



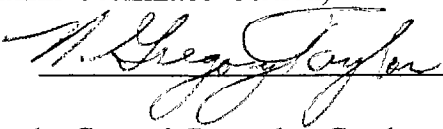
**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

**8-8**

January 21, 1997

**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 Eastside Reservoir Project in Riverside County, California, identified by Riverside County Assessor's Parcel Number 469-270-011, MWD Right-of-Way Parcel Number 144-1-797 and Owners: Thomas E. Morlan and Lorraine J. Morlan. [**Two Thirds Vote Required**]

## **RECOMMENDATION**

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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 interests in 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.

## **EXECUTIVE SUMMARY**

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The Metropolitan Water District will require the real property described in Exhibits A and B, attached hereto, located in Riverside County, California, for its Eastside Reservoir Project. An offer to purchase the property 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**

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The Metropolitan Water District will require the real property described in Exhibits A and B for the Eastside Reservoir Project. An offer to purchase the property has been made, but no agreement has been reached for its acquisition. A resolution of necessity is recommended to authorize the commencing of an eminent domain action to acquire the property.

On December 12, 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 January 13, 1997 as to the necessity for the Project and the taking of the property, was served on the owners of the property identified in Exhibit A. Under the law Metropolitan must have received a written request for a hearing within 15 days after the notice was served. No request to appear was received. At its meeting on January 13, the Land Committee held the hearing and voted unanimously to recommend that the resolution of necessity be adopted. 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 Eastside 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.

ks:3339

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

On January 13, 1997, 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 notice of the hearing on the resolution of necessity had been sent to the owners and no request for an appearance had been made. The owners were not present at the hearing. The purpose of the hearing is to allow the Committee to make a determination regarding whether the proposed Project is necessary, 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.. An offer to purchase the property had been made to the owners, however, no agreement could be reached.

Mr. Vanderhorst then requested that the Eastside Reservoir Project Manager, Dennis Majors, make a presentation regarding the property to be acquired for the Project. Mr. Majors reported that the property is located at the east end of the Reservoir Project. The Environmental Impact Report disclosed that the property would be subject to significant noise impacts during construction. The property is also located in an area that is the "tightest" in terms of operational needs of the Project. The area includes a catch basin to take surface water flows out of Goodheart Canyon. In response to requests from the property owners to acquire their property, and a directive from the Land Committee to investigate a resolution of this request, it was determined that the property should be acquired.

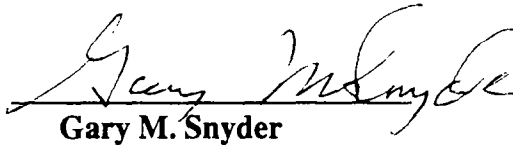
Director Grandsen made a motion to recommend that the Board adopt the resolution of necessity, which was seconded by Director Mylne. The Committee unanimously approved the motion.

STATEMENT OF GARY M. SNYDER IN SUPPORT OF  
RESOLUTION OF NECESSITY (EASTSIDE 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 Riverside County, California.
3. The acquisition of the property described in the proposed resolution of necessity is necessary for the construction, operation and maintenance of the Eastside Reservoir. The property is located within Metropolitan's boundaries.
4. 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.

Executed in Los Angeles, on December 17, 1996.

  
Gary M. Snyder

## RESOLUTION

### 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 (EASTSIDE 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 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 parcel of land described in Exhibits A and B 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 property described in Exhibits A and B attached hereto is necessary for the proposed Project.

Section 6. The offer required by section 7267.2 of the California Government Code has been made to the owners of record of the property.

Section 7. 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. 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 February, 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.

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Executive Secretary  
The Metropolitan Water District  
of Southern California

ks2876

## **EXHIBIT A**

1. Fee interest in the property described herein as Parcel 144-1-797.

EXHIBIT A

144-1-797

Thomas E. Morlan et ux

Parcel 1 of Parcel Map 4596, in the County of Riverside, State of California, as shown by map filed in Book 7, page 34, of Parcel Maps, Records of Riverside County, California, and that portion of the southerly 30 feet of said Parcel Map 4596, as dedicated to the County of Riverside by that certain Declaration of Dedication recorded January 8, 1973 as Instrument No. 2800, of Official Records, in the office of the County Recorder of said County of Riverside, that would pass by operation of law with the conveyance of said Parcel 1.



PREPARED UNDER MY SUPERVISION

*Paul M. Ogilvie*

Paul M. Ogilvie, P.L.S. 6439

Date: 7-29-96

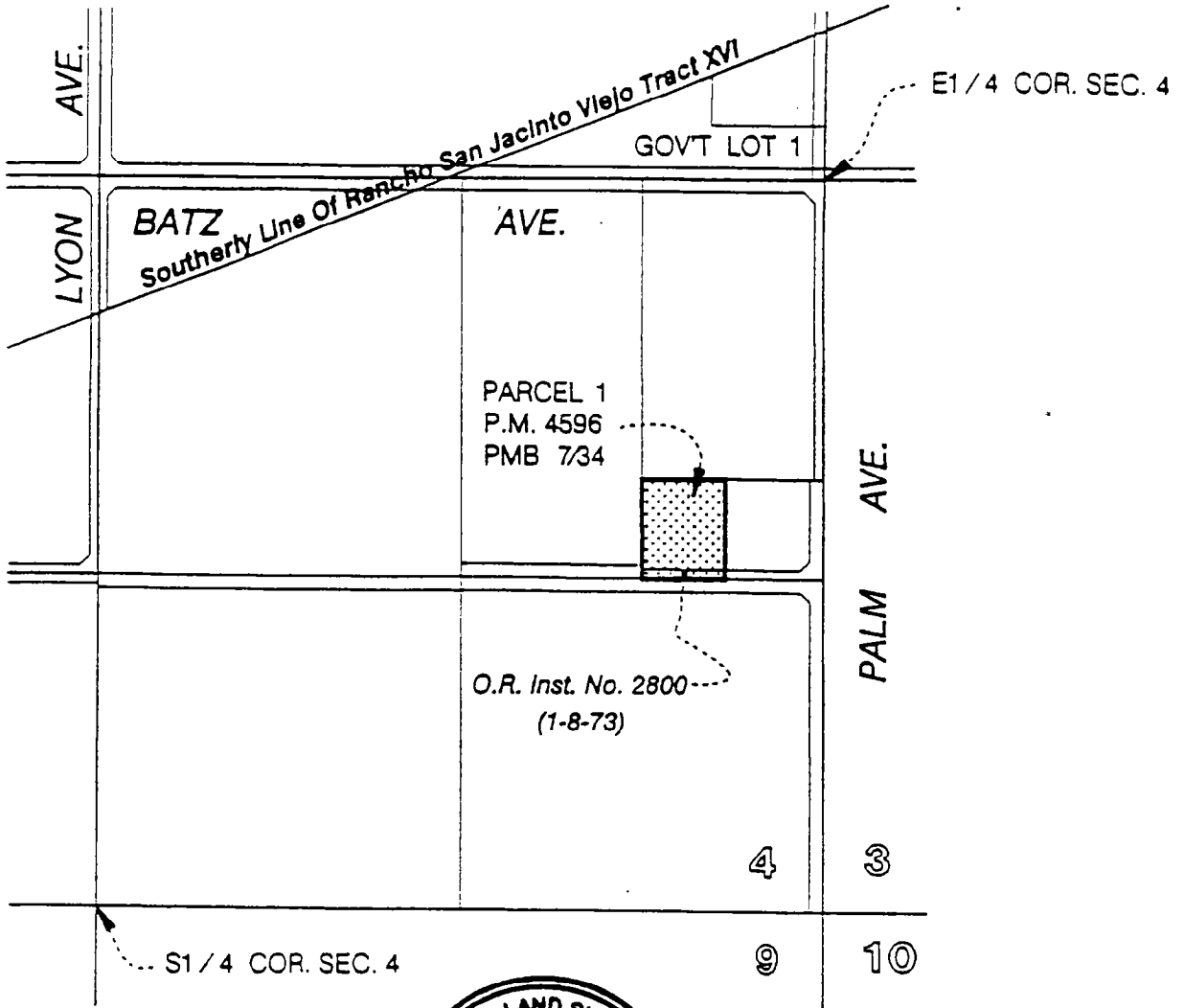
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# EXHIBIT B

PORTION SE1/4, SEC. 4, T6S, R1W, S.B.M.  
RIVERSIDE COUNTY, CALIFORNIA

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION

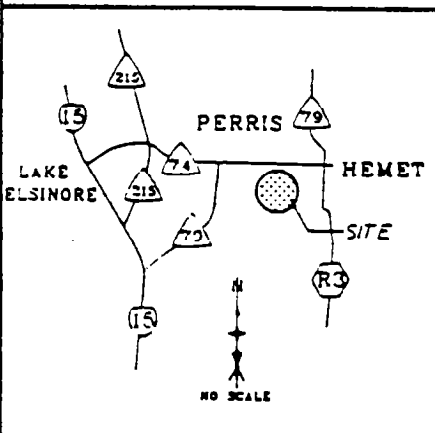


## LEGEND


 = GRANT DEED  
144-1-797



NO SCALE



PREPARED UNDER  
MY SUPERVISION

  
PAUL M. OGLIVIE P.L.S. 6439  
7-29-96

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA  
EASTSIDE RESERVOIR PROJECT  
**GRANT DEED**  
THOMAS E. MORLAN et ux  
TO  
M.W.D.  
144-1-797