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

RON #: 2011-19
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 157-0120-001-0000 (Sacramento County)
DWR #: DCAS-301
Owner: **Robert and Sharon Hilarides**

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

DWR Parcel No.	Area	Rights
Unit A	16 sq. ft.	Permanent Non-Exclusive Easement
Unit B	10,000 sq. ft.	Temporary Construction 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: One (1) CPT and one (1) drill hole

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (4)

- Initial mailing of TEP, follow-up letters, and referral to AG letter (1/16/09, 2/10/09, 3/04/09, and 3/25/09).

TELEPHONE CALLS (9)

- Left messages and a conversation with owner. (1/26/09, 2/09/09, 2/19/09, 7/31/09, 8/06/09, 9/02/09, 9/30/09, 11/30/09, and twice on 11/30/09)

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use. (11/30/09)

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).

TELEPHONE CALLS (6)

- DWR called and left messages requesting return call. (8/08/11, 8/18/11, 8/30/11, 10/12/11)
- Owner called and discussed the FWO and temporary easement alternative; owner expressed opposition to the project. Owner is considering meeting with DWR to discuss and negotiate contract for temporary easement. (10/10/11)
- Owner called and arranged to meet with DWR at the property on Oct. 13, 2011 to discuss and negotiate contract for temporary easement. (10/12/11)

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.