

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
 October 19, 2011

RON #: 2011- 08
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0210-057-0000 (Sacramento County)
DWR #: DCAE-7
Owner: Delta Ranch

Statistics

AS OF OCTOBER 12, 2011					
# of Parcels to be Acquired	# of Parcels Acquired	Remaining Parcels to Acquire	# of Owners to Appear	# of Owners to Settle	Remaining Number of Owners to Appear
59	1	58	46	1	45

Property Rights to be Acquired

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Rights</u>
Unit A	16 sq. ft.	Permanent Non-Exclusive Easement
Unit B	10,000 sq. ft.	Temporary Construction Easement
Unit C	85,650 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Vineyard
Zoning: AG 40 (Agriculture, 40-acre minimum)
Date of First Written Offer: August 2, 2011
Amount of Agency's Latest Written Offer: Offer made pursuant to approved staff appraisal.
Amount of Owner's Latest Counteroffer: N/A
Type of Geotechnical Activity: One (1) CPT and one (1) drill hole.

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (4)

- Initial mailing of TEP; follow-up letters, referral to AG letter (10/14/08, 11/03/08, 11/18/08, and 1/12/09).

TELEPHONE CALLS (3)

- Left message, lengthy conversations with owner; DWR requested to meet; meeting denied (10/15/08, 10/18/08, and 10/27/08).

Recent Contacts

First Written Offer (FWO) Phase

LETTERS (9)

- Notice to Appraise Letter, First Written Offer, follow-up letters, response letter to owner's attorney addressing concerns, invitations to Commission meeting, Appraisal Cost Reimbursement Agreement, Temporary Easement Alternative, and Intent to Adopt a Resolution of Necessity (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11(2), 9/13/11, and 9/27/11).

TELEPHONE CALLS (4)

- DWR called and/or left message requesting return call. (8/04/11 and 8/16/11)
- DWR spoke with owner's attorney to schedule meeting and to discuss owner's proposal. (9/26/11 and 10/11/11)

EMAIL (1)

- Follow-up email to owner's attorney. (10/03/11)

MEETINGS (1)

- DWR met with owner and owner's attorney; reviewed access road and drill site. It was agreed that the proposed location needs to be moved due to being located above water intake pipes. Owner not willing to offer alternative locations as he wants the drill site moved off the property and onto adjacent county owned property. No agreement reached. (9/28/2011)

Areas of Main Concern to Owner and DWR's Response

- Noise and dust concerns:
DWR response: Activities located away from residence, equipment is property tuned, and field staff is directed to drive slowly to minimize dust from vehicular traffic.
- What steps are being taken to avoid adverse impacts to agricultural operations?
DWR response: DWR will work with owner to minimized impacts to operations.
- Will vines or irrigation lines be removed as part of construction activities?
DWR response: DWR does not intend to remove vines and will exercise reasonable precautions to avoid damages to vines and irrigation lines.
- Why is northern access easement necessary?
DWR response: Northern access is needed for access to adjacent property.

Why Necessary to Initiate Eminent Domain Action

DWR has been unable to reach an agreement to acquire the necessary property rights through either negotiation or attempted negotiation. DWR desires to initiate eminent domain action to ensure that DWR meets its geotechnical schedule.