

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

RON #: 2011-22
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-011-0000 (Sacramento County)
DWR #: DCAP-111
Owner: Zehnder 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	30,000 sq. ft.	Temporary Construction Easement
Unit C	6,160 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Irrigated Field Crops
Zoning: AG 20 DW (Agriculture, 20-acre minimum, Delta Waterways Combining Zone)
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 and three (3) drill holes

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (6)

- Initial mailing of TEP; follow-up letters; referral to AG letter (7/07/10, 8/12/10, 9/03/10, 9/10/2010, 1/27/11, and 2/02/11).

TELEPHONE CALLS (3)

- Left messages; conversation with owner (7/13/10, 9/03/10, and 10/14/10).

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, Notice of Intent to Adopt Resolution of Necessity (6/10/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/12/11 and 9/27/11).

TELEPHONE CALLS (2)

- DWR called and spoke with owner, discussed the project and the FWO; owner thanked DWR for calling, said she would review the documents, and get back to DWR. (8/04/11)
- DWR called and left message requesting return call. (8/18/11)

EMAILS (1)

- DWR sent temporary easement contract by email. (9/28/11)

SITE VISITS (1)

- DWR stopped by subject parcel; discussed location of drill holes and access. (9/28/2011)

Areas of Main Concern to Owner and DWR's Response

- Owner requested to move the proposed drill sites.

DWR agreed to move drill sites to locations proposed by the owner.

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.