

AUG 19 1994

8-16



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
EXECUTIVE SECRETARY

July 28, 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 Number, MWD Right-of-Way
Parcel Number and Owner's Name, on the Attachment hereto.

Report

The Metropolitan Water District will require the real property or interests in 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 Number, MWD Right-of-Way Number, and Owner's Name is set forth in the Parcel List attached hereto. The location of the property is shown on the attached drawing 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 is scheduled to be held by the Land Committee regarding these properties at its meeting on August 18, 1994. If the Land Committee recommends that the resolution of necessity be adopted, the matter will be presented to the Legal and Claims Committee and to the Board at its meeting on August 19, 1994.

On July 28, 1994, a notice of intention to adopt a resolution of necessity and of an opportunity to appear and be heard before the Land Committee on August 18, 1994, as to the necessity for the Project and the taking of the property was served on the owner of the property identified in Exhibits A and B. Under the law, we must have received a written request for a hearing within 15 days after the notice was served in order for a hearing to be required. A quorum of the Committee is required for such a hearing. Following the hearing a written summary of the hearing and a written recommendation by the Land Committee as to whether the Board should adopt a resolution will be provided to the Board and to each person who received notice and appeared before the Committee.

Transmitted herewith is the form of resolution declaring the necessity of the Project and for the acquisition of the property described in Exhibits A and B, attached hereto, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the property.

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. 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

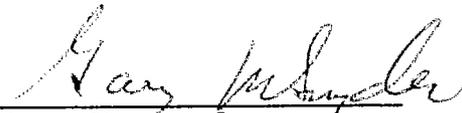
The Legal and Claims Committee because of its authority to advise, study, and make recommendations with regard to litigation brought by the District under Administrative Code section 2461(a).

Recommendation

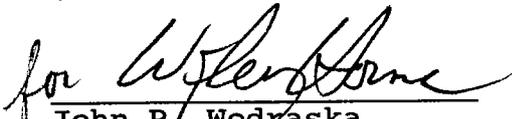
LAND AND LEGAL AND CLAIMS COMMITTEES FOR ACTION.

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
General Manager

By: 
Gary M. Snyder
Chief Engineer

Concur:


John R. Wodraska
General Manager

JV:ks
KARSCH\JVBOARD\RESNLT20
Attm.

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.

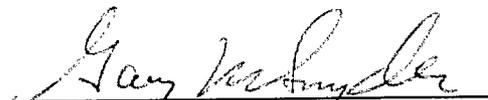
2. In order for Metropolitan to insure reliable delivery of water to its member public agencies for service to the public, it is necessary to construct, operate and maintain a water reservoir in Domenigoni Valley, Riverside County, California. Construction of the reservoir includes installation of a landscape screen as required by the Mitigation Plan for the Project.

3. The acquisition of the property described in the proposed resolution of necessity is necessary for the construction, operation and maintenance of the landscape screen. The property is located within Metropolitan's boundaries.

4. Metropolitan will require entry upon the property 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 may be commenced to condemn the property described in the proposed resolution of necessity, and a court order obtained authorizing Metropolitan to take possession of the property.

Executed in Los Angeles, on August 4, 1994.


Gary M. Snyder

A T T A C H M E N T**ASSESSOR'S
PARCEL NO.**

469-070-042

MWD PARCEL NO.

144-1-523

OWNER'S NAMES

Otto L. Gabler

karsch\jvboard\resnl t.19

RESOLUTION 8451

A 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 installation of a landscape screen in connection with the reservoir, in the County of Riverside, California, and that certain property situated in the County of Riverside is necessary therefor.

Section 2. The property to be acquired for the public use set forth in Section 1 hereof consists of the interests in the parcel of land described in Exhibit A attached hereto and incorporated herein by reference. The property is located within the District's boundaries at the location shown on Exhibit B attached hereto and incorporated herein by reference. The District's Board finds and determines that the property is necessary for the proposed project.

Section 3. The District's Board of Directors hereby declares its intention to acquire the property 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 owner of record of the property.

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 property and to take such steps as may be necessary to secure an order of court permitting the District to take possession of the property 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 19th day of August, 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

144-1-523

Otto Leonhart Gabler

All that portion of Parcel 2 of Parcel Map No. 7578, in the County of Riverside, State of California, as shown on map filed in Book 27, pages 93 through 95, inclusive, of Parcel Maps, Records of said County of Riverside, lying within a strip of land, 30 feet wide, the easterly line of said 30 foot wide strip being described as follows:

Beginning at the intersection of the north line of the south 10 feet of said Parcel 2 and the west line of that certain easement, 15 feet wide, granted to Eastern Municipal Water District as Parcel 1, by a Grant of Easement recorded March 11, 1976 as Instrument No. 32037, of Official Records of said County of Riverside; thence northerly along said west line to its intersection with the westerly R/W line of State Street, 110 feet wide, as shown on said Parcel Map; thence northerly along said westerly R/W line of State Street to the north line of said Parcel 2.

The westerly line of said 30 foot strip being parallel and concentric with and distance 30 feet westerly, as measured at right angles and radially to the aforesaid described easterly line.

The sidelines of said strip of land, 30 feet wide, shall be prolonged or shortened so as to terminate southerly on the north line of the south 10 feet of said Parcel 2 and continued or shortened so as to terminate northerly on the southerly line of Lot B of said Parcel 2.

PMO/1441523

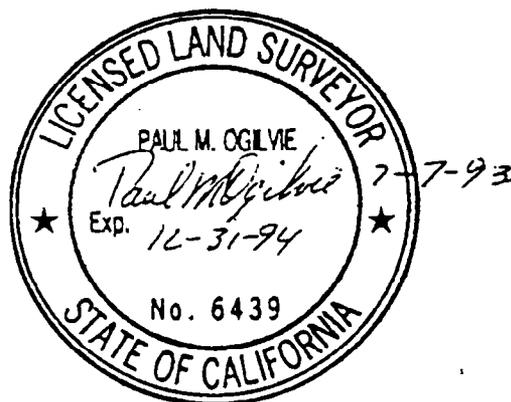
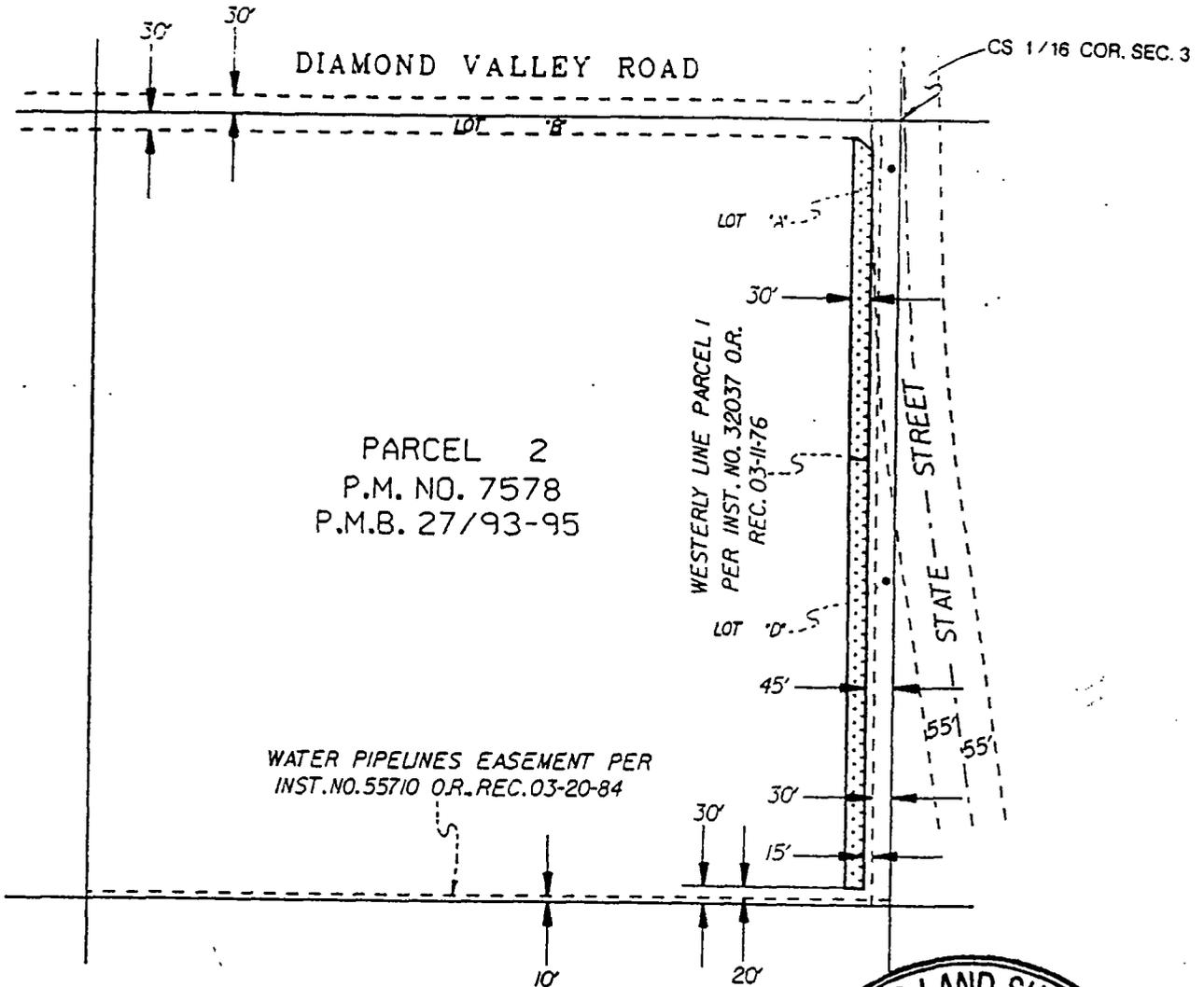


EXHIBIT B

40987

NE 1/4 SE 1/4 SW 1/4, SECTION 3, T6S., R1W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

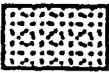


PARCEL 2
P.M. NO. 7578
P.M.B. 27/93-95

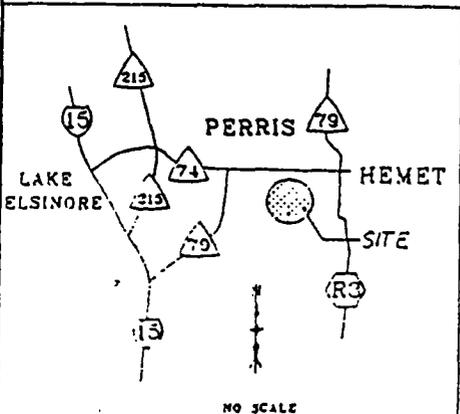
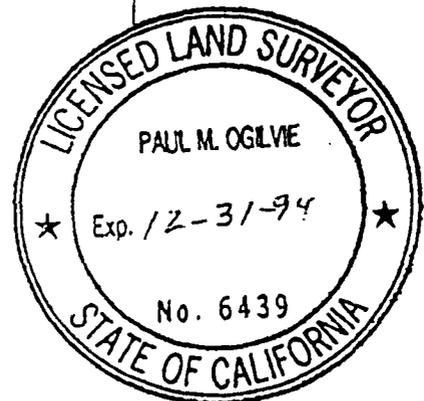
WESTERLY LINE PARCEL 1
PER INST. NO. 32037 O.R.
REC. 03-11-76

WATER PIPELINES EASEMENT PER
INST. NO. 55710 O.R. REC. 03-20-84

LEGEND



FEE TAKE
PARCEL 144-1-523
(0.414 ac.)



PREPARED UNDER
MY SUPERVISION

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

5-2-94
DATE

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
DOMENIGONI VALLEY RESERVOIR PROJECT
GRANT DEED
OTTO LEONHART GABLER
TO
MWD
PARCEL 144-1-523