



# 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**

- A. **Danna and Danna Inc.**: Adopt resolutions of necessity regarding Assessor Parcel Numbers 016-120-005, 016-150-020, 016-1500-021 (Danna and Danna Inc.) and Parcel Numbers 016-150-004 and 016-150-019 (Danna Investment Company).
- 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**




# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Government Center  
915 Eighth Street, Suite 115  
Marysville, CA 95901-5273

Telephone: (530) 749-7575 Fax: (530) 749-7312

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 (Danna Investment Company) and 016-120-005, 016-150-020, 021 (Danna & Danna, 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:

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

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

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 \$25,576,058 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 30 percent local match that will come from TRLIA levee impact fees.

**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: Danna 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, the appraisers considered that some severance damages will occur and it will be measured by the loss in estimated market value for that land area.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

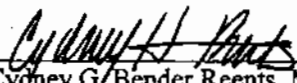
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**PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH**

<u>Location APN</u>	<u>Sale Date</u>	<u>Size</u>	<u>Total Sale Price</u>
241 Hudson Road 28-210-012, 013	5/2003	49 acres	\$600,000
East side of Garden Hwy. 33-020-004	4/2004	161.55 acres	\$1,481,500
8506 State Hwy. 70, 006-050-033	6/2004	37.06 acres	\$370,000
7203 Natomas Road 35-170-03	7/2004	80.00 acres	\$860,000
65 Laurel Ave. 025-260-043	8/2004	20.0 acres	\$300,000
Ella Ave./Feather River Blvd. 14-240-025 & -026	8/2004	48.7 acres	\$1,217,500
Algodon Rd. 16-040-069, -070, -067 (por.)	7/2004	90.95 acres	\$3,723,050
Feather River Blvd. 13-010-026	4/2005	71.76 acres	\$2,000,000
Feather River Blvd. 13-010-046	4/2005	59.95 acres	\$1,575,000

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:**

  
\_\_\_\_\_  
Cydney G. Bender Reents, MAI  
California Certified General  
Real Estate Appraiser  
Certificate No. AG017559

**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	\$ 3,714,600
Improvements (wells, crops, shed/minor structure, etc.)	\$ 231,939
Temporary Construction Easements	\$ 3,868

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 in Market Value	\$195,000
Cost to Cure	\$ N/A
<b>Total Severance Damages</b>	<b>\$195,000</b>

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	\$251,550
Value of the remainder after acquisition	\$251,550
Increase in Market Value	\$-0-

**Total Estimated Compensation**

Market Value of Portion to be Acquired	\$ 3,950,407
Net Severance Damage	\$ 195,000
<b>Total</b>	<b>\$ 4,145,407</b>
Rounded	\$ 4,145,000

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

## 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:	Danna 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
Improvements to be Acquired:	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 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

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-004)*

**Market Value of Portion to be Acquired**

Land	\$ 20,850
Improvements (crop loss)	\$ 3,650
Temporary Construction Easement	\$ 1,849

**Severance Damages**

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. 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-
<b>Total</b>	<b>\$ 26,349</b>
Rounded	<b>\$ 26,300</b>

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

**PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH**

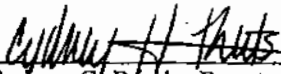
<u>Location</u> APN	<u>Sale Date</u>	Size	Total Sale Price
241 Hudson Road 28-210-012, 013	5/2003	49 acres	\$600,000
East side of Garden Hwy. 33-020-004	4/2004	161.55 acres	\$1,481,500
8506 State Hwy. 70, 006-050-033	6/2004	37.06 acres	\$370,000
7203 Natomas Road 35-170-03	7/2004	80.00 acres	\$860,000
65 Laurel Ave. 025-260-043	8/2004	20.0 acres	\$300,000
Ella Ave./Feather River Blvd. 14-240-025 & -026	8/2004	48.7 acres	\$1,217,500
Algadon Rd. 16-040-069, -070, -067 (por.)	7/2004	90.95 acres	\$3,723,050
Feather River Blvd. 13-010-026	4/2005	71.76 acres	\$2,000,000
Feather River Blvd. 13-010-046	4/2005	59.95 acres	\$1,575,000

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-004)*

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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:**

  
Cydney G. Bender Reents, 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 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: Danna & Danna, Inc., A California Corporation  
Property Address: 1017 Feather River Blvd. Marysville, CA 95901  
(APNs: 016-120-005 (por.), 016-150-020, 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 (Abutter's): No  
Interest Acquired: Fee Simple, Permanent Access Road Easement, 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. 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

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**

Land	\$ 2,100,225
Improvements (modular trailer, wells, crops, etc.)	\$ 210,037
<b>Additional Compensation Items</b>	
Temporary Construction Easement	\$ 3,634
Estimated Crop Loss	\$ 260,903

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	\$3,524,775
Value of the remainder after acquisition	\$3,362,025
Loss in Market Value	\$162,750
Cost to Cure (Irrigation Replacement)	\$ 31,775
<b>Total Severance Damages</b>	<b>\$194,525</b>

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	\$3,634,050
Value of the remainder after acquisition	\$3,634,050
Increase in Market Value	\$-0-

**Total Estimated Compensation**

Market Value of Portion to be Acquired	\$ 2,574,799
Net Severance Damages	<u>\$ 194,525</u>
<b>Total</b>	<b>\$ 2,769,324</b>
Rounded	<b>\$ 2,769,000</b>

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

**PRINCIPLE TRANSACTIONS FOR SALES COMPARISON APPROACH**

<u>Location APN</u>	<u>Sale Date</u>	<u>Size</u>	<u>Total Sale Price</u>
241 Hudson Road 28-210-012, 013	5/2003	49 acres	\$600,000
East side of Garden Hwy. 33-020-004	4/2004	161.55 acres	\$1,481,500
8506 State Hwy. 70, 006-050-033	6/2004	37.06 acres	\$370,000
7203 Natomas Road 35-170-03	7/2004	80.00 acres	\$860,000
65 Laurel Ave. 025-260-043	8/2004	20.0 acres	\$300,000
Ella Ave./Feather River Blvd. 14-240-025 & -026	8/2004	48.7 acres	\$1,217,500
Algodon Rd. 16-040-069, -070, -067 (por.)	7/2004	90.95 acres	\$3,723,050
Feather River Blvd. 13-010-026	4/2005	71.76 acres	\$2,000,000
Feather River Blvd. 13-010-046	4/2005	59.95 acres	\$1,575,000

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:***

\_\_\_\_\_  
Cydney G. Bender Reents, MAI  
California Certified General  
Real Estate Appraiser  
Certificate No. AG017559

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 1250.140; 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**

APN 016-150-004	Levee Permanent Right of Way	Exh. A
	Map of Exhibit A	Exh. B
	Temporary Construction Easement	Exh. C
	Map of Exhibit C	Exh. D

**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 7267.2 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:

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CHAIRPERSON

ATTEST:

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Donna Stottlemeyer, Secretary

Exh. 1

EXHIBIT A

All that real property 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 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. 200013430, Yuba County Official Records lying southerly and easterly of the following described line:

Beginning at a  $\frac{3}{4}$ " iron pipe 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 Danna parcel; thence along the southerly boundary of said Danna parcel, North  $89^{\circ}58'00''$  West, a distance of 431.80 feet to the TRUE POINT OF BEGINNING of the herein described line; thence leaving said southerly line, North  $63^{\circ}00'32''$  East, a distance of 298.91 feet, thence North  $34^{\circ}00'32''$  East, a distance of 296.41 feet to a point on the easterly line of said Danna parcel and there terminating. Containing 1.39 acres, more or less.

Subject to other easements and rights of record.

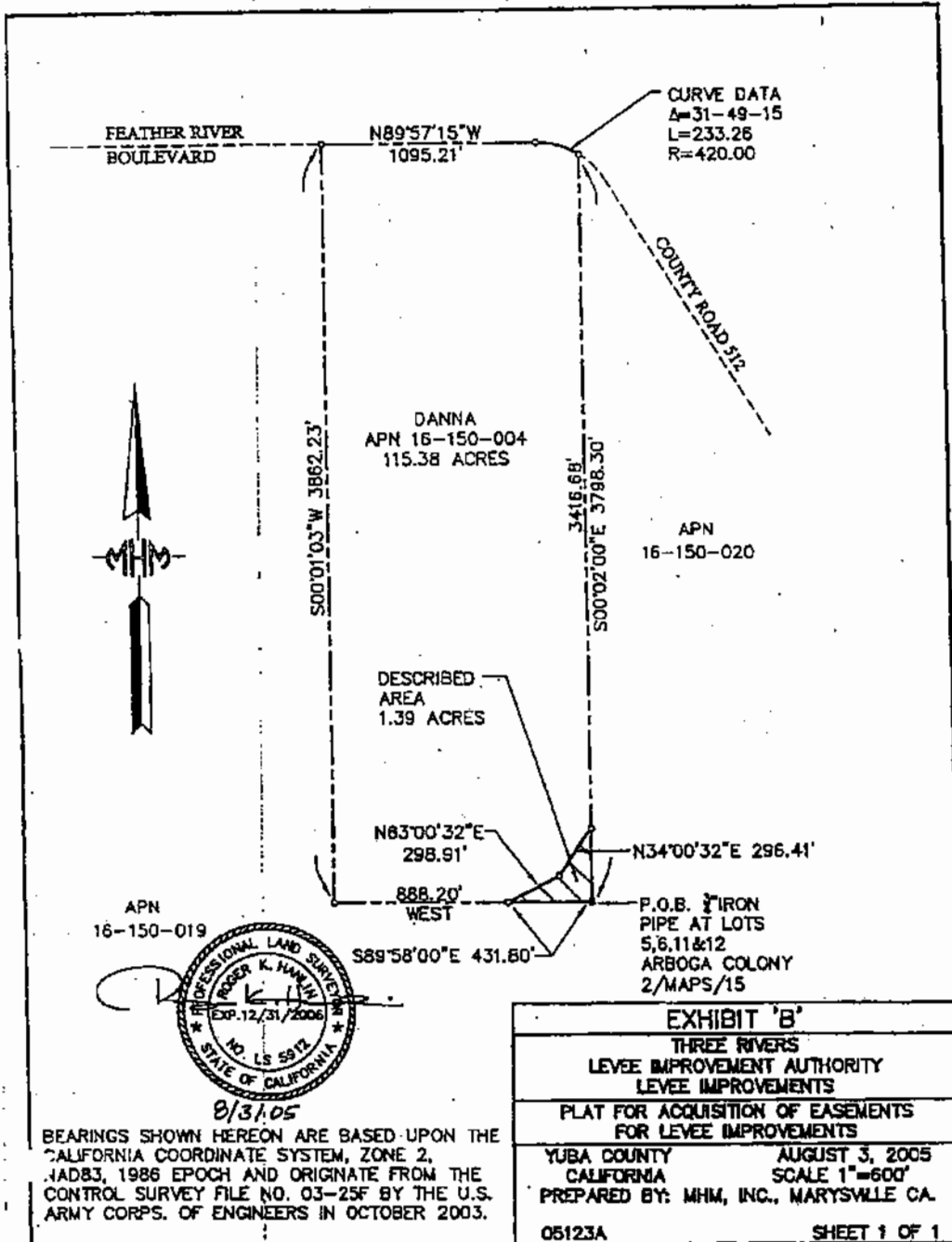
END OF DESCRIPTION

APN 16-150-004



7-1-05

**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna Investment Co. Property**  
**(APN 16-150-004)**



BRI 05019

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 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. 200013430, Yuba County Official Records lying easterly of the following described line:

Commencing at a 3/4" iron pipe 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 Danna parcel; thence along the easterly boundary of said Danna parcel, North 00°02'00" East, a distance of 381.63 feet; thence leaving said easterly boundary, South 34°00'32" West, a distance of 21.44 feet to the TRUE POINT OF BEGINNING of the herein described line; thence North 00°02'00" West, a distance of 3123.51 feet to the beginning of a curve, concave to the southeast, having a radius of 212.00 feet and a central angle of 19°22'08"; thence along the arc of said curve, 71.67 feet to a point on the easterly line of said Danna parcel and there terminating. The sidelines of said easement shall be lengthened or shortened to begin and end on the boundary of said Danna 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.

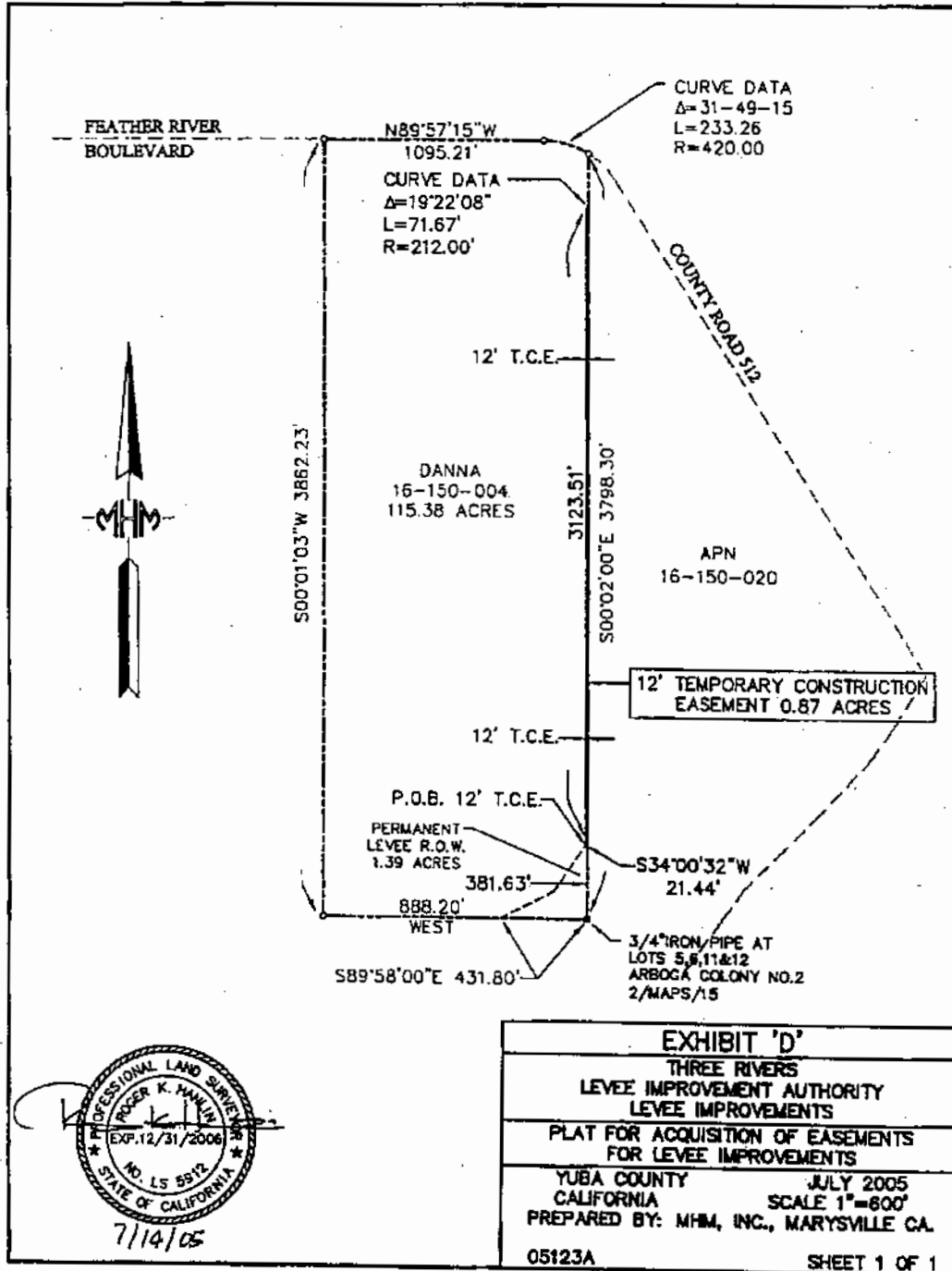
END OF DESCRIPTION

APN 16-150-004



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Three Rivers Levee Improvement Project  
 Marysville, Yuba County  
 Danna Investment Co. Property  
 (APN 16-150-004)



<b>EXHIBIT 'D'</b>	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA	JULY 2005 SCALE 1"=600'
PREPARED BY: MHM, INC., MARYSVILLE CA.	
05123A	SHEET 1 OF 1

Exh. 2

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT A

All that real property situate 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. 200013430, Yuba County Official Records lying southerly and westerly of the following described line:

Commencing at a ¼" iron pipe marking the lot corner common to lots 5, 6, 11, and 12, Block 20 of said Arboga Colony No. 2; thence along the northerly lines of lot 12, Block 20 and lot 9, Block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to a point on the northerly line of said lot 9 and the northeast corner of said Danna parcel; thence leaving said northerly line, South 00°06'20" West, along the easterly boundary of said Danna parcel, a distance of 693.15 feet to the TRUE POINT OF BEGINNING of the herein described line; thence leaving said easterly boundary, South 63°00'32" West, a distance of 811.76 feet; thence South 71°33'58" West, a distance of 1951.09 feet; thence South 89°44'35" West, a distance of 927.93 feet; thence North, a distance of 219.79 feet; thence South 88°08'07" West, a distance of 221.66 feet to a point on the southwesterly boundary of said Danna parcel and there terminating. Containing 225.02 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



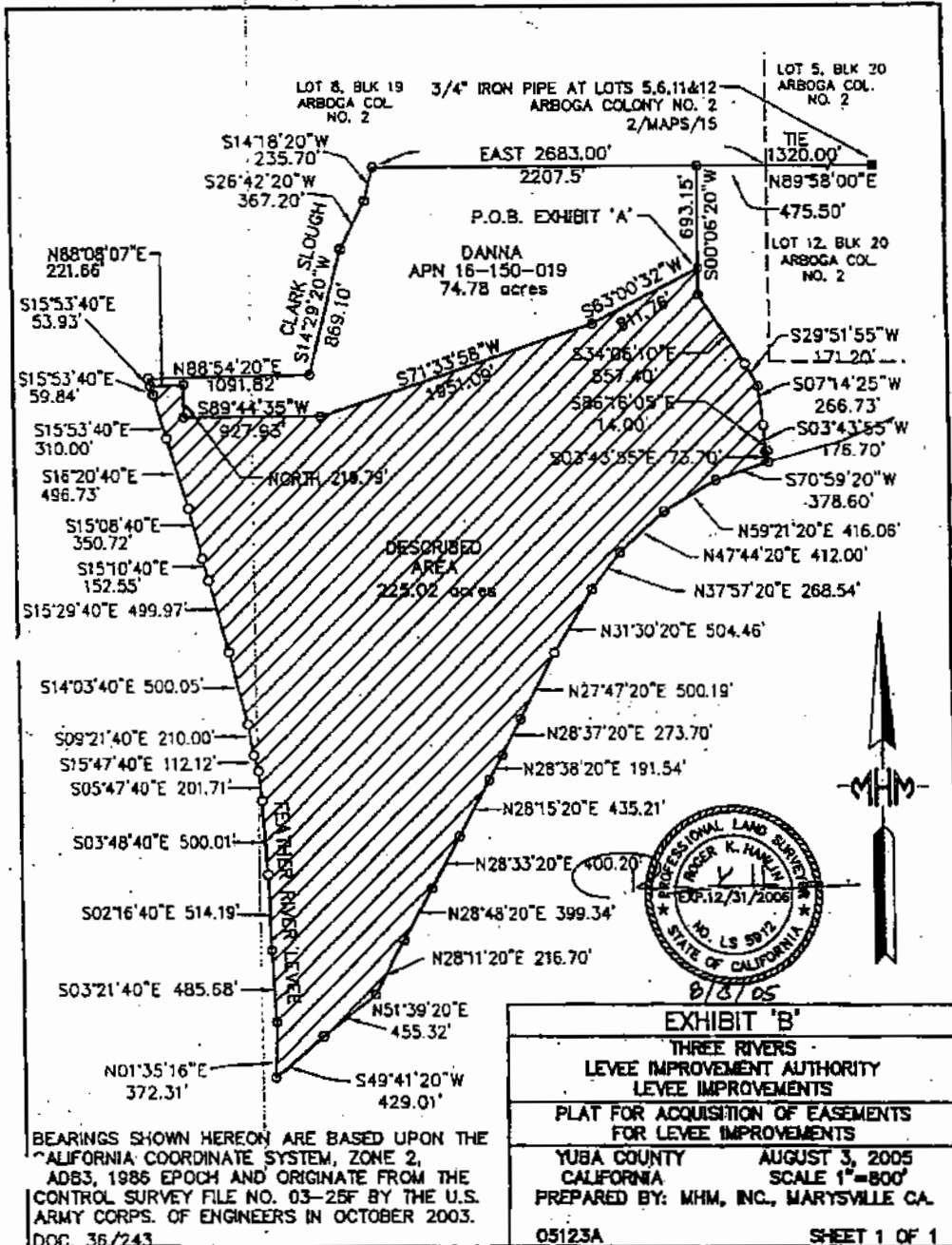
*R K H*  
7-1-05

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BRI 05019

BENDER ROSENTHAL, INC.

**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna Investment Co. Property**  
**(APN 16-150-019)**



BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT C

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 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. 200013430, Yuba County Official Records lying southerly and westerly of the following described line:

Commencing at a 1/4" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence continuing along the northerly line of said lot 9, EAST, a distance of 1295.82 feet to a point on said northerly line and being the TRUE POINT OF BEGINNING of the herein described parcel; thence leaving said northerly line South 15°30'22" West, a distance of 1019.35 feet; thence South 71°33'37" West, a distance of 971.65 feet; thence North 06°38'54" East 462.95 feet; thence North 21°49'28" East, a distance of 427.10 feet; thence North 06°38'54" East, a distance of 460.37 feet to a point on the northerly line of said Danna Investment Company parcel; thence EAST, along the northerly line of said Danna Investment parcel, a distance of 778.03 feet to the point of beginning. Containing 22.62 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019

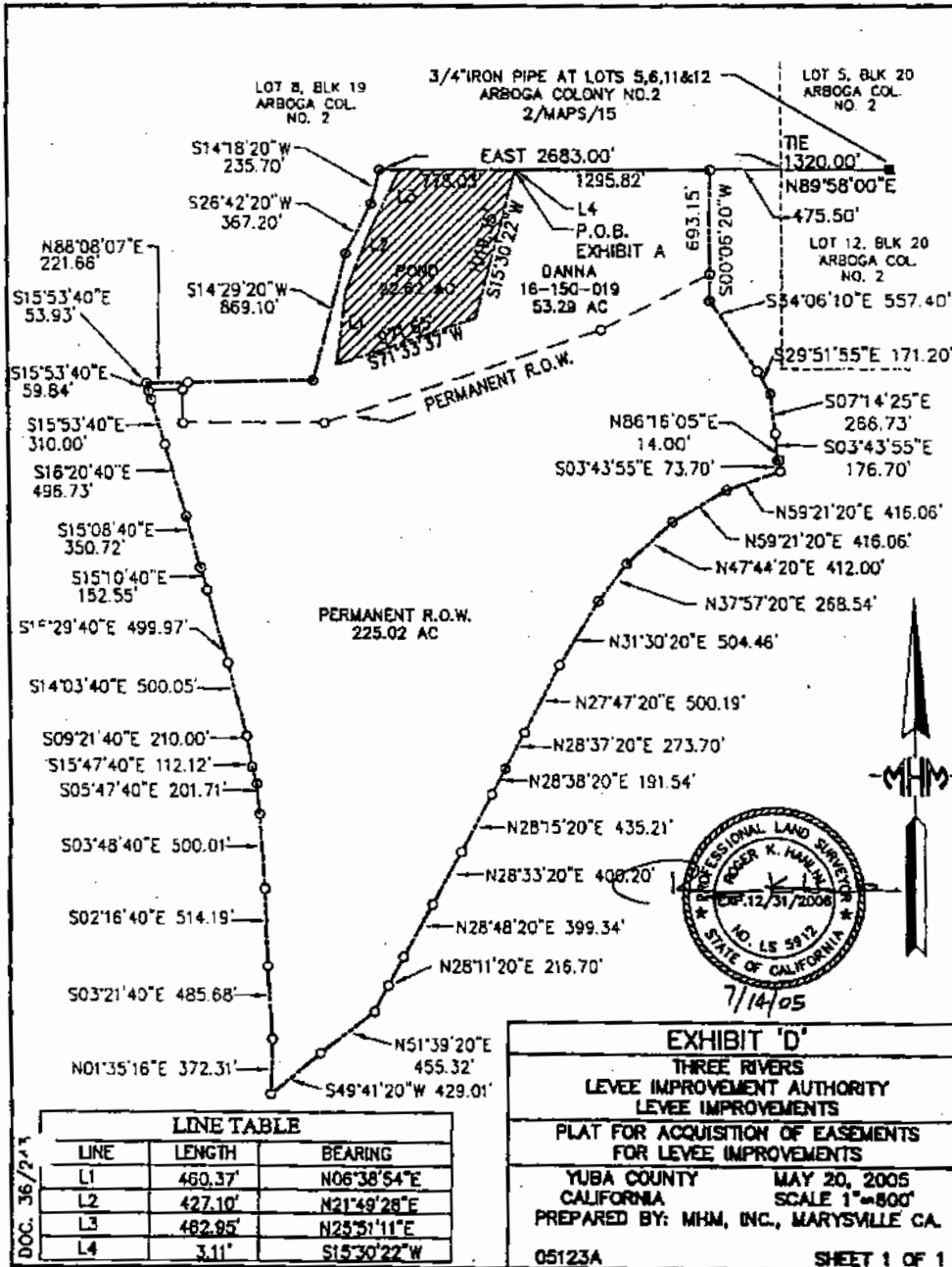


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BRI 05019

BENDER ROSENTHAL, INC.

**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna Investment Co. Property**  
**(APN 16-150-019)**



BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT E

PARCEL B-1

An easement 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 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. 200013430, Yuba County Official Records. Said easement being a strip of land 24 feet wide lying 12 feet on each side of the following described line:

Commencing at a 3/4" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence leaving said northerly line of said lot 9, South 00°06'20" West, a distance of 12.00 feet to the TRUE POINT OF BEGINNING of the herein described line; thence leaving said northerly line South 15°30'22" West, a distance of 1019.35 feet; thence WEST, a distance of 1299.13 feet and there terminating. The lines of said easement shall be lengthened and shortened to begin and end on the boundary of said Danna parcel and the permanent easement. This description contains 0.72 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



Platting Survey Description W 2887012-04905 16-150-019 TCE Parcel B-1-1a

BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT F

PARCEL B-2

An easement 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 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. 200013430, Yuba County Official Records. Said easement being a strip of land 24 feet wide lying 12 feet on each side of the following described line:

Commencing at a ¾" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence leaving said northerly line of said lot 9, South 00°06'20" West, along the easterly line of said Danna parcel, a distance of 56.55 feet to the TRUE POINT OF BEGINNING of the herein described line; said point being the beginning of a non-tangent curve concave to the southeast, having a radial bearing of South 51°06'06" East, a radius of 150.00 feet and a central angle of 39°27'52"; thence along the arc of said curve, a distance of 103.32 feet; thence South 00°33'58" East, a distance of 553.26 feet and there terminating. The lines of said easement shall be lengthened and shortened to begin and end on the boundary of said Danna parcel and the permanent levee right of way. This description contains 0.36 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



FIG Drawing Survey Description W 20000173-00045 16-150-019 TCS Parcel B-2.dwg

BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT G

PARCEL B-3

An easement 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 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. 200013430, Yuba County Official Records. Said easement being a strip of land 24 feet wide lying 12 feet on each side of the following described line:

Commencing at a ¾" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence continuing along said northerly line of said lot 9, WEST, a distance of 2073.85 feet; thence South 25°51'11" West, a distance of 462.95 feet; thence South 21°49'28" West, a distance of 429.12 feet; thence South 06°38'54" West, a distance of 480.83 feet to the TRUE POINT OF BEGINNING of the herein described line; thence South 06°38'54" West, a distance of 150.25 feet; thence South 88°54'20" West, a distance of 993.72 feet and there terminating. The lines of said easement shall be lengthened and shortened to begin and end on the boundaries of the permanent levee rights of way. This description contains 0.63 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



F:\Surveying\Survey Descriptions\16-150-019-000001 16-150-019 TCE Parcel B-3.dwg

BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)*

EXHIBIT H

PARCEL B-4

An easement 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 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. 200013430, Yuba County Official Records. Said easement being a strip of land 24 feet wide lying 12 feet on each side of the following described line:

Commencing at a ¼" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence continuing along said northerly line of said lot 9, WEST, a distance of 2073.85 feet; thence South 25°51'11" West, a distance of 462.95 feet; thence South 21°49'28" West, a distance of 429.12 feet; thence South 06°38'54" West, a distance of 480.83 feet; thence South 06°38'54" West, a distance of 150.25 feet to the TRUE POINT OF BEGINNING of the herein described line; thence SOUTH, a distance of 212.74 feet and there terminating. The lines of said easement shall be lengthened and shortened to begin and end on the boundary of the permanent levee right of way. This description contains 0.11 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



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BRI 05019

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 ("TRLIA") 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 016-150-021, 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 1250.140; 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 and maps attached hereto as follows:

**Exhibit 1**

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

**Exhibit 2**

APN 016-150-020	Levee Permanent Right of Way	Exh. A
	Map to Exhibit A	Exh. B
	Temporary Construction Easement	Exh. C
	Map to Exhibit C	Exh. D

**Exhibit 3**

APN 016-150-021	Levee Permanent Right of Way	Exh. A
	Map to Exhibit A	Exh. B
	Temporary Construction Easement	Exh. C
	Map to Exhibit C	Exh. D

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 7267.2 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

ATTEST:

---

Donna Stottlemeyer, Secretary

Exh. 1

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)*

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 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 & Danna, Inc., a California Corporation, recorded in book 317 at page 563, 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 1/2" iron pipe marking the lot corner common to lots 5, 6, 11, and 12 in block 20 of said Arboga Colony No. 2 bears South 36°51'24" East, a distance of 4827.14 feet; thence leaving said centerline SOUTH, a distance of 1242.70 feet; thence South 29°07'06 West, a distance of 661.48 feet; thence WEST, a distance of 661.44 to a point on the westerly line of said Danna parcel and there terminating. This description contains 20.30 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-120-005



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BRI 05019

BENDER 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 2 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 563, Yuba County Official Records more particularly described as follows:

Commencing at a ¾" 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 lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence continuing along the northerly line of said lot 9, EAST, a distance of 1295.82 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 779.85 feet; thence leaving said south line, North 05°14'22" West, a distance of 222.68 feet; thence North 19°24'09" West, a distance of 97.76 feet; thence North 00°19'33" West, a distance of 300.55 feet; thence North 15°52'52" East, a distance of 157.14 feet; thence EAST, a distance of 987.30 feet; thence SOUTH, a distance of 502.03 feet; thence South 44°01'01" West, a distance of 254.08 feet; thence South 13°27'58" West, a distance of 83.19 feet to the point of beginning. This description contains 17.05 acres, more or less.

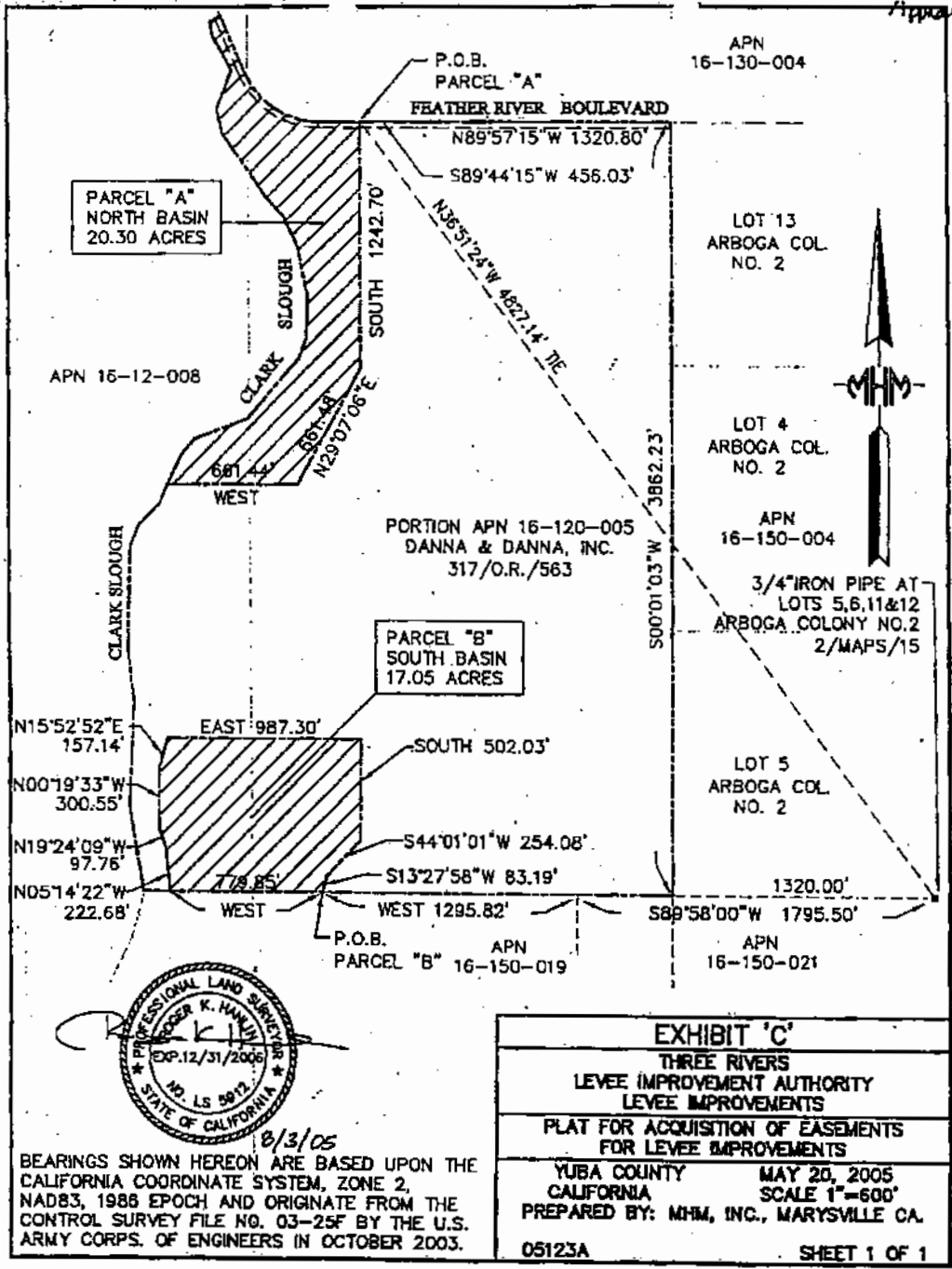
Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-120-005



**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna & Danna, Inc. Property**  
**(016-120-005, 016-150-020, - 021)**



BRI 05019

BENDER ROSENTHAL, INC.

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)*

EXHIBIT "D"

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 "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 & Danna, Inc., a California Corporation, recorded in book 317 at page 563, Yuba County Official Records lying southeasterly and easterly of the following described line:

Commencing at a 3/4" iron pipe marking the lot corner common to lots 5, 6, 11, and 12 in block 20 of said Arboga Colony No. 2; thence South 89°58'00" West, along the northerly lines of lot 12 in block 20 of said Arboga Colony No. 2 and lot 9 block 19 of said Arboga Colony No. 2, a distance of 1795.50 feet to the northeasterly corner of said Danna Investment Company parcel; thence continuing along the northerly line of said lot 9, EAST, a distance of 1295.82 feet to a point on said northerly line and being the TRUE POINT OF BEGINNING of the herein described line; thence leaving said northerly line North 13°27'58" East, a distance of 83.19 feet; thence North 44°01'01" East, a distance of 254.08 feet; thence NORTH, a distance of 3600.57 feet to a point in the approximate centerline of Feather River Boulevard, from which said 3/4" iron pipe marking the lot corner common to lots 5, 6, 11 and 12 bears South 36°51'24" East, a distance of 4827.14 feet, and there terminating. This description contains 2.17 acres, more or less.

The sideline of said easement shall be lengthened or shortened to begin and end on the property line of said Danna parcel and is subject to rights-of-way, easements and rights of record.

END OF DESCRIPTION

APN 16-120-005

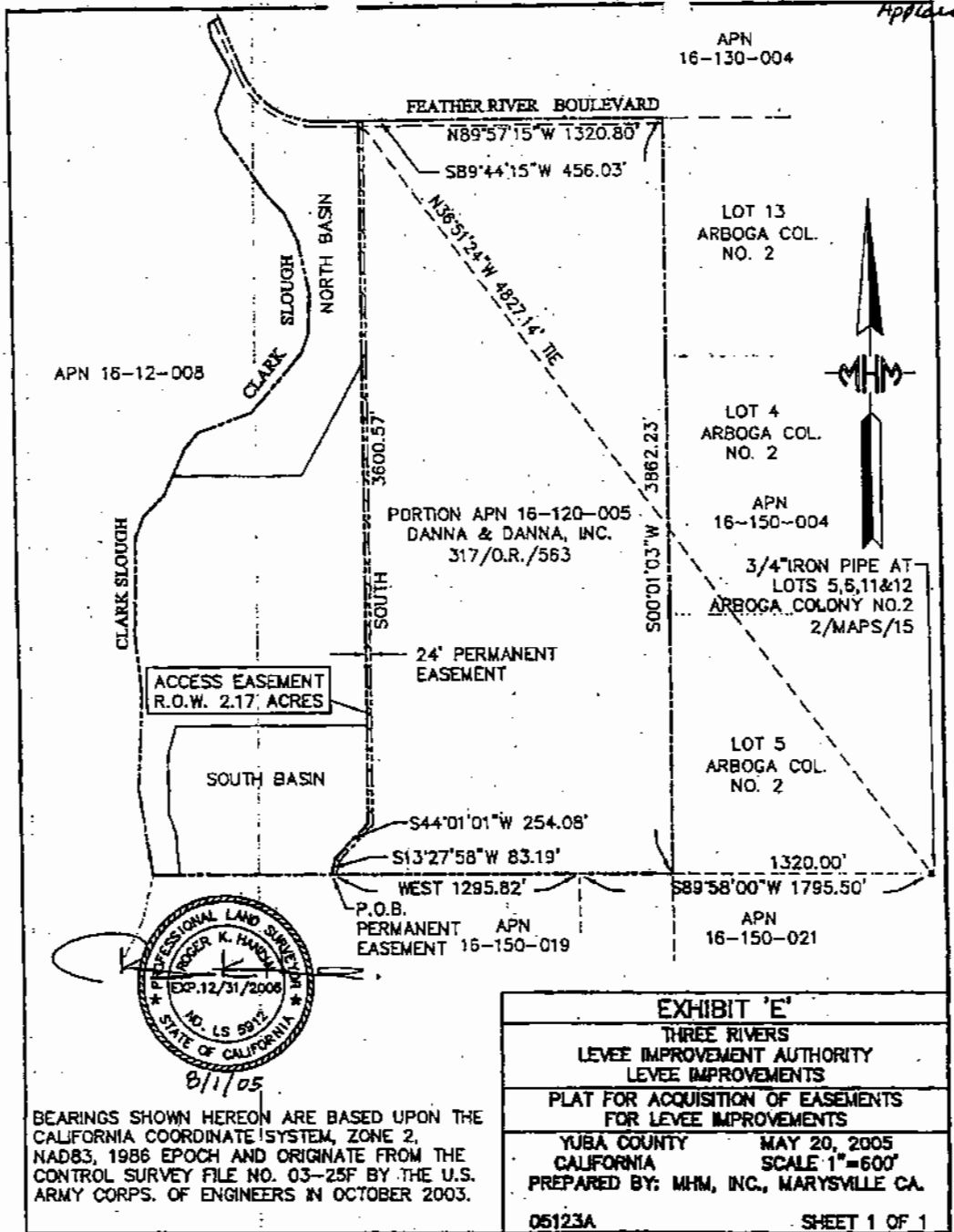


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BRI 05019

BENDER ROSENTHAL, INC.

**Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)**



BRI 05019

BENDER ROSENTHAL, INC.

Exh. 2

EXHIBIT A

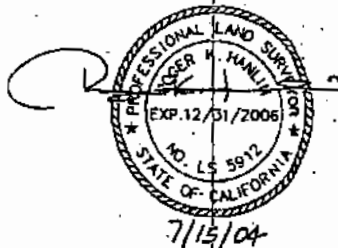
All that real property situate in the County of Yuba, State of California, being Lots 6 and 11, Block 20 and a portion of Lot 3, Block 20 and Lot 14, Block 17 as shown on that certain map entitled "Arboga Colony No. 2", filed in Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described as Parcel 1, in deed to Danna and Danna, Inc. a California Corporation, recorded in book 570 at page 347, Yuba County Official Records lying southerly and easterly of the following described line:

Beginning 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., said point being on the westerly boundary of said Danna parcel; thence along the westerly boundary of said Danna parcel, North 00°02'00" West, a distance of 381.63 feet to the TRUE POINT OF BEGINNING of the herein described line; thence leaving said westerly line, North 34°00'32" East, a distance of 2043.08 feet to a point on the northeasterly line of said Danna parcel and there terminating. Containing 46.81 acres, more or less.

Subject to other easements and rights of record.

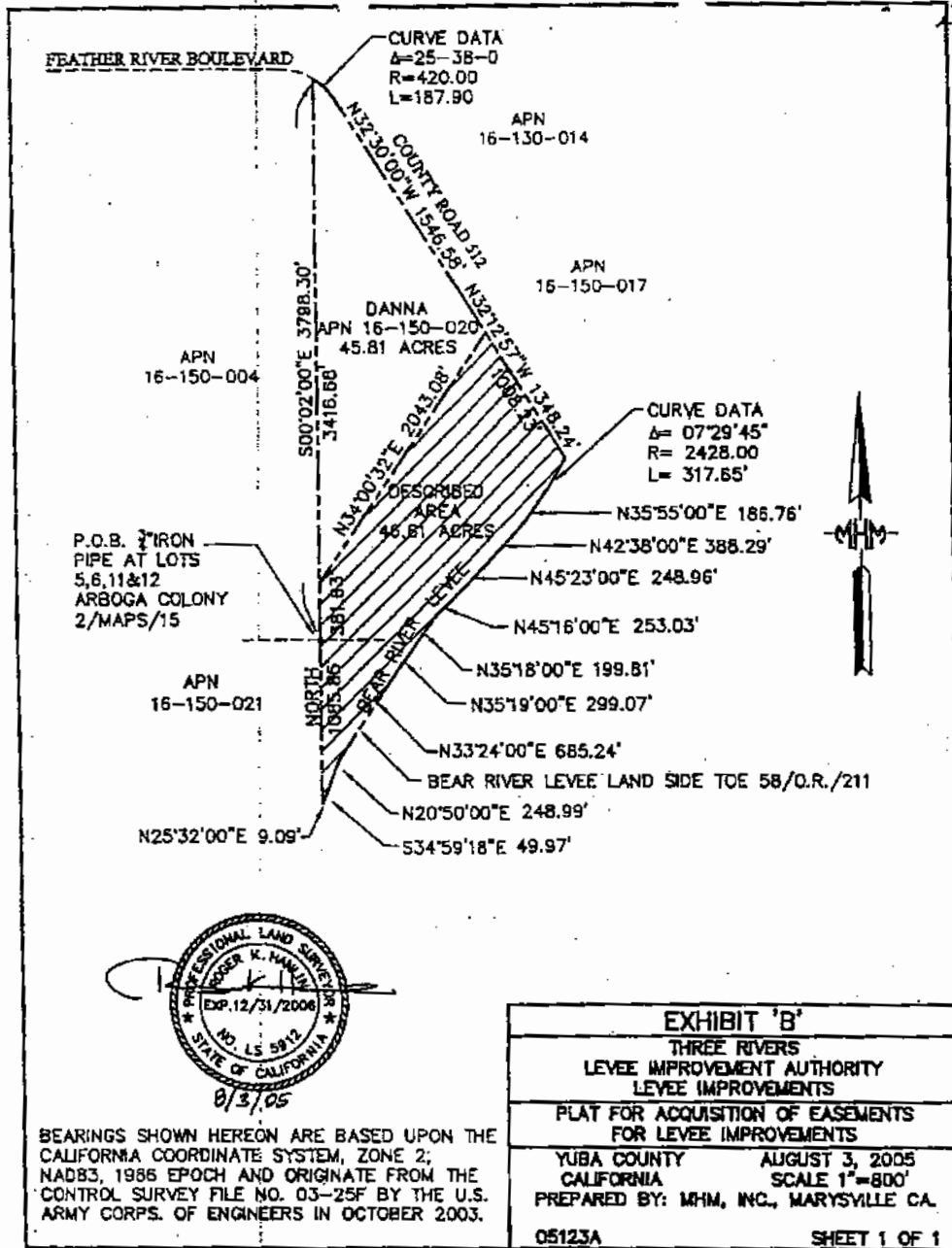
END OF DESCRIPTION

APN 16-150-020



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**Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)**



BRI 05019

BENDER ROSENTHAL, INC.

EXHIBIT C

An easement situate in the County of Yuba, State of California, being Lots 6 and 11, Block 20 and a portion of Lot 3, Block 20 and Lot 14, Block 17 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 as Parcel 1, in deed to Danna and Danna, Inc. a California Corporation, recorded in book 570 at page 347, Yuba County Official Records. Said easement being a strip of land of varying widths lying easterly and southerly of the following described line:

Commencing at a 1/4" iron pipe marking the lot corner common to lots 5, 6, 11, and 12, Block 20 of said Arboga Colony No. 2, said point being on the westerly boundary of said Danna parcel; thence along the westerly boundary of said Danna parcel, North 00°02'00" West, a distance of 381.63 feet to the TRUE POINT OF BEGINNING of the herein described line; from this point said easement is 12 feet in width lying easterly of and parallel with the westerly line of said Danna parcel; thence North 00° 02' 00" East, a distance of 3105.75 feet to the beginning of a curve concave to the southeast, having a radius of 200.00 feet and a central angle of 57°32'00"; from this point said easement is 24 feet in width, lying 12 feet on each side of the line herein described; thence along the arc of said curve, a distance of 200.83 feet; thence North 57°32'00" East, a distance of 39.33 feet to a point on the northeasterly line of said Danna parcel and there terminating. The side lines of said easement are to be lengthened or shortened to begin and end on the boundary of said Danna parcel and the permanent levee right of way. This description contains 0.97 acres, more or less.

Subject to other easements and rights of record.

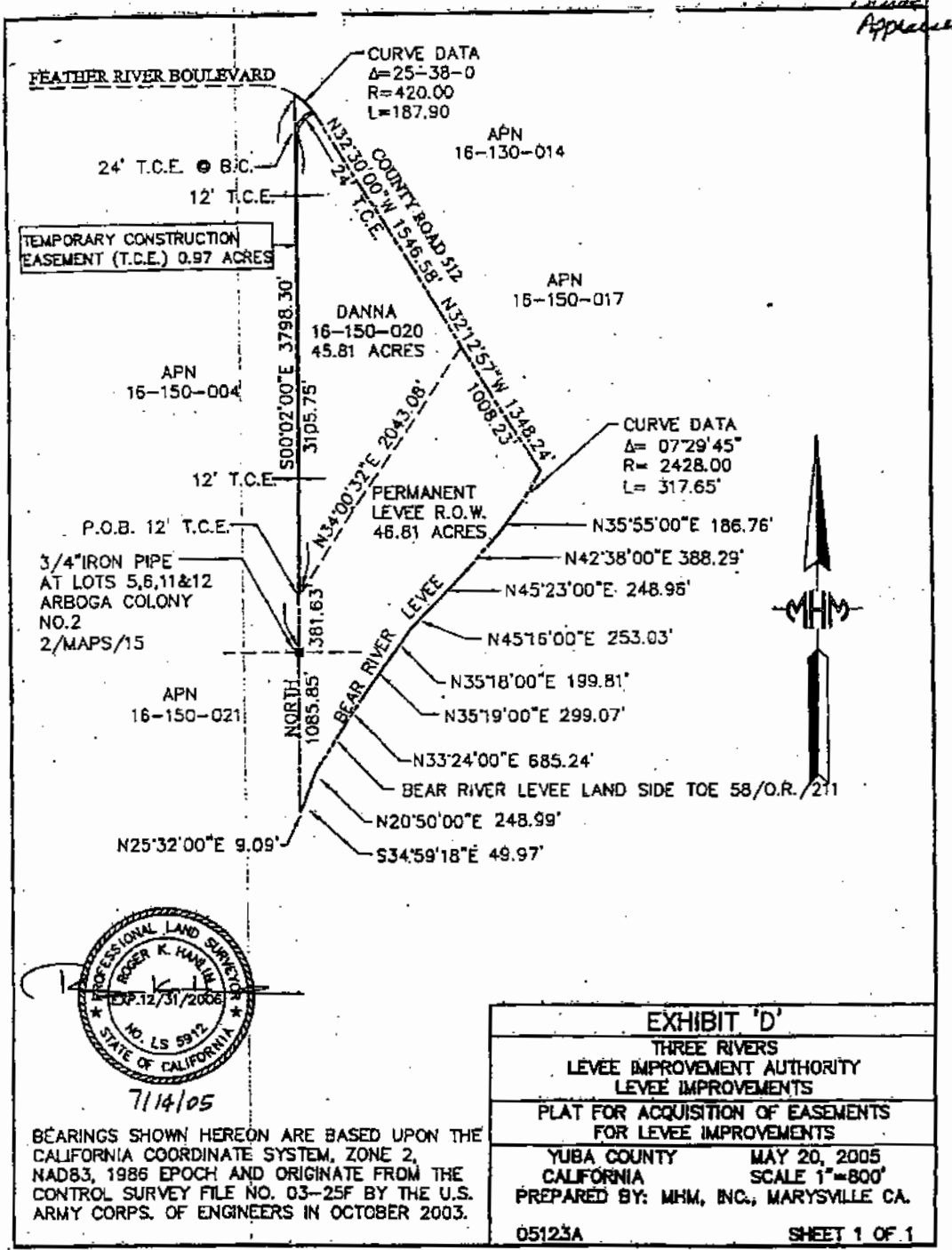
END OF DESCRIPTION

APN 16-150-020



Professional Survey Description of 20070212-01602 16-150-020 YCA Inc.

**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna & Danna, Inc. Property**  
**(016-120-005, 016-150-020, - 021)**



BRI 05019

BENDER ROSENTHAL, INC.

Exh. 3

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)*

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**EXHIBIT A**

All that real property situate 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 as Parcel 1, in deed to Danna and Danna, Inc., a California Corporation, recorded in book 370 at page 343, Yuba County Official Records lying southerly and easterly of the following described line:

Beginning at a 3/4" iron pipe 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 northeasterly corner of said Danna parcel; thence along the northerly boundary of said Danna parcel, South 89°58'00" West, a distance of 431.80 feet; thence leaving said northerly line, South 63°00'32" West, a distance of 1535.20 feet to a point on the west line of said Danna parcel and there terminating. Containing 54.77 acres more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-021



*R. K. Hanlin*  
7-1-05

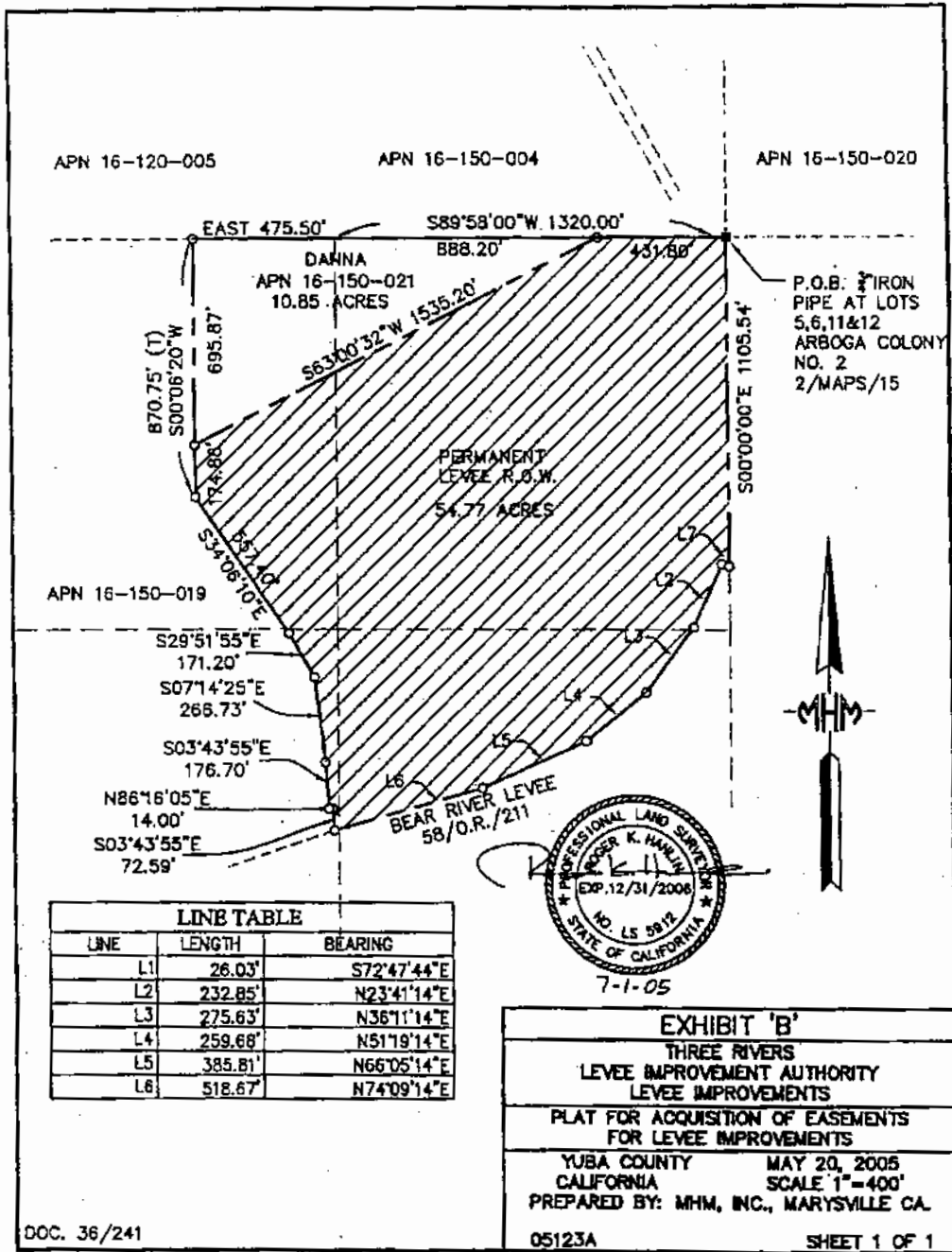
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BRI 05019

BENDER ROSENTHAL, INC.

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**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna & Danna, Inc. Property**  
**(016-120-005, 016-150-020, - 021)**



LINE TABLE		
LINE	LENGTH	BEARING
L1	26.03'	S72°47'44"E
L2	232.85'	N23°41'14"E
L3	275.63'	N36°11'14"E
L4	259.68'	N51°19'14"E
L5	385.81'	N66°05'14"E
L6	518.67'	N74°09'14"E

<b>EXHIBIT 'B'</b>	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA PREPARED BY: MHM, INC., MARYSVILLE CA.	MAY 20, 2005 SCALE 1"=400'
05123A	SHEET 1 OF 1

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)*

EXHIBIT C

An easement situate 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 as Parcel 1, in deed to Danna and Danna, Inc., a California Corporation, recorded in book 570 at page 343, Yuba County Official Records lying southerly of and parallel with the following described line:

Commencing at a 3/4" iron pipe 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 northeasterly corner of said Danna parcel; thence along the northerly boundary of said Danna parcel, South 89°58'00" West, a distance of 433.36 feet to the TRUE POINT OF BEGINNING of the herein described line; thence South 89°58'00" West, a distance of 886.64 feet; thence WEST, a distance of 475.50 feet to the northwest corner of said Danna parcel and there terminating. The sidelines of said easement are to be lengthened or shortened to begin and end on the boundary of said Danna parcel and the permanent levee right of way. This description contains 0.74 acres more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-021

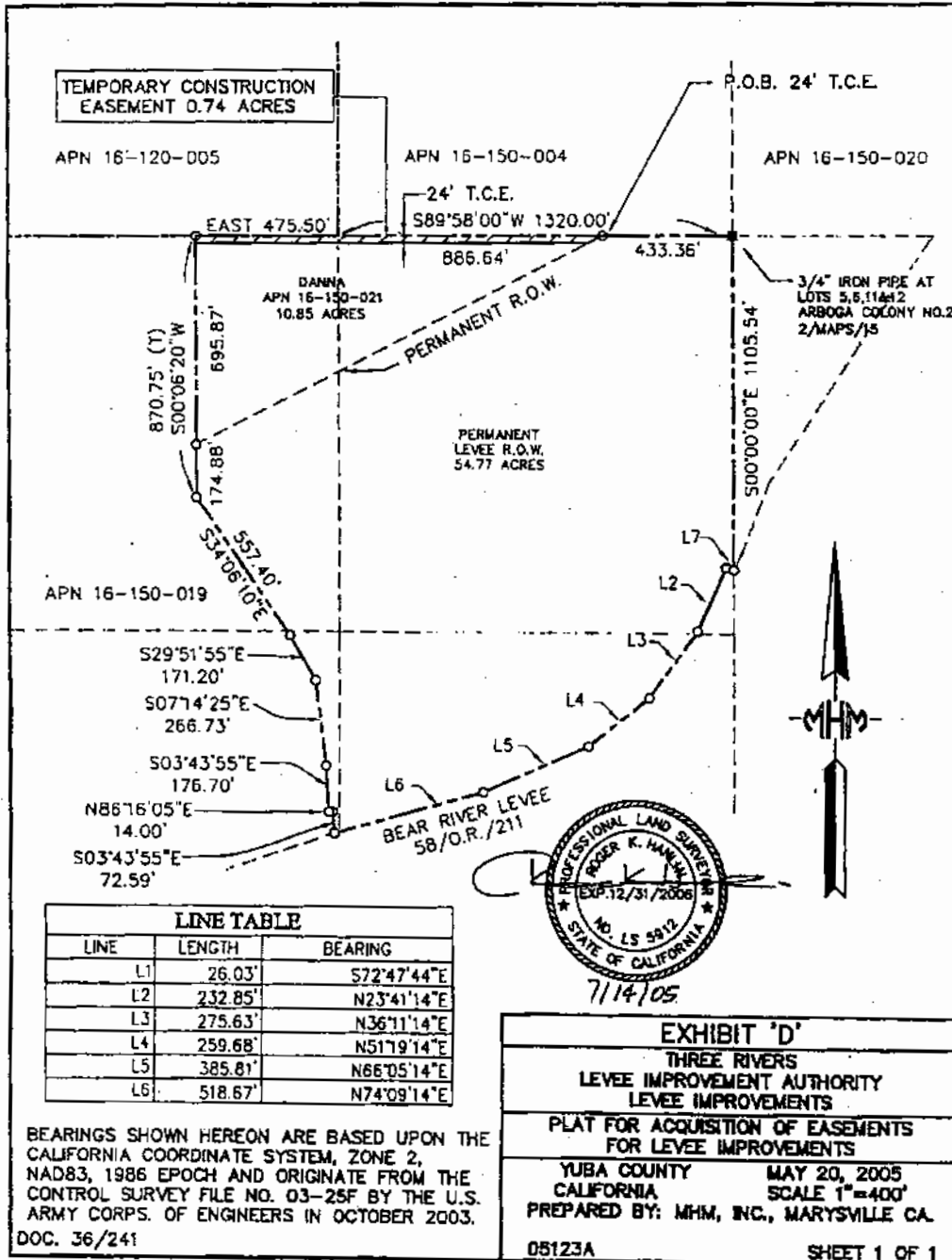


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BRI 05019

BENDER ROSENTHAL, INC.

**Three Rivers Levee Improvement Project**  
**Marysville, Yuba County**  
**Danna & Danna, Inc. Property**  
**(016-120-005, 016-150-020, - 021)**



LINE TABLE		
LINE	LENGTH	BEARING
L1	26.03'	S72°47'44\"E
L2	232.85'	N23°41'14\"E
L3	275.63'	N36°11'14\"E
L4	259.68'	N51°19'14\"E
L5	385.81'	N66°05'14\"E
L6	518.67'	N74°09'14\"E

BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NAD83, 1986 EPOCH AND ORIGINATE FROM THE CONTROL SURVEY FILE NO. 03-25F BY THE U.S. ARMY CORPS. OF ENGINEERS IN OCTOBER 2003. DOC. 36/241



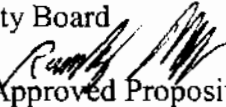
<b>EXHIBIT 'D'</b>	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA PREPARED BY: MHM, INC., MARYSVILLE CA.	MAY 20, 2005 SCALE 1"=400'
05123A	SHEET 1 OF 1



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Government Center  
915 Eighth Street, Suite 115  
Marysville, CA 95901-5273  
Telephone: (530) 749-7575 Fax: (530) 749-7312

August 30, 2005

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

## 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 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 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 TRLIA project team's design of the proposed detention basins. During February 2005, TRLIA was informed that Reclamation District 784 had subsequently adopted a modified drainage plan prepared by Watermark Engineers. This updated drainage study necessitated the TRLIA 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. TRLIA'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 **\$4,846,910**, i.e., be increased by \$1,589,810 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.



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

GOVERNMENT CENTER – 915 8<sup>TH</sup> STREET, SUITE 115  
MARYSVILLE, CA 95901-5273  
(530 749-7575 (530) 749-7312 Fax

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 LL60  
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 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 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 TRLIA project team's design of the proposed detention basins. During February 2005, TRLIA was informed that Reclamation District 784 had subsequently adopted a modified drainage plan prepared by Watermark Engineers. This updated drainage study necessitated the TRLIA 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. TRLIA'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 TRLIA Bear River Setback Levee Project Cost Estimate

Task Number	Task Description	Previously Approved Budget (\$)	Additional Budget Requested (\$)	Amended Total (\$)
<b>1.</b>	<b>Pre-Design/Investigations</b>			
1.1	Site Visits/Data Review	25,200		25,200
1.2	Basis of Design Report	22,500		22,500
1.3	Field Exploration	749,400	<b>60,000</b>	809,400
1.4	Baseline Summary Report	22,500		22,500
<b>2.</b>	<b>Detailed Design and Contract Documents</b>			
2.1	Engineering Analyses	64,200		64,200
2.2	Geotechnical Design Report	57,000		57,000
2.3	Hydrologic Modeling	90,000	<b>91,800</b>	181,800
2.4	Geomorphic Modeling	20,000	<b>65,400</b>	85,400
2.5	Design of Environmental Measures	125,000	<b>271,800</b>	396,800
2.6	Facilities Design, Including Drawings	615,800		615,800
2.7	Specifications	90,000		90,000
2.8	Design Report	68,000		68,000
2.9	Construction Cost Estimate and Schedule	29,000		29,000
2.10	Contract Documents	29,500		29,500
2.11	Levee Certification and Related Documents	0	<b>98,800</b>	98,800
<b>3.</b>	<b>Bidding Process</b>	52,000		52,000
<b>4.</b>	<b>Environmental Compliance/Permitting</b>	125,000	<b>22,400</b>	147,400
<b>5.</b>	<b>Program Management</b>			
5.1	Engineering Management and QA/QC	220,000	<b>13,360</b>	233,360
5.2	Contract Administration and Legal Services	262,000		262,000
5.3	Project Management, Budget Control & Agency Coord.	144,000	<b>421,250</b>	565,250
<b>6.0</b>	<b>Property Assessment and Appraisal</b>			
6.1	Property Title Reports	0	<b>25,000</b>	25,000
6.2	Boundary Survey, Preparation of Plats and Legals	0	<b>70,000</b>	70,000
6.3	Property Appraisal, including related Legal Issues	0	<b>450,000</b>	450,000
	<b>Other (Contingency and Application Preparation)</b>	446,000		446,000
	<b>TOTAL</b>	<b>3,257,100</b>	<b>1,589,810</b>	<b>4,846,910</b>