

RESOLUTION NO. 05-05

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 YUBA RIVER  
LEVEE SYSTEM  
(CODE CIV. PROC. § 1245.230)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Yuba River Levee System (the "Project") affecting Assessor's Parcel No. 020-020-054, 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 of Directors on July 5, 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 Yuba 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 description attached hereto as Exhibits A and C and accompanying maps attached hereto as Exhibits B and D, and 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 Exhibits A, B, C and D 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 5th day of July, 2005 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Griego, Logue, Webb  
NOES: None  
ABSTAIN: None  
ABSENT: None

*Richard E. Webb*  
CHAIRPERSON

ATTEST:

*Donna Stottlemeyer*  
Donna Stottlemeyer, Secretary

APPROVED AS TO FORM  
DANIEL G. MONTGOMERY  
COUNTY COUNSEL

BY: *Daniel G. Montgomery*

\_\_\_\_\_ BY:

APPROVED AS TO FORM  
DANIEL G. MONTGOMERY  
COUNTY COUNSEL

EXHIBIT A

All that real property situate in the County of Yuba, State of California being a portion of Tract 10 of Yuba Gardens as shown on the Map thereof filed in Book 3 of Maps at Page 2, Yuba County Records, described as follows:

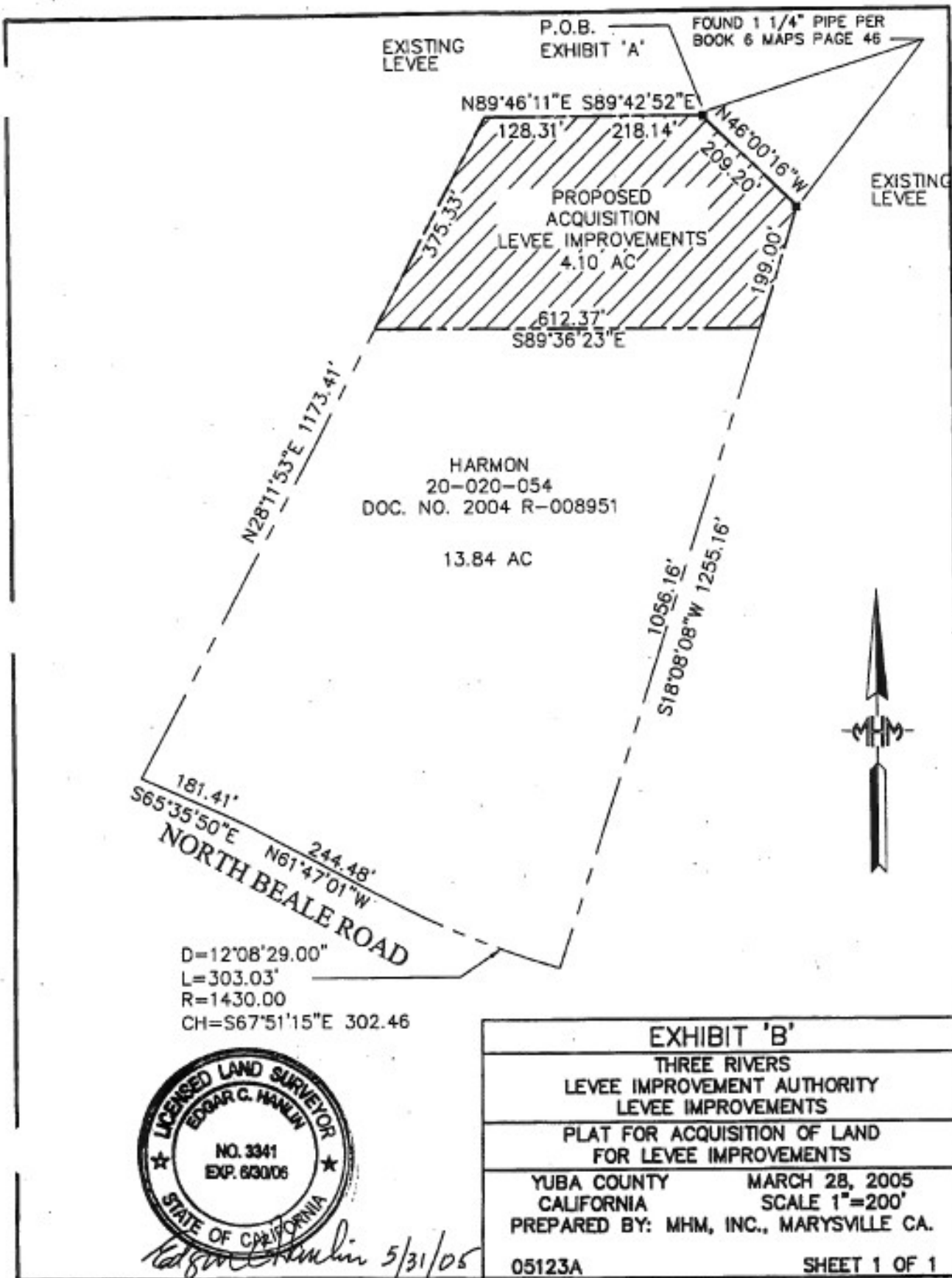
Beginning at the 1 1/4" pipe marking the intersection of the northerly boundary of that certain 36.47 acre parcel of land as shown in Book 6 of Maps at page 46, Yuba County Records with the southwesterly boundary of the Southern Pacific (now Union Pacific) Railroad, said 1 1/4" pipe is also a corner of the parcel of land described in deed to Martin A. Harmon, an unmarried man recorded in Document No. 2004R-008951 Yuba County Official Records, thence along the easterly boundary of said Harmon parcel of land South 46°00'16" East 209.20 feet to 1 1/4" pipe marking said easterly boundary; thence continuing along said easterly boundary South 18°08'08" West 199.00 feet; thence leaving said easterly boundary North 89°36'23" West 612.37 feet to a point on the westerly boundary of said Harmon parcel of land; thence along the westerly and northerly boundary of said Harmon parcel of land North 28°11'53" East 375.33 feet; thence North 89°46'11" East 128.31 feet; thence South 89°42'52" East 218.14 feet, more or less, to said point of beginning. Containing 4.10 Acres, more or less.

APN 20-020-054

Subject to other easements and rights of record.



*Edgar C. Hanlin*  
5/31/05



*Edgar C. Hamlin 5/31/05*

<b>EXHIBIT 'B'</b>	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF LAND FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA	MARCH 28, 2005 SCALE 1"=200'
PREPARED BY: MMH, INC., MARYSVILLE CA.	
05123A	SHEET 1 OF 1

EXHIBIT C

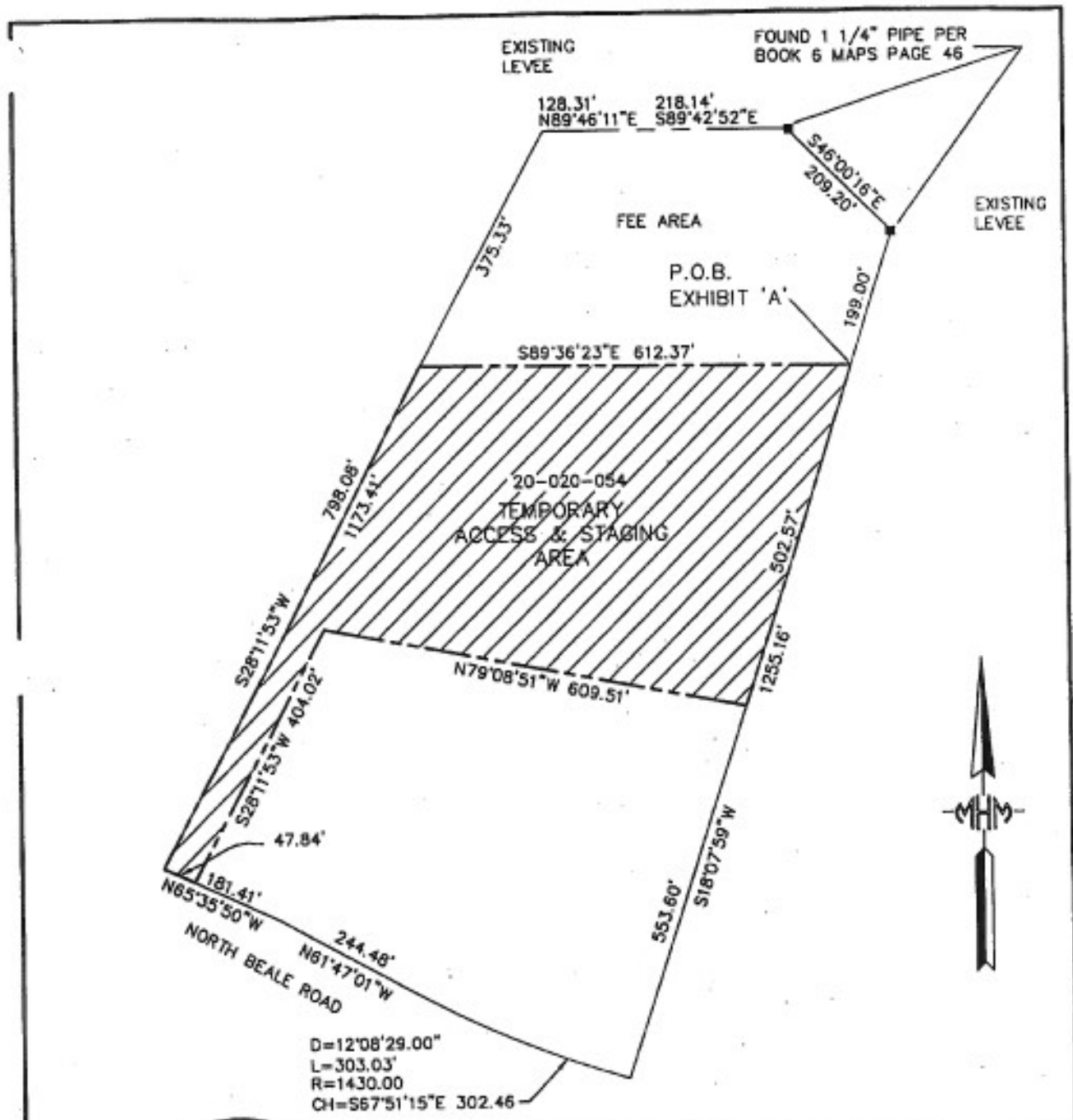
A temporary easement situate in the County of Yuba, State of California being a portion of Tract 10 of Yuba Gardens as shown on the Map thereof filed in Book 3 of Maps at Page 2, Yuba County Records, described as follows:

Commencing at the 1/4" pipe marking the intersection of the northerly boundary of that certain 36.47 acre parcel of land as shown in Book 6 of Maps at page 46, Yuba County Records with the southwesterly boundary of the Southern Pacific (now Union Pacific) Railroad, said 1/4" pipe is also a corner of the parcel of land described in deed to Martin A. Harmon, an unmarried man recorded in Document No. 2004R-008951 Yuba County Official Records, thence along the easterly boundary of said Harmon parcel of land South 46°00'16" East 209.20 feet to 1/4" pipe marking said easterly boundary; thence continuing along said easterly boundary South 18°08'08" West 199.00 feet to the **TRUE POINT OF BEGINNING** of the herein described parcel of land, thence continuing along said easterly boundary South 18°07'59" West 502.57 feet; thence leaving said easterly boundary North 79°08'51" West 609.51 feet; thence South 28°11'53" West 404.02 feet to a point on the northerly sideline of North Beale Road; thence along said northerly sideline North 65°35'50" West 47.84 feet to a point on the westerly boundary of said Harmon parcel of land; thence along said westerly boundary North 28°11'53" East 798.08 feet; thence leaving said westerly boundary South 89°36'23" East 612.37 feet, more or less, to said point of beginning. Containing 6.73 Acres, more or less.

APN 20-020-054

Subject to other easements and rights of record.





*Edgar C. Hanley*  
5/31/05

<b>EXHIBIT D</b>	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA	MAY 23, 2005 SCALE 1"=200'
PREPARED BY: MHM, INC., MARYSVILLE CA.	
05123A	SHEET 1 OF 1