

RESOLUTION NO. 2007-20

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 THREE
RIVERS LEVEE IMPROVEMENT PROJECT
(CODE CIV. PROC. § 1245.230; CODE CIV. PROC § 1240.610)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Three Rivers Levee Repair Project (the "Project") affecting a portion of Assessor's Parcel No. 020-330-008, 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 April 17, 2007 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 Three Rivers Levee Improvement Project.

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 section 1240.610; 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 Exhibit A and accompanying map attached hereto as Exhibit B, 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 and B 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.
- e. The use to which the Property will be put by TRLIA is a more necessary, higher and better public use than the use to which it is currently put by the State of California, Department of Transportation ("CalTrans") for the following reasons, among others:

1. The Property is currently vacant and not being put to use by CalTrans.
2. The need for flood protection is of greater importance to public safety than retaining the Property in its current vacant condition.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 17th day of April, 2007 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Griego, Logue, Webb

NOES: None

ABSTAIN: None

ABSENT: Director Crippen



CHAIRPERSON

ATTEST:



Donna Stottlemeier, Secretary

APPROVED AS TO FORM
DANIEL G. MONTGOMERY
COUNTY COUNSEL


BY: 

Exhibit 'A'

**APN 020-330-008
LEGAL DESCRIPTION
PERMANENT EASEMENT**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to the State of California, hereinafter referred to as "State property", recorded in Document No. 93 03209 in the Official Records of said County, situated in the Northeast Quarter of Section 36, Township 15 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

A strip of land 40.00 feet in width, described as follows;

Beginning at the Southwest Corner of said State property; thence along the Westerly line of said State property, the following courses, North $08^{\circ}14'46''$ West 77.46 feet; thence North $06^{\circ}33'20''$ West 347.97 feet; thence North $01^{\circ}09'56''$ West 123.10 feet; thence North $10^{\circ}05'51''$ East 159.64 feet; thence North $15^{\circ}43'47''$ East 283.96 feet; thence North $26^{\circ}31'28''$ East 610.75 feet; thence North $25^{\circ}38'21''$ East 427.89 feet to the Northwesterly corner of said State property; thence along the Northerly line of said State property North $89^{\circ}07'00''$ East 44.70 feet to a point which is 40.00 feet Easterly of when measured at right angles to the Northerly projection of the Westerly line of said State property; thence 40.00 feet Easterly of and parallel with said Westerly line, the following courses, South $25^{\circ}38'21''$ West 448.16 feet; thence South $26^{\circ}31'28''$ West 607.28 feet; thence South $15^{\circ}43'47''$ West 278.22 feet; thence South $10^{\circ}05'51''$ West 153.73 feet; thence South $01^{\circ}09'56''$ East 117.27 feet; thence South $06^{\circ}33'20''$ East 345.50 feet; thence South $08^{\circ}14'46''$ East 82.04 feet to point on the Southerly line of said State property; thence along said Southerly line South $89^{\circ}07'00''$ West 40.33 feet to the Point of Beginning, containing an area of 81,259 Square Feet or 1.87 Acres, more or less.

End of description

The Basis of Bearings for this description is the California Coordinate System Zone 2.

This description has been prepared by me or under my direct supervision.

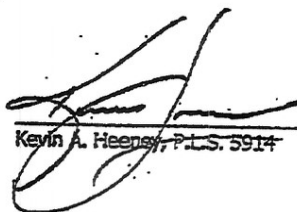
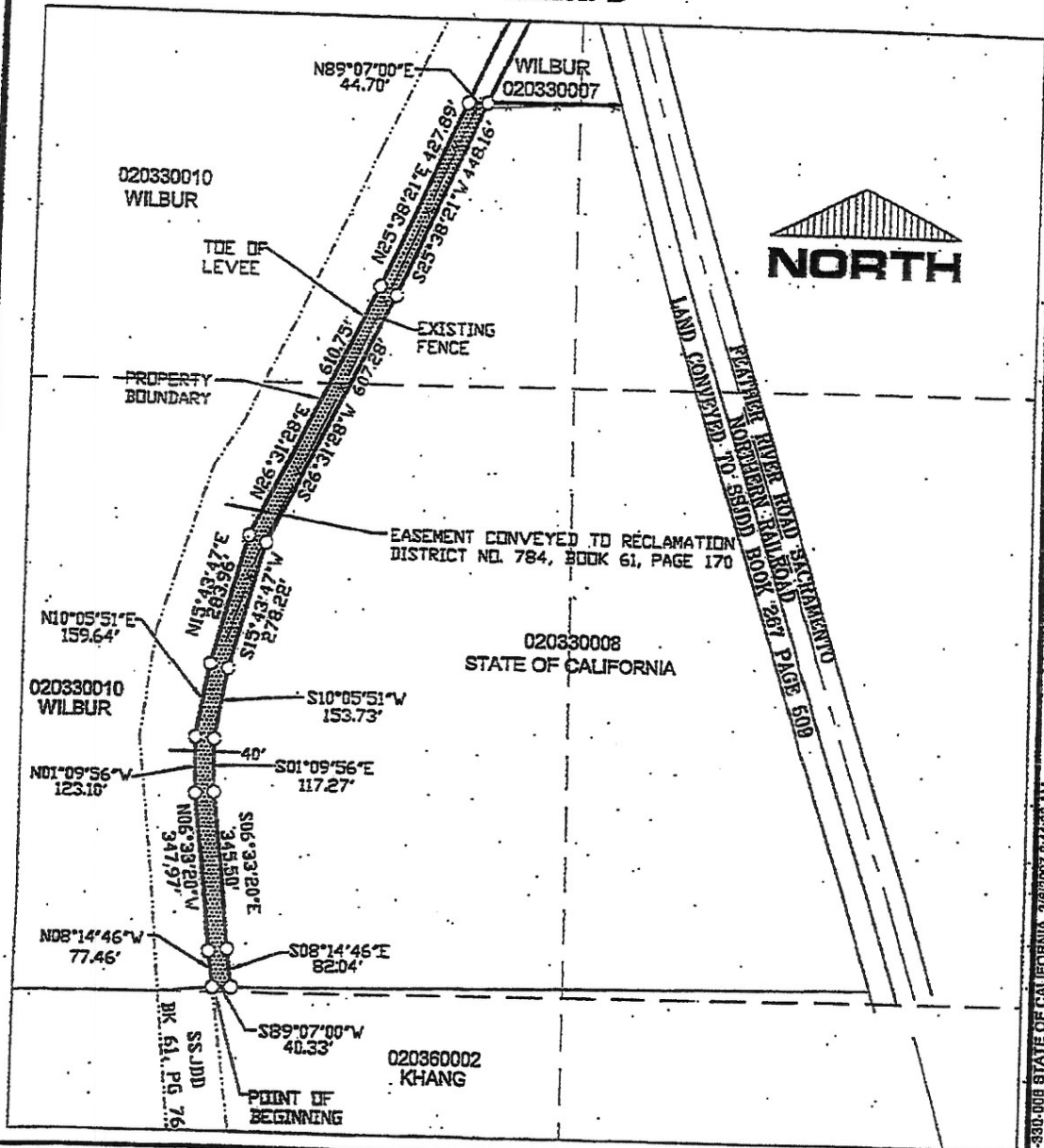

Kevin A. Heensy, P.L.S. 5914



Exhibit 'B'



OWNER:	STATE OF CALIFORNIA	DATE:	03/06/2007	DRAWN BY:	JWG	SHEET	
A.P.N.:	020-330-008	SCALE:	1"=300'	JOB NO.:	06-008-002	1	OF 1
ACQUISITION AREAS:	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY						
PERMANENT EASEMENT=	81,259 SQ. FT. (1.87 ACRES)						
CTA Engineering & Surveying				PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784			
COUNTY OF YUBA				CALIFORNIA			

ATTEST: DONNA STOTTLEMEYER
 Clerk of the Board of Supervisors of the
 County of Yuba, State of California

By Donna Stottlemeyer
 Date: April 18, 2007

M:\06-008-002\PLATS\PLATS.dwg, APN=020-330-008 STATE OF CALIFORNIA, 06/2007 84138-AM