

JUL 11 1995



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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Loren E. Duff
EXECUTIVE SECRETARY

8-7

June 22, 1995

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, identified by Riverside County Assessor's Parcel No. 465-180-002, MWD Right-of-Way Parcel No. 144-1-649.2, Property Owners: Bruce L. and Shirley H. Odou

RECOMMENDATION:

It is recommended that the Board of Directors adopt, by a two-thirds vote, 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

Submitted by:

Wally Leri
for Gary Snyder
Chief Engineer

Concur:

John R. Wodraska
John R. Wodraska
General Manager

EXECUTIVE SUMMARY:

The Metropolitan Water District will require the real property described in Exhibits A and B, attached hereto, located in Riverside County, California, for the relocation of Newport Road in connection with the Domenigoni Valley Reservoir Project. An offer to purchase the property as required by California Government Code section 7262.2 was made, but no agreement on the purchase price has been reached. It is recommended that a resolution of necessity be adopted to authorize the acquisition of the property through an eminent domain action.

DETAILED REPORT:

Pursuant to a Resolution of Necessity adopted by your Board on February 8, 1994, an eminent domain action was commenced to acquire portions of the property owned by Bruce and Shirley Odou for the relocation of Newport Road. As a result of design changes in the drainage for the project, it is necessary to acquire additional property designated as Parcel 144-1-649.2, as shown on Exhibits A and B, attached hereto. Offers to purchase the property as required by California Government Code section 7267.2 were made.

At its meeting on June 12, 1995, 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. 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.

On October 8, 1991, your Board certified that the Final Environmental Impact Report for 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. On April 13, 1993, your Board adopted Addendum No. 1 to the Final Environmental Impact report and determined that the alignment of Relocated Newport Road will not have a significant impact on the environment. 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.

**SUMMARY OF JUNE 12, 1995 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 June 12, 1993, at the offices of The Metropolitan Water District of Southern California, a hearing was held by the Land Committee of the Metropolitan's Board of Directors. Land Committee Chairman Doude Wysbeek presided. A quorum of the Committee was present.

Chairman Wysbeek requested that Deputy General Counsel Joseph Vanderhorst present the matter to the Committee. Mr. Vanderhorst discussed the requirement in the eminent domain law that adoption of a resolution of necessity is a prerequisite to the filing of an action to condemn property. He advised the Committee that a resolution of necessity was previously adopted in February, 1994, to acquire portions of the property owned by the Odous. The property being acquired is necessary for construction of the relocated Newport Road and Salt Creek Channel, which are part of the Domenigoni Valley Reservoir Project. Subsequent to the filing of the eminent domain action pursuant to the earlier resolution, design changes in the project removed the need for a drainage easement, but created the necessity for a further small fee take.

Mr. Vanderhorst described the area required for the additional take with the use of a map of the property. He advised the Committee that the change in the drainage design will allow the abandonment of the drainage easement which was being sought. This will allow the owner to have unencumbered access to the remainder of the property between Newport Road and Salt Creek Channel. The small area to be acquired as Parcel 144-1-649.2 is a fee parcel for construction of drainage facilities connected with Newport Road. The property owners had been mailed a notice of the hearing, and a request to appear had been made by George M. Popoff, who represents the owners. However, Mr. Popoff failed to appear at the hearing.

It was moved and seconded that the Land Committee recommend that the Board of Directors adopt the proposed resolution. The motion carried unanimously.

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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 will result in the closure of existing roadways including Newport Road. Metropolitan will reconstruct Newport Road on an alignment north of the reservoir project.
3. The acquisition of the interests in the property described in the proposed resolution of necessity is necessary for the construction, operation and maintenance of the relocated Newport Road. The property is located within Metropolitan's boundaries.
4. Metropolitan will require entry upon the property in order to be able to complete 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 or actions 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 May 26, 1995.



Gary M. Snyder

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
DIRECTING THE CONDEMNATION OF CERTAIN PROPERTY 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 relocation of Newport Road 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 consist of the fee interest 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 owners 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 11th day of July, 1995, 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

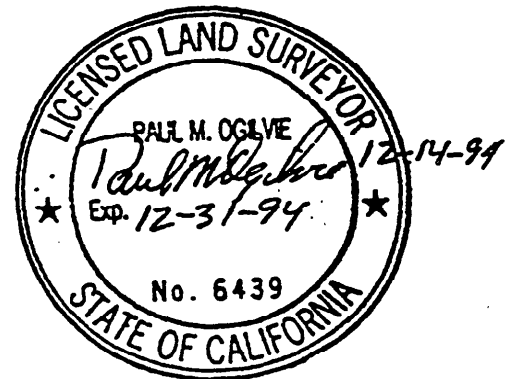
EXHIBIT A

144-1-649.2
 Bruce L. Odou &
 S. H. Odou

That portion of the west half of the northeast quarter of Section 34, Township 5 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, described as follows:

Commencing at the west quarter corner of said Section 34; said point being marked by a 2" iron pipe, 3" below the surface, tagged L.S. 2001; thence N 00° 20' 36" E 1695.27 feet along the westerly line of said Section 34; thence leaving said westerly line S 89° 39' 24" E 50.00 feet; thence S 44° 39' 24" E 343.65 feet; thence S 89° 39' 24" E 507.00 feet; thence N 00° 20' 36" E 20.00 feet; thence S 89° 39' 24" E 300.00 feet; thence S 00° 20' 36" W 30.00 feet; thence S 89° 39' 24" E 1665.69 feet to THE TRUE POINT OF BEGINNING; thence N 00° 03' 57" E 30.00 feet; thence N 89° 39' 24" W 75.00 feet to the east line of the west 25 feet of said W½ NE¼; thence along said east line S 00° 03' 57" W 30.00 feet; thence leaving said east line S 89° 39' 24" E 75.00 feet to THE TRUE POINT OF BEGINNING.

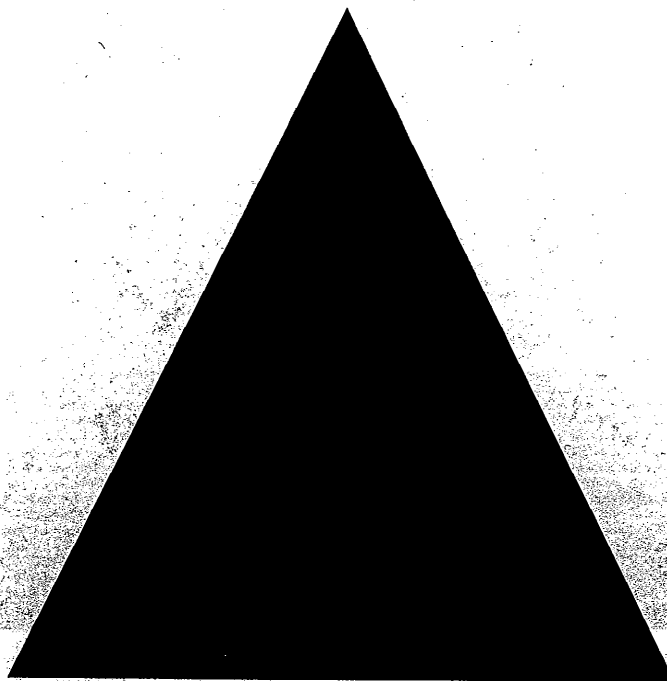
Containing 0.052 acre, more or less.



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