

PREPARED FOR THE CALIFORNIA WATER COMMISSION
AMENDED RESOLUTION OF NECESSITY
DEPARTMENT OF WATER RESOURCES (DWR) STAFF REPORT – ENCUMBRANCES
March 20, 2013

RON No.: 2012-24
Adoption Date: February 15, 2012
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-067-0000
DWR Parcel No.: DCAE-110
Owner(s): Mark Scribner, Jr. Successor Trustee, Grace M. Scribner Living Trust
Rights to be Acquired: Permanent Non-Exclusive Easement and Temporary Construction Easement

AMENDMENT PURPOSE

The purpose of this amendment is to include additional findings in the Resolution of Necessity regarding the impacts of the acquisition on the existing encumbrances as identified in California Code of Civil Procedure Sections 1240.510 and 1240.610.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.510.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use the property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.610.

PARCEL INFORMATION

Detailed Parcel Description: The subject property is a 58± acre irregular shaped parcel currently planted to irrigated field crops. The property is located in an unincorporated area of Sacramento County, north of Hood and fronting the slough feeding into Stone Lakes. The property is accessed from State Route 160, a two-lane maintained local thoroughfare connecting the Sacramento Delta communities and the Sacramento Metropolitan area.

Current Use: Agriculture – Irrigated Field Crops

Encumbrances – Public Use:

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part I 1-4	Various	No (Affects entire parcel)	Misc. Taxes	None	No apparent public use implicated ¹ . No finding required
Part II 1	Sacramento County	Yes	Easement for road purposes	None	(1) DWR’s proposed use will not impair the County of Sacramento’s easement. Throughout DWR’s proposed use of the condemned area, the public will continue to have transportation access on streets, roads, and highways. Therefore, DWR’s proposed use satisfies CCP 1240.510. (2) DWR’s proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta’s water supply and ecosystem. These efforts affect the State of California as a whole. DWR’s proposed use is more necessary

¹ Where the phrase of “No apparent public use” appears, it means that based on the information received from the title company the interest does not appear to represent a public use. Therefore, no finding is required.

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					than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.
Part II 2	RD 744	Yes	Easement for drainage canal and ditch purposes	None following survey	<p>(1) DWR's proposed use will not impair any apparent rights in favor of the public. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Throughout DWR's proposed use of the condemned area, the public will continue to have transportation and other access on streets, roads, public places, and highways commensurate with existing access. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta</p>

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					with respect to maintaining the stability of the Delta's water supply and ecosystem These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.
Part II 3	PG&E (Successor to Great Western Power Company)	Yes	Electrical facilities easement	None following survey	<p>(1) DWR's proposed use will not impair or interfere with use or function of electric facilities. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to identify location of facilities. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing facilities, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta</p>

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Part II 4	RD 744	No	Agreement	None	Easement not located within parcel boundaries. No finding required.
Part II 5	Public	Yes	Rights of the public in and around that portion of land lying within street, road or highway	None	(1) Throughout DWR's proposed use the condemned area, the public will continue to have transportation access on streets, roads, and highways. Therefore, DWR's proposed use satisfies CCP 1240.510. (2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem These efforts affect the State of

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Part II 6	General Telephone Company of California	No (Affects entire parcel)	Easement for communication facilities	None following survey	<p>(1) DWR's proposed use will not impair or interfere with use or function of communication facilities. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to identify location of facilities. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing facilities, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of</p>

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Part II 7	Sacramento County	No (Affects the entire parcel)	Agricultural preserve	None	<p>(1) DWR's proposed use will not change existing land uses. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's</p>

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Part II 8	Unknown	No (Affects entire parcel)	C.C. & R's and Easements in document	None	No apparent public use implicated ¹ . No finding required
Part II 9	Sacramento County	No (Affects entire parcel)	Conveyance and Development Rights and Open Area Easement	None	<p>(1) DWR's proposed use will not change existing land uses. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water</p>

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Part II 10	General Telephone Company of California	No (Not on the parcel)	Facility Easement	None	Easement not located within parcel boundaries. No finding required.
Part II 11	Sacramento County	No	Agreement	None following survey	<p>(1) DWR's proposed use will not change existing land uses. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential</p>

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Part II 12	Marilyn Jean Ore & Joseph Phillip Ore	Yes	Ingress and egress	None	No apparent public use implicated ¹ . No finding required
Part II 13	Unknown	No	Deed of Trust	None	No apparent public use implicated ¹ . No finding required
Part II 14	Unknown	No	Grant of Lien		No apparent public use implicated ¹ . No finding required

FIDELITY NATIONAL TITLE CO.
NO.
CAFNT0934-0934-0010-005011203Z-FNTIC-2012-G1
DATED: FEB 15, 2012
PART I

1-4. MISC TAXES

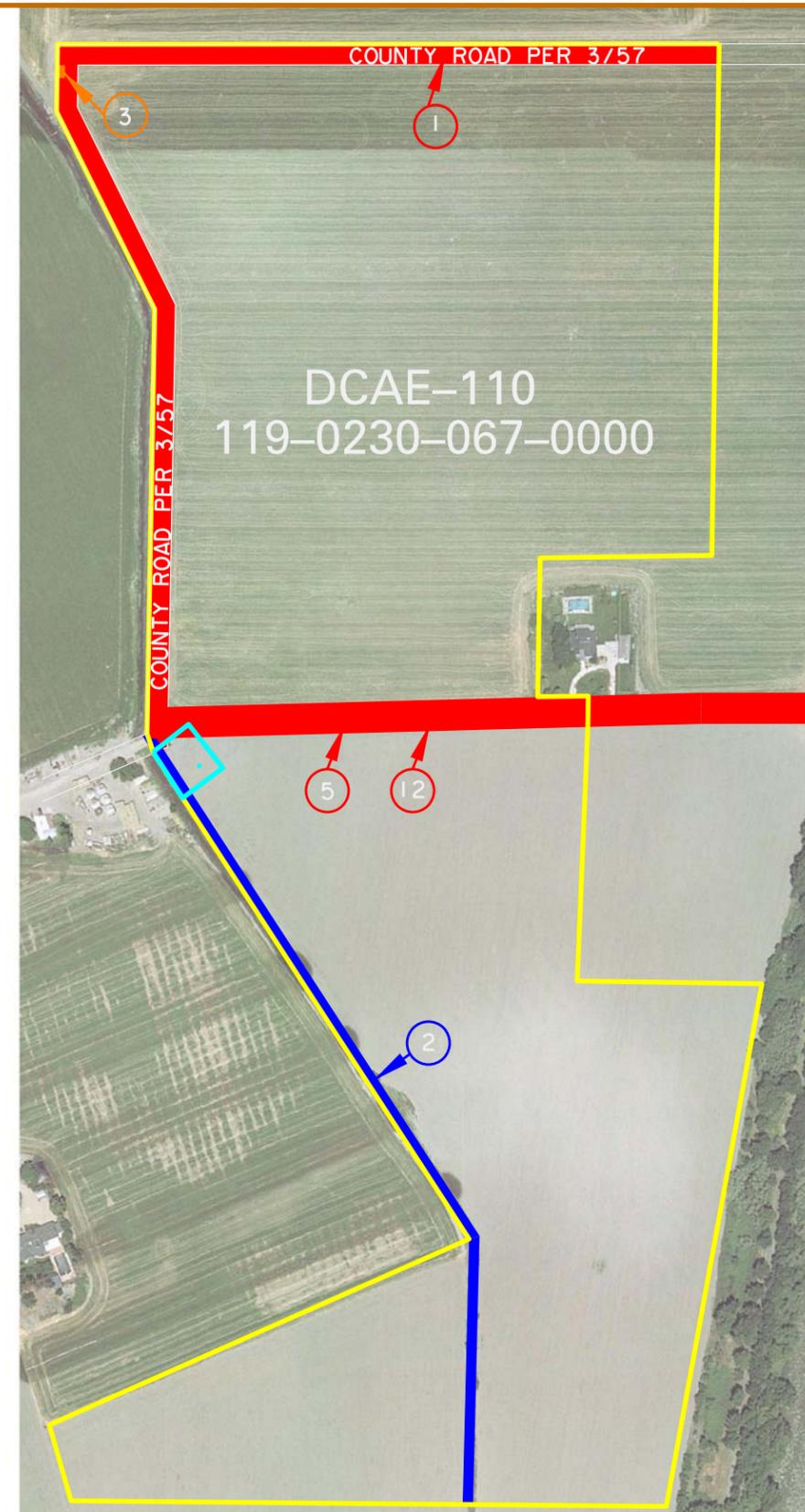
PART II

- 1. EASEMENT(S) FOR COUNTY OF SACRAMENTO FOR ROAD PURPOSES RECORDED APRIL 2, 1912, BOOK 109 OF DEEDS, PG 300
- 2. EASEMENT(S) FOR DRAINAGE CANAL AND DITCH PURPOSE TO RECLAMATION DIST NO.744 RECORDED FEB 9, 1916, BOOK 442 OF DEEDS, PG 245
- 3. EASEMENT(S) FOR ELECTRICAL FACILITIES TO GREAT WESTERN POWER COMPANY RECORDED JULY 31, 1925, BOOK 25, PG 343
- 4. AGREEMENT BETWEEN RECLAMATION DISTRICT NO.744 AND SOPHIE SCRIBNER ET AL RECORDED DECEMBER 3, 1943, BOOK 1042, PG 1
NOT ON THIS PARCEL
- 5. AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF THE LAND FOR PUBLIC PURPOSES RECORDED JAN 24, 1972, BOOK 720124, PG 289
- *6. EASEMENT(S) FOR COMMUNICATION FACILITIES TO GENERAL TELEPHONE COMPANY RECORDED SEPT 23, 1976, BOOK 760923, PG 907
- *7. RESOLUTION NO. 78-AP-027 TO ESTABLISH AN AGRICULTURAL PRESERVE BY COUNTY OF SAC RECORDED FEB 27, 1978, BOOK 780227, PG 1017
- *8. C.C.& R'S IMPOSED BY A LAND CONSERVATION CONTRACT BETWEEN GRACE SCRIBNER, M.A. PRIEST AND OWEN PRIEST AND THE COUNTY OF SACRAMENTO RECORDED FEB 27, 1978, BOOK 780227, PG 1024
- *9. CONVEYANCE AND DEVELOPEMENT RIGHTS AND OPEN AREA EASEMENT BETWEEN GRACE SCRIBNER AND COUNTY OF SACRAMENTO RECORDED JUNE 7, 1985, BOOK 850607, PG 1070
- 10. EASEMENT(S) FOR COMMUNICATIONS FACILITIES TO GENERAL TELEPHONE COMPANY RECORDED AUGUST 12, 1985, BOOK 850812, PG 830
NOT ON THIS PARCEL
- *11. AGREEMENT BETWEEN GRACE M. SCRIBNER ET AL AND THE COUNTY OF SACRAMENTO RECORDED MAY 11, 1992, BOOK 920511, PG 1394
- 12. EASEMENT(S) FOR INGRESS/ENGRESS TO MARILYN JEAN ORE AND JOSEPH PHILLIP ORE RECORDED SEPTEMBER 15, 1993, BOOK 930915, PG 264
- *13. A DEED OF TRUST
- *14. GRANT OF LIEN

LEGEND:
PROPERTY LINE ———
ACQUISITION LINE ———
* AFFECTS ENTIRE PARCEL

PREPARED 11/30/12

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING – GEODETIC BRANCH
THIS EXHIBIT DOES NOT REPRESENT A SURVEY AND IS FOR INFORMATIONAL PURPOSES ONLY



SACRAMENTO COUNTY

**DELTA HABITAT CONSERVATION
AND CONVEYANCE PROGRAM
PARCEL TITLE EXCEPTIONS**