

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

RON #: 2011-22
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-011-0000 (Sacramento County)
DWR #: DCAP-111
Owner: Zehnder Family Trust

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	6,160 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Irrigated Field Crops
Zoning: AG 20 DW (Agriculture, 20-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: Three (3) CPTs and three (3) drill holes

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, 9/10/2010, 1/27/11, and 2/02/11).

TELEPHONE CALLS (3)

- Left messages; conversation with owner (7/13/10, 9/03/10, and 10/14/10).

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 (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, and Letter providing clarification regarding permanent easement and hazardous materials. Letter addressing concerns and encouraging negotiations (6/10/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/12/11, 9/27/11, 10/13/11, 10/25/11, and 11/4/11)

TELEPHONE CALLS (4)

- DWR called and spoke with owner, discussed the project and the FWO; owner thanked DWR for calling, said she would review the documents and get back to DWR; provided notice that RON was being removed from the October meeting. (8/04/11 and 10/18/11)
- DWR called and left message requesting return call. (8/18/11 and 10/26/11)

EMAILS (5)

- DWR sent temporary easement contract by email; discussed temporary easement contract; discussed core sample testing; provided notice that RON was being removed from the October meeting. (9/28/11, 10/12/11, 10/13/11, 10/14/11 and 10/17/11)

SITE VISITS (1)

- DWR stopped by subject parcel; discussed location of drill holes and access. (9/28/2011)

Areas of Main Concern to Owner and DWR's Response

- **Owner expressed concern with the proposed drill locations and suggested alternate locations.**

DWR complied with owner's request to move drill locations.

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.