

RESOLUTION NO. 2010- 3

**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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT
(CODE CIV. PROC. § 1245.230)**

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Upper Yuba River Levee Improvement Project (the "Project"); and

WHEREAS, TRLIA has determined that it needs to acquire the properties currently bearing Assessor's Parcel No.'s 018-190-109 and 018-190-110 (the "Property") in order to complete the Project; and

WHEREAS, TRLIA has advised the owners of the Property of the need for the Project and offered the owners an opportunity for a hearing before the TRLIA Board on July 20, 2010 pursuant to Section 1245.235 of the California Code of Civil Procedure; 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 is to be acquired for 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 set forth in the legal descriptions attached hereto as Exhibit 1A and Exhibit 2A and the accompanying parcel maps attached hereto as Exhibit 1B and Exhibit 2B, which are incorporated herein by this reference.

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

- a. The public interest and necessity require the Project.
- b. The 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 Exhibit 1A and Exhibit 2A and depicted in Exhibit 1B and Exhibit 2B 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.
- f. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein have been complied with by TRLIA.

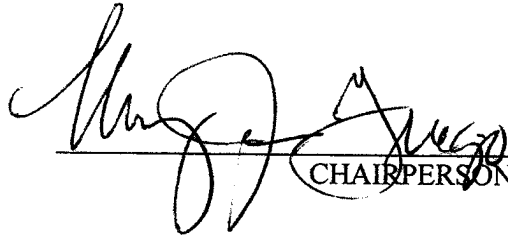
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 20th day of July, 2010 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Crippen, Graham, Griego, Nicoletti

NOES: None

ABSTAIN: None

ABSENT: None



CHAIRPERSON

ATTEST:



Donna Stottfemeyer, Secretary

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



By: _____

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF YUBA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

That parcel of land lying within the East half of Section 15, T.15N., R.4E., M.D.M., in Yuba County, California and being described as follows:

Parcel 3 as shown on Parcel Map No. 95-11, filed in Book 66 of Maps, page 45, Yuba County Records.

TOGETHER WITH the 60 foot road and utility easement across the South line of Parcel 2 as shown on said Parcel Map No. 95-11.

SUBJECT TO a 20 foot wide easement for drainage and being described as the South 20.00 foot of said Parcel 3. Said 20 foot wide drainage easement is for the exclusive use of Parcels 1 and 2 of said Parcel Map No. 95-11.

TOGETHER WITH non-exclusive easement to be used in common with others over a strip of land 20 feet in width for the purposes of ingress, egress, road and public utility purposes, the East line of which is more particularly described as follows:

Beginning at the intersection of the Westerly line of said Section 14 with the centerline of that certain County Road known as Hammonton Road, being distant on the said Westerly line South 0° 00' 10" West a distance of 1879.93 feet from the West quarter corner of said Section 14; thence from the said POINT OF BEGINNING North 0° 00' 10" East along the Westerly line of said Section 14, a distance of 1592.93 feet to the end of said line. The Easterly and Westerly lien of said strip of land to be prolonged or shortened to being and end on the centerline of said Hammonton Road.

ALSO TOGETHER WITH a non-exclusive easement 30 feet in width to be use din common with others for ingress, egress, road and public utility purposes, the Westerly line of which is more particularly described as follows:

Beginning at the Southeast corner of Parcel No. 1 as shown on Parcel Map No. 7.86, filed in Book 24 of Maps, page 44, Yuba County Records; thence North 00° 00' 10" East 287.00 feet to the East quarter corner of said Section 15; thence North 00° 15' 56" West 2657.40 feet to the Northeast corner of Section 14.

APN: 018-190-109

EXHIBIT 1A

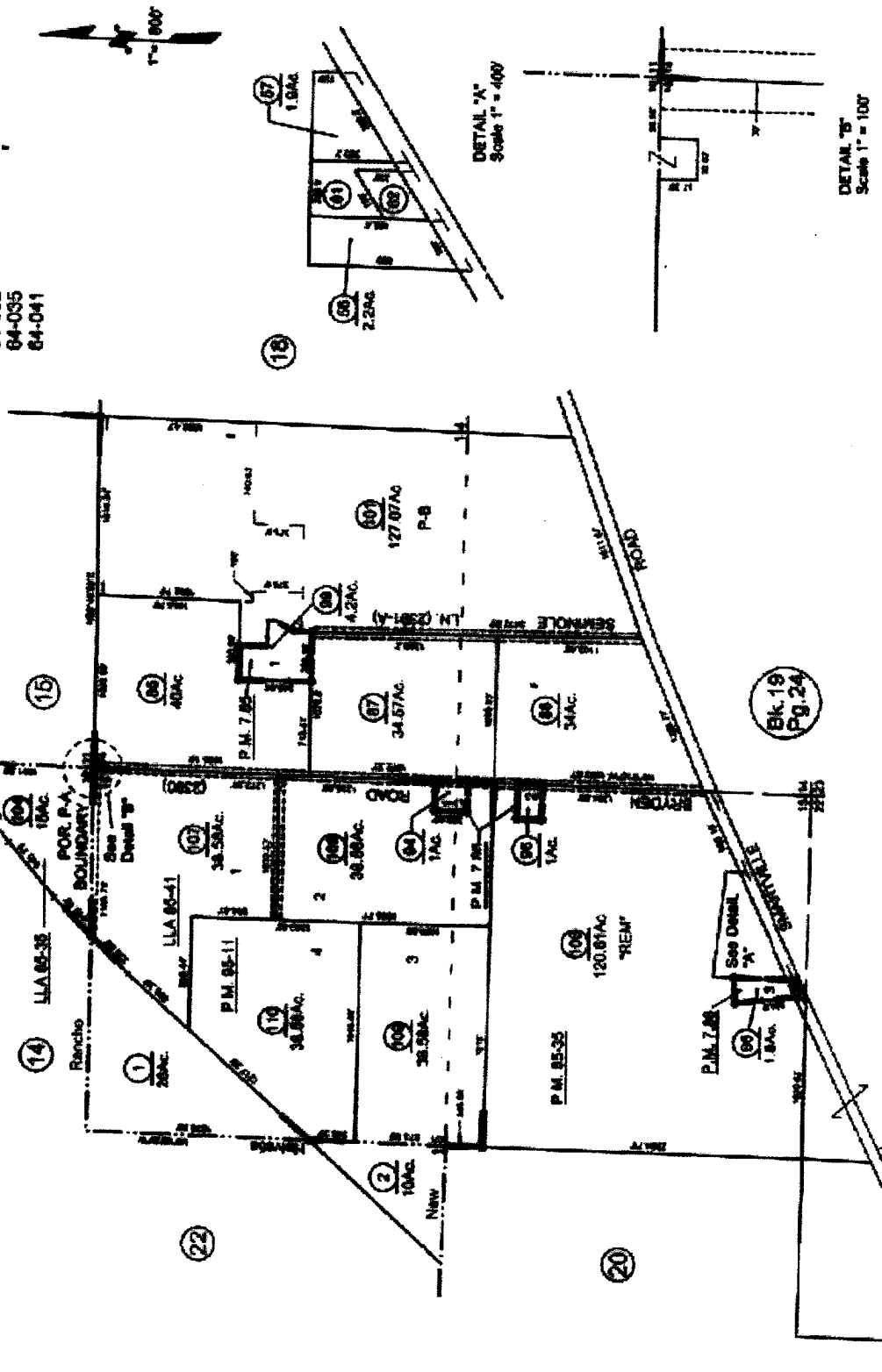
PARCEL MAP (018-190-109)

POR. SEC. 14 & 15, T.15N., R.4E., M. D. B. & M.

Tax Area Code
 64-006 64-024
 64-032
 64-035
 64-041

18-19

NOTE: This map was prepared for assessment purposes only, and is not intended to illustrate legal building lines or establish precedence over local ordinances. Official information concerning site or use of any parcel should be obtained from recorded documents and local governing agencies.



R.S. - Bk. 66, Pg. 45 (Parcel Map 95-11)
 R.S. - Bk. 44, Pg. 4 (P.M. Waiver 86-36)
 R.S. - Bk. 24, Pg. 44 (Parcel Map 7.86)
 R.S. - Bk. 24, Pg. 26 (Parcel Map 7.85) (L.L.A. 85-41)

Formerly Pm. 12-1, 3/173
 NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 16, Pg. 19
 County of Yuba, Calif.
 Year - 673

EXHIBIT 1B

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF YUBA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 and being more particularly described as follows:

Commencing at the Southwest corner of said Parcel 4 and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bears North 53°01'16" East, 3342.63 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 00°08'00" West, 673.50 feet; thence along the West line of said Parcel 4, North 00°08'00" East, 222.08 feet to the Point of Beginning; thence leaving said West line, North 42°31'39" East, 279.44 feet; thence North 40°46'45" East, 636.46 feet; thence North 42°45'21" East, 125.40 feet; thence North 39°26'53" East, 343.65 feet more or less to a point on the North line of said Parcel 4; thence along said North line, South 87°55'58" West, 116.02 feet to the Northwest corner of said Parcel 4; thence along the Westerly line of said Parcel 4, South 40°34'50" West, 1217.26 feet to the West line of said Parcel 4; thence along said West line, South 00°08'00" West, 116.64 feet to the Point of Beginning, containing 2.580 acres, more or less.

APN: 018-190-110

