

RESOLUTION NO. 08-11

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)

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WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Three Rivers Phase 4 Levee Repair Project (the "Project") affecting a portion of Assessor's Parcel Nos. 014-370-006 and 014-370-039, 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 March 4, 2008 and March 18, 2008 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 Project.

TRLIA is authorized to acquire property for the Project pursuant to, among others, the following statutes: Government Code section 25350.5 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 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 of the property for its stated public use scheduled to begin within two years of its acquisition.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 18<sup>th</sup> day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Crippen, Griego, Logue

NOES: None

ABSTAIN: Director Graham

ABSENT: None

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
Donna Stottlemeyer, Secretary

**APPROVED AS TO FORM  
SCOTT L. SHAPIRO  
GENERAL COUNSEL**

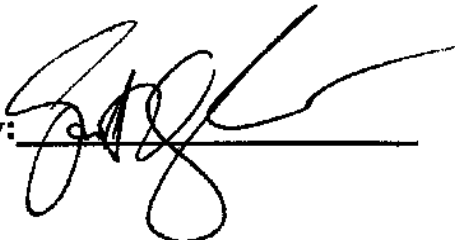
By:   
\_\_\_\_\_

Exhibit 'A'

**APN 014-370-006  
APN 014-370-039  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Gene R. "Anderson", Recorded in Book 553, Page 583, Official Records of said County, hereinafter referred to as "Anderson" property, being a portion Lot 3, Block 25 as shown upon that certain map entitled "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 31, and situated in the Northwest One Quarter of Section 25 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

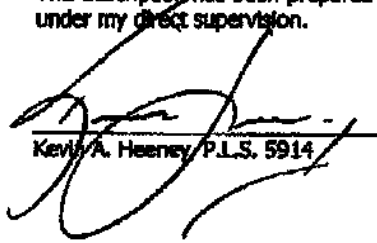
Beginning at an Iron Pipe marking the Northwest corner of said "Anderson" property; thence along the North line of said "Anderson" property North 89°45'45" East 531.27 feet; thence leaving said North line South 00°17'03" East 57.29 feet; thence South 00°15'56" East 96.88 feet; thence along the arc of a 300.00 foot radius curve concave Easterly and being subtended by a chord bearing South 05°09'24" East 51.16 feet; thence South 10°02'53" East 402.15 feet; thence along the arc of a 700.00 foot radius curve concave Southwest and being subtended by a chord bearing South 07°55'36" East 51.82 feet; thence South 05°48'19" East 670.40 feet to a point on the South line of said "Anderson" property; thence along the South line of said "Anderson" property South 89°45'45" West 675.60 feet to the Southwest corner thereof; thence along the West line of said "Anderson" property North 00°15'56" West 1320.00 feet to the Point of Beginning, containing an area of 795,272 Square Feet or 18.26 acres, more or less.

See Exhibit B attached hereto and made a part of this description.

**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. Heeney, P.L.S. 5914



