

RESOLUTION NO. 08-18

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)

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 No. 016-060-001 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 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 descriptions attached hereto as Exhibit A and accompanying maps 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 18th 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 016-060-001
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 Gregory Lynn Foster, Managing General Partner of the FOSTER RANCH LIMITED PARTNERSHIP, Recorded in Document No. 97013445, Official Records of said County, hereinafter referred to as "Foster property", being a portion of "Arboga Colony No. 2", filed in the Office of the Recorder in said County and State in Book 2 of Maps at Page 15, situated in Section 1 Township 13 North, Range 3 East and In Section 6, Township 13 North, Range 4 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

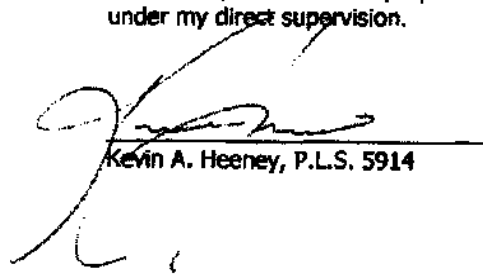
Beginning at a point on the North line of said "Foster property", Being a point on the East line of Lot 1, Block 1 of said "Arboga Colony No. 2", and being South 00°15'57" East 330.15 feet from the Northeast corner of said Lot 1; thence along the North line of said "Foster property" North 89°47'20" East 130.47 feet to a point in the Centerline of Feather River Boulevard; thence along said centerline South 03°05'45" East 623.39 feet to the intersection of said centerline with the Easterly line of Parcel 5 of the easement conveyed to San Joaquin Drainage District, recorded in Book 59, Page 52, said Official Records; thence along the Easterly line of said easement the following courses, North 15°37'56" West 230.21 feet; thence North 13°12'56" West 85.77 feet; thence North 45°00'56" West 446.95 feet to the intersection of the Easterly line of said easement with the North line of said "Foster property"; thence along said North line North 89°47'20" East 233.63 feet to the **Point of Beginning**; containing an area of 78,419 square feet or 1.800 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. Heeny, P.L.S. 5914

Jan. 17, 2008
Date



Exhibit 'B'



L16

016010007
FOSTER

BLOCK 36

016010009
HEROLD

R3E
R4E

L13

BLOCK 31

T14N
T13N

LEVEE RIGHT OF WAY PER
BK. 58, PG. 193 O.R.

016010010
FLORES

POINT OF
BEGINNING

S00°15'57"E 330.15'

N89°47'20"E
130.47'

016010019
ZWISSIG

N89°47'20"E

233.63'

L1

PARCEL 5 SUDD EASEMENT
BOOK 59, PAGE 52

N45°00'56"W 446.95'

FEATHER RIVER BLVD.

S 03°05'45" E 623.39'

ARBOGA

PERPETUAL R/W AND EASEMENT FOR
FLOOD CONTROL PROJECTS PER DOC.
NO. 99001741

N13°12'56"W
85.77'

N15°37'56"W
230.21'

BM 2-15

BLOCK 1

BLOCK 6



OWNER:
FOSTER RANCH LIMITED PARTNERSHIP
A.P.N.
016-060-001

DATE: 01/17/2008
SCALE: 1"=200'
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DRAWN BY: KAH
JOB NO. 06-008-002
SHEET
1 OF 1

ACQUISITION AREAS:
FFE TITLE ACQUISITION=78,419 SQ. FT.
OR 1.800 ACRES

PHASE 4 FEATHER RIVER LEVEE
REPAIR PROJECT
RECLAMATION DISTRICT 784
SETBACK LEVEE RIGHT OF WAY

CTA Engineering - Surveying

COUNTY OF YUBA CALIFORNIA