



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-8

February 14, 1997

**To:** Board of Directors (Special Committee on Real Property Management-Action)  
(Legal and Claims Committee-Action)

**From:** *for* General Manager Edward S. Meers IV

**Submitted by:** Gary M. Snyder  
*for* Chief Engineer Wally Lee

**Subject:** Hearing on Resolution of Necessity Directing the General Counsel to Condemn Property Required for the Inland Feeder Project in Riverside County, California, identified by Riverside County Assessors' Parcel Numbers 425-170-002, -004, -005, -006, -012, -013, -017, -018, -021; 426-160-003, and -007, MWD Right-of-Way Parcel Numbers INFED1-05-120, -120TEA1, and -140TEA1, and Owners' Name: B & A Properties, a general partnership. **[Two Thirds Vote Required]**

## RECOMMENDATION

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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 properties described in Exhibits A and B, attached thereto, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the properties.

## EXECUTIVE SUMMARY

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The Metropolitan Water District will require the interests in real property described in Exhibits A and B, attached hereto, located in Riverside County, California, for portions of the Inland Feeder Pipeline Project. Offers to purchase the property as required by California Government Code section 7267.2 were made, but no agreement has been reached. A resolution of necessity is recommended to authorize the commencing of eminent domain actions to acquire the property.

**DETAILED REPORT**

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B & A Properties is the owner of 58.6 acres of vacant land located in the Lakeview area of Riverside County. The property is separated in several parcels, and is bisected by Metropolitan's Colorado River Aqueduct right-of-way.

Metropolitan requires portions of the property for construction of the Inland Feeder Project. Although the Inland Feeder is being constructed within Metropolitan's existing right-of-way in this area, additional space is required for the trenching and equipment during the construction work..

Metropolitan is seeking to acquire the fee interest in a narrow strip of land contiguous with the Colorado River Aqueduct right-of-way. This strip, Metropolitan's Parcel INFED1-05-120, was apparently inadvertently created by the sale of the adjacent property with an improper legal description. It is sandwiched between Metropolitan's existing right-of-way and additional land Metropolitan is acquiring for the Inland Feeder Project. It consists of 0.03 acre.

Parcels INFED1-05-120TEA1 and INFED1-05-140TEA1 are temporary construction easements to construct the pipeline. The term of these easements is five (5) years. The easements cover a combined 6.26 acres.

Metropolitan has had these parcels appraised at a total value of \$67,400, based on land value of \$8,000 per acre. An offer for the full appraised value has been made to B & A Properties, which has rejected the offer. Therefore, it is necessary to proceed with acquisition of the required parcels through an exercise of Metropolitan's eminent domain power.

On February 5, 1997, a notice of intention to adopt a resolution of necessity and for an opportunity to appear and be heard before the Special Committee on Real Property Management on February 25, 1997, as to the necessity for the Project and the taking of the properties, was served on B & A Properties. The Eminent Domain Law requires an owner to provide a written request for a hearing within 15 days after the notice was served to be entitled to a hearing on the adoption of a resolution of necessity. A quorum of the Committee is required for such a hearing. A written summary of the hearing and the recommendation of the Special Committee on Real Property Management as to whether the Board should adopt the resolution will be provided to the Board and to the property owner if it appears before the Committee.

Transmitted herewith is the form of a resolution declaring the necessity of the Project and the acquisition of the parcels described in Exhibits A and B, attached thereto, and directing the General Counsel to commence condemnation proceedings in San Bernardino County to acquire the parcels.

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.

ks#3633v3

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

On February 25, 1997, at the offices of The Metropolitan Water District of Southern California, a hearing was held by the Special Committee on Real Property Management of the Board of Directors. Committee Chairman Jerry King 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 the property owner had been offered the full amount of the appraised value for the property interests sought to be acquired, and a copy of the offer letter will be made a part of the administrative record.

Mr. Vanderhorst stated that notice of the hearing had been sent to the owners of record of the property to be acquired, and a request to appear and be heard was received. Representatives of the property owner were present.

Mr. Vanderhorst then requested that Assistant Chief Engineer, Dennis Majors, make a presentation regarding the Project and the property to be acquired. Mr. Majors reported that the Project involves construction of a pipeline and tunnel system connecting the Devil Canyon facility with the Eastside Pipeline. In the particular area where the subject property is located, a pressure control facility will also be constructed to deal with pressure changes between facilities.

Mr. Majors then identified the property which is the subject of the resolution. Parcel INFED1-05-120 is a narrow strip of property situated between Metropolitan's existing Colorado River Aqueduct right-of-way and an adjacent property. It appears that this 5-foot wide strip was created through an error in legal descriptions in earlier conveyances. Since Metropolitan is acquiring the fee interest in the adjacent property, it seeks to acquire this strip as well to avoid an in-holding. Parcels INFED1-05-120TEA1 and -140TEA1 are five year construction easements. INFED1-05-120TEA1 is to be used during installation of the Inland Feeder Pipeline, and INFED1-05-140TEA1 will be used for construction of both the pipeline and the pressure control facility.

Ms. Julie Barbat, representing the property owner, made a statement to the Committee. She indicated that the owner understood that Metropolitan needed the property for its project, and was seeking to be treated fairly in the amount of compensation to be paid for the

property. The owner has held the property for some time, and is concerned about the impact on its use and marketability caused by the 7-year easements.

Mr. Vanderhorst responded to Ms. Barbat's comments by informing the Committee that Metropolitan staff had originally appraised and offered to acquire a 7-year easement. With the project schedule now more firmly established, staff is seeking only a 5-year easement term. The issue of compensation for the value of the property interest being acquired and any damage to the remainder of the property are not issues related to the resolution of necessity, and would be dealt with in the eminent domain action.

The Committee voted unanimously to recommend adoption of the resolution.

## RESOLUTION

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA DIRECTING THE CONDEMNATION OF CERTAIN PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE (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 properties situated in the County of Riverside are necessary therefor.

Section 2. The properties to be acquired for the public use set forth in section 1, above, consists of 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 property is located within the District's boundaries.

Section 3. The District's Board hereby declares its intention to acquire the properties 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 properties 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 offers required by Government Code section 7267.2 have been made to the owner of record of the properties 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 properties described in Exhibits A and B attached hereto, and to take such steps as may be necessary to secure orders of court permitting the District to take possession of the properties 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 properties 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 March, 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

**EXHIBIT A**

**INFED1-05-120  
B & A Properties**

Fee interest in the property located in the County of Riverside, State of California,  
described herein as Parcel INFED1-05-120, and shown on Exhibit B, attached hereto.

EXHIBIT A

INFED1-05-120  
B & A Properties,  
a general partnership

That portion of Lot 8, Block 22 of Amended Map No. 1 of Lake View in the County of Riverside, State of California, as shown on map filed in Book 2, page 24 of Maps in the Office of the County Recorder of said County, lying within Parcel 2 as conveyed to B & A Properties, a general partnership by Grant Deed recorded October 15, 1982 as Instrument No. 178266 of Official Record of said County, lying northerly of the northerly line of that certain parcel of land conveyed by Grant Deed to The Metropolitan Water District of Southern California, as Parcel A recorded March 30, 1971, as Instrument No. 31809, of Official Records of said County.

PREPARED UNDER MY SUPERVISION

  
Peter G. Wiseman P.L.S. 6241

Date

8/14/96



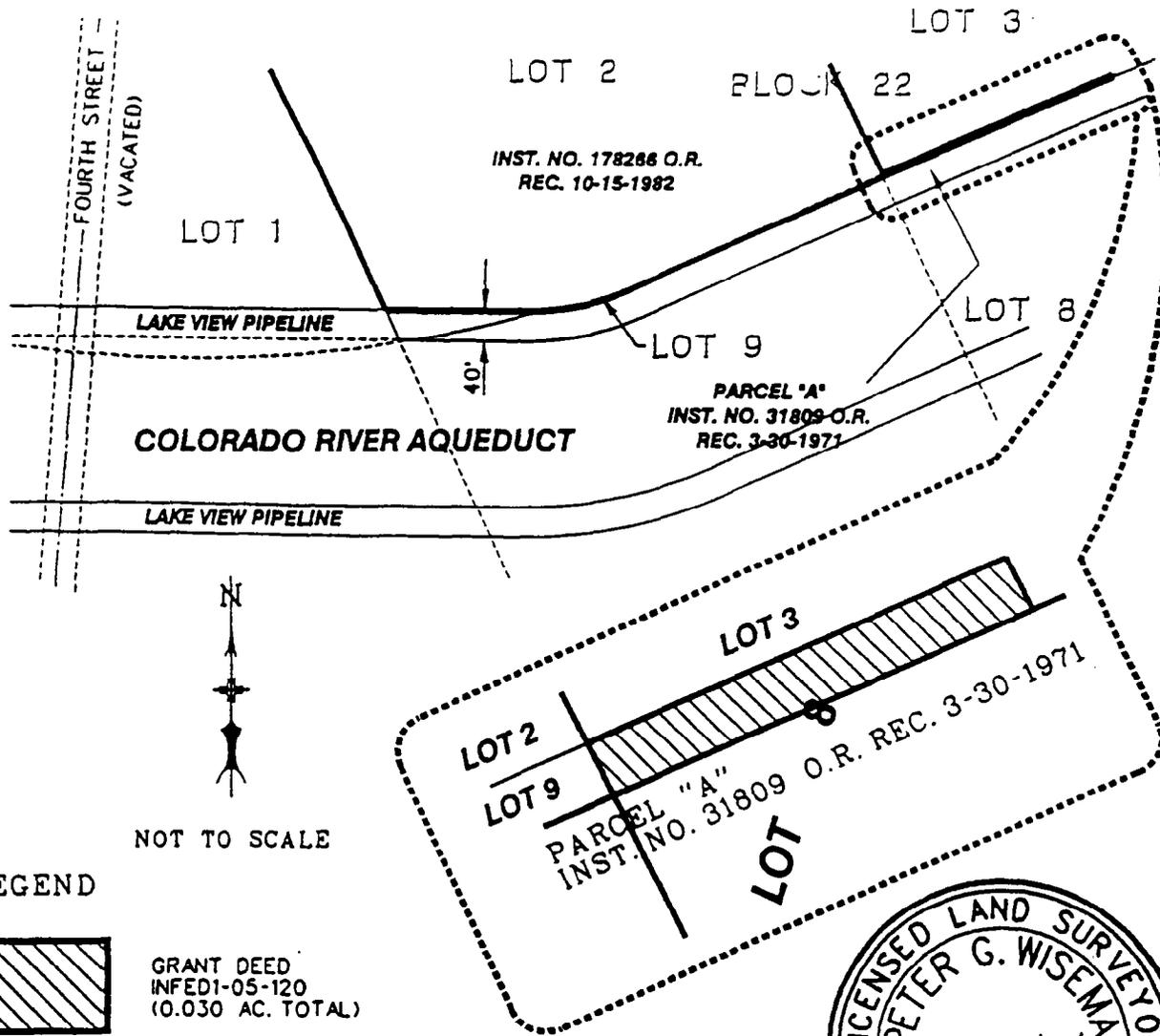
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August 08, 1996

**EXHIBIT B**

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"

POR. OF LOT 8,  
BLOCK 22, AMENDED MAP NO. 1, OF LAKE VIEW, M.B. 2, PG. 24,  
RANCHO SAN JACINTO NUEVO  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



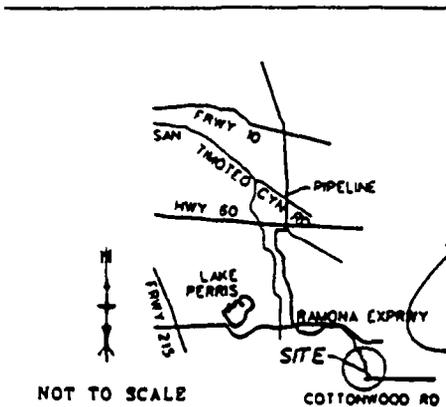
NOT TO SCALE

**LEGEND**



GRANT DEED  
INFED1-05-120  
(0.030 AC. TOTAL)

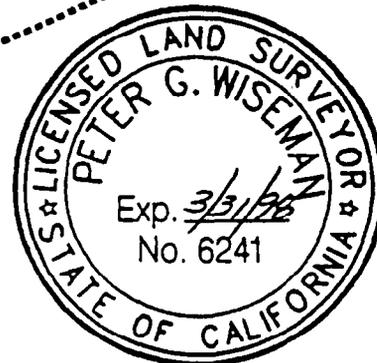
**VICINITY MAP**



PREPARED UNDER  
MY SUPERVISION

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

DATE 8/14/96



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

INLAND FEEDER  
GRANT DEED  
B & A PROPERTIES,  
A General Partnership  
TO  
MWD  
INFED1-05-120

**EXHIBIT A**

**INFED1-05-120TEA1  
B & A Properties**

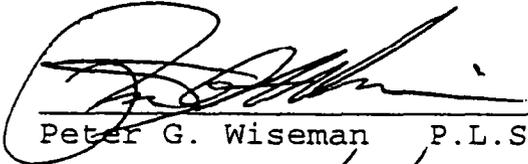
A temporary construction easement for a term of five (5) years commencing on the effective date of an order for possession, over, upon and across the property located in the County of Riverside, State of California, described herein as Parcel INFED1-05-120TEA1, and shown on Exhibit B, attached hereto.

EXHIBIT A

INFED1-05-120TEAL  
B & A Properties,  
a general partnership

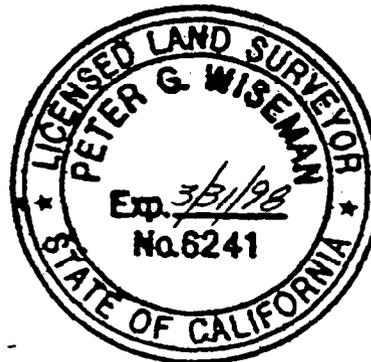
A strip of land 150 feet wide in the County of Riverside, State of California lying within those portions of Lots 2 and 9, Block 22 of Amended Map No. 1 of Lake View, as shown on map filed in Book 2, page 24 of Maps in the Office of the County Recorder of said County, the northerly sideline of said strip of land being parallel and concentric with and 150.00 feet northerly of, as measured at right angles and radially to the northerly line of those certain parcels of land conveyed by Grant Deeds to The Metropolitan Water District of Southern California, recorded February 5, 1971 as Instrument No. 11663, and as Parcel A recorded March 30, 1971, as Instrument No. 31809, both of Official Records of said County.

PREPARED UNDER MY SUPERVISION

  
Peter G. Wiseman P.L.S. 6241

Date

8/14/96



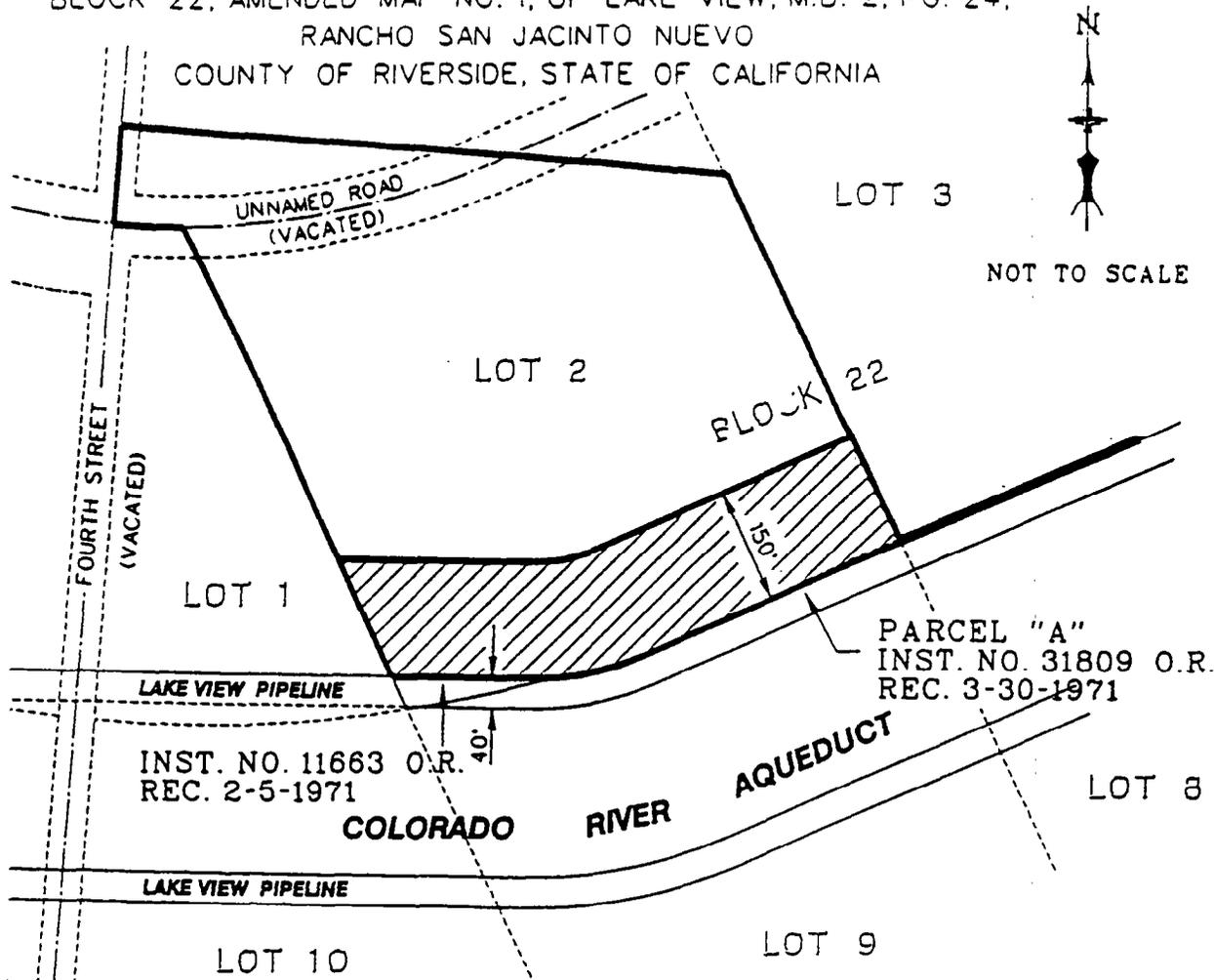
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August 08, 1996

**EXHIBIT B**

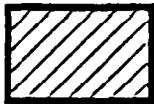
"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"

POR. LOT 2, POR. LOT 9  
BLOCK 22, AMENDED MAP NO. 1, OF LAKE VIEW, M.B. 2, PG. 24,  
RANCHO SAN JACINTO NUEVO  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



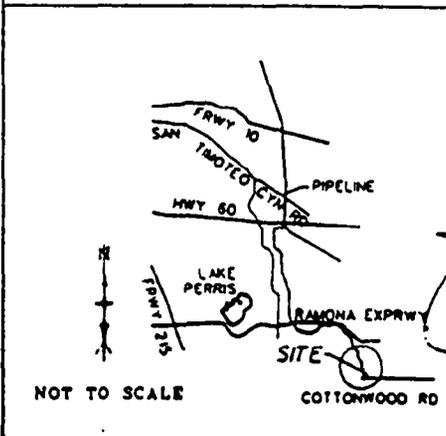
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**LEGEND**

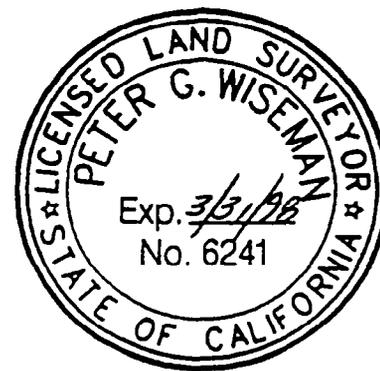


TEMPORARY EASEMENT  
INFED1-05-120TEA1  
(2.360 AC. TOTAL)

**VICINITY MAP**



PREPARED UNDER  
MY SUPERVISION



Peter G. Wiseman P.L.S. 6241

DATE

*8/14/96*

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

INLAND FEEDER  
TEMPORARY EASEMENT  
B & A PROPERTIES.  
A General Partnership  
TO  
MWD  
INFED1-05-120TEA1

**EXHIBIT A**

**INFED1-05-140TEA1  
B & A Properties**

A temporary construction easement for a term of five (5) years commencing on the effective date of an order for possession, over, upon and across the property located in the County of Riverside, State of California, described herein as Parcel INFED1-05-140TEA1, and shown on Exhibit B, attached hereto.

EXHIBIT A

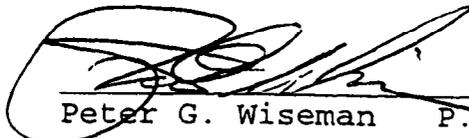
INFED1-05-140TEA1  
B & A Properties,  
a general partnership

That portion of Lot 1 and that portion of Lot 6, Block 23 of Amended Map No. 1 of Lake View in the County of Riverside, State of California, as shown on map filed in Book 2, page 24 of maps in the Office of the County Recorder of said County, lying northerly of the northerly line of that certain parcel of land conveyed to The Metropolitan Water District of Southern California, as Parcel "A" by Grant Deed recorded March 30, 1971, as Instrument No. 31809, of Official Records of said County.

TOGETHER with that portion of the south one-half of the unnamed road, 80 feet wide as shown on said map, as vacated by order of the Board of Supervisor, recorded October 20, 1955 in Book 1809, page 373 of Official Records of said County, lying between the northerly prolongation of the easterly and westerly lines of said Lot 6.

ALSO TOGETHER with that portion of the west one-half of Fourth Street lying adjacent to said Lots 1 and 6 as shown on said map, as vacated by order of the Board of Supervisor, recorded October 20, 1955 in Book 1809, page 373 of Official Records of said County, lying southerly of the easterly prolongation of the centerline of the above mentioned unnamed road 80 feet wide.

PREPARED UNDER MY SUPERVISION

  
Peter G. Wiseman P.L.S. 6241  
Date 10/10/96

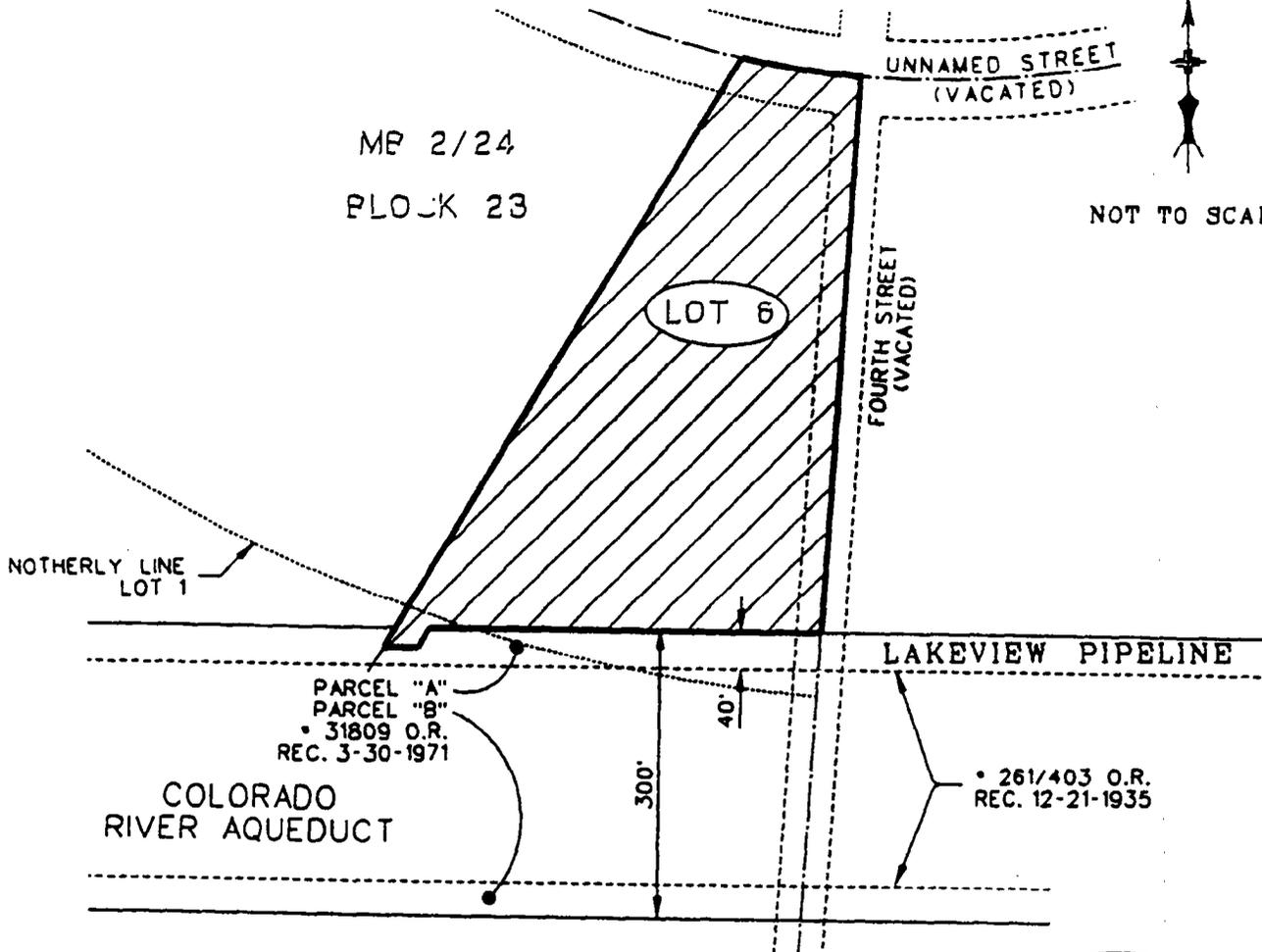


**EXHIBIT B**

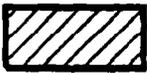
"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"  
POR. OF LOTS 1 AND LOT 6, BLOCK 23,  
AMENDED MAP NO. 1, OF LAKE VIEW, M.B. 2, PG. 24,  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



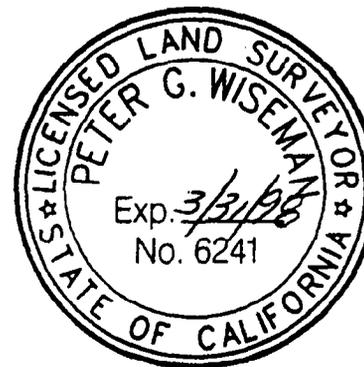
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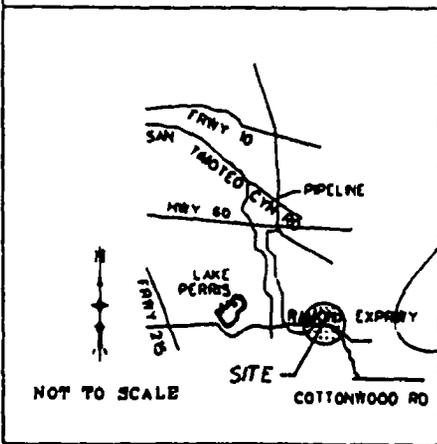
**LEGEND**



TEMPORARY EASEMENT  
INFED1-05-140TEA1  
(3.903 AC. TOTAL)



**VICINITY MAP**



PREPARED UNDER  
MY SUPERVISION

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

DATE

*10/10/96*

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

INLAND FEEDER  
TEMPORARY EASEMENT  
B & A PROPERTIES,  
a General Partnership  
TO  
MWD  
INFED1-06-140TEA1