



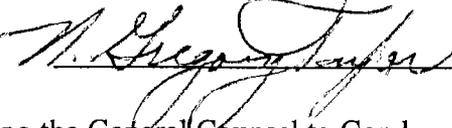
MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-9

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 Inland Feeder Project in Riverside County, California, identified by Riverside County Assessor's Parcel Number 426-150-005; MWD Right-of-Way Parcel Number INFED1-05-151; and Owner's Name: Kenneth L. Ray. [**Two-Thirds Vote Required**]

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.

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 portions of the Inland Feeder Pipeline 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

The Metropolitan Water District will require the real property described in Exhibits A and B and the attached resolution of necessity for the construction of the Inland Feeder 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 Exhibits A and B. Under the law an owner must provide a written request for a hearing within 15 days after the notice was served in order for a hearing to be required. No request to appear was received. At its meeting on January 13, the Land Committee held the hearing and voted 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 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 request.

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 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 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 property to be acquired. Mr. Vanderhorst spoke with a representative of the owners who stated that they were not opposed to the acquisition, but disputed the value of the property as reflected in Metropolitan's offer. There was no appearance by the owners or their representatives.

Mr. Vanderhorst then requested that the Inland Feeder Project Manager, James Gallanes, make a presentation regarding the Project and the property 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 property which is the subject of the resolution. Parcel INFED1-05-151 is a 1.39 acre parcel in Riverside County. A portion of the take area would be subject to dedication for street improvements when the property is developed, and the net acreage affected by the taking is 7/10 acre. The fee take is required for construction of the pipeline between Orange and Sixth Street in the community of Lakeview, California. This property is vacant and it is necessary to put the pipeline alignment through this property to avoid impacting other residential properties.

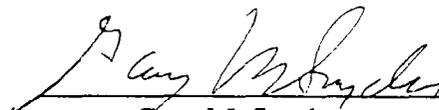
Director Mylne made a motion to recommend that the Board adopt the resolution of necessity, which was seconded by Director Little. The Committee approved the motion with Director Parker voting against approval.

**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

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 (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 Riverside for the transportation and distribution of water for use within the District's boundaries 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, above, consists of the parcel of land described in Exhibit A attached hereto and incorporated herein by reference and shown on Exhibit B attached hereto and incorporated herein by reference. The property is located within the District's boundaries.

Section 3. The District's Board hereby declares its intention to acquire the property 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).

Section 4. 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 5. The District's Board hereby finds and determines that the property described in Exhibits A and B attached hereto are necessary for the proposed Project.

Section 6. The District's Board hereby finds and determines that the offer required by Government Code section 7267.2 has been made to the owner of record of the property described in Exhibits A and B, attached hereto.

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 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 property 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 property 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 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.

Executive Secretary
The Metropolitan Water District of
Southern California

EXHIBIT A

Fee interest in the property described herein as Parcel INFED1-05-151.

SUMMARY OF HEARING AND RECOMMENDATION
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OF A RESOLUTION OF NECESSITY TO CONDEMN
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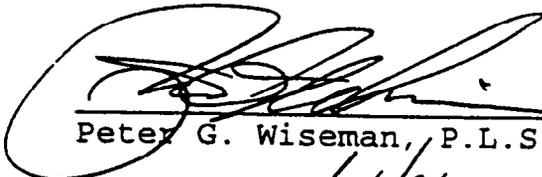
EXHIBIT A

INFED1-05-151
Kenneth L. Ray

That portion of Lot 5 in the County of Riverside, State of California as shown on Map No. 3 of Lakeview, recorded in Book 1, pages 34 and 35, of Maps in the Office of the County Recorder of said County lying southwesterly of a line that is parallel with and 490.00 feet southwesterly of, as measured at right angles to the northeasterly line of said Lot 5.

For the purpose of this description the northerly, southeasterly and southwesterly lines of said Lot 5 are coincident with the centerlines of Lakeview Avenue, Sixth Street and Orange Street, respectively as shown on said Map.

PREPARED UNDER MY SUPERVISION



Peter G. Wiseman, P.L.S. 6241
Date 2/14/96



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Feb. 01, 1996

