



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

APPROVED  
By the Board of Directors of  
The Metropolitan Water District  
of Southern California  
at its meeting held

43232

8-12

OCT 13 1998

*Dawn Cain* September 22, 1998  
EXECUTIVE SECRETARY

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

From: *for* General Manager

Submitted by: Gary M. Snyder  
Chief Engineer

*Smith*  
*Gary 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 Assessors' Parcel Numbers, MWD's Right-of-Way Parcel Numbers and Owners' Names Attached hereto

**RECOMMENDATION**

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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**

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Metropolitan will require three three-year temporary construction easements (INFED1-28-270TEA1, -TEA2 and INFED1-28-280TEA1 and three permanent underground pipeline easements (INFED1-28-270PEA1, -PEA2 and INFED1-28-280PEA1) across properties owned by several property owners 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 eminent domain actions to acquire the properties.

**DETAILED REPORT**

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Metropolitan seeks three three-year temporary construction easements (INFED1-28-270TEA1, -TEA2 and INFED1-28-280TEA1 and three permanent underground pipeline easements (INFED1-28-270PEA1, -PEA2 and INFED1-28-280PEA1) across properties owned by several property owners in the south-central part of the City of Highland, east of Orange Street and west of Church Street in San Bernardino County. All temporary construction easements are to provide access to the construction area and to temporarily stockpile materials excavated from the pipeline right-of-way.

Parcels INFED1-18-270TEA1, -TEA2, -PEA1 and -PEA2 are owned by S-P East Highlands, LLC, Westerra East Highlands and E Highlands RH Master Hoa. Parcel INFED1-18-270TEA1 is a three-year temporary construction easement across a 140 foot wide strip of land consisting of 4.215 acres and traverses westerly from Church Street north of the permanent easement, to the westerly boundary of the larger parcel. Parcel INFED1-18-270TEA2 is a small triangular shaped temporary construction easement which lies northeasterly and adjacent to the permanent easement, consisting of .045 acres. Parcel INFED1-18-270PEA1 and -PEA2 are permanent underground pipeline easements, consisting of 2.422 acres and .045 acres respectively. The larger parcel consists of 26.61 acres and is unimproved. The appraisal for the permanent and temporary easements is \$199,750.

Parcels INFED1-28-280TEA1 and -PEA1 are owned by East Highland Acres. Parcel INFED1-28-280TEA1 is a three-year temporary construction easement across a 140 foot wide strip of land consisting of 4.25 acres and traverses easterly from Orange Street north of the permanent easement to the easterly boundary of the larger parcel. Parcel INFED1-28-280PEA1 is a permanent underground pipeline easement and is approximately 90 feet wide, consisting of 2.733 acres. The larger parcel consists of 22.318 acres and is unimproved. The permanent and temporary easements have been appraised at \$237,500.

On September 4, 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 September 22, 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. A written summary of the hearing and the recommendation of the Special Committee on Real Property Management is attached. The Special Committee voted to recommend approval of the proposed resolution.

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, the 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. The Board's action on the subject resolution is therefore in compliance with CEQA. No further environmental documentation or review is necessary for the Board to act on this request.

ks:12008

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 September 22, 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 offers 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 easements as three permanent pipeline easements and three three-year temporary construction easements in San Bernardino County between Boulder Way and Church Street. There are two three-year temporary easements that are 140 feet wide and a small triangular temporary easement. The temporary easements are to be used for a lay down facility and construction access. Two of the permanent pipeline easements are 90 feet wide and there is a small triangular permanent pipeline easement as well.

The Committee voted to recommend adoption of the resolution of necessity.

**RESOLUTION 8611**

**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, consists of a 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 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 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 13th day of October, 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.

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Executive Secretary  
The Metropolitan Water District of  
Southern California

**EXHIBIT A**

1. Temporary easements 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 INFED1-28-270TEA1, INFED1-28-270TEA2, and INFED1-28-280TEA1 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.

2. A permanent easement to construct, reconstruct, maintain, operate, enlarge, remove, and replace 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, within the properties described herein as Parcels INFED1-28-270PEA1, INFED1-28-270PEA2 and INFED1-28-280PEA1 and shown on Exhibit B attached hereto and incorporated herein by reference.

These easements are subject to the following conditions:

No change to the existing grade or other modification of the topography of property affected by this easement shall be made without prior written consent of The Metropolitan Water District of Southern California.

No building or other structure of whatever nature shall be constructed or maintained upon any portion of the easement area without prior consent of The Metropolitan Water District of Southern California.

No trees shall be planted within 15 feet of the centerline of any line or lines of pipe constructed within the easement area. Trees shall be permitted to be planted and maintained on the remaining portion of easement area; provided, however, if The Metropolitan Water District of Southern California should require use of the remaining portion of the easement area for replacement or relocation of its pipeline(s), or for a future pipeline, any such trees shall be removed by Owner and no trees shall be replanted within 15 feet of the centerline of the replaced, relocated, or future pipeline.

Attachment to 8-12  
Engineering Division  
September 22, 1998  
Page 2 of 2

Owner's access over and across this easement shall be reasonably maintained by The Metropolitan Water District of Southern California during the term of this easement.

**ATTACHMENT**

<b>ASSESSOR'S PARCEL NO.</b>	<b>MWD PARCEL NO.</b>	<b>PROPERTY OWNERS</b>
0291-053-04 and 0291-061-041	INFED1-28-270TEA1,-TEA2, -PEA1 and -PEA2	SP East Highlands, LLC, Westerra East Highlands LP, and E Highlands Rh Master Hoa
0291-053-01	INFED1-28-280TEA1 and -PEA1	East Highland Acres



EXHIBIT A

INFED1-28-270PEA1  
(Permanent Easement)  
S-P East Highlands, LLC,  
a California limited  
liability company

The southerly 90 feet of the east half of the southeast 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, lying within that certain parcel of land conveyed to S-P East Highlands, LLC, a California limited liability company as Parcel 17 by Grant Deed recorded December 19, 1997 as Document No. 19970465757 of Official Records of said County, as measured at right angles to the south line of said Section 3.

INFED1-28-270PEA2  
(Permanent Easement)  
S-P East Highlands, LLC,  
a California limited  
liability company

That portion of the southwest quarter of Section 2 Township 1 South, Range 3 West, San Bernardino Meridian in the City of Highland, County of San Bernardino, State of California lying within that certain parcel of land conveyed to S-P East Highlands, LLC, a California limited liability company as Parcel 18 by Grant Deed recorded December 19, 1997 as Document No. 19970465757 of Official Records of said County described as follows:

Beginning at the southwest corner of said Parcel 18; thence northerly 60 feet along the westerly line of said Parcel 18; thence southeasterly to a point on the southerly line of said Parcel 18 said point being 65 feet easterly of said point of beginning; thence westerly 65 feet along said southerly line to the POINT OF BEGINNING.

PREPARED UNDER MY SUPERVISION

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

\_\_\_\_\_  
Date

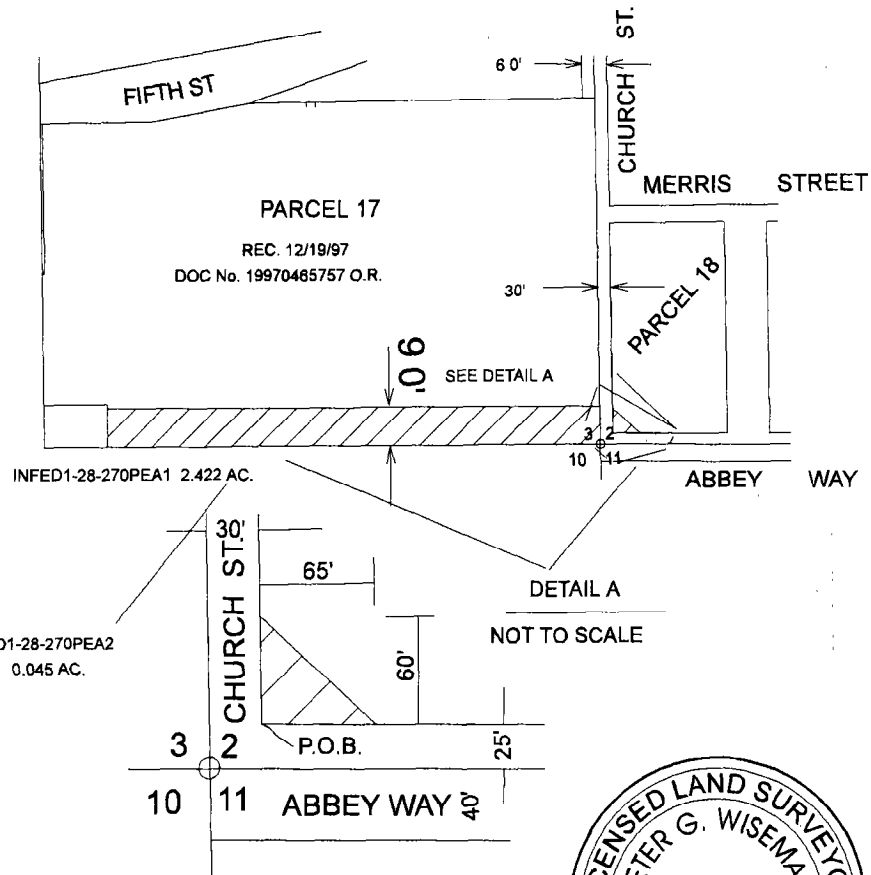
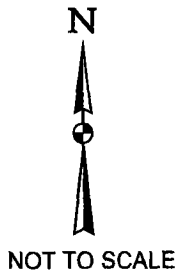


Exhibit B  
**EXHIBIT B**

PAGE 1 OF 1

POR. SW 1/4 OF SEC. 2 & SE 1/4 OF SEC. 3, T. 1 S., R. 3 W., S.B.M.,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

THIS EXHIBIT TO BE ATTACHED TO THE LEGAL DESCRIPTION



INFED1-28-270PEA1 2.422 AC.

INFED1-28-270PEA2  
0.045 AC.

DETAIL A  
NOT TO SCALE

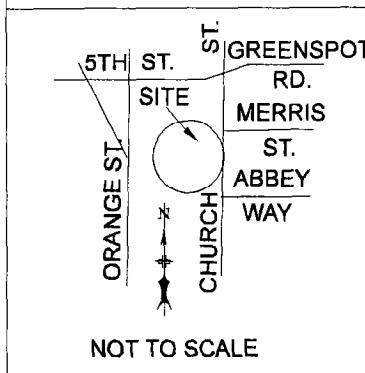
**LEGEND**



PERMANENT EASEMENT  
INFED1-28-270PEA1 (2.422 ACS.)  
INFED1-28-270PEA2 (0.045 AC.)  
(2.467 ACS. TOTAL)



**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**

S-P EAST HIGHLANDS, LLC,  
A CALIFORNIA LIMITED  
LIABILITY COMPANY  
TO  
MWD

INFED1-28-270PEA1,PEA2

## EXHIBIT A

INFED1-28-270TEA1  
(Temporary Easement)  
S-P East Highlands, LLC,  
a California limited  
liability company

The northerly 140 feet of the southerly 230 feet of the east half of the southeast 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, lying within that certain parcel of land conveyed to S-P East Highlands, LLC, a California limited liability company as Parcel 17 by Grant Deed recorded December 19, 1997 as Document No. 19970465757 of Official Records of said County, as measured at right angles to the south line of said Section 3.

INFED1-28-270TEA2  
(Temporary Easement)  
S-P East Highlands, LLC,  
a California limited  
liability company

That portion of the southwest quarter of Section 2 Township 1 South, Range 3 West, San Bernardino Meridian, in the City of Highland, County of San Bernardino, State of California lying within that certain parcel of land conveyed to S-P Highlands, LLC, a California limited liability company as Parcel 18 by Grant Deed recorded December 19, 1997 as Document No. 19970465757 of Official Records of said County described as follows:

Commencing at the southwest corner of said Parcel 18; thence northerly 60 feet along the westerly line of said Parcel 18 to the POINT OF BEGINNING; thence southeasterly to a point on the southerly line of said Parcel 18, said point being 65 feet easterly of said point of beginning; thence northerly 60 feet on a line parallel with and 65 easterly of, as measured at right angles to said westerly line of said Parcel 18; thence easterly 65 feet on a line parallel with and 60 feet northerly of, as measured at right angles to, the southerly line of said Parcel 18 to the POINT OF BEGINNING.

PREPARED UNDER MY SUPERVISION

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

\_\_\_\_\_  
Date



## EXHIBIT A

INFED1-28-280PEA1  
(Permanent Easement)  
East Highland Acres,  
a California General partnership

The southerly 90 feet of that portion of the west half of the southeast 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 East Highland Acres by Corporation Grant Deed recorded November 30, 1989, as Document No. 89-450947 of Official Records of said County, as measured at right angles to the south line of said Section 3.

PREPARED UNDER MY SUPERVISION

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

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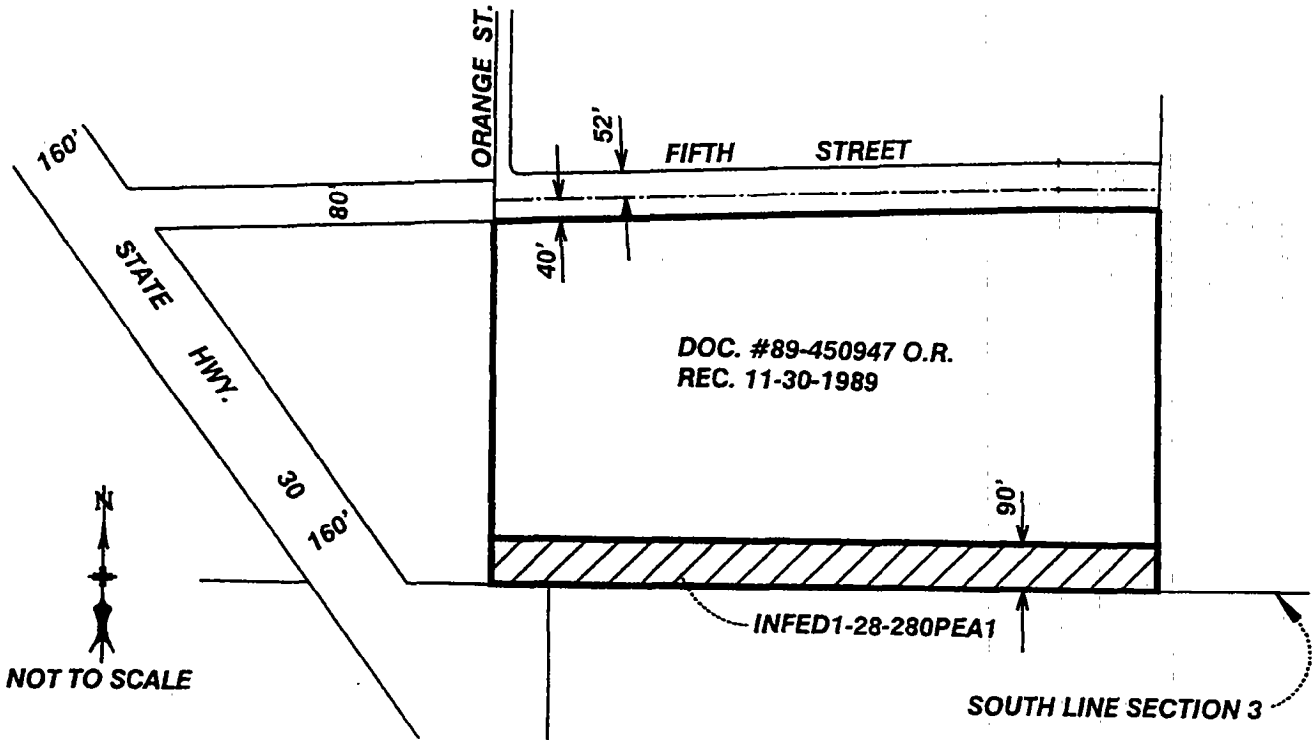
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### EXHIBIT B

PAGE 1 OF 1

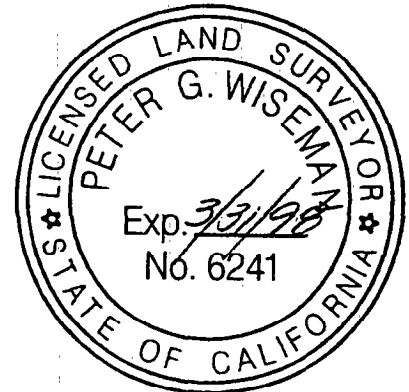
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CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
THIS EXHIBIT TO BE ATTACHED TO THE LEGAL DESCRIPTION



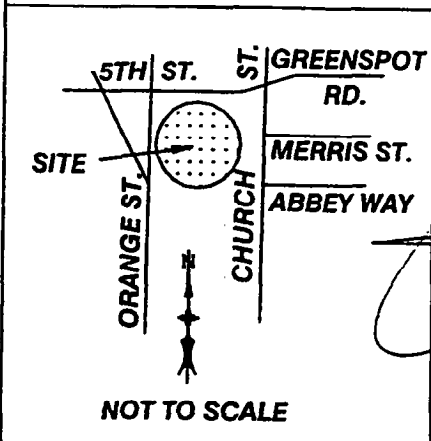
#### LEGEND



PERMANENT EASEMENT  
INFED1-28-280PEA1  
(2.733 ACS. TOTAL)



#### VICINITY MAP



PREPARED UNDER  
MY SUPERVISION

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

DATE

2/18/98

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

INLAND FEEDER

**PERMANENT EASEMENT**

EAST HIGHLAND ACRES,  
A CALIFORNIA GENERAL PARTNERSHIP  
TO  
MWD

INFED1-28-280PEA1

## EXHIBIT A

INFED1-28-280TEA1  
(Temporary Easement)  
East Highland Acres,  
a California General Partnership

The northerly 140 feet of the southerly 230 feet of that portion of the west half of the southeast 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 East Highland Acres by Corporation Grant Deed recorded November 30, 1989, as Document No. 89-450947 of Official Records of said County, as measured at right angles to the south line of said Section 3.

PREPARED UNDER MY SUPERVISION

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

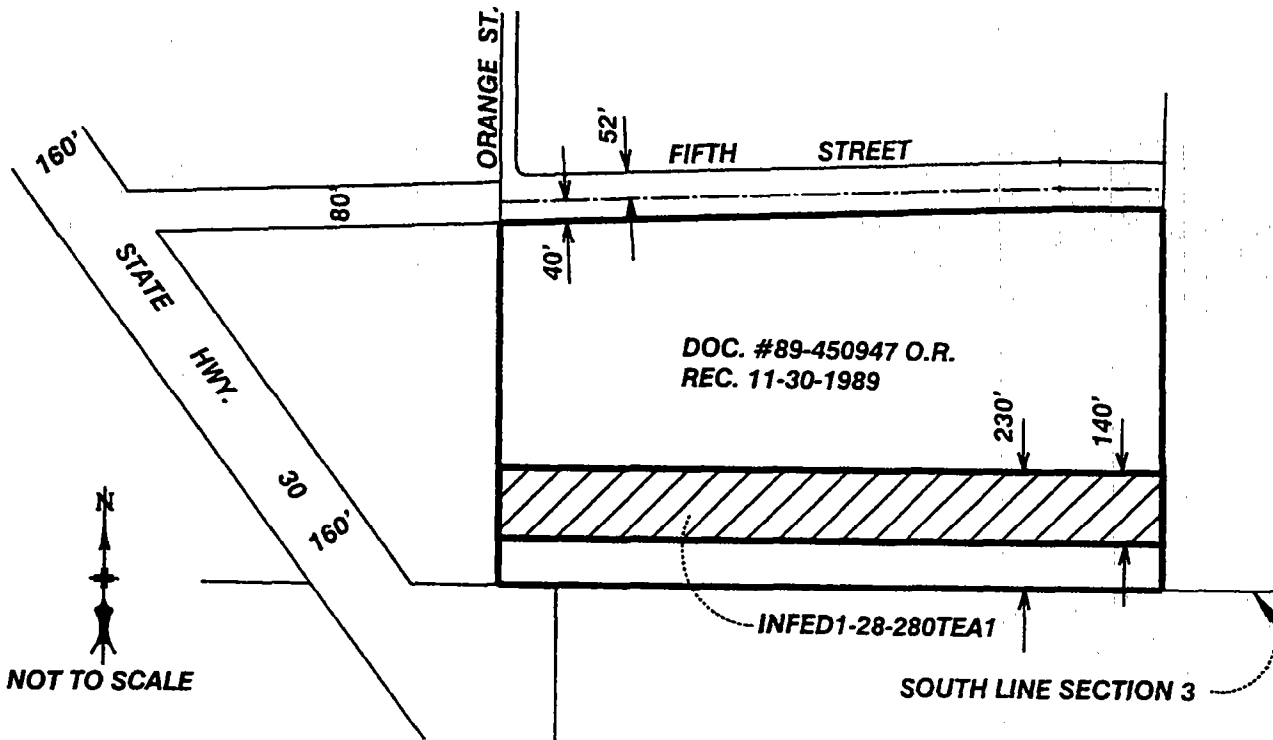
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Date

### EXHIBIT B

PAGE 1 OF 1

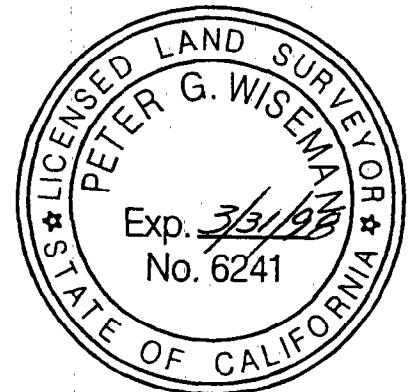
POR. OF W 1/2, SE 1/4 OF SEC. 3, T. 1 S., R. 3 W., S.B.M.,  
CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
THIS EXHIBIT TO BE ATTACHED TO THE LEGAL DESCRIPTION



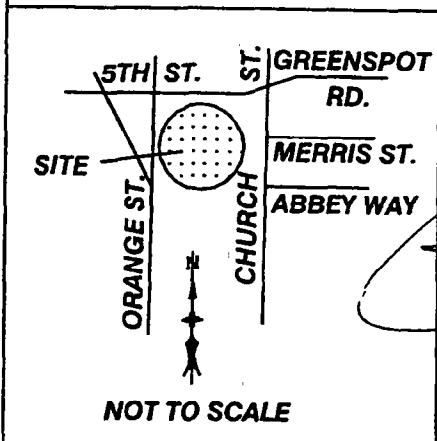
#### LEGEND



TEMPORARY EASEMENT  
INFED1-28-280TEA1  
(4.250 ACS. TOTAL)



#### VICINITY MAP



PREPARED UNDER  
MY SUPERVISION

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

DATE

*2/18/98*

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

INLAND FEEDER

### TEMPORARY EASEMENT

EAST HIGHLAND ACRES,  
A CALIFORNIA GENERAL PARTNERSHIP  
TO  
MWD

INFED1-28-280TEA1