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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
EXECUTIVE SECRETARY

SUPPLEMENTAL 8-14

May 9, 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 May 9, 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 April 21, 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:

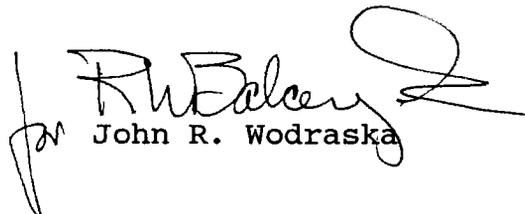
The Legal and Claims Committee because of its authority to advise, study, and make recommendations with regard to litigation brought by the District under Administrative Code section 2461(a).

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

April 21, 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 MAY 9, 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 May 9, 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. There are seven properties which are the subject of the resolution of necessity being considered by the Committee. On April 21, 1994, each of the owners was mailed a notice of the hearing before the Land Committee. There were no requests from any property owner to appear and be heard, nor were any property owners present at the Committee's meeting.

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. The Eastside Pipeline will be constructed to provide a connection between Metropolitan's Colorado River Aqueduct and State Water Project facilities to allow water to be stored in the Reservoir and moved to portions of Metropolitan's service area.

The properties which are the subject of the resolution of necessity are required for construction of the Eastside Pipeline. All of the takings are strips adjacent to the existing right-of-way for the San Diego Aqueduct Canal. A narrow strip is being acquired in fee to accommodate the pipeline, and wider temporary construction easements are being acquired to allow the pipeline construction to be done. A permanent easement is being acquired on Parcel 144-2-20PEA1 to protect the pipeline against future development adjacent to it.

The Committee inquired into how the pipeline could be operated to allow reverse flow to a major part of Metropolitan's service area. Mr. Majors explained that the pressure created by the water stored at the elevation of the Reservoir was sufficient to push water back through the pipeline to several other Metropolitan facilities. The Committee also inquired as to how access would be obtained to the fee parcels once the temporary easements have expired. Mr. Majors stated that the fee parcels would be wide enough to allow access along the pipeline alignment, and access would be obtained where the fee strips intersected with public roads. Mr. Randy Case of the Right of Way and Land Division advised the Committee that two of the properties were close to settlement, and were also being considered by the Committee for approval of settlement offers.

There were no further questions from the Committee. It was moved and seconded that the Committee recommend that the Board of Directors adopt, by a two-thirds vote, the proposed Resolution of Necessity. The motion was passed unanimously.