

RESOLUTION NO. 2008-30

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. 013-010-014, in the County of Yuba, California (the "Property"); and

WHEREAS, after initiating litigation TRLIA determined it needed to acquire a permanent access easement across certain property also owned by the Property Owners and located across Assessor's Parcel No. 013-010-014 to gain ingress and egress from Ella Way to the Above Star Bend Levee, 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 July 15, 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 Exhibit A and accompanying map attached hereto as Exhibit B, and incorporated herein by reference.

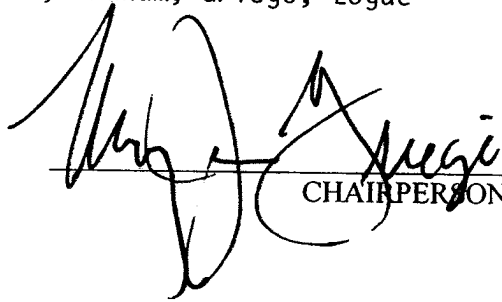
SECTION 3. The Board of Directors declares that it has found and determined as follows:

- 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 of the property for its stated public use is 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 15<sup>th</sup> day of July 2008 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Crippen, Graham, Griego, Logue  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
CHAIRPERSON

ATTEST:

  
Donna Stottlemeyer, Secretary

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

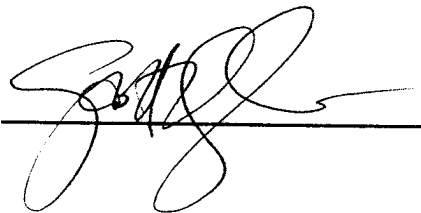
By: 

Exhibit 'A'

**APN 013-010-014  
LEGAL DESCRIPTION  
PERMANENT ACCESS EASEMENT**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Satinder N. Davit and Saroj K. Davit, recorded in Document No. 2005R-031262 of deeds in said County and State, hereinafter referred to as "Davit Property", lying within a portion of Lots 11 and 14, Block 12 as shown upon that certain map entitled "Farmland Colony No. 1", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 23, situated in the West Half of Section 12 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

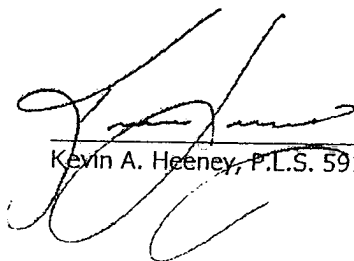
Beginning at the Southeast corner of said "Davit Property"; thence along the South line of said property, South 89°45'45" West, 368.89 feet; thence leaving said South line of "Davit Property", North 15°20'46" East, 15.57 feet; thence North 89°45'45" East, 149.20 feet; thence South 88°44'59" East, 115.85 feet; thence North 89°45'45" East, 100.00 feet to a point on the East line of said "Davit Property"; thence along said East line, South 00°15'56" East, 12.00 feet to the Point of Beginning, containing an area of 5,031 square feet, 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

02-08-08  
date

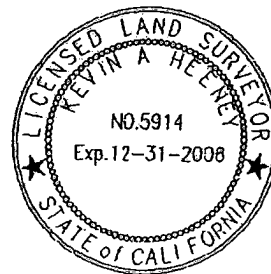


Exhibit 'B'



BLOCK 12

013-010-014

DAVIT

L14

FARMLAND COLONY No. 1

BM 1-23

PG&E EASEMENT  
BOOK 67, PAGE 63

013-010-016

MANN

L15

PERMANENT ACCESS EASEMENT

AREA=5,031 SQUARE FEET

N15°20'46"E  
15.57'

N89°45'45"E  
149.20'

15'

S88°44'59"E  
115.85'

12'

N89°45'45"E  
100.00'

S00°15'56"E  
12.00'

51.91'

149.20'

316.98'

S89°45'45"W 368.89'

24' TOTAL  
WIDTH

POINT OF BEGINNING  
S.E. CORNER DAVIT PROPERTY

L3

014-240-022

TERRY

BLOCK 13

L2

014-240-005

PICKELL



DATE: 02-08-08

OWNER: DAVIT PROPERTY  
A.P.N. 013-010-014

|                                          |                    |                 |
|------------------------------------------|--------------------|-----------------|
| DATE: 02/06/08                           | DRAWN BY: JCC      | SHEET<br>1 OF 1 |
| SCALE: 1"=200'                           | JOB NO. 06-008-002 |                 |
| THREE RIVERS LEVEL IMPROVEMENT AUTHORITY |                    |                 |

ACQUISITION AREAS:  
PERMANENT ACCESS EASEMENT=5,031 SQ. FT.  
OR 0.12 ACRES

PHASE 4 FEATHER RIVER LEVEL  
REPAIR PROJECT  
RECLAMATION DISTRICT 784  
PERMANENT ACCESS EASEMENT



CTA Engineering - Surveying

COUNTY OF YUBA

STATE OF CALIFORNIA