

RESOLUTION NO. 06-08

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AMENDING RESOLUTION 05-13

This Resolution is adopted based on the following facts, among others:

1. On August 30, 2005, the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) adopted Resolution No. 05-13.
2. Resolution No. 05-13 declared the public necessity of taking certain property for the repair, construction, installation and maintenance of the Bear River Levee System ("the project").
3. Subsequent to the adoption of Resolution No. 05-13, TRLIA filed suit in the Yuba County Superior Court to take by eminent domain the property described in that resolution. That action is now pending as *TRLIA v. Danna Investment Co.*, Yuba County Superior Court No. 05-0000679.
4. Representatives of TRLIA have met with the owner of the property described in Resolution No. 05-13 and advised the owner that some additional property is needed for the project and have shown to the owner maps and legal descriptions regarding such additional property.
5. The owner of the property described in Resolution No. 05-13 has consented to the adoption of this Resolution without further notice or hearing.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY HEREBY RESOLVES AS FOLLOWS:

Section 2 of Resolution No. 05-13 is amended to read as follows:

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	Legal Description-Fee Take- Setback Levee	Exh. A
	Map of Exhibit A	Exh. B
	Temporary Construction Easement	Exh. C
	Map of Exhibit C	Exh. D

[NOTE: THERE IS NO CHANGE IN THE PROPERTY TO BE ACQUIRED FROM APN 016-150-004 FROM THAT DESCRIBED IN RESOLUTION NO. 05-13.]

**Exhibit 2**

APN 016-150-019	Legal Description - Fee Take - Setback Levee	Exh. A
	Map of Exhibit A	Exh. B
	Legal Description -South Detention Basin - Fee Take	Exh. C
	Map of Exhibit C	Exh. D
	Legal Description -Temporary Construction Easement	Exh. E
	Legal Description - Temporary Construction Easement	Exh. F
	Legal Description - Maintenance Easement	Exh. G
	Map of Exhibits E, F and G	Exh. H

[NOTE: PROPERTY IS BEING ACQUIRED FROM APN 016-150-019 IN ADDITION TO THAT DESCRIBED IN RESOLUTION 05-13.]

All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 25th day of April, 2006 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Griego, Logue, Webb

NOES: None

ABSTAIN: None

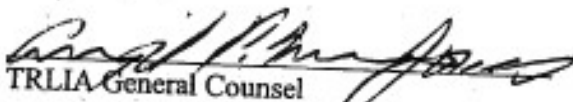
ABSENT: None

  
 CHAIRPERSON

ATTEST:

  
 Donna Stottlemeyer, Secretary

APPROVED AS TO FORM

  
 TRLIA General Counsel

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 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°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



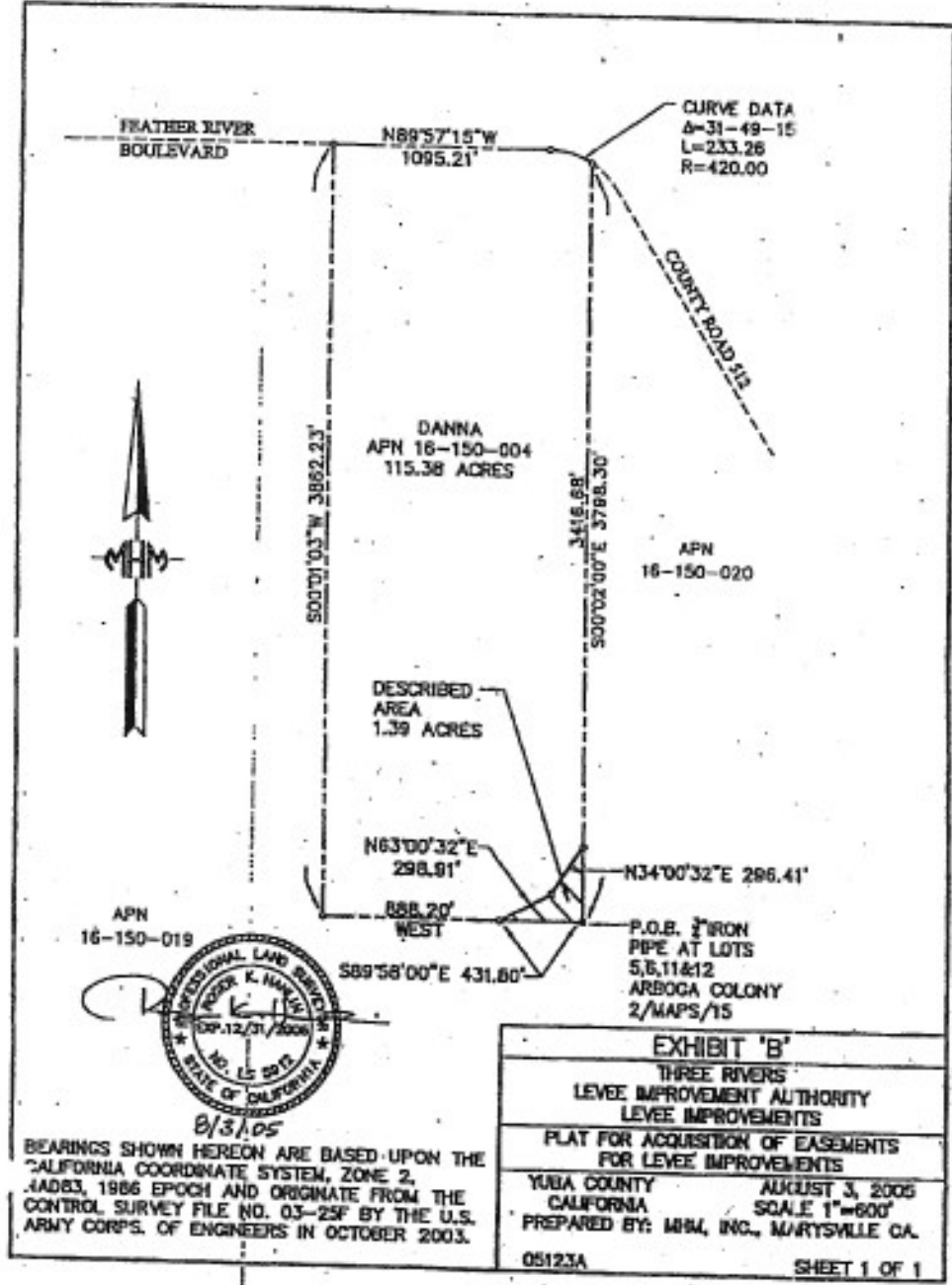
*R. Hanlin*  
7-1-05

BRI 05019

BENDER ROSENTHAL, INC.

Exh. 1/A To Resolution No. \_\_\_\_\_

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



BRI 05019

BENDER ROSENTHAL, INC.

Exh. 1/B To Resolution No: \_\_\_\_\_

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 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



7/14/05

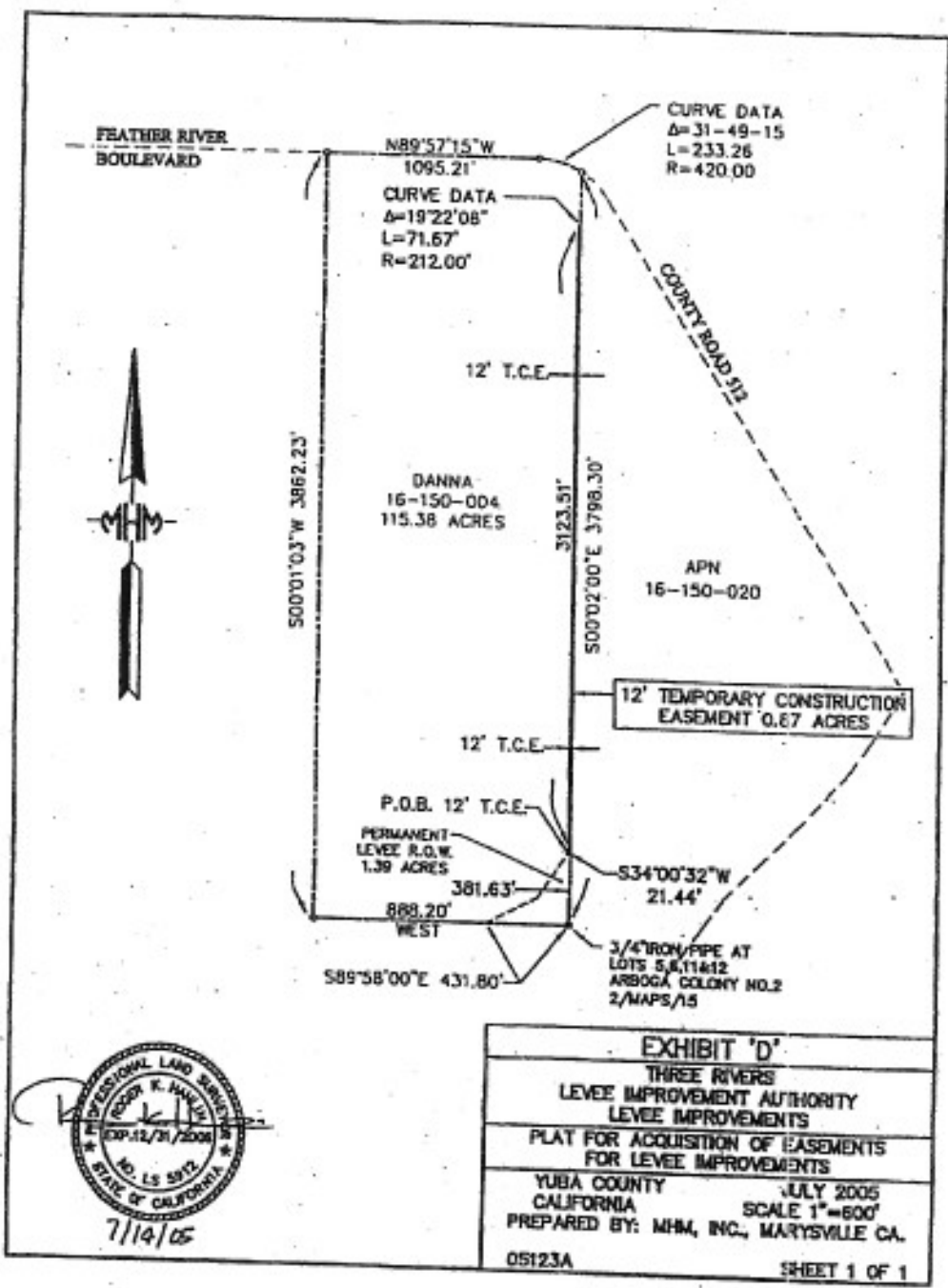
2005 Surveying Desktop Software 347/0022 00002 16-150-004 TCR.doc

BRI 05019

BENDER ROSENTHAL, INC.

Exh. 1/C To Resolution No. \_\_\_\_\_

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"=600'  
 PREPARED BY: M.H.M., INC., MARYSVILLE CA.  
 05123A SHEET 1 OF 1

BRI 05019

BENDER ROSENTHAL, INC.

Exh. 1/D To Resolution No. \_\_\_\_\_

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 1/4" 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°00'32" 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. Hankin*  
7-1-05

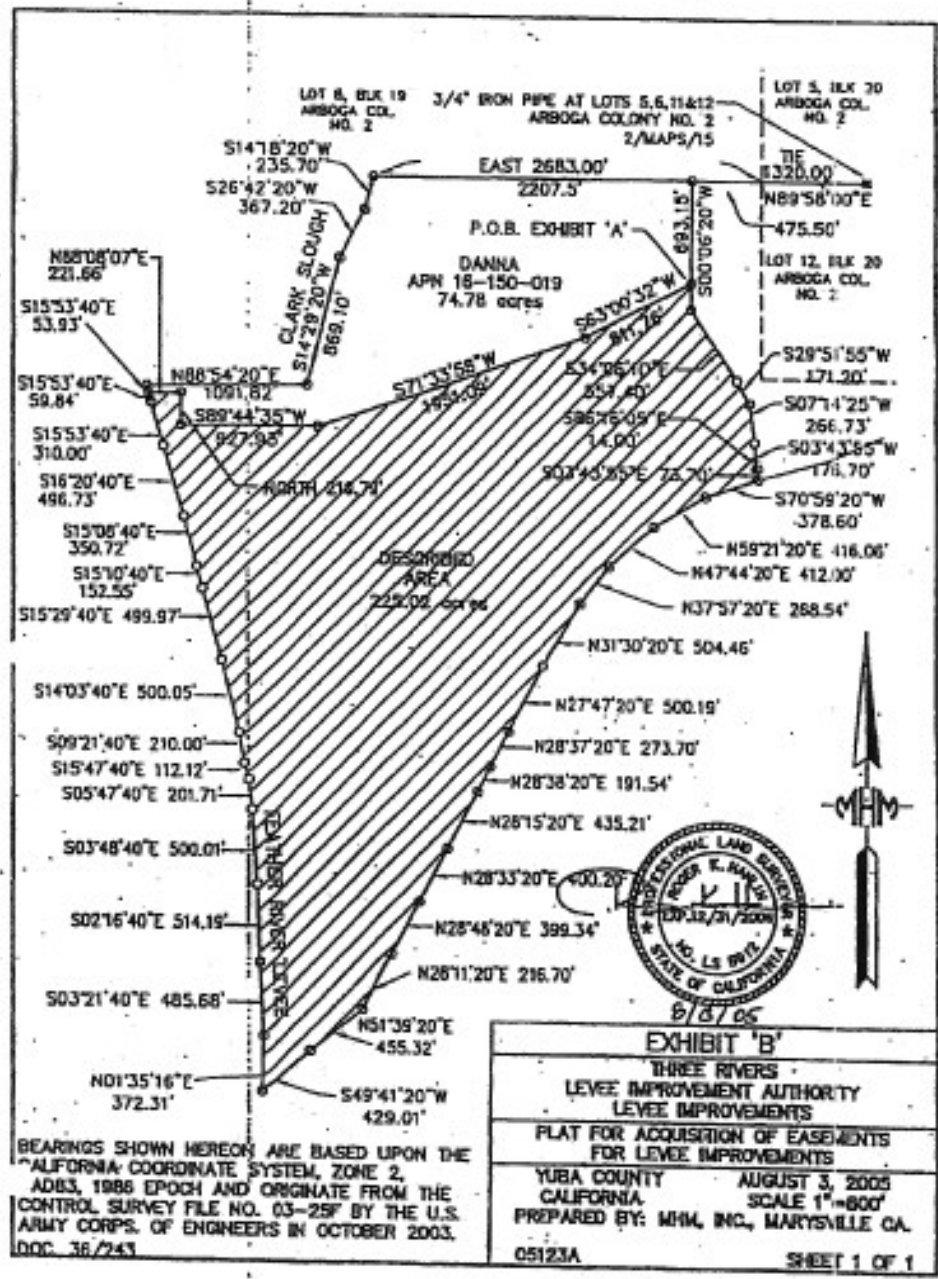
Yuba County Survey Department 2000013430 16-150-019

BRI 05019

BENDER ROSENTHAL, INC.

Exh. 2/A To Resolution No. \_\_\_\_\_

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



BRI 05019

BENDER ROSENTHAL, INC.

Exh. 2/B To Resolution No. \_\_\_\_\_

**EXHIBIT "A"**

**PARCEL A  
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 Investment Company, a California Partnership, recorded in document no. 200013430, Yuba County Official Records lying westerly and northerly 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 line of lot 12 in block 20 of said Arboga Colony No. 2, a distance of 1320.00 feet; thence WEST, along the northerly line of said lot 9, block 19 of said Arboga Colony No. 2, a distance of 475.50 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 1298.54 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 South 15°24'37" West, a distance of 742.11 feet; thence South 74°44'06" East, a distance of 58.53 feet; thence South 13°47'14" West 238.92 feet; thence South 11°49'02" West, a distance of 230.63 feet; thence South 01°26'24" West, a distance of 147.64 feet to the northerly sideline of the permanent levee right-of-way; thence along said northerly sideline South 71°33'58" West, a distance of 1101.58 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 224.02 feet to the westerly boundary of said Danna parcel and there terminating. Containing 40.58 acres, more or less.

Subject to other easements and rights of record.

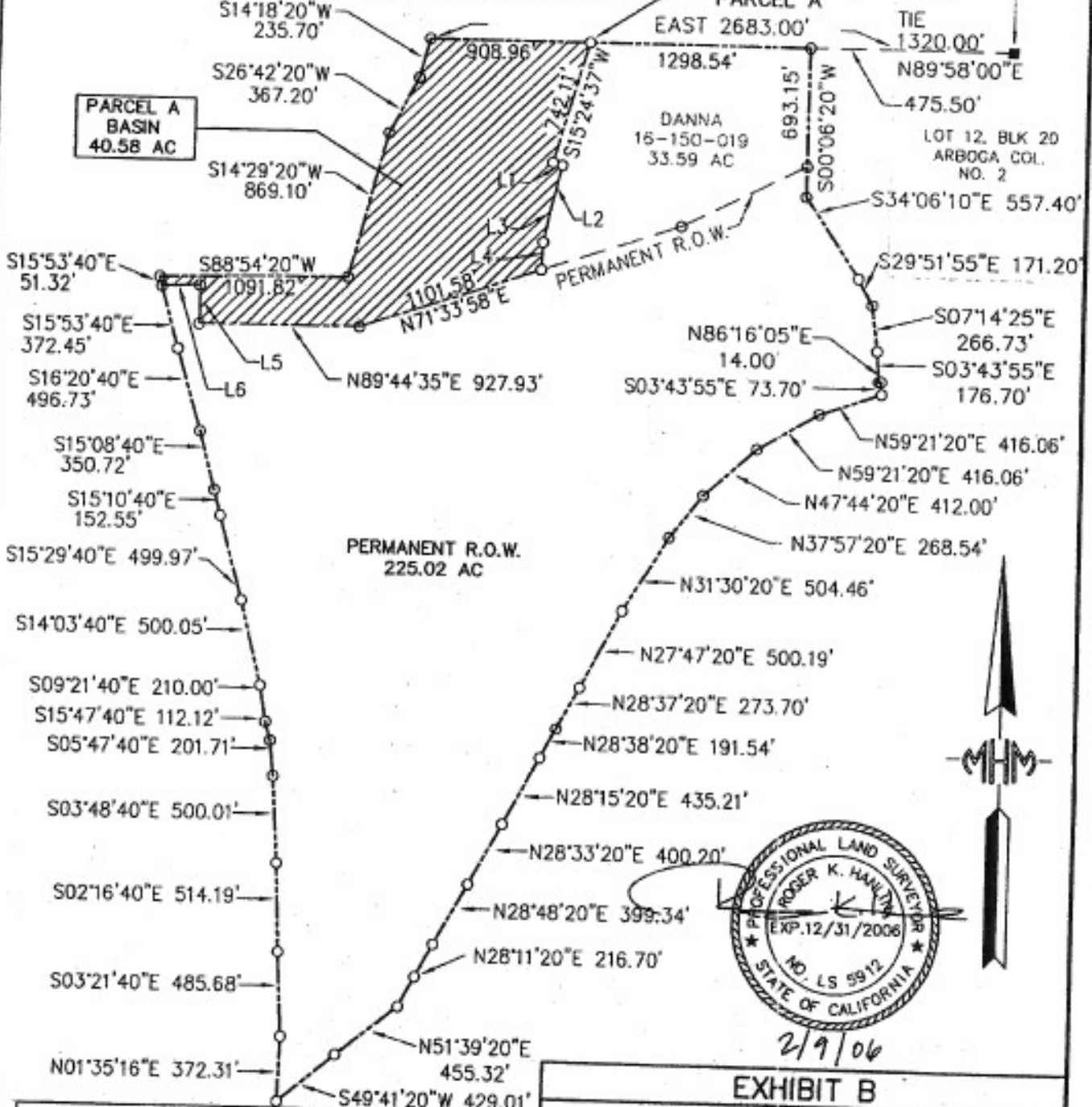
**END OF DESCRIPTION**

APN 16-150-019



2/9/06

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.



LINE TABLE		
LINE	LENGTH	BEARING
L1	58.53'	S74°44'06"E
L2	238.92'	S13°47'14"W
L3	230.63'	S11°49'02"W
L4	147.64'	S01°26'24"W
L5	219.79'	NORTH
L6	224.02'	N88°08'07"E

**EXHIBIT B**

**THREE RIVERS  
LEVEE IMPROVEMENT AUTHORITY  
LEVEE IMPROVEMENTS**

**PLAT FOR ACQUISITION OF EASEMENTS  
FOR LEVEE IMPROVEMENTS**

YUBA COUNTY      FEBRUARY 9, 2006  
CALIFORNIA      SCALE 1"=800'

PREPARED BY: MHM, INC., MARYSVILLE CA.

05123A      SHEET 1 OF 1

**EXHIBIT "A"**

**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 south 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 line of lot 12 in block 20 of said Arboga Colony No. 2, a distance of 1320.00 feet; thence WEST, along the northerly line of said lot 9, block 19 of said Arboga Colony No. 2, a distance of 475.50 feet to the northeasterly corner of said Danna Investment Company parcel and the **TRUE POINT OF BEGINNING** of the herein described line; thence WEST, a distance of 1298.54 feet and there terminating. The sidelines of said easement shall be lengthened and shortened to begin and end on the boundary of said Danna parcel and the permanent basin right-of-way. This description contains 0.72 acres, more or less.

Subject to other easements and rights of record.

**END OF DESCRIPTION**

APN 16-150-019



2/9/06

**EXHIBIT "A"**

**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 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, a distance of 1320.00 feet; thence WEST, along the northerly line of said lot 9, block 19 of said Arboga Colony No. 2, a distance of 475.50 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



EXHIBIT "A"

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 parallel with and easterly 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 line of lot 12 in block 20 of said Arboga Colony No. 2, a distance of 1320.00 feet; thence WEST, along the northerly line of said lot 9, block 19 of said Arboga Colony No. 2, a distance of 475.50 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 1298.54 feet; thence leaving said northerly line South 15°24'37" West, a distance of 742.11 feet; thence South 74°44'06" East, a distance of 58.53 feet to the TRUE POINT OF BEGINNING of the herein described line; thence South 13°47'14" West 238.92 feet; thence South 11°49'02" West, a distance of 230.63 feet; thence South 01°26'24" West, a distance of 147.64 feet to the northerly sideline of the permanent levee right-of-way and there terminating.

The sidelines of said easement are to be lengthened or shortened to begin and end at the property line and permanent levee right-of-way. Containing 0.22 acres, more or less.

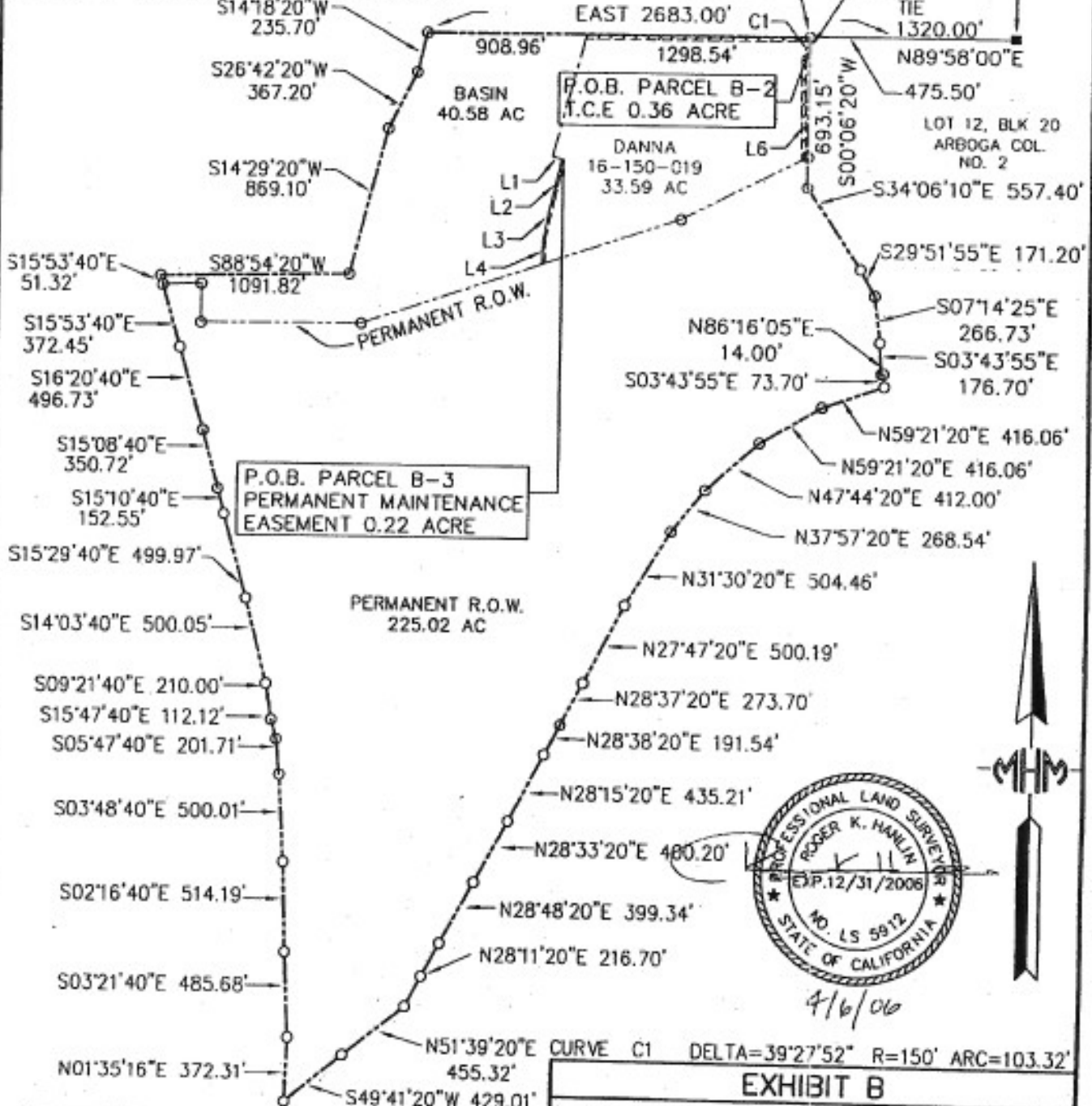
Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-019



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.



LINE TABLE		
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L2	238.92'	S13°47'14"W
L3	230.63'	S11°49'02"W
L4	147.64'	S01°26'24"W
L5	56.55'	S00°06'20"W
L6	553.26'	S00°33'58"E

PROFESSIONAL LAND SURVEYOR  
 ROGER K. HANLIN  
 EXP. 12/31/2008  
 NO. LS 5912  
 STATE OF CALIFORNIA

4/6/06

**EXHIBIT B**  
 THREE RIVERS  
 LEVEE IMPROVEMENT AUTHORITY  
 LEVEE IMPROVEMENTS  
 PLAT FOR ACQUISITION OF EASEMENTS  
 FOR LEVEE IMPROVEMENTS  
 YUBA COUNTY CALIFORNIA APRIL 6, 2006  
 SCALE 1"=800'  
 PREPARED BY: MHM, INC., MARYSVILLE CA.  
 05123A SHEET 1 OF 1