



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-13

August 18, 1998

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

From: *fa* General Manager Edward J. Meier III

Submitted by: Chief Engineer Gay M. Snyder

Subject: Resolution of Necessity Directing the General Counsel to Condemn Property Required for the Inland Feeder Project in San Bernardino County, California, identified by Assessor's Parcel Numbers, MWD's Right-of-Way Parcel Numbers and Owners' Names Attached hereto.

RECOMMENDATION

It is recommended that the Board of Directors adopt, by a two-thirds vote, the resolution of necessity to condemn the property in interests described in Exhibits A and B, attached hereto, in accordance with the eminent domain law, and directing the General Counsel to commence condemnation proceedings in San Bernardino County to acquire said property interests.

EXECUTIVE SUMMARY

Metropolitan will require five three-year temporary construction easements across the real property owned by the property owners listed on the attachment hereto and as described in Exhibits A and B, attached hereto, located in San Bernardino County, California, for portions of the Inland Feeder Project. Offers to purchase the easements as required by California Government Code section 7267.2 were made, but no agreements have been reached. Adoption of the resolution of necessity as attached is recommended to authorize the commencing of an eminent domain action to acquire the properties.

DETAILED REPORT

Metropolitan seeks five three-year temporary construction easements across properties owned by several property owners in the unincorporated area of San Bernardino County known as Mentone, east of the City of Redlands. The easements are required to store equipment and supplies, to provide access to the construction area and to temporarily stockpile materials excavated from the pipeline right-of-way. All the temporary easements are approximately 100 feet wide and run the width of each property. All properties are improved with either one or two older single family residences. Metropolitan's temporary construction easements are on the vacant portions of all the properties and will not interfere with the residential use of any property.

Parcel INFED1-27-560TEA1, owned by Pamela R. Huffstutler (Hinckley), consists of 0.154 acres and has been appraised for \$5,100. Parcel INFED1-27-610TEA1, owned by Lee and Rebecca Stiles, consists of 0.298 acres and has been appraised at \$6,700. Parcel INFED1-27-710TEA1, owned by Charles Y. Machain, consists of 0.230 acres and has been appraised at \$5,600. Parcel INFED1-27-730TEA1, owned by Larry E. Benjamin and Paul and Loretta Wright, consists of 0.230 acres and has been appraised at \$5,400. Parcel INFED27-770TEA1, owned by John and Barbara Hyman consists of 0.4340 acres and has been appraised at \$12,300.

On August 3, 1998, 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 August 25, 1998, as to the necessity for the Project and the taking of the easements, were served on the property owners. 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 written summary of the hearing and recommendation of the Special Committee on Real Property Management is attached. The Special Committee voted to recommend approval of the proposed resolution of necessity.

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

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:11687

Attachment(s)

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

On August 25, 1998, at the offices of The Metropolitan Water District of Southern California, located at 350 South Grand Avenue, Los Angeles, California 90071, Room 311, 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.

Senior Deputy General Counsel Lauren Brainard advised the Committee that it has been delegated the authority by Metropolitan's Board of Directors to hold the hearing required by law as a prerequisite to the adoption of a resolution 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 easements to be acquired are necessary for the Project.

Mr. Brainard further advised the Committee that the offer to purchase the easements had been made to the owners in accordance with the law. The owners were provided written notice of the hearing, but no request to appear was received and no appearance was made.

Mr. Brainard made a presentation regarding the Inland Feeder Project and identified the subject properties located in San Bernardino County along Opal Avenue. Five three-year temporary construction easements are required along the back side of five properties. The temporary easements are necessary for lay down storage and construction of the pipeline within Metropolitan's right-of-way. The properties are all improved with single family residences but vacant where Metropolitan's take is to occur. Mr. Brainard advised further that Metropolitan's take will not interfere with the use of the properties.

Director Barbosa inquired about fencing around the easement area and Mr. Brainard stated that the easement area would be fully fenced by the contractor prior to construction.

Director Wein inquired about liability of the property owners and Mr. Brainard stated that Metropolitan assumed all liability in connection with the construction of the pipeline.

The Committee voted to recommend adoption of 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 PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO (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 properties situated in the County of San Bernardino are necessary therefor.

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

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

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 temporary easements 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 owners 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 San Bernardino for the purpose of condemning and acquiring the temporary 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 meeting of the Board of Directors of The Metropolitan Water District of Southern California held the 15th day of September, 1998, 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 easement for a term of three (3) years commencing on the effective date of an order for possession, in the property located in the County of San Bernardino, State of California, described herein as Parcels INFED1-27-560TEA1, -610TEA1, -710TEA1, -730TEA1 and -770TEA1 and as shown on Exhibit B, attached hereto, for purposes of construction of a water conveyance pipeline, and subject to the following conditions:

Prior to termination of the easement, all facilities placed on the property by Metropolitan or its contractor shall be removed and the property and any improvements located thereon shall be restored or repaired to a condition as near as practicable to the condition that existed prior to Metropolitan's use of the easement.

ATTACHMENT

ASSESSOR'S PARCEL NO.	MWD PARCEL NO.	PROPERTY OWNERS
0298-023-14, -17 and -18	INFED1-27-560TEA1	Pamela R. Huffstutler (Hinckley)
0298-023-03	INFED1-27-610TEA1	Lee W. and Rebecca N. Stiles
0298-013-02	INFED1-27-710TEA1	Charles Y. Machain
0298-013-03	INFED1-27-730TEA1	Larry E. Benjamin and Paul and Loretta Wright
0298-013-24	INFED1-27-770TEA1	John R. and Barbara A. Hyman

EXHIBIT A

INFED1-27-560TEA1
(Temporary Easement)
Pamela R. Huffstutler

The most easterly 100 feet of Lot 8, Tract No. 2112 as shown on map recorded in Book 30, page 72 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

Date



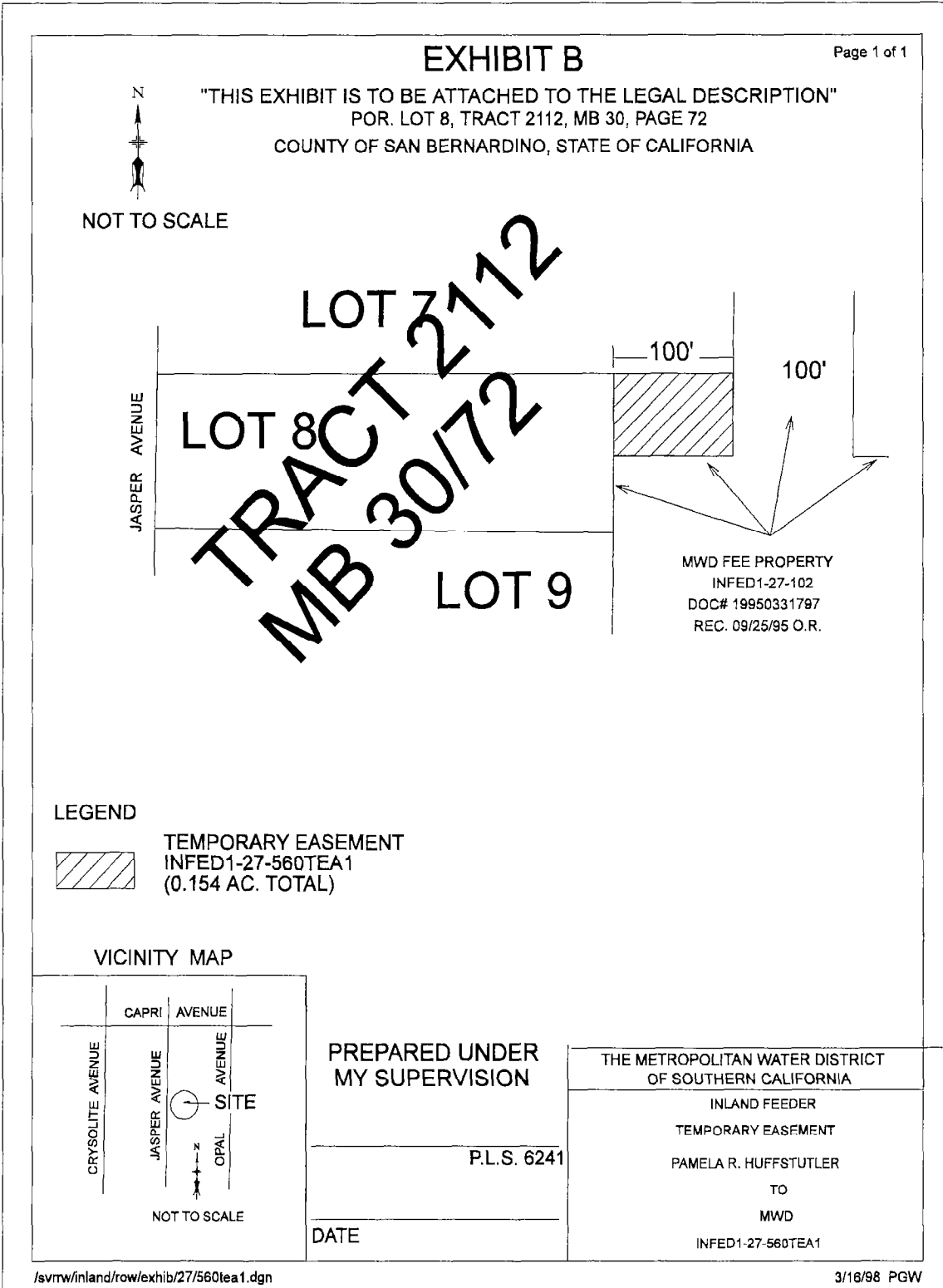


EXHIBIT A

INFED1-27-610TEA1
(Temporary Easement)
Lee W. and Rebecca N. Stiles, Trustees

The easterly 100 feet of Lot 6, Tract No. 2112 in the County of San Bernardino, State of California, as shown on map recorded in Book 30, page 72 of Maps in the Office of the County Recorder of said County as measured at right angles to the easterly line of said Lot 6.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

Date



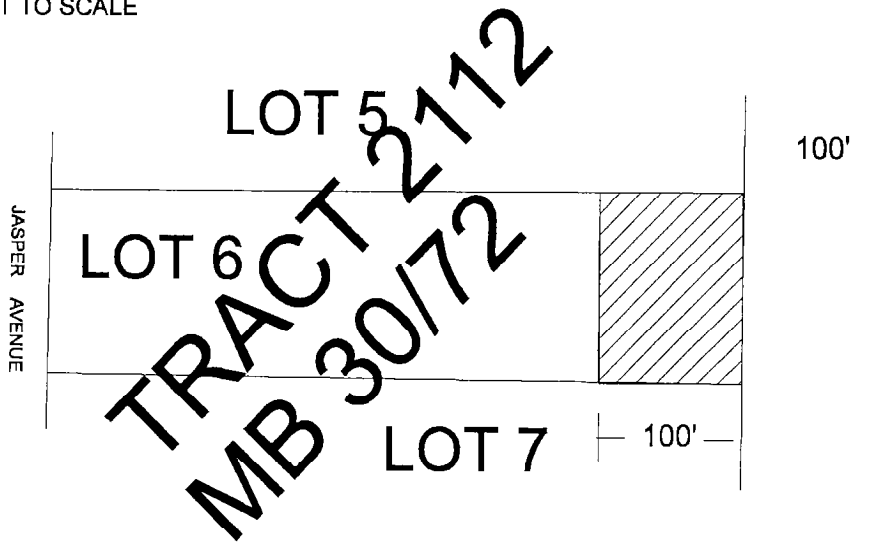
EXHIBIT B

Page 1 of 1

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"
POR. LOT 6, TRACT 2112, MB 30, PAGE 72
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



NOT TO SCALE



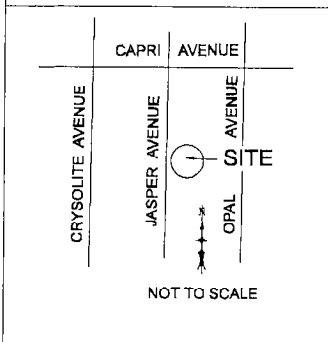
LEGEND



TEMPORARY EASEMENT
INFED1-27-610TEA1
(0.298 AC. TOTAL)



VICINITY MAP



PREPARED UNDER
MY SUPERVISION

P.L.S. 6241

DATE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

INLAND FEEDER

TEMPORARY EASEMENT
LEE W. AND REBECCA N. STILES
TRUSTEES

TO

MWD
INFED1-27-610TEA1

EXHIBIT A

INFED1-27-710TEA1
(Temporary Easement)
Charles Y. Machain

The easterly 100 feet of the south half of Lot 3, Tract No. 2112 in the County of San Bernardino, State of California, as shown on map recorded in Book 30, page 72 of Maps in the Office of the County Recorder of said County as measured at right angles to the easterly line of said Lot 3.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

Date



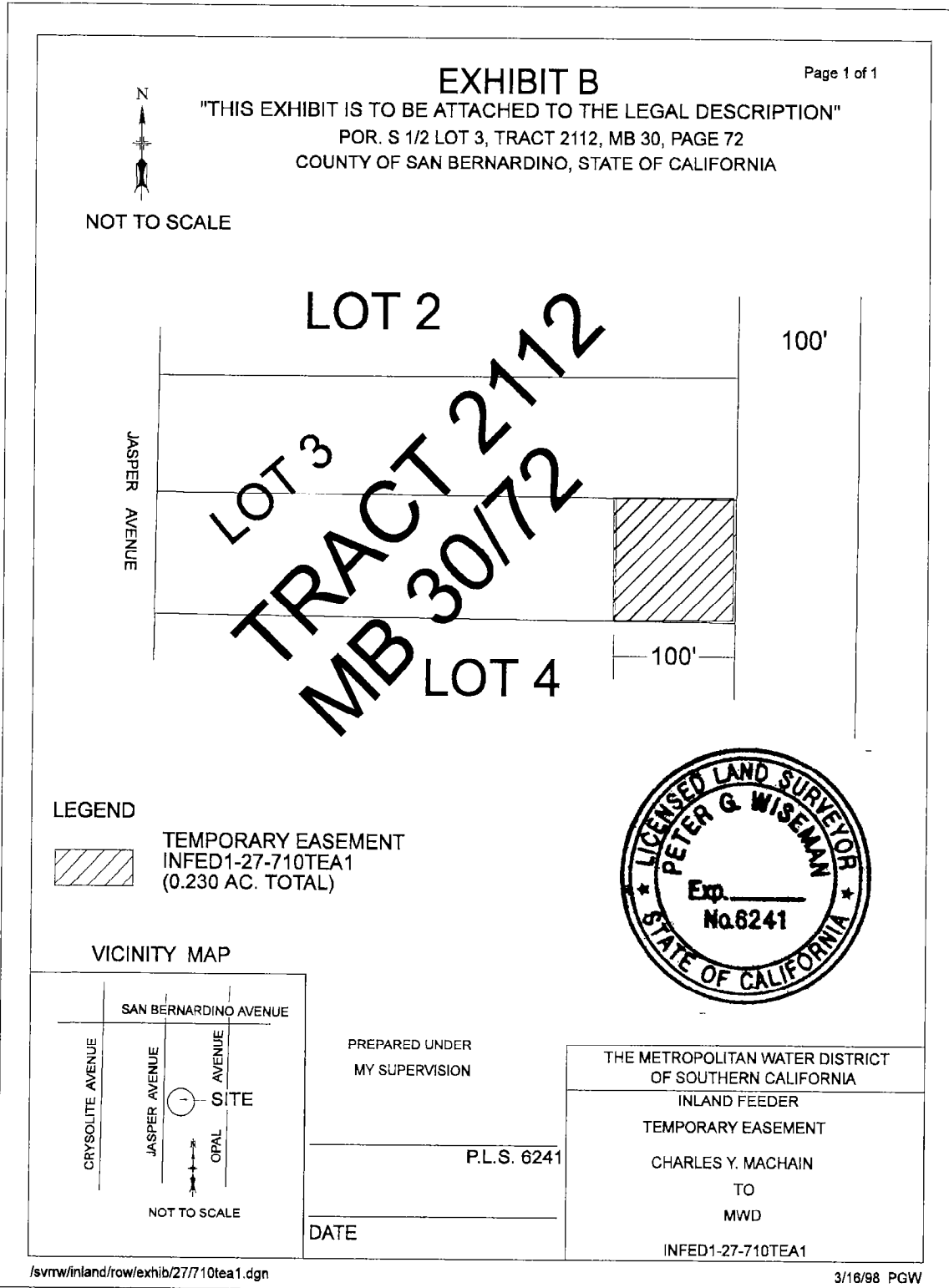


EXHIBIT A

INFED1-27-730TEA1
(Temporary Easement)
Larry E. Benjamin

The easterly 100 feet of the north half of Lot 3, Tract No. 2112 in the County of San Bernardino, State of California, as shown on map recorded in Book 30, page 72 of Maps in the Office of the County Recorder of said County as measured at right angles to the easterly line of said Lot 3.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

Date

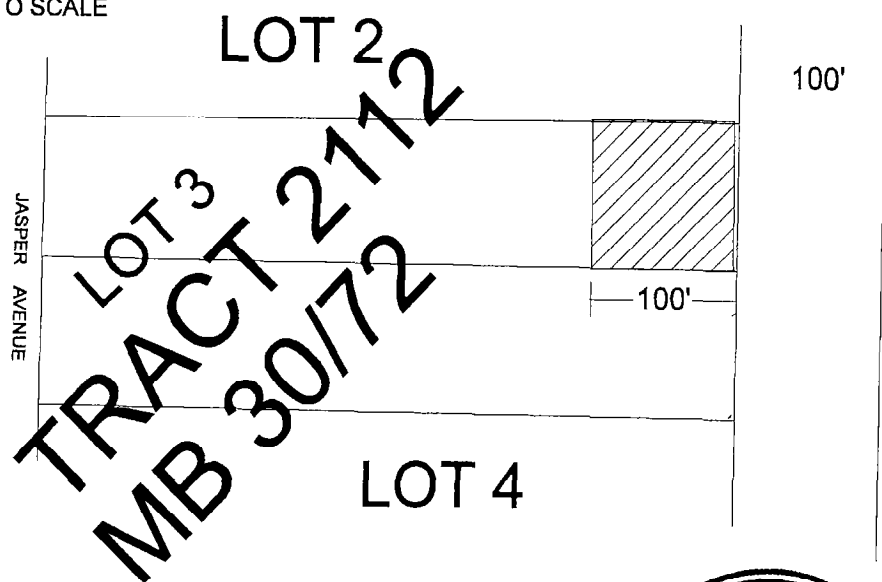


EXHIBIT B

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"
POR. N 1/2 LOT 3, TRACT 2112, MB 30, PAGE 72
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

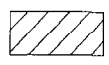


NOT TO SCALE

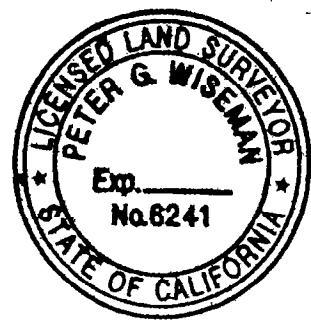


LOT 2
LOT 3
LOT 4
JASPER AVENUE
TRACT 2112
MB 30/72

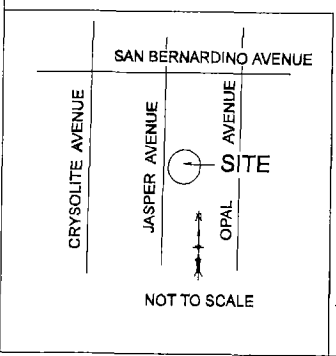
LEGEND



TEMPORARY EASEMENT
INFED1-27-730TEA1
(0.230 AC. TOTAL)



VICINITY MAP



PREPARED UNDER
MY SUPERVISION

P.L.S. 6241

DATE _____

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
INLAND FEEDER
TEMPORARY EASEMENT
PAUL AND LORETTA WRIGHT
TO
MWD
INFED1-27-730TEA1

EXHIBIT A

INFED1-27-770TEA1
(Temporary Easement)
John R. Hyman, et ux

The easterly 100 feet of Parcel 3 of Parcel Map No. 4430 in the County of San Bernardino, State of California, as shown on map filed in Book 47, page 85 of Parcel Maps in the office of the County Recorder of said County as measured at right angles and radially from the easterly line of said Parcel 3.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

Date



