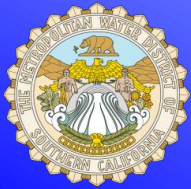






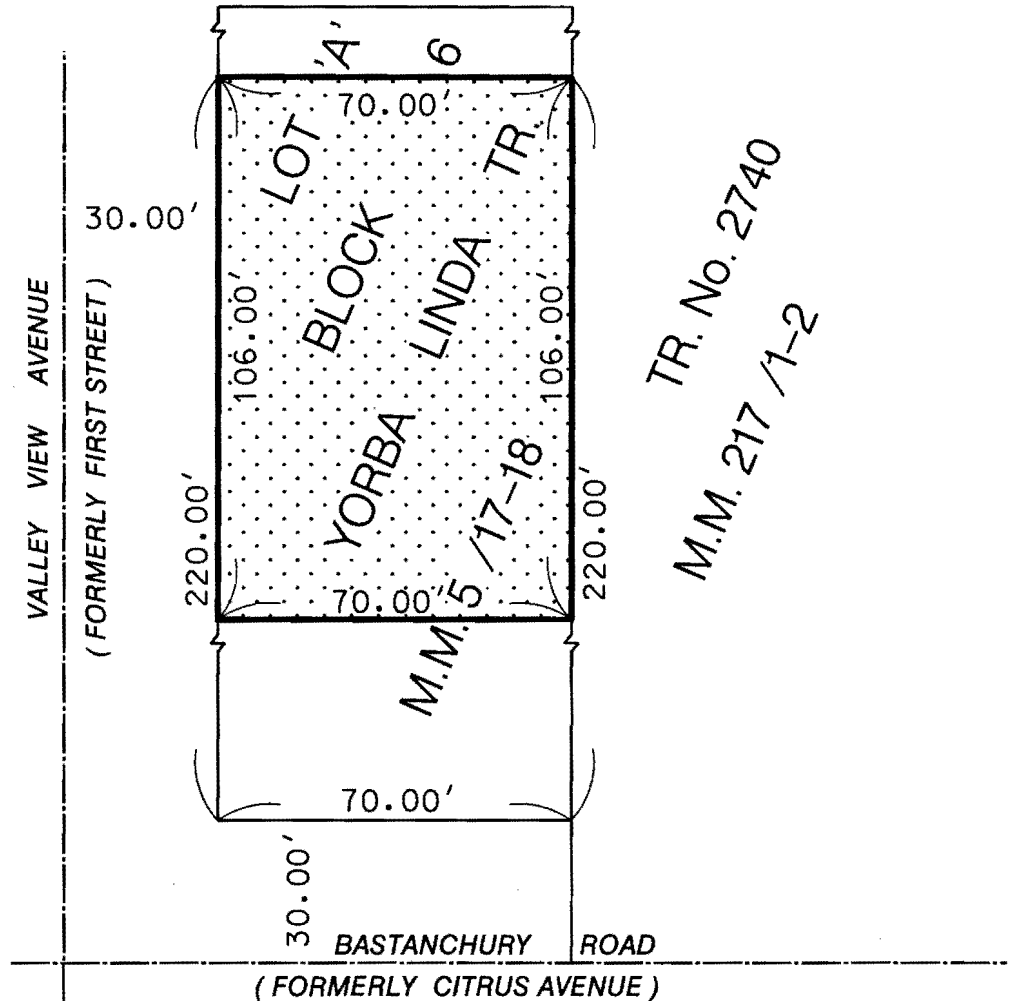


# MWD Parcel 1006-1-100




### EXHIBIT B

PORTION N1/2 SEC. 21, T3S, R9W, S.B.M.,  
CITY OF YORBA LINDA, ORANGE COUNTY, CALIFORNIA  
THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



TR. No. 2740  
M.M. 217 /1-2

### LEGEND

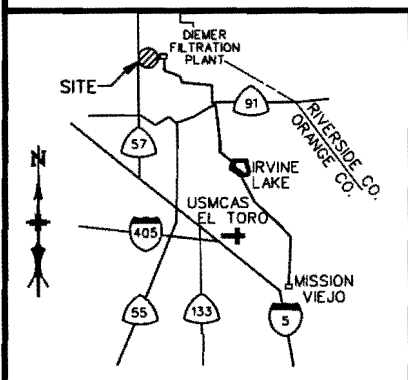
 = GRANT DEED  
= 1006-1-100  
(0.170 ac.)

# PRELIMINARY



NO SCALE

### VICINITY MAP



PREPARED UNDER  
MY SUPERVISION

THOMAS M. BOSSERMAN  
P.L.S. 7328

DATE

THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

## GRANT DEED

M.W.D.  
TO  
XXX XXXX  
1006-1-100

**EXHIBIT A**

1006-1-100

**GRANT DEED**

MWD to XXX XXXX

The north 106.00 feet of the south 220.00 feet of Lot A in Block 6 of the Yorba Linda Tract, in the City of Yorba Linda, County of Orange, State of California, as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, in the office of the County Recorder of said County.

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

**END OF DESCRIPTION**

PREPARED UNDER MY SUPERVISION

\_\_\_\_\_  
Thomas M. Bosserman P.L.S. 7328

\_\_\_\_\_  
Date

j:diemer\row\legal\1006-1-100.doc

**PRELIMINARY**

## Detailed Report

Real property is acquired by Metropolitan for its business and operational needs. The land may become surplus when Metropolitan determines that the property is no longer necessary to fulfill those business and operational needs. The property can be sold at auction, either by an oral public auction, a sealed bid auction, or by an open or exclusive listing. Under certain circumstances, surplus property may be offered for sale directly to adjoining property owners. It may also be offered for direct sale to public agencies if the property is to be used for a public purpose. Proceeds from the sale of surplus land are deposited into Metropolitan's General Fund Account. A decision tree used in illustrating the surplus process is shown on Attachment 6.

The single family residential property located at 4232 Valley View Avenue in Yorba Linda, California, consisting of 0.17 acre, was purchased to support Metropolitan's prior Emergency First Responder Program. Metropolitan purchased the property in January 1999 for \$227,200 as authorized under Metropolitan's Administrative Code Section 8221. The property is a 3-bedroom, 2.5-bathroom, one-story single family residence. The residence consists of 1,854 square feet of floor space (Attachment 4).

The house was used as an employee residence by staff from Metropolitan's Water System Operations in conjunction with Metropolitan's Emergency First Responder Program to Diemer plant. The First Responder Program was revised in 2006 and it has been determined that this property is no longer needed.

The General Manager has determined, with concurrence of staff within the Real Property Development and Management and Water System Operations Groups that MWD Parcel No. 1006-1-100 is surplus to the needs of Metropolitan and can be disposed of without adversely affecting Metropolitan's foreseeable operational and business requirements. The value of the 0.17 acre improved property is \$430,000 as determined by an independent appraisal report completed in November 2009 (Attachment 4).

This property is subject to the disposition requirements of the Surplus Lands Act contained in California State Government Code Section 54222; therefore, if the recommended surplus action is authorized, staff will initially offer the property for sale to applicable public agencies and organizations pursuant to Section 54222 of the Government Code and Section 8241 of Metropolitan's Administrative Code. The minimum offer shall be the fair market value of the property as determined by an independent appraiser. If, after offering this property for sale to said public agencies at the fair market value, no offer is accepted, the property will be sold by using the services of real estate realtors/brokers pursuant to Administrative Code Section 8245 or Section 8246, dependent upon the applicable disposition procedure. The buyer shall be required to execute an acceptable agreement to purchase as well as agree to escrow instructions in a form approved by Metropolitan's General Counsel.

Upon acceptance of the offer for purchase, an escrow will be opened and requisite funds and documentation on behalf of the buyer and Metropolitan will be therewith deposited. At the close of escrow, proceeds of the sale, together with the Promissory Note and Deed of Trust, if applicable, will be delivered to Metropolitan.

DEC 16 2009

**NARRATIVE REVIEW APPRAISAL FORM**  
**(Supplement to the Metropolitan Water District Right of Way Planning and Acquisition Team's USPAP Appraisal Review Checklist dated November 30, 2009)**

**Reviewer:** Russell M. Shane

**Property Owner:** Metropolitan Water District of Southern California

**Metropolitan No.** Not Applicable

**Appraiser:** Robert M. Lea, MAI and Barbara Lambe, Lea Associates, Inc.

**APN:** 323-012-14

**Report Date:** November 30, 2009

**Date of Value** November 30, 2009

**Reviewer's Client & Intended User(s):** Metropolitan Water District of Southern California

**Purpose of Review Assignment:** Approval of Pertinent Value Opinions Within Appraisal

***NARRATIVE REVIEW***

**Property Description**

The property description and description of surrounding area was generally good. The subject property is a 3-bedroom, 2.5-bathroom, one-story single-family residence at 4232 Lakeview Avenue in Yorba Linda, California. It covers 1,854 square feet and occupies a lot comprised of 7,420 square feet. The lot is identified as APN No. 323-012-14. It fronts on Valley View Avenue, one lot north of the intersection at Bastanchury Road. The house is owned by the Metropolitan Water District of Southern California (Metropolitan). It has been vacant for one year.

The exhibit showing the house's floor plan had to be re-labeled to show that it had three bedrooms; the original draft showed only two bedrooms.

**Relevant Regional/Neighborhood Information**

The appraisal showed a good, comprehensive view of the relevant neighborhood, regional, and economic characteristics, especially with regard to the description of the decline in real estate prices in Yorba Linda. The report explains how the average home price in Yorba Linda declined by \$200,000 from 2006 to 2009, with a slowing in the decline between 2008 and 2009. At the same time, the report shows that Yorba Linda's population remains comparatively very prosperous and well-educated, with 40% of the population having a bachelor's degree or higher.



**NARRATIVE REVIEW APPRAISAL FORM**  
**(Supplement to the Metropolitan Water District Right of Way Planning and**  
**Acquisition Team's USPAP Appraisal Review Checklist dated November 30, 2009**

**Larger Parcel (N/A)**

**Highest and Best Use**

The Zoning designation for the subject site is RU (Residential Urban). This designation is meant, per the Yorba Linda Zoning Code, to provide for single-family dwelling units in an urban environment with full urban services. The subject is a non-conforming use due to the house's width being greater than that called for in the zoning code under the RU designation. The highest and best use for the subject site, as vacant and as improved, is for continued use as a single-family residence. Originally, the report contained an error---the highest and best use as if vacant was correctly called out as continuation in its present state, but the highest and best use as if improved was to "hold for future development." This was corrected to reflect the same highest and best use as if vacant and as if improved---to continue in its present state.

**Cost Approach (N/A)**

**Improvements (N/A)**

The subject property was well-described as a 3-bedroom, 2.5-bathroom, one-story single-family residence, covering 1,854 square feet. The exhibit showing the house's floor plan had to be re-labeled to show that it had three bedrooms; the original draft showed only two bedrooms.

**Sales Comparison Approach**

Presented sales from Yorba Linda ranged from \$385,000 to \$480,000, or \$211 to \$298 per square foot. A value of \$230 per square foot, in the lower tier of the range, was arrived at, mainly due to the house's age---the comparables had been built in the early 1960s as compared to the subject's year-built of 1953. The wording on the discussion of adjustments needed to be made clearer; this was done.

**Income Approach (N/A)**

**Part-Take Analysis (N/A)**

**Damages/Benefits (N/A)**

**Value Conclusion**

The sales comparables were appropriate and the conclusion of \$230 per square foot was bracketed well by the sale comparables, as was the raw price of \$430,000.

**CALIFORNIA GOVERNMENT CODE SECTION 54220 through SECTION 54227**

**54220.** The Legislature reaffirms its declaration that housing is of vital statewide importance to the health, safety, and welfare of the residents of this state and that provision of a decent home and a suitable living environment for every Californian is a priority of the highest order. The Legislature further declares that there is a shortage of sites available for housing for persons and families of low and moderate income and that surplus government land, prior to disposition, should be made available for that purpose. The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of land available for recreational purposes and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes. This article shall not apply to surplus residential property as defined in Section 54236.

**54221.** (a) As used in this article, the term "local agency" means every city, whether organized under general law or by charter, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. (b) As used in this article, the term "surplus land" means land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency's use, except property being held by the agency for the purpose of exchange. (c) As used in this article, the term "open-space purposes" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources. (d) As used in this article, the term "persons and families of low or moderate income" means the same as provided under Section 50093 of the Health and Safety Code. (e) As used in this article, the term "exempt surplus land" means either of the following: (1) Surplus land which is transferred pursuant to Section 25539.4. (2) Surplus land which is (A) less than 5,000 square feet in area, (B) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (C) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low- and moderate income housing purposes and is not located within an enterprise zone pursuant to Section 7073 nor a designated program area as defined in Section 7082. If the surplus land is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to the provisions of this article. (f) Notwithstanding subdivision (e), the following properties are not considered exempt surplus land and are subject to the provisions of this article: (1) Lands within the coastal zone. (2) Lands within 1,000 yards of a historical unit of the State Parks System. (3) Lands within 1,000 yards of any property that has been listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places. (4) Lands within the Lake Tahoe region as defined in Section 66905.5.

**54222.** Any agency of the state and any local agency disposing of surplus land shall, prior to disposing of that property, send a written offer to sell or lease the property as follows: (a) A written offer to sell or lease for the purpose of developing low-and moderate-income housing shall be sent to any local public entity as defined in Section 50079 of the Health and Safety Code, within whose jurisdiction the surplus land is located. Housing sponsors, as defined by Section 50074 of the Health and Safety Code, shall, upon written request, be sent a written offer to sell or lease surplus land for the purpose of developing low- and moderate-income housing. All notices shall be sent by first-class mail and shall include the location and a description of the property. With respect to any offer to purchase or lease pursuant to this subdivision, priority shall be given to development of the land to provide affordable housing for lower income elderly or disabled persons or households, and other lower income households. (b) A written offer to sell or lease for park and recreational purposes or open-space purposes shall be sent: (1) To any park or recreation department of any city within which the land may be situated. (2) To any park or recreation department of the county within which the land is situated. (3) To any regional park authority having jurisdiction within the area in which the land is situated. (4) To the State Resources Agency or any agency which may succeed to its powers. (c) A written offer to sell or lease land suitable for school facilities construction or

use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located. (d) A written offer to sell or lease for enterprise zone purposes any surplus property in an area designated as an enterprise zone pursuant to Section 7073 shall be sent to the nonprofit August 16, 2005 Board Meeting 7-5 Attachment 6, Page 2 of 2 neighborhood enterprise association corporation in that zone. (e) A written offer to sell or lease any surplus property in a designated program area, as defined in subdivision (i) of Section 7082, shall be sent to the program area agent. (f) The entity or association desiring to purchase or lease the surplus land for low- and moderate income housing purposes, or for park or recreation purposes, or for open-space purposes, or for public school purposes, or for enterprise zone purposes, shall notify in writing the disposing agency of its intent to purchase or lease the land within 60 days after receipt of the agency's notification of intent to sell the land.

Section **54222.3**. Section **54222** shall not apply to the disposal of exempt surplus land as defined in Section **54221** by an agency of the state or any local agency.

**54223**. After the disposing agency has received notice from the entity desiring to purchase or lease the land, the disposing agency and the entity shall enter into good faith negotiations to determine a mutually satisfactory sales price or lease terms. If the price or terms cannot be agreed upon after a good faith negotiation period of not less than 60 days, the land may be disposed of without further regard to this article.

**54224**. Nothing in this article shall preclude a local agency, housing authority, or redevelopment agency which purchases land from a disposing agency pursuant to this article from reconveying the land to a nonprofit or forprofit housing developer for development of low- and moderate-income housing as authorized under other provisions of law.

**54225**. Any public agency selling surplus land to an entity described in Section **54222** for park or recreation purposes, for open-space purposes, for school purposes, or for low- and moderate-income housing purposes may provide for a payment period of up to 20 years in any contract of sale or sale by trust deed of such land.

**54226**. Nothing in this article shall be interpreted to limit the power of any agency of the state or any local agency to sell or lease surplus land at fair market value or at less than fair market value, and nothing in this article shall be interpreted to empower any agency of the state or any local agency to sell or lease surplus land at less than fair market value. No provision of this article shall be applied when it conflicts with any other provision of statutory law.

**54227**. In the event that the state or any local agency disposing of surplus land receives offers for the purchase or lease of such land from more than one of the entities to which notice and an opportunity to purchase or lease shall be given pursuant to this article, the state or local agency shall give first priority to the entity which agrees to use the site for housing for persons and families of low or moderate income, except that first priority shall be given to an entity which agrees to use the site for park or recreational purposes if the land being offered is already being used and will continue to be used for park or recreational purposes, or if the land is designated for park and recreational use in the local general plan and will be developed for that purpose.

**DECISION TREE – SURPLUS PROPERTY**

<p><b><u>Internal Determination of Property as Potentially Excess</u></b>                  Water System Operations (WSO)                  Water Resource Management (WRM)                  Corporate Resources (CRG)                  Real Property Development and Management Group (RPDM)</p>	
<p>Property Appraisal                  Valuation Threshold Test [<b>Per Admin. Code 8240, (a) (1)</b>]</p>	
<p><b>Under \$75,000 Valuation</b>                  Staff appraisal permitted                  Per Admin. Code 8240 (2) (C)                  Comply with CEQA  <b>(30 days)</b></p>	<p><b>\$75,000 Valuation or over</b>                  Requires independent appraisal(s)                  Per Admin. Code 8240 (2) (C)                  Comply with CEQA  <b>(90 to 150 days)</b></p>
<p><b><u>GM Declares real property surplus and notifies Board Committee(s)</u></b>                  (Per Admin. Code 8240)  <b>(60 to 90 days)</b></p>	
<p><b><u>Board Does Not Concur</u></b>                  Re-inventory</p>	<p><b><u>Board Concurs &amp; Approves</u></b>                  Criteria Per Admin. Code 8258                  Property not required by District, will not adversely affect District operations                  Legally Required to Return to Tax Rolls</p>
<p><b><u>Comply with CEQA and Offer Property to Public Entities</u></b>  <b>Admin. Code 8241 (required Fair Market Value)</b>  <b>Govt. Code 54222-27</b>                  Offer to Sell or Lease to Public Entities at Appraised Fair Market Value for:                  Parks, Open Space, Public Housing, Schools  <b>(60 days)</b></p>	
<p><b><u>Public Offer Accepted</u></b>  <b><u>At Appraised Fair Market Value</u></b></p>	<p><b><u>No Public Offers Accepted</u></b>                  Admin. Code 8241                  Information Report to Board</p>
<p>Admin. Code 8240                  GM has negotiating authority to accept selling price ranging to 10% less than appraised fair market value of approved appraisal. Any sale is for cash or minimum 20% down payment w/ balance amortized up to 10 years at Admin. Code designated interest rate and secured by deed of trust.</p>	<p><b><u>Sale or Lease Decision</u></b>  <b><u>Exception to Public Sale (Admin. Code 8254)</u></b>                  Direct Sale at Appraised Fair Market Value to:                  U.S., State, County, City, School District, Flood Control, Special District  <b>GM may sell at 10% less than appraised fair market value of approved appraisal</b>  <b>(60 to 90 days)</b></p>
	<p>Expose to Open Market                  Dispose By:                  (a) Public Auction by Staff  <b>(90 to 180 days)</b></p>

	<u>Without Sealed Bids</u> 8244 (b) Sell to Highest Bidder	<u>With Sealed Bids</u> 8244 (c) Sell to highest bona fide sealed bid; Or Sell to highest oral bidder
	<u>(b) Real Estate Brokerage</u> Admin. Code 8245 & 8246 Open Listing Exclusive Listing	
	<u>(c) Auction by Professional Auctioneer</u> Admin. Code 8247	
<b><u>Public sale or executed lease</u></b>	<u>(d) Sale by other mechanism approved by Board</u>	

**Quarterly Reports**  
 Admin. Code 8258  
 GM shall report to Board quarterly on status of property sold