

MAR -8 1994



**MWD**

*Darwin E. Duff*  
EXECUTIVE SECRETARY  
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

**SUPPLEMENTAL 8-3**

March 7, 1994

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.

Report

At its meeting on March 7, 1994, the Land Committee held a hearing on the adoption of a resolution of necessity to authorize the General Counsel to commence condemnation proceedings on the properties listed in the Attachment to the General Manager's letter dated February 14, 1994. At the conclusion of the hearing, the Land Committee voted unanimously to recommend adoption of the resolution of necessity.

In compliance with the provisions of the California Eminent Domain Law, a summary of the hearing and the Land Committee's recommendation is attached hereto.

Board Committee Assignment

This letter is referred for action to:

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).

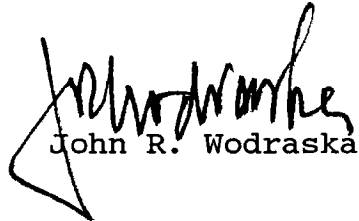
Recommendation

**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 project and for the properties described in Exhibits A and B to the General Manager's letter dated

March 7, 1994

February 14, 1994, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire those properties.



John R. Wodraska

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Attn.

**SUMMARY OF MARCH 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 March 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 Chairman Bob Kazarian presided. A quorum of the Committee was present.

Chairman Kazarian 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 resolution may only be adopted after the property owner has been given notice and an opportunity to be heard on the necessity of taking the property. Metropolitan's Administrative Code provides that such hearings are to be held by the Land Committee. The issues to be determined in the hearing are whether the project is necessary, whether the project has been planned and located in the manner that is most compatible with the greatest public good and least private injury, and whether the property is necessary for the project.

The hearing on March 7, 1994, was held to determine these issues for the properties listed in the Attachment to the General Manager's letter dated February 14, 1994. Notice of the hearing was mailed February 15, 1994, to the owners of record as shown on the County Assessor's records. A written request to appear and be heard was received from Mr. Peter Su. Mr. Vanderhorst inquired whether Mr. Su was present and there was no response. Nor were any other property owners or their representatives present.

Mr. Vanderhorst requested that Mr. Dennis Majors make a presentation regarding the project and the properties which are the subject of the resolution. Mr. Majors explained that the Domenigoni Valley Reservoir is needed to provide storage capacity for drought, emergency use, and to improve the operational capacity of Metropolitan's delivery system.

Construction of the East Dam for the Reservoir will alter the natural drainage flow of water from the southeast side of the project. The drainage presently flows into and through the valley. The East Dam will divert these flows to the north. The altered drainage flows will affect certain properties located to the northeast of the East Dam. The impact will be increased by the construction of Newport Road on

its new alignment to the north of the Reservoir Project. Newport Road will cause the drainage flows to collect in the area of Parcels 144-1-299, -501, and -503. The cost of constructing drainage facilities to protect these properties is substantially more than the value of the properties themselves. Upon acquiring the properties, they can be used for drainage control purposes in connection with the Newport Road and the adjacent Salt Creek Flood Control Channel.

Mr. Majors then described the location of Parcel 144-1-611, owned by the Siems family. The southern portion of the property is needed for construction of Newport Road on the new alignment, and for the Salt Creek Flood Control Channel which is to be built in conjunction with the Road. Similarly, Parcels 144-1-623, -664, -666, -689, and -691 are partially within the needed right-of-way for the Newport Road and Salt Creek Channel construction.

The Committee inquired into the provision of relocation assistance for the residential property owners that would be affected by the acquisitions. Mr. Randy Case reported that there were two properties with residential improvements and the Right of Way and Land Division was working with the owners to provide relocation assistance and benefits.

The Committee voted unanimously to recommend that the Board of Directors adopt, by a two-thirds vote, the proposed Resolution of Necessity.