

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

RON #: 2011-23
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-103-0000 (Sacramento County)
DWR #: DCAP-115
Owner: **Marc and Kelly Ariza**

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 20 (Agriculture, 20-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 (6)

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

TELEPHONE CALLS (6)

- Left messages at multiple numbers (7/27/10 x2, 7/29/10 x2, 8/09/10, and 8/18/10).

EMAIL (1)

- Message regarding TEP and asking owner to contact DWR to discuss. (9/7/10)

SITE VISITS (3)

- Attempted to locate owner at home and work locations twice; conducted site visit for general observation and verification of land use. (8/05/2010, 9/02/2010, and 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, and Notices of Intent to Adopt a Resolution of Necessity, Letter providing clarification regarding permanent easement and hazardous materials, and Letter encouraging negotiations (6/24/11, 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 10/28/11).

TELEPHONE CALLS (5)

- DWR called and left messages requesting return call. (8/04/11, 8/18/11, 10/07/11, 10/17/11 and 11/1/11)

SITE VISITS (2)

- DWR stopped by owner's residence; left door hanger and business card on gate. (8/26/11 and 9/28/11)

Areas of Main Concern to Owner and DWR's Response

No specific concerns identified by owner nor has owner identified any concerns in relation to the location of the proposed drill sites.

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.