

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

RON #: 2011-17
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0200-019-0000 (Sacramento County)
DWR #: DCAP-163
Owner: Backer Family Trust

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	48 sq. ft.	Permanent Non-Exclusive Easement
Unit B	40,000 sq. ft.	Temporary Construction Easement
Unit C	62,230 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Irrigated Field Crops
Zoning: AG 80 (Agriculture, 80-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: Three (3) CPTs, three (3) drill holes, and three (3) test pits

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (7)

- Initial mailing of TEP, follow-up letters, and referral to AG letter. (7/12/10, 8/12/10, 9/03/10, 9/10/10, 9/21/10, 1/27/11, and 2/02/11)

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use. (10/13/10)

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 Notice of 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). All letters sent to a P.O. Box.

TELEPHONE CALLS (3)

- DWR called and left messages requesting return call. (8/08/11, 8/18/11, and 8/30/11)

SITE VISITS (4)

- DWR stopped by the property to locate owner (8/26/11 and 9/02/11).
- DWR stopped by listed owner's residence; left door hanger and business card. (9/08/11)
- DWR stopped by listed owner's residence; resident claimed he did not know the owner and that owner did not reside there (9/28/11).

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.