

JUN 14 1994



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
EXECUTIVE SECRETARY

**SUPPLEMENTAL 8-10**

June 13, 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 June 13, 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 May 24, 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:

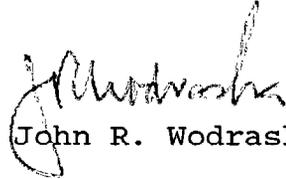
The Legal and Claims Committee because of its authority to advise, study, and make recommendations with regard to litigation brought by the District under Administrative Code section 2461(a).

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

May 24, 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 JUNE 13, 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 EASTSIDE PIPELINE PROJECT**

On June 13, 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. 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 June 13, 1994, was held to determine these issues for the properties listed in the Attachment to the General Manager's letter dated May 24, 1994. Notice of the hearing was mailed May 24, 1994, to the owners of record as shown on the County Assessor's records. No requests to appear and be heard were received from the owners.

Mr. Vanderhorst advised the Committee that the subject properties were required for the Eastside Pipeline construction adjacent to the San Diego Canal. Mr. Thomas Drescher made a presentation regarding the properties which are the subject of the resolution. He described the acquisitions as involving 55-foot strips for the pipeline and 95-foot temporary construction easements. The construction easements are for a five year period.

Committee members asked about the nature of the temporary easement. Mr. Vanderhorst advised that the easement was required to allow construction of the pipeline, but that the fee properties were sufficient to allow routine maintenance of the pipeline. The temporary easements will automatically expire at the end of their five year term, but Metropolitan will relinquish the easement rights at the conclusion of its construction work. Mr. Vanderhorst also confirmed that Metropolitan will restore the property at the conclusion of its construction work.

Mr. Vanderhorst also advised the Committee that there was a tentative agreement for the acquisition of the Dilworth properties. These parcels were brought to the Committee for the hearing so that possession could be obtained through the eminent domain process, if necessary, to meet construction schedules. Similarly, it is expected that an agreement will be reached for the voluntary acquisition of the FN Development property.

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.