

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

RON #: 2011-31
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 146-0090-018-0000 (Sacramento County)
DWR #: DCAP-282
Owner: Nick J. and Betty A. Arch Revocable Living 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	16 sq. ft.	Permanent Non-Exclusive Easement
Unit B	10,000 sq. ft.	Temporary Construction Easement
Unit C	6,800 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Home site – Irrigated Field Crops
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 (7/08/10, 8/12/10, 9/03/10, 9/10/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (4)

- Left messages, message from owner, conversation with owner (7/27/10, 7/29/10, 8/18/10, and 8/19/11).

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 (9)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, letter addressing concerns, Appraisal Reimbursement Agreement, and Notice of Intent to Adopt a Resolution of Necessity (5/26/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/07/11, 9/09/11(two different letters), and 9/27/11).

TELEPHONE CALLS (10)

- DWR called and/or left messages requesting return call. (8/04/11 and 8/08/11)
- DWR called and spoke with owner; discussed the project, the FWO, discussed the temporary easement contract, moving drill holes, and setting up a meeting (8/09/11, 8/18/11, 8/19/11, 8/22/11, 8/24/11, 8/26/11, 9/26/11, and 10/03/11).

SITE VISITS (2)

- DWR stopped by owner's residence; left door hanger, business card, and Right of Way Contract for Temporary Easement (8/26/2011); DWR met with owner to discuss moving drill hole and to negotiate Right of Way contract for Temporary Easement. (10/05/11)

Areas of Main Concern to Owner and DWR's Response

- Owner concerned about cloud on title as a result of permanent easement. DWR has offered property owner Temporary Easement Alternative.
- Owner concerned that DWR activities will interfere with farming activities. DWR will work with owner to minimize impacts with farming operations.
- Owner requested DWR to move drill site and said they will provide suggested revisions to the temporary easement contract. DWR agreed to move the drill site to the location proposed by the owner; DWR still waiting for owner to provide additional suggested revisions 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.