREPARED UNDER
MY SUPERVISION

Paul M. Ogilvie
PAUL M. OGILVIE P.L.S. 6439

2-7-94
DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
DOMENIGONI VALLEY RESERVOIR PROJECT
(NEWPORT ROAD RE-LOCATION)
GRANT DEED
SJV DEVELOPMENT, INC.
TO
MWD
PARCEL 144-1-619