

RESOLUTION NO. 05-12

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: Directors Brown, Griego, Webb

NOES: None

ABSTAIN: None

ABSENT: Director Logue

  
 RICHARD E. WEBB  
 CHAIRPERSON

ATTEST:

  
 Donna Stottlemeyer, Secretary

APPROVED AS TO FORM  
 DANIEL G. MONTGOMERY  
 COUNTY COUNSEL

TRLIA/Danna  
849858v1 35662/0001

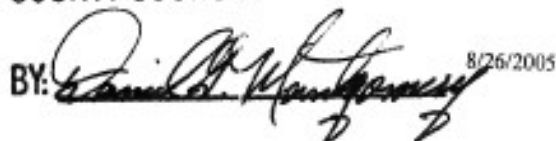
BY:  8/26/2005

EXHIBIT 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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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 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 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)

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 thence 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



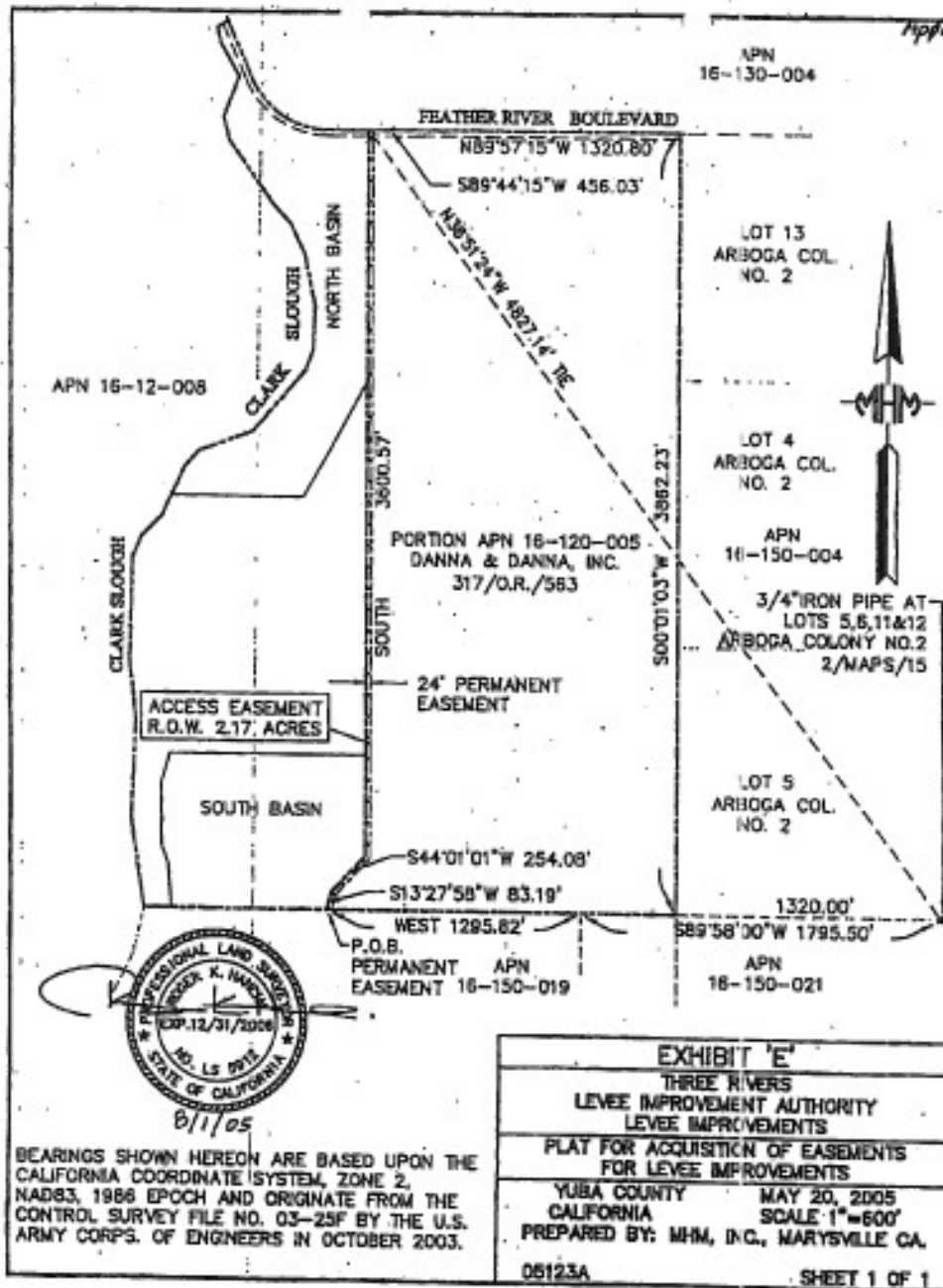
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Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)



BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NAD83, 1988 EPOCH AND ORIGINATE FROM THE CONTROL SURVEY FILE NO. 03-25F BY THE U.S. ARMY CORPS. OF ENGINEERS IN OCTOBER 2003.

EXHIBIT 2

Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-110-005, 016-150-020, - 021)

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 thence terminating. Containing 46.81 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-020



2006/07/15/04 Drawing Description 01 2002/07/15/04 01 16-150-020 rev.04

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Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-129-005, 016-150-020, - 021)

EXHIBIT C

An easement sits 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 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; 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

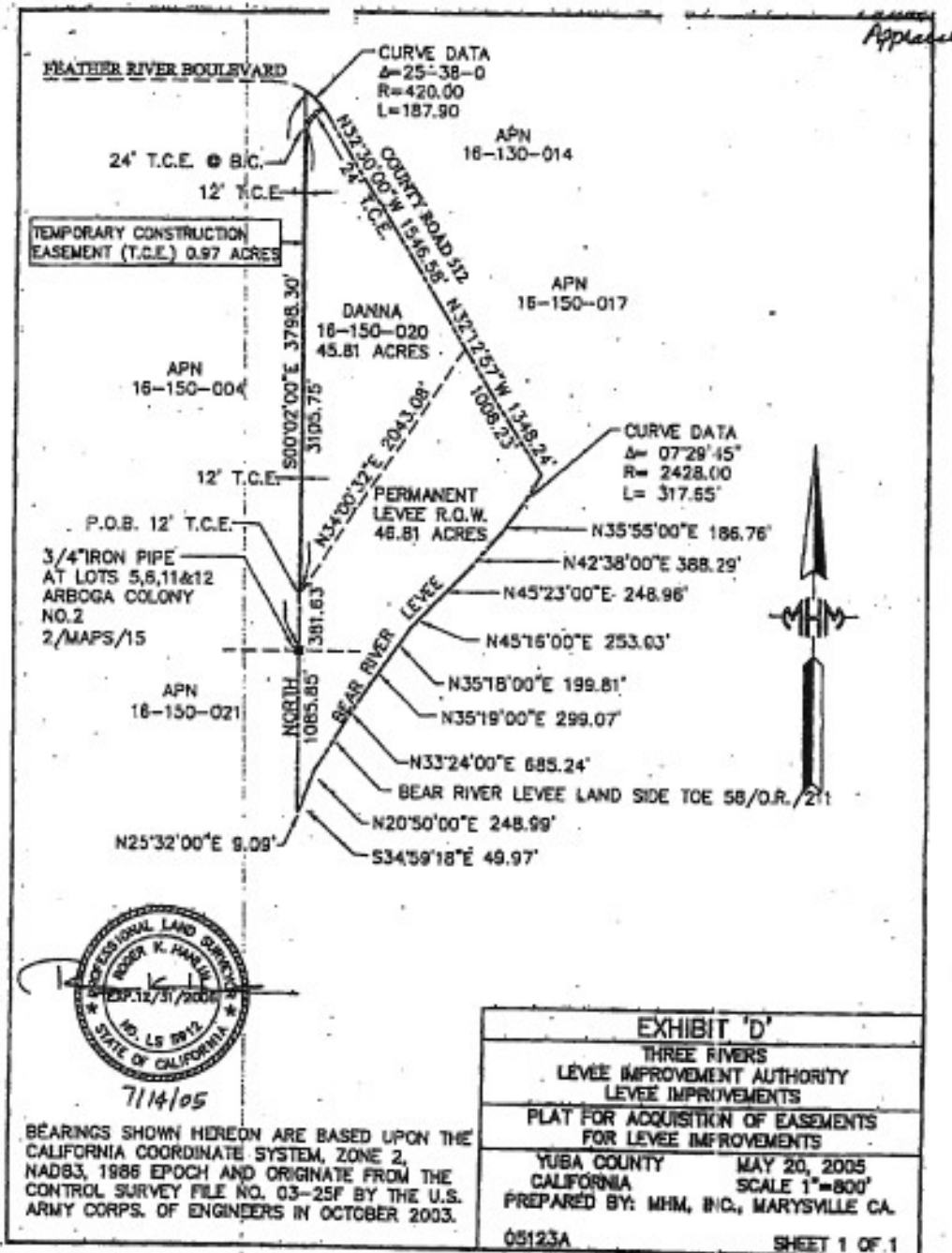


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**Three Rivers Levee Improvement Project**  
 Marysville, Yuba County  
 Danna & Danna, Inc. Property  
 (016-129-005, 016-150-020, - 021)



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EXHIBIT 3

*Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-130-005, 016-150-020, - 021)*

**EXHIBIT A**

All that real property situate in the County of Yuba, State of California, being a portion of block 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 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



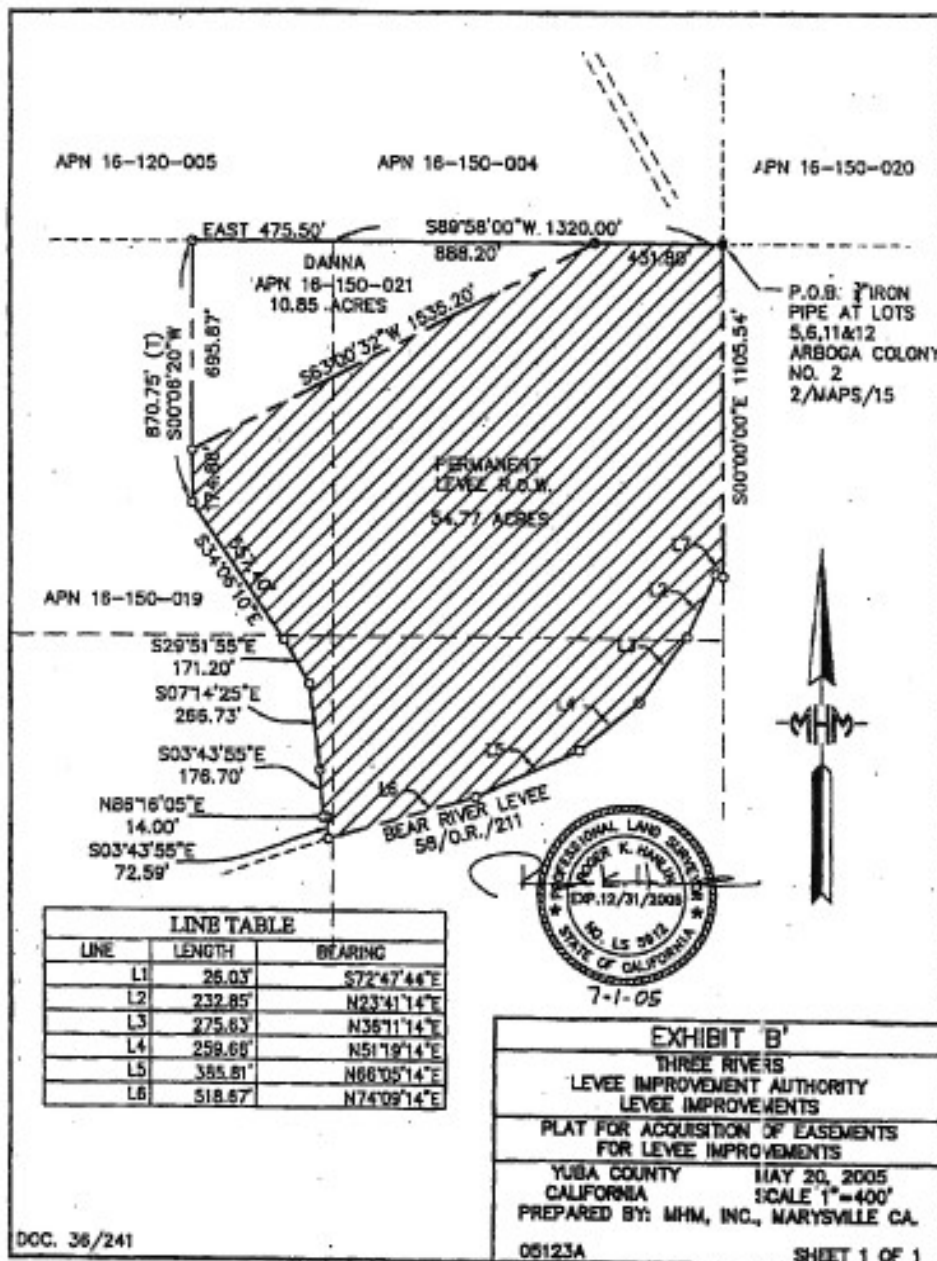
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Three Rivers Levee Improvement Project  
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Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna & Danna, Inc. Property  
(016-120-005, 016-150-020, - 021)

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

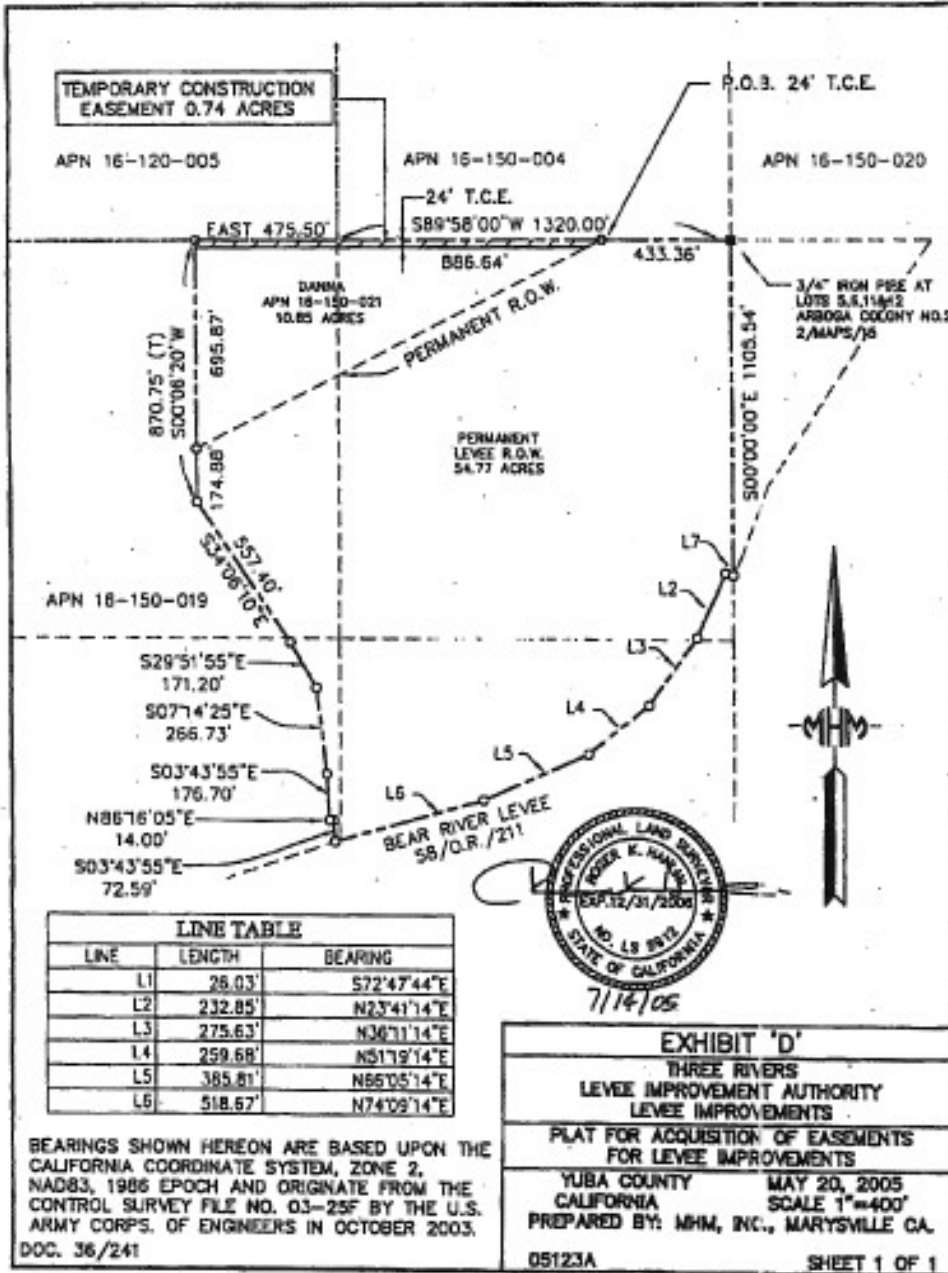


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