

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

RON #: 2011-29
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 156-0060-011-0000 (Sacramento County)
DWR #: DCAP-213
Owner: Douglas and Patricia Allen 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	32 sq. ft.	Permanent Non-Exclusive Easement
Unit B	10,000 sq. ft.	Temporary Construction Easement
Unit C	14,950 sq. ft.	Temporary Access 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: Two (2) CPT and two (2) 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, 9/10/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (2)

- Conversations with owner; explained project and TEP; owner to call back (2/08/10 twice).

SITE VISITS (2)

- Visited owner's home in Stockton; left door hanger and business card; conducted site visit for general observation and verification of land use. (9/02/10 and 10/13/10)

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 and Temporary Easement Alternative, Notices of Intent to Adopt Resolution of Necessity, Letter providing clarification regarding permanent easements and hazardous materials, and Letter encouraging negotiations (6/01/11, 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 11/04/11)

TELEPHONE CALLS (5)

- DWR called and spoke with owners; discussed the project, the FWO, and possibly meeting to go over the documents. (8/04/11)
- DWR called and left messages requesting return calls. (8/18/11, 10/07/11, 10/17/11 and 11/04/11)

Areas of Main Concern to Owner and DWR's Response

Owner is opposed to the project and has not provided any design modifications for DWR to consider. **No specific concerns identified 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.