



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-16

August 20, 1998

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

From: *for* General Manager

Edward S. Mc...

Submitted by: Chief Engineer

Gary ...

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 Number 0291-045-03 , MWD's Right-of-Way Parcel Numbers INFED1-28-300-TEA1 and -300PEA1 and Owner's Name: Reidman Family Partners II

RECOMMENDATION

It is recommended that the Board of Directors adopt, by a two-thirds vote, the attached resolution of necessity to condemn the property 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 a three-year temporary construction easement and a permanent subsurface easement on real property owned by the Reidman Family Partners II and as described in Exhibits A and B, attached hereto, located in San Bernardino County, California, for portions of the Inland Feeder Project. An offer to purchase the easements 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 easements.

DETAILED REPORT

Metropolitan seeks a three-year temporary construction easement across a 140 foot wide strip of land consisting of 0.836 acres (INFED1-28-300TEA1) and a permanent underground pipeline easement comprising 0.364 acres (INFED1-28-300PEA1) on property owned by the Reidman Family Partners. The surface of the permanent easement will be returned to its current condition and the property owner will be allowed restricted use of the surface. The property is located in the south-central part of the City of Highland at the southwest corner of Fifth and Orange Streets and borders Boulder Avenue (State Highway 30) on the west. The larger parcel contains 5.22

acres and is improved with an older mobile home park on the north portion and is vacant in the south where the takings occur. Together, the temporary and permanent easements have been appraised at \$55,725.

On August 3, 1998, 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 August 25, 1998, as to the necessity for the Project and the taking of the easements, was served on the Reidman Family Partners II. 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. No written request was received and the property owner did not appear at the hearing. 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 and permanent 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 and permanent 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:11594

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 property to be acquired is necessary for the Project.

Mr. Brainard further advised the Committee that the offer to purchase the easements had been made to the owner in accordance with the law. The owner was 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 property located in San Bernardino County just west of Boulder Avenue. Mr. Brainard advised the Committee that the property was owned by the Reidman Family Partners II, was improved with a mobile home park on the north portion and is vacant in the south where the takings occur. Mr. Brainard advised that Metropolitan sought both a temporary construction easement and a permanent subsurface pipeline easement. The temporary easement (INFED1-28-300TEA1) would be required for a three year period and was necessary for lay down storage and construction of the pipeline within Metropolitan's right-of-way. The permanent easement (INFED1-28-300PEA1) is a subsurface permanent pipeline easement and that restricted use would be allowed on the surface of the easement.

Director Barbosa inquired about the depth of the pipeline easement and Mr. Gallanes advised that it was ten feet below the surface.

Director Barbosa further 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 and permanent easements to be acquired for the public use set forth in section 1, above, consist of 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 and permanent 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 and permanent 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 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 San Bernardino for the purpose of condemning and acquiring the temporary and permanent 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 Parcel INFED1-38-300TEA1 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 contractors 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.

2. A permanent easement in the property described as Parcel INFED1-38-300PEA1, for the purpose of constructing, reconstructing, maintaining, operating, enlarging, removing, and replacing a line or lines of pipe at any time, and from time to time, for water transportation, with every appendage or structure necessary or convenient to be installed at any time in connection therewith; subject to the following conditions.
 - A. Owner shall not change the existing grade or otherwise modify the topography of the property affected by this easement without the prior consent of Metropolitan.
 - B. No building or other structure excepting pavement for road or parking use shall be constructed or maintained upon any portion of the easement by Owner.
 - C. Owner shall not plant trees or any other deep root vegetation within the easement area. Should Metropolitan require use of any portion of the easement area for replacement, relocation or installation of its pipeline, or for future pipelines, Owner shall remove any improvements at his or her own expense.
 - D. Owner shall retain the right of access over and across the easement area, and Metropolitan shall not unreasonably interfere with such right of access.

EXHIBIT A

INFED1-28-300TEA1
(Temporary Easement)
Riedman Family Partners II,
LP, a California Limited
Partnership

The northerly 140.00 feet of the southerly 230.00 feet of that portion of the southwest quarter of Section 3, Township 1 South, Range 3 West, San Bernardino Meridian, in the City of Highland, County of San Bernardino, State of California, conveyed to Riedman Family Partners II, LP, a California Limited Partnership, by Quitclaim Deed recorded May 9, 1996, as Document No.19960164401 of Official Records of said County, as measured at right angles to the southerly line of said Section 3.

PREPARED UNDER MY SUPERVISION

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

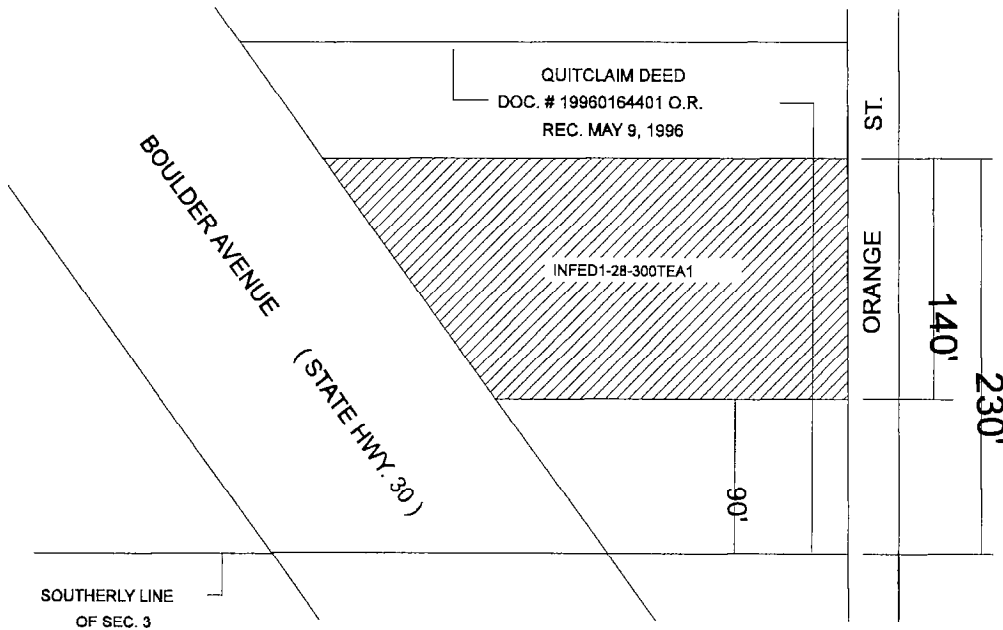
Date




EXHIBIT B

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POR. SW 1/4, SEC. 3, T1S, R3W, S.B.M.
 CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION

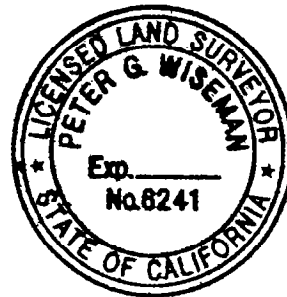


LEGEND :

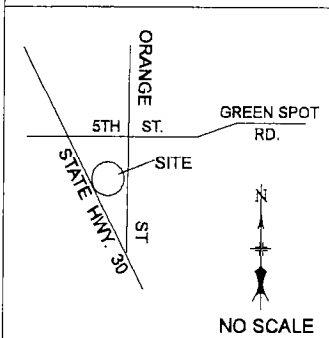
 TEMPORARY EASEMENT
 INFED1-28-300TEA1
 (0.836 ac.)



NO SCALE



VICINITY MAP



**PREPARED UNDER
 MY SUPERVISION**

PETER G. WISEMAN P.L.S. 6241

DATE _____

THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA

**INLAND FEEDER
 TEMPORARY EASEMENT**

RIEDMAN FAMILY PARTNERS II, LP,
 A CALIFORNIA LIMITED PARTNERSHIP

TO
 MWD

INFED1-28-300TEA1

EXHIBIT A

INFED1-28-300PEA1
(Permanent Easement)
Riedman Family Partners II,
LP, a California Limited
Partnership

The southerly 90.00 feet of that portion of the southwest quarter of Section 3, Township 1 South, Range 3 West, San Bernardino Meridian, in the City of Highland, County of San Bernardino, State of California, conveyed to Riedman Family Partners II, LP, a California Limited Partnership, by Quitclaim Deed recorded May 9, 1996, as Document No.19960164401 of Official Records of said County, as measured at right angles to the southerly line of said Section 3.

PREPARED UNDER MY SUPERVISION

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

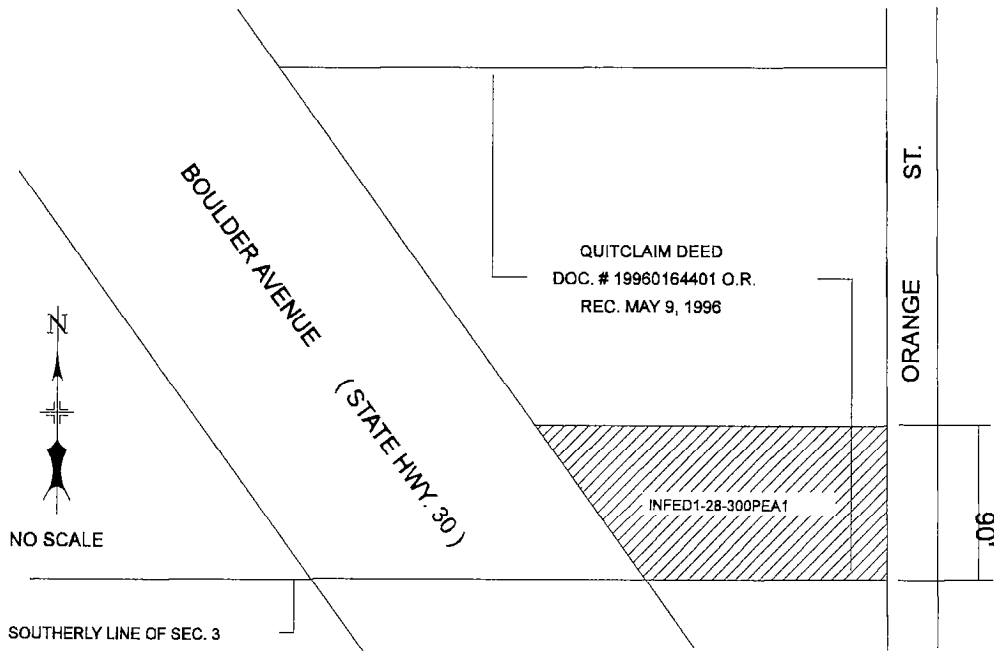
Date




EXHIBIT B

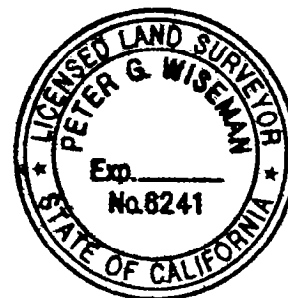
Page 1 of 1

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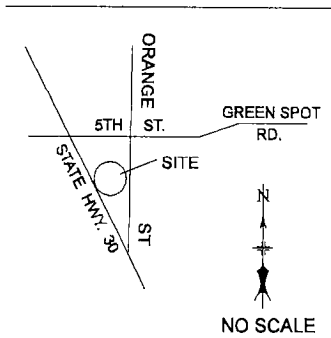


LEGEND :

 PERMANENT EASEMENT
 INFED1-28-300PEA1
 (0.364 ac.)



VICINITY MAP



**PREPARED UNDER
 MY SUPERVISION**

PETER G. WISEMAN P.L.S. 6241

DATE _____

THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA

**INLAND FEEDER
 PERMANENT EASEMENT**

RIEDMAN FAMILY PARTNERS II, LP,
 A CALIFORNIA LIMITED PARTNERSHIP

TO
 MWD

INFED1-28-300PEA1