

- **Board of Directors**

February 12, 2002 Board Meeting

9-8

Subject

Hearing on adoption of resolution of necessity directing the General Counsel to condemn property required for the Inland Feeder Project in San Bernardino County, California, identified by San Bernardino County Assessor's Parcel No. 270-111-03, Metropolitan's right-of-way Parcel No. INFED1-30-150PEA3, and owner's name: Campus Crusade for Christ, Inc.

Description

Campus Crusade for Christ, Inc., is the current owner of a 37.585-acre parcel of land located in Waterman Canyon in the city of San Bernardino. In July 1997, Metropolitan obtained an order of possession comprising a fee interest as well as permanent and temporary easements over portions of the property for construction of the Arrowhead East Tunnel, including temporary easement (INFED1-130-150TEA2), for a period of five years. The temporary construction easement was necessary for construction of an access road for pipeline construction. The term of the temporary easement will expire in June of 2002. Because of the delay in construction and the need to use Strawberry Creek as an access portal for the construction of the Arrowhead East Tunnel, it is necessary to convert the temporary easement of the Arrowhead Tunnels into a permanent easement. It is expected that the construction of the Arrowhead East Tunnel will not be completed until early 2007, at the end of which a permanent access road will be required to service this portal structure. The easement area covers an area of 6.816 acres.

Previously, when Metropolitan had a 52-member board, a subcommittee could be delegated authority to conduct the hearing on the resolution of necessity. However, the law requires that any board with less than 40 members cannot delegate that authority. An information presentation will be made before the Asset, Real Estate and Infrastructure Policy Committee.

Metropolitan had the parcel appraised at a total value of \$61,500. An offer for the full appraised value has been made to Campus Crusade for Christ, Inc., which has rejected the offer. Therefore, it is necessary to proceed with acquisition of the required parcel through an exercise of Metropolitan's eminent domain power.

On January 14, 2002, a notice of intention to adopt a resolution of necessity and for an opportunity to appear and be heard before the Board of Directors on February 12, 2002, as to the need for the project and the taking of the property, was served on Campus Crusade for Christ, Inc. The eminent domain law requires an owner of property to submit a written request to appear and be heard within 15 days after the notice was served or that right is waived. A quorum of the Board is required before such a hearing can be conducted.

Attachment 1 to this letter is the form of the resolution of necessity declaring the need for the project and the acquisition of the parcel described as Exhibits A and B, attached thereto, and directing the General Counsel to commence condemnation proceedings in San Bernardino County to acquire the parcel.

Policy

Metropolitan Water District Administrative Code § 8225 "Adoption of a Resolution of Necessity" and California Civil Code § 1245.235(c) "Notice of hearing, contents; conduct."

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The environmental effects of the project were evaluated in the Inland Feeder Project Final Environmental Impact Report and Environmental Assessment (FEIR/EA), which was certified by the Board in February 1993. The Board also approved the Findings of Fact, the Mitigation Monitoring and Reporting Program, the Statement of Overriding Considerations, and the project. Subsequent to these actions, additional environmental documentation was prepared and certified to address modifications to the project, i.e., Addenda Nos. 1 through 6 and Supplemental EIR. The present proposed board action is solely based on condemning property for permanent easement and not on any changes to the project itself. Hence, the environmental documents and the previous actions taken by the Board fully comply with CEQA and the State CEQA Guidelines and, as such, no further CEQA documentation is necessary for the Board to act on the proposed action.

The CEQA determination is: Determine that the proposed action has been previously addressed in the 1993 certified FEIR/EA, along with the subsequent environmental documentation, and that no further environmental analysis or documentation is required.

CEQA determination for Option #2:

None required.

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and a resolution of necessity directing the General Counsel to condemn Metropolitan Parcel No. INFED1-30-150PEA3.

Fiscal Impact: \$61,500 or such sums as awarded by the court through the condemnation proceedings, plus interest and costs.

Option #2

Do not adopt the resolution of necessity, which could stop construction of the Arrowhead East Tunnel.

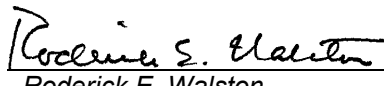
Fiscal Impact: Unknown

Staff Recommendation

Option #1


 Ronald R. Gastelum
 Chief Executive Officer

1/16/2002
 Date


 Roderick E. Walston
 General Counsel

1/17/2002
 Date

Attachment 1 – Resolution

BLA #1536

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 (“Metropolitan”).

Section 1. Metropolitan’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 Metropolitan’s boundaries and that certain property situated in the county of San Bernardino is necessary therefor.

Section 2. The property to be acquired for the public use set forth in Section 1, above, consists of a parcel of land described in Exhibit A attached hereto and incorporated herein by reference and as shown on Exhibit B attached hereto and incorporated herein by reference. The property is not located within Metropolitan’s boundaries.

Section 3. Metropolitan hereby declares its intention to acquire the property described in Exhibits A and B attached, by proceeding in eminent domain as authorized by the Metropolitan Water District Act (Stats. 1969, Ch. 209, as amended).

Section 4. Metropolitan hereby finds and determines that the proposed Project is planned or located in a manner that will be most compatible with the greater public good and the least private injury.

Section 5. Metropolitan’s Board hereby finds and determines that the property described in Exhibits A and B attached hereto is necessary for the proposed project.

Section 6. Metropolitan’s Board hereby finds and determines that the offers required by Government Code Section 7267.2 have been made to the owner of record of the property described in Exhibits A and B attached hereto.

Section 7. Metropolitan’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 property described in Exhibits A and B attached hereto, and to take such steps as may be necessary to secure orders of court permitting Metropolitan to take possession of the property 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 property 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 said public works, and to incur expenses necessary and incidental to the action.

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Board of Directors of the Metropolitan Water District of Southern California held the 12th day of February, 2002, by a 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

INFED1-30-150PEA3

An exclusive permanent easement for road and access purposes commencing on the effective date of an order of possession, over, upon and across the property located in the county of San Bernardino, state of California, described herein as Parcel No. INFED1-30-150PEA3, and shown on Exhibit B attached hereto.


EXHIBIT A

INFED1-30-150PEA3
CAMPUS CRUSADE FOR CHRIST, INC.
A NON-PROFIT CORPORATION

That portion of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of fractional Section 14, Township 1 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, described as follows:

Commencing at the northwest corner of the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 14 as marked by a 4" i.p. with wood plug, tagged RCE 4562 24" above surface per Record of Survey filed in Book 7, page 37 of Record of Surveys of said County; thence along the west line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ S 00° 21' 38" E 37.82 feet to the northeast corner of Lot 1 of said Section 14 as established by Parcel 1 of Court Decree No. 43149 recorded August 24, 1939 in Book 1364, page 300 of Official Records of said County and as marked by a 1" i.p. tagged LS 2788 1" below surface in lieu of 2" i.p. per Tract No. 6688 filed in Book 86, pages 86 through 89, inclusive of Maps, Records of said County; thence along the north line of said Lot 1 S 89° 57' 44" W 81.22 feet to the POINT OF BEGINNING; thence leaving said north line N 53° 32' 25" W 199.50 feet; thence N 01° 46' 48" E 341.59 feet; thence N 51° 51' 54" E 162.95 feet; thence N 13° 03' 05" E 95.53 feet; thence N 51° 41' 30" E 98.28 feet to the east line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence along said east line N 00° 20' 09" W 166.90 feet to the southeast corner of the land conveyed to Del Rosa Mutual Water Company, a Corporation, by Deed recorded March 2, 1923 in Book 783, page 268 of Deeds, Records of said County; thence S 89° 26' 17" W 208.74 feet along the south line of said land conveyed to Del Rosa Mutual Water Company to the southwest corner of said last mentioned Deed; thence along the west line of said last mentioned Deed N 00° 17' 23" W to a point bearing S 00° 17' 23" E 168.03 feet from the north west corner of said last mentioned Deed; thence leaving said west line S 34° 23' 21" W 412.88 feet; thence S 48° 07' 58" W 95.97 feet; thence S 14° 21' 52" E 226.03 feet; thence S 15° 52' 16" W 257.55 feet; thence S 10° 17' 21" E 262.69 feet to a point on the north line of said Lot 1; thence along the north line of said Lot 1 N 89° 57' 44" E 406.06 feet to the POINT OF BEGINNING.

PREPARED UNDER MY SUPERVISION


Peter G. Wiseman P.L.S. 6241

09/06/01
Date

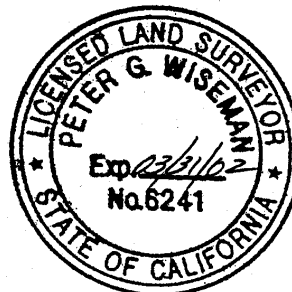


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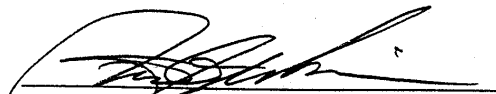
EXCEPTING therefrom that portion lying within the following described parcel:

Commencing at the northeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence along the east line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ southerly 417.40 feet to the southeast corner of the land conveyed to Del Rosa Mutual Water Company, a Corporation, by Deed recorded March 2, 1923 in Book 783, page 268 of Deeds, Records of said County and the POINT OF BEGINNING; thence westerly 208.74 feet along the south line of said land conveyed to Del Rosa Mutual Water Company to the southwest corner of said last mentioned Deed; thence southeasterly to a point on said east line, said point being southerly 319.42 feet from the Point of Beginning; thence northerly along said east line 319.42 feet to the POINT OF BEGINNING.

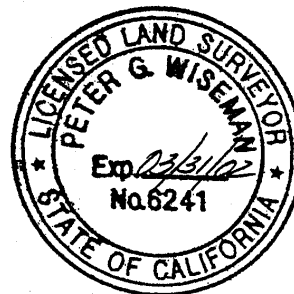
All as shown on Exhibit B attached hereto and made a part hereof.

END OF DESCRIPTION

PREPARED UNDER MY SUPERVISION


Peter G. Wiseman P.L.S. 6241

Date 09/06/01



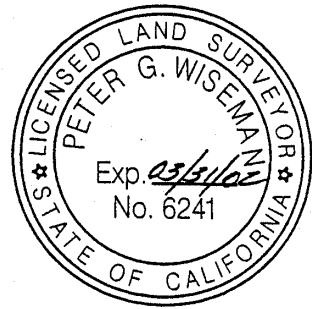
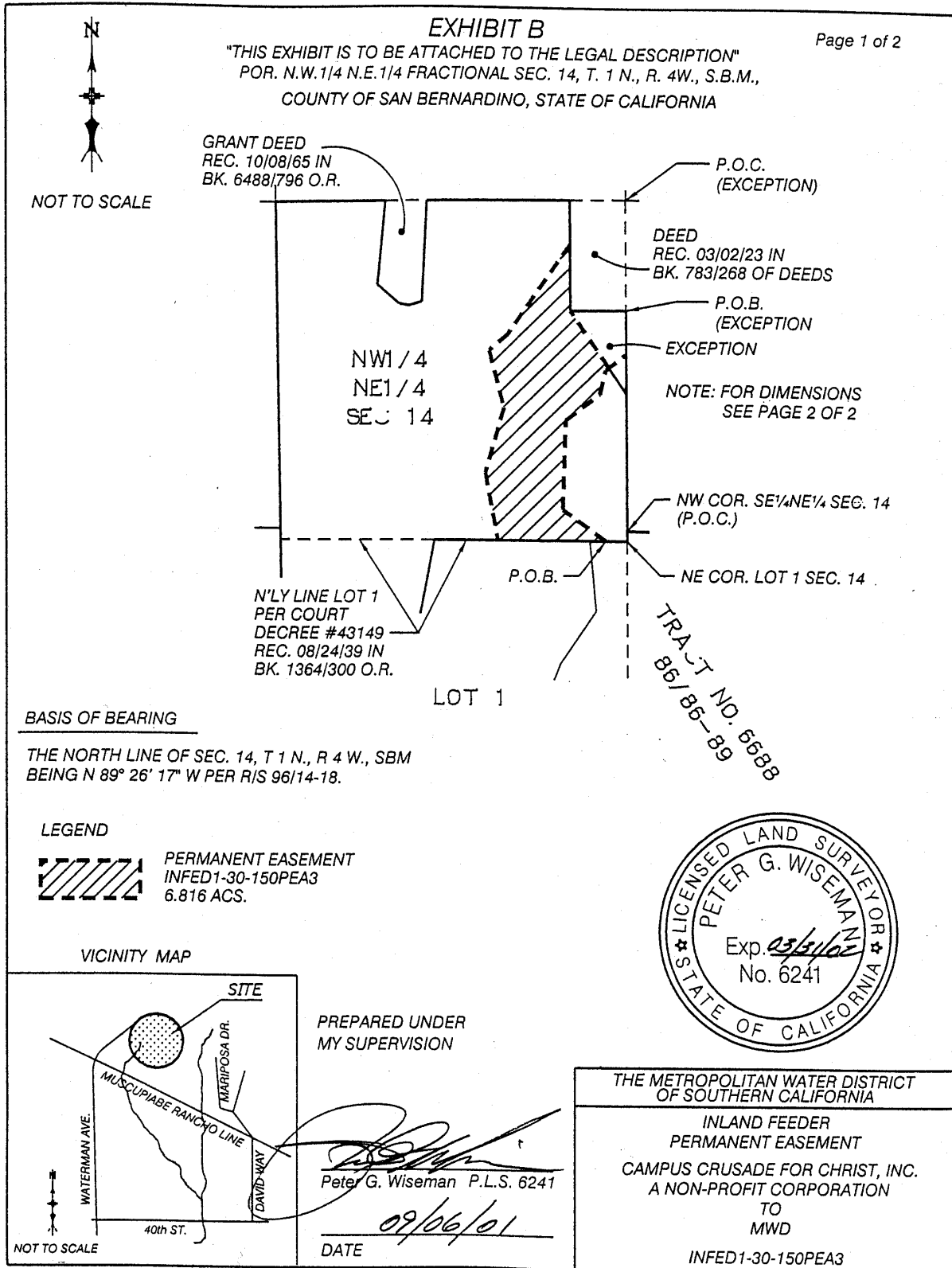
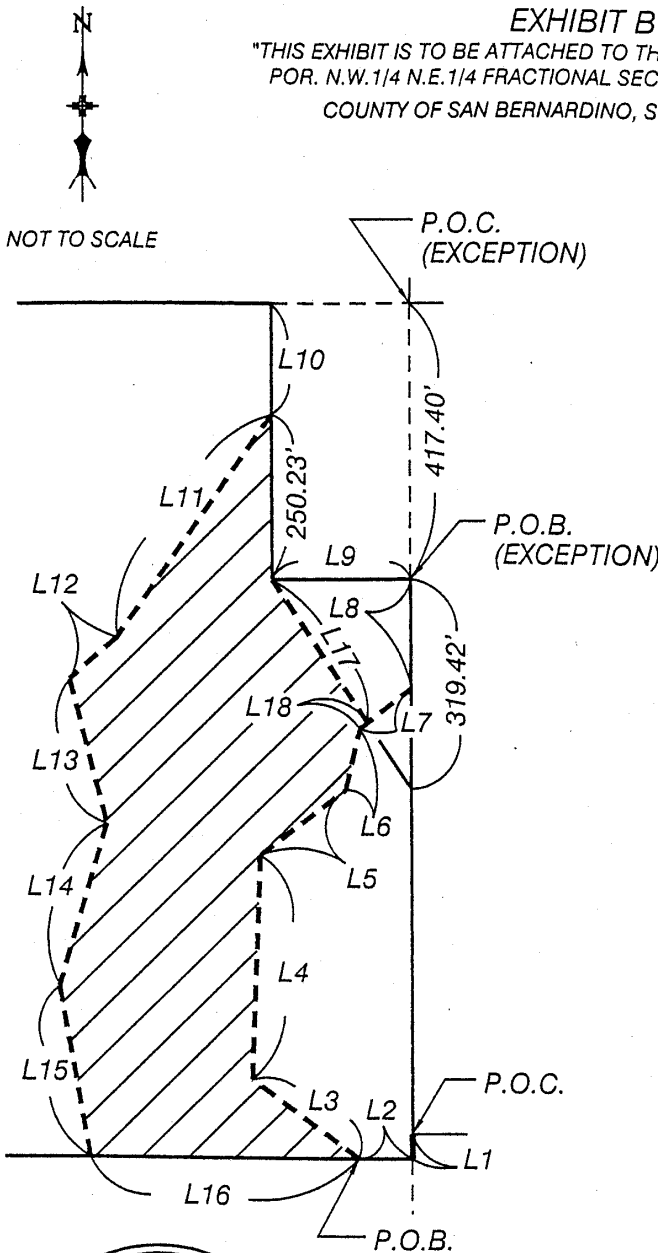


EXHIBIT B
 "THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"
 POR. N.W.1/4 N.E.1/4 FRACTIONAL SEC. 14, T. 1 N., R. 4W., S.B.M.,
 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

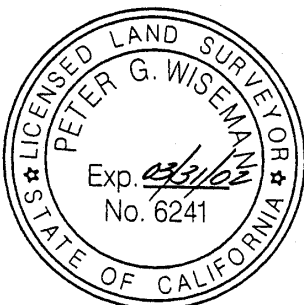


| NO. | BEARING | DISTANCE |
|-----|-----------------|----------|
| L1 | S 00° 21' 38" E | 37.82' |
| L2 | S 89° 57' 44" W | 81.22' |
| L3 | N 53° 32' 25" W | 199.50' |
| L4 | N 01° 46' 48" E | 341.59' |
| L5 | N 51° 51' 54" E | 162.95' |
| L6 | N 13° 03' 05" E | 95.53' |
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| L14 | S 15° 52' 16" W | 257.55' |
| L15 | S 10° 17' 21" E | 262.69' |
| L16 | N 89° 57' 44" E | 406.06' |
| L17 | N 33° 33' 20" W | 260.24' |
| L18 | N 51° 41' 30" E | 14.34' |

LEGEND



PERMANENT EASEMENT
 INFED1-30-150PEA3
 6.816 ACS.



PREPARED UNDER
 MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

DATE

09/06/01

THE METROPOLITAN WATER DISTRICT
 OF SOUTHERN CALIFORNIA
 INLAND FEEDER
 PERMANENT EASEMENT
 CAMPUS CRUSADE FOR CHRIST, INC.
 A NON-PROFIT CORPORATION
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