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

RON #: 2011-24
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-042-0000 (Sacramento County)
DWR #: DCAP-119
Owner: **Borges Ranch LLC, et al.**

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
Unit C	21,310 sq. ft.	Temporary Access Easement

Parcel Information

Current Use:	Irrigated Field Crops and Vineyard
Zoning:	AG 40 DW (Agriculture, 40-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:	One (1) CPT and one (1) drill hole

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, 9/10/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (9)

- Left messages for owners at different numbers (7/27/10, 8/4/10 (x4), 8/6/10, 8/9/10, and 8/18/10); had conversation with owner (9/8/2010).

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 Notice of Intent to Adopt Resolution of Necessity (6/29/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/12/11 and 9/27/11).

TELEPHONE CALLS (4)

- DWR called and/or left messages at different numbers requesting return call. (8/04/11, 8/18/11, and twice on 10/07/11).

SITE VISITS (2)

- DWR stopped by owner's subject parcel and left door hanger and business card (8/26/2011); DWR stopped by owner's residence; owner concerned about cloud of title with permanent easement and expressed interest in temporary easement contract; owner to get back to DWR regarding whether to sign temporary easement contract. (10/11/11)

Areas of Main Concern to Owner and DWR's Response

Cloud of title concern with permanent easement; owner to get back to DWR regarding whether they will agree to the temporary easement contract.

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.