THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AGENDA

AUGUST 30, 2005 – SPECIAL MEETING

Yuba County Government Center
Board of Supervisors’ Chambers
915 Eighth Street, Suite 109A
Marysville, California

Unless otherwise indicated

No other business shall be conducted at this meeting. The public shall have an opportunity to address the Board of Directors only with respect to items set forth in this agenda. Prior to this time, speakers must fill out a “Request to Speak” card and submit it to the Secretary.

2:00 P.M. I    CALL TO ORDER

II    ROLL CALL – Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb

III    CLOSED SESSION

Threatened litigation pursuant to Government Code §54956.9(b) – One Case

IV    ACTION ITEMS


B.    Phase 3 Levee Improvement Project: Approve amendment to the Approved Proposition 13 Grant Amount, Grant Contract No. 4600003891, for Phase 3 Design Grant and authorize Executive Director to execute letter.

D.    Discuss Financial Surety for Environmental Mitigation of Levee Construction Projects (No background material)

VI    ADJOURN
August 30, 2005

TO: THREE RIVERS LEVEE IMPROVEMENT AUTHORITY BOARD

FROM: RANDY MARGO, ASSISTANT EXECUTIVE DIRECTOR

SUBJECT: CONSIDER ADOPTING RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF PROPERTIES ALONG THE LEVEE OF THE BEAR RIVER, FOR THE PHASE 3 LEVEE REPAIR PROJECT

RECOMMENDATION:

That the Board adopt the attached Resolutions of Necessity for the acquisition of certain portions of the properties bearing the following Assessor’s Parcel Numbers: 016-150-004, 016-150-019 (Donna Investment Company) and 016-150-005, 016-150-020, 021 (Donna & Donna, Inc.) for the Phase 3 Levee Repair Project. These properties are generally located along the levee of the Bear River and more specifically depicted on the maps attached to the resolutions.

BACKGROUND:

The Three Rivers Levee Improvement Authority (TRLIA) is preparing to construct the proposed Bear River Setback Levee. The work will consist of constructing the setback levee embankment, the tie-in between the new levee and the existing Feather River Levee, a slurry cutoff trench and two detention basins, as well as degrading sections of the existing Bear River levee. The project is located in Southern Yuba County, California, within the boundaries of Reclamation District 784. The proposed Lower Bear River Setback Levee extends from its confluence with the existing north bank levee of the Bear River (approximately 1,600 feet west of Highway 70) westerly to the tie-in with the east bank levee of the Feather River, for a total length of approximately 2 miles.

A CEQA analysis was done for this project and on November 16, 2004, the TRLIA Board approved a Final Environmental Impact Report and CEQA Findings of Fact and Overriding Considerations.

DISCUSSION:

8422361 5M602:0001
Undertaking the proposed construction work along the Bear River setback levee will necessitate the acquisition of portions of the properties, as illustrated below:

<table>
<thead>
<tr>
<th>Assessor's Parcel No.</th>
<th>Owner</th>
<th>Area to be acquired (Acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>016-150-004</td>
<td>Danna Investment Company, Inc.</td>
<td>1.39 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.87 TCE</td>
</tr>
<tr>
<td>016-150-019</td>
<td>Danna Investment Company, Inc.</td>
<td>225.02 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22.62 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.72 TCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.36 TCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.63 TCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.11 TCE</td>
</tr>
<tr>
<td>016-120-005</td>
<td>Danna &amp; Danna, Inc.</td>
<td>20.30 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.05 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.17 Easement</td>
</tr>
<tr>
<td>016-150-020</td>
<td>Danna &amp; Danna, Inc.</td>
<td>46.81 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.97 TCE</td>
</tr>
<tr>
<td>016-150-021</td>
<td>Danna &amp; Danna, Inc.</td>
<td>54.77 Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.74 TCE</td>
</tr>
</tbody>
</table>

The properties were professionally appraised by Cydney Bender Reents, MAI, a certified appraiser. A copy of the Appraisal Summary Statement is included with your agenda packet.

Owners of the properties were offered the appraised value for their property. TRLIA has not yet negotiated a successful purchase agreement with the owners. In case TRLIA is unable to reach an amicable agreement and to protect the schedule of the project, we are recommending moving forward with the eminent domain proceedings. The first step in these proceedings is to adopt Resolutions of Necessity for acquiring the property interests listed above. Negotiations with the property owners can and will continue even after adoption of resolutions of necessity.

**FISCAL IMPACT**

TRLIA has submitted to the Department of Water Resources, a grant application for appropriation of $15,576,058 of Prop 13 implementation funds to cover construction and land acquisition right of way costs associated with the Phase 3 Levee Repair project. Prop 13 conditions require a 38 percent local match that will come from TRLIA levee impact fees.
Three Rivers Levee Improvement Project
Marysville, Yuba County
Panna Investment Co. Property
(APN 16-150-019)

STATEMENT OF AND SUMMARY OF THE BASIS FOR VALUATION

The following is a statement and summary of the amount established as compensation as required by the California Eminent Domain Law. It was prepared in compliance with section 1255.010 Code of Civil Procedures. The valuation on which this summary was based was made in accordance with accepted valuation principles, consistent with California Valuation Law. A statement of the valuation process, which was the basis for the valuation conclusions, follows.

BASIC PROPERTY DATA

Owner: Panna Investment Company, A California Corporation
Property Address: 402 County Road 512, Marysville, CA 95901
(APN 16-150-019)
Project: Three Rivers Levee improvement Project
Total Property Area: 290 acres
Property to be Acquired: 247.64 acres
Improvements to be Acquired: Existing wells, pumps, shed/minor structure, and portion of orchards/crops.

Access Rights (Abutter's): No
Interest Acquired: Fee Simple, and Temporary Construction Easement
Date of Valuation: June 30, 2005
Zoning: AE40
Highest and Best Use: Agricultural, with potential future division into smaller marketable parcels
Current Use: Agricultural

BASIS OF VALUATION

The Sales Comparison Approach will be used to estimate the value of the land. Land sales will be analyzed to estimate the value for the site. Once the unit value for the land is established, it will be applied to the area required for the project. In addition to the value of the land there are some agricultural related improvements including existing wells, pumps, shed/minor structure, and a portion of orchards/crops located in the area of the proposed acquisition. The estimated value of the improvements will be added to the land value. The remainder parcel will not suffer any major loss in marketability because the remaining property is still suitable for the intended agricultural use. There is an irregular shaped portion of land area located at the southerly portion of the remainder which is considered to be an uneconomic remnant due to its size, irregular shape, and location on the remainder. Therefore, fee appraisers considered that some severance damages will occur and it will be measured by the loss in estimated market value for that land area.
### PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH

<table>
<thead>
<tr>
<th>Location</th>
<th>APN</th>
<th>Sale Date</th>
<th>Size</th>
<th>Total Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>241 Hudson Road</td>
<td>26-210-012, 013</td>
<td>5/2003</td>
<td>49 acres</td>
<td>$600,000</td>
</tr>
<tr>
<td>East side of Garden Hwy.</td>
<td>31-020-004</td>
<td>4/2004</td>
<td>161.55 acres</td>
<td>$1,481,500</td>
</tr>
<tr>
<td>8596 Sosa Hwy 70, 06-650-013</td>
<td>6/2004</td>
<td>31.06 acres</td>
<td>$370,000</td>
<td></td>
</tr>
<tr>
<td>7203 Nacimiento Road</td>
<td>35-127-03</td>
<td>7/2004</td>
<td>40.91 acres</td>
<td>$860,000</td>
</tr>
<tr>
<td>67 Laurel Ave.</td>
<td>025-260-043</td>
<td>8/2004</td>
<td>20.0 acres</td>
<td>$500,000</td>
</tr>
<tr>
<td>Ella Ave./Feather River Blvd.</td>
<td>14-240-035, 04-004</td>
<td>8/2004</td>
<td>48.7 acres</td>
<td>$1,217,500</td>
</tr>
<tr>
<td>Algodon Rd.</td>
<td>16-040-009, 070, 087 (part)</td>
<td>7/2004</td>
<td>90.93 acres</td>
<td>$3,723,050</td>
</tr>
<tr>
<td>Feather River Blvd.</td>
<td>13-010-026</td>
<td>4/2005</td>
<td>71.76 acres</td>
<td>$2,006,000</td>
</tr>
<tr>
<td>Feather River Blvd.</td>
<td>13-010-066</td>
<td>4/2005</td>
<td>39.95 acres</td>
<td>$1,755,000</td>
</tr>
</tbody>
</table>

The above is a summary of the valuation prepared, to be used to comply with Code of Civil Procedures section 1255.010. The appraisal that is the basis for this summary was made in accordance with accepted appraisal principles, consistent with California Law.

### SIGNATURE OF APPRAISER:

[Signature]

Bender Reents, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG817559

BRI 05019

BENDER ROSENTHAL, INC.
SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION

The Sales Comparison Approach is based on consideration of comparable land sales.
Indicated Value of the Larger Parcel (Land Only) by Sales Comparison Approach $4,350,000

Market Value of Portion to be Acquired

| Land Improvements (wells, crops, shed/miner structure, etc.) | $3,714,600 |
| Temporary Construction Easements | $231,939 |
| | $3,946 |

The basis for severance damage of a partial acquisition on the remainder is whether or not the remainder is diminished in value by reason of the acquisition and or the construction in the manner proposed.

Severance Damages

| Value of the remainder before acquisition | $635,400 |
| Value of the remainder after acquisition | $440,400 |
| Loss at Market Value | $195,000 |
| Cost to Care | N/A |
| Total Severance Damages | $195,000 |

The basis for Benefits is the value of the remainder after acquisition considering increase in value from the construction in the manner proposed in comparison to the value of the remainder after acquisition. The estimate of benefits may only offset severance damages under California law.

Benefits

| Value of the remainder considering benefits | $251,510 |
| Value of the remainder after acquisition | $251,510 |
| Increase in Market Value | $0 |

Total Estimated Compensation

| Market Value of Portion to be Acquired | $3,950,407 |
| Net Severance Damage | $195,000 |
| Total | $4,145,407 |
| Rounded | $4,145,000 |

In our opinion, this is the value that should be considered for compensation purposes.

BRI 05019

BENDER ROSENTHAL, DFC.
STATEMENT OF AND SUMMARY OF THE BASIS FOR VALUATION

The following is a statement and summary of the amount established as compensation as required by the California Eminent Domain Law. It was prepared in compliance with section 255010 Code of Civil Procedures. The valuation on which this summary was based was made in accordance with accepted valuation principles, consistent with California Valuation Law. A statement of the valuation process, which was the basis for the valuation conclusion, follows:

BASIC PROPERTY DATA
Owner: Dana Investment Company, A California Corporation
Property Address: 786 Feather River Blvd, Marysville, CA 95901
(APN: 16-150-004)
Project: Three Rivers Levee improvement Project
Total Property Area: 120 acres (Subject Larger parcel)
Property to be Acquired: 1.39 acres
Improvement to be Acquired: Portion of orchards/crops
Access Rights (Abutters): No
Interest Acquired: Fee Simple, and Temporary Construction Easement
Date of Valuation: June 30, 2015
Zoning: AE40
Highest and Best Use: Agricultural, with potential future division into smaller marketable parcels.
Current Use: Agricultural

BASIS OF VALUATION
The Sales Comparison Approach will be used to estimate the value of the land. Land sales will be analyzed to estimate the value for the site. Once the site value for the land is established, it will be applied to the area required for the project. In addition to the value of the land there is some minor agricultural related improvements comprised of a portion of the orchards/crops located in the area of the proposed acquisition. The estimated value of the crops will be added to the land value. The remainder parcel will not suffer any major loss in marketability because the remaining property is still suitable for the intended agricultural use.

SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION
The Sales Comparison Approach is based on consideration of comparable land sales. Indicated Value of the Larger Parcel (Land Only) by Sales Comparison Approach $1,800,000

BR105019
BENDER ROSENTHAL, INC.
Market Value of Portion to be Acquired

- Land: $20,830
- Improvements (crop loss): $3,650
- Temporary Construction Easement: $1,849

Severance Damages

The basis for severance damages of a partial acquisition on the remainder is whether or not the remainder is diminished in value by reason of the acquisition and or the construction in the manner proposed. The proposed acquisition does not affect the overall utility of the property. The possible future configuration for agricultural use is not significantly altered or limited as a result of the proposed project. Since the value of the subject property remainder area in the "before" condition is the same as the value of the property in the "after" condition, there are no severance damages.

Total Estimated Compensation

- Market Value of Portion to be Acquired: $26,349
- Net Severance Damage: $0
- Total: $26,349
- Reserved: $26,349

In our opinion, this is the value that should be considered for compensation purposes.

PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH

<table>
<thead>
<tr>
<th>Location</th>
<th>APN</th>
<th>Sale Date</th>
<th>Size</th>
<th>Total Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>241 Hadson Road</td>
<td>26-219-015-013</td>
<td>5/2003</td>
<td>49 acres</td>
<td>$600,000</td>
</tr>
<tr>
<td>East side of Garden Hwy.</td>
<td>33-020-004</td>
<td>4/2004</td>
<td>161.55 acres</td>
<td>$1,481,500</td>
</tr>
<tr>
<td>8506 State Hwy. 70, 006-056-031</td>
<td>6/2004</td>
<td>37.06 acres</td>
<td></td>
<td>$370,000</td>
</tr>
<tr>
<td>7203 National Road</td>
<td>35-179-03</td>
<td>7/2004</td>
<td>80.00 acres</td>
<td>$660,000</td>
</tr>
<tr>
<td>65 Laurel Ave. 025-260-043</td>
<td>8/2004</td>
<td>20.0 acres</td>
<td></td>
<td>$190,000</td>
</tr>
<tr>
<td>Ella Ave./Feather River Blvd. 14-260-026 k-026</td>
<td>8/2004</td>
<td>48.7 acres</td>
<td>$1,217,500</td>
<td></td>
</tr>
<tr>
<td>Algodon Rd.</td>
<td>16-069-069-070-067 (per.)</td>
<td>7/2004</td>
<td>90.65 acres</td>
<td>$3,725,000</td>
</tr>
<tr>
<td>Feather River Blvd. 13-010-076</td>
<td>4/2005</td>
<td>71.76 acres</td>
<td>$2,000,000</td>
<td></td>
</tr>
<tr>
<td>Feather River Blvd. 13-010-046</td>
<td>4/2005</td>
<td>59.95 acres</td>
<td>$1,575,000</td>
<td></td>
</tr>
</tbody>
</table>
Three Rivers LNne Improvement Project
Marysville, Yuba County
Danaa Investment Co. Property
(AFN 16-150-084)

The above is a summary of the valuation prepared, to be used to comply with Code of Civil Procedure section 1255.010. The appraisal value is the basis for this summary was made in accordance with accepted appraisal principles, consistent with California Law.

SIGNATURE OF APPRAISER:

[Signature]
Sydney C. Menoski, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG017559
STATEMENT OF AND SUMMARY OF THE BASIS FOR VALUATION

The following is a statement and summary of the amount established as compensation as required by the California Eminent Domain Law. It was prepared in compliance with section 1253.010 Code of Civil Procedures. The valuation on which this summary was based was made in accordance with accepted valuation principles, consistent with California Valuation Law. A statement of the valuation process, which was the basis for the valuation conclusion, follows.

BASIC PROPERTY DATA

Owner: Dana & Dana, Inc. A California Corporation
Property Address: 1017 Feather River Blvd. Marysville, CA 95901
(APNs: 016-120-005 (par.), 016-120-020, 016-150-021)
Project: Three Rivers Levee improvement Project
Total Property Area: 375 acres (Subject Larger parcel)
Property to be Acquired: Fee Acquisition: 138.93 acres; Access Easement: 2.17 Acres
Improvements to be Acquired: An older modular trailer (converted to residential use and occupied by farm workers), existing wells, pumps, irrigation, sheds, and orchards/crops.
Access Rights (Abetter’s): No
Interest Acquired: Fee Simple, Permanent Access Road Easement, and Temporary Construction Easement
Date of Valuation: June 30, 2005
Zoning: A540
Highest and Best Use: Agricultural, with potential future division into smaller marketable parcels
Current Use: Agricultural

BASIS OF VALUATION

The Sales Comparison Approach will be used to estimate the value of the land. The major improvements will not be estimated since they are not in the acquisition area and will suffer no diminution of value on the remainder after the proposed acquisition. Land sales will be analyzed to estimate the value for the site. Once the unit value for the land is established, it will be applied to the area required for the project. In addition to the value of the land there are some agricultural related improvements including an older modular trailer (converted to residential use and occupied by farm workers), existing wells, pumps, irrigation, sheds, and orchards/crops located in the area of the proposed acquisition. The estimated value of the improvements will be added to the land value. The remainder parcel will not suffer any major loss in marketability because the remaining property is still suitable for the intended agricultural use. There is an irregularly-shaped portion of land area located at the southerly corner of the remainder which is considered to be an uneconomic remnant due to its size, irregular shape, and location on the remainder. Therefore, the appraisers considered that some severance damages will occur and it will be measured by the loss in estimated market value for that land.

BR105019 SENDER ROSENTHAL, INC.
area. The appraisers have also estimated the cost to cure for damages related to irrigation for the remainder parcel.

SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION

The Sales Comparison Approach is based on consideration of comparable land sales.

Indicated Value of the Larger Parcel (Land Only) by Sales Comparison Approach $ 5,625,000

Market Value of Portion to be Acquired

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$2,100,225</td>
</tr>
<tr>
<td>Improvements (modular trailer, wells, crops, etc.)</td>
<td>$210,037</td>
</tr>
<tr>
<td>Additional Compensation Items</td>
<td></td>
</tr>
<tr>
<td>Temporary Construction Easement</td>
<td>$3,634</td>
</tr>
<tr>
<td>Estimated Crop Loss</td>
<td>$260,903</td>
</tr>
</tbody>
</table>

The basis for severance damage of a partial acquisition on the remainder is whether or not the remainder is diminished in value by reason of the acquisition and or the construction is the manner proposed.

Severance Damages

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of the remainder before acquisition</td>
<td>$3,524,775</td>
</tr>
<tr>
<td>Value of the remainder after acquisition</td>
<td>$3,362,025</td>
</tr>
<tr>
<td>Loss in Market Value</td>
<td>$162,750</td>
</tr>
<tr>
<td>Cost to Cure (Irrigation Replacement)</td>
<td>$11,775</td>
</tr>
<tr>
<td>Total Severance Damages</td>
<td>$194,525</td>
</tr>
</tbody>
</table>

The basis for Benefits is the value of the remainder after acquisition considering increase in value from the construction in the manner proposed in comparison to the value of the remainder after acquisition. The estimate of benefits may only offset severance damages under California law.

Benefits

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of the remainder considering benefits</td>
<td>$3,634,050</td>
</tr>
<tr>
<td>Value of the remainder after acquisition</td>
<td>$3,634,050</td>
</tr>
<tr>
<td>Increase in Market Value</td>
<td>$.00</td>
</tr>
</tbody>
</table>

Total Estimated Compensation

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Value of Portion to be Acquired</td>
<td>$2,574,799</td>
</tr>
<tr>
<td>Net Severance Damages</td>
<td>$194,525</td>
</tr>
<tr>
<td>Total</td>
<td>$2,769,324</td>
</tr>
<tr>
<td>Rounded</td>
<td>$2,769,000</td>
</tr>
</tbody>
</table>

In our opinion, this is the value that should be considered for compensation purposes.

BKR05019

BENDER ROSENTHAI, INC.
PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH

<table>
<thead>
<tr>
<th>Location/Description</th>
<th>APN</th>
<th>Sale Date</th>
<th>Size</th>
<th>Total Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>241 Hudson Road</td>
<td>28-210-012, 011</td>
<td>5/2003</td>
<td>49 acres</td>
<td>$600,000</td>
</tr>
<tr>
<td>East side of Garden Hwy</td>
<td>33-020-004</td>
<td>4/2004</td>
<td>161.55 acres</td>
<td>$1,481,500</td>
</tr>
<tr>
<td>8506 State Hwy. 70,</td>
<td>006-050-023</td>
<td>6/2004</td>
<td>37.06 acres</td>
<td>$370,000</td>
</tr>
<tr>
<td>35-170-03</td>
<td></td>
<td>7/2004</td>
<td>80.00 acres</td>
<td>$860,000</td>
</tr>
<tr>
<td>65 Laurel Ave.</td>
<td>025-560-043</td>
<td>8/2004</td>
<td>20.00 acres</td>
<td>$300,000</td>
</tr>
<tr>
<td>Elia Ave./Feather River Bld.</td>
<td>A-748-075 &amp; -46b</td>
<td>8/2004</td>
<td>48.7 acres</td>
<td>$1,217,500</td>
</tr>
<tr>
<td>Algaic St.</td>
<td>16-040-065 ,070 ,087 (por.)</td>
<td>7/2004</td>
<td>90.95 acres</td>
<td>$5,723,000</td>
</tr>
<tr>
<td>Feather River Blvd.</td>
<td>1-500-026</td>
<td>4/2005</td>
<td>71.76 acres</td>
<td>$2,080,000</td>
</tr>
<tr>
<td>Feather River Blvd.</td>
<td>15-010-046</td>
<td>4/2001</td>
<td>59.95 acres</td>
<td>$1,575,000</td>
</tr>
</tbody>
</table>

The above is a summary of the valuation prepared, to be used to comply with Code of Civil Procedures section 1255.010. The appraisal that is the basis for this summary was made in accordance with accepted appraisal principles, consistent with California Law.

SIGNATURE OF APPRAISER:

[Signature]
Cyndye G. Bender Roents, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG017559

BRI 05019
BESHER ROSENTHAL, INC.
RESOLUTION NO. __________

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR REPAIR, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE BEAR RIVER LEVEE SYSTEM

(CODE CIV. PROC. § 1245.230)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Bear River Levee System (the "Project") affecting portions of Assessor's Parcel Nos. 016-150-004 and 016-150-019, in the County of Yuba, California (the "Property"); and

WHEREAS, TRLIA has advised the owners of the Property of the need for the Project and offered said owners an opportunity for a hearing before the TRLIA Board on August 30, 2005 pursuant to section 1245.235 of the Code of Civil Procedure, State of California; and

WHEREAS, the Board of Directors of TRLIA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Property to be acquired is for the repair, construction, installation and maintenance of the Bear River Levee System.

TRLIA is authorized to acquire property for the Project pursuant to, among others, the following statutes: Government Code section 25350.5; Code of Civil Procedure section 1259.140; and Water Code section 50930.

SECTION 2. The general location and extent of the Property to be acquired is as set forth in the legal descriptions attached hereto as follows:

Exhibit 1

<table>
<thead>
<tr>
<th>APN 016-150-004</th>
<th>Levee Permanent Right of Way</th>
<th>Exh. A</th>
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<tbody>
<tr>
<td>Map of Exhibit A</td>
<td>Map of Exhibit B</td>
<td>Exh. B</td>
</tr>
<tr>
<td>Temporary Construction Easement</td>
<td>Map of Exhibit C</td>
<td>Exh. C</td>
</tr>
</tbody>
</table>

TRLIA Board of Directors
8/12/2005

#98851 1 3566229001
Exhibit 2

APN 016-150-019  Levee Permanent Right of Way  Exh. A
Map of Exhibit A  Exh. B
Pond Permanent Right of Way  Exh. C
Map of Exhibit C  Exh. D
Temporary Construction Easement  Exhs. E-H
Map of Exhibits E through H  Exh. I

All exhibits are incorporated herein by reference.

SECTION 3. The Board of Directors declares that it has found and determined as follows:

a. The public interest and necessity require the proposed Project.

b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Property described in the attached Exhibits is necessary for the proposed Project.

d. The offer of just compensation required by Government Code Section 7267.3 has been made to the owners of record of the Property.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 30th day of August, 2005 by a two-thirds (2/3) or greater vote as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

______________________________
CHAIRPERSON

ATTEST:

Donna Stotlemeyer, Secretary

TRLIA/Dana Investments
819855-1 3566530001
2 8-26-2005
Exh. 1
EXHIBIT A

All that real property situate in the County of Yuba, State of California, being a portion of Lot 5, Block 26, as shown on that certain map entitled "Arbooga Colony No. 2", filed in Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in deed to Danna Investment Company, a California Partnership, recorded December 27, 2000 in Document No. 20001430, Yuba County Official Records lying southerly and easterly of the following described line:

Beginning at a ¾" iron pipe marking the lot corner common to lots 5, 6, 11, and 12 in block 26 of said Arbooga Colony No. 2, said point being the southeasterly corner of said Danna parcel; thence along the southerly boundary of said Danna parcel, North 89°58'23" West, a distance of 031.80 feet to the TRUE POINT OF BEGINNING of the herein described line; thence leaving said southerly line, North 63°00'32" East, a distance of 298.91 feet, thence North 34°00'32" East, a distance of 296.41 feet to a point on the easterly line of said Danna parcel and then terminating. Containing 1.39 acres, more or less.

Subject to all easements and rights of record.

APN 16-130-004

END OF DESCRIPTION

BRI 05619

BENDER ROSENTHAL, INC.
EXHIBIT C

An easement situate in the County of Yuba, State of California, being a portion of Lot 5, Block 20, as shown on that certain map entitled "Arboga Colony No. 2", filed as Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in deed to Dansa Investment Company, a California Partnership, recorded December 27, 2000 in Document No. 200013450, Yuba County Official Records lying easterly of the following described line:

Commencing at a ½" iron plot marking the lot corner common to lots 5, 6, 11, and 12 in block 20 of said Arboga Colony No. 2, said point being the southeasterly corner of said Dansa parcel; thence along the easterly boundary of said Dansa parcel, North 00°02'00" East, a distance of 381.65 feet; thence leaving said easterly boundary, South 54°00'32" West, a distance of 31.44 feet to the TRUE POINT OF BEGINNING of the herein described line; thence North 50°02'00" West, a distance of 3123.51 feet to the beginning of a curve, concave to the southeast, having a radius of 315.00 feet and a central angle of 1°28'08", thence along the arc of said curve, 71.67 feet to a point on the easterly line of said Dansa parcel and thence terminating. The abilations of said easement shall be lengthened or shortened to begin and end on the boundary of said Dansa parcel and the permanent levee right of way. This description contains 0.87 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION
Three Rivers Levee Improvement Project
Maryville, Yuba County
Danna Investment Co. Property
(APN 16-150-019)

EXHIBIT A

All that real property abuts in the County of Yuba, State of California, being a portion of
block 19 and 20 as shown on that certain map entitled "Arboga Colony No. 2", filed in
Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the
land described in deed to Danna Investment Company, a California Partnership, recorded
in document no. 200013638, Yuba County Official Records lying northerly and westerly
of the following described line:

Commencing at a 3/4" iron pipe marking the lot corner common to lots 5,6, 11, and 12,
block 20 of said Arboga Colony No. 2; hence along the northerly line of lot 12, block
20 and lot 9, block 19 of said Arboga Colony No. 2, a distance of 1792.50 feet to a point
on the northerly line of said lot 9 and the northeast corner of said Danna parcel; thence
southeast said northerly line, South 00°00'22" West, along the southerly boundary of said
Danna parcel, a distance of 695.13 feet to the TRUE POINT OF BEGINNING of the
 herein described line; thence leaving said westerly boundary, South 67°00'32" West, a
distance of 411.76 feet; thence South 71°31'04" West, a distance of 1951.09 feet; thence
South 89°44'35" West, a distance of 927.93 feet; thence North, a distance of 218.79 feet;
thence South 18°08'59" West, a distance of 221.60 feet to a point on the southerly
boundary of said Danna parcel and there terminating. Containing 225.80 acres, more or
less.

Subject to all easements and rights of record.

APN 15-150-019

END OF DESCRIPTION

[Signature]

7-1-05

BRI 05019

BENDER ROSENTHAL, INC.
EXHIBIT C

All that real property situated in the County of Yuba, State of California, being a portion of
north 15 as shown on that certain map entitled "Arbois Colony No. 2", filed in Book 2
Map of Page 15, Yuba County Official Records, also being a portion of the land
described to Galt in Davis Investment Company, a California Partnership, recorded in
Document no. 200018489, Yuba County Official Records lying westerly and a westerly of
the following described line:

Commencing at a 10" iron pipe marking the 1st corner common to lots 1, 6, 11, and 12 in
blocks 20 of said Arbois Colony No. 2, thence along the northerly line of lot 12 in block
20 of said Arbois Colony No. 2 and lot 9 block 19 of said Arbois Colony No. 2, a
distance of 785.50 feet in the northerly direction of said Davis Investment Company
paddle; thence continuing along the northerly line of said 9 1/2, east, a distance of
185.23 feet to a point on said northerly line and being the TRUE POINT OF
BEGINNING of the herein described parcel; thence along said northerly line South
19°30'22" West, a distance of 1019.55 feet; thence South 71°35'37" West, a distance of
911.05 feet; thence West 09°43'13" North 482.55 feet; thence West 21°46'39" East, a
distance of 427.99 feet; thence North 09°23'45" West, a distance of 462.37 feet to a point
on said northerly line of said Davis Investment Company paddle; thence east, along the
northerly line of said Davis Investment Company parcel, a distance of 778.03 feet to the
point of beginning. Containing 22.63 acres, more or less.

Subject to other encumbrances and rights of record.

END OF DESCRIPTION

APN 26-136-019

/\n
7/14/05

BR03019

BENDER ROSENTHAL, INC.
EXHIBIT II

PARCEL B-1

An ungraded area in the County of Yuba, State of California, being a portion of Block 19 as shown on the official map entitled "Adams Colony No. 2", filed in Book 2 of Maps at Page 13, Yuba County Official Records, also being a portion of the land described in deed to Dana Investments Company, a California Partnership, recorded in instrument no. 28055-1432, Yuba County Official Records. Said area being a strip of land 24 feet wide along the north line of said undeveloped land on the north side of said Adams Colony No. 2.

Subject to other easements and rights of record.

END OF DESCRIPTIVE

S RI 02/19

SENDER ROSENTHAL, INC.
Three Rivers Levee Improvement Project
Marysville, Yuba County
Dana Investment Co. Property
(APN 16-150-029)

EXHIBIT F

PARCEL D-2

An ascertainable tract in the County of Yuba, State of California, being a portion of Block 19 as shown on the series map entitled "Yuba City No. 2, Book 2 of Maps as Page 16, Yuba City Official Records, also being a portion of the land described in deed to Dana Investment Company, a California Partnership, recorded in Department no. 6002348, Yuba County Official Records. Said tract containing a strip of April 24 feet wide along 14 feet on each side of the following described line:

"Beginning at a 1" iron pole marking the lot corner on block 2, 20 feet along the northerly line of lot 12 in block 20 of said Yuba City No. 2, and 10 feet along the easterly line of said Yuba City No. 2, a distance of 155.59 feet, at the northerly corner of said Dana Investment Company parcel, thence southwesterly 14 feet from said line to the S.H. 399 road, then southerly and westerly along the southerly line of said Dana Investment Company parcel a distance of 16.15 feet to the true point of beginning of the herein described tract, said point being the beginning of a new tangent curve opposite to the northside, having a radial bearing of S57°00'00" East, a radius of 120.67 feet and a chord angle of 10°37'11"; thence along the southerly line 770 feet, a distance of 102.21 feet, thence South 79°13'18" West, a distance of 338.56 feet and thence continuing the line of said tract southeast toward the point of beginning of said parcel in w.r. right of way. This description contains 0.36 acres, more or less.

Subject to covenants and conditions of record.

END OF DESCRIPTION

APN 16-150-029

[Diagram]

[Signature]

7/16/06

[Stamp]

BRI-05919

BENDER RONENHAI, INC.
EXHIBIT G

PARCEL B-3

An eastward slide in the County of Yuba, State of California, being a portion of block 19 as shown on the sketch map entitled "Adams Colony, Pl. 2," filed in book 3 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described as in deed to Danae Investment Company, a California Partnership, recorded in document no. 20001340, Yuba County Official Records. This area consists of a strip of land 24 feet wide, measured 12 feet on each side of the following described line:

Commencing at a 10' iron pipe marker for lot corner monuments in lots 6, 11, and 13 in block 70 of said Adams Colony Pl. 2, thence along the southerly line of lot 13 in block 20 of said Adams Colony Pl. 2 and lot 9 block 10 of said Adams Colony Pl. 2, a distance of 197.74 feet to the northeasterly corner of said Danae Investment Company parcel; thence continuing west and northerly line of said lot 9, W 86° E, a distance of 297.83 feet, thence North 25° 26' 11" West, a distance of 460.59 feet, thence South 21° 46' 38" West, a distance of 458.30 feet, thence South 0° 18' 54" West, a distance of 458.64 feet to the S.E. POINT OF BEGINNING; the same described line; thence South 0° 18' 54" West, a distance of 103.25 feet, thence South 89° 20' West, a distance of 103.25 feet, thence South 89° 20' East, a distance of 78.72 feet, thence extending southeasterly to begin and end in the boundaries of the permanent lines aforesaid. This description contains 0.63 acres, more or less.

Subject to other easements and rights of way.

END OF DESCRIPTION

AFN 16-120-019

11/18/25

BRI 6919

SENDER ROSENTHAL, INC.
EXHIBIT II

PARCEL 4

An unnamed tract in the County of Yuba, State of California, being a portion of block 49 as shown on that certain map entitled "Atchison Colony No. 3", filed in Book 1 of Maps, in Page 11, Yuba County Official Records, also being a portion of the land described in deed to Diamond Investment Company, a California Partnership, recorded in document no. 2000011646, Yuba County Official Records. Said tract shall be a strip of said 10 feet wide lying 61 feet on each side of the following described line:

Commencing at a 6" iron pin marking the eastern corner of lots 5, 11, and 12 in block 49 of said Atchison Colony No. 3, thence westly along the southerly line of lot 14 in block 48 of said Atchison Colony No. 3, a distance of 1793.5 feet to the northerly center of said Diamond Investment Company parcel, thence northerly along said northerly line of said lot 14, WEST, a distance of 2079.23 feet; thence northly 33° 12' 11" West, a distance of 449.96 feet; thence southerly 31° 40' 52" West, a distance of 432.32 feet; thence southerly 59° 08' 15" West, a distance of 1051.75 feet, thence northerly 59° 08' 15" West, a distance of 1563.35 feet to the true POINT OF BEGINNING of the herein described tract; thence SOUTH, a distance of 2112.76 feet and then parallel to and on the boundary of the described right of way. This description contains 6.11 acres, more or less.

Subject to all easements and rights of record.

END OF DESCRIPTION

APN: 16-155-019

1/16/09

BRI 09519

BENDER ROSENTHAL, INC.
RESOLUTION NO. _______

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY
FOR REPAIR, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE BEAR RIVER
LEVEE SYSTEM
(CODE CIV. PROC. § 1245.230)

WHEREAS, Three Rivers Levee Improvement Authority ("TRILIA") proposes to repair, construct, install, and maintain the Bear River Levee System (the "Project") affecting portions of Assessor’s Parcel Nos. 016-120-005, 016-150-020 and 016-154-021, in the County of Yuba, California (the "Property"); and

WHEREAS, TRILIA has advised the owners of the Property for the Project and offered said owners an opportunity for a hearing before the TRILIA Board on August 30, 2005 pursuant to section 1245.235 of the Code of Civil Procedure, State of California; and

WHEREAS, the Board of Directors of TRILIA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Property to be acquired is for the repair, construction, installation and maintenance of the Bear River Levee System.

TRILIA is authorized to acquire property for the Project pursuant to, among others, the following statutes: Government Code section 25359.5; Code of Civil Procedure sections 1250.148; and Water Code section 50930.

SECTION 2. The general location and extent of the Property to be acquired is as set forth in the legal descriptions and maps attached hereto as follows:

Exhibit 1

APN 016-120-005
North Detention Basin Permanent Easement
South Detention Basin Permanent Easement
Map to Exhibits A and B
Right of Way Permanent Access Easement
Map to Exhibit D

Exh. A
Exh. B
Exh. C
Exh. D
Exh. E

TRILIA/Omaha
IP#0514 35662 0061
8/12/009
SECTION 3. The Board of Directors declares that it has found and determined as follows:

a. The public interest and necessity require the proposed Project.

b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Property described in the attached Exhibits is necessary for the proposed Project.

d. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 30th day of August, 2005 by a two-thirds (2/3) or greater vote as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

______________________________
CHAIRPERSON

________________________________
Donna Stottlemyer, Secretary

TRILLA/Diana
84985v1:35602/001

2 5/26/2005
Exh. 1
EXHIBIT “A”

All that real property Situate in the County of Yuba, State of California, being a portion of block 18 and 19 as shown on the certain map entitled “Adams Colony Plat”, filed in Book 2 of Maps at Page 13, Yuba County Official Records, also being a portion of the land described in deed to Danna & Danna, Inc., a California Corporation, recorded in Book 117 at page 863, Yuba County Official Records lying northerly and westerly of the following described line:

Beginning at a point on the northerly boundary of said Danna parcel and approximate centerline of Feather River Boulevard from which a 7½” iron pipe marking the lot corner commences to lots 5, 6, 11, and 12 in block 18 of said Adams Colony Bl. 2, being South 30°11’24” East, a distance of 482.14 feet, thence leaving said centerline 45°44’, a distance of 134.76 feet, thence South 29°17’20” East, a distance of 201.48 feet, thence West 29°17’20” South, a distance of 201.48 feet, thence West 45°44’, a distance of 482.14 feet, more or less.

Subject to other easements and rights of record.

APN 15-125-005

END OF DESCRIPTION

2/3/05

RENDER ROSENTHAL, INC.
EXHIBIT "B"

PARCEL B SOUTH BASIN

All that real property situate in the County of Yuba, State of California, being a portion of block 19 as shown on that certain map entitled "Arboga Colony No. 2", filed in Book 1 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in deed to Danna & Danna, Inc., a California Corporation, recorded in book 317 at page 565, Yuba County Official Records more particularly described as follows:

Commencing at a 3/8" iron pipe marking the lot corner common to lots 5, 6, 11, and 12 in block 20 of said Arboga Colony No. 2; thence along the northerly lines of lots 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1785.50 feet to the northeastly corner of said Danna Investment Company parcel; thence continuing along the northerly line of said lot 9, EAST, a distance of 1235.82 feet to a point on said northerly line and being the TRUE POINT OF BEGINNING of the herein described parcel; thence continuing along said south line WEST, a distance of 879.95 feet; thence leaving said south line, North 63°30'22" West, a distance of 922.68 feet; thence North 19°34'09" West, a distance of 97.76 feet; thence North 0°09'33" West, a distance of 300.55 feet; thence North 15°24'52" West, a distance of 157.14 feet; thence EAST, a distance of 987.30 feet; thence SOUTH, a distance of 502.05 feet; thence South 64°01'01" West, a distance of 254.08 feet; thence South 13°21'58" West, a distance of 83.19 feet to the point of beginning. This description contains 17.65 acres, more or less.

Subject to other easements and rights of record.

APN 16-120-005

END OF DESCRIPTION

[Signature]

8/19/05
A permanent easement in the County of Yuba, State of California, being a portion of block 18 and 19 as shown on that certain map entitled “Ardoga Colony No. 3”, filed in Block 2 of Maps at Page 19, Yuba County Official Records, also being a portion of the land described in deed to Dennis & Dennis, Inc., a California Corporation, recorded in book N at page 313, Yuba County Official Records. Lying successively and severally by the following described line:

Beginning at a 1/2" iron pipe marking the lot corner common to lots 5, 6, 11, and 12 in block 20 of said Ardoga Colony No. 2; thence South 89°29’01” West, along the northerly line of lot 12 in block 20 of said Ardoga Colony No. 2 and lot 9 block 19 of said Ardoga Colony No. 2, a distance of 1785.50 feet to the northerly line of said Dennis Investment Company parcel; thence continuing along the northerly line of said lot 9, EAST, a distance of 1250.52 feet to a point on said northerly line and being the TRUE POINT OF BEGINNING of the herein described easement; thence treating said northerly line North 13°27’35” East, a distance of 83.19 feet; thence North 44°06’01” East, a distance of 354.65 feet; thence North 53°44’53” East, a distance of 369.57 feet to point in the approximate centerline of Toothill River Boulevard, from which said 1/2" iron pipe marking the lot corner common to lots 5, 6, 11 and 12 bears South 36°01’24” East, a distance of 4037.14 feet, and thence terminating. This description contains 2.17 acres, more or less.

The line(s) of said easement shall belongleftrightarrow or shortened to begin and end on the property line of said Dennis parcel and be subject to right-of-way, assessments and rights of record.

APN 16-120-005

1/29/15

BRI 05019

BENDER ROSENTHAL, INC.
EXHIBIT A

All that real property situate in the County of Yuba, State of California, being Lots 6 and 11, Block 26 and a portion of Lots 5, Block 25 and Lot 14, Block 17 as shown on that certain map entitled "Alman, Colony No. 2", filed in Book 2 of Maps at Page 14, Yuba County Official Records, also being a part of the land described in Parcel 1, as listed in Dena and Dena, Inc. a California Corporation, recorded in Book 370 at page 547, Yuba County Official Records, being the entirety and entirety of the following described land:

Beginning at a 1/4" iron pipe marking the east corner opposite to lots 5, 6, 11 and 12, Block 25 of said Alman Colony No. 1, said point being on the western boundary of said Dena parcel, running along the western boundary of said Dena parcel, North 00°37'00" West, a distance of 183.65 feet to the TRUE POINT OF BEGINNING of the herein described land, thence bearing 289° 46' 27" North, a distance of 204.08 feet to a point on the northwest line of said Dena parcel and then southerly, comprising 61.81 acres, more or less.

Subject to all easements and rights of record

APN 104-020-020

END OF DESCRIPTION

7/12/09

BR205919
BENDER ROSENTHAL, INC.
THREE RIVERS LEVEE IMPROVEMENT PROJECT
Manteca, Tuolumne County
Downing & Danna, Inc. Property
(209) 126-8000, (209) 126-8200, 9301

EXHIBIT C

An easement shown in the County of Yuba, State of California, being Lots 6 and 11, Block 20 and a portion of Lot 12, Block 20 and Lot 14, Block 17 as shown on a certain map entitled "Paradise Colony No. 27, Filed in Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in Parcel 1, as deed to Down and Danna, Inc., a California Corporation, recorded in book 570 at page 543, Yuba County Official Records, said easement being a strip of land of varying width lying entirely and exclusively of the following described line:

Commencing on a 10" iron pipe marking the outer east boundary in Lots 5, 6, 11, and 12, Block 20 of said Paradise Colony No. 2, said point being on the western boundary of said Down and Danna property; thence along the western boundary (said Down and Danna parcel, North 00°00'00" West, a distance of 513.63 feet to the WEST POINT OF BEGINNING of the herein described line; from this point and thence in 31 feet in width lying entirely at and parallel with the western line of said Down and Danna parcel, being North 00°00'00" West, a distance of 393.72 feet to the beginning of a curve having a radius of 220.00 feet and a central angle of 37°23'30"; from the point and thence in 34 feet in width, North 12°23'00" East, a distance of 293.18 feet to the southerly line of Parish parcel; thence North 57°32'00" West, a distance of 39.34 feet to a point on the northerly line of said Down and Danna parcel and thence westwading. The said line of said easement is to be backgrounded or partially in height and width on the boundary of said Down and Danna parcel and the piles shall have right of way. This description contains 0.97 acre, more or less.

Subjeet to other easements and rights of way.

APR 26-126-031

ELM 7/19/99

BRI 09010

BENGER ROSENTHAL, INC.
EXHIBIT A

All the real property situated in the County of Yuba, State of California, being a portion of
Block 19 and 30 as shown on the map contained in Yuba County parcel No. 2, filed in
Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the
land described as Parcel 4, located to Davis & Davies, Inc., a California Corporation,
recorded in Book 270 at page 343, YUBA COUNTY OFFICIAL RECORDS lying similarly and
coterminous with the following described line:

Beginning at a 15'-long pipe marking the monuments located at Lots 3, 4, 11, and 21 in
Block 20 of said Davis & Davies Corporation No. 2, said pipe being the monumentary corner of said
Davis parcel; thence southerly along boundary of said Davis parcel, South
36°51'22" West, a distance of 431.80 feet; thence heading said southerly line, South
61°49'22" West, a distance of 155.20 feet to a point on the west line of said Davis
parcel and there terminating. Containing 54.77 acres more or less.

Subject to other easements and rights of record.

APN: 16-150-021

END OF DESCRIPTION

BRI 65019

BENDER ROSENTHAL, INC.
EXHIBIT C

An easement estate in the County of Yuba, State of California, being a portion of Block 19 Part 50 as appraised on the county map entitled 'Arokpa Colony No. 2', filed in Book 2 of Maps at Page 15, Yuba County Official Records, was being a portion of the land described in Parcel 1, in deed to Donna and Perry, Inc., a California Corporation, recorded in Book 270 at page 743, Yuba County Official Records, lying southwesterly of and parallel with the following described line:

Commencing at a ¾" iron pipe marking the lot corner common to lots 5, 6, 14, and 15 in Block 20 of said Arokpa Colony No. 2, said corner being the southeasterly corner of said Donna parcel, thence along the southerly boundary of said Donna parcel southeasterly to the northwesterly boundary of said Donna parcel, southeasterly to the southwesterly boundary of the herein described line of the said Donna parcel, southeasterly to a point on the northwesterly boundary of said Donna parcel, thence southeasterly to the point of beginning.

Subject to other easements and rights of record.

END OF DESCRIPTION
TO: Three Rivers Levee Improvement Authority Board
FROM: Randy Margo, Deputy Executive Director
SUBJECT: TRLIA's Request for Amendment to the Approved Proposition 13 Grant Amount for Phase 3 Design

August 30, 2005

Recommended Action

Approve for submittal to the California Department of Water Resources (DWR), TRLIA's Request for Amendment to the Approved Proposition 13 Grant Amount, Grant Contract No. 4600003891, for Phase 3 design.

Reason for Recommended Action

The subject budget amendment is necessary to accommodate additional costs related to the Phase 3 design. A significant majority of the additional costs pertain to tasks related to property assessment and appraisal to facilitate right-of-way issues during project construction. These tasks had not been included within the previously approved scope of work. The remaining increase in cost is due to amendments in the scope of work as described below.

Discussion

The following items reflect the changes in the scope of work from the original contract and the reasons for those changes:

- Restoration design of orchard area: The original scope of work included restoration design of only the setback area because it was assumed at that time that the trees would be removed and the area would be planted to grass and other similar vegetation for hydraulic efficiency. Subsequently, based on conversations with State and Federal resource agencies, additional existing orchard areas were added for consideration in the restoration design.

- CEQA/NEPA Construction Mitigation Plan: Prior to construction, a survey to identify endangered species and define construction constraints is required. To begin construction of the setback levee foundation this year under the accelerated schedule, these surveys need to be conducted over the next few months. This
activity is typically a part of the construction phase of a project as opposed to the
design phase, and was therefore not part of the original scope of work.

- **Reclamation Board Permit for Levee Degradation**: A Reclamation Board
  permit will be required for the degradation of the existing levee and restoration of
  the setback area. Work involved in processing this permit was not included in the
  original scope of work.

- **Bear River Geomorphic Modeling**: Initial assessments and detailed mapping of
  the levee setback area have revealed a greater than anticipated degree of
  complexity in site conditions and possible geomorphic impacts. These impacts
  include the discovery that based on the new site topography, the new floodway in
  the setback area is three to four feet lower than the existing Bear River floodway,
  and is sloped toward the setback levee alignment, creating the potential for a
  channel avulsion that could impact the new levee. Recent discussions with
  landowners have also revealed that the area soils are quite erosive. These
  conditions require a more detailed geomorphic evaluation to assess impacts to the
  proposed setback levee and determine remedial measures, if necessary.

In addition, a cross section survey and a low-flow modeling of the Bear River
Channel is required, for assessing the geomorphic processes during floods less
than the 25-year event and the subsequent potential impacts on the setback levee.
This information is also needed for the restoration design. It was originally
anticipated that the USACE model used for the large flood modeling would be
appropriate for the low-flow modeling as well. After a review of the USACE
model, it was determined that the model could not be calibrated to low flows, and
the river channel geometry had essentially been omitted from the model. While
this may be appropriate for large flood events where the bulk of the flow is
carried in the floodplain, the model is not suitable for low flow analysis.

- **Detention Basin Evaluation**: During preparation of the feasibility report, a study
  was conducted by Mead and Hunt, the consultant to Reclamation District 784 that
  prepared the Master Drainage Plan for the region, to evaluate the required
  detention basin size that would mitigate for lost ponding storage due to the
  setback levee project. The resulting report was to form the basis for the TRIJA
  project team’s design of the proposed detention basins. During February 2005,
  TRIJA was informed that Reclamation District 784 had subsequently adopted a
  modified drainage plan prepared by Watermark Engineers. This updated drainage
  study necessitated the TRIJA project team to perform additional studies to
  evaluate detention basin capacity requirements and assess detention basin
  locations.

- **CEQA Compliance for Project Changes**:Due to changes to the project since
  preparation of the environmental impact report (EIR), including the redesign of
  the detention basins, an addendum to the certified EIR is required. TRIJA’s
  environmental consultants do not believe that the changes will not result in the
identification of any environmental impacts that were not identified in the certified EIR and addressed in the adopted mitigation monitoring plan.

The above-mentioned amendments to the scope of work are not expected to impact the estimated completion schedule of the project.

**Fiscal Impact**

The total (previously) approved grant amount, as indicated on Section 5 of the executed Grant Contract, is $3,257,100. With this request, TRLIA is asking that this amount be amended to $4,346,910, i.e., be increased by $1,089,810 over the previously approved grant amount.

A draft version of the budget amendment request was forwarded to Mr. Dan Yamanaka of DWR on July 20, 2005, for his review. As the Program Manager for the Yuba Feather Flood Protection Program (Program), Mr. Yamanaka oversees allocation and disbursement of Proposition 13 funds for all work covered by the Program, of which the TRLIA project is a part.
August 24, 2005

Dan Yamanaka, P.E.
Program Manager
Yuba-Feather Flood Protection Program
Division of Flood Management
California Department of Water Resources
3310 El Camino Avenue, Suite 1160
Sacramento, California 95821

Subject: Request for Amendment to Grant Amount, Grant Contract No. 4600003891,
Pertaining to the Design Grant for Bear-Feather Rivers Levee Setback element of the Yuba-
Feather Supplemental Flood Control Project

Dear Mr. Yamanaka,

Three Rivers Levee Improvement Authority (TRLIA) is formally requesting an amendment to the
approved amount for the aforementioned grant contract between the State of California Department
of Water resources and TRLIA, executed on March 2, 2005. The total approved grant amount, as
indicated on Section 5 of the executed Grant Contract, is $3,257,100. With this request, TRLIA
asks that this amount be amended to $4,846,910, i.e., an increase of $1,589,810 over the previously
approved total amount.

The attached table provides a detailed distribution of the proposed cost amendments, as they relate
to each task. A major part of the added costs pertain to tasks related to property assessment and
appraisal to facilitate right-of-way issues during project construction — tasks that had not been
included within the previously approved scope of work. The remaining increase in cost is due to
amendments in the scope of work, including the following:

- **Restoration design of orchard area**: The original scope of work included restoration
design of only the setback area because it was assumed that at that time that the trees would be
removed and the area would be planted to grass and other similar vegetation for hydraulic
efficiency. Subsequently, based on conversations with State and Federal resources agencies,
additional existing orchard areas were added for consideration in the restoration design.

- **CEQA/NEPA Construction Mitigation Plan**: Prior to construction, a survey to identify
damaged species and define construction constraints is required. To begin construction of
the setback levee foundation this year under the accelerated schedule, these surveys need to
be conducted over the next few months. This activity is typically a part of the construction

phase of a project as opposed to the design phase, and was therefore not part of the original scope of work.

- **Reclamation Board Permit for Levee Degradation**: A Reclamation Board permit will be required for the degradation of the existing levee and restoration of the setback area. Work involved in processing this permit was not included in the original scope of work.

- **Bear River Geomorphic Modeling**: Initial assessments and detailed mapping of the levee setback area have revealed a greater than anticipated degree of complexity in site conditions and possible geomorphic impacts. These impacts include the discovery that based on the new site topography, the new floodway in the setback area is three to four feet lower than the existing Bear River floodway, and is sloped toward the setback levee alignment, creating the potential for a channel avulsion that could impact the new levee. Recent discussions with landowners have also revealed that the area rails are quite erosive. These conditions require a more detailed geomorphic evaluation to assess impacts to the proposed setback levee and determine remedial measures, if necessary.

In addition, a cross section survey and a low-flow modeling of the Bear River Channel is required, for assessing the geomorphic processes during floods less than the 25-year event and the subsequent potential impacts on the setback levee. This information is also needed for the restoration design. It was originally anticipated that the USACE model used for the large flood modeling would be appropriate for the low-flow modeling as well. After a review of the USACE model, it was determined that the model could not be calibrated to low flows, and the river channel geometry had essentially been omitted from the model. While this may be appropriate for large flood events where the bulk of the flow is carried in the floodplain, the model is not suitable for low flow analysis.

- **Detention Basin Evaluation**: During preparation of the feasibility report, a study was conducted by Mead and Hunt, the consultant to Reclamation District 784 that prepared the Master Drainage Plan for the region, to evaluate the required detention basin size that would mitigate for flood ponding surcharge due to the setback levee project. The resulting report was to form the basis for the TRLLA project team’s design of the proposed detention basins. During February 2005, TRLLA was informed that Reclamation District 784 had subsequently adopted a modified drainage plan prepared by Watermark Engineers. This updated drainage study necessitated the TRLLA project team to perform additional studies to evaluate detention basin capacity requirements and assess detention basin locations.

- **CEQA Compliance for Project Changes**: Due to changes to the project since preparation of the environmental impact report (EIR), including the redesign of the detention basins, an addendum to the certified EIR is required. TRLLA’s environmental consultants do not believe that the changes will not result in the identification of any environmental impacts that were not identified in the certified EIR and addressed in the adopted mitigation monitoring plan.

The above-mentioned amendments to the scope of work are not expected to impact the estimated completion schedule of the project.
If you have any questions or would like additional information, please contact Ani Bhattacharyya, Project Manager, TRLIA, at (530) 749-5621.

Sincerely,

Charles K. McClain  
Executive Director

Attachment: Itemized Summary of TRLIA Bear River Setback Levee Project Cost Estimate
## Itemized Summary of TR-1A Bear River Setback Levee Project Cost Estimate

<table>
<thead>
<tr>
<th>Task Number</th>
<th>Task Description</th>
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<th>Additional Budget Requested ($)</th>
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