

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

RON #: 2011-09
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-085-0000 (Sacramento County)
DWR #: DCAP-113
Owner: **Melvin E. Seebeck, Jr., Lois Arlene Seebeck, Trustees of the Seebeck Family Trust and Cynthia K. Seebeck**

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	32 sq. ft.	Permanent Non-Exclusive Easement
Unit B	20,000 sq. ft.	Temporary Construction Easement
Unit C	2,870 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Rural home site and pear orchard
Zoning: AG 20 DW (Agriculture, 20-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: Two (2) CPTs and two (2) drill holes

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (5)

- Initial mailing of TEP; follow-up letters, referral to AG letter (7/07/10, 8/12/10, 9/03/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (6)

- Left messages, message from owner, conversation with owner (7/28/10, 8/11/10, 9/08/10, 9/09/10, 9/21/10, and 2/08/11).

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use. (10/07/10)

Recent Contacts

First Written Offer (FWO) Phase

LETTERS (8)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Temporary Easement Alternative, and Intent to Adopt Resolution of Necessity (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/13/11, and 9/27/11).

TELEPHONE CALLS (9)

- DWR called and/or left messages requesting return call. (8/04/11, 8/16/11, 9/08/11, 9/23/11, 9/28/11, 10/05/11, 10/11/11)
- DWR called and spoke with owner (partial interest) and discussed the project and the FWO; owner expressed opposition to the project; will not authorize entry (8/04/11 and 8/16/11).

SITE VISITS (1)

- DWR stopped by owner's (partial interest) residence in Clarksburg; left door hanger and business card. (9/28/2011)

Areas of Main Concern to Owner and DWR's Response

No specific concerns identified.

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.