

**DEPARTMENT OF WATER RESOURCES**

P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



1/5/2023

Shalonda Ousley, AT&T Right of Way & Public Works Manager  
AT&T Real Estate Administration  
2700 Watt Avenue  
Sacramento, CA 95821

Dear Shalonda Ousley:

Our records indicate that the Pacific Telephone and Telegraph Company, a Corporation (PACIFIC TELE) is the owner of certain property situated in Yolo County, identified as Assessor's Parcel No. 033-140-024. The State of California Department of Water Resources (DWR or State) proposes to purchase an easement over a portion of this property, identified as DWR Parcel No. YBSH-177, to accomplish the goals of the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Project).

Section 7267.2 of the California Government Code and the California Relocation Assistance and Real Property Acquisition Guidelines require that each property owner from whom the State of California makes and offer to purchase real property, or an interest therein, be provided with a written statement of, and summary of the basis for, the amount that has been established as just compensation, as well as the following information:

1. PACIFIC TELE is entitled to receive full payment prior to vacating the real property rights being purchased, unless you have heretofore waived such entitlement. PACIFIC TELE is not required to pay recording fees, transfer taxes, or the pro rata portion of the real property taxes which are allocable to any period subsequent to the passage of title or possession.
2. The right to be acquired is a permanent Non-Exclusive Flowage Easement (Easement). All buildings, structures, and other improvements affixed to the land described in the Easement Deed for YBSH-177 and owned by PACIFIC TELE are not being conveyed.
3. The Fair Market Value (FMV) of the Easement is based upon an appraisal, which is summarized in the enclosed Appraisal Summary Statement. As full just compensation for the Easement to be acquired, we offer PACIFIC TELE **\$10,000**, as shown on the enclosed Right of Way Contract.

The State's offer:

- a. Represents the full amount of the FMV identified in an approved appraisal as just compensation for the Easement; and
- b. Is not less than the approved appraisal of the FMV of the Easement; and

Pacific Telephone and Telegraph Company

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- c. Does not reflect any consideration of, or allowance for, any relocation assistance and payments or any other benefits to which PACIFIC TELE may be entitled.
4. Disregards any decrease or increase in the FMV value of the Easement prior to the date of valuation caused by the public improvement for which the Easement is to be acquired, or by the likelihood that the Easement would be acquired for such public use, other than that due to physical deterioration within the reasonable control of the owner or occupant.
5. In accordance with Section 1263.025 of the California Code of Civil Procedure, PACIFIC TELE is entitled to seek an individual appraisal on the value the Easement and to receive reimbursement of up to \$5,000 to pay for reasonable appraisal costs. In order to be reimbursed, PACIFIC TELE must sign an Appraisal Costs Reimbursement Agreement and engage an appraiser licensed by the State of California with the Office of Real Estate Appraisers. The appraiser must be either a MAI designated appraiser or hold an equivalent designation recognized by the Appraisal Foundation. For further information on the requirements for reimbursement and to ensure that PACIFIC TELE is aware of proper procedures, please contact DWR prior to engaging an appraiser. The request for an Appraisal Costs Reimbursement Agreement may be submitted to:

Department of Water Resources  
Real Estate Branch, Attn: Ashley Wilson  
715 P Street, #5  
Sacramento, California 95814  
or by email to [Ashley.Wilson@water.ca.gov](mailto:Ashley.Wilson@water.ca.gov)

6. The owner of a business conducted on a property to be acquired, or conducted on the remaining property, which will be affected by the purchase of the Easement, may be entitled to compensation for the loss of goodwill. Entitlement is contingent upon the PACIFIC TELE's ability to prove such loss in accordance with the provisions of Sections 1263.510 and 1263.520 of the Code of Civil Procedure.
7. If PACIFIC TELE ultimately elects to reject the State's offer for the Easement, PACIFIC TELE is entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.

Included as part of this package, you will find the following information relating to this proposed acquisition:

- Appraisal Summary Statement
- Right of Way Contract
- Map of the Proposed Easement Area
- Easement Deed
- Comparable Sales Data Sheets
- Comparable Sales Map
- Real Estate Branch Property Acquisition Information

Pacific Telephone and Telegraph Company

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- Modeling Inundation Exhibit(s)

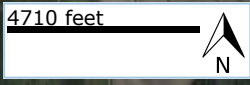
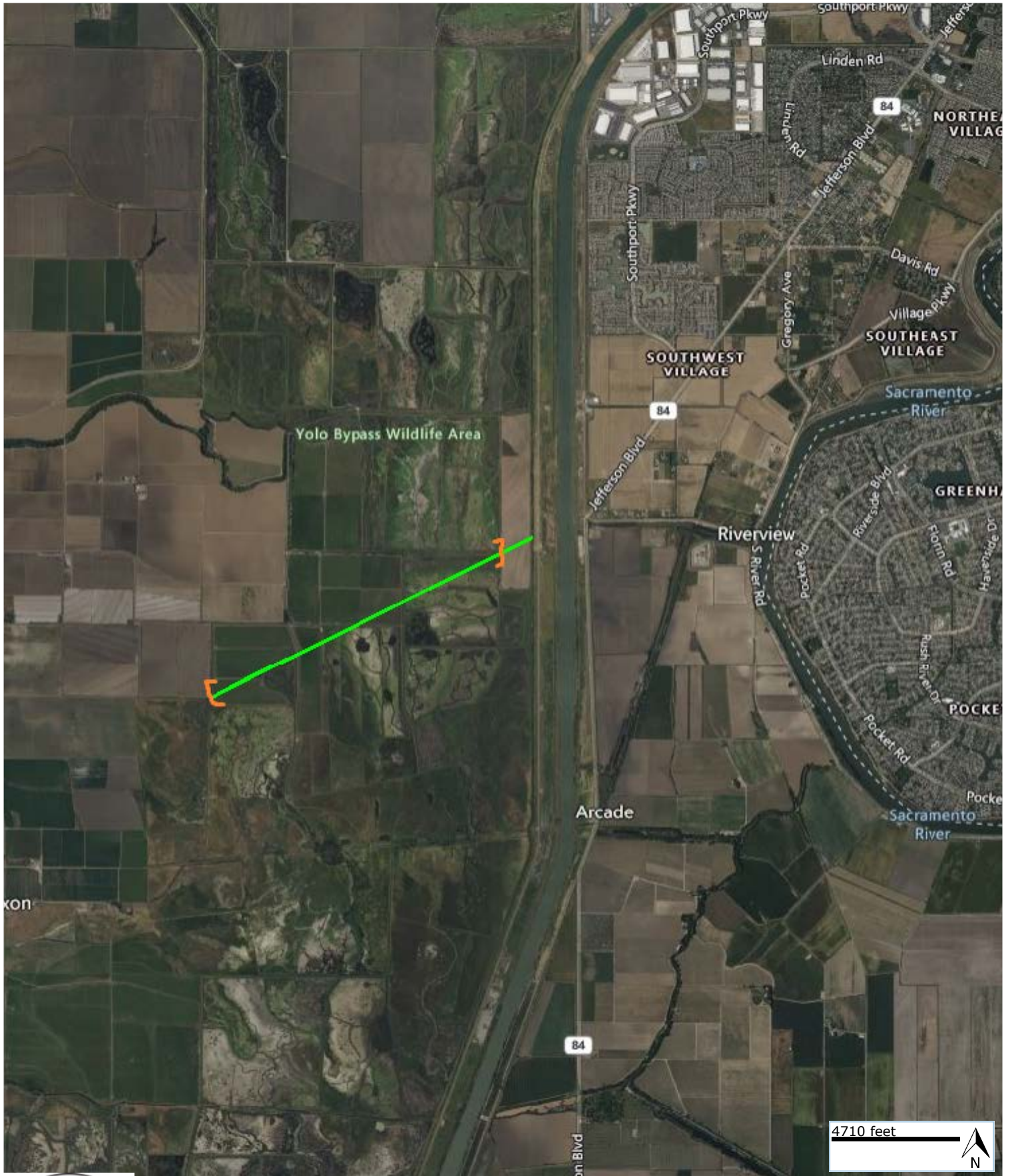
Please date and sign the Easement Deed **exactly** as shown in the designated location and have the person who is authorized to sign on behalf of PACIFIC TELE signature **notarized**. If needed, a Public Notary can be made available to notarize the PACIFIC TELE's authorized representative signature(s). Also, date and sign the Right of Way Contract. The Right of Way Contract may be signed and returned electronically to me at the e-mail address below; however, the Easement Deed requires an original notarized signature and should be mailed or may be picked up by DWR. A fully executed copy of the Right of Way Contract will be forwarded to you at the close of escrow.

If you have any questions or need additional information, you may contact me directly by telephone at (916) 902-6718 or by email at [Ashley.Wilson@water.ca.gov](mailto:Ashley.Wilson@water.ca.gov).

Sincerely,

*Alejandra Lopez for Ashley Wilson*

Ashley Wilson  
Right of Way Agent



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

**DEPARTMENT OF WATER RESOURCES**

Division of Engineering  
Real Estate Branch  
1416 9<sup>th</sup> Street, Room 425  
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

APN: 033-140-024

**EASEMENT**  
(TO THE STATE)

Project Yolo Bypass Salmonid Habitat Restoration & Fish Passage

Parcel No. YBSH-177

**WE, THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation,**  
GRANT to the STATE OF CALIFORNIA, its successors or assigns, hereinafter called  
STATE, an EASEMENT and right of way, upon, over, and across that real property in  
the County of Yolo, State of California, identified in the records of the Department of  
Water Resources as:

**DWR Parcel No.**

**Area**

**Estate**

YBSH-177

16.94 AC

Flowage Easement

Described as follows:

See EXHIBIT "A" attached hereto and made a part hereof.

(In the event of any discrepancy between the above identification and the real property described  
herein, the real property described will control.)

This Easement Deed is granted effective of the State of California's acceptance of this deed, by THE PACIFIC TELEPHONE & TELEGRAPH COMPANY, a corporation ("Grantor") to the Department of Water Resources of the State of California, a public agency ("Grantee").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the laws of the State of California, Grantor grants and conveys to Grantee the perpetual right-of-way and easement in the real property ("Property") situated in Yolo County, State of California, more specifically described in Exhibit A, attached and incorporated by this reference, for the purposes of seasonal floodplain fisheries rearing habitat and fish passage in the Yolo Bypass.

Grantee has the right for the flowage of water over and upon the Property as may be required for the present and future permitted construction and operation of fish passage and floodplain restoration projects, including the right of access by authorized representatives of the Grantee. The flowage right includes the right to flow water and materials and by said flow erode; or place or deposit earth, debris, sediment, or other material.

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties and their respective personal representatives, heirs, successors, and assigns, and shall constitute a servitude running in perpetuity with the Property.

DRAFT

Executed on \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GRANTOR(S)

STATE OF CALIFORNIA }

SS

County of \_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_ , before me, \_\_\_\_\_

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

**(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)**

This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Director of Water Resources

By \_\_\_\_\_

\_\_\_\_\_  
Attorney in Fact

EXHIBIT "A"

YBSH-177

All that real property situated in portions of Section 3, Township 7 North, Range 3 East, and Sections 34, 35, & 36, Township 8 North, Range 3 East MDM, in the County of Yolo, State of California, described as follows:

All of that parcel of land described in that QUITCLAIM DEED at Book 506, Page 529, recorded February 21, 1957 in Official Records of said County.

As shown on EXHIBIT "B" attached hereto.

Containing 16.94 acres, more or less.

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**KRISTOPHER KLIMA, PLS**

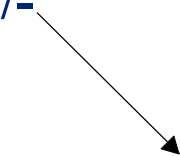


SOUTH FORK  
PUTAH CREEK

**DRAFT**

**YBSH-177**  
**FLOWAGE EASEMENT**  
**THE PACIFIC TELEPHONE**  
**& TELEGRAPH COMPANY**  
**VOL 506 PAGE 529 OFFICIAL RECORDS**  
**(REC: FEB 21, 1957)**

**APN 033-140-024**  
**PARCEL 2**  
**16 AC +/-**



TOE  
DRAIN

SAC RIVER

DEEP WATER CANAL

JEFFERSON BLVD.

JEFFERSON BLVD.



NO SCALE

**PORTIONS OF SECTION 3,**  
**T.7N, R.3E., SECTIONS 34,**  
**35, & 36, T.8N. R.3E., MDM**  
**COUNTY OF YOLO**

*Note: Information shown on this map is compiled from numerous sources and may not be complete or accurate. This includes Assessor parcel lines and numbers provided by Yolo County. DWR makes no claims, representations, or warranties (express or implied) concerning the validity, reliability, or accuracy of the GIS data contained herein. All areas shown are approximations based on GIS calculations. Each user is responsible for determining its suitability for his or her intended use or purpose. This exhibit does not represent a survey and is for informational purposes only.*

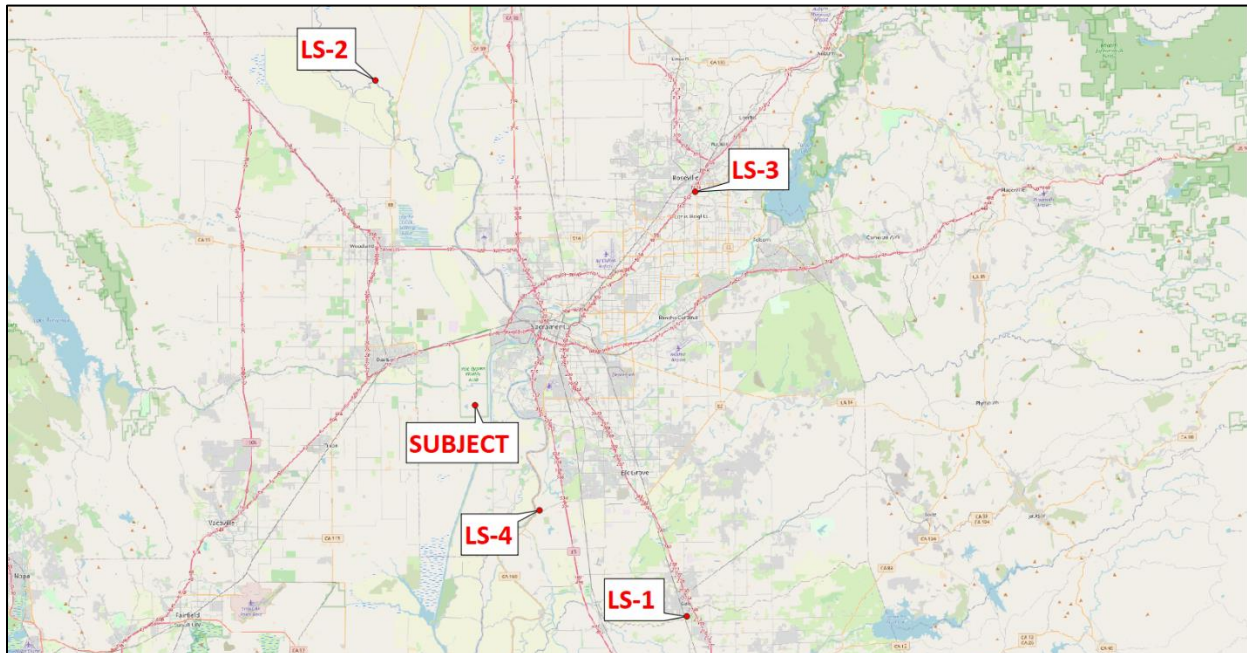
08/30/2022

**YOLO BYPASS SALMONID HABITAT AND FISH RESTORATION PROGRAM**  
**BIG NOTCH PROJECT - PHASE 3 PARCELS**  
**FLOWAGE EASEMENT EXHIBIT "B"**  
This exhibit does not represent a survey and is for informational purposes only.

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**DEPARTMENT OF WATER RESOURCES**  
DIVISION OF ENGINEERING - GEOMATICS BRANCH

**COMPARABLE LAND SALES SUMMARY TABLE AND MAP**

Sale #	Location	Seller	Sale Date	Sale Price	Size Acres
DC #	APN No. (s)	Buyer	Doc #		Sq. Ft.
<b>LS-1</b> <b>6977</b>	South Side of Wilder Way Galt, CA APN: 150-0700-001	Alberto and Martha Tejada Truth Church of SDA	07/25/2022 2022-072500283	\$80,000	20.53 894,287
<b>LS-2</b> <b>6975</b>	Southern side of Cranmore Road Knights Landing, CA APN: 29-180-014	Chandra S Worley Living Trust Sutter Mutual Water Company	10/05/2021 2021-0018104	\$28,000	2.34 101,930
<b>LS-3</b> <b>6222</b>	South of Audrey Way Roseville, CA APN: 014-293-018	Gerard F Kenna II Danny Nicholsi	08/02/2021 2021-0097729	\$1,000	0.39 17,079
<b>LS-4</b> <b>2821</b>	9 Blair Street Hood, CA APN: 132-0120-009	The 2004 Lowe Family Mei Chin	02/09/2018 2018-02141401	\$35,000	6.04 263,102
<b>Subject</b>	Generally West of Toe Drain Canal and Deep Ship Channel near West Sacramento, CA APN: 033-140-024	Appraisal	---	---	20.37 846,942



The following analysis identifies the similarities and differences between comparable properties and the larger parcel. The elements of comparison include property rights; financing terms; conditions of sale (motivation); expenditures after sale; market conditions (sale date); location; and physical, economic and legal characteristics. These sale properties are compared based on price overall consistent with the market.

### Comparable Land Sale 1



This is the sale of a 20.53-acre open space property located at the southern edge of Galt, California along Dry Creek. The property sold on July 2022 for \$80,000, in an all-cash transaction. The property was purchased by a religious group. Per the listing agent, he was not sure what the religious group plans to do with the property. The agent stated that this property was listed on the market for roughly two years, and this offer (at \$80,000) was the highest and best offer received during the entire two-year listing period. The property

has extremely limited use due to the Open Space zoning, and conservation easement. This conservation easement prohibits any farming, grazing, gardening or other agriculturally related uses. It is also noted that the property lies within the Dry Creek watershed in FEMA Flood Zone AE, with a base flood elevation of 43 feet. Depending on time of the year, portions of this property are within the waterway (active creek), but most commonly roughly 2.35 acres are within the Dry Creek (11%).

This property is a similar recreational type of property, is of a generally similar size, and also has some flooding/creek bed restrictions. It is noted that this property is of a more conducive shape, which is a superiority. Additionally, this property has superior access when compared to the subject (immediate from a public roadway). As such, a value below \$80,000 is concluded for the subject property.

## Comparable Land Sale 2

This is the sale of a 2.34-acre property located along the southern side of Cranmore Road near Knights Landing. The entire parcel is on the water side of the levee, but also has a portion of the site within the high-water line of the Sacramento River (estimated at 22% of the property). The buyer confirmed the details of this transaction with the appraiser and stated that they purchased this property in order to maintain the water side of the levee in a better



condition. They (Sutter Mutual Water Company) stated that they had issues with individuals camping and dumping on this property, and it is directly adjacent to their existing operations. As such, they wanted to be able to “clean up” the area and offered to purchase the site from the seller directly (was never listed on the open market). The sales price was determined by a negotiation process where the seller indicated what they would need to sell the property for, and input from other real estate professionals (brokers). The property sale closed on October 5, 2021, for \$28,000. The buyer stated that it is possible they were more motivated than any other buyer, just because they also own the property to the west of this parcel and have existing levee maintenance on this property. This property is zoned AG for agricultural uses but has a general plan of Open Space.

This property is very similar to the subject as it portions of the site within the water, has a similar zoning designation, and even a generally similar linear shape. This property is much smaller than the subject indicating its inferiority. Based largely upon the smaller size of this transaction, a value above \$28,000 is concluded for the subject.

### Comparable Land Sale 3



This is the sale of a 0.39-acre vacant parcel in the City of Roseville. This parcel is located south of the single-family residences along Audrey Way, yet north of the Twin Creek Common's Condominium development within the Cirby Creek bed. This parcel was previously historically sold together with a property along Audrey Way until 1996 when that home site sold without this 0.39 acre parcel, breaking the chain of access to this property. After 1996, this property was involved in various tax liens and sold in 2002

to Kiran Rawat. This individual held onto this property until he was arrested on forgery and conspiracy charges, as well for illegally growing cannabis on many of his properties, and his properties were seized by the courts. However, the agent stated that this particular site was cleared/cleaned by the local Sherriff's Department prior to the sale. Roughly 45% of this parcel is located within Cirby Creek which bisects the central portion of the property lengthwise, and leaves only a small strip for possible development on the north side (roughly 55%) of the parcel (adjacent to the single-family homes). The small northern side of the parcel is also encumbered with many utility easements, as such, most of the utility to the site is diminished (because of the long thin shape, along with the 45% in a creek and the rest within power line easements). According to the buyer's agent, the buyer was going to try to continue to access the property from the apartment complex/HOA to the south, park in this complex, and hike the rest of the way into this property. The buyer plans to later flip this property to one of the homeowners that owns a parcel that abuts to this land after he cleans it up a bit (so that they can expand their back yards/ i.e., assemblage). This parcel sold on August 2, 2021 for \$1,000, cash, after being listed for roughly 2 months. Although there was much interest in this property, many of the prospective buyers wanted to build a home on it, which was not possible based on the size, shape, easements, creek bed, zoning designation, and access issues. The property has a zoning designation of FW which stands for Floodway in the City of Roseville.

This parcel has various similarities when compared to the subject property which include water body bisection, multitude of easements, and thin linear shape. Additionally, this property had a variety of access issues, similar to the subject property. This parcel however is very small in size (0.39) and largely due to size is considered vastly inferior to the subject.

## Comparable Land Sale 4

This is the sale of 6.04 acres of agricultural land in Hood, Sacramento County, California. The State of California owns the parcels surrounding this property, and this parcel is landlocked. This property was described by the listing agent as a large wetland area near the levee. This property has sloping topography and is fully located in Flood Zone AE. Flood Zone AE are areas that have a 1% probability of flood every year, and where predicted flood water elevations above sea level have been established. Properties



located within Zone AE are considered to be at high risk for flooding. The property is proximal to the Sacramento River, which is just west of this parcel. The property is zoned AG-80, which is an agricultural zone. This property sold February 14, 2018 for \$35,000. The listing agent stated that the buyer was hoping to secure an easement from the State of CA, in order to access this property, but no such easement was granted at the time of the sale. The listing agent was not sure what the buyer planned on using this property as, and the buyer does not own any neighboring properties. This property was listed on the market approximately one year prior to being transacted, and the price was brought down various times before the consummation of a sale.

This property is similar in shape when compared to the subject, as well as similar in Flood zone, and Zoning Designation. This parcel also had physical access issues as of the date of the sale which is an additional similar aspect. This property is much smaller than the subject in size, as such, a value above \$35,000 for the site is indicated for the subject.

# DEPARTMENT OF WATER RESOURCES

## Real Estate Branch Property Acquisition Information

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The property acquisition information shown below is for informational purposes only. It is not intended to give a complete statement of all State or federal laws and regulations pertaining to the purchase of property for public use, the relocation assistance program, legal definitions, or to provide any form of legal advice. Property owners are encouraged to consult their own counsel for advice and guidance.

## **INTRODUCTION**

This information has been prepared by the State of California, Department of Water Resources (DWR) for you as a property owner whose property may be affected by a proposed DWR project related to the State Water Project (SWP) or a flood control project of the Central Valley Flood Protection Board (CVFPB). If you own or have a leasehold interest in property that is involved, you may have wondered what will happen. Who will contact you? How much will you be paid for the portion of your property needed for the project? Who will pay for any associated transfer or escrow fees? If, because of the project, you must move, who will pay your moving costs? If you need to find another place to live, will DWR State help you? Important questions like these require specific answers. We hope this information will answer some of your questions and present a clear picture of overall procedures.

The information below discusses many important features contained in the California [Relocation Assistance and Real Property Acquisitions Guidelines](#) found in Title 25, Division 1, Chapter 6, Subchapter 1 of the California Code of Regulations. It also gives general information about public acquisition of real property that should be useful to you. If you have been notified that a portion of your property will be required for a SWP or CVFPB project, it is important that you learn your rights.

If you have more questions about the acquisition of property rights for a SWP or CVFPB project, please discuss them with the DWR agent assigned to your case.

## **WHAT ARE THE STATE WATER PROJECT AND THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND WHY ARE THEY NECESSARY?**

Historically, the Great Central Valley suffered ravaging floods, sometimes creating an inland sea that stretched from Redding in the north to Bakersfield in the south. The Reclamation Board (now the CVFPB) was created by the Legislature to provide a coordinated and balanced effort by the State to control and divert these flood waters through the construction of bypasses and levee systems on the major waterways in the Central Valley. This work continues.

California has also faced growing overall water supply deficits for many years. One of the major reasons is that about 70 percent of the state's total water flow occurs north of Sacramento during winter, while 80 percent of the water use demand is in the southern part of the state during the rest of the year. To help solve some of this problem, the SWP was initiated in 1951 to capture and transport a portion of the flood water to areas of demand. Construction of the initial facilities began in 1957, and construction of new facilities continues.

## **SOME GENERAL QUESTIONS**

### **WHAT RIGHT DOES DWR HAVE TO ACQUIRE A PROPERTY?**

Our Federal and State Constitutions recognize the need for public agencies to acquire private property for public use and provide appropriate safeguards to accomplish this purpose. The rights of all property owners are protected by the Fifth and Fourteenth Amendments to the U.S. Constitution, the California State Constitution, and subsequent federal and state laws, most notably the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. These laws require (among other things) that any public agency, including DWR, acquiring private property under threat of eminent domain, or "condemnation," must pay "just compensation" to a property owner for the rights acquired.

### **HOW MUCH OF A PROPERTY CAN DWR ACQUIRE?**

DWR is prevented by law from acquiring more property (or property rights, as the case may be) than what is reasonably needed for the project. Sometimes the project may require only a temporary right on a portion of a property; sometimes, a permanent easement on a portion of a property; sometimes, the project may require total ownership of a portion of a property; and, sometimes, the project may require total ownership of an entire property.

### **WHO MAKES THE DECISION TO ACQUIRE A PROPERTY?**

The responsibility for studying the potential sites for a project rests with a team of specially trained individuals selected to do this important job. Many months, even years, are spent in preliminary study and investigation to consider possible locations for a project. Consideration of the environmental and social effect is as much a part of location determination as engineering and cost.



Complete environmental analysis must be performed to identify sensitive habitats, cultural and archaeological resources, and endangered plant and animal species. These studies are melded with analyses and recommendations of project engineers, surveyors, real estate specialists, geologists, hydrologists, economists, planners and others to identify the best feasible location and way to build the project, with due consideration given to property lines, land uses, and ownerships. Participation by private citizens and other public agencies is actively sought during the study process so that various views can be considered. The process includes public hearings and input, which give the general public an opportunity to express their views on the locations being considered.

The final determination to proceed with a project, and the selection of the location of the project, is made by DWR after a thorough review of all of these factors.

The acquisition agent assigned the case should be able to answer any questions about the project or the selection of the property proposed to be acquired for the project.

#### **HOW DOES DWR DETERMINE HOW MUCH IT WILL OFFER FOR A PROPERTY?**

DWR performs a Fair Market Value Appraisal to determine the amount of just compensation. Appraisal and purchase of properties needed for a SWP or CVFPB projects are the responsibility of DWR as the State and public agency responsible for the project. An appraiser will inspect the property and examine all of the features which contribute to its value. Information about improvements made and any other special attributes which may increase the value of the property should be given to the appraiser to ensure a fair value is assigned. The appraiser also seeks relevant data from many other sources to compare the property to other sales of similar properties in order to form an opinion of fair market value.

DWR also provides a Relocation Assistance Program for businesses and people who are displaced because of the project.

#### **WHAT IS "FAIR MARKET VALUE"?**

The fair market value of the property acquired is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

#### **HOW DOES AN APPRAISER DETERMINE THE FAIR MARKET VALUE OF A PROPERTY?**

Each parcel of real estate is unique. Therefore, no single formula can be devised to appraise all properties. Factors typically considered in estimating the value of real property include, but are not limited to, zoning, highest and best use, size, shape, soil type, topography, and location.

Other areas of evaluation include:

- How it compares with similar properties in the area that have been sold recently.
- How much it would cost to reproduce the structures or facilities acquired with the land, less any depreciation.
- How much rental or other income it could produce.

#### **DOES THE LANDOWNER HAVE AN OPPORTUNITY TO TALK TO THE APPRAISER?**

Yes. The property owner will be contacted and given the opportunity to accompany the appraiser on his or her inspection of the property and may inform the appraiser of any special features which may add to the value to the property.

**It is in the best interest of the property owner to provide the appraiser with all useful information in order to insure that nothing of allowable value is overlooked.** If the property owner is unable to meet with the appraiser, they may wish to have a person who is familiar with the property represent them.

#### **WHAT IS "JUST COMPENSATION"?**

The fair market value of a property is generally considered to be "just compensation." "Just compensation" means not only "just" to the owner or lessee of the property, but also "just" to the public, who must pay the compensation. Please note that fair market value does not take into account intangible elements such as sentimental value (which is legally non-compensable), loss of business good will (which the business owner must assert and show), loss of potential business profits, or any special value that the property may have for the owner or DWR. DWR cannot make an offer to buy the property for more than it's worth.

### **IS A PROPERTY OWNER ENTITLED TO OBTAIN AN INDEPENDENT APPRAISAL?**

In accordance with Section 1263.025 of the California Code of Civil Procedure, if the State offers to purchase property under the threat of condemnation, the property owner is entitled to seek a second opinion on the value of the property and to receive reimbursement of up to \$5,000 to pay for reasonable appraisal costs. In order to be reimbursed, the property owner must sign an Appraisal Costs Reimbursement Agreement and engage an appraiser licensed by the State of California with the Office of Real Estate Appraisers. The appraiser must be either a MAI designated appraiser or hold an equivalent designation recognized by the Appraisal Foundation.

For further information on the requirements for reimbursement and to ensure that you are aware of proper procedures, please contact DWR prior to engaging an appraiser. The request for an Appraisal Costs Reimbursement Agreement may be submitted to the Department of Water Resources, Real Estate Branch, 1416 Ninth Street, Room 425, Sacramento, California 95814.

### **WILL THERE BE PAYMENT FOR ANY LOSS IN VALUE TO THE REMAINING PROPERTY?**

If the purchase of only a part of the property reduces the unit value of the remaining property, payment will be made for the loss in value to the remainder. Also, if any remaining property would have little or no utility or value, DWR may offer to purchase the remaining property as an uneconomic remainder property to avoid a continuing burden of ownership.

### **WHEN WILL A FIRST WRITTEN OFFER BE PROVIDED?**

After the appraisal is reviewed and approved by DWR, an acquisition agent will contact the property owner with a First Written Offer to purchase the property rights required for the project. Included in the offer will be an "Appraisal Summary Statement" showing the basis for the offer.

Negotiations for the purchase of the required property will not take place before this offer is made.

### **ARE THERE ADVANTAGES TO VOLUNTARILY SELLING PROPERTY TO DWR?**

Yes. A real estate purchase by DWR is handled in the same manner as any private sale of property. However, there can be financial advantages in selling to DWR. Property owners will receive the fair market value of the property in cash. Nothing will be deducted for real estate commissions, title costs, preparation of documents, title policy or recording fees required in closing the sale. The State will pay these expenses.

**Note:** This does not remove the responsibility a property owner may have for existing mortgages, liens, taxes, and other such encumbrances on the property at the time of DWR's acquisition.

### **CAN SOMEONE REPRESENT THE PROPERTY OWNER DURING NEGOTIATIONS?**

Yes. If a property owner would like to be represented during negotiations, please inform the acquisition agent assigned the case. However, DWR will not pay any representation fees or costs of negotiation.

### **CAN A PROPERTY OWNER KEEP AND MOVE THEIR HOUSE, BUSINESS, BUILDING AND MACHINERY, AND EQUIPMENT?**

The acquisition or relocation agent assigned to acquire the necessary property rights will help determine whether a house can or should be moved to another location. In the rare case where the house is movable and the property owner wishes to make such arrangements, the State will pay the fair market value of the land required, plus the reasonable cost of moving the house. There are cases, because of age, size or condition of the house where the cost of moving it is not feasible.

If a property owner operates a business on the property acquired, they may wish to keep and move fixed machinery and equipment. You may do so if the cost (based on a moving estimate) is not greater than the value of the item. If you keep the machinery and equipment, the State can only pay the lesser of the two amounts. Additionally, as an owner of a business conducted on the property to be purchased, you may be entitled to compensation for the loss of goodwill.

If any of these concepts are applicable to your situation, they will be explained fully by the agent assigned to purchase your property.

### **DOES THE PROPERTY OWNER HAVE TIME TO SELECT ANOTHER HOUSE AFTER DWR ACQUIRES THE PROPERTY?**

DWR starts to appraise properties early enough so that property owners have ample time to move prior to project construction. Like any other real estate transaction, it takes approximately two months or longer to close escrow after the right-of-way contract and deed have been signed. You will not be required to move until after escrow has closed and reasonable replacement housing is made available.

If the property owner does not want to buy another house right away, DWR may acquire the property, and the property owner may, depending on the construction schedule, rent the house back from DWR on a temporary basis. It is in the property owner's best interest, however, to look for new housing as soon as possible as renting from DWR cannot be guaranteed. Finding suitable housing before being required to move may minimize personal inconveniences and may help to avoid having to make a choice under pressure.

If the property owner wishes, DWR will, at no cost, provide assistance in finding a new house. Also, DWR must give the property owner at least a 90-day written notice before asking a property owner to move.

#### **WHAT HAPPENS TO AN EXISTING LOAN ON AN ACQUIRED PROPERTY?**

After DWR and the property owner have agreed upon a price, a DWR representative will contact all other parties having an interest in the property. As in any other real estate transaction, payment to satisfy outstanding loans or liens will be made during the escrow closing process.

#### **WHAT WILL HAPPEN TO MY GI OR CAL-VET LOAN?**

The Veterans Administration and the California Department of Veterans Affairs allow your veteran loan privileges to be transferred and to become available for coverage on another property.

A DWR representative will assist the property owner; however, it is to the owner's benefit, and their responsibility to check with the Veterans Administration or the California Department of Veterans Affairs for procedural instructions.

#### **MUST A PROPERTY OWNER ACCEPT DWR'S OFFER?**

No. The property owner is entitled to present to the State verifiable evidence as to the amount they believe to be fair market value of the property rights required for construction, and to make suggestions for changing the terms and conditions of DWR's offer. DWR will consider all evidence and suggestions, and if the information presented is justifiable; an adjustment in DWR's offer may be made.

#### **WHAT HAPPENS IF THE PROPERTY OWNER DOES NOT ACCEPT THE DWR'S OFFER?**

A property owner's rights are guaranteed by the Federal and State Constitutions and other applicable state laws. The principal right is that just compensation must be paid for the property rights required. Sometimes when private property is required for public purposes, and the property owner and DWR cannot agree on the terms of sale, the property must be acquired through an eminent domain or "condemnation" proceeding. In cases where this occurs, a decision in court may be necessary; however, it is our earnest hope to avoid such a proceeding which may include additional time and cost to all parties involved.

In order to initiate condemnation, DWR must obtain a Resolution of Necessity from a governing body. For SWP projects, the governing body is the California Water Commission, and for flood control projects it's the CVFPB. A property owner will be given an opportunity to appear before the Commission/Board to question whether public interest, necessity, planning, and location of the proposed project necessitate the acquisition of the property. Under current California law, neither the Commission nor the Board can hear or consider arguments regarding valuation; those issues must be addressed by the courts.

Upon adoption of a "Resolution of Necessity" by the Commission/Board, the appropriate condemnation suit documents will be prepared by the State (Department of Justice) and filed with the court in the county where the property is located.

It is highly recommended that you consult with your attorney regarding these legal matters.

#### **WHAT HAPPENS IN A CONDEMNATION TRIAL?**

The main purpose of the trial is to determine the amount of just compensation. Usually the trial is conducted before a judge and jury. In some cases, the judge will decide the amount of just compensation. Both the defendant (property owner) and the plaintiff (State/DWR) will have the opportunity to present evidence to the court for consideration.

It is highly recommended that you consult with your attorney regarding these legal matters.

#### **WHO PAYS THE CONDEMNATION TRIAL COST?**

The plaintiff (DWR) pays the costs of its attorney and expert witnesses (i.e., engineering and appraisal). In addition, plaintiff (DWR) will pay the jury fees and certain incidental costs of the defendant which is determined by law to be allowable costs. The fee for filing your answer with the court is an example of such costs.

**IF A PROPERTY OWNER WISHES TO PROCEED WITH A TRIAL, MUST THEY HAVE AN ATTORNEY AND EXPERT WITNESSES?**

Most property owners choose to be represented by an attorney, although property owners have the right to represent themselves. Property owners are encouraged to consult their own counsel for advice and guidance.

**WILL A PROPERTY OWNER BE PAID ANY MOVING EXPENSES OR ANY OTHER RELOCATION ASSISTANCE BENEFITS EVEN IF THEY GO TO COURT?**

A decision to go to court has no effect on a property owner's relocation assistance benefits including moving expenses. Payment of moving expenses and relocation benefits are made separately from any the condemnation action. The property owner will be provided details of additional assistance to help displaced persons, businesses, farms or nonprofit organizations in finding, purchasing or renting, and moving to a new location. Please refer to Your Rights and Benefits as a Displacee under the Unformed Relocation Assistance Program brochure.

**WILL A PROPERTY OWNER LOSE THEIR CURRENT PROPOSITION 13 TAX BASE?**

Section 2(d) of Article XIII A of the California Constitution and Division 1, Chapter 2, [Section 68](#) of the California Revenue and Taxation Code generally provides that property tax relief shall be granted to any real property owner who acquires comparable replacement property after having been displaced by governmental acquisition or eminent domain proceedings. If the property owner has any questions concerning this issue, they are encouraged to contact the local Franchise Tax Board Office, and/or the County Assessor Office.

Note: Revenue and Taxation Code Division 1, Chapter 2, [Section 68](#) sets forth time limits that may affect your eligibility to retain your favorable current real property tax status. Please consult with a tax advisor, your local IRS office, and your attorney for information on how this and other tax laws affect you.

**MUST A PROPERTY OWNER PAY CAPITAL GAINS TAX ON SALE PROCEEDS?**

According to the Internal Revenue Service, it is not necessary to pay income tax or capital gains tax **if** the money received is used to buy a similar property within a limited period of time. It may be helpful to read and review [IRS Publication 544](#), Chapter 1 "Gain or Loss," which addresses "involuntary conversions" and explains how federal tax rules apply to the condemnation of real property or its sale under the threat of condemnation for public purposes. In every case, however, you should discuss your particular circumstances with your personal tax advisor, your local IRS office, and your attorney.

**NOTE:** This is an informational pamphlet only. It is not intended to give a complete statement of all State or federal laws and regulations pertaining to the purchase of your property for public use; the relocation assistance program; technical legal definitions; or to provide any form of legal advice. Property owners are encouraged to consult their own counsel for advice and guidance.

## **DEFINITIONS**

The language used in relation to eminent domain proceedings may be new to you. These are some terms you may hear and their general meaning.

**CONDEMNATION** - The legal process by which a proceeding in eminent domain is accomplished.

**PARCEL** - Usually means the property that is being acquired.

**FAIR MARKET VALUE** - The fair market value of the property acquired is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

**JUST COMPENSATION** - The amount of money to which a property owner is entitled under the law for the purchase or damage to the property, or for relocation expenses.

**DEFENDANT** - The property owner and any other persons who may have an interest in the property.

**PLAINTIFF** - The public agency that desires to purchase the property

**COUNSEL** - An attorney or attorneys.

**TRIAL** - The hearing of the facts from plaintiff and defendant in court, either with or without a jury.

**VERDICT** - The amount of compensation to be paid for the property.

**ACQUIRE** - To purchase.

**POSSESSION** - Legal control; to have the right to use, ownership.

**ORDER FOR POSSESSION** - The instrument allowing the State to use the property of another.

**FINAL ORDER OF CONDEMNATION** - The instrument which, when recorded, transfers title to public ownership.

**PROPERTY** - The right or interest which an individual has in land, including the rights to use or possess.

# Yolo Bypass Big Notch Project

Adaptive Management Operation

APN: 033-140-024\_02

Owner: SACRAMENTO-YOLO PORT DISTRICT

Parcel area: 13.7 acres

Area within YB: 13.7 acres

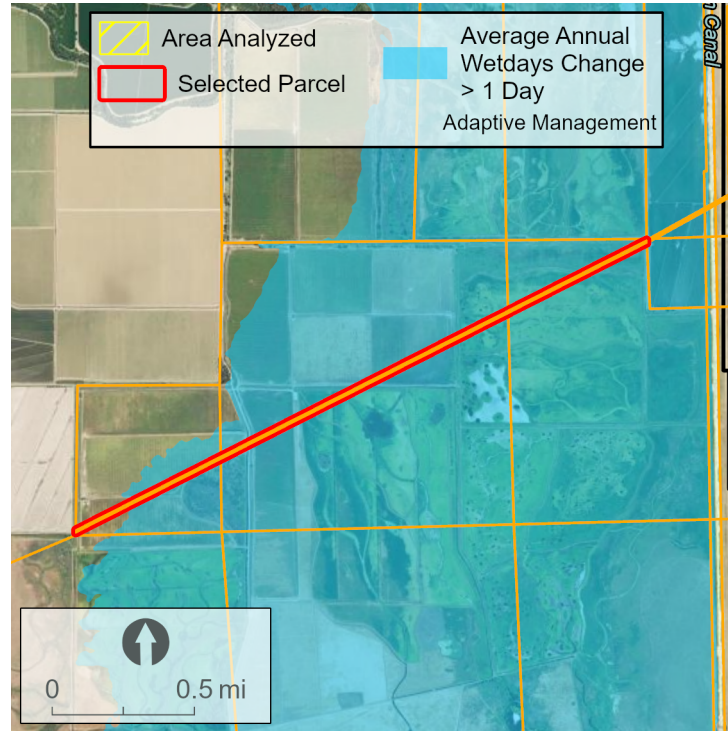
Annual wetted-days

Current: 45.9

Project: 60.2

Change: 14.3

Average depth change: 0.5 (ft)



Water Year	Last Day Wet <sup>1</sup>		Wetdays <sup>1</sup>		Average Depth (ft)		
	Current	Project	Current	Project	Daily Change <sup>2</sup>	Current	Project
1997	02-25	02-28	70	77	0.3	6.2	5.9
1998	06-19	06-19	123	151	0.2	4.8	4.6
1999	04-22	04-24	68	108	0.5	2.8	2.5
2000	03-31	04-01	45	63	0.2	5.2	4.5
2001	03-14	03-16	7	17	0.8	0.7	1.2
2002	01-19	01-20	19	29	0.5	1.7	1.8
2003	05-14	05-17	60	87	0.6	1.2	1.4
2004	03-22	03-26	52	64	0.4	3.8	3.6
2005	05-31	06-02	60	73	0.3	1.1	1.2
2006	05-17	05-29	132	150	0.2	4.9	4.8
2007			0	0	0.6	0.5	0.6
2008	02-13	03-04	17	23	0.5	1.1	1.3
2009		03-13	0	16	1.1	0.3	1.2
2010	04-23	04-23	28	34	0.7	1.1	1.3
2011	04-19	04-23	53	71	0.4	3.9	3.6
2012			0	0	0.2	0.5	0.2

<sup>1</sup> Parcels are classified wet if 30% or more of a parcel area is wet to ignore shallow standing water

<sup>2</sup> Daily change is calculated for pixels and then averaged and may not be equal to project - current

	Monthly Average				Monthly Average Percent Area (%)														
	Depth (ft)		Wetdays		Dry		< 6 in		6-12 in		12-18 in		18-24 in		24-36 in		>36 in		
	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	
November	0.6	0.2	0.0	0.0	100.0	99.9	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
December	2.6	2.4	2.6	5.3	93.1	87.7	1.0	1.3	0.8	1.2	0.9	1.4	0.8	1.8	1.4	3.4	2.0	3.1	
January	4.5	4.3	12.1	13.1	69.6	65.1	2.0	2.1	2.8	2.0	3.3	2.7	3.5	3.3	4.7	7.6	14.1	17.3	
February	4.9	4.2	9.2	13.4	71.5	62.2	2.3	3.1	2.3	3.6	2.1	3.9	2.1	3.7	2.5	5.0	17.2	18.4	
March	4.0	3.7	10.8	13.7	69.0	63.0	2.3	3.0	2.2	3.3	2.2	3.4	2.6	3.6	4.1	5.1	17.5	18.6	
April	3.7	3.6	7.5	8.3	80.0	77.8	1.9	2.3	2.1	2.4	2.1	2.5	2.2	2.7	2.5	3.1	9.2	9.3	
May	1.5	1.4	2.5	5.0	93.1	89.8	1.5	1.7	1.4	2.0	1.1	1.8	1.0	2.0	0.9	1.4	1.2	1.2	
June	1.6	1.5	1.2	1.3	97.1	96.8	0.5	0.6	0.5	0.5	0.4	0.5	0.4	0.5	0.4	0.5	0.6	0.6	

All information provided by the Department of Water Resources made available to provide immediate access for the convenience of interested persons. While the Department believes the information to be reliable, human or mechanical error remains a possibility. Therefore, the Department does not guarantee the accuracy, completeness, timeliness, or correct sequencing of the information. Neither the Department of Water Resources nor any of the sources of the information shall be responsible for any errors or omissions, or for the use or results obtained from the use of this information.

**Certificate Of Completion**

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Subject: Complete with DocuSign: ATT FWO.pdf	
FormID:	
Source Envelope:	
Document Pages: 22	Signatures: 1
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Alejandra Lopez
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	715 P Street
	Sacramento, CA 95814
	Alejandra.Lopez@water.ca.gov
	IP Address: 136.200.53.21

**Record Tracking**

Status: Original	Holder: Alejandra Lopez	Location: DocuSign
1/5/2023 4:22:23 PM	Alejandra.Lopez@water.ca.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Department of Water Resources	Location: DocuSign

**Signer Events**

Alejandra Lopez for Ashley Wilson	<i>Alejandra Lopez for Ashley Wilson</i>	Sent: 1/5/2023 4:23:42 PM
alejandra.lopez@water.ca.gov		Viewed: 1/5/2023 4:24:03 PM
Senior Right of Way Agent		Signed: 1/5/2023 4:24:10 PM
Department of Water Resources		
Security Level: Email, Account Authentication (None)	Signature Adoption: Pre-selected Style	
	Using IP Address: 136.200.53.21	

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

<b>In Person Signer Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Editor Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Agent Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Intermediary Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Certified Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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Alejandra Lopez for Ashley Wilson	COPIED	Sent: 1/5/2023 4:24:13 PM
alejandra.lopez@water.ca.gov		Resent: 1/5/2023 4:24:16 PM
Senior Right of Way Agent		Viewed: 1/5/2023 4:24:44 PM

Department of Water Resources  
Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
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Linus Paulus	COPIED	Sent: 1/5/2023 4:24:14 PM
Linus.Paulus@water.ca.gov		

Manager, Acquisition and Appraisal Section  
Department of Water Resources  
Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Signing Complete	Security Checked	1/5/2023 4:24:10 PM
Completed	Security Checked	1/5/2023 4:24:14 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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