

RESOLUTION NO. 05-13

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

  
 \_\_\_\_\_  
 CHAIRPERSON

ATTEST:  
  
 \_\_\_\_\_  
 Donna Stottlemeyer, Secretary

APPROVED AS TO FORM  
 DANIEL G. MONTGOMERY  
 COUNTY COUNSEL

BY:  8/26/2005

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

**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 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., said point being the southeasterly corner of said Danna parcel; thence along the southerly boundary of said Danna parcel, North 89°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°00'32" East, a distance of 298.91 feet, thence North 34°00'32" East, a distance of 296.41 feet to a point on the easterly line of said Danna parcel and there terminating. Containing 1.39 acres, more or less.

Subject to other easements and rights of record.

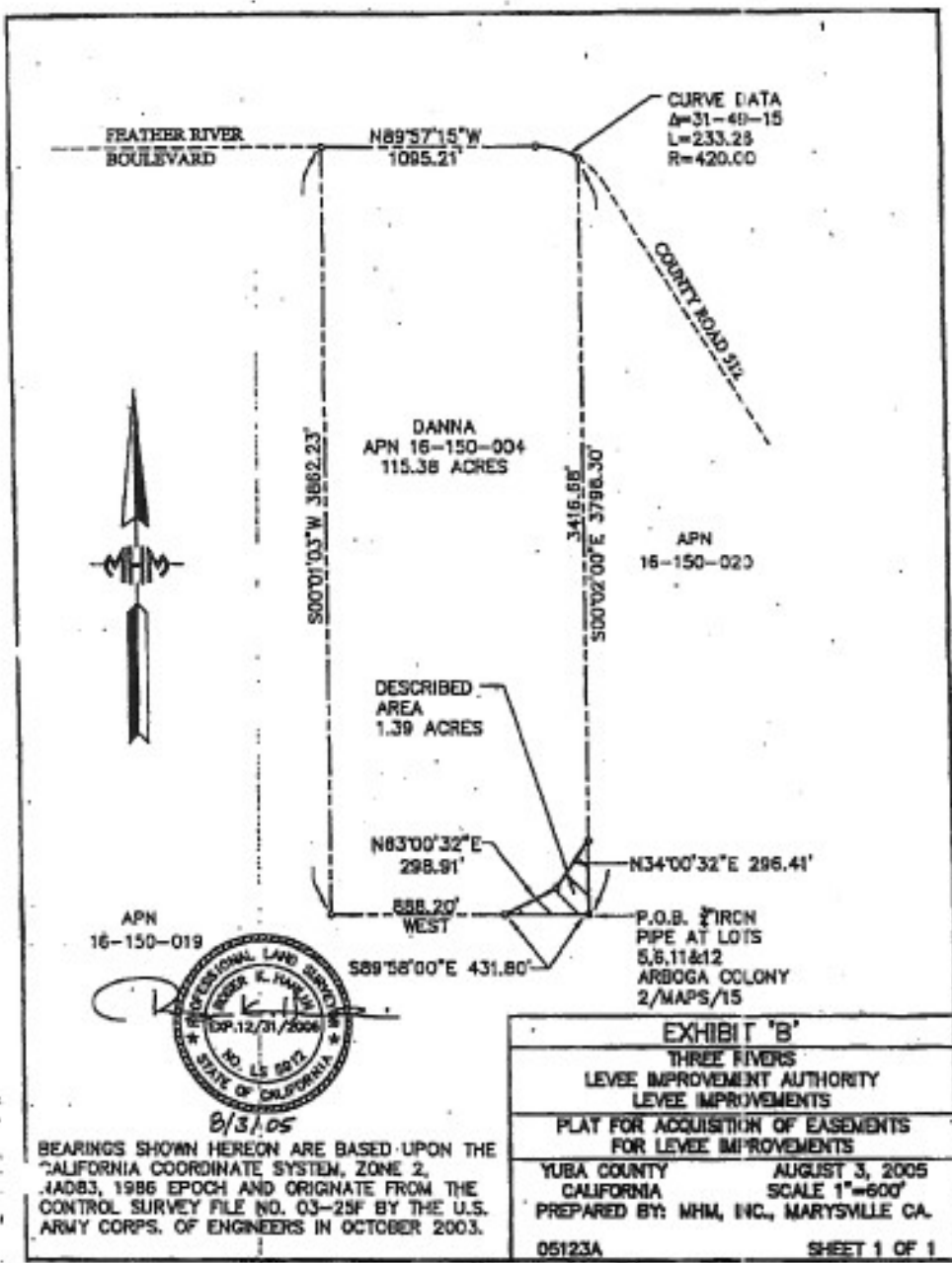
END OF DESCRIPTION

APN 16-150-004



*R. Hanlin*  
7-1-05

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



BRI 05019

BENDER ROSENTHAL, INC.

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

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 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., 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



7/14/05

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

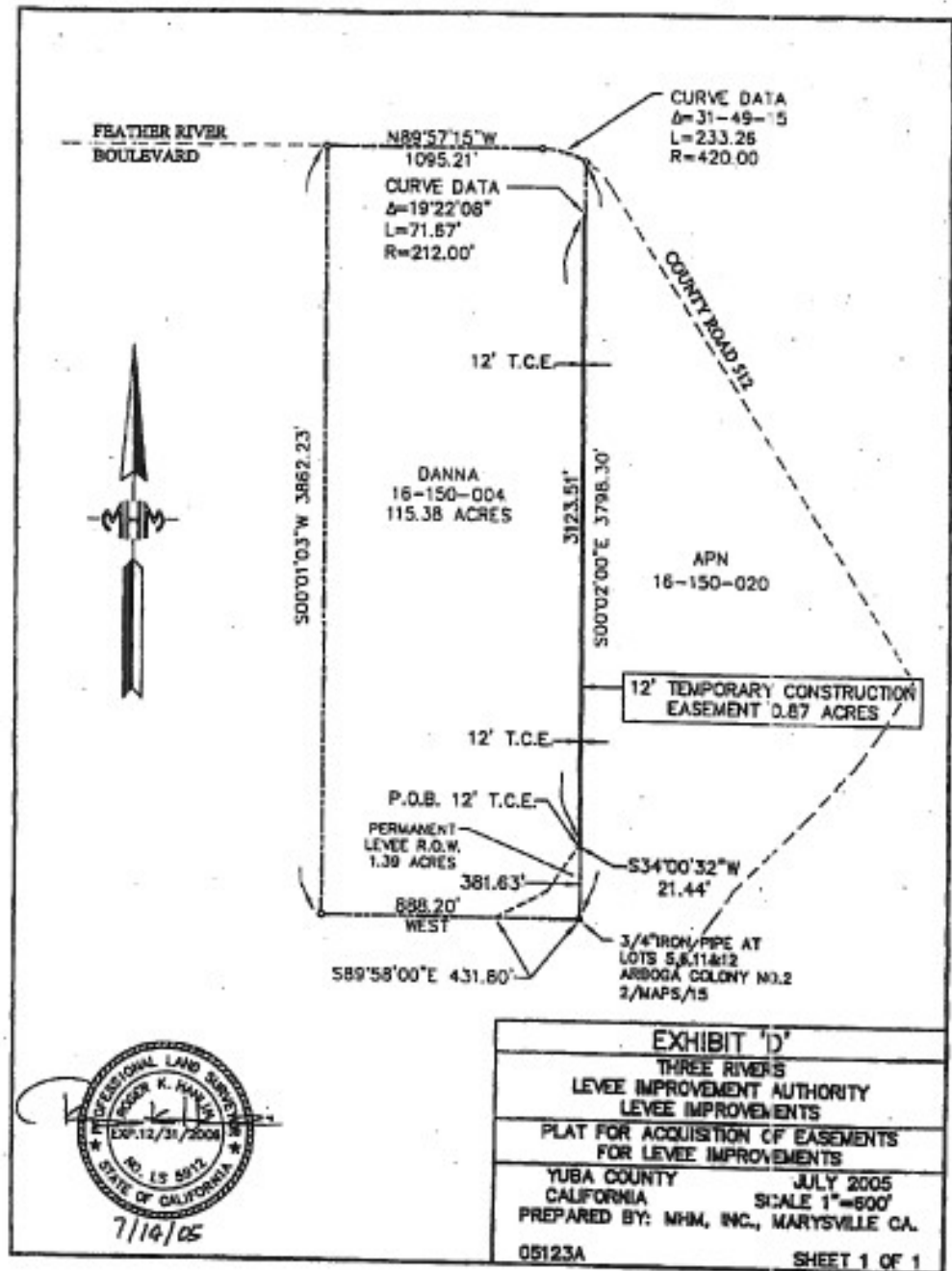


EXHIBIT 'D'
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS
YUBA COUNTY JULY 2005 CALIFORNIA SCALE 1"=500' PREPARED BY: MHM, INC., MARYSVILLE CA.
05123A SHEET 1 OF 1

*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 3/4" 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°00'31" 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



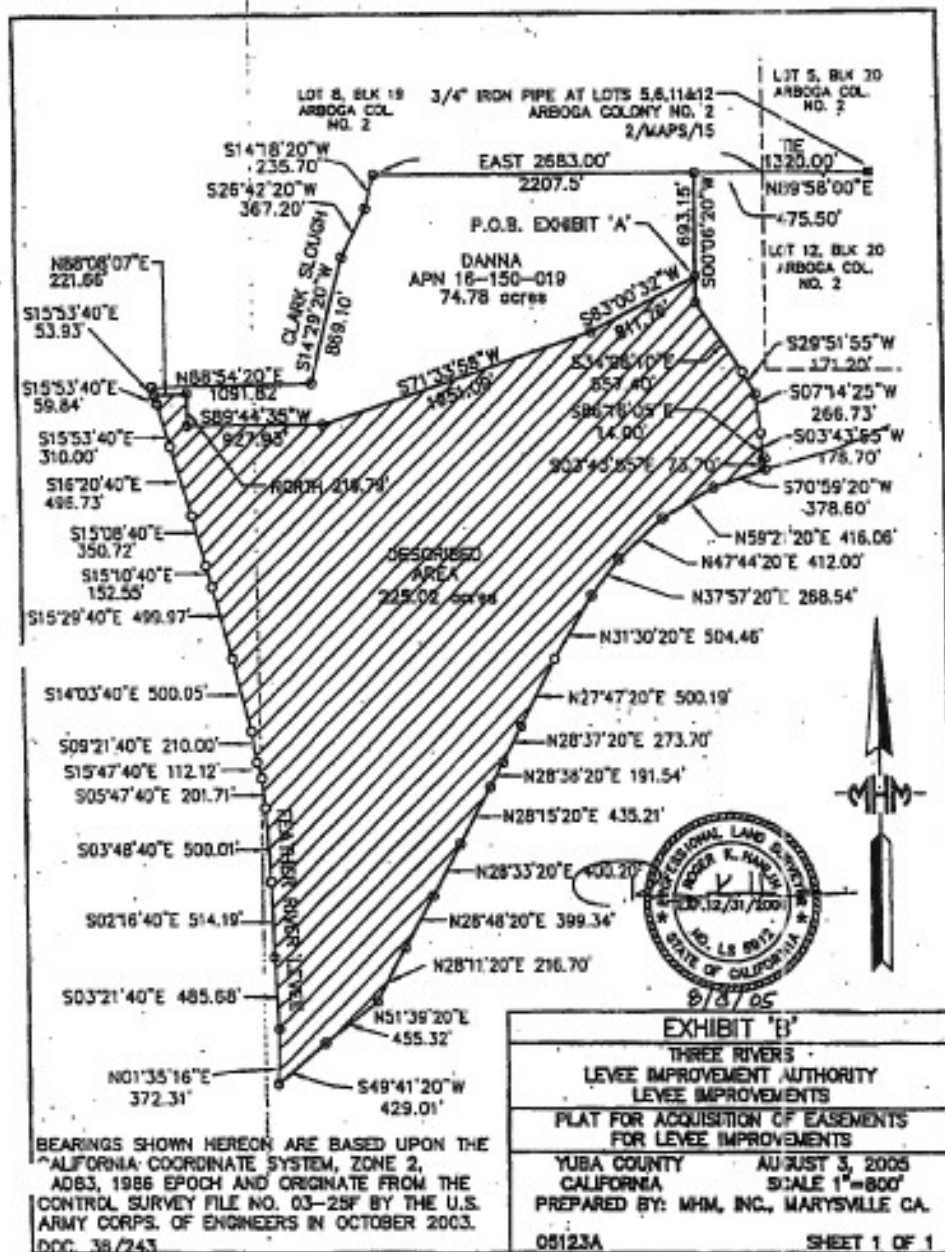
*RKH*  
7-1-05

Professional Survey Development 20050811-46640 16-150-019 ver. 04

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BENDER ROSENTHAL, INC.

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



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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 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 line 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

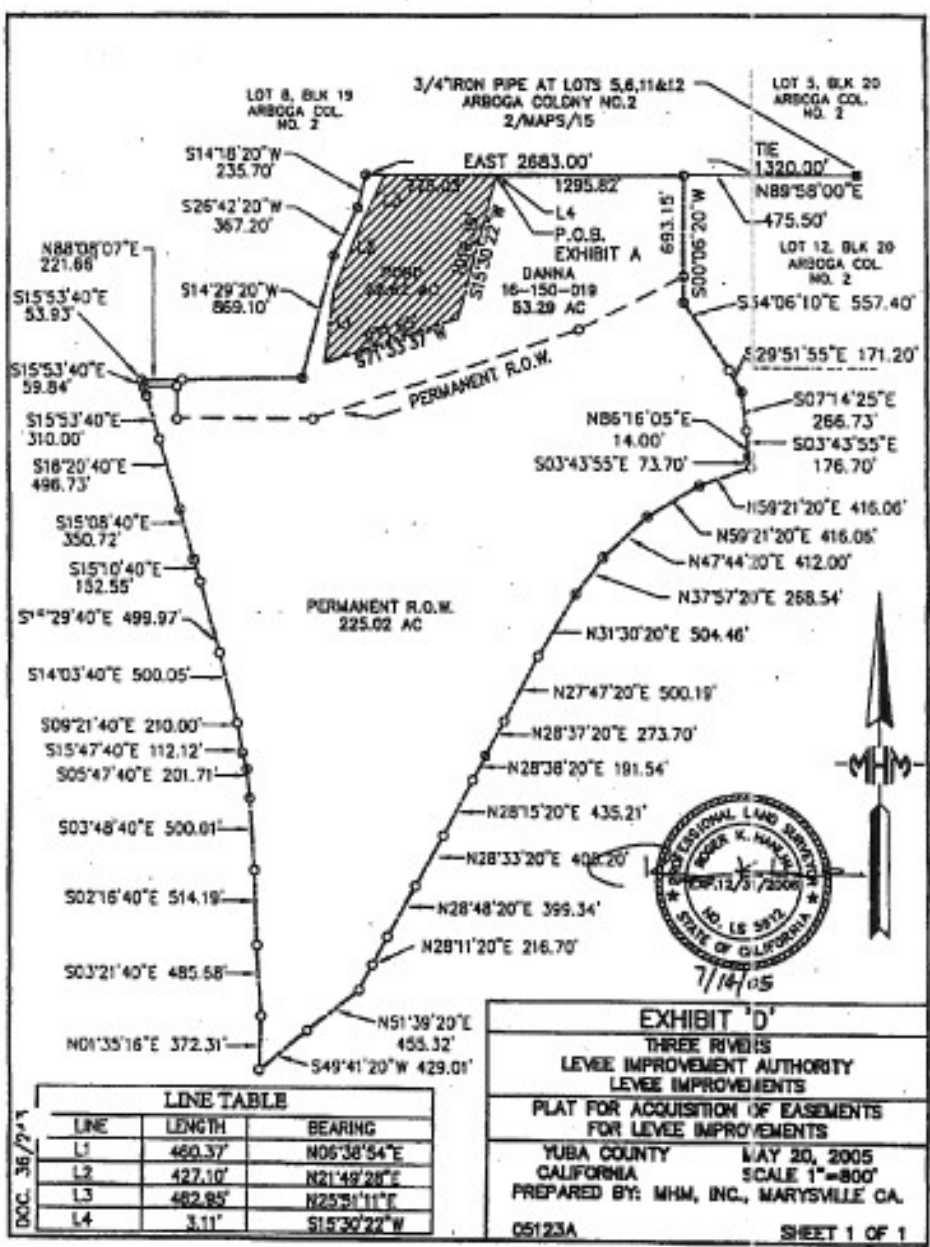


Planning/Survey Description W 0000020-00002 16-150-019 BLM

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 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 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; 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



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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 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; 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

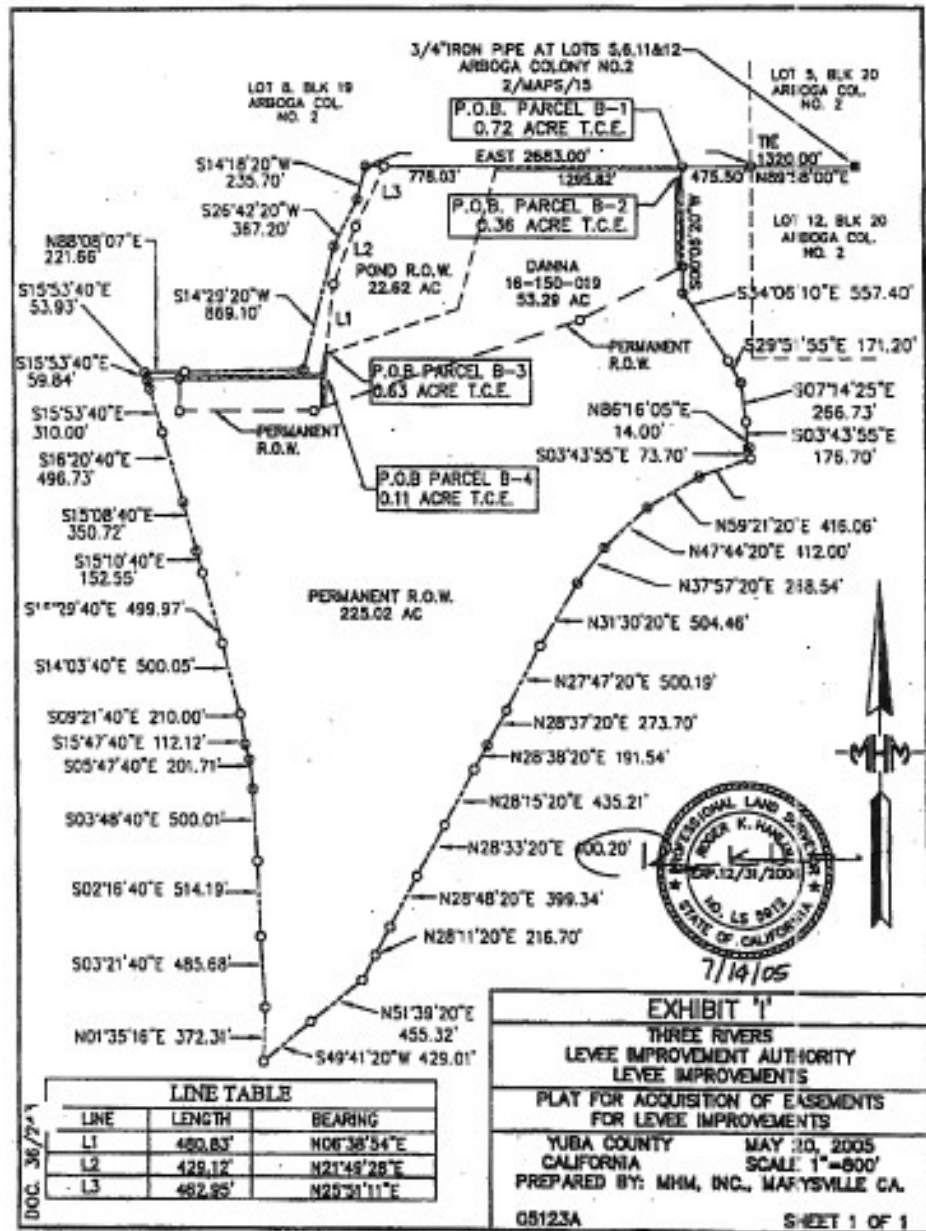
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**Three Rivers Levee Improvement Project  
Marysville, Yuba County  
Danna Investment Co. Property  
(APN 16-150-019)**



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