CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I ROLL CALL – Directors Atwal, Brown, Crippen, Griego, Nicoletti

II ELECTION OF OFFICERS – Chair and Vice Chair (Conducted by the Secretary)

III PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today’s agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time, speakers are requested to fill out a “Request to Speak” card and submit it to the secretary.

IV CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

A. Approve minutes of the meeting of January 21, 2014

V ACTION ITEMS

A. Receive and consider bids for purchase of Sohal surplus real property located on south side of Upper Yuba River Levee identified as APN 018-190-111 and 018-190-112 and take action as appropriate.

B. Adopt resolution of necessity for acquisition of certain property interest identified as APN 014-360-011 and 014-360-013 (Latigo Farms LLC) consisting of 23.066 acres in fee necessary and 5.173 acre-remnant for operation and maintenance of the Western Pacific Interceptor Canal Levee.

VI BOARD AND STAFF MEMBER REPORTS

VII ADJOURN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

JANUARY 21, 2014

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:03 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Mary Jane Griego, and John Nicoletti. Director Sarbdeep Atwal was absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

I ROLL CALL – Directors Atwal, Brown, Crippen, Griego, Nicoletti – Director Atwal absent

II PUBLIC COMMUNICATIONS: None.

III CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

MOTION: Move to approve 
MOVED: John Nicoletti 
SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None 
ABSTAIN: None 
ABSENT: Sarbdeep Atwal

A. Approve minutes of the meeting of December 17, 2013. Approved as written.

B. Approve Amendment No. 4 to agreement with David T. Williams and Associates extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

C. Approve Amendment No. 4 to agreement with Donald H. Babbitt extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

D. Approve Amendment No. 4 to agreement with AMEC Environmental and Infrastructure Inc. extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

E. Approve Amendment No. 16 to agreement with HDR Engineering, Inc. extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

F. Approve Amendment No. 15 to agreement with Bookman-Edmonston/GEI Consultants extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

G. Approve Amendment No. 4 to agreement with Kim Floyd Communications extending termination date to December 14, 2014 and authorize Executive Director to execute. Approved.

IV ACTION ITEMS

A. Adopt resolution declaring intent to sell certain real property located on the south side of the Upper Yuba River Levee identified as APN 018-190-111 and 018-190-112 pursuant to Government Code §25526.
Special Counsel Kelly Pope recapped the property subject to sell with a minimum bid of $72,820, process for written and oral bids, and opening of bids and acceptance of oral bids at the meeting of February 18, 2014 through PowerPoint presentation.

Ms. Pope and Executive Director Paul Brunner responded to inquiries.

MOTION: Move to adopt  MOVED: Jerry Crippen  SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None  ABSTAIN: None  ABSENT: Sarbdeep Atwal

Adopted Resolution No. 2014-1 on file in the Clerk of the Board of Supervisors office.

B. Approve Amendment No. 5 to agreement with CTA Engineering and Surveying reallocating budget among tasks and authorize Executive Director to execute. Executive Director Paul Brunner recapped agreement.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Rick Brown
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None  ABSTAIN: None  ABSENT: Sarbdeep Atwal

C. Approve Amendment No. 19 to agreement with MBK Engineers in the amount of $490,000 for management and hydraulic engineering services and authorize Executive Director to execute. Executive Director Paul Brunner recapped services contained within amendment.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Rick Brown
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None  ABSTAIN: None  ABSENT: Sarbdeep Atwal

D. Approve Amendment No. 2 to agreement with Kleinfelder West, Inc. in the amount of $90,500 for additional evaluations at Yuba River South Levee 1986 break site and authorize Executive Director to execute. Executive Director Paul Brunner recapped evaluations needed.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None  ABSTAIN: None  ABSENT: Sarbdeep Atwal

E. Approve a CEQA categorical exemption for construction of agriculture fence along border of existing orchards in Feather River Setback area and authorize Executive Director to execute exemption and submit upon review and approval of Counsel. Executive Director Paul Brunner recapped exemption request and responded to inquiries.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
NOES: None  ABSTAIN: None  ABSENT: Sarbdeep Atwal

V  BOARD AND STAFF MEMBER REPORTS

Director Crippen: Elderberry Beetle mitigation
Executive Director Paul Brunner and Consultant Andrea Sheppard, AECOM: Status Report for Goldfields 100 year initial study

Executive Director Paul Brunner:
- Conflict of interest waiver letter for Bains
- Independent Audit Report dated June 30, 2013
- Upper Yuba Levee Improvement Project received 2013 Outstanding Flood Management Project from American Society of Civil Engineers Region 9 – Awards presentation March 14, 2014

VI CLOSED SESSION: The Board retired into closed session at 2:58 p.m. and returned at 3:31 p.m.

A. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Bains, et al., YCSCCVED 10-0000977, APN Nos. 018-200-001 and 018-220-030 No report.

B. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Allen, et al., YCSCCVED 12-0000435, APN No. 020-410-001 By unanimous vote the Board approved a final settlement consistent with mediated settlement on December 18, 2013 of $210,100.

C. Conference with Real Estate Property Negotiators pursuant to Government Code §54956.8 – Latigo Farms LLC, APN 014-360-011, 013; Negotiating parties: TRLIA/Pope/Morrison; Status of Negotiations No report.

Director Crippen excused himself from closed session at 3:20 p.m. during discussion of pending litigation regarding item "D." due to a conflict.

D. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Luis, et al., YCSCCVED 10-0000903, APN Nos. 018-200-005, 018-200-007, 018-210-035, and 018-200-010 No report.

VII ADJOURN: 3:32 p.m.

__________________________
Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

__________________________
Approved:

01/21/14 – TRLIA

PAGE 3
February 18, 2014

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Kelly Pope, Legal Counsel
SUBJECT: Sale of Excess Lands – Sohal Parcel (APN 018-190-111, 112)

Recommended Action:

Receive and consider bids to purchase the former Sohal surplus real property located on the south side of the Upper Yuba River Levee.

Background:

In May 2011, using eminent domain, the Three Rivers Levee Improvement Authority ("TRLIA") acquired approximately 75.395 acres of real property located on the south side of the Upper Yuba River Levee in Yuba County, California (the "Sohal Property"). The Sohal Property was acquired for the purpose of installing and constructing the Three Rivers Upper Yuba River Levee Improvement Project (the "Project").

Once construction of the Project was largely completed, the majority of the Sohal Property that was previously used as a borrow site during construction was no longer needed for the Project or any other use by TRLIA (the "Surplus Property"). Accordingly, on August 7, 2012, TRLIA’s Board of Directors passed and adopted Resolution No. 2012-12 declaring the Surplus Property to be surplus and authorizing and directing TRLIA’s Executive Director to commence the procedures for disposing of surplus lands pursuant to California Government Code Sections 54220-54232.

On September 17, 2013, TRLIA’s Board of Directors passed and adopted Resolution No. 2013-04, which declared the intent of TRLIA to sell the Surplus Property and described sale process. At the Board meeting on November 12, 2013, TRLIA’s Board received comments from the public raising concerns about the proposed “as is” sale of the Surplus Property. The concerns included legal access to the Surplus Property and the current grade of the Surplus Property. TRLIA received no bids for the Surplus Property in response to Resolution 2013-4.

TRLIA staff has looked into the concerns raised about the Surplus Property at the meeting on November 12, 2013, and addressed those concerns at the TRLIA Board meeting on January 21, 2014. On January 21, 2014, TRLIA’s Board of Directors passed and adopted Resolution No. 2014-01, which declared the intent of TRLIA to sell the Surplus Property and described sale process.
Discussion:

The Surplus Property comprises approximately 72.822 acres of unplanted land located on the south side of the Upper Yuba River Levee. Based on a revised market estimate provided by Bender Rosenthal, Inc., the minimum price for the Surplus Property is $72,820. The terms of the sale are: (1) payment of the sale price in cash within 60 days of execution of a purchase and sale agreement on a form acceptable to TRLIA; (2) Purchase of the Property shall be contingent upon TRLIA providing legal access to the Property; (3) except as set forth above, TRLIA offers the Surplus Property for sale “as is” and makes no warranties or guarantees about its fitness for any particular purpose; and (4) transfer of the Surplus Property to the successful bidder shall be by quitclaim deed. No broker’s fee will be paid for sale of the Surplus Property.

All written bids to purchase the property must be submitted to the office of TRLIA, 1114 Yuba St., Suite 218, Marysville, CA 95901, and received no later than 11:00 a.m. on February 18, 2014. All bids must be accompanied by a cashier’s check payable to the Three Rivers Levee Improvement Authority in the amount of $5,000.

The sealed bids to purchase the Surplus Property will be opened at the Board meeting. The Board must open, examine, and publicly declare all written bids received pursuant to the Resolution. Prior to accepting any written bid, the Board must call for oral bids. Pursuant to the Resolution, no oral bids will be accepted unless they exceed the highest conforming written bid by a minimum of 5%.

Of the bids submitted to purchase the Surplus Property, the Board must accept the highest conforming written bid, unless a higher conforming oral bid is accepted or the Board rejects all bids. Therefore, TRLIA is not obligated to sell the Surplus Property if the Board of Directors determines that such a sale would not be in the public interest. The final acceptance by the Board may be made either at the same session on February 18, 2014, or at any adjourned session of the Board meeting held within 10 days of February 18, 2014.

Fiscal Impact:

If TRLIA ultimately sells the Surplus Property, revenue will initially come to TRLIA. Per the Project EIP Funding Agreement, TRLIA will share the revenues with the State. TRLIA’s share of the revenue is approximately 30%.

Attachments:
1. Public Notice of Sale of Real Property
2. Bid Proposal Form
3. Resolution No. 2014-01
4. Purchase Agreement
PUBLIC NOTICE
SALE OF REAL PROPERTY
NOTICE is hereby given that the Board of Directors of the Three Rivers Levee Improvement Authority ("TRLIA") will receive sealed bids for the sale of surplus real property owned by TRLIA, located in Yuba County, California, more particularly described below:

72.822 acres of real property located on the south side of the Upper Yuba River Levee, north of Hammonton-Smartsville Road, just west of Bryden Road.

Minimum purchase price: $72,820.

Resolution No. 2014-01 stating TRLIA’s intent to sell the property was adopted at the Board of Directors’ meeting on January 21, 2014. Copies of the resolution, which includes a map depicting the property, are available on TRLIA’s website at www.trlia.org, and at TRLIA’s office located at 1114 Yuba St., Suite 218, Marysville, CA 95901, (530)749-7841.

All written bids to purchase the property must be submitted to the office of TRLIA, 1114 Yuba St., Suite 218, Marysville, CA 95901, and received no later than 11:00 a.m. on February 18, 2014. All bids must be accompanied by a cashier’s check payable to the Three Rivers Levee Improvement Authority in the amount of $5,000. Bids are to be sealed and clearly labeled with “Bid Sale of Property Upper Yuba.” The Bid Proposal Form is available on TRLIA’s website at www.trlia.org, and at TRLIA’s office located at 1114 Yuba St., Suite 218, Marysville, CA 95901, (530)749-7841.

At 2:00 p.m. on February 18, 2014, at the Yuba County Government Center, Board Chambers, 915 Eighth Street, Suite 109A, Marysville, California, the Board of Directors of TRLIA will open, examine, and publicly declare all written bids received. All interested parties are invited to attend. Prior to accepting any written bid, the Board of Directors of TRLIA will call for oral bids. Oral bids must exceed the highest written bid by a minimum of 5% and must meet all other conditions stated in Resolution No. 2014-01. A cashier’s check of $5,000 must accompany all oral bids at the time the bids are made, unless the bidder has already submitted a written bid with the required $5,000 cashier’s check.

Payment of the sale price shall be in cash within 60 days of execution of the purchase and sale agreement on a form acceptable to TRLIA, which form will be available for review at TRLIA’s office located at 1114 Yuba St., Suite 218, Marysville, CA 95901 and on TRLIA’s website at www.trlia.org. Purchase of the property shall be contingent upon TRLIA providing legal access to the property. TRLIA is currently in the process of obtaining an easement to provide recorded legal access to the property. TRLIA offers the property for sale “as is” and makes no warranties or guarantees that the property is fit for any particular purpose. Transfer of the property to the successful bidder shall be by quitclaim deed.

This Notice is made pursuant to Government Code Section 25528.

Requests for information may be submitted to TRLIA at (530)749-7841.
BID PROPOSAL FORM

DESCRIPTION: Approximately 72.822 acres of unplanted land on the south side of the Upper Yuba River Levee, north of Hammonton-Smartsville Road, just west of Bryden Road.

CONDITIONS: Purchase of the property contingent upon Three Rivers Levee Improvement Authority ("TRLIA") providing legal access to the property. Otherwise, TRLIA offers the property for sale "as is" and makes no warranties or guarantees that the property is fit for any particular purpose.

SALE: 2:00 p.m. on February 18, 2014, at the Yuba County Government Center, Board Chambers, 915 Eighth Street, Suite 109A, Marysville, California.

Submit Bid Proposal with $5,000 deposit in sealed envelope marked with "Bid Sale of Property Upper Yuba." Mail or deliver to TRLIA, 1114 Yuba St., Suite 218, Marysville, CA 95901. Bid Proposal must be received no later than 11:00 a.m. on February 18, 2014.

BID PROPOSAL

The undersigned, ________________________________, in compliance with TRLIA’s invitation for bids, hereby agrees to pay the cash price stated below for the property described above:

$ ____________________________.

Enclosed herewith is a bidder’s deposit in the amount of $5,000. I hereby certify I have read Resolution No. 2014-01 and I understand the provisions contained therein shall be strictly enforced.

Bidder’s Signature ____________________________ Date ____________________________

(If bidding for business, state your title) ____________________________ Address and Telephone Number ____________________________
RESOLUTION NO. 2014-01

A RESOLUTION BY THE BOARD OF DIRECTORS OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING THE BOARD'S INTENT TO SELL CERTAIN REAL PROPERTY
LOCATED ON THE SOUTH SIDE OF THE UPPER YUBA RIVER LEVEE PURSUANT
TO GOVERNMENT CODE SECTION 25526

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") is the owner
of approximately 72.822 acres of real property (the "Property") located on the south side
of the Upper Yuba River Levee in Yuba County, California. The Property is more
particularly described in Exhibit A and depicted in Exhibit B attached hereto and
incorporated herein by reference; and

WHEREAS, on August 7, 2012, TRLIA’s Board of Directors passed and adopted
Resolution No. 2012-12 declaring the Property to be surplus and authorizing and
directing TRLIA’s Executive Director to commence the procedures for disposing of
surplus lands pursuant to California Government Code sections 54220-54232; and

WHEREAS, TRLIA has complied with the requirements of California
Government Code sections 54220-54232, and may now dispose of the Property without
further regard to California Government Code sections 54220-54232; and

WHEREAS, on September 17, 2013, TRLIA adopted Resolution 2013-4
declaring its intent to sell the Property at a price of not less than $218,460, with bids to be
received and considered on November 12, 2013; and

WHEREAS, TRLIA received no bids for the Property at the Board meeting on
November 12, 2013; and

WHEREAS, TRLIA desires to sell the Property at a price of not less than $72,820
on the terms and conditions set forth herein; and

WHEREAS, the Board of Directors of TRLIA adopts this Resolution in
compliance with Government Code section 25526.

NOW, THEREFORE, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more
of its members hereby declares each of the following:

1. The Board of Directors of TRLIA declares its intent to sell, pursuant to
California Government Code section 25526, approximately 72.822 acres of real property
(the "Property") located on the south side of the Upper Yuba River Levee in Yuba
County, California, as more particularly described in Exhibit A and depicted in Exhibit B
attached hereto and incorporated herein by reference.
2. The minimum price that will be accepted for the Property shall be $72,820. The terms of the sale shall be:

a. Payment of the sale price shall be in cash within 60 days of execution of the purchase and sale agreement on a form acceptable to TRLIA, which form will be available for review at TRLIA's office located at 1114 Yuba St., Suite 218, Marysville, CA 95901;

b. Purchase of the Property shall be contingent upon TRLIA providing legal access to the Property;

c. Except as set forth in section 2.b. herein, TRLIA offers the Property for sale "as is" and makes no warranties or guarantees that the Property is fit for any particular purpose;

d. Transfer of the Property to the successful bidder shall be by quitclaim deed.

3. To be eligible for consideration, all bids to purchase the Property, written or oral, must be accompanied by a cashier's check payable to the Three Rivers Levee Improvement Authority in an amount no less than $5,000. Funds paid by the successful bidder are non-refundable, and funds paid with bids that are not accepted will be returned.

4. TRLIA will not pay a broker's commission on the sale.

5. All written bids to purchase the Property pursuant to this Resolution must be submitted to the office of TRLIA, 1114 Yuba St., Suite 218, Marysville, CA 95901, no later than 11:00 a.m. on February 18, 2014, with the $5,000 cashier's check.

6. At 2:00 p.m. on February 18, 2014, at the Yuba County Government Center, Board Chambers, 915 Eighth Street, Suite 109A, Marysville, California, the Board of Directors of TRLIA will open, examine, and publicly declare all written bids received pursuant to this Resolution. Prior to accepting any written bid, the Board of Directors of TRLIA will call for oral bids. Oral bids must exceed the highest written bid by a minimum of 5% and must meet all other conditions stated in this Resolution to be accepted. A cashier's check of $5,000 must accompany all oral bids at the time the bids are made.

7. At the Board meeting at 2:00 p.m. on February 18, 2014, the TRLIA Board of Directors will either determine the winning bid in conformity with sections 25530 and 25531 of the California Government Code, or reject all bids in conformity with section 25534 of the California Government Code.
PASSED AND ADOPTED this 21st day of January, 2014, by the Board of Directors of Three Rivers Levee Improvement Authority by the following vote:

AYES: Directors Brown, Crippen, Griego, Nicoletti

NOES: None

ABSENT: Director Atwal

ABSTAIN: None

Chairperson

ATTEST: DONNA STOTLEMEYER,
CLERK OF THE BOARD

APPROVED AS TO FORM, GENERAL COUNSEL
Exhibit A

All that real property situate in the County of Yuba, State of California, being a portion of the lands being vested in Three Rivers Lewis Improvement Authority, as described in the Final Order of Condemnation, dated May 2, 2011 and recorded in Document 2011-005293, Official Records of Yuba County and being more particularly described as follows:

Parcel A-1

Beginning at a point on the West line of Parcel 3, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, marked by a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 44°52'59" East, 3787.33 feet; thence along the West line of said Parcel 3, South 00°33'30" East, 309.85 feet; thence leaving said West line, North 89°04'45" East, 885.08 feet; thence North 88°02'26" East, 742.04 feet; thence North 00°01'54" East, 303.92 feet; thence North 00°03'18" East, 423.19 feet; thence North 00°02'36" West, 270.95 feet to a point on the North line of said Parcel 3; thence along said North line, South 88°05'46" West, 1633.65 feet to the Northwest corner of said Parcel 3; thence along the West line of said Parcel 3, South 00°08'00" West, 673.49 feet to the Point of Beginning.

Parcel B-1

Beginning at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northwest corner of Section 15, Township 15 North, Range 4 East bears North 68°20'12" East, 2028.82 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'51" West, 2094.71 feet; thence along the Northwest line, West and South lines of said Parcel 4, South 40°34'39" West, 1217.26 feet to the West line of said Parcel 4; thence along said West line, South 00°08'00" West, 340.32 feet to the Northwest corner of said Parcel 4; thence along the South line of said Parcel 4, North 88°05'46" East, 1633.65 feet; thence leaving said South line, North 00°02'36" West, 204.69 feet; thence North 00°37'33" West, 307.55 feet; thence North 00°33'11" West, 728.30 feet to a point on the North line of said Parcel 4; thence along said North line, South 87°55'58" West, 830.12 feet to the Point of Beginning.

EXCEPTING THEREFROM all that portion of the hereinabove described Parcel B-1 lying Northwesterly of the following described line:

Commencing at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bears North 68°20'12" East, 2028.82 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'51" West, 2094.71 feet; thence along said North line, North 87°55'58" East, 116.02 feet to the Point of Beginning and the Northerly terminus of the herein described line; thence leaving said North line of Parcel 4, South 39°26'53" West, 343.55 feet; thence South 42°43'22" West, 125.60 feet; thence South 40°24'44" West, 636.46 feet; thence South 43°01'04" West, 230.07 feet; thence South 42°37'03" West, 18.84 feet; thence South 38°40'00" West, 30.60 feet to a point on the West line of said Parcel 4 and the Southerly terminus of the line described herein.

The parcels described herein contain an aggregate area of 72.822 acres, more or less.

See Exhibit 'B' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83 (Epoch 2007.00). Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.999991703.

End of Description

Prepared by CTA Engineering & Surveying under the supervision of the undersigned.

[Signature]

Date: 06/01/2012
PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is entered into as of _______________________
by and between the Three Rivers Levee Improvement Authority, a joint powers authority composed of Yuba
County and Reclamation District 784, ("Seller"), and _________________________________________
("Purchaser").

Seller and Purchaser agree as follows:

RECITALS

A. Seller owns the real property more particularly described and depicted in Exhibits A and B attached hereto
and made a part hereof ("Property").

B. Purchaser's bid to purchase the Property from Seller was accepted by the Board of Directors of Seller on
___________________.

C. The parties wish to provide terms and conditions for Purchaser's Purchase of the Property from Seller.

NOW THEREFORE, the parties agree as follows:

AGREEMENT

1. PURCHASE AND SALE

Seller shall sell the Property to Purchaser and Purchaser shall purchase the Property from Seller on the terms
and conditions stated in this Agreement.

2. PURCHASE PRICE

The purchase price for the Property shall be ________________ ("Purchase Price"). The Purchase Price shall
be paid by Purchaser as set forth below:

(a) Deposit. Purchaser has paid the sum of $5,000 ("Deposit") by cashier's check to Seller as part of the
bidding process for the purchase of the Property. Within five (5) business days after execution of this
Agreement, Seller shall deposit the Deposit with the Escrow Holder. The Deposit shall be applied against
the Purchase Price.

(b) Balance of Purchase Price. Purchaser shall deposit with the Escrow Holder sufficient funds to cover the
balance of the Purchase Price, plus Purchaser's share of all escrow costs, within sixty (60) days after the
execution of this Agreement.

3. ESCROW

This transaction shall be completed through an escrow established with Fidelity Title Company ("Escrow
Holder") located at 8950 Cal Center Dr., Bldg. 3, Suite 100, Sacramento, CA 95826.

4. CONDITIONS TO CLOSE OF ESCROW

The following is a condition precedent to Purchaser's obligation to purchase the Property ("Condition
Precedent"): Seller shall attempt to obtain an easement providing legal access to the Property, and upon obtaining legal access, Seller shall deposit with Escrow Holder proof of legal access to the Property.

If Seller is unable to obtain legal access to the Property within 120 days of execution of this Agreement, Purchaser shall have the right in its sole discretion either to waive in writing this Condition Precedent and proceed with the purchase or, in the alternative, terminate this Agreement by written notice to Seller and Escrow Holder. If Purchaser terminates the Agreement pursuant to this paragraph, Escrow Holder shall return the entire Purchase Price, including the Deposit to Purchaser.

5. **CLOSE OF ESCROW**

The escrow shall close when the entire Purchase Price and all escrow costs have been deposited, and when the Condition Precedent has been satisfied (“Close of Escrow”).

A Quitclaim Deed, in the form attached hereto as Exhibit C, conveying the Property shall be executed by Seller and delivered to the Escrow Holder prior to the Close of Escrow. Purchaser shall not be deemed to have accepted delivery of the Property conveyed by the Quitclaim Deed until such time as the Quitclaim Deed is recorded in the Official Records of County of Yuba, California.

6. **CLOSING COSTS**

Seller shall pay any transfer taxes on recordation of the Quitclaim Deed, all recording fees, and all escrow fees. Purchaser shall pay for any preliminary report of title for the Property and/or policy of title insurance that it wishes to obtain prior to the Close of Escrow.

7. **ACCEPTANCE OF PROPERTY “AS IS”**

The Property and the fixtures and personal property contained therein, if any, are not new, and have been subject to normal wear and tear. Purchaser understands that Seller makes no express or implied warranty with respect to the condition of any of the Property, fixtures or personal property. Purchaser acknowledges that it has not relied upon any representations by Seller with respect to the condition of the Property, the status of permits, zoning, or code compliance.

Purchaser acknowledges and agrees that the Property is to be sold and conveyed to, and accepted by Purchaser, in an “as is” condition with all faults. Purchaser has investigated and has knowledge of operative or proposed governmental laws and regulations (including, but not limited to, zoning, environmental and land use laws and regulations) to which the Property is or may be subject and accepts the Property solely upon the basis of its review and determination of the applicability and effect of such laws and regulations.

8. **SEVERABILITY**

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being impaired.

9. **GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

10. **ENTIRE AGREEMENT**

Page 2 of 8
This Agreement, which shall be valid only when executed by both Seller and Purchaser, constitutes the complete understanding and agreement of the parties hereto and no oral representation shall in any manner vary the terms hereof or be binding. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all the parties.

11. COUNTERPARTS

This Agreement may be executed simultaneously in one (1) or more counterparts, each of which shall be deemed an original, but all of which shall constitute one (1) and the same instrument.

12. BINDING ON SUCCESSORS AND ASSIGNS

This Agreement shall be binding on, and shall inure to the benefit of, the parties to it and their respective legal representatives, successors, and assigns.

13. AGREEMENT TO PERFORM NECESSARY ACTS

Each party agrees to perform any further acts and execute and deliver any documents that may be reasonably necessary to carry out the provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as follows:

SELLER: 
PURCHASER:

Date: ____________________________ Date: ____________________________

By: ____________________________ By: ____________________________
Paul G. Brunner,
Executive Director
as directed by Resolution No_______
Dated: ____________________________

ATTACH:
Exhibit A Legal Description
Exhibit B Plat
Exhibit C Quitclaim Deed

Page 3 of 8
EXHIBIT A

Exhibit A

All that real property situate in the County of Yuba, State of California, being a portion of the lands being vested in Three Rivers Levee Improvement Authority, as described in the Final Order of Condemnation, dated May 2, 2011 and recorded in Document 2011-005293, Official Records of Yuba County and being more particularly described as follows:

Parcel A-1

Beginning at a point on the West line of Parcel 3, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, marked by a 1-1/2" iron pipe tagged LS3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 44°52'09" East, 3787.33 feet; thence along the West line of said Parcel 3, South 00°33'30" East, 309.85 feet; thence leaving said West line, North 89°04'49" East, 883.08 feet; thence North 88°02'20" East, 742.04 feet; thence North 00°51'04" East, 303.92 feet; thence North 00°51'11" East, 423.19 feet; thence North 00°50'29" West, 270.95 feet to a point on the North line of said Parcel 3; thence along said North line, South 89°05'46" West, 1633.65 feet to the Northwest corner of said Parcel 3; thence along the West line of said Parcel 3, South 00°08'00" West, 673.49 feet to the Point of Beginning.

Parcel B-1

Beginning at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bears North 68°20'12" East, 2020.42 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'31" West, 2694.71 feet; thence along the Northwesterly, West and South lines of said Parcel 4, South 40°34'50" West, 1217.26 feet to the West line of said Parcel 4; thence along said West line, South 00°08'00" West, 340.22 feet to the Southwest corner of said Parcel 4; thence along the South line of said Parcel 4, North 89°05'46" East, 1633.65 feet; thence leaving said South line, North 00°52'30" West, 204.69 feet; thence North 00°37'22" West, 307.55 feet; thence North 00°33'11" West, 728.30 feet to a point on the North line of said Parcel 4; thence along said North line, South 87°55'58" West, 330.12 feet to the Point of Beginning.

EXCEPTING THEREFROM all that portion of the hereinabove described Parcel B-1 lying Northwesterly of the following described line:

Commencing at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bears North 68°20'12" East, 2020.42 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'31" West, 2694.71 feet; thence along said North line, North 87°55'58" East, 116.02 feet to the Point of Beginning and the Northerly terminus of the herein described line; thence leaving said North line of Parcel 4, South 39°26'53" West, 343.65 feet; thence South 40°45'22" West, 125.40 feet; thence South 40°46'44" West, 636.46 feet; thence South 45°01'04" West, 230.07 feet; thence South 42°37'02" West, 18.84 feet; thence South 38°47'00" West, 30.60 feet to a point on the West line of said Parcel 4 and the Southerly terminus of the line described herein.

The parcels described herein contain an aggregate area of 72.822 acres, more or less.

See Exhibit 'B' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83 (Epoch 2007.00). Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.99991703.

End of Description

Prepared by CTA Engineering & Surveying under the supervision of the undersigned.

[Signature]

Kurt A. Hennay, PLS 514

[Stamp] REGISTRATION OF LAND SURVEYORS NO. 3191 EXPIRES 12-31-2015
EXHIBIT C

Recording Requested By And
When Recorded Return To:

Three Rivers Levee Improvement District
c/o Bender Rosenthal, Inc.
4400 Auburn Boulevard, Suite 102
Sacramento, CA 95841

(Space above this line for Recorder's use)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a joint powers authority, ("Grantor") does hereby release and quitclaim to __________________________ all of Grantor's right, title and interest in the real property located in the County of Yuba, State of California, described on Exhibit A attached hereto and made a part hereof and depicted on Exhibit B attached hereto and made a part hereof.

Executed as of this ____ day of _________, 2014.

By:

______________________________
Paul G. Brunner,
Executive Director of Three Rivers Levee Improvement Authority
STATE OF CALIFORNIA

County of ____________________________

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

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

WITNESS my hand and official seal.

______________________________
Signature of Notary

(Affix seal here)
THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY
1114 Yuba Street, Suite 218
Marysville, CA 95901
Office (530) 749-7841 Fax (530) 749-6990

February 18, 2014

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul Brunner, Executive Director Kelly Pope, Legal Counsel

SUBJECT: Consider Adopting Resolution of Necessity for Acquisition of Property Interests from APNs 014-360-011 and 013

Recommendation

Staff recommends that the Board of Directors of the Three Rivers Levee Improvement Authority ("TRLIA") adopt the attached proposed Resolution of Necessity for the acquisition of certain property interests in the property bearing Assessor's Parcel Numbers 014-360-011 and 013 for operation and maintenance of the Western Pacific Interceptor Canal Levee (the "Project").

The property bearing Assessor’s Parcel Numbers 014-360-011 and 013 is currently owned by Latigo Farms LLC. As described in the exhibits to the attached proposed Resolution of Necessity, the property interests proposed for acquisition are 23.066 acres in fee necessary for the Project, and 5.173 acres that will be a remnant.

Required Findings for Adoption of a Resolution of Necessity

The attached proposed Resolution of Necessity lists the findings required by California Eminent Domain Law. Importantly, the Board is recommended to find:

1. The public interest and necessity require the Project; and

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

3. The property interests are necessary for the proposed Project; and

4. The acquisition of property necessary for the Project will result in a remnant that TRLIA seeks to acquire in accordance with Code of Civil Procedure Section 1240.410; and

5. The offer required by Government Code Section 7267.2 has been made to the owner or owners of record of the property.
Support for Findings

Finding 1: The Public Interest And Necessity Require The Project.

The Project is necessary because TRLIA has insufficient property rights to maintain the Western Pacific Interceptor Canal ("WPIC") levee. For example, the maintaining agency has been unable to prevent the property owner from allowing cows to graze on the WPIC levee. Cows grazing on the levee have repeatedly caused damage to the levee, leaving indentations that create a path for erosion and create a home for burrowing animals and rodents.

Additionally, the maintaining agency has been unable to use the most efficient and cost effective methods of levee maintenance and vegetation control, such as the use of sheep and goats and convict labor crews. This has resulted in higher operation and maintenance costs along the WPIC levee.

Through the Project TRLIA can acquire fee title to the WPIC levee and the necessary operation and maintenance ("O&M") corridors alongside the levee in order to (1) provide a 15-foot vegetation free zone from the land side levee toe required by the Army Corps; and (2) provide necessary room for maintenance, inspection, patrolling during high water, and flood fighting using the most efficient and cost-effective methods.

TRLIA’s goal for the Project is to obtain both a 100-year level of flood protection as defined by FEMA, and a 200-year level of flood protection as defined by the California Department of Water Resources. The WPIC levee provides flood protection to the communities within Yuba County.


TRLIA proposes to acquire 23.066 acres of property from Latigo Farms LLC for the Project. This acquisition constitutes the levee prism, a 50 foot O&M corridor on the land side of the levee, and a 50-70 foot O&M corridor on the water side of the levee.

The proposed acquisition is necessary for the Project in order to provide a 15-foot vegetation free zone along the landside levee toe as required by the United States Army Corps of Engineers, and to provide adequate room for levee maintenance, inspection, patrolling during high water, and flood fighting. The proposed acquisition will provide sufficient room to both maintain the levee, and to adequately control harmful vegetation and rodent activity in the low flow channel adjacent to the levee. Additionally, the proposed acquisition will provide sufficient room for TRLIA to install a fence that keeps cows off the levee, while simultaneously allowing the maintaining agency to access the low flow channel for maintenance. The proposed acquisition also complies with TRLIA’s encroachment permit from the Central Valley Flood Protection Board for work previously performed on the WPIC levee.

The proposed acquisition of 23.066 acres from Latigo Farms LLC is limited in scope to what is necessary for the long term operation and maintenance of the WPIC levee. The proposed acquisition will leave a large economic remainder that will continue to be suitable for farming and ranching operations, consistent with the current use of the property. Accordingly, 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.
Finding 3: The Property Interests Are Necessary For The Proposed Project.

APNs 014-360-011 and 013 are located at 3000 Forty Mile Road, Olivehurst, California. The property is currently used for cattle ranching and rice farming. As noted above, TRLIA staff recommends that TRLIA acquire 23.066 acres in fee consisting of the levee prism, and O&M corridors on either side of the levee.

TRLIA must acquire the levee itself and O&M corridors along the levee toes for the Project. As explained above, the acquisition of property rights to the levee and the O&M corridors is necessary for the Project in order to provide a 15-foot vegetation free zone along the landside levee toe as required by the United States Army Corps of Engineers, and to provide adequate room for levee maintenance, inspection, patrolling during high water, and flood fighting.

Staff recommends that TRLIA acquire the levee and the O&M corridors in fee because fee title will give TRLIA, and any agencies that ultimately own and/or maintain the levee, the rights needed to prevent damage to the levee and interference with maintenance that could occur if TRLIA does not acquire fee. For example, holding fee title will give TRLIA the rights it needs to prevent the following types of activities that are harmful to levees:

- Cattle grazing by property owners;
- Farming activities by property owners that damage the levee and the maintenance corridors;
- Unauthorized pedestrian, motorcycle, and motor vehicle traffic over the levee, creating erosion sites that threaten the integrity of the levee and necessitate emergency repairs;
- Installation of gates into fences abutting the levee, and cutting steps into the levee;
- Piling of garbage, tree trimmings and other debris near the levee that interfere with maintenance activities and create rodent habitats that lead to rodent damage which can threaten the integrity of the levee, and increase maintenance costs;
- Construction of unpermitted encroachments.

Acquiring fee title to the levee and the O&M corridors is necessary to give TRLIA the control over the levee and the O&M corridors it needs in order to maintain levee stability and decrease maintenance costs. It also eliminates any potential dispute as to the rights of the public entity that is charged with operating and maintaining the levees. Fee ownership gives TRLIA exclusive property rights necessary to assure public safety.


When the acquisition of part of a larger parcel of property by eminent domain will leave a remainder or portion thereof in such size, shape or condition as to be of little market value ("remnant"), a public entity may exercise the power of eminent domain to acquire the remnant.

The Project will leave 5.173 acres located between the WPIC levee and Highway 70 with no access and no economically viable use after TRLIA’s acquisition of the levee and O&M corridors. Staff
recommends that TRLIA acquire the 5.173-acre remnant pursuant to Code of Civil Procedure Section 1240.410.

Finding 5: The Offer Required By Government Code Section 7267.2 Has Been Made.

Based on an appraised value of the proposed fee acquisitions, TRLIA offered to purchase the necessary property interests and the remnant from Latigo Farms LLC on September 25, 2013. To date, TRLIA has been unable to reach an agreement with Latigo Farms LLC for the purchase and sale of the property TRLIA seeks to acquire.

Fiscal Impact

The approved appraised value of the proposed acquisition is within the TRLIA cash flow and is available to be deposited to the State Treasurer’s Condemnation Fund. Additionally, TRLIA is in the process of negotiating an agreement with DWR whereby DWR will fund a majority of the Project right of way acquisition costs through an amendment to the existing funding agreement for the Upper Yuba Levee Improvement Project.

Documents Incorporated Into This Report

Attachment A – Draft Resolution of Necessity for APNs 014-360-011 and 013

Environmental documentation in compliance with CEQA is available for review on TRLIA’s website, http://www.trlia.org/EnvironmentalDocs.asp.

Copies of the First Written Offer packages sent to the property owner of the property at issue are available for review.

Notice of Hearing Regarding Intent of Three Rivers Levee Improvement Authority to Adopt a Resolution of Necessity to Acquire Property by Eminent Domain dated January 23, 2014, is available for review.
RESOLUTION NO. 2014—

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR OPERATION AND MAINTENANCE OF THE WESTERN PACIFIC INTERCEPTION CANAL LEVEE
(CODE CIV. PROC. § 1245.230)

Property Owner: Latigo Farms LLC (APN 014-360-011 & 013)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") has determined that it needs to acquire certain property interests from the parcels currently bearing Assessor’s Parcel Nos. 014-360-011 and 014-360-013 in order to operate and maintain the Western Pacific Interceptor Canal Levee (the “Project”); and

WHEREAS, The property interests that TRLIA needs to acquire for the Project are more specifically described and depicted in Exhibit “A” attached hereto; and

WHEREAS, TRLIA has determined that acquisition of the property interests described and depicted in Exhibit “A” will result in a remnant that TRLIA may exercise the power of eminent domain to acquire, as set forth in Code of Civil Procedure Section 1240.410. The remnant that TRLIA has determined it needs to acquire is more specifically described and depicted in Exhibit “B” attached hereto (collectively, the property interests described and depicted in Exhibits “A” and “B” attached hereto are referred to as the “Property”); and

WHEREAS, TRLIA has advised the owner of the Property of the need for the Project and offered the owner an opportunity for a hearing before the TRLIA Board on February 18, 2014, pursuant to Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, TRLIA is authorized to acquire property for the Project pursuant to, among other statutes, the California Constitution and California Eminent Domain Law, Code of Civil Procedure section 1240.410, Government Code section 25350.5, and Water Code section 50930; 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, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.

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

3. The property interests described and depicted in Exhibit “A” attached hereto are necessary for the proposed Project.
4. The property interests described and depicted in Exhibit “B” are a remnant that TRLIA seeks to acquire in accordance with Code of Civil Procedure Section 1240.410.

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

6. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described and depicted in Exhibits “A” and “B” attached hereto have been complied with by TRLIA.

7. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

The Board of Directors hereby authorizes and empowers legal counsel retained or employed by TRLIA to take the following actions:

1. To acquire in the name of TRLIA, by condemnation, the property interests described and depicted in Exhibits “A” and “B” attached hereto in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;

2. To prosecute in the name of TRLIA such proceedings in the proper court as necessary for such acquisition; and

3. To deposit the probable amount of compensation, based on an appraisal, and to apply to the court for an order permitting TRLIA to take possession of the property for public uses and purposes.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 18th day of February, 2014, by a two-thirds (2/3) or greater vote as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________________________
CHAIRPERSON

ATTEST:

________________________________________
SECRETARY

APPROVED AS TO FORM:
GENERAL COUNSEL

By: ______________________________
ANDREA CLARK
EXHIBIT A
Exhibit A-1

APN 014-360-011 and 014-360-013

Legal Description

All that real property situated in the County of Yuba, State of California, being a portion of the real property conveyed by deed to Latigo Farms LLC, a California Limited Liability Company, dated February 27, 2013 and recorded in Document No. 2013-002673, Official Records of said County, being a portion Lots 1, 2, 23, 24, 25, 26 and 48 of the land shown on the plat entitled “Subdivision ‘A’, Marysville Land Co.”, filed in Book 3 of Maps, Page 10, Yuba County Records, lying within Sections 21 and 28, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

Beginning at a point on the North line of said Lot 48, from which a brass disk stamped “LS 3341” in a standard monument well, per Record of Survey 2000-15, recorded in Book 72 of Maps, Page 34, Yuba County Records, marking the Northeast corner of said Subdivision ‘A’ bears South 87°34’08” East, 7718 feet and from which a similar brass disk in a standard monument well, marking the Southeast corner of said Subdivision ‘A’ bears South 54°45’44” East, 9502.49 feet, thence leaving said North line, South 00°36’18” East, 1761.03 feet more or less to a point on the North line of said Lot 26, thence along said North line, North 88°09’33” East, 66.55 feet to a point being the intersection of said North line and the East line of Parcel 4A, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded in Book 36, Page 296, Official Records of Yuba County; thence leaving said North line and along said East line, South 00°39’18” East, 3943.06 feet more or less to a point on the South line of said Lot 1, being also the North line of Parcel 23, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded April 11, 1941 in Book 61, Page 76, Official Records of Yuba County, thence along the South line of said Lot 1 and the North line of said Parcel 23, South 88°29’26” West, 195.38 feet; thence leaving said line, North 00°47’59” West, 288.67 feet; thence North 01°26’29” West, 560.40 feet; thence North 00°35’13” West, 555.57 feet; thence North 00°18’11” West, 536.01 feet; thence North 00°00’11” West, 571.24 feet; thence North 00°30’11” West, 543.43 feet; thence North 00°10’46” West, 512.61 feet; thence North 00°40’08” West, 231.25 feet; thence North 12°09’52” West, 53.54 feet; thence North 80°02’45” West, 35.72 feet more or less to a point on the East line of that certain parcel of land, granted to the State of California for freeway purposes by Frank L. and Emma A. Hoffman by grant deed dated August 27, 1964 and recorded in Book 410, Page 468, Official Records of said County and being the East line of State Highway No. 70 and from which Caltrans Survey Monument No. 16-57, located 59.00 feet left of Engineer Station 269+01.05 of the ‘A2’ line shown on the Division of Highways, District 3, Monument Map for Yuba County Route 70, Post Mile R5.3, dated October 31, 1968, on sheet 12 of 22 bears South 13°41’00” West, 606.30 feet, thence along said East line, North 00°32’33” West, 129.21 feet; thence leaving said East line, North 81°00’46” East, 35.63 feet; thence North 00°25’04” West, 716.34 feet; thence North 00°29’21” West, 539.27 feet, thence North 00°44’37” West, 475.50 feet more or less to a point on the North line of said Lot 48, being also the South line of Parcel 10 as described in the deed to Jean Pierre Alfaro and Marie Jeanne Alfaro, Trustees of the Jean Pierre Alfaro and Marie Jeanne Alfaro 1999 Family Revocable Trust, dated March 6, 1999 and recorded in Document No. 2000-0853; thence along said North line, South 82°39’27” West, 128.91 feet to the Point of Beginning, containing 23.066 acres, more or less.

End of Description

The Basis of Bearings for this description is the California Coordinate System, CCS83 (2007.00), Zone 2, based on observations between NGS Stations RIO OSO, Algadon and HPGN D CA 03 GH. Distances contained herein are ground distances. Multiply the ground distances by 0.99991703 to obtain grid distances.

This description has been prepared by me or under my direct supervision.

Kevin A. Heaney, P.E.

07/04/03

State

Page 1 of 1
EXHIBIT B
All that real property situated in the County of Yuba, State of California, being a portion of the real property conveyed by deed to Latigo Farms LLC, a California Limited Liability Company, dated February 27, 2013 and recorded in Document No. 2013-00673, Official Records of said County, being a portion Lots 1, 2, 23, 24, 25, 26 and 48 of the land shown on the plat entitled “Subdivision ‘A’, Marysville Land Co.”, filed in Book 3 of maps, Page 10, Yuba County Records, lying within Sections 21 and 28, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

Commencing at a point on the North line of said Lot 48, from which a brass disk stamped “LS 3341” in a standard monument well, per Record of Survey 2000-15, recorded in Book 72 of Maps, Page 34, Yuba County Records, marking the Northeast corner of said Subdivision ‘A’; thence South 89°34'08” East, 7718.15 feet and from which a brass disk in a standard monument well, marking the Southeast corner of said Subdivision ‘A’; thence South 54°45'44” East, 9502.49 feet; thence leaving said North line, South 00°36'18’” East, 1761.03 feet more or less to a point on the North line of said Lot 26; thence along said North line, North 88°09'33” East, 66.55 feet to a point being the intersection of said North line and the East line of Parcel 4A, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded in Book 36, Page 296, Official Records of Yuba County; thence leaving said North line and along said East line, South 00°39'18’” East, 3943.06 feet more or less to a point on the South line of said Lot 1, being also the North line of Parcel 23, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded April 11, 1941 in Book 61, Page 76, Official Records of Yuba County; thence along the South line of said Lot 1 and the North line of said Parcel 23, South 88°29'26” West, 195.39 feet to the Point of Beginning; thence leaving said South line, North 00°47'59” West, 288.67 feet; thence North 01°26'29” West, 560.40 feet; thence North 00°35'13” West, 555.57 feet; thence North 00°18'11” West, 536.01 feet; thence North 00°00'11” West, 571.24 feet; thence North 00°20'31” West, 543.43 feet; thence North 00°10'46” West, 512.61 feet; thence North 00°40'08” West, 231.25 feet; thence North 12°09'52” West, 53.54 feet; thence North 00°02'45” West, 35.72 feet more or less to a point hereinafter refer to as Point ‘A’, on the East line of that certain parcel of land, granted to the State of California for freeway purposes by Frank L. and Emma A. Hoffman by grant deed dated August 27, 1964 and recorded in Book 410, Page 468, Official Records of said County and being the East line of State Highway No. 70 and from which Caltrans Survey Monument No. 16-57, located 59.00 feet left of Engineers Station 260+01.05 of the “A2” line shown on the Division of Highways, District 3, Monument Map for Yuba County Route 70, Post Mile R5.3, dated October 31, 1968, on sheet 12 of 22 bears South 13°41'00” West, 606.30 feet; thence along said East line the following three (3) courses:

1. South 00°32'33” East, 2860.86 feet; thence
2. South 00°28'58” East, 544.29 feet; thence
3. South 04°38'18” West, 386.65 feet more or less to a point on the West line of said Subdivision ‘A’; thence along the West line of said Subdivision ‘A’, South 00°33'56” East, 69.12 feet more or less to the Southwest corner of said Subdivision ‘A’; thence along the South line of said Subdivision ‘A’ and the North line of said Sacramento-San Joaquin Drainage District Parcel 23, North 88°29'26” East, 79.64 feet to the Point of Beginning, containing 3.719 acres, more or less.

TOGETHER WITH the following:

Commencing at the aforementioned Point ‘A’; thence along the East line of said State Highway No. 70, North 00°32'33” West, 129.21 feet; thence leaving said East line, North 81°00'46” East, 35.63 feet; thence North 00°25'04” West, 716.34 feet; thence North 00°29'21” West, 539.27 feet; thence North 00°44'37” West, 475.50 feet more or less to a point on the North line of said Lot 48, being also the South line of Parcel 10 as described in the deed to Jean Pierre Alfaro and Marie Jeanne Alfaro, Trustees of the Jean Pierre Alfaro and Marie Jeanne Alfaro 1999 Family Revocable Trust, dated March 6, 1999 and recorded in Document No. 2000-0853; thence along said North line, North 82°39'27” West, 35.97 feet more or less to a point on the East
Exhibit A-1

line of said State Highway No. 70; thence along said East line, South 00°32'33" East, 1741.28 feet to the Point of Beginning, containing 1.454 acres, more or less.

End of Description

The Basis of Bearings for this description is the California Coordinate System, CCSR3 (2007.00), Zone 2, based on observations between NGS Stations Rio Oso, Algondon and HPGN D CA 03 GJ. Distances contained herein are ground distances. Multiply the ground distances by 0.99999703 to obtain grid distances.

This description has been prepared by me or under my direct supervision.

[Signature]

09/10/2013

Date

Page 2 of 2
Feb. 4, 2014

Three Rivers Levee Improvement Authority
Board of Directors

Re: Notice of Hearing regarding Adoption of a Resolution
   Of Necessity to Acquire Property by Eminent Domain

Assessor’s Parcel Number 014-360-011 & 013

To Board of Directors:

We wish to reserve our right to appear and be heard concerning the above
Referenced, issue. Your letter of Jan. 23, 2014, suggest, points of public interest and necessity, greatest
public good, least private injury. Latigo Farms, LLC would like to reserve its right to speak at the Board
of Directors of TRLIA on Feb. 18, 2014, regarding points 2, a-f of your letter. Latigo Farms, LLC or its
agent will be speaking.

Latigo Farms, LLC

By: ______________________
   Bruce Burrow