



- Board of Directors  
*Real Property and Asset Management Committee*

11/5/2019 Board Meeting

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**7-5**

## **Subject**

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Adopt CEQA determination that the proposed action was previously addressed in the certified 2016 Program Environmental Impact Report and related CEQA actions, and authorize the General Manager to acquire a temporary easement over a portion of the property located at 475 S. State College Blvd. in the city of Brea (Assessor's Parcel No. 284-181-50) for the Orange County Right-of-Way and Infrastructure Protection Program.

## **Executive Summary**

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In order to perform necessary and planned construction on Metropolitan's Orange County Feeder under the Right-of-Way and Infrastructure Protection Program (RWIPP), Metropolitan is seeking authorization to acquire a temporary easement from Richard W. Mortimer and Janette Caldwell-Mortimer, Trustees of the Mortimer Family Trust (Property Owner) for the amount of \$21,000.

## **Details**

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### **Background**

The RWIPP is a comprehensive effort to address surface-related issues throughout the distribution system.

One of the sites identified for work under the RWIPP is a blowoff structure on the Orange County Feeder in the city of Brea. This structure is located adjacent to a natural drainage course to facilitate dewatering of the pipeline. To protect the blowoff structure and the related Orange County Feeder, and to prevent further erosion of the banks as well as minimize impacts to the drainage course, Metropolitan needs to acquire a temporary easement totaling 0.38 acres for access and staging area on the property (Attachment 1).

On June 26, 2019, Metropolitan offered to purchase a six-month temporary easement from the Property Owner at the appraised value and just compensation of \$16,000. The Property Owner disagreed with the appraised value. Therefore, pursuant to California Code of Civil Procedure Section 1263.025, Metropolitan offered to reimburse the Property Owner up to \$5,000 to conduct their own appraisal. The Property Owner then presented Metropolitan with a counter-offer of \$21,000, or \$5,000 above Metropolitan's offer, stating they would not be seeking their own appraisal and this was their final offer. Under the Metropolitan Administrative Code, this overage, while relatively modest in amount and accounted for in the project's current budget, is beyond staff's delegated authority and requires Board approval.

By accepting the Property Owner's final offer, Metropolitan would avoid project delays and the need for other proceedings, and keep the project on schedule and on budget. The estimated costs of likely project delays, a resolution of necessity, or other proceedings as directed by the Board, exceed the Property Owner's final offer.

## **Policy**

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Metropolitan Water District Administrative Code Section 8201: Authorization to General Manager

Metropolitan Water District Administrative Code Section 8221: Authority to Acquire Real Property; Appraisal

Metropolitan Water District Administrative Code Section 8223: Payment of Expenses for Acquisitions

## California Environmental Quality Act (CEQA)

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### CEQA determination for Option #1:

The environmental effects from implementation of the RWIPP within the Orange County Operating Region were evaluated in the Final Program Environmental Impact Report (EIR) for the Orange County Distribution System Infrastructure Protection Program, SCH #2013121060, which has been certified by the Board on April 12, 2016. The Board also approved the Findings of Fact (Findings), the Mitigation Monitoring and Reporting Program (MMRP), and the program itself. This action is based on the acquisition of a temporary easement in support of planned construction within the Orange County Operating Region and not on any changes to the approved program itself. Hence, the previous environmental documentation acted on by the Board in conjunction with the proposed action fully complies with CEQA and the State CEQA Guidelines. Accordingly, no further CEQA documentation is necessary for the Board to act on the proposed action.

### CEQA determination for Option #2:

None required

## Board Options

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### Option #1

Adopt CEQA determination that the proposed action was previously addressed in the certified 2016 Program EIR and related CEQA actions, and authorize the General Manager to acquire a temporary easement over a portion of the property located at 475 S. State College Blvd. in the city of Brea (Assessor's Parcel No. 284-181-50) for \$21,000 for the Orange County Right-of-Way and Infrastructure Protection Program.

**Fiscal Impact:** \$21,000. This amount falls within the project's capital budget.

**Business Analysis:** This option will keep the RWIPP Orange County project on schedule and on budget.

### Option #2

Do not accept Property Owner's final offer of \$21,000 and return to the Board at a later date to consider adoption of a resolution of necessity (RON) or other actions as directed by the Board.

**Fiscal Impact:** The estimated costs of likely project delays, a RON, or other actions is in excess of \$45,000.

**Business Analysis:** It is anticipated that not accepting the final offer will delay the RWIPP project and cause Metropolitan to incur greater costs than the offer amount.

**Staff Recommendation**

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Option #1



Octavia T. Tucker  
Interim Group Manager  
Real Property Group

10/25/2019

Date



Jeffrey Kightlinger  
General Manager

10/25/2019

Date

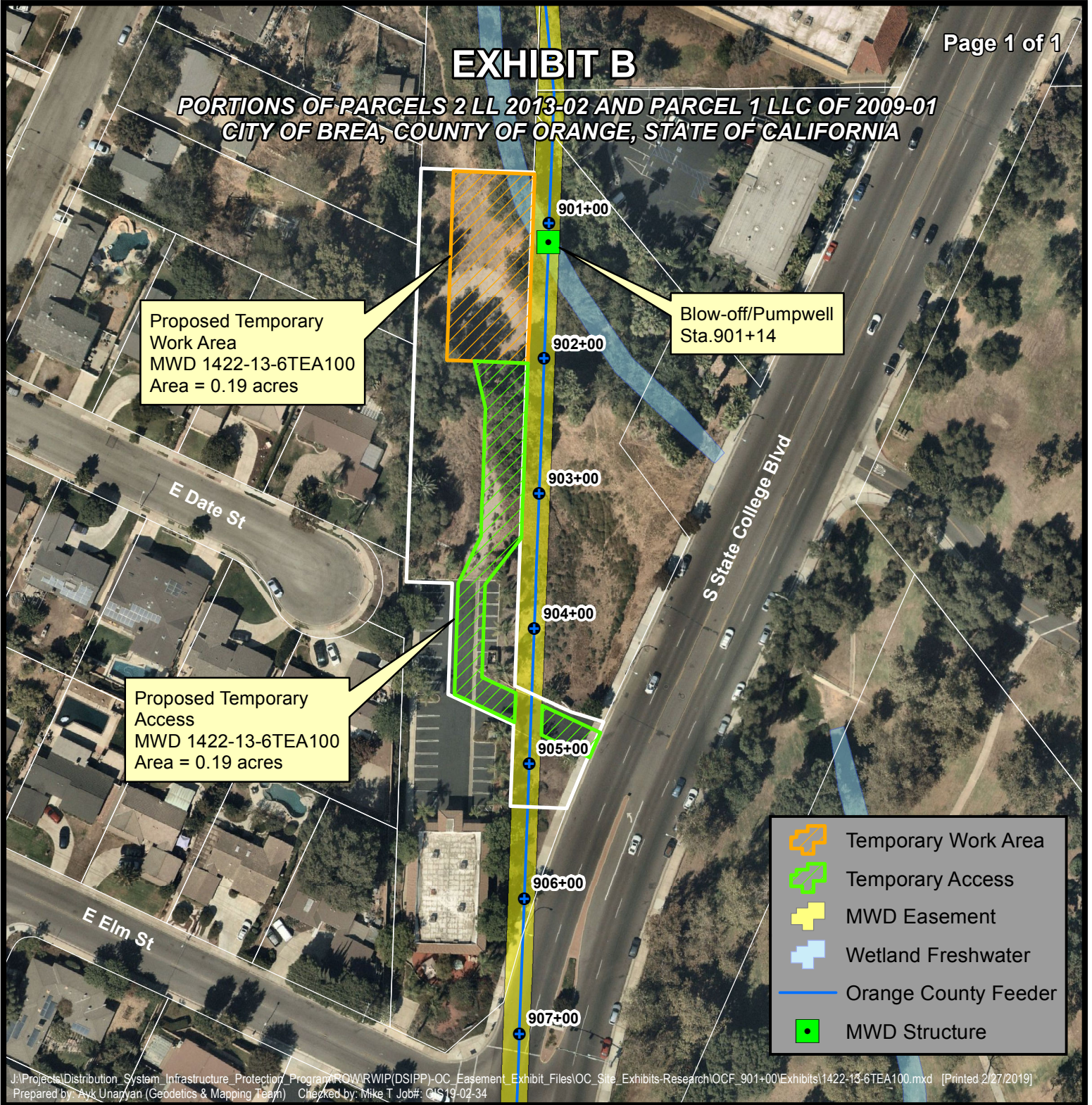
**Attachment 1 – 1422-13-6TEA100 Exhibit B**

Ref# rpdm12681080



# EXHIBIT B

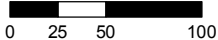
## PORTIONS OF PARCELS 2 LL 2013-02 AND PARCEL 1 LLC OF 2009-01 CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



J:\Projects\Distribution\_System\_Infrastructure\_Protection\_Program\ROW\RWP(DSIPP)-OC\_Easement\_Exhibit\_Files\OC\_Site\_Exhibits-Research\OCF\_901+00\Exhibits\1422-13-6TEA100.mxd [Printed 2/27/2019]  
Prepared by: Ayk Unarayan (Geodetics & Mapping Team) Checked by: Mike T Job#: C/S 19-02-34



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The Metropolitan Water District of Southern California  
Engineering Services Group

### ORANGE COUNTY FEEDER TEMPORARY CONSTRUCTION EASEMENT

RICHARD J. MORTIMER, JR., et al,  
TRUSTEES  
to  
MWD

MWD: 1422-13-6TEA100  
PORTION A.P.N. 284-181-050