

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
 November 16, 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 NOVEMBER 9, 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	2	57	46	2	44

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

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

- **FWO package included the following documents: Cover Letter Valuation Summary Statement, Right of Way Contract, Easement Deed, Map of the Proposed Acquisition Area, Comparable Data List, Comparable Sales Map, and Payee Data Record**
- **Agent confirmed receipt of the FWO package.**

LETTERS (11)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Temporary Easement Alternative, Notices of Intent to Adopt Resolution of Necessity, Letter providing clarification regarding permanent easement and hazardous materials, and revised Temporary Easement Alternative (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/13/11, 9/27/11, 10/13/11, 10/25/11, and 10/26/11).

TELEPHONE CALLS (12)

- DWR called and left messages requesting return call. (8/08/11, 8/18/11, 8/30/11, 10/12/11, 10/17/11, 10/26/11, 11/04/11, and 11/7/11)
- 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 temporary easement contract. (10/10/11)
- Owner called and arranged to meet with DWR at the property on October 13, 2011 to discuss and negotiate temporary easement contract. (10/12/11)
- DWR called to discuss revised temporary easement contract. Owner indicated he was too busy and had not yet reviewed the contract. (11/01/11)
- DWR called owner to discuss revised language for the temporary easement contract. Owner agreed to sign contract provided that DWR modifies the expiration date. DWR agreed to owner's request and will coordinate with owner for delivery and notarized signing of the contract. (11/07/11)

Areas of Main Concern to Owner and DWR's Response

- Owner expressed concerns about length of temporary easement contract's term.

DWR agreed to reduce term of the temporary easement contract.

No specific concerns identified in relation to the location of the proposed drill site.

Why Necessary to Initiate Eminent Domain Action

DWR has reached a tentative agreement to acquire the necessary property rights. DWR anticipates execution of the contract documents prior to the November CWC meeting. The Resolution of Necessity will remain on the agenda for the November CWC meeting in the event the contract is not executed.