

RESOLUTION NO. 2010- 5

**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 certain property interests from the parcels currently bearing Assessor's Parcel No.'s 018-220-048 and 018-220-049 (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 September 28, 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 A-1-1, Exhibit A-2-1 and Exhibit B-1, the accompanying parcel maps attached hereto as Exhibit A-1-2, Exhibit A-2-2 and Exhibit B-2, and the accompanying definition attached hereto as Exhibit B-3, which are incorporated herein by this reference.

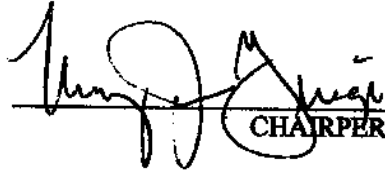
SECTION 3. The Board of Directors declares that it has found and determined as follows:

- 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 A-1-1, Exhibit A-2-1 and Exhibit B-1, and Exhibit C-1, depicted in Exhibit A-1-2, Exhibit A-2-2 and Exhibit B-2, and defined in Exhibit B-3, 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. 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.

f. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 28th day of September, 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 Stottlenseyer, Secretary

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



By: _____

EXHIBIT "A-1-1"

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 3, as shown on Parcel Map No. 91-28, filed in the office of the County Recorder of Yuba County in Book 59 of Maps, Page 31, and being more particularly described as follows:

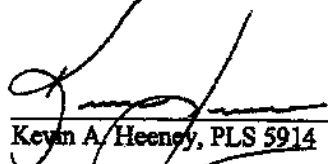
Beginning at the Northeast corner of said Parcel 3, from which a railroad spike in the centerline of Dantoni Road, as shown on said Parcel Map bears North 47°13'45" East, 1134.86 feet, and from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 23°34'25" East, 2044.57 feet; thence from said Point of Beginning and along the Northeasterly line of said Parcel 3, South 38°12'31" East, 49.85 feet; thence leaving said Northeasterly line, South 52°45'14" West, 651.06 feet; thence South 54°13'48" West, 41.84 feet to a point on the West line of said Parcel 3; thence along said West line, North 00°35'54" West, 71.53 feet to the Northwest corner of said Parcel 3; thence along the North line of said Parcel 3, North 53°40'46" East, 620.34 feet to the Point of Beginning, containing 0.823 acres, more or less.

See Exhibit 'A-1-2' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83. Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.9999115.

End of Description

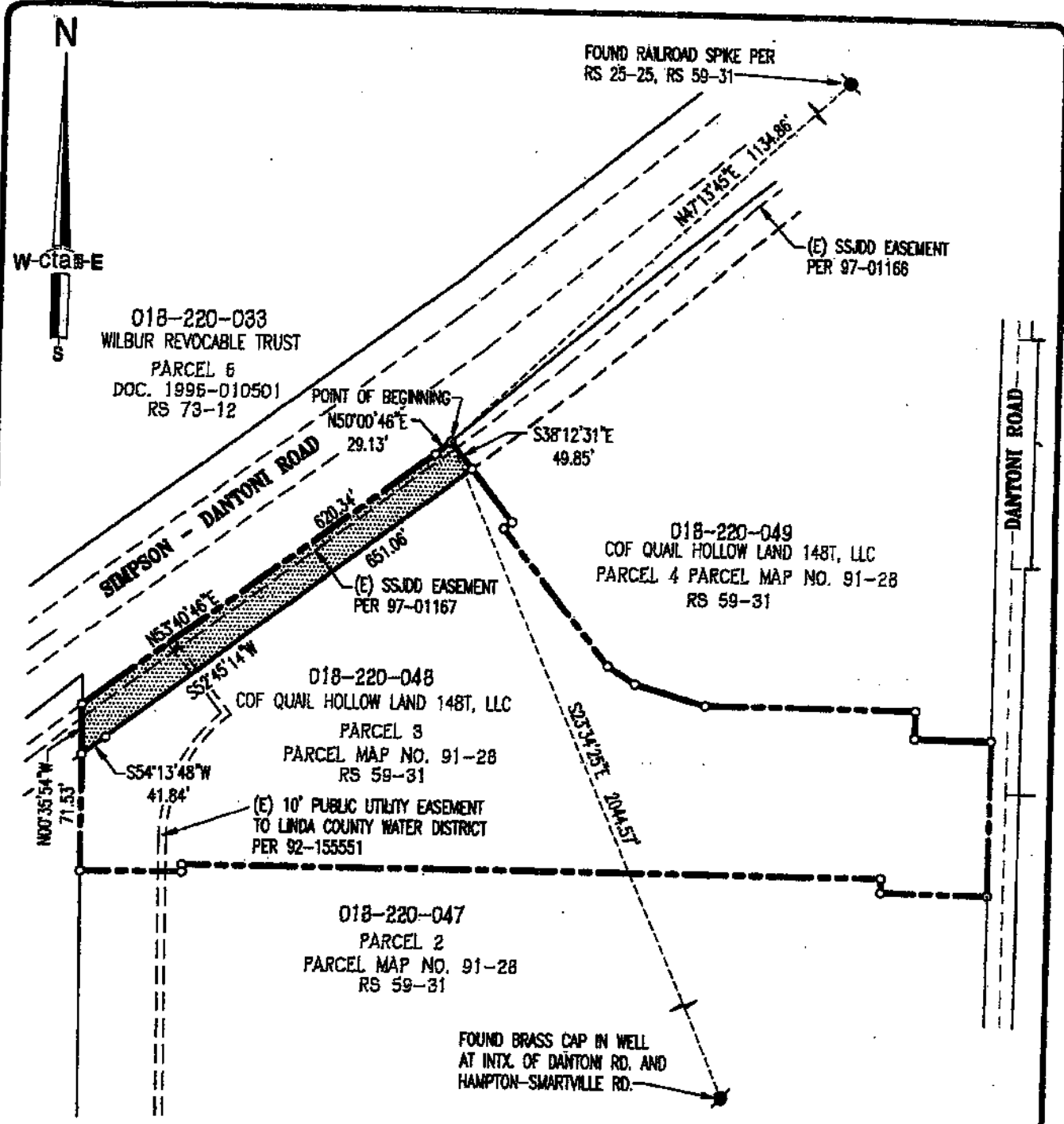
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeney, PLS 5914

03/10/2010
Date



Portion of:
APN 018-220-048



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9998115 TO OBTAIN GRID DISTANCES.



EXHIBIT "A-1-2"	
OWNER:	COF Quail Hollow Land 148T, LLC
A.P.N.:	018-220-048
AREA:	FEE TITLE = 0.823 Ac. AREA WITHIN SSJDD ESMT'S. = 0.198
cta Engineering & Surveying	

DATE:	03/08/2010	DRAWN BY:	KAH	SHEET	1 OF 1
SCALE:	1"=200'	JOB NO.:	06-008-004		
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY					
Proposed Acquisition for Upper Yuba Levee Improvement Project					
COUNTY OF YUBA			STATE OF CALIFORNIA		

EXHIBIT "A-2-1"

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. 91-28, filed in the office of the County Recorder of Yuba County in Book 59 of Maps, Page 31, and being more particularly described as follows:

Commencing at a railroad spike in the centerline of Dantoni Road, as shown on said Parcel Map and from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 00°20'00" West, 2644.64 feet; thence along the centerline of Dantoni Road, South 00°20'00" West, 108.08 feet; thence North 89°40'00" West, 20.00 feet; thence South 51°13'46" West, 5.16 feet to the Northeast corner of said Parcel 4 and the Point of Beginning; thence along the Northerly line of said Parcel 4, South 51°13'46" West, 670.46 feet; thence South 50°00'46" West, 372.87 feet to the Southwesterly corner of said Parcel 4; thence along the Southwesterly line of said Parcel 4, South 38°12'31" East, 49.85 feet; thence leaving said Southwesterly line, North 52°45'14" East, 189.62 feet; thence North 50°23'57" East, 477.17 feet; thence North 52°09'37" East, 271.02 feet; thence North 54°17'54" East, 54.77 feet to a point on the East line of said Parcel 4; thence along said East line, North 00°20'00" East, 81.48 feet to the Point of Beginning, containing 1.354 acres, more or less.

See Exhibit 'A-2-2' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83. Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.9999115.

End of Description

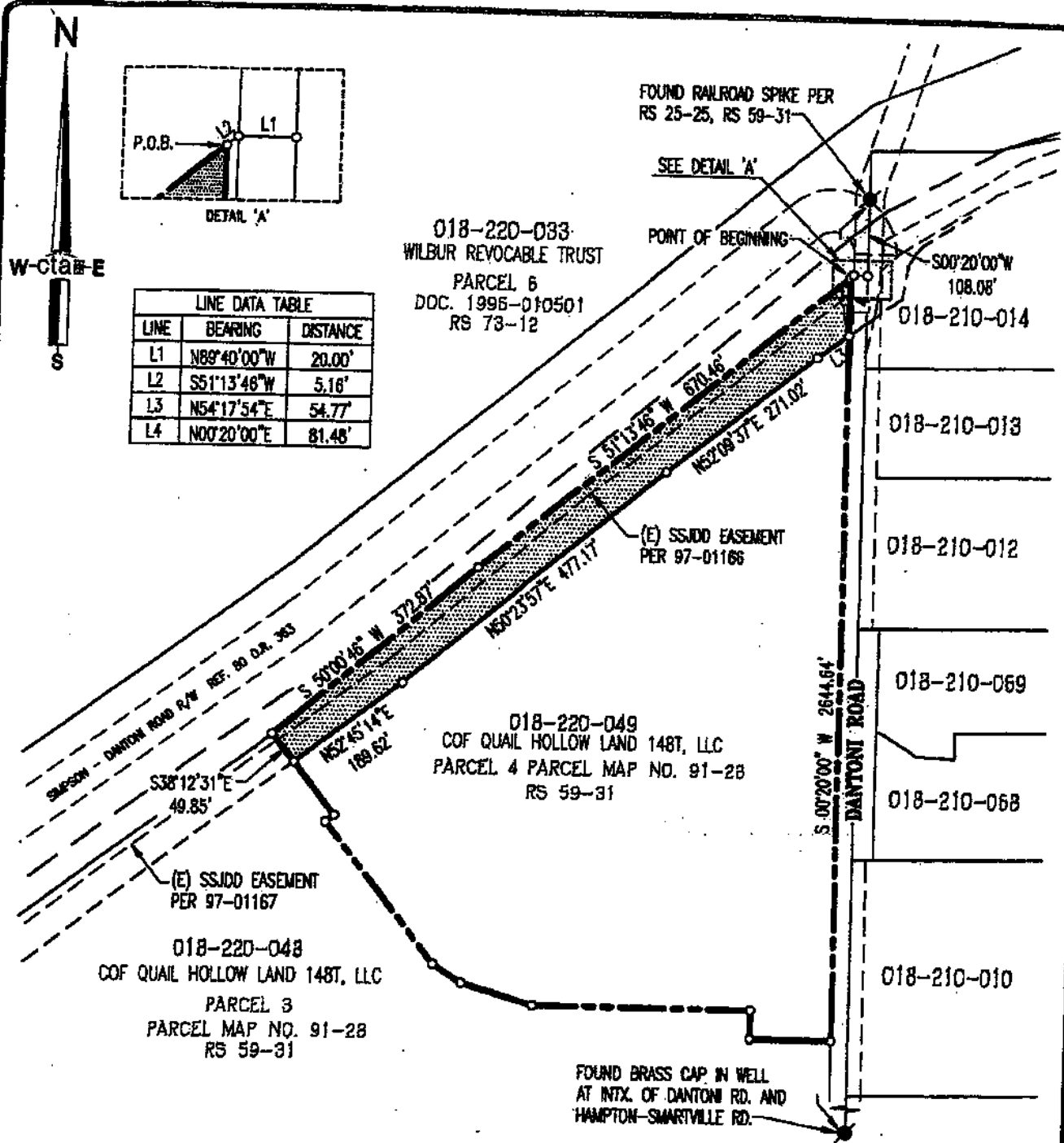
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeneey, PLS 5914

03/10/2010
Date



Portion of:
APN 018-220-049



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9999715 TO OBTAIN GRID DISTANCES.



EXHIBIT "A-2-2"

OWNER: COF Quail Hollow Land 148T, LLC

A.P.N.: 018-220-049

AREA: FEE TITLE = 1.354 Ac.
AREA WITHIN SSJDD ESMT'S. = 0.407

DATE: 03/09/2010 DRAWN BY: KAH SHEET 1 OF 1

SCALE: 1"=200' JOB NO. 06-008-004

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for

Upper Yuba Levee Improvement Project

cta Engineering & Surveying

DATE: 03/10/2010

COUNTY OF YUBA STATE OF CALIFORNIA

Exhibit 'B-1'

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. 91-28, filed in the office of the County Recorder of Yuba County in Book 59 of Maps, Page 31, and being more particularly described as follows:

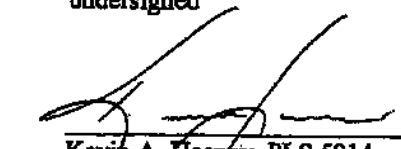
Commencing at a railroad spike in the centerline of Dantoni Road, as shown on said Parcel Map and from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 00°20'00" West, 2644.64 feet; thence along the centerline of Dantoni Road, South 00°20'00" West, 108.08 feet; thence North 89°40'00" West, 20.00 feet; thence South 51°13'46" West, 5.16 feet to the Northeast corner of said Parcel 4; thence along the East line of said Parcel 4, South 00°20'00" West, 81.48 feet to the Point of Beginning; thence continuing along said East line, South 00°20'00" West, 897.22 feet; thence leaving said East line, North 89°55'13" West, 259.61 feet; thence North 51°00'56" West, 354.37 feet; thence North 00°42'16" West, 240.15 feet; thence North 50°23'57" East, 369.54 feet; thence North 52°09'37" East, 271.02 feet; thence North 54°17'54" East, 54.77 feet to the Point of Beginning, containing 7.756 acres, more or less.

See Exhibit 'B-2' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83. Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.9999115.

End of Description

Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeney, PLS 5914
Portion of
APN 018-220-049

04/06/2010
Date



EXHIBIT "B-3"

TEMPORARY CONSTRUCTION EASEMENT

An exclusive temporary construction easement for ingress and egress, construction staging areas, storage of machinery and equipment, parking of vehicles and all other activities whatsoever in nature incidental to the construction of the Upper Yuba Levee Improvement Project, on, over, and across certain real property owned by COF QUAIL HOLLOW LAND 148T ("OWNERS"), located in Yuba County, California and as more particularly described on Exhibits "B-1" and "B-2" ("TCE Area"), attached hereto for the purpose of installing, constructing and/or improving certain levee and other public facilities located on adjacent and nearby property, and demolition of structures thereon, and accomplishing all necessary incidents and appurtenances thereto ("Project"). THREE RIVERS LEVEE IMPROVEMENT AUTHORITY ("TRLIA") shall move structures and fences and replace "in like kind" all fences, gates, irrigation facilities, and driveways that are destroyed or damaged. TRLIA, from time to time, may erect and maintain temporary fences and may exclude persons or other uses of all or a portion of the TCE Area if, in TRLIA's sole discretion, the presence of said persons or other uses would be hazardous or would hinder TRLIA's activities related to the Project. The construction easement herein described on Exhibits "B-1" and "B-2", shall extend for a period of fifteen months, limited to periods of time consisting of the annual construction season which spans from April 1 through November 15 of each year, beginning on the date so ordered by the Court.