



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-7

December 12, 1996

To: Board of Directors (Legal and Claims Committee--Action)

From: General Counsel 

Subject: Resolution of Necessity Directing the General Counsel to Condemn Property Required for the Inland Feeder Project in San Bernardino County, California, identified by San Bernardino County Assessor's Parcel Number 299-101-03; MWD Right-of-Way Parcel Numbers INFED1-24-190PEA1 and INFED1-24-190TEA1; and Owners' Names: Jill Farquhar, Jerry Farquhar, Ricki Lundstrom and Margaret H. Farquhar. [Two Thirds Vote Required]

RECOMMENDATION

It is recommended that your Board of Directors, adopt by a two-thirds vote, the attached resolution declaring the necessity for the Project and for the interest in the property described in Exhibits A and B, attached thereto, and directing the General Counsel to commence condemnation proceedings in San Bernardino County to acquire the property.

EXECUTIVE SUMMARY

The Metropolitan Water District will require the real property described in Exhibits A and B, attached hereto, located in San Bernardino County, California, for portions of the Inland Feeder Pipeline Project. An offer to purchase the properties as required by California Government Code section 7262.2 was made, but no agreement has been reached. A resolution of necessity is recommended to authorize the commencing of an eminent domain action to acquire the property.

DETAILED REPORT

At its meeting on December 9, 1996, 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 described in Exhibits A and B attached hereto. At the conclusion of the hearing, the Land Committee voted to recommend that the resolution of necessity be adopted.

On November 14, 1996, a notice of intention to adopt a resolution of necessity and for an opportunity to appear and be heard before the Land Committee on December 9, 1996, as to the necessity for the Project and the taking of the property, was served on the owners of the property identified in Exhibits A and B. Under the law, Metropolitan must have received a written request for hearing within 15 days after the notice was served. No request to appear was received. A quorum of the Committee is required for such a hearing. 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 February 9, 1993, your Board certified that the Final Environmental Impact Report for the Inland Feeder 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 resolution.

**STATEMENT OF GARY M. SNYDER
IN SUPPORT OF RESOLUTION OF NECESSITY
(INLAND FEEDER PROJECT)**

I, Gary M. Snyder, declare:

1. I am Chief Engineer of The Metropolitan Water District of Southern California (Metropolitan).
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 conveyance facility (Inland Feeder) in San Bernardino and Riverside Counties, California, for the transportation and distribution of water for use within the District's boundaries. The construction of this facility requires the use of the property referenced on Exhibits A and B attached to the resolution of necessity transmitted herewith.
3. Acquisition of the property referred to in the resolution of necessity is necessary for the construction of pipelines for the Inland Feeder.
4. So that it may be assured that Metropolitan will have possession and may proceed with work, it is necessary that the resolution be adopted in order that actions may be commenced to condemn the property described in the proposed resolution of necessity, and court orders obtained authorizing Metropolitan to take possession of the property.

Executed at Los Angeles, California on December 17, 1996.


Gary M. Snyder

SUMMARY OF HEARING AND RECOMMENDATION
OF THE LAND COMMITTEE REGARDING ADOPTION
OF A RESOLUTION OF NECESSITY TO CONDEMN
CERTAIN PROPERTY FOR THE INLAND FEEDER PROJECT

On December 9, 1996, at the offices of The Metropolitan Water District of Southern California, a hearing was held by the Land Committee of the Board of Directors. Land Committee Chairman Doude Wysbeek presided. The Committee was called to order and a quorum was present.

Deputy General Counsel Joseph Vanderhorst advised the Committee that it has been delegated the authority by Metropolitan's Board of Directors to hold the hearings required by law as a prerequisite to the adoption of resolutions of necessity to acquire property through the exercise of the eminent domain power. The purpose of the hearing is to allow the Committee to make a determination regarding whether the public interest and necessity require the proposed Project, whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether the property to be acquired is necessary for the Project. Mr. Vanderhorst further advised the Committee that notice of the hearing had been sent to the owners of record of the properties to be acquired and that no requests to appear and be heard were received from the owners.

Mr. Vanderhorst then requested that the Inland Feeder Project Manager, James Gallanes, make a presentation regarding the Project and the properties to be acquired. Mr. Gallanes reported that the Project involves construction of a pipeline and tunnel system connecting the Devil Canyon facility with the Eastside Pipeline.

Mr. Gallanes then identified the properties which are the subject of the resolution. Parcel INFED1-24-190 PEA1 is a permanent easement and INFED1-24-190TEA1 is a temporary construction easement on property in San Bernardino County. The easements are required for construction and operation of the pipeline along Opal Avenue in Mentone. The temporary easement is required for a four-year period to ensure possession at the time the construction work reaches this location. The offer to purchase the property was based on an appraisal that took into account the expected street dedications that would be required if the property develops.

Director King made a motion to recommend that the Board adopt the resolution of necessity, which was seconded by Director Little. The Committee approved the motion with Director Parker voting against approval.

RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA DIRECTING THE CONDEMNATION OF CERTAIN PROPERTY SITUATED IN SAN BERNARDINO COUNTY (INLAND FEEDER PROJECT)

BE IT RESOLVED by the Board of Directors of The Metropolitan Water District of Southern California (the "District").

Section 1. The District's Board hereby finds and determines that the public interest and necessity require, for public use, the construction, operation and maintenance of water conveyance facilities ("Inland Feeder Project") in the County of San Bernardino for the transportation and distribution of water for use within the District's boundaries and that certain property situated in the County of San Bernardino is necessary therefor.

Section 2. The easements to be acquired for the public use set forth in section 1, above, consist of the interest in the parcels of land described in Exhibits A attached hereto and incorporated herein by reference and shown on the Exhibits B attached hereto and incorporated herein by reference. The parcels are located outside the District's boundaries.

Section 3. The District's Board hereby declares its intention to acquire the easements described in Exhibits A and B attached, by proceedings in eminent domain as authorized by the Metropolitan Water District Act (Stats. 1969, Ch. 209, as amended) and Code of Civil Procedure section 1240.125.

Section 4. The District's Board hereby finds and determines that the public interest and necessity require the proposed Project.

Section 5. The District's Board hereby finds and determines that 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 6. The District's Board hereby finds and determines that the easements described in Exhibits A and B attached hereto are necessary for the proposed Project.

Section 7. The District's Board hereby finds and determines that the offers required by Government Code section 7267.2 have been made to the owner(s) of record of the property described in Exhibits A and B attached hereto.

Section 8. The District's General Counsel is hereby directed to commence proceedings in the Superior Court of California, County of San Bernardino for the purpose of condemning and acquiring the easements described in Exhibits A and B attached hereto, and to take such steps as may be necessary to secure an order of court permitting the District to take possession of the easements described in Exhibits A and B attached hereto for the uses and purposes herein described. He is authorized to take such actions and steps as he deems necessary in connection with such proceedings, including the amending of the complaint to reduce the extent of the easements to be acquired so as to reduce the compensation payable in the action where such change could 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 regular meeting of the Board of Directors of The Metropolitan Water District of Southern California held the 14th day of January, 1997, 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

1. A temporary construction easement for a term of four (4) years commencing on the effective date of an order of possession, in the property described herein as Parcel INFED1-24-190TEA1 for the purpose of constructing a water pipeline and related facilities on land other than such parcel, and reserving to the owners the right of reasonable access and use of irrigation facilities in, over and across the easement area. The area shall be returned to a condition as near as practicable to the condition that existed prior to Metropolitan's construction work with the exception that vegetation shall not be restored by Metropolitan.

2. A permanent easement in the property described as Parcel INFED1-24-190PEA1 for the purpose of constructing, reconstructing, maintaining, operating, enlarging, removing, and replacing, a line or lines of pipe at any time and from time to time, for water transportation, with every appendage or structure necessary or convenient to be installed at any time in connection therewith; subject to the following conditions.

1. Owner shall not change the existing grade or otherwise modify the topography of the property affected by this easement without the prior consent of Metropolitan.

2. No building or other structure excepting pavement for road use shall be constructed or maintained upon any portion of the easement by Owner.

3. Owner shall not plant trees within fifteen (15) feet of the centerline of Metropolitan's pipeline. Trees shall be permitted to be planted and maintained on the remaining portion of the easement, provided, however, that should Metropolitan require use of the remaining portion of the easement area for replacement, relocation or installation of its pipeline, or for future pipelines, Owner shall remove any such trees at his or her own expense and shall not permit trees to be replanted within fifteen (15) feet of the centerline of Metropolitan's pipeline or pipelines.

4. Owner shall retain the right of access over and across the easement area, and Metropolitan shall not unreasonably interfere with such right of access.

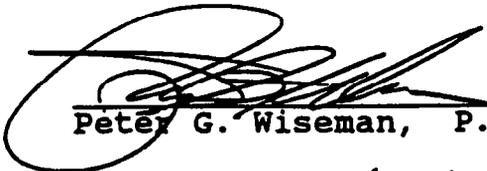
EXHIBIT A

INFED1-24-190PEA1
Jill Farquhar, et al

The easterly 103 feet of the southeast quarter of the north half of Lot 6, Block 77, Rancho San Bernardino, in the County of San Bernardino, State of California, as measured at right angles to and from the east line of said Lot 6, as shown on map recorded in Book 7, page 2 of Maps, records of said County.

For the purposes of this description, the easterly and southerly lines of said southeast quarter of the north half of Lot 6 are coincident with the centerlines of Opal and Highland Avenue as shown on Parcel Map No. 7371, filed in Book 83, Pages 92 and 93 of Parcel Maps, records of said County.

PREPARED UNDER MY SUPERVISION


Peter G. Wiseman, P.L.S. 6241

Date

4/16/96



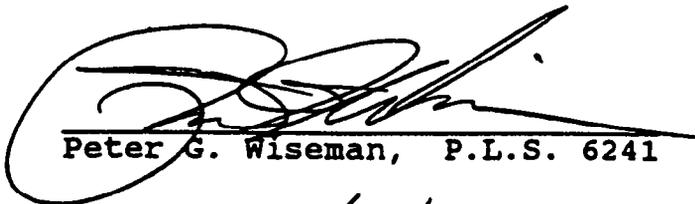
EXHIBIT A

INFED1-24-190TEA1
Jill Farquhar, et al

The westerly 130 feet of the easterly 233 feet of the southeast quarter of the north half of Lot 6, Block 77, Rancho San Bernardino, in the County of San Bernardino, State of California, as measured at right angles to and from the east line of said Lot 6, as shown on map recorded in Book 7, page 2 of Maps, records of said County.

For the purposes of this description, the easterly and southerly lines of said southeast quarter of the south half of Lot 6 are coincident with the centerlines of Opal and Highland Avenue as shown on Parcel Map No. 7371, filed in Book 83, Pages 92 and 93 of Parcel Maps, records of said County.

PREPARED UNDER MY SUPERVISION


Peter G. Wiseman, P.L.S. 6241

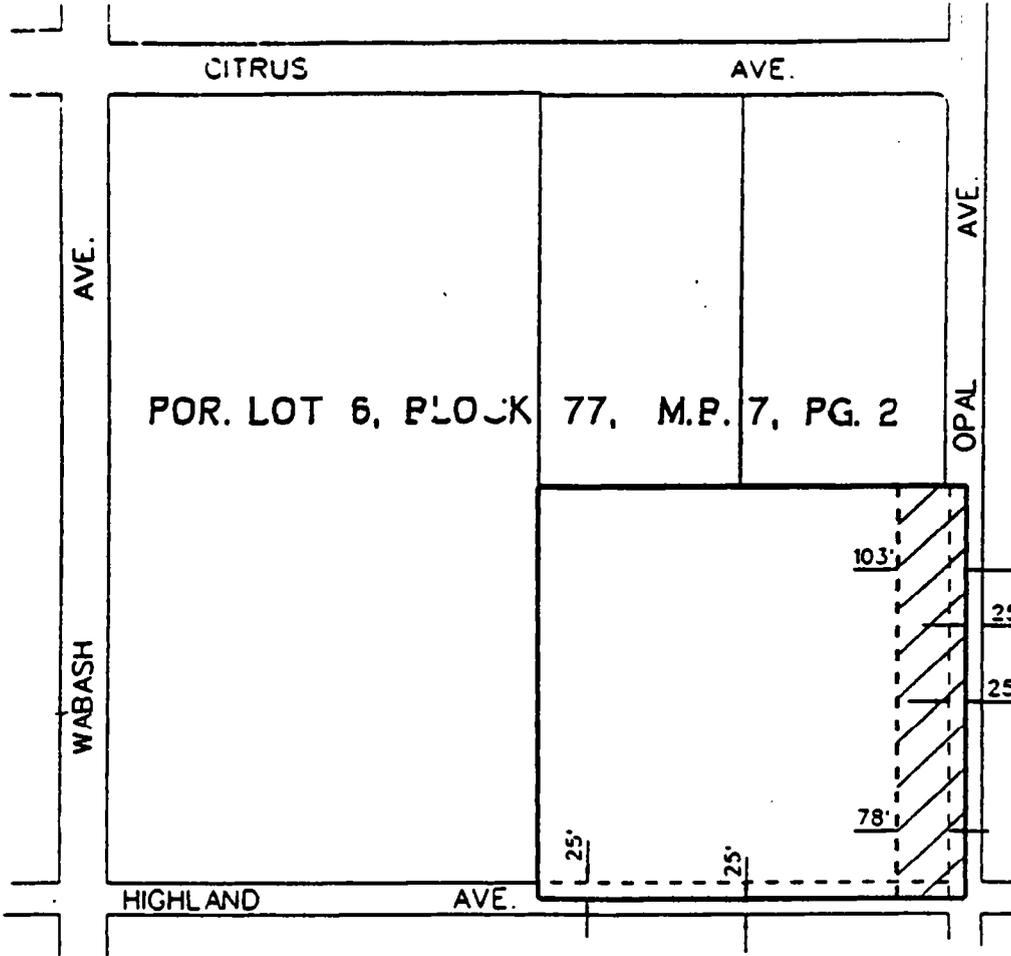
Date

4/16/96



EXHIBIT B

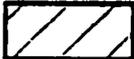
THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION
 POR. OF SE 1/4, N 1/2, OF LOT 6, BLOCK 77,
 RANCHO SAN BERNARDINO, M.B. 7, PG. 2
 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

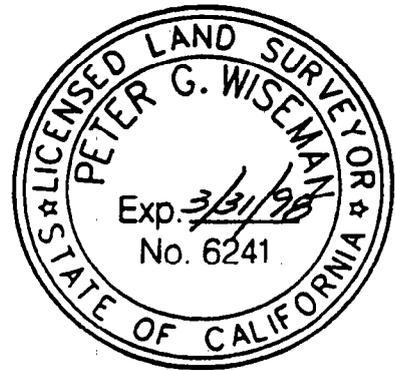


NOT TO SCALE

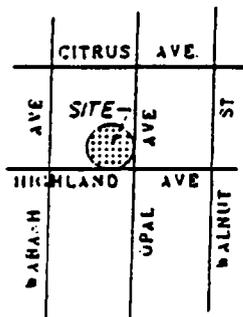
POR. LOT 6, BLOCK 77, M.B. 7, PG. 2

LEGEND

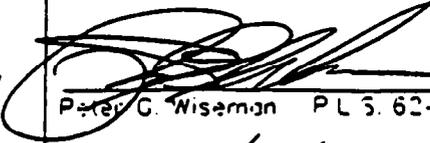
 PERMANENT EASEMENT
 INFED1-24-190PEA1
 (1.547 AC. TOTAL)



VICINITY MAP



PREPARED UNDER
 MY SUPERVISION


 Peter G. Wiseman P.L.S. 6241

DATE 4/16/96

THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA

INLAND FEEDER
 PERMANENT EASEMENT

JILL FARQUHAR, ET AL

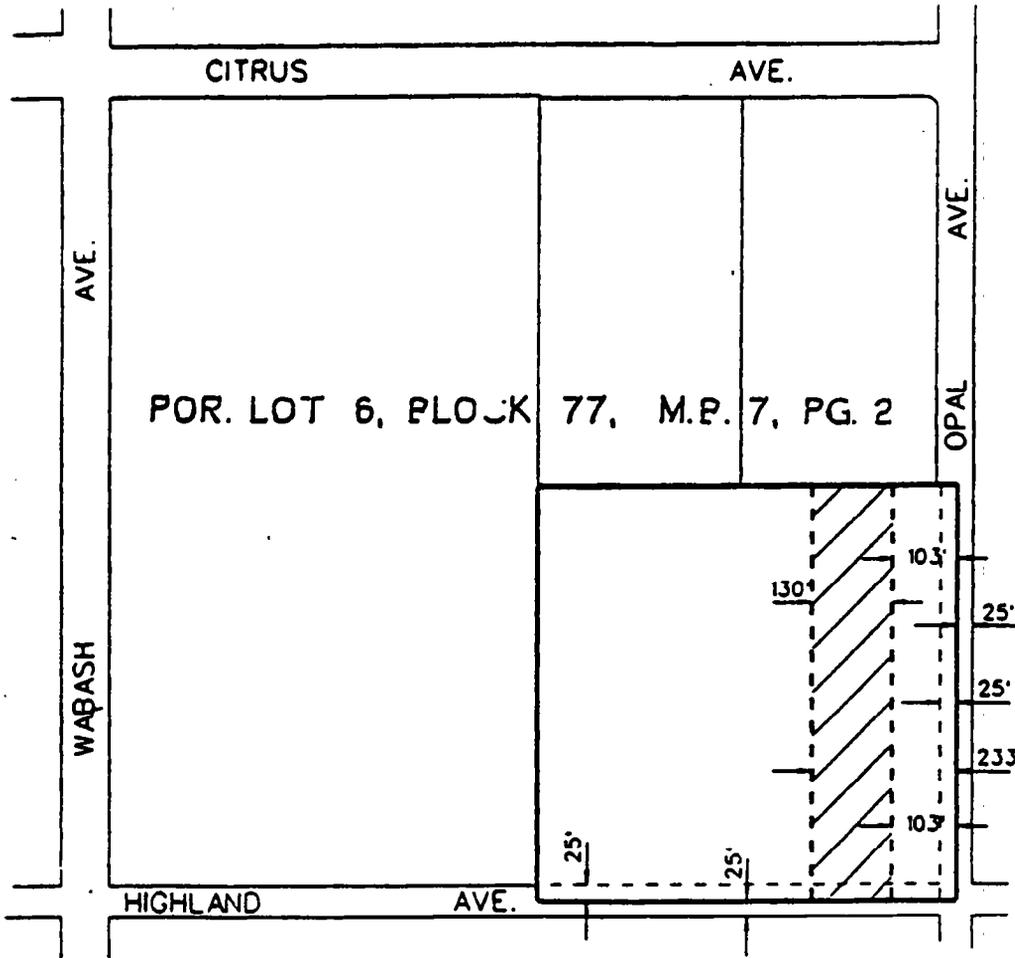
TO
 MWD

INFED1-24-190PEA1

NOT TO SCALE

EXHIBIT B

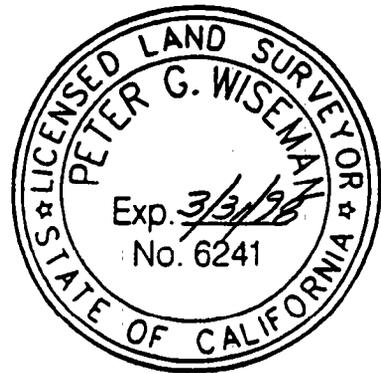
THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION
POR OF SE 1/4, N 1/2, OF LOT 6, BLOCK 77,
RANCHO SAN BERNARDINO, M.B. 7, PG. 2
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



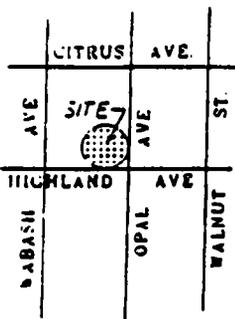
LEGEND



TEMPORARY EASEMENT
INFED1-24-190TEA1
(1.952 AC. TOTAL)



VICINITY MAP



**PREPARED UNDER
MY SUPERVISION**

[Signature]
Peter G. Wiseman P.L.S. 6241

DATE 4/16/96

NOT TO SCALE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
**INLAND FEEDER
TEMPORARY EASEMENT**
JILL FARQUHAR, ET AL
TO
MWD
INFED1-24-190TEA1