



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-14

August 20, 1998

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

From: *for* General Manager *Edward S. Meier III*

Submitted by: Chief Engineer *Gary K. 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 properties 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 properties.

EXECUTIVE SUMMARY

Metropolitan will require three 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 a resolution of necessity as attached is recommended to authorize the commencing of an eminent domain action to acquire the properties.

DETAILED REPORT

Metropolitan seeks three three-year temporary construction easements across property owned by several property owners in the south-central part of the City of Highland west of Boulder Avenue (State Highway 30). 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. One property is improved with two single family residences, however Metropolitan's temporary construction easement (INFED1-29-101TEA1) is on the vacant portion of the property and will not interfere with the residential use of the property. The two remaining properties are vacant.

Parcel INFED1-28-336TEA1 owned by Lewis E. and Eli Margaret Henderson encumbers the northeasterly 150 feet of the larger parcel (0.758 acres) and has been appraised for \$16,900. Parcel INFED1-28-337TEA1 owned by Evelyn C. H. Ranger, Eleanor J. Johnson and Phyllis J. Triplett encumbers the northeasterly 150 feet of the larger parcel (1.583 acres) and has been appraised at \$78,925. Parcel INFED1-29-101TEA1 owned by James F. and Stella M. Haney encumbers the northeasterly 100 feet of the larger parcel (0.816 acre) and has been appraised at \$23,450.

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. No written request was received and the property owners did not appear at the hearing. 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:11692

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 west of Boulder Avenue. Three three-year temporary construction easements are necessary for lay down storage and construction of the pipeline within Metropolitan's right-of-way. Metropolitan's take is on the vacant portion of the properties and 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 INFED1-28-336TEA1, -337TEA1, and INFED1-29-101TEA1 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
0291-031-02	INFED1-28-336TEA1	Lewis E. Henderson and Eli Margaret Henderson
0291-031-15, and -16	INFED1-28-337TEA1	Evelyn C. H. Ranger, Eleanor J. Johnson and Phyllis J. Triplett
0291-021-01, -02, and -03	INFED1-29-101TEA1	James F. and Stella M. Haney

EXHIBIT A

INFED1-28-336TEA1
(Temporary Easement)
Lewis E. Henderson, et ux

That portion of the northwest quarter 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 Lewis E. Henderson, et ux by Grant Deed recorded July 31, 1973 in Book 8236, page 626, of Official Records of said County.

Excepting therefrom that portion lying westerly and southwesterly of a line that is parallel with and distant 150.00 feet southwesterly of, as measured at right angles, to the southwesterly right of way line of Boulder Avenue (State Highway 30), by deed recorded July 26, 1948 in Book 2267, page 127 of Official Records of said County.

PREPARED UNDER MY SUPERVISION

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

Date



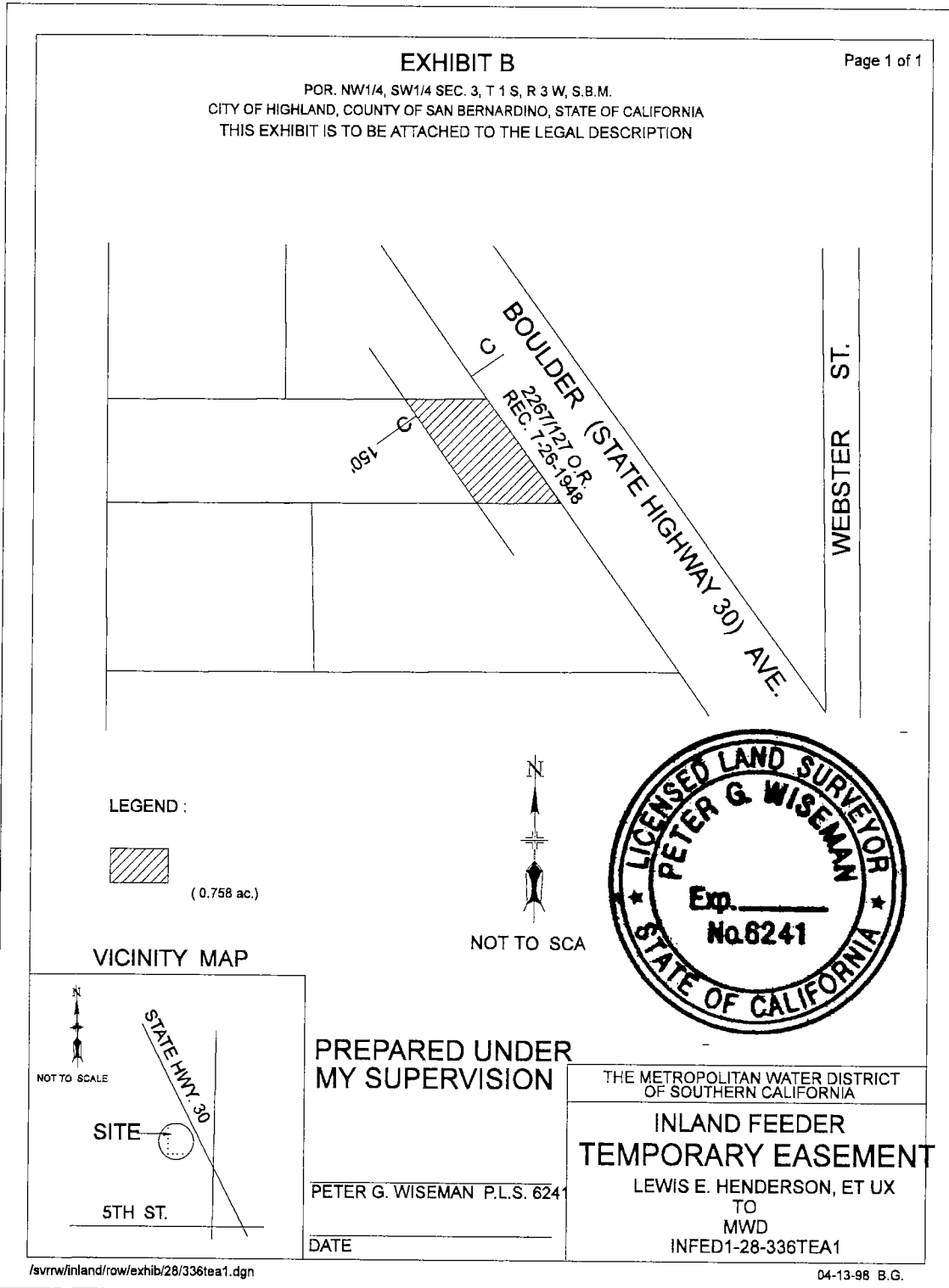


EXHIBIT A

INFED1-28-337TEA1
(Temporary Easement)
Evelyn C.H. Ranger, et al

That portion of the northwest quarter of the southwest quarter of Section 3, Township 1 South, Range 3 West, San Bernardino Meridian, in the County of San Bernardino, State of California, conveyed to Evelyn C. H. Ranger by Quitclaim Deeds recorded February 5, 1987 as Document No. 87-039142 and February 5, 1987 as Document No. 87-039144, both of Official Records of said County.

EXCEPTING therefrom that portion lying westerly and southwesterly of a line that is parallel with and distant 150 feet southwesterly of, as measured at right angles to, the southwesterly right of way line of Boulder Avenue (State Highway 30), as conveyed to the State of California by Individual Grant Deed recorded July 26, 1948 in Book 2267, page 127 of Official Records of said County.

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

Date



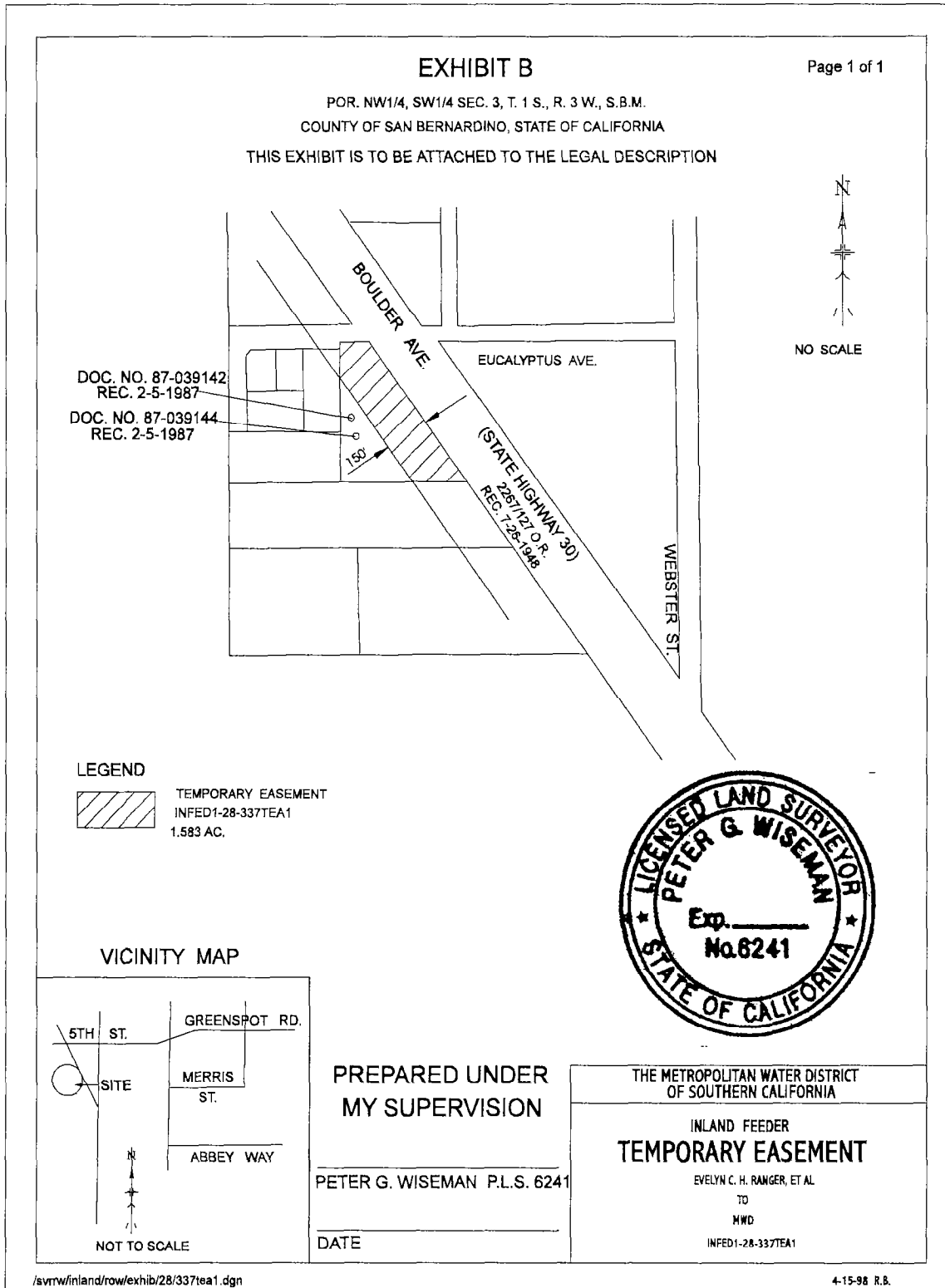


EXHIBIT A

INFED1-29-101TEA1
(Temporary Easement)
James F. Haney, et ux

Lot 15 and a portion of Lots 13 and 14, of Tract No. 2387, in the City of Highland, County of San Bernardino, State of California, recorded in Book 34, page 13 of Maps, Records of said County, as conveyed to James F. and Stella Marie Haney, by Individual Grant Deed recorded April 26, 1977 in Book 9164, page 1537 of Official Records of said County.

EXCEPTING therefrom that portion lying southwesterly of a line parallel with and distant 100.00 feet southwesterly of, as measured at right angles to, the southwesterly right of way line of Boulder Avenue (State Highway 30), as conveyed to the State of California by Grant Deed recorded June 23, 1948, in Book 2250, page 231, of Official Records of said County.

PREPARED UNDER MY SUPERVISION

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

Date



