

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
 November 16, 2011

RON #: 2011-13
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-044-0000 (Sacramento County)
DWR #: DCAP-222
Owner: **Melvin E. Seebeck, Jr., Lois Arlene Seebeck,
 William G. Seebeck, and Cynthia K. Seebeck, et al.**

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	48 sq. ft.	Permanent Non-Exclusive Easement
Unit B	30,000 sq. ft.	Temporary Construction Easement
Unit C	30,070 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Agriculture – Irrigated Field Crops
Zoning: AG 80 DW (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: Three (3) CPTs and three (3) drill holes

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (5)

- Initial mailing of TEP; follow-up letters, referral to AG letter (7/07/10, 8/12/10, 9/03/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (6)

- Left messages, message from owner, conversation with owner (7/28/10, 8/11/10, 9/08/10, 9/09/10, 9/21/10, and 2/08/11).

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use. (10/07/10)

Recent Contacts

First Written Offer (FWO) Phase

- **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 (12)

- 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, Appraisal Cost Reimbursement Agreement, Letter regarding staking (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, 10/24/11, 10/25/11, and 10/31/11).

TELEPHONE CALLS (12)

- DWR called and/or left messages requesting return call. (8/04/11, 8/16/11, 9/08/11, 9/23/11, 9/28/11, 10/05/11, 10/11/11, and 10/27/11).
- DWR called and spoke with owner (partial interest) and discussed the project and the FWO; owner expressed opposition to the project; will not authorize entry (8/04/11 and 8/16/11).
- DWR called and spoke with owner's tenant to discuss proposed drill sites; scheduled appointment to meet on site to stake easements. (11/02/11 and 11/03/11)

EMAILS (6)

- Email to owner's legal counsel requesting to schedule appointment to discuss staking. (10/21/11)
- Email transmitting Appraisal Cost Reimbursement Agreement to owner's legal counsel; hard copy sent to owner by mail. (10/24/11)
- Emails to owner, owner's legal counsel, and owner's tenant to follow-up on staking of easements and scheduling of appointment. (thrice on 11/02/11)
- Email to owner and owner's legal counsel informing that DWR staff met with owner's tenant on-site Friday, November 4th to review proposed drill sites and stake easements; appraiser should have no problem identifying the proposed drill sites. (11/07/11)

SITE VISITS (2)

- DWR stopped by owner's (partial interest) residence in Clarksburg; left door hanger and business card. (9/28/2011)
- DWR staff met with owner's tenant on-site to review proposed drill sites; tenant suggested alternate locations and DWR agreed to relocate drill sites; easements were staked. (11/04/11)

Areas of Main Concern to Owner and DWR's Response

Owner's legal counsel expressed concern regarding the legal description; believes the legal description is inadequate. DWR has provided a valid legal description which was submitted with the FWO. **Owner's tenant requested to relocate proposed drill sites and DWR complied.**

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.