



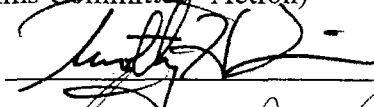
**MWD**


METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

**8-14**

May 23, 1997

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

**From:** General Manager 

**Submitted by:** Gary M. Snyder  
Chief Engineer 

**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 469-270-019 and -020, MWD Right-of-Way Parcel Number 144-1-805 and Owners: Robert L. Rosenthal and Connie R. Rosenthal. [**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 property described in Exhibit A and shown on Exhibit 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 Exhibit A and shown on Exhibit 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 7267.2 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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Metropolitan proposes to acquire the real property described in the attached resolution of necessity for its Eastside Reservoir Project. An offer to purchase the property has been made, but no agreement has been reached for the acquisition.

The subject property consists of approximately 10 acres improved with a single-family home and horse facilities. The owners raise quarterhorses for racing on the property. Metropolitan has had the property appraised at a total value of \$540,000 (\$130,000 land and \$410,000 for improvements). The owners have rejected the offer, and a voluntary acquisition cannot be negotiated.

On May 5, 1997, notices 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 May 27, 1997, as to the necessity for the Project and the taking of the subject property was served on the Mr. and Mrs. Rosenthal. No request to appear and be heard was received. 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 is included below.

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

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.

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 EASTSIDE RESERVOIR PROJECT

On May 27, 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 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. Mr. Vanderhorst further advised the Committee that the property owners had been provided notice of the hearing and had not requested an appearance.

Mr. Vanderhorst explained that the subject property was located within the zone identified in the Eastside Reservoir Final Environmental Impact Report as being subject to significant impacts from construction of the East Dam. The mitigation plan adopted by the Board of Directors at the time of certification of the FEIR included measures for the temporary or permanent relocation of residents in the significant impact zone. The subject property is the residence for the Rosenthal family, and they also raise quarterhorses on the property. Efforts to accommodate a temporary relocation for the Rosenthals and their quarterhorses have failed and they have requested permanent relocation. The property has been appraised, but the Rosenthals have rejected the offer made for the purchase of the property.

The Committee unanimously approved the recommendation to adopt the resolution of necessity.

## RESOLUTION

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA DIRECTING THE CONDEMNATION OF CERTAIN PROPERTIES 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 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. 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 10th day of June, 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

ks:4804

**EXHIBIT A**

1. Fee interest in the property described herein as Parcel 144-1-805.

**EXHIBIT A**

144-1-805

Robert L. Rosenthal et al

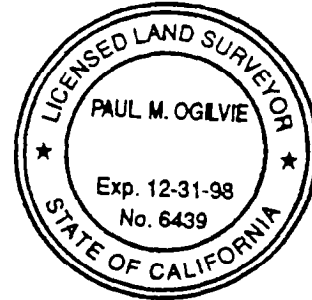
Parcel 3 and 4 of Parcel Map No. 21062, as shown on map recorded in Book 140, Page 22 and 23 of Parcel Maps, records of Riverside County, California.

PREPARED UNDER MY SUPERVISION

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

Date: 12-18-96

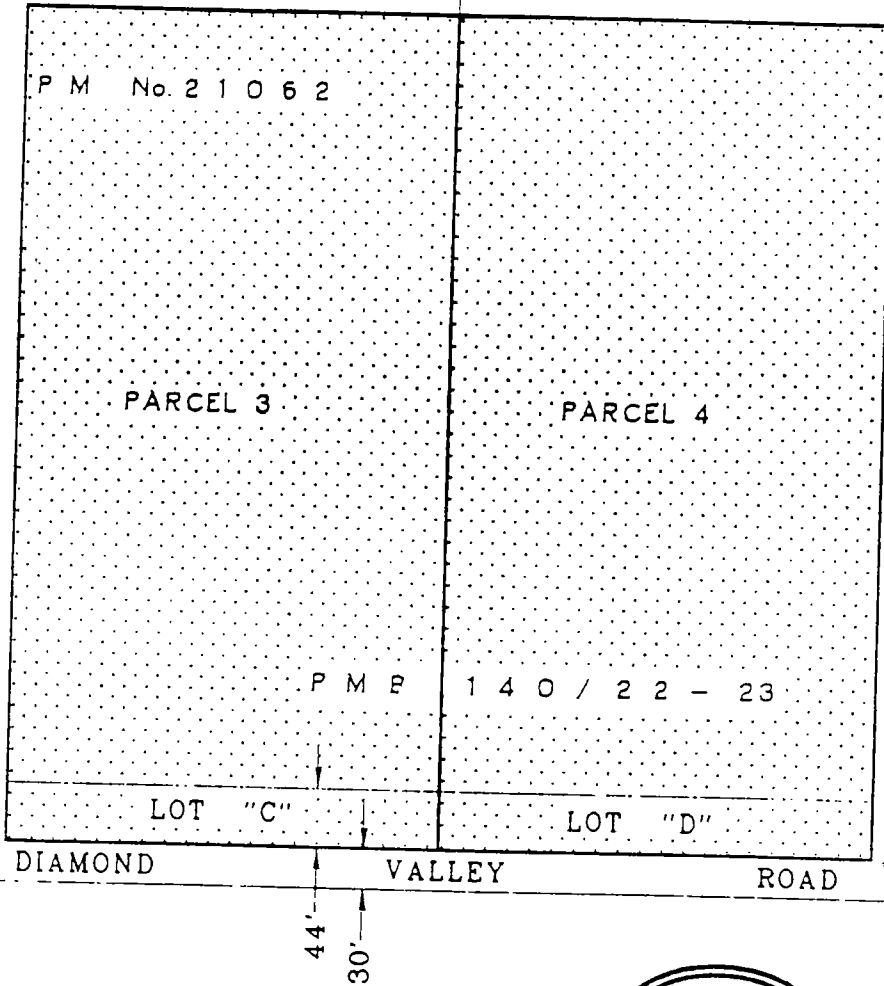
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**EXHIBIT B**

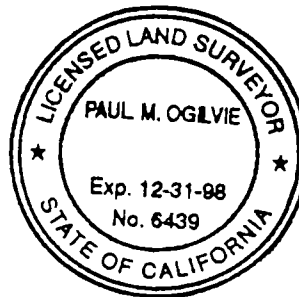
PARCELS 3 AND 4 OF PARCEL MAP NO. 21062, P.M.B.140/22.-23  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

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



**LEGEND :**

 GRANT DEED  
144-1-805



PREPARED UNDER  
MY SUPERVISION

*Paul M. Ogilvie*  
PAUL M. OGLIVIE P.L.S. 6439  
12-18-96  
DATE

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

EASTSIDE RESERVOIR PROJECT  
GRANT DEED

Robert L. Rosenthal et al  
TO  
MWD

PARCEL 144-1-805

