

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
CALIFORNIA WATER COMMISSION

RESOLUTION NUMBER: 2023-17

RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN
DWR PARCEL NO. 3-6008 APN(s): 302-200-005, Riverside
OWNER: DiMatteo Properties, L.P.

WHEREAS, the Perris Emergency Release Facility Project ("Project") was designed by the Department of Water Resources ("Department") to safely route emergency flows if the Perris Reservoir needs to be lowered during an emergency drawdown, and is necessary for the continued long-term operations of the State Water Project;

WHEREAS, on May 2, 2018, the Department certified the Project Environmental Impact Statement/Environmental Impact Report and filed a Notice of Determination (SCH# 2013091027) in compliance with the California Environmental Quality Act;

WHEREAS, in December 2022, Addendum No. 2 included modifications to the Project including the need to acquire the APN 302-200-005.

WHEREAS, the California Eminent Domain Law (the Law) (Title 7 of Part 3 of the Code of Civil Procedure) provides procedures through which public entities may acquire property through the exercise of the power of eminent domain;

WHEREAS, the Law provides that prior to a public entity commencing an eminent domain proceeding to condemn property, the public entity's governing body (i) must adopt a resolution of necessity that meets the requirements of Article 2 of Chapter 4 of the Law; and (ii) provide notice to the property owner of the intent to adopt a resolution of necessity;

WHEREAS, the Law specifies the Commission is the governing body for adopting Resolutions of Necessity for the Department of Water Resources (Code of Civil Procedure Section 1245.210(h));

WHEREAS, pursuant to the Commission's Procedures for Resolutions of Necessity and Eminent Domain (Procedures), Revised May 17, 2023, the Department submitted a notice to the Commission of the Department's intent to request a Resolution of Necessity for this property;

NOW, THEREFORE, BE IT RESOLVED, that the Commission, after notice and hearing, pursuant to Code of Civil Procedure Section 1245.235 finds and determines and declares that:

The described real property is necessary for State Water Project purposes (Code of Civil Procedure Section 1245.230(a)) and is to be acquired by eminent domain pursuant to Water Code Section 250, 253, 258, 11575 and 11580;

1. The public interest and necessity require the proposed public project, namely for state water purposes (Code of Civil Procedure Sections 1245.230(c)(1));
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 (Code of Civil Procedure Section 1245.230(c)(2));
3. The property sought to be acquired and described by this resolution is necessary for the proposed public project (Code of Civil Procedure Section 1245.230(c)(3));
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record (Code of Civil Procedure Section 1245.230(c)(4)); and
5. That timely notice was sent to the owners and reasonable opportunity to appear and be heard on these matters was provided (Code of Civil Procedure Section 1245.235).

BE IT FURTHER RESOLVED by this Commission that the Department of Water Resources is hereby authorized and empowered;

To acquire the described real property, in the name of the People of the State of California, by condemnation proceeding or proceedings in accordance with the provisions of the Water Code, Code of Civil Procedure, Government Code and of the Constitution of California relating to eminent domain;

The real property or interests in real property, which the Department of Water Resources is by this resolution authorized to acquire, is situated in the County of Riverside, State of California, and described as follows (Code of Civil Procedure Section 1245.230(b)):

DWR Parcel No.: 3-6008
APN(s): 302-200-005

BE IT FURTHER RESOLVED that this Commission hereby adopts and declares this to be its Resolution of Necessity for purposes of the Law.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by vote of the Commission this 16th day of August 2023.

Signed:

Matthew Swanson

Matthew Swanson, Chair
California Water Commission

8/19/2023

Date

Attest:

Joseph Yun

Joseph R. Yun, Executive Officer
California Water Commission

8/21/2023

Date