



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
EXECUTIVE SECRETARY

AUG 19 1994

**SUPPLEMENTAL 8-16**

August 18, 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 August 18, 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 property listed in the Attachment to the General Manager's letter dated July 28, 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).

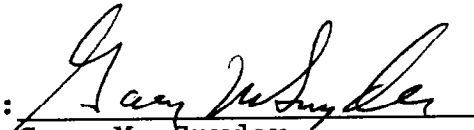
Recommendation

**LEGAL AND CLAIMS COMMITTEE FOR ACTION.**

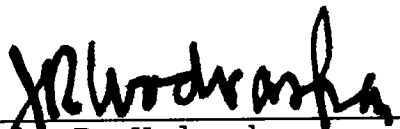
It is recommended that the Board of Directors, by a two thirds vote, adopt the attached resolution declaring the necessity for the project and for the property described in Exhibits A and B to the General Manager's letter dated

July 28, 1994, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the property.

John R. Wodraska  
General Manager

By:   
Gary M. Snyder  
Chief Engineer

Concur:

  
John R. Wodraska  
General Manager

josvan\committe\ron0894.sup

Attn.

**SUMMARY OF AUGUST 18, 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 August 18, 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 this Item involved the hearing required by the eminent domain law prior to the commencement of a condemnation action. This particular property (Parcel 144-1-523) involves unusual circumstances. The property sought is a strip of land fronting on State Street at the east side of the Domenigoni Valley Reservoir project. The property owner, Otto Gabler, has reached an agreement to sell the landscape strip to Metropolitan. However, the escrow has not closed because there are lienholders on the property who are refusing to cooperate in submitting demand letters and partial reconveyances of their interest in the property.

Commencing the eminent domain action will have the dual purpose of requiring the lienholders to cooperate in completing the transaction and allowing Metropolitan to obtain a court order to take possession of the landscape strip. This parcel is the last parcel necessary for the landscape buffer on the east side of the project. Possession of the parcel is necessary to avoid any delays in completing this portion of the project.

On July 28, 1994, the owner was mailed a notice of the hearing before the Land Committee. There was no request from the owner to appear and be heard, nor was the owner present at the Committee's meeting.

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