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

RON #: 2011-27
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0200-016-0000, 132-0200-018-0000 (Sacramento County)
DWR #: DCAP-161
Owner: **J.H. Jonson & Sons, Inc.**

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	48 sq. ft.	Permanent Non-Exclusive Easement
Unit B	40,000 sq. ft.	Temporary Construction Easement
Unit C	55,230 sq. ft.	Temporary Access Easement

Parcel Information

Current Use:	Vineyard and Irrigated Field Crops
Zoning:	AG 40 & 80 (Agriculture, 80-acre minimum and 40-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 one (1) test pit

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (4)

- Initial mailing of TEP; follow-up letters, (7/07/10, 8/12/10, 9/03/10, and 9/10/10).

TELEPHONE CALLS (3)

- Left messages, message from owner (twice on 7/28/10, and 9/07/10).

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 (10)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Appraisal Reimbursement Agreement, letter addressing concerns, Temporary Easement Alternative, and Notice of Intent to Adopt Resolution of Necessity (6/01/11, 8/02/11, 8/22/11, 8/30/11(twice), 9/06/11, 9/09/11(twice), 9/12/11 and 9/27/11).

TELEPHONE CALLS (4)

- DWR called and left messages regarding FWO; owner called and left a message. (8/04/11, twice on 8/18/11, and 8/19/11)

SITE VISITS (3)

- DWR met with owner prior to appraisal; DWR stopped by owner's office; DWR met with owners to discuss proposed easements. (8/03/11, 8/26/2011, and 10/03/11).

Areas of Main Concern to Owner and DWR's Response

- Owner has provided suggested revisions for temporary easement contract (dates for access, time for notice of completion, indemnity language) and has a design question.

  DWR has answered owner's design question. DWR is waiting for proposed language from owner regarding dates for access, time for notice of completion, and indemnity.

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.