

Table of Contents

1.0 PROJECT OVERVIEW.....	1
1.1 Purpose.....	1
1.2 Scope	1
1.3 Acquisition Methodology and Approach (Process)	2
1.4 Project Requirements.....	2
1.5 References for Acquisition and Eminent Domain Authority	3
2.0 PROJECT ORGANIZATION AND STAFFING.....	6
2.1 Organizational Structure.....	6
2.2 Functional Descriptions (External).....	7
2.2.1 Outreach and Field Coordination.....	7
2.2.2 R/W Engineering	7
2.3 Functional Descriptions (Internal).....	7
2.3.1 Property Acquisition Manager.....	7
2.3.2 Project Planning and Administration.....	8
2.3.3 Appraisals.....	8
2.3.4 Acquisition, Escrow and Eminent Domain Coordination.....	8
2.3.5 Relocation and Property Management	10
2.3.6 Consultants	10
3.0 RIGHT OF WAY ENGINEERING AND MAPPING	12
3.1 Property Identification.....	12
3.1.1 Set Up the Geographic Information System (GIS).....	12
3.1.2 Download County Assessor Parcel Layers	12
3.1.3 Overlay Proposed Project Routes with Buffer	12
3.1.4 Identify Potentially Impacted Assessor Parcel Numbers.....	12
3.1.5 Identify Potential Problem Areas.....	12
3.1.6 Assign Right of Way Parcel Number Based on Ownership	12
3.2 Property Analysis	13

DCE CM1 Property Acquisition Management Plan

3.2.1	Order and Review Preliminary Title Report (PTR).....	13
3.2.2	Collect Copies of All Record Maps Along Route.....	13
3.3	Mapping and Survey.....	13
3.3.1	Prepare Entry Permit Maps	13
3.3.2	Prepare Encumbrance Maps Based on PTRs	13
3.3.3	Review Encumbrance Maps Prepared by Others.....	13
3.3.4	Identify Required Boundary Surveys.....	13
3.3.5	Prepare Monument Search Map.....	13
3.3.6	Prepare and Review Record of Surveys.....	13
3.3.7	Prepare and Review American Land Title Association (ALTA) Surveys	14
3.3.8	Prepare Deed Exhibit Map for Each Acquisition and Remainder Area	14
3.3.9	Prepare Court Exhibit Maps.....	14
3.4	Land Description	14
3.4.1	Prepare Closed Polygon of Each Acquisition Area	14
3.4.2	Prepare Calculations of Each Acquisition and Remainder Area.....	14
3.4.3	Prepare Land Description for Each Acquisition and Remainder Area.....	14
3.5	Geographic Information System.....	14
3.5.1	Combine Existing Geographic Information Systems	14
3.5.2	Track and Link All Tax Information Data.....	15
3.5.3	Track and Link All Land Surveys Performed.....	15
3.5.4	Track and Link All Acquisition Related Documents	15
3.5.5	Track and Link All Environmental/Regulatory Related Documents	15
3.5.6	Track and Link All Legal Related Documents	15
3.5.7	Track and Link All Science Related Documents.....	15
4.0	PROPERTY ACQUISITION PROCESS.....	16
4.1	Step 1: Project Requirements.....	18
4.1.1	Project Requirements.....	18
4.1.2	Document Development	19
4.1.3	Right of Way Mapping.....	19
4.2	Step 2: Rights of Entry	19

DCE CM1 Property Acquisition Management Plan

4.2.1	Rights of Entry (Non-Invasive).....	20
4.2.2	Rights of Entry (Invasive)	20
4.3	Step 3: Environmental Site Assessment (ESA)	20
4.3.1	Phase I.....	21
4.3.2	Phase II.....	21
4.3.3	Phase III.....	21
4.4	Step 4: Appraisals	21
4.4.1	Appraisal Request Information	21
4.4.2	Notice of Decision to Appraise.....	22
4.4.3	Appraisal Reports	22
4.4.4	Determination of Just Compensation.....	24
4.4.5	Review of Acquisition Appraisals	24
4.4.6	Owner Initiated Appraisals	25
4.5	Step 5: Offers to Purchase.....	25
4.5.1	Written Offers	25
4.5.2	Negotiations.....	25
4.5.3	Negotiated Settlement Agreements	26
4.5.4	Escrow and Title	27
4.6	Step 6: Relocation Assistance/Advisory.....	27
4.6.1	Initiation of Property Owner Interviews.....	27
4.6.2	Relocation Plan.....	28
4.6.3	Residential Displacees	28
4.6.4	Business Displacees.....	29
4.6.5	Farm Operations Displacees	31
4.6.6	Outdoor Advertising Business.....	31
4.6.7	Relocation Moves.....	31
4.6.8	Claims	32
4.7	Step 7: Eminent Domain	32
4.7.1	Letters to Governing Board and Condemnation Authority	32
4.7.2	Resolutions of Necessity.....	33

DCE CM1 Property Acquisition Management Plan

4.7.3	Order of Possession.....	34
4.7.4	Final Orders of Condemnation.....	34
4.7.5	Report of Properties in Possession.....	34
4.7.6	Right of Way Certification Form.....	35
4.8	Step 8: Right of Way Project Certification	35
4.8.1	Right of Way Certification.....	35
4.8.2	Final Accounting Package	35
4.8.3	Disposition of Properties in Possession.....	35
5.0	WORK PLAN	36
5.1	Summary of Acquisition Process for CM1.....	36
5.2	Strategy for Phasing Work to Acquire Properties	37
5.2.1	Description of Focus Areas	37
5.2.2	Deployment of Staff	39
5.2.3	Overall Timeline	39
5.3	Focus Area 1.....	45
5.4	Focus Area 2.....	50
5.5	Focus Area 3.....	55
5.6	Focus Area 4.....	60
5.7	Focus Area 5.....	65
5.8	Focus Area 6.....	70
5.9	Focus Area 7.....	75
5.10	Overlap.....	79
5.11	Staff and Consultants Needed for All Alignments.....	80
6.0	PROPERTY MANAGEMENT	82
6.1	Inventory and Utilization Plan for Excess Real Property	82
7.0	DCE LEGAL REQUIREMENTS [To be Incorporated by Legal].....	83
7.1	Public Law.....	83
7.2	Authorities	83

DCE CM1 Property Acquisition Management Plan

7.2.1	Authority to Establish Amount of Just Compensation	83
7.2.2	Authority to Approve Property Purchase Agreement.....	83
7.2.3	Authority to Authorize Condemnation.....	83
7.2.4	Authority to Approve Administrative Settlement.....	83
APPENDICES		84
APPENDIX A		85
	Focus Area 1 Properties by Assessor Parcel Number (APN).....	85
	Focus Area 2 Properties by Assessor Parcel Number (APN).....	88
	Focus Area 3 Properties by Assessor Parcel Number (APN).....	91
	Focus Area 4 Properties by Assessor Parcel Number (APN).....	94
	Focus Area 5 Properties by Assessor Parcel Number (APN).....	100
	Focus Area 6 Properties by Assessor Parcel Number (APN).....	102
	Focus Area 7 Properties by Assessor Parcel Number (APN).....	104
APPENDIX B		106

1.0 PROJECT OVERVIEW

This Acquisition Management Plan (Plan) was developed as a consultation document for the proposed Design and Construction Enterprise (DCE) which will oversee all aspects of the design and construction of the new Conservation Measure 1 (CM1) water facilities of the pending Bay Delta Conservation Plan (BDCP). DCE will also administer and implement the property acquisition program. The Plan is limited in scope and focuses on the “CEQA Preferred Alternative: Alternative 4-Dual Conveyance with Modified Pipeline/Tunnel and Intakes 2, 3, and 5” (Alternative 4). Under Alternative 4, water would primarily be conveyed from the north Delta to the south Delta through pipelines/tunnels. This plan also encompasses the electrical (utility) alignment that will power the Intake Pumping plants, tunnel boring machine and other key facilities along the conveyance alignment. See Figure 1.1 showing Alternative 4.

1.1 Purpose

The primary objective of this Plan is to establish a framework for acquiring all real property rights needed to construct and maintain the CM1 project. It also gives a general overview of the Acquisition Management Team structure and specific property acquisition processes. It outlines what needs to be done and how to accomplish it. However, a detailed schedule, budget, policies-and-procedures manual, and staffing plan will be developed in the future as the project moves forward.

1.2 Scope

If the BDCP is approved, CM1 will span 30 miles and traverse four counties: Sacramento, San Joaquin, Contra Costa, and Alameda. The CM1 project will impact hundreds of public and privately owned properties along the alignment. The types of right of way to be acquired from each property will depend on the size and shape of the property and the type of proposed facility. All of some properties and portions of others will be needed for the project. There will be fee acquisitions and permanent easements obtained for long-term operational facilities. Temporary easements, permits, and licenses will be obtained for construction related property uses. To minimize long-term surface impacts to properties, permanent subsurface easements will be acquired for stretches of deep tunnels.

For acquisition planning purposes, the conveyance and utility alignments will be divided into northern, central, and southern regions. The regions will be further segmented into seven (7) manageable acquisition focus areas to be worked by 7 corresponding multidiscipline focus area teams, see Section 5 Work Plan for a more detailed explanation. These divisions will make the acquisitions, personnel, and activities easier to track and control. All property transactions and

their status or stage of acquisition will be tracked via Geographic Information System (GIS) and project management software.

1.3 Acquisition Methodology and Approach (Process)

All acquisitions will be carried out in accordance with state and federal laws and the policies and procedures adopted by DCE under the auspices of the California Department of Water Resources (DWR). The primary steps of the acquisition process are: 1) Project Requirements; 2) Rights of Entry; 3) Environmental Site Assessment; 4) Appraisals; 5) Offers to Purchase; 6) Relocation Advisory and Assistance; 7) Eminent Domain; and 8) Right of Way Project Certification. The details of which are outlined in Section 4 of this Plan. The steps of the process will be applied to each property either during acquisition project development or after the start of discussions with each property owner. The objective shall be to work with property owners to acquire the necessary rights through negotiated settlement agreements. Where no agreement can be reached, acquisition will be achieved through the eminent domain process as prescribed by law.

Every effort shall be given to reasonable negotiations and to provide any relocation assistance to property owners and/or their tenants as they may be eligible to receive. To minimize the number of interactions and disruptions to property owners, project teams should clearly identify and communicate all rights needed for investigations, construction, and monitoring of the project. The goal is to **approach each property owner once for all necessary rights** where practical. All subsequent meetings with the property owner would be to negotiate terms and answer any questions. Therefore, each focus area will have a designated focus area team and each property therein will be assigned one acquisition agent as the primary point of contact. Other members of the team may contact the property owner but not without first coordinating with the team lead and regional field coordinator.

The Plan is based on a four-year acquisition process from planning (pre-acquisition) to implementation (acquisition and possession). The acquisition timeline is often tied to the design schedule and typically completed prior to the commencement of each construction phase. To assure success for on-time possession of properties necessary to construct the project, it is critical to start planning and geodetic activities as soon as possible during the study and preliminary design phases. To maintain the planned critical path of the project, some activities may be "fast tracked" or performed early or in parallel with other activities. A detailed acquisition timeline with milestones is provided in Section 5 of the Plan and will be further developed based on the actual design and construction schedules as they are established.

1.4 Project Requirements

Prior to the start of acquisitions, DWR/DCE must:

DCE CM1 Property Acquisition Management Plan

- Establish regional staff offices or public information centers to handle the number of persons, farms, and businesses that will be impacted or displaced by the project. Every effort should be made to establish effective communication and smooth transition between staff and impacted residents. It is recommended that at least one public information center be established in each of the northern, central, and southern project areas. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.
- Develop acquisition work teams consisting of a team lead and key personnel with expertise in the core areas of Appraisals, Negotiations, Relocations, and Title. These teams should be ready to proceed upon receipt of maps and legal descriptions from R/W Engineering. There will be one work team assigned to each focus area. They will obtain all rights needed for the conveyance and utilities within that focus area.
- Obtain title reports; surface and subsurface, oil, gas, and mineral rights research; and control surveys. This will aid in the identification of surface and subsurface ownerships and the acquisition areas.
- Terminate Williamson Act Contracts: DCE as part of DWR, is exempt from certain alignment location requirements under the Williamson Act, however, it must still notify the California Department of Conservation and the local public agency its intended acquisition of properties currently under Agricultural Preserve (Ag Preserve) contracts. This is a coordinated effort between the seller, DCE, Department of Conservation, and the local municipality to terminate the contracts prior to construction. All fee acquisitions and permanent easements with surface facilities will permanently impact agricultural production. Therefore contracts on those specific properties will need to be terminated.
- Establish signatory authority and manner in which title will be held.
- Prepare and approve Relocation Plan.
- Develop standard forms that establish consistent internal and external lines of communication, document approval paths, clear roles and responsibilities, schedule and achievable milestones.
- Establish adequate budget. Prepare a cost study to establish ranges of land values and anticipated transaction costs.
- Establish policy and procedures, and, as appropriate, localized delegation of authority to the Property Acquisition Manager up to a certain limit as determined by the DCE Program Manager and the governance body.

1.5 References for Acquisition and Eminent Domain Authority

The following statutes were referenced in the development of this plan:

- Government Code § 7260-7277
- Code of Civil Procedure § 1230.010-1273.050

DCE CM1 Property Acquisition Management Plan

- Water Code § 250 – 260 (DWR authority)
- Government Code § 51291(b), 51293 and 51295
- California Uniform Relocation Assistance and Real Property Acquisition Guidelines

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Figure 1.1 Modified Pipeline/Tunnel Alignment Overview

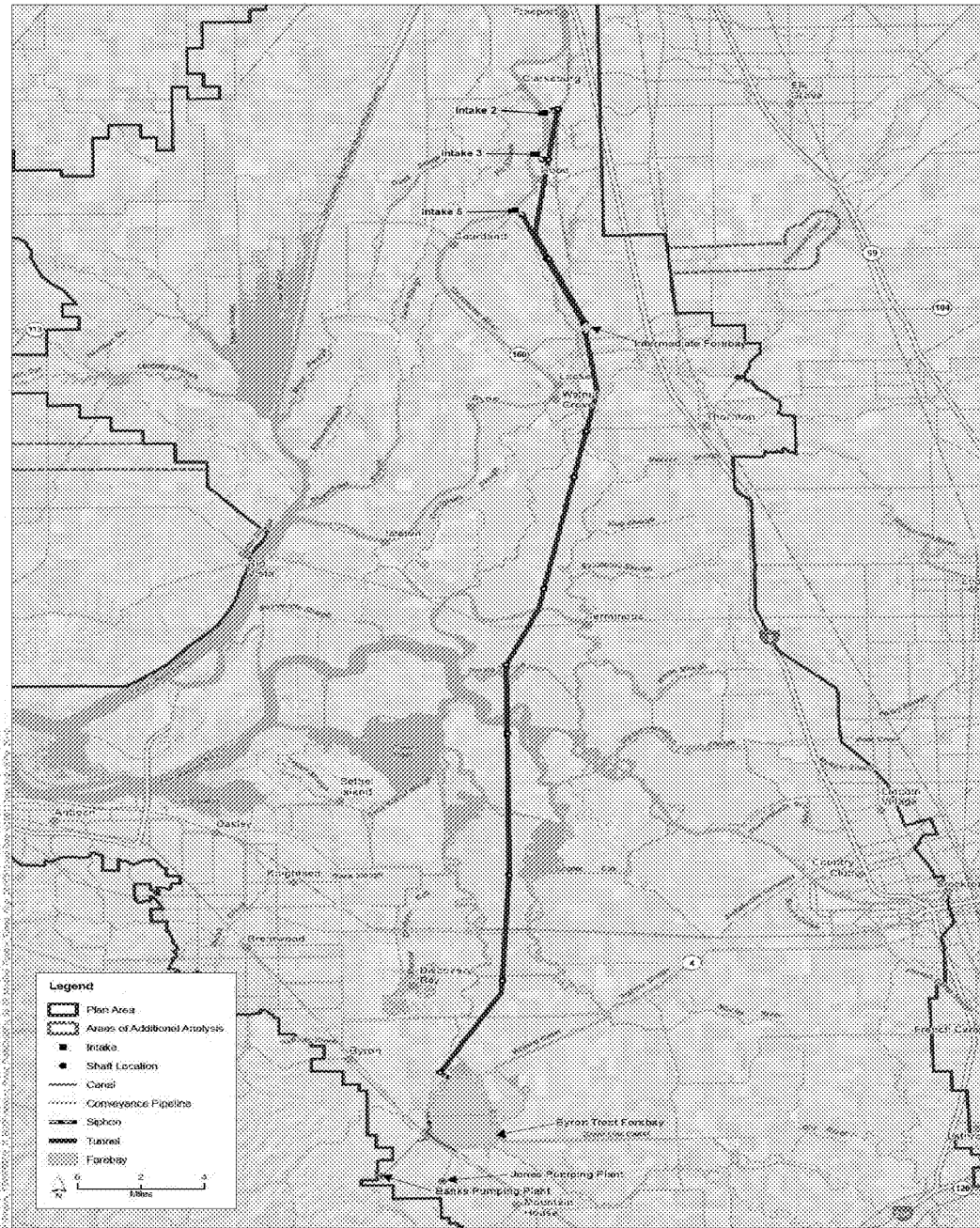


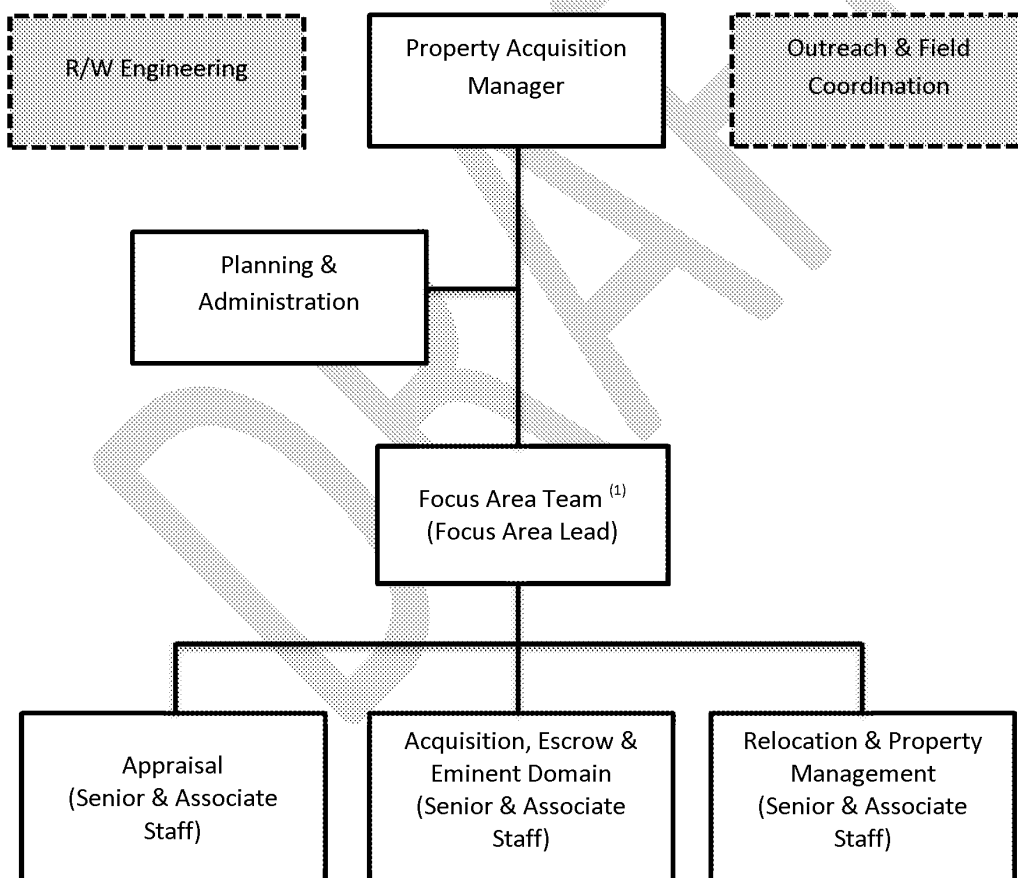
Figure 3-9
Modified Pipeline/Tunnel Alignment Overview (Alternative 4)

2.0 PROJECT ORGANIZATION AND STAFFING

2.1 Organizational Structure

The chart below (Figure 2.1) shows key personnel within the Property Acquisition work unit. The unit has an organizational structure with a manager, focus area leads, and specialist staff and consultants. All personnel and consultants will work together and understand that their deliverable is part of a whole and that others depend on them to deliver high quality information and work products that will ensure project success. All personnel must be sufficiently mobilized to focus on completing their specialized part of the acquisition process.

Figure 2.1 Organization Chart



⁽¹⁾ The Focus Area Team will be repeated for each Focus Area.

2.2 Functional Descriptions (External)

The work of each focus area team will depend on various deliverables and input from outside organizations that provide direct support to the acquisition function. Although these outside organizations have other duties within DCE, below are descriptions of their input to the acquisition process.

2.2.1 Outreach and Field Coordination

Provide CM1 project information to property owners and stakeholders. They will also share relevant property owner information to acquisition staff to bridge understanding and keep communication open throughout the entire process. Field coordinators will help schedule and coordinate consultant visits to the field and act as liaison between DCE and the public. There should be one field coordinator per alignment region.

2.2.2 R/W Engineering

Manages and performs all land surveying, title, and GIS/LIS activities in support of the overall project goals under the direction of a California licensed land surveyor. Paramount to this is support of the planning, legal, engineering, environmental, geotechnical, archeological, biological, acquisition, appraisal, and construction phases of the project. Additionally, staff will be called upon to establish and manage consultant contracts as well as establish and review critical survey specifications related to a variety of issues. R/W engineering will provide maps and legal descriptions central to all real estate transactions.

2.3 Functional Descriptions (Internal)

Below are descriptions of the functions and staff that are directly under Property Acquisition Management as shown on the organizational chart in Figure 2.1.

2.3.1 Property Acquisition Manager

Manage workflow, set objectives, and monitor progress to acquire all land and rights necessary to construct the conveyance and associated facilities.

- **Focus Area Leads** – Manage all property related matters within the assigned focus area. Work with senior staff to set goals to meet overall property acquisition objectives, budget, resources, and schedule. Focus Area Leads report directly to the Property Acquisition Manager.
- **Senior Staff** – Help manage the day-to-day activities of associate staff and consultants within their functional specialty to provide quality deliverables as scheduled. Senior staff report directly to Focus Area Lead.
- **Associate Staff** - Provide technical reviews of consultant deliverables; and perform special assignments related to their functional specialty. Associate staff will report to Focus Area Lead and work closely with senior staff and consultants.

2.3.2 Project Planning and Administration

Staff will report to a lead principal and the lead principal will report directly to the Property Acquisition Manager. Project planning members will prepare acquisition strategy and project plans, maintain acquisition schedules, and perform contract administration. Administration staff will track financials, documents, correspondence and property information. They will also help track property acquisition status; run parcel acquisition reports; update databases; prepare correspondence; track and report real estate related expenditures to DCE's financial controls team.

Staff:

- Principal (Lead)
- Contract Administrator
- Budget Coordinator
- Database/GIS Specialist
- Administrative Support

2.3.3 Appraisals

Staff will exercise reasonable diligence in obtaining cost-effective appraisals from specialty consultants. They will prepare alignment cost studies. Ensure all appraisals contain minimum standards for public acquisition. Ensure all appraisals are completed in accordance with state law and the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition, if applicable. Staff will primarily act as review appraisers and administer appraisal contracts. Refer to section 5 for a list of specialties that will be used for this project.

Staff:

- Senior Appraisers
- Associate Appraisers

2.3.4 Acquisition, Escrow and Eminent Domain Coordination

Environmental Site Assessments: For purposes of this plan, Environmental Site Assessments will be coordinated under Property Acquisition function. All environmental site assessments will be conducted by environmental professionals as defined by 40 CFR 312 § 312.10. The consultant must have specific qualifications based on education, training, and experience to assess properties of the nature, history, and setting of each site. Staff will coordinate with environmental consultant for site specific environmental site assessments (ESA). ESA reports will be given to appraiser and acquisition agent for their use.

- **Fee Acquisitions** - ESA's are ordered on each property considered for fee acquisition as part of due diligence. They involve evaluating or investigating the property prior to signing the purchase agreement or closing the escrow.

DCE CM1 Property Acquisition Management Plan

- **Easements, Leases and Licenses** – ESA's are ordered for all permanent easements. It is rare to order ESA's for temporary construction and lay down areas; only an inspection and photos of the property will be taken prior to the property's use to establish the condition to which the property must be returned when construction is complete.

Acquisition: Staff and consultants will interface with property owners. Make first written offer to acquire the property as soon as practicable after receipt of approved appraisal. Such offer shall be based on just compensation in accordance with Government Code § 7267.2 (b) for the full amount so established. Meet with each owner to inform him/her of the proposed construction project and make reasonable efforts to discuss with them the offer to purchase the property based on the appraisal.

- Notify Property Acquisition Manager immediately of facts discovered during property owner interviews. Property Acquisition Manager will evaluate and give full consideration to those items prior to continuing negotiations.
- Acquire additional Entry Permits to facilitate activities such as engineering investigations, surveys, and appraisals.
- Work with GIS to track the status of acquisition of fee, easements, and entry permits.

Escrow Coordination: Reputable, local title companies will be used for both title research and escrows. Title research and escrow for each transaction will be performed by a single title company. The escrow coordinator will examine the executed Agreement of Purchase and Sale and Joint Escrow Instructions to determine if special instructions have been added by the Legal Department and to determine the deadlines imposed by the Agreement. The escrow coordinator will verify that all parties have signed the Agreement. Additionally, all associated documentation required to consummate the transaction must be reviewed for accuracy and completeness. The complete Agreement of Purchase and Sale and Joint Escrow Instructions, together with all other related documents such as grant deeds, lease agreements, etc. must be delivered to the escrow either by messenger, overnight, express service, or certified mail.

Correspondence with the escrow will be added to the acquisition parcel file as it is generated. The escrow coordinator will obtain a schedule of costs for escrow services for management review and approval prior to processing of necessary funds to close the escrow.

Eminent Domain Support: Upon initiation of eminent domain proceedings, the laws governing such proceedings shall control all further actions. Eminent Domain Support staff will assist the legal department in gathering all pertinent appraisal and acquisition records for their use. Acquisition and appraisal staff may be called upon to provide expert witness testimony in any court or administrative proceedings.

Staff:

- Senior Acquisition Agents

- Associate Acquisition Agents

2.3.5 Relocation and Property Management

Relocation Assistance and Advisory: Provide relocation assistance and advisory services where necessary. Develop and implement the plan pursuant to state and federal law to establish relocation assistance and benefits which the property owner and/or tenants may be entitled to receive. Perform all relocation assistance services required under the Uniform Relocation and Real Property Acquisition Policies Act; the California Relocation assistance and Real Property Acquisition Guidelines; and the DWR policies and procedures, to be provided.

Property Management: Upon date of possession, including Order of Possession, DCE may be liable for any prorated taxes, penalties, and costs upon property. If DCE is exempt or properties are purchased in the name of the state of California, then a statement of the exemption must be sent to the county in which the property is located. DCE is not responsible for taxes on properties in which it only has an easement. DCE is responsible for coordinating and implementing moves according to the relocation assistance plan. It is also responsible for coordinating the removal of unnecessary improvements, upkeep, and security of the property until the start of construction. After completion of construction, property management will coordinate or manage the final disposition of all operational and excess property.

Staff:

- Senior Relocation/Property Management Specialist
- Associate Relocation/Property Management Specialists

2.3.6 Consultants

Consultants: Augment staff and perform specific activities related to their functional specialty.

There will be a significant Request for Qualifications process to find qualified firms with specialized knowledge in the various real estate disciplines required on this program.

The Principal-in-Charge and other key staff of consultant firms specifically selected to work on this assignment must have specific qualifications in their real estate services discipline and must show experience on comparable projects of this size. The firm must have local project managers who maintain appropriate state licenses where appropriate.

The following identifies consultants required for the project:

Geodetic Services

- Primary and Secondary Control Networks
- Boundary Surveys/Record of Surveys

- Title review and encumbrance mapping
- QA/OC Surveys

Environmental Site Assessment Firm

- Phase I Site Assessment (inspection)
- Phase II Site Assessment (testing)
- Phase III Site Assessment (remediation)

Appraisal Specialists

- Agriculture
- Tunnel Valuation
- Business
- Fixtures and Equipment

Real Estate Services

- Land Strategy based on need and land use/types
- Acquisition Transaction details
- Relocation Assistance
- Property Management

Escrow/Title Company

- Chain of Title
- Research surface access and other rights
- Process escrows procedures

3.0 RIGHT OF WAY ENGINEERING AND MAPPING

The right of way engineering efforts starts with the identification and analysis of properties potentially impacted and continues through the preparation of appraisal maps, legal descriptions and plats, and entry permit maps.

3.1 Property Identification

The following will be conducted along all potential or proposed alignments.

3.1.1 Set Up the Geographic Information System (GIS)

Design, implement and maintain a project Geographic Information System/Land Information System (GIS/LIS) based on ESRI's Arc platform that will eventually contain all the data generated by the land surveying, property acquisition, geotechnical, biological, hazmat, environmental, and other activities. Additionally will contain data not generated by project directly but collected from reliable and verifiable sources.

3.1.2 Download County Assessor Parcel Layers

Download county assessor parcel layers either through cooperative data sharing agreements or outright purchase from the respective counties such as assessor parcel polygons, ownership, planning and zoning, general development plans, and other associated data.

3.1.3 Overlay Proposed Project Routes with Buffer

All alignment options will be available in the GIS to overlay and analyze against any/all data layers.

3.1.4 Identify Potentially Impacted Assessor Parcel Numbers

Identify all parcels impacted by any of the proposed facilities and to what complexity.

3.1.5 Identify Potential Problem Areas

Experience has shown that railroads, reclamation districts, jurisdictional waterways, restricted airspace, and roadways, among other real property interests, are often areas where the project impacts should be identified as early as possible to aid in the acquisition process.

3.1.6 Assign Right of Way Parcel Number Based on Ownership

Contiguous ownership parcel(s) are identified and right of way parcel numbers are assigned in lieu of using assessor parcel numbers which are subject to change. Parcel numbers are assigned in increments of ten in order to facilitate any possible changes or parcel splits prior to acquisition of the parcel. Example BD1-10-100

3.2 Property Analysis

3.2.1 Order and Review Preliminary Title Report (PTR)

Use established methods of acquiring PTRs using a purchase card process, it is anticipated the DCE will have the ability to order and receive a minimum of 20 PTRs per month. Once PTRs are received from title companies, an expert title staff will conduct a detailed review for completeness and accuracy.

3.2.2 Collect Copies of All Record Maps Along Route

Counties, cities, local survey offices and historical archives will be searched for copies of all recorded maps and documents related to all potentially impacted parcels from all proposed alignments.

3.3 Mapping and Survey

3.3.1 Prepare Entry Permit Maps

Using GIS data, prepare maps for invasive (geotechnical) and noninvasive (land survey) entry to critical parcels first and noncritical parcels second.

3.3.2 Prepare Encumbrance Maps Based on PTRs

Prepare encumbrance maps based on PTRs to identify any encumbrances that may adversely affect the alignment or construction of the project in the area of acquisition.

3.3.3 Review Encumbrance Maps Prepared by Others

Independent review of the Encumbrance maps and PTRs prepared by others to verify all have been plotted within the area of acquisition.

3.3.4 Identify Required Boundary Surveys

Identify boundary surveys based on the areas of fee and permanent easement acquisition.

3.3.5 Prepare Monument Search Map

Prepare monument search maps for each survey based on previous research of record maps and documents.

3.3.6 Prepare and Review Record of Surveys

Records of surveys are to be prepared for areas of fee and permanent easement acquisition. Additionally, there will be independent review of the record of survey prior to submittal to the respective county.

3.3.7 Prepare and Review American Land Title Association (ALTA) Surveys

Unless the entire fee is to be retained in perpetuity an ALTA survey should be performed to facilitate later disposition of the property in whole or in part. Additionally, perform independent review as required prior to submittal to the Title insurer.

3.3.8 Prepare Deed Exhibit Map for Each Acquisition and Remainder Area

Prepare Deed exhibit map for each acquisition to support land descriptions and any legal action including eminent domain. A Deed exhibit map for each remainder area will also need to be prepared to support a remainder land description to facilitate the owner of the remainder parcel to apply for a Certificate of Compliance.

3.3.9 Prepare Court Exhibit Maps

Court exhibit maps are required by attorneys to support legal action related not only to land acquisition but also other project related activities. They may be prepared using many different types of software such as CAD, GIS, and Adobe Photoshop etc.

3.4 Land Description

3.4.1 Prepare Closed Polygon of Each Acquisition Area

Prepare closed polygons of each acquisition area based on the boundary survey for use in the GIS.

3.4.2 Prepare Calculations of Each Acquisition and Remainder Area

Prepare calculations of each acquisition and remainder area to support any legal action including Eminent Domain.

3.4.3 Prepare Land Description for Each Acquisition and Remainder Area

Prepare land description for each acquisition and remainder area as required by law under (Statute of Frauds) and to support any legal action including eminent domain.

3.5 Geographic Information System

3.5.1 Combine Existing Geographic Information Systems

There currently exist several unconnected databases related to the Bay Delta (Delta). Under DWR contract the engineering firm of Black & Veatch has been collecting data and supporting the

CM1 EIR/EIS effort for approximately six years. DWR has its own GIS team which has been collecting data for since 1996 being used to support a wide variety of efforts that are Delta related particularly involving science related analysis. The State Water Contractors have been collecting data and providing analysis for approximately four years on all alignments and restoration efforts related to the BDCP.

A concerted effort must be made to analyze all of the data from all the sources and determine which data should be used, combined or removed from use so that everyone using or accessing the data will be using the same source. **Failure to take this step may result in adverse actions related to the acquisition of property.** Below is the information that will be incorporated into the GIS for tracking the acquisition effort related to CM1.

3.5.2 Track and Link All Tax Information Data

Track and link all tax information data related to potentially impacted properties. This will include tax assessor data, zoning, land use, ownership, parcel shapes, etc.

3.5.3 Track and Link All Land Surveys Performed

There is a symbiotic relationship between GIS and land surveys in that they are both based on geospatial information. Surveys are performed in three dimensions to locate object(s) relative to one another while the GIS provide a tool for analyzing and displaying those relations.

Types of surveys that will be available for analysis include boundary, environmental, hazmat, as-built, oil, gas, and mineral rights, and water rights, as they relate to surface and subsurface.

3.5.4 Track and Link All Acquisition Related Documents

These include but are not limited to preliminary title report, encumbrance maps, land descriptions and deed exhibit maps, environmental site assessment data, appraisals, etc.

3.5.5 Track and Link All Environmental/Regulatory Related Documents

These include but are not limited to environmental site assessment data (one source of data but returned based on search keyword or filter), sensitive resources, permits, etc.

3.5.6 Track and Link All Legal Related Documents

These include but are not limited to any document requiring confidentiality such as eminent domain actions, appraisals, environmental documents, sensitive resources, etc.

3.5.7 Track and Link All Science Related Documents

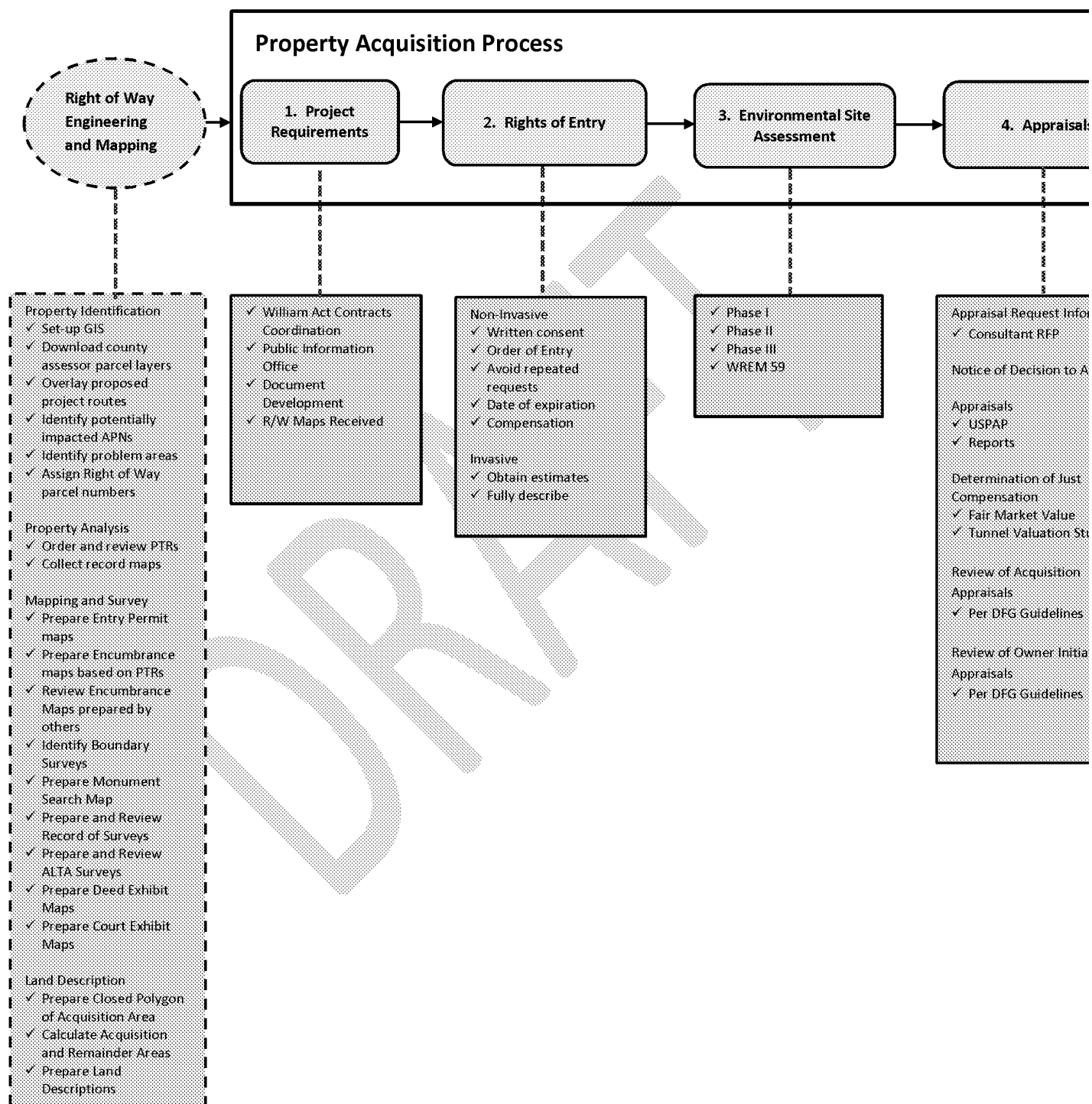
These include wide variety of documents too numerous to list.

4.0 PROPERTY ACQUISITION PROCESS

The acquisition process and corresponding actions as described below are industry standards derived from relevant California acquisition and eminent domain laws --Government Code § 7260-7277 and Code of Civil Procedure § 1230.010-1273.050. In this Plan, the process is organized into 8 clearly defined steps to assure necessary actions are carried out for the successful acquisition of the project. The steps are: 1) Right of Way Project Requirements; 2) Rights of Entry; 3) Environmental Site Assessment; 4) Appraisals; 5) Offers to Purchase; 6) Relocation Advisory and Assistance; 7) Eminent Domain; and 8) Right of Way Project Certification.

The Right of Way Engineering and Mapping process described in Section 3 is integral to the acquisition process. The activities listed in Section 3 will be performed prior to the steps noted in Section 4. Figure 4.1 illustrates the connection between Right of Way Engineering and Mapping and the Acquisition Team during the acquisition process in chronological order. The yellow boxes show the functional step or process to be performed by specialists and the grey boxes list specific actions and deliverables.

Figure 4.1 – Steps of Property Acquisition Process



4.1 Step 1: Project Requirements

Below are actions needed to proactively commence the right of way acquisition project. All, except the public information center, meet statutory requirements and conditions precedent to starting the acquisition of property. The public information center will help foster better community relations.

4.1.1 Project Requirements

- **Public Information Center:** When a substantial number of persons will be displaced or impacted by the project; and the acquisition and relocation staff offices are not easily accessible to those persons, DCE is encouraged to establish at least one site office which is accessible to residents who may be displaced or impacted. The offices should be staffed with trained or experienced acquisition and relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.
- **Condition Precedent: Williamson Act Contracts (Ag Preserve)** DCE or DWR will need to coordinate cancellation, termination, or non-renewal of agricultural preserve contracts prior to or as part of the acquisition process. The CA Department of Conservation gives the following instruction,

“An agricultural preserve contract placed on land restricts the use of the land to agriculture or open space uses only. When there is a need for a public agency or other eligible entity to acquire land enrolled in a Williamson Act contract, or located in an agricultural preserve, the California Department of Conservation must be notified apart from the CEQA process as set forth in Government Code §51291(b). The conveyance as a state water facility may be exempt from location requirement under the provisions of §51293. However, the notification requirements still apply and [DCE] will need to coordinate with the Department of Conservation. The contracts will not necessarily terminate when the property is acquired. The contracts will be terminated or voided when the property is acquired by eminent domain or “in lieu of eminent domain” (Government Code §51295). If these requirements are not met, the contract will remain in force and continue to restrict use of the land.”

“In lieu of eminent domain” defined: For purposes of the California Department of Conservation, an acquisition “in lieu” of eminent domain must follow eminent domain law. The steps of the acquisition process described herein would meet this definition in substantial part since they are practical applications developed directly from eminent

domain law, in particular Government Codes § 7260-7277 and Code of Civil Procedures § 1230.010-1273.050.

4.1.2 Document Development

The following documents will need to be in place prior to the commencement of acquisitions.

- **Relocation Plan** developed during the acquisition planning phase for implementation parallel to making offers to purchase. The Relocation Plan must be approved by the governing board prior to the start of acquisition.
- **Project Fact Sheet** to be given to residents and businesses along the alignment as part of outreach to provide project information in non-technical and clear terms. Additional fact sheets should be readily available in the public information center.
- **Land Acquisition Procedures Pamphlet** detailing land acquisition and relocation procedures and options available to the property owners and tenants. Additional pamphlets should be readily available in the public information center.
- **Transaction documents** such as purchase and sale agreements, escrow instructions, deeds, Right of Entry forms, statutory notices, and letters will be developed and standardized where practical.

4.1.3 Right of Way Mapping

Once the required property and right of way (i.e. fee, easement, temporary, etc.) are determined per the explanations in Section 3 above, the Geodetics team will deliver to Property Acquisition Manager. The Property Acquisition Manager and Acquisition Agent will review right of way mapping, title reports, preliminary design plans, and other pertinent information to develop a plan for acquiring private property as free and clear of encumbrances and legal constraint as practical. The types of right of way mapping needed are:

- **Legal Description and Map Exhibits** to be attached to the deed.
- **Appraisal Maps** showing the locations of encumbrances found in Schedule B of the preliminary title report shall be prepared for each fee property and permanent easement. These maps aid the appraiser's understanding and valuation of the property.
- **Entry Permit Maps** will be prepared by Geodetics team as exhibit to entry permit

4.2 Step 2: Rights of Entry

Provides the right for DCE to enter upon property to make photographs, studies, surveys, examinations, tests, soundings, borings, samplings, appraisals, or to engage in similar activities reasonably related to acquisition or use of the property for that use (CCP § 1245.010).

Note: Land surveyors have a statutory “right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys...not contingent upon the provision of prior notice to the owner or tenant.” (California Business and Professions Code § 8774, California Civil Code § 846.5) Additionally, California Penal Code § 608.2 provides for an exemption of trespass for land surveyors.

4.2.1 Rights of Entry (Non-Invasive)

Before entering property owned by others, DCE will obtain:

- **Written consent** of the owner and his/her tenant to enter upon the property; **or**
- **Order of Entry** from the superior court in accordance with CCP Section 1245.030.

In addition:

- **Avoid repeated requests** of the property owner. To save time and minimize inconveniences to property owner, the entry permit form should include the nature and scope of all anticipated pre-acquisition and pre-design investigations reasonably necessary to be conducted on that property.
- **Date of expiration** should be indicated that allows for a reasonable window of opportunity for DCE and their agents to perform the activity.
- **Compensation** or permit fees will be paid to property owner for the temporary use of the property. No appraisal is required; fees are based on reasonable assessment of cost for type of activity performed. For court ordered entry, the court may determine the amount of compensation to be paid to the property owner.

4.2.2 Rights of Entry (Invasive)

Invasive work involving digging, removal of soils, or the installation of temporary equipment, such as groundwater monitoring equipment, will require compensation. DCE will prepare a formal estimate and present the offer upon request to enter the property.

4.3 Step 3: Environmental Site Assessment (ESA)

As part of due diligence, ESAs are ordered on each property considered for fee acquisition as part of the initial contamination study to determine the environmental condition of the property (CCP § 1245.020). In all cases, the minimum ESA conducted will be Phase I and may advance to Phase II and III. Properties found to contain hazardous materials during the ESA will be reported to the DCE Program Manager to facilitate further investigations. Refer to the established policy for pre-acquisition inspection of proposed real property and improvements for ascertaining the existence of hazardous substances.

4.3.1 Phase I

A walk-through of each property and review of the public record to determine if there are hazardous materials on the property is required for all fee acquisitions. Properties found to contain hazardous materials during the Environmental Site Assessment will be reported to the DCE Program Manager to facilitate further investigations.

4.3.2 Phase II

DCE may conduct a more detailed investigation of potential hazards identified in the Phase I report. This will involve the taking and testing of samples, and performing chemical analysis for hazardous substances and/or petroleum hydrocarbons. Based on the findings, the need for a Phase III may be needed and is reported to DCE Program Manager.

4.3.3 Phase III

A thorough investigation will be conducted to determine the steps needed for cleanup or remediation. Phase III is coordinated with engineering, the property owner, and the DCE Program Manager.

4.4 Step 4: Appraisals

A qualified, licensed real estate appraiser will complete a narrative appraisal of the property, including the subject larger parcel, the parts of the larger parcel to be acquired, and the potential severance damages to the remainder of the larger parcel as well as potential benefits to this remainder.

Appraisals will be conducted to determine the subject property's fair market value.

4.4.1 Appraisal Request Information

Staff appraiser must provide the following information to the independent appraiser:

- Project Description
- Title Report
- Deed with Legal Description/Map Exhibits
- Phase I Site Assessment Report
- Tunnel Valuation Study
- Vicinity Map
- Statement of the rights to be acquired (fee, easement, etc.)
- Property Profile (contact information, assessor information, etc.)

4.4.2 Notice of Decision to Appraise

DCE is responsible for providing the owner with written notice of its decision to appraise the real property (Government Code § 7267.1(b)).

- DCE can opt to have appraiser give the notice. However, to ensure this statutory step is completed, DCE should issue the written notice.
- Provide the property owners or their representative the opportunity to accompany the appraiser during the site inspection.
- Copy of the Land Acquisition Procedures must be in notice package (CA HCD § 6188).

4.4.3 Appraisal Reports

All appraisals shall be prepared by appraisers licensed with the state of California and in accordance with state, DWR, and Department of General Services (DGS) guidelines. Reports shall be prepared according to the following Uniform Standards of Professional Appraisal Practice (USPAP) standard:

- The appraisal report shall be prepared in accordance with the latest version of USPAP. USPAP is revised every two years.
- The report contains the concluded value of the subject property and is disseminated to appropriate agencies and clients.
- All documentation for the appraisal must be maintained in a supporting file and retained for a period of five years, unless the appraisal is brought into court; then it must be retained for two years after the trial on the appraisal is completed.
- **Reports:** The appraisal report will include:
 - Letter of transmittal addressed to General Counsel
 - Date of report
 - Date of value
 - Statement of purpose and function of the report
 - Description of the proposed project
 - Description of the property involved
 - Property location map
 - Property ownership history
 - Details, salient details such as the following:
 - Regional and neighborhood demographics and economics
 - Local area characteristics
 - Property description including onsite improvements, topography and street or road frontage
 - Photographs of the subject property
 - Definition of relevant terms (i.e., fair market value, fee simple, leased fee)

- Analysis of the highest and best use of the subject property
 - Physically possible
 - Legally permissible
 - Economically feasible
 - Maximally productive
- Discussion of proposed valuation techniques and approaches
 - Cost approach
 - Sales comparison approach
 - Income approach
- Presentation, analysis, and reconciliation of market data, include the following:
 - Market data detail sheets
 - Market data grid
 - Market data location map
- The Valuation Analysis
- The Value Conclusion
 - Pertinent Report Addenda
 - Limiting Conditions
 - Appropriate Extraordinary Assumptions and Hypothetical Conditions
 - Appraiser's Certification
- **Supporting File:** For each written and submitted appraisal the file will include:
 - A true copy of the appraisal
 - Photocopied
 - Signed
 - Record of all correspondence pertaining to the appraisal itself, such as, where applicable:
 - Letter of engagement
 - Copy of contract
 - Copy of task order
 - Summary statement (for property purchase purposes)
 - Zoning and general plan information for the subject property from subject property's jurisdiction
 - Brochures on the subject property
 - Sales comparables used
 - Broker opinions and conversations with brokers, buyers, sellers, and other market players on the subject property and its comparables
 - Broker phone numbers
 - Seller phone numbers
 - Buyer phone numbers

- Interview sheets
- Calculations
- Brochures

4.4.4 Determination of Just Compensation

Appraisals serve as the basis for the price offered for needed property or rights. It is the appraiser's opinion of the property's value on a given date. In compliance with applicable statutes and regulations, the Real Estate negotiators will rely on it as a basis of "just compensation" for acquiring the property for the project.

4.4.4.1 Fair Market Value

Definition of Fair Market Value: Appraiser shall use the definition of Fair Market Value per California Code of Civil Procedure, Section 1263.320:

- (a) The fair market value of Property taken 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, not 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 Property is reasonably adaptable and available.
- (b) The fair market value of Property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

4.4.4.2 Tunnel Valuation Study

The proposed conveyance tunnels will pass under a series of Assessor's Parcels. Easements are typically valued based on the level of impact to the property owner's right to use his/her property, and any impacts to improvements. The tunnels will be constructed horizontally using a tunnel boring machine approximately 150 feet underground. Except for parcels with surface access through shafts, the tunnels will result in subsurface easements not typically impactful to improvements above ground. A tunnel valuation impact study will be commissioned to determine any impacts to property values as a result of the tunnel easement.

4.4.5 Review of Acquisition Appraisals

All appraisals must be reviewed and have written approval by a staff Appraiser prior to transmittal to an Acquisition Agent. DGS must review and approve appraisals with fair market value greater than \$150,000. DWR and DGS standards and guidelines will be used in the development and review of all appraisals.

4.4.6 Owner Initiated Appraisals

Appraiser may be asked to review appraisals commissioned by property owner during negotiating process. California Code of Civil Procedures § 1263.025 reads, in pertinent part:

“A public entity shall offer to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by the owner of a property that the public entity offers to purchase under a threat of eminent domain, at the time the public entity makes the offer to purchase the property.”

Since the code is silent regarding whether the owner must deliver their appraisal report to the agency for review, the appraiser may be asked to accompany the Acquisition Agent to a meeting with the property owner where the report can be reviewed.

Specific procedures and standard forms will be developed separately for the review of all appraisals.

4.5 Step 5: Offers to Purchase

Every effort shall be made to foster reasonable negotiations and to provide any relocation assistance to property owners and/or their tenants, as they may be eligible to receive. The objective shall be to work with property owners to acquire the necessary rights through negotiated agreements. Where no agreement can be reached, settlement proceedings will be initiated through the eminent domain process prescribed by law.

4.5.1 Written Offers

Pursuant to Government Code § 7267.2, government agencies shall make an offer to the owner of real property to be acquired before the agency may commence court proceedings.

- **Amount:** The offer must be in an amount no less than the concluded value within the approved appraisal.
- **In Writing:** The offer must be in writing and mailed to the owner of record.
- **Summary of Just Compensation:** The offer package must contain a written statement and summary of the basis for the amount established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer.
- **Appraisal Reimbursement:** At the time DCE makes the offer to purchase the property, it must offer to reimburse the property owner up to \$5,000 to obtain an independent appraisal (CCP § 1263.025).

4.5.2 Negotiations

The Acquisition Agent will answer questions and explain the basis of the offer related to the project. The law requires that a property owner be given time to consider the offer and that

there is a reasonable time to negotiate (CA HCD § 6182(i)(1), the duration of which shall be established by DCE management. The duration of which shall be thirty (30) days; negotiations to continue in parallel with eminent domain proceedings.

4.5.3 Negotiated Settlement Agreements

The DGS or their designate must review and approve negotiated settlement agreements greater than \$150,000.

- **Counter Offers:** Property owners may submit counter offers and owner initiated appraisal for review and acceptance. The Acquisition Agent must present the counter and any supporting documentation to the Property Acquisition Manager for review and approval prior to final agreement with property owner.
- **Purchase Agreement:** Successful negotiations will result in mutual understanding and written Purchase and Sale Agreement and Joint Escrow Instructions (Purchase Agreement) with a contingency period that allows for due diligence to be performed to investigate the property's title and environmental condition. The Purchase Agreement typically includes a property access clause for investigations.
- **Certificate of Acceptance form:** Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. A political corporation or governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants. (CC § 27281).
- **Memorandum of Settlement Package (MOS):** Transactions must be reviewed and approved prior to close of escrow. Settlement in excess of \$150,000 must be reviewed by DGS. The Package should contain:
 - Settlement Explanation
 - Environmental documentation (authority to acquire)
 - Two Copies of Purchase Agreement/Escrow Instructions (original signed R/W contract)
 - Deed (signed and notarized)
 - Certificate of Acceptance
 - Warrant Request (request for funds)
 - Offer Letter
 - Exhibit Maps
 - Memorandum of Settlement Escrow and Closing Instruction Worksheet
 - Parcel Diary

4.5.4 Escrow and Title

The executed Agreement of Purchase and Sale and Joint Escrow Instructions, together with all other related documents such as grant deeds and lease agreements, must be delivered to an independent escrow for opening individual escrows.

- **Escrow Period:** The escrow may be for a period not to exceed 60 days. This period gives time to clear contingencies and make all deposits of documents (deeds) and payments into the escrow. The close of escrow shall result in recordation of the deed.
- **Title Clearance:** Before title to a property is accepted, any errors, omissions, irregularities, or other defects that the title search may have uncovered will be cured. The title should be made as “clear” as possible to withstand legal challenges to construction and use of the property. The Memorandum of Settlement, Escrow and Closing Instructions Worksheet will give instructions for clearing title at close of escrow.
- **Policy of Title Insurance:** DCE obtains policy of title insurance equal to the purchase price for all fee and permanent easement acquisitions.
- **Incidental Costs:** DCE may elect to pay all or a portion of incidental closing costs of the transaction.
- **Schedule of Costs:** A schedule of costs for escrow services must be reviewed by DCE prior to processing of monetary deposits to close the escrow. DCE must authorize payments to escrow.

4.6 Step 6: Relocation Assistance/Advisory

DCE acknowledges relocations are a possibility with any public project and will adopt rules and regulations to implement payments and administer relocation assistance in accordance with the California Relocation Assistance and Real Property Acquisition Guidelines pursuant to Government Code § 7267.8(a); Uniform Relocation and Real Property Acquisition Policies Act; and the DWR policies and procedures.

- **Advisory Specialist:** Relocation assistance and advisory services should be handled by a relocation specialist other than the Acquisition Agent.
- **No Global Settlements:** Benefits and payments to persons eligible for relocation are in addition to and separate from the cost of the purchase of the property.

4.6.1 Initiation of Property Owner Interviews

As soon as practicable following the decision to appraise a parcel of real property, DCE relocation specialist/advisor shall interview each eligible person occupying such property to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs. The interview shall be by direct, personal contact, except when repeated

efforts indicate that such contact is not possible. DCE shall carefully explain and discuss fully with each person interviewed the purpose of the interview and the nature and extent of relocation assistance that will be made available. Persons eligible for relocation assistance are known as displacees.

- **Displacees Defined:** Displacees are property owners and/or their tenants that must move or cease business operations as a result of the public project. Displacees may be entitled to receive relocation benefits in cases where they are displaced as a result of an owner participation agreement in connection with a public project.

4.6.2 Relocation Plan

DCE must prepare and approve a written Relocation Plan that addresses the needs of owners/tenants potentially displaced by project activities. Preparation of a Relocation Plan shall be in accordance with Section 6038, Title 25 of the California Administrative Code and Government Code § 7261.6.

- The Relocation Plan will include the elements required by the Relocation Assistance Rules and Regulations adopted by DWR.
 - **15 or more:** Written Relocation Plan required where there are 15 or more potential residential relocations along the alignment. **Important:** Failure to have the Relocation Plan in place and to offer relocation assistance could jeopardize funding. It could also give rise to a “right to take” challenge in condemnation proceedings.
 - **Less than 15:** No written Relocation Plan is required if there are fewer than 15 residential displacees, or a small amount of Business or farm relocations.
- **Memorandum:** DCE will prepare a memorandum of its determination that no Relocation Plan is required for this project. The memorandum will provide documentation of DCE efforts to determine if relocation assistance was required for the project.
- **Condition Precedent:** Title 25 of the California Code of Regulations § 6002 (c) stipulates that “A public entity shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings will be available within a reasonable period of time prior to displacement.” DCE will prepare and approve a relocation plan where there are more than 15 permanent residential relocations.

4.6.3 Residential Displacees

DCE shall provide displaced persons who move to temporary replacement housing with relocation assistance, services and benefits designed to achieve permanent relocation of such residents into comparable replacement dwellings. Guidelines and practices for such are

complicated and require specialized knowledge and experience. Refer to DWR's Relocation Rules and Regulations; and corresponding policy and procedures for specific guidance.

- **Comparable Dwelling:** DCE will make every effort to find comparable replacement dwellings for displaced owner/tenant occupants. Refer to DWR's detail procedures for identifying comparable replacement dwellings.
- **Compensation Calculations:** The specialist will also prepare compensation estimates (Code § 7260).

4.6.4 Business Displacees

Businesses displaced by the project may be eligible for temporary and permanent relocation assistance. Compensation is typically expressed in terms of Loss of Goodwill, actual moving expenses, actual loss of property, and search expenses.

- **Loss of Goodwill:** consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old, or acquisition of new patronage.
 - **Notice Re: Loss of Goodwill:** As soon as practicable after the initiation of negotiations, DCE shall provide written notification to the owner of a business conducted on the real property to be acquired or on the remainder concerning his or her possible right to compensation for loss of goodwill. DCE shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure Sections 1263.510-1263.530 and the DWR Rules and Regulations.
 - **Notice of Intent to Claim Loss of Goodwill.** Prior to a business completing its relocation from property acquired by DCE, or prior to the date such business discontinues, the owner of such business shall notify DCE that he/she intends to file a claim for goodwill. The business must also prove eligibility and meet certain other conditions as detailed in DWR's Rules and Regulations.
 - **Compensation for Loss of Goodwill:** The procedure for determining and offering compensation for loss of goodwill in connection with DCE's acquisition of any property shall be governed by DWR's adopted Relocation rules and regulations. Prior to compensation a condition precedent must exist with respect to the owner of a business conducted on property acquired by DCE, or on the remainder if such property is part of a larger parcel. The amount of just compensation to be paid by DCE may include consideration of loss of goodwill to the extent required by law. DCE shall calculate the amount it believes to be the net amount of just compensation for loss of goodwill to which the business is entitled.
 - **Notice to Owner; Written Offer.** As soon as practicable after the net amount of just compensation (if any) for loss of goodwill has been calculated, DCE shall make

its written offer to the business owner/claimant to compensate the claimant in such amount.

- **Eminent Domain.** Notwithstanding any other provision of these Rules and Regulations to the contrary, in the event an eminent domain proceeding is brought by DCE to acquire any property, the owner of any business thereon may seek compensation for loss of goodwill in connection with such proceeding, and the failure to do so shall constitute a waiver of compensation for loss of goodwill.
- **Compensation for Actual Moving Expenses:** A displaced business shall be compensated by DCE for the actual reasonable and necessary moving and related expenses as determined by DCE incurred for moving the business, including moving personal property. In all cases, the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.
 - **Notice Re: Moving Expenses.** Whenever the acquisition of real property used for a business causes the business to move from other real property upon which the same business is conducted, or to move its personal property therefrom, such business shall receive payments for moving and related expenses in connection with its move from such other real property.
- **Actual Direct Losses of Tangible Personal Property.** A displaced business shall be compensated for the actual direct losses of tangible personal property of the displaced business attributable to moving or discontinuing such business. The total amount of the payment by DCE for such losses shall not exceed the lesser of the amount equal to the estimated reasonable cost of moving the personal property, as determined by DCE, or the in-use value (fair market value of the personal property for continued use at its location prior to displacement), minus any proceeds from a sale or trade-in of the property.
- **Actual Reasonable Expenses in Searching for a Replacement Business.** An eligible displaced business shall be compensated in an amount for actual reasonable expenses incurred in searching for a location for a replacement business. DCE may apply a reasonable “not to exceed” limitation on the amount.
- **Actual Reasonable Expenses to Reestablish a Displaced Business.** Reestablishment Expenses. In addition to moving expense payments, a farm, nonprofit organization or small business of not more than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed \$10,000.00. Reestablishment expenses shall be only those expenses that are reasonable and necessary.
- **In Lieu of Payment:** A displaced business or farm operation which moves or discontinues and which meets eligibility requirements in Sections 12301, 12405 or 12406 may elect to receive and shall be paid, in lieu of the payments for which it is otherwise entitled, a fixed relocation payment equal to the average annual net earnings of the business, except that

such payment shall not be less than \$1,000 nor more than \$20,000. This dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities. For purposes of this paragraph, the term "average annual net earnings" means one-half of any net earnings of the business before federal, state and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property being acquired, or during any other period as DCE determines to be more equitable for establishing earnings.

- A person whose sole business, at a displaced site, is the rental of the property to others shall not qualify for this alternative payment.

4.6.5 Farm Operations Displaces

DCE shall provide relocation advisory assistance and make relocation payments to a displaced farm operation in accordance with the provisions of these Rules and Regulations pertaining to displaced businesses.

- **Williamson Act Agricultural Preserve Contracts:** Requirements of local public agency and California Department of Conservation must be consulted prior to the relocation of farm operations under a contract.
- **Eligibility for In Lieu of Payment.** No alternate payment shall be made to a displaced farm operation unless DCE determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operators will be considered to have been displaced from a farm operation if:
 - The part taken met the definition of a farm operation prior to the taking; and
 - The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

4.6.6 Outdoor Advertising Business

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of outdoor advertising displays is entitled to payment for their reasonable costs in moving such displays or to replace that display, whichever is less.

4.6.7 Relocation Moves

Property owners and tenants shall not be advised to move prior to close of escrow or Order of Possession. Property owners will self-move all personal belongings and affects not purchased by DWR and seek reimbursement of actual costs. The demolition and removal of structures and

improvements purchased by DWR will be coordinated with engineering/construction teams. All moves shall be coordinated through the Relocation Specialist and Property Acquisition Manager.

4.6.8 Claims

DCE must set up a claims and appeals board. All claims for relocation assistance and payments filed with DCE shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which the claimant moves, whichever is later. DCE may extend this period upon a proper showing of good cause. A claimant must spend to get monetary benefits.

4.7 Step 7: Eminent Domain

DWR is authorized to exercise the power of eminent domain for purposes of constructing, maintaining and operating both water facilities generally and the State Water Project ("SWP"), in particular. By state statute, its governing body for purposes of condemnation is the California Water Commission.

4.7.1 Letters to Governing Board and Condemnation Authority

- **DWR Authorization:** DWR has both general and State Water Project (SWP)-specific authorizations to condemn real property interests. (Water Code §§ 250-260, 11580-11588).
 - **DWR:** By statute, DWR is generally authorized to acquire by eminent domain "any property necessary for state water and dam purposes," so long as the project for which the real property interest is being condemned has been authorized and funded.
 - Under this general authorization, DWR may acquire in fee or lesser estates, in connection with its state water and dam project efforts, real property desired for things such as: (a) rights of way; (b) real property exchanges; (c) rock quarries, gravel pits, or sand or earth borrow pits; (d) offices, shops, or storage yards; (e) parks adjoining or near any state dam or water facility; (f) the culture and support of trees which benefit any state dam or water facility by aiding in the maintenance and preservation of the facility; and (g) drainage in connection with any state dam or water facility. (Water Code § 253).
 - However, under general authorizations, when DWR condemns property owned by a railroad, public utility, or another state agency, it is subject to certain substitution obligations and other limitations. (Water Code § 259 referring to Water Code Section 11590 et seq. language requiring the provision of substitute facilities in the case of condemnations involving common carrier railroads, utilities or state agencies).

- **SWP:** DWR also has SWP-specific authorizations and powers to acquire and condemn land. In connection with the SWP, DWR has wide-ranging property acquisition powers. DWR may condemn property only after negotiations for a voluntary acquisition have failed and the SWP project work for which the land is needed has been authorized and funded. (Water Code § 11580).
- **Legal Counsel:** DWR may elect to use its staff attorneys, the Office of the Attorney General (AG), or outside counsel. The AG must approve outside counsel.

California Water Commission Rules for the Adoption of a Resolution of Necessity: DWR must follow the condemnation rules and procedures set forth in Title 7 of the Code of Civil Procedure (CCP § 1230.020). This includes in part the requirement for the “governing body” of the condemning entity to adopt a resolution of necessity. It is acknowledged that the California Water Commission (Commission) is the governing body for the DCE. The Commission has discretion whether or not to adopt a Resolution of Necessity. If the Commission declines to adopt a Resolution, DWR must negotiate an acquisition with the proper owner; resolve the Commission’s concerns about adopting a Resolution of Necessity and bring the matter back to the Commission for a second consideration of adopting a Resolution of Necessity; or modify the project to avoid the property.

Procedural Rules: The Commission, in turn, adopted its own local procedural rules to implement its statutory authority to adopt resolutions of necessity at a commission meeting held on August 17, 2011. It later amended and restated those rules at its February 20, 2013 meeting. (See **Appendix B**)

4.7.2 Resolutions of Necessity

Resolution of Necessity: The Commission adopted a two-meeting process for the adoption of resolutions of necessity with optional site visits or inspections in between, if desired, by the Commission.

Notification to Commission: It intends to request a resolution of necessity. DCE must prepare a commission report.

- **Commission Report:** DCE must prepare a staff report for Commission meeting that includes detail of acquisition parcel file:
 - CEQA documents
 - Correspondence and reports
 - Purchase documents
 - Maps/legal descriptions
 - Litigation guarantees
 - Property photographs (aerial)

- **Notice of Public Hearing:** DCE must give property owner reasonable prior notice of hearing, contents:
 - Notify at least 21 calendar days prior to hearing
 - Statement of public use
 - Description of location of property
 - Findings: prerequisites met
- **Hearing:** Commission will hear action on the proposed resolution of necessity.
 - Public comment period during meeting.
 - DCE staff will provide answers to questions and explain the staff report.
 - DCE will present evidence that the subject properties are needed for the project and that there are no other viable alternatives.
 - Adoption of the Resolution of Necessity requires a 2/3 vote.

4.7.3 Order of Possession

Order of Possession: The Order of Possession is the court ruling granting the condemning agency the same rights as if the property was acquired through negotiations. Service of the complaint in court and the subsequent hearing process can take approximately nine (9) months to complete. The amount of expected compensation must be deposited with the state controller. Upon issuance of the Order of Possession, the DWR through DCE could start interim property management or start the construction process.

- Satisfies definition of property acquired.
- Apply for possession any time after the complaint is filed.

4.7.4 Final Orders of Condemnation

Final Order of Condemnation (FOC): The last step in the eminent domain process is the Final Order of Condemnation. The FOC will require time and may be granted during or after construction.

4.7.5 Report of Properties in Possession

Possession signifies the end of the acquisition process for construction purposes. DCE must have recorded deeds or Orders of Possession of all properties identified for acquisition prior to advertisement of any associated construction contracts.

- **Interim Property Management:** DCE to initiate interim property management until the start of construction.
- **Surplus:** Surplus property procedures are one method of handling property that becomes excess after construction and to operational needs of the facility. Criteria for identifying surplus property and procedures for its disposal will be established by DCE Management as construction nears completion. These procedures must conform to the provisions of

Government Code Sections 54220 through 54224. DCE will transfer all real property responsibilities related to operating and maintaining the constructed facilities to the then responsible entity. That entity will make all decisions regarding the final disposition of any excess property. All temporary easements or licenses will either terminate based on the terms of the agreement or be quitclaimed to the underlying fee owner.

4.7.6 Right of Way Certification Form

Physical Relocations/Moves (if required): The Property Acquisition Management Team manager may be required to sign-off on final design plans, or develop a right of way certification report to certify that all necessary properties and rights have been acquired.

4.8 Step 8: Right of Way Project Certification

4.8.1 Right of Way Certification

The Property Acquisition Management Team manager may be required to sign-off on final design plans, or develop a right of way certification report to certify that all necessary properties and rights have been acquired

4.8.2 Final Accounting Package

At conclusion of property acquisition project, a final accounting package must be prepared and presented for DCE and DWR management review. The package will include sufficient detail as to allow tracking and proper accounting of all parcels and associated costs. The final land acquisition accounting package shall include a certification by the Property Acquisition Manager that all costs and records are true and correct. Provide a binder that includes:

- Spreadsheet or database report listing all properties and partial interests acquired. Column headings: Parcel No., Property Owner Name, APN, Acreage, Purchase Price, Associated Costs
- Parcel File for each property or partial interest acquired. Included are: Acquisition breakdown of capital outlay costs (purchase price and associated costs); Offer letter, approved Memorandum of Settlement package; purchase agreement; escrow and closing settlement statement; funding request; recorded deeds; if applicable, Order of Possession and Final Order of Condemnation.

4.8.3 Disposition of Properties in Possession

Possession signifies the end of the acquisition process for construction purposes. DCE must have recorded deeds or Orders of Possession of all properties identified for acquisition prior to advertisement of any associated construction contracts.

5.0 WORK PLAN

The work plan outlines real property related activities to acquire all fee property, easements, and rights necessary to construct, operate, and maintain the CM1 conveyance. Analysis was based on the Modified Pipeline/Tunnel Option of the BDCP EIS/EIR and public maps and records.

The plan is based on a four-year acquisition process from planning (pre-acquisition) to implementation (acquisition and possession). Focus areas and corresponding focus area teams will be created to make the acquisition project more manageable. A general description of the activities, timeline and milestones has been included for reference. The actual timeline for completing all actions in each focus area is to be determined when the actual design and construction schedules are finalized.

5.1 Summary of Acquisition Process for CM1

The acquisition process as described in Section 5 will be universally applied to each fee or easement purchase throughout the entire CM1 alignment. The steps of the process will be applied to each property either during acquisition project development or after the start of discussions with each property owner. Due to the complexity of the tasks required, special attention should be given to coordination of the process. Therefore, each focus area will have a designated focus area team and each property therein will be assigned one acquisition agent. Only the Acquisition Agent and Relocation Specialist will have direct contact with the property owner during negotiation. All others will coordinate and schedule field visits through a Regional Field Coordinator and team lead. To maintain the planned critical path of the project, some activities may be fast-tracked or performed in parallel with other activities. The following critical path actions should be started as soon as possible since they are foundational to other actions:

- Setup GIS tracking system and electronic parcel files
- Identify holders of all property interests for each property – surface, subsurface, oil, gas, and mineral rights; and track them in GIS
- Order title reports – surface, subsurface, oil, gas, and mineral rights
- Conduct Control Surveys along the alignment
- Identify preliminary acquisition areas and type (i.e., fee, permanent easement, temporary easement)
- Prepare forms and maps for invasive and non-invasive entry permits
- Prepare cost study and evaluation of ranges of property values
- Identify potential residential and business relocations
- Identify Williamson Act contracts that need to be terminated
- Develop Field Visit Notification Forms

5.2 Strategy for Phasing Work to Acquire Properties

This section is based on the conveyance and utility alignments. These alignments were provided for study purposes. Upon completion of the CEQA process and Record of Decision/Notice of Decision (ROD/NOD), the alignments will be finalized and, at that time, these plans will be updated accordingly.

5.2.1 Description of Focus Areas

For acquisition planning purposes, the conveyance and utility alignments will be converged where there is a common property owner. They will also be segmented into seven (7) manageable focus areas, numbered 1 through 7, covering distinct geographic areas within the Delta. These focus areas will make the acquisitions easier to track and control.

All transactions and their status will be tracked via a GIS and other project management software. There are hundreds of county assessor's parcels (APNs) with varying ownerships and land uses. The APNs have been organized into groups known as Larger Parcels. Larger Parcels are defined as a property that has unity of ownership, contiguity, and unity of use. In some cases, contiguity is sometimes subordinated to unity of use. There are approximately 30 to 35 larger parcels per focus area or approximately 120 to 155 larger parcels along the entire alignment.

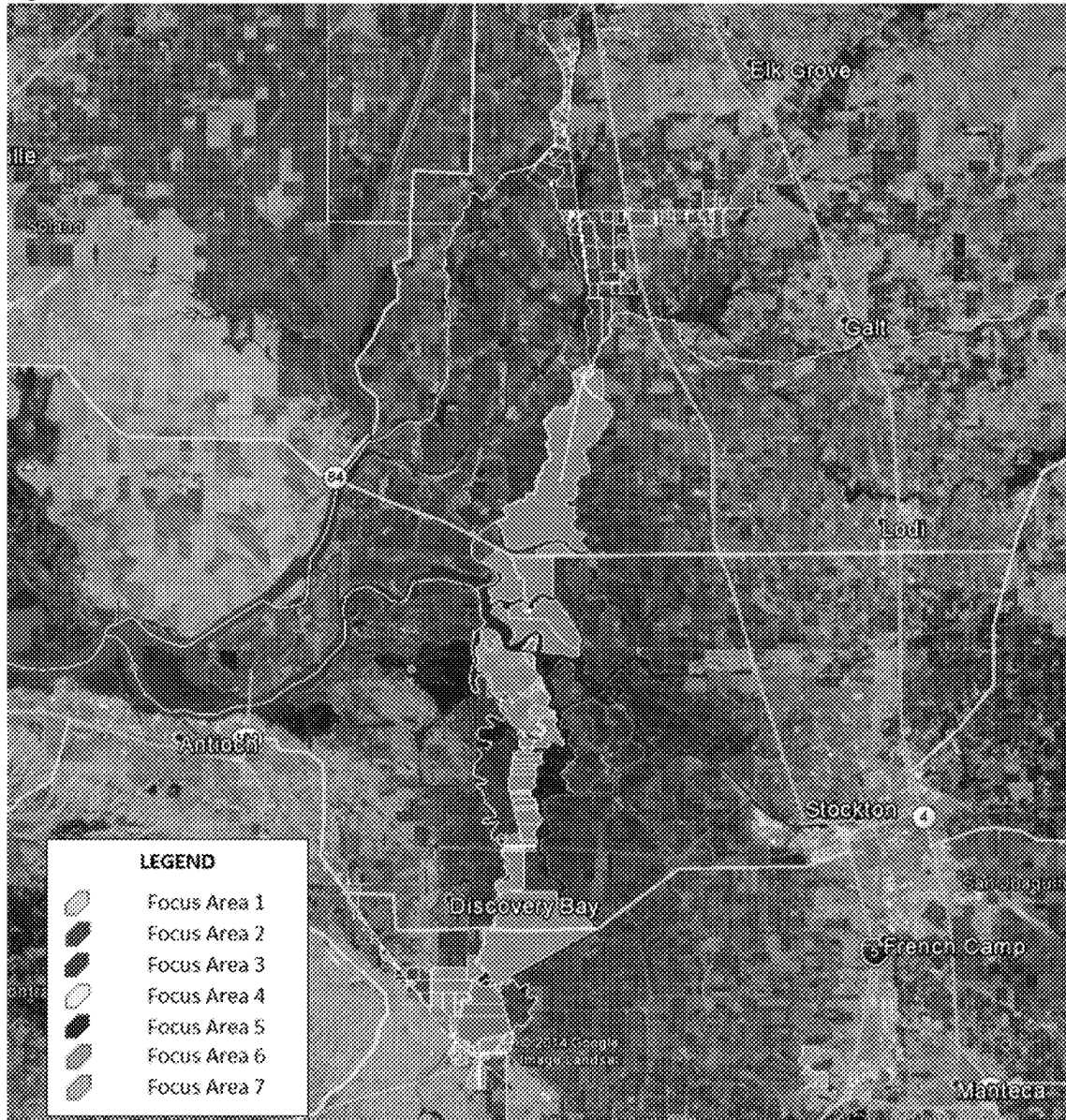
Focus Areas

The seven focus areas are described as follows:

- **Focus Area 1:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, from near the southwestern Sacramento City Limits to the village of Hood, not inclusive of the Village of Hood.
- **Focus Area 2:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, including the Village of Hood, south to Assessor's Parcel Number (APN) 132-0210-057, where Focus Area 3 intersects Focus Area 2, in the vicinity of the village of Courtland. It contains the North Forebay.
- **Focus Area 3:** Extends south of APN 132-0210-057, along the Lambert Road corridor, inland to Interstate 5, and includes the majority of the territory between the Sacramento River and Interstate 5, extending south to the Sacramento-San Joaquin County Line.
- **Focus Area 4:** Runs along the east side of the Sacramento River, extending up to approximately a mile and a half inland, from the Sacramento-San Joaquin County Line to the San Joaquin County/Contra Costa County Line and extends into five APNs in Alameda County south of Clifton Court (South) Forebay.
- **Focus Area 5:** Extends westerly from Focus Area 4, along Byron Highway, to the City of Byron in Contra Costa County.
- **Focus Area 6:** Continues northwest from Byron City, along Byron Highway, to Sellers Ave just before Brentwood City in Contra Costa County.

- **Focus Area 7:** Extends along the Lambert Road corridor from Interstate 5, inclusive of Interstate 5, to a point just west of California State Route 99, about seven miles east of the Sacramento River.

Figure 5.1 Overview of CM1 Focus Areas



5.2.2 Deployment of Staff

5.2.2.1 Focus Area Teams

Staff and consultants will be organized into focus area teams and assigned to Focus Areas along the alignments to concentrate their efforts. Teams will be known as Focus Area Team 1 through Focus Area Team 7. Each team will be grouped by specialty or function to perform their specialized activities associated with the acquisition of that group of parcels within the given focus area. There will be a team lead and at least one staff specialist to coordinate the work of each corresponding consultant. For maximum efficiency, DCE staff shall have a coordination and review role. While consultants perform specific tasks such as ESAs, appraisals, and relocations, staff will administer their contracts, review their deliverables, and track progress. For example, the appraisal lead will manage appraisal contracts and track appraisal milestones. Staff appraisers will coordinate review and approval of appraisal reports. The scope of work and deliverables for each consultant will be written in contract agreements and task orders. When tasks are completed, team members may assist other focus area teams.

5.2.2.2 Fully Integrated Structure/Co-Located Staff

A fully integrated structure will be implemented where all transactions are conducted, reviewed, and approved internally by DCE staff and managers to maintain control and avoid unnecessary delays to schedule. DCE shall seek to minimize external review and approval requirements.

All staff will be stationed in regional office facilities near the project site. Ideally, offices will be established in three geographic locations in the north, central and south regions of the project area. Outreach staff will also be established at these offices to interface with local residents, property owners, and other stakeholders. A Regional Field Coordinator will also be assigned to each region to act as a liaison and schedule field visit.

5.2.3 Overall Timeline

5.2.3.1 Project Schedule and Deliverables

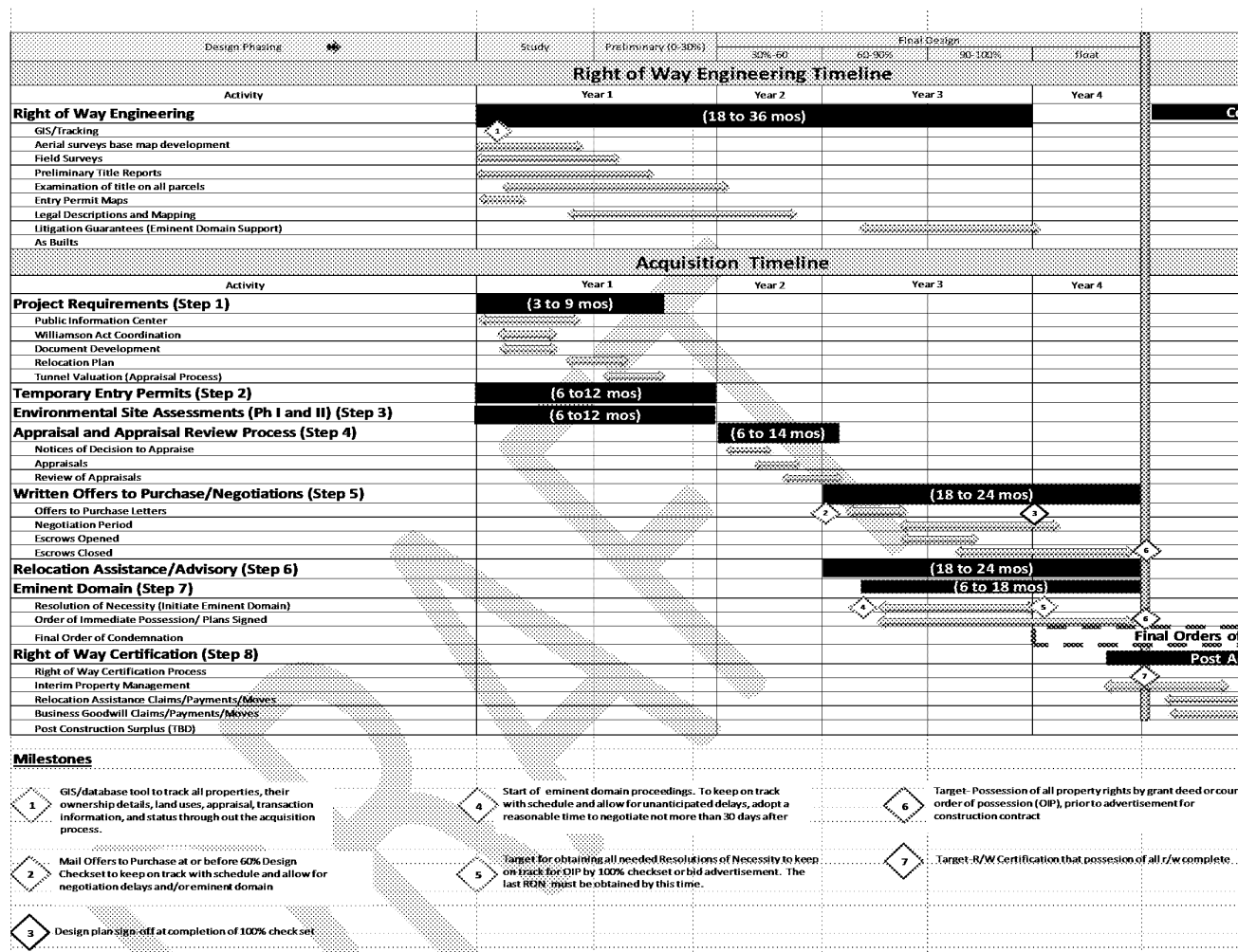
The sequence of all acquisitions and anticipated completion dates for possession of all properties is tied directly to the design and construction schedules. The target or milestone dates for beginning appraisals is at around 30% design plans. At this point, decisions regarding the alignment and any right of way requirements should be final. Also, Right of Way Engineering should be able to provide legal descriptions and maps to ESA and Tunnel Valuation consultants. Acquisition project completion will synch to 100% design plans to allow the Property Acquisition Manager to sign-off on the plans and certify that all rights of way for that component of CM1 has been acquired. **It is assumed the design of all project components will begin at the same time and have the same time table and phasing.** If the Program Manager elects to tie the acquisition schedule to the construction of each component, negotiations with all relevant property owners must begin at least 2-years prior to the award of the construction contract. This will allow reasonable time for obtaining any necessary Orders of Possession.

Figure 5.2 is a sample timeline of the entire acquisition process. A detailed schedule will be developed when the actual CM1 schedule is developed by project management. For purposes of this plan, the timeline shows the typical tasks and approximate timeframes for completion in approximately four years. Major tasks (functional steps) are bolded and corresponding timelines are shown in the bars. Important milestones are included throughout and explained in the footnotes.

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DCE CM1 Property Acquisition Management Plan

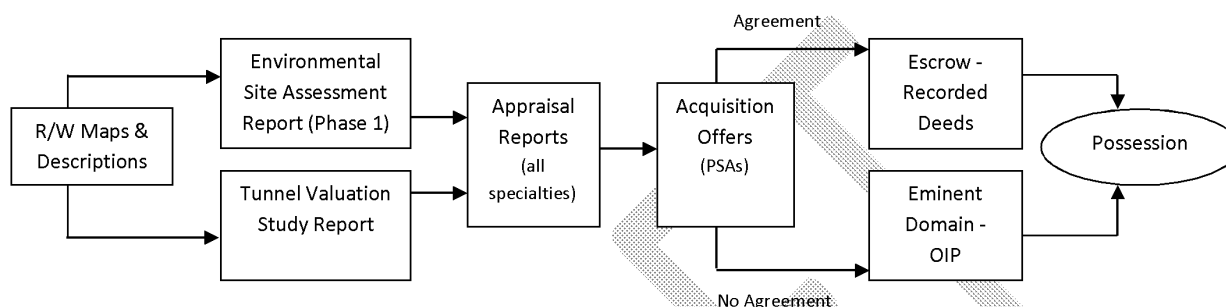
Figure 5.2 Right of Way Process Timeline



5.2.3.2 Interdependency of Deliverables

For all focus areas, interdependencies exist between most of the consultants. Figure 5.3 shows the interdependencies of major deliverables and how the deliverable, a report for instance, flows from one group of consultants to another (i.e., appraisers wait for study reports to use in their analysis and acquisition negotiators wait for appraisals to use in making offers, and so on).

Figure 5.3 Flow of Deliverables (Steps 1 through 6)



Focus Area Assignments and Milestone Dates

Process	Deliverable	Responsible Party
Step 1	<u>Project Requirement</u>	
	Provide encumbrance maps, legal descriptions, title reports, etc.	R/W Engineering
	Williamson Act Contracts Termination Letters (as appropriate)	DCE Management/ Staff Lead
	Approved Relocation Plan	DCE Management/ Staff Lead
Step 2	<u>Rights of Entry</u>	<u>Responsible Party</u>
	Maps for Invasive and Non-Invasive Permits	R/W Engineering
	Right of Entry Permit Forms/Package	Acquisition Staff
	Amount of compensation	DCE Management
	Request letters for property owners	Acquisition Staff
	All voluntary Right of Entry Permits in file	Acquisition Manager
	All Orders of Entry (Courts)	Legal
Step 3	<u>Environmental Site Assessments</u>	<u>Responsible Party</u>
	Phase I – Review of Records, Inspection	DCE Staff Lead/Consultant
	Phase II – Investigation/Testing (where necessary)	DCE Staff Lead/Management/Consultants
	Phase III- Remediation (where necessary)	DCE Management/Engineering

DCE CM1 Property Acquisition Management Plan

Process	Deliverable	Responsible Party
Step 4	<u>Appraisal (Property Valuation) Tasks</u>	<u>Responsible Party</u>
	Appraisal Maps, Legal Descriptions and Plats	DCE Geodetic Staff
	Notices of Decision to Appraise	DCE Appraisal Staff
	Parcel Appraisals	Appraisal Consultants
	<ul style="list-style-type: none"> Tunnel Valuation 	General Appraiser
	<ul style="list-style-type: none"> Agriculture 	Farm Appraiser
	<ul style="list-style-type: none"> Business 	Business Appraiser
	<ul style="list-style-type: none"> Residential 	General Appraiser
	Appraisal Review Forms	DCE Review Staff
	Final Appraisal Reports for distribution to Acquisition staff	DCE Staff Lead/Consultants
Step 5	<u>Property Acquisition/Relocation Tasks</u>	<u>Responsible Party</u>
	All acquisition forms, deeds, purchase agreements, contracts, etc.	DCE Legal Counsel
	Statutory Offer Letters	DCE Acquisition Staff
	Schedule of Appointment w/Property Owners	Acquisition Consultant
	Relocation Consultant Property owner Interview Notes	Relocation Consultant
	Report and documentation of Property Owner/DCE agreements to purchase	Acquisition Consultant
	Relocation Assistance estimates	Relocation Consultant
	Memorandum of Settlement Packages	Acquisition Agent
	Approved Purchase Contract/Relocation Estimates	DCE Management
	Written Escrows Instructions and title review/clearance forms	DCE Acquisition Staff
Step 6	<u>Relocation Plan Development Tasks</u>	<u>Responsible Party</u>
	Written analysis of effected parcels	DCE Relocation Staff
	Resource list and new location sites	DCE Management
	1st Draft of Relocation Plan	DCE Staff Lead
	Review of Draft Relocation Plan	DCE Management
	Revise Draft Relocation Plan, as necessary	Relocation Consultant
	Final Relocation Plan Package for Board Agenda	DCE Relocation Staff
	Board Adoption of Relocation Plan	DCE Governing Board
	Final Relocation Plan for distribution	Relocation Consultant
Step 7	<u>Eminent Domain</u>	<u>Responsible Party</u>
	Resolutions of Necessity Packages	Legal/CWC
	Court filings	Legal

DCE CM1 Property Acquisition Management Plan

Process	Deliverable	Responsible Party
Step 8	<u>R/W Certification/Property Management</u>	
	Property Certification Forms	Acquisition Management/Staff
	Property Management forms and transfer deeds and files	DCE Management/Staff

5.3 Focus Area 1

Focus Area 1: Runs along the east side of the Sacramento River, extending up to approximately a mile inland, from near the southwestern Sacramento City Limits to the village of Hood, not inclusive of the Village of Hood. It consists of 29 larger parcels. The primary land uses are single-family residential and family farms.

According to the California Department of Conservation, several properties within Focus Area 1 are subject to Williamson Act contracts.

Figure 5.4 Detail of Focus Area 1



DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 1 are to (Anticipated Completion and Milestone dates shown as TBD will be updated once the Construction Schedule is finalized):

Focus Area 1 - Acquisition Objectives	Anticipated Completion ⁽¹⁾
Terminate all Williamson Act contracts	TBD
Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals	TBD
Acquire all fee property for Intakes	TBD
Acquire all fee property for Intake Pump Plant	TBD
Acquire all fee property for Intermediate Forebay and Outlet Structure	TBD
Acquire all permanent subsurface easements for North Tunnel	TBD
Acquire all fee property for Tunnel Shafts and Power Substations	TBD
Acquire all access easements along private roads for haul routes and access	TBD
Acquire all temporary construction easements for Construction Lay down (work areas)	TBD
Acquire all temporary Power and Utility easements	TBD
Acquire all fee property for Tunnel Shafts and Power Substations	TBD

⁽¹⁾ Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

Focus Area Team 1

Staff and consultants needed for Focus Area 1 are:

- Agricultural Appraiser (for agricultural properties with no structures)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Relocation Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 1 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 1 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

DCE CM1 Property Acquisition Management Plan

Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 1 timeline is to be determined (TBD).

Focus Area Team 1 Assignments and Milestone Dates

<u>Process</u>	<u>Action</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
<u>Step 1</u>	<u>Project Requirement</u>		
	Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc.	R/W Engineering	TBD
	Coordinate termination of Williamson Act Contracts (as appropriate)	DCE Management/ Staff Lead	TBD
	Approval of Relocation Plan	DCE Management/ Staff Lead	TBD
<u>Step 2</u>	<u>Rights of Entry</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Obtain maps for Invasive and Non-Invasive Permits	Acquisition Lead/Consultant	TBD
	Prepare Right of Entry Permit Forms/Package	Acquisition Staff	TBD
	Determine amount of compensation	DCE Management	TBD
	Send Request letters to property owners/follow-up	Acquisition Staff	TBD
	All voluntary Right of Entry Permits in file	Acquisition Manager	TBD
	All Orders of Entry (Courts)	Legal	TBD
<u>Step 3</u>	<u>Environmental Site Assessments</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Phase I – Review of Records, Inspection	DCE Staff Lead/Consultant	TBD
	Phase II – Investigation/Testing (where necessary)	DCE Staff Lead/Management/Consultants	TBD
	Phase III- Remediation (where necessary)	DCE Management/Engineerin	TBD

DCE CM1 Property Acquisition Management Plan

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Step 4	Appraisal (Property Valuation) Tasks	Responsible Party	Milestone Date
	Prepare Appraisal Maps, Legal Descriptions and Plats	DCE Geodetic Staff	TBD
	Prepare and Send Notice of Decision to Appraise to Property Owner	DCE Appraisal Staff	TBD
	Prepare Parcel Appraisals.	Appraisal Consultants	TBD
	<ul style="list-style-type: none"> Tunnel Valuation 	General Appraiser	TBD
	<ul style="list-style-type: none"> Agriculture 	Farm Appraiser	TBD
	<ul style="list-style-type: none"> Business 	Business Appraiser	TBD
	<ul style="list-style-type: none"> Residential 	General Appraiser	TBD
	Review and Comment on Appraisal	DCE Review Staff	TBD
	Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff	DCE Staff Lead/Consultants	TBD
Step 5	Property Acquisition/Relocation Tasks	Responsible Party	Milestone Date
	Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.	DCE Legal Counsel	TBD
	Prepare and mail statutory Offer letter to Property Owner based appraisal	DCE Acquisition Staff	TBD
	Schedules Appointment and Presents Offer to Owner	Acquisition Consultant	TBD
	Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner	Relocation Consultant	TBD
	Report and documentation of Property Owner/DCE agreements to purchase	Acquisition Consultant	TBD
	Relocation Assistance and Advice (new location searches/estimates)	Relocation Consultant	TBD
	Prepare Memorandum of Settlement Package	Acquisition Agent	TBD
	Approval Purchase Contract/Relocation Estimates	DCE Management	TBD

DCE CM1 Property Acquisition Management Plan

	Open and Close Escrows and title review/clearance	DCE Acquisition Staff	TBD
Step 6	<u>Relocation Plan Development Tasks</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Obtain Alignment design plans / analyze effect on parcels	DCE Relocation Staff	TBD
	Identify Resources	DCE Management	TBD
	Prepare 1st Draft of Relocation Plan	DCE Staff Lead	TBD
	Review of Draft Relocation Plan	DCE Management	TBD
	Consultant Revise Draft Relocation Plan, as necessary	Relocation Consultant	TBD
	Prepare Relocation Plan Package for Board Agenda	DCE Relocation Staff	TBD
	Board Adoption of Relocation Plan	DCE Governing Board	TBD
	Relocation Plan presented to affected Displacees during interviews	Relocation Consultant	TBD
Step 7	<u>Eminent Domain</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Preparation of Resolutions of Necessity	Legal/CWC	TBD
	Initiate and complete court proceedings	Legal	TBD
Step 8	<u>R/W Certification/Property Management</u>		
	Sign off on design plans/certify that all right of way obtained for that component of project or focus area	Acquisition Management/Staff	TBD
	Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project	DCE Management/Staff	TBD

5.4 Focus Area 2

Focus Area 2: Runs along the east side of the Sacramento River, extending up to approximately a mile inland, including the Village of Hood, south to Assessor's Parcel Number (APN) 132-0210-057, where **Focus Area 3** intersects Focus Area 2, in the vicinity of the village of Courtland. Contains the North Forebay. It consists of 31 larger parcels. The primary land uses are different from Focus Area 1, because Focus Area 2 contains a town, the Village of Hood. Because of the latter, there is a trailer park and a commercial use, as well as single-family residences located on small, non-rural lots. Elsewhere in Focus Area 2, there is an agribusiness. The rest of the properties are similar to Focus Area 1, with single-family residences and family farms.

According to the California Department of Conservation, several properties within Focus Area 2 are subject to Williamson Act contracts.

Figure 5.5 Detail of Focus Area 2



DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 2 are to:

Focus Area 2 - Acquisition Objectives	Anticipated Completion ⁽¹⁾
Coordinate all Williamson Act contracts	TBD
Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals	TBD
Acquire all temporary easements for Fuel Station and Concrete Batch Station	TBD
Acquire all permanent subsurface easements for North Tunnel	TBD
Acquire all permanent easements property for Tunnel Shafts and Substations	TBD
Acquire all access easements along private roads for haul routes	TBD
Acquire all fee property for Intake	TBD
Acquire all temporary construction easements for Construction Lay down (work areas)	TBD
Acquire all temporary Power and Utility easements (Transmission Line)	TBD
Acquire all permanent Power and Utility easements (Transmission Line)	TBD

⁽¹⁾ Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

Focus Area Team 2

Staff and consultants needed for Focus Area 2 are:

- Business Appraiser
- Agricultural Appraiser
- Commercial/Industrial Appraiser (Non-farm)
- Residential Appraiser (Non-farm)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Relocation Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 2 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 2 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

DCE CM1 Property Acquisition Management Plan

Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 2 timeline is to be determined (TBD).

Focus Area Team 2 Assignments and Milestone Dates

Process	Action	Responsible Party	Milestone Date
<u>Step 1</u>	<u>Project Requirement</u>		
	Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc.	R/W Engineering	TBD
	Coordinate termination of Williamson Act Contracts (as appropriate)	DCE Management/ Staff Lead	TBD
	Approval of Relocation Plan	DCE Management/ Staff Lead	TBD
<u>Step 2</u>	<u>Rights of Entry</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Obtain maps for Invasive and Non-Invasive Permits	Acquisition Lead/Consultant	TBD
	Prepare Right of Entry Permit Forms/Package	Acquisition Staff	TBD
	Determine amount of compensation	DCE Management	TBD
	Send Request letters to property owners/follow-up	Acquisition Staff	TBD
	All voluntary Right of Entry Permits in file	Acquisition Manager	TBD
	All Orders of Entry (Courts)	Legal	TBD
<u>Step 3</u>	<u>Environmental Site Assessments</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Phase I – Review of Records, Inspection	DCE Staff Lead/Consultant	TBD
	Phase II – Investigation/Testing (where necessary)	DCE Staff Lead/Management/Consultants	TBD
	Phase III- Remediation (where necessary)	DCE Management/Engineering	TBD
<u>Step 4</u>	<u>Appraisal (Property Valuation) Tasks</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Prepare Appraisal Maps, Legal Descriptions and Plats	DCE Geodetic Staff	TBD

DCE CM1 Property Acquisition Management Plan

Process	Action	Responsible Party	Milestone Date
	Prepare and Send Notice of Decision to Appraise to Property Owner	DCE Appraisal Staff	TBD
	Prepare Parcel Appraisals	Appraisal Consultants	TBD
	<ul style="list-style-type: none"> Tunnel Valuation 	General Appraiser	TBD
	<ul style="list-style-type: none"> Agriculture 	Farm Appraiser	TBD
	<ul style="list-style-type: none"> Business 	Business Appraiser	TBD
	<ul style="list-style-type: none"> Residential 	General Appraiser	TBD
	Review and Comment on Appraisal	DCE Review Staff	TBD
	Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff	DCE Staff Lead/Consultants	TBD
Step 5	Property Acquisition/Relocation Tasks	Responsible Party	Milestone Date
	Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.	DCE Legal Counsel	TBD
	Prepare and mail statutory Offer letter to Property Owner based appraisal	DCE Acquisition Staff	TBD
	Schedules Appointment and Presents Offer to Owner	Acquisition Consultant	TBD
	Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner	Relocation Consultant	TBD
	Report and documentation of Property Owner/DCE agreements to purchase	Acquisition Consultant	TBD
	Relocation Assistance and Advice (new location searches/estimates)	Relocation Consultant	TBD
	Prepare Memorandum of Settlement Package	Acquisition Agent	TBD
	Approval Purchase Contract/Relocation Estimates	DCE Management	TBD
	Open and Close Escrows and title review/clearance	DCE Acquisition Staff	TBD
Step 6	Relocation Plan Development Tasks	Responsible Party	Milestone Date
	Obtain Alignment design plans / analyze effect on parcels	DCE Relocation Staff	TBD

DCE CM1 Property Acquisition Management Plan

Process	Action	Responsible Party	Milestone Date
	Identify Resources	DCE Management	TBD
	Prepare 1st Draft of Relocation Plan	DCE Staff Lead	TBD
	Review of Draft Relocation Plan	DCE Management	TBD
	Consultant Revise Draft Relocation Plan, as necessary	Relocation Consultant	TBD
	Prepare Relocation Plan Package for Board Agenda	DCE Relocation Staff	TBD
	Board Adoption of Relocation Plan	DCE Governing Board	TBD
	Relocation Plan presented to affected Displacees during interviews	Relocation Consultant	TBD
<u>Step 7</u>	<u>Eminent Domain</u>	<u>Responsible Party</u>	<u>Milestone Date</u>
	Preparation of Resolutions of Necessity	Legal/CWC	TBD
	Initiate and complete court proceedings	Legal	TBD
<u>Step 8</u>	<u>R/W Certification/Property Management</u>		
	Sign off on design plans/certify that all right of way obtained for that component of project or focus area	Acquisition Management/Staff	TBD
	Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project	DCE Management/Staff	TBD

5.5 Focus Area 3

Focus Area 3: Extends from just east of APN 132-0210-057, along the Lambert Road corridor, inland to Interstate 5, and includes the majority of the territory between the Sacramento River and Interstate 5, extending south to the Sacramento-San Joaquin County Line. It consists of 32 larger parcels. The primary land uses are single-family residential, family farms, and agribusinesses.

According to the California Department of Conservation, several properties within Focus Area 3 are subject to Williamson Act contracts.

Figure 5.6 Detail of Focus Area 3

