



Update on DWR Activities Related to Proposed Resolutions of Necessity for properties in Contra Costa, Sacramento, and San Joaquin Counties and Resolutions of Necessity approved at previous meetings

The Department of Water Resources may acquire property for constructing, maintaining or operating State Water Project facilities but it may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity. The governing body is the California Water Commission.

At its January 2012 meeting, the Commission heard initial testimony on properties to be considered for Resolutions of Necessity. Staff will provide updates related to Resolutions of Necessity for these properties. They will also provide updates on any previously approved Resolutions of Necessity.

Staff will provide information to the Commission to support a determination that:

- (1) The public interest and necessity require the proposed project.
- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (3) The property described in the resolution is necessary for the proposed project.
- (4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

CCP 1245.220. A public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets the requirements of this article.

CCP 1245.210. As used in this article, "governing body" means: (h) In the case of a taking by the Department of Water Resources, the California Water Commission.

Contact

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