

RESOLUTION NO. 2010-8

**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 018-140-040, 018-190-002 and 018-200-006 (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, Exhibit A-3-1, Exhibit B-1, and Exhibit C-1, the accompanying parcel maps attached hereto as Exhibit A-1-2, Exhibit A-2-2, Exhibit A-3-2, Exhibit B-2 and Exhibit C-2, and the accompanying definitions attached hereto as Exhibit B-3 and Exhibit C-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, Exhibit A-3-1, Exhibit B-1, and Exhibit C-1, depicted in Exhibit A-1-2, Exhibit A-2-2, Exhibit A-3-2, Exhibit B-2 and Exhibit C-2, and defined in Exhibit B-3 and Exhibit C-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 Brwon, Crippen, Graham, Griego, Nicoletti
 NOES: None
 ABSTAIN: None
 ABSENT: None



 CHAIRPERSON

ATTEST:



 Donna Stottlemeyer, 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 the Northwest One-quarter of Section 15, Township 15 North, Range 4 East, M.D.M. and being more particularly described as follows:

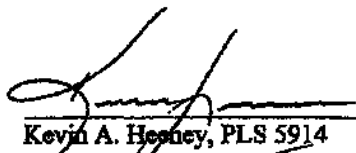
Beginning at a point on the East line of said Northwest One-quarter, said point being also the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 57°57'57" East, 3149.06 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, 1013.82 feet; thence from said Point of Beginning, South 41°09'03" West, 1346.46 feet more or less to a point on the North line of the "Boyer Tract No. 2", as shown on the plat thereof, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31; thence along said North line, South 89°59'50" West, 34.99 feet; thence leaving said North line, North 35°58'48" East, 51.08 feet; thence North 40°09'05" East, 150.26 feet; thence North 39°03'31" East, 65.06 feet; thence North 40°55'00" East, 399.06 feet; thence North 40°04'29" East, 427.92 feet; thence North 41°37'02" East, 299.51 feet; thence North 02°35'32" East, 36.41 feet; thence North 65°17'42" East, 17.51 feet to a point on the East line of said Northwest One-quarter; thence along said East line, South 00°08'00" West, 89.44 feet to the Point of Beginning, containing 1.253 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. Heaney, PLS 5914

03/10/2010
Date



Portion of:
APN 018-140-040

EXHIBIT "A-2-1"

All that real property situate in the County of Yuba, State of California, being a portion of the Northwest One-quarter of Section 15, Township 15 North, Range 4 East, M.D.M. and being more particularly described as follows:

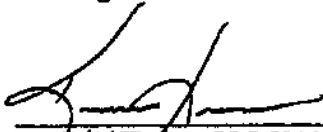
Beginning at a point on the East line of said Northwest One-quarter, said point being also the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 57°57'57" East, 3149.06 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, 1013.82 feet; thence from said Point of Beginning, along the East line of said Northwest One-quarter, South 00°08'00" West, 116.64 feet; thence leaving said East line, South 42°31'39" West, 30.16 feet; thence South 69°19'51" West, 1.93 feet; thence South 38°40'19" West, 29.71 feet; thence South 40°32'59" West, 669.46 feet; thence South 40°12'48" West, 201.36 feet; thence South 41°53'16" West, 18.91 feet; thence South 14°09'36" West, 1.05 feet; thence South 39°58'42" West, 226.49 feet more or less to a point on the North line of the "Boyer Tract No. 2", as shown on the plat thereof, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31; thence along said North line, South 89°59'50" West, 121.37 feet; thence leaving said North line, North 41°09'03" East, 1346.46 feet to the Point of Beginning, containing 2.388 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. Heeney, PLS 5914

03/10/2010
Date



Portion of:
APN 018-190-002

EXHIBIT "A-3-1"

All that real property situate in the County of Yuba, State of California, lying within a portion of the Southwest One-quarter of Section 15, Township 15 North, Range 4 East, M.D.M. and being a portion of Lots 3 and 5 of the plat of Boyer Tract 2, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31; being all that portion of Parcel 3, as described in the deed to Richard G. Wilbur, Trustee of the Richard G. Wilbur Revocable Trust Dated November 2, 1994, recorded in Document No. 2009R-018277, and being that portion of said Parcel 3 lying within the following described strip or parcel of land:

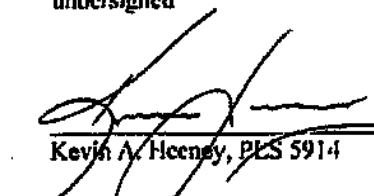
Beginning at a point on the North line of said Boyer Tract 2, from which a 1-1/2" capped iron pipe stamped LS 3341, marking the center of said Section 15 bears North 89°59'50" East, 762.30 feet, and from which a 3/4" iron pipe, marking the Southwest corner of said Section 15 bears South 35°10'25" West, 3310.94 feet; thence from said Point of Beginning, leaving said North line, South 39°58'42" West, 208.34 feet; thence South 54°18'24" West, 13.22 feet; thence South 38°51'23" West, 91.19 feet; thence South 39°56'08" West, 522.31 feet; thence South 09°50'53" West, 97.10 feet; thence South 74°29'35" West, 63.15 feet more or less to a point on the Westerly line of said Lot 5; thence leaving said West line South 74°29'35" West, 62.06 feet; thence South 56°28'51" West, 12.72 feet; thence South 42°28'12" West, 74.41 feet; thence South 38°53'53" West, 63.19 feet; thence South 40°45'57" West, 452.17 feet; thence South 41°16'47" West, 38.17 feet; thence South 40°07'57" West, 79.99 feet; thence South 41°00'33" West, 79.99 feet; thence South 41°13'23" West, 63.70 feet; thence South 41°38'50" West, 38.00 feet; thence South 41°41'54" West, 40.01 feet; thence South 40°49'00" West, 42.01 feet; thence South 40°31'19" West, 78.01 feet; thence South 38°38'23" West, 62.28 feet; thence North 87°37'00" West, 53.14 feet; thence South 41°58'31" West, 82.48 feet; thence South 43°28'07" West, 35.17 feet; thence South 44°32'11" West, 219.33 feet; thence South 47°10'26" West, 34.72 feet more or less to a point on the West line of said Lot 2; thence along said West line, North 01°55'26" East, 76.15 feet more or less to the Northwest corner of said Lot 2; thence along the North line of said Lot 2, North 41°00'50" East, 194.17 feet; thence North 40°35'50" East, 1674.12 feet more or less to the Northeast corner of said Lot 2 and the Northwest corner of Lot 3 of said Boyer Tract 2; thence along the North line of said Lot 3, North 40°35'50" East, 760.90 feet more or less to a point on the North line of said Boyer Tract 2; thence along said North line, North 89°59'50" East, 121.37 feet to the Point of Beginning. The area within said Parcel 3 contains 1.974 acres, more or less.

See Exhibit 'A-3-2' 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 018-200-006

07/20/2010
Date



Exhibit 'B-1'

All that real property situate in the County of Yuba, State of California, being a portion of the Northwest One-quarter of Section 15 and the Northeast One-quarter of Section 16, Township 15 North, Range 4 East, M.D.M. and being more particularly described as follows:

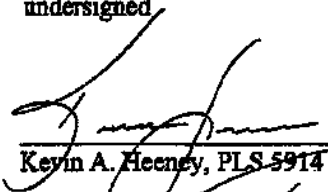
Beginning at a point on the South line of said Northwest One-quarter, said point being also the Northwest corner of Lot 1 of the Boyer Tract 2, as filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31, and from which a 1 1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears North 89°59'50" East, 2536.35 feet; thence along the South line of said Northwest One-quarter and said Northeast One-quarter, North 89°59'50" West, 1632.50 feet; thence leaving said South line, North 82°00'05" East, 186.69 feet; thence South 89°29'19" East, 1012.01 feet; thence North 89°44'37" East, 434.89 feet; thence North 89°28'49" East, 778.08 feet; thence North 84°29'15" East, 222.16 feet; thence North 87°35'18" East, 301.94 feet; thence South 89°23'47" East, 360.19 feet; thence, South 40°09'05" West, 19.45 feet; thence South 35°58'48" West, 24.53 feet; thence North 89°23'47" West, 332.68 feet; thence South 87°35'18" West, 300.08 feet; thence South 84°29'15" West, 129.05 feet to a point on the South line of said Northwest One-quarter; thence along said South line, South 89°59'50" West, 872.38 feet to the Point of Beginning, containing 1.825 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. Heeneey, PLS 5914

09/22/2010
Date



Portion of
APN 018-140-040

Exhibit 'C-1'

All that real property situate in the County of Yuba, State of California, being a portion of the Southwest One-quarter of Section 10, Township 15 North, Range 4 East, M.D.M. and being more particularly described as follows:

Commencing at a 1 1/2" iron pipe tagged LS 3341 marking the center of said Section 10; thence along the North line of said Southwest One-quarter, North 89°50'19" West, 238.26 feet to the Point of Beginning; thence continuing along said North line, North 89°50'19" West, 46.44 feet to a point on the Southeasterly line of that certain road described in the deed to the County of Yuba recorded in Book 81 of Deeds, Page 46; thence along said Southeasterly line, South 37°53'59" West, 48.53 feet; thence leaving said Southeasterly line, North 57°48'49" East, 43.26 feet; thence North 69°07'25" East, 42.43 feet to the Point of Beginning, containing 0.016 acres, more or less.

See Exhibit 'C-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. Heehey, PLS 5914

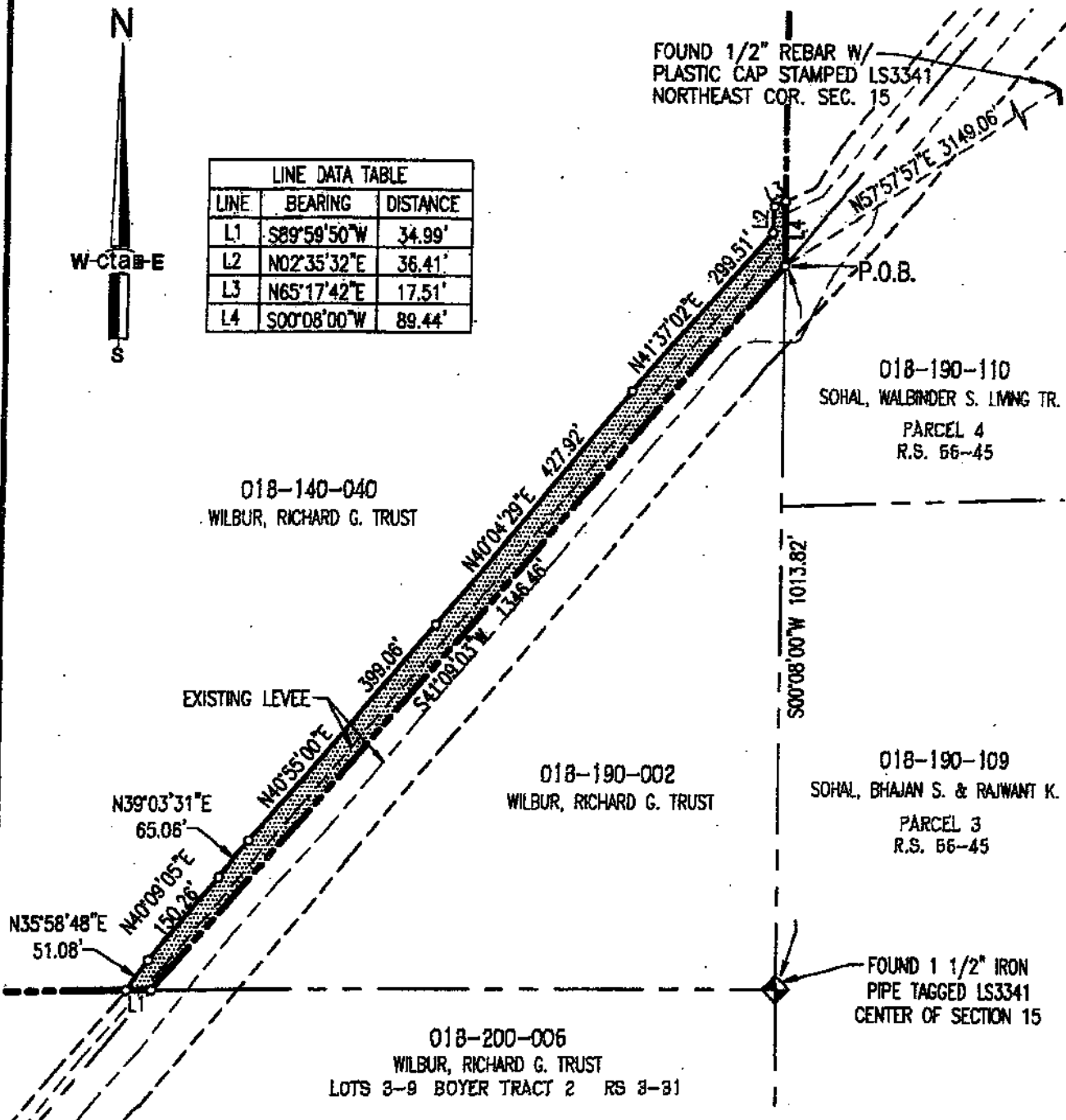
03/23/2010
Date



Portion of:
APN 018-140-040



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S89°59'50"W	34.99'
L2	N02°35'32"E	36.41'
L3	N65°17'42"E	17.51'
L4	S00°08'00"W	89.44'



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: Wilbur, Richard G. Trust
 A.P.N.: 018-140-040
 AREA: FEE TITLE = 1.253 Ac.

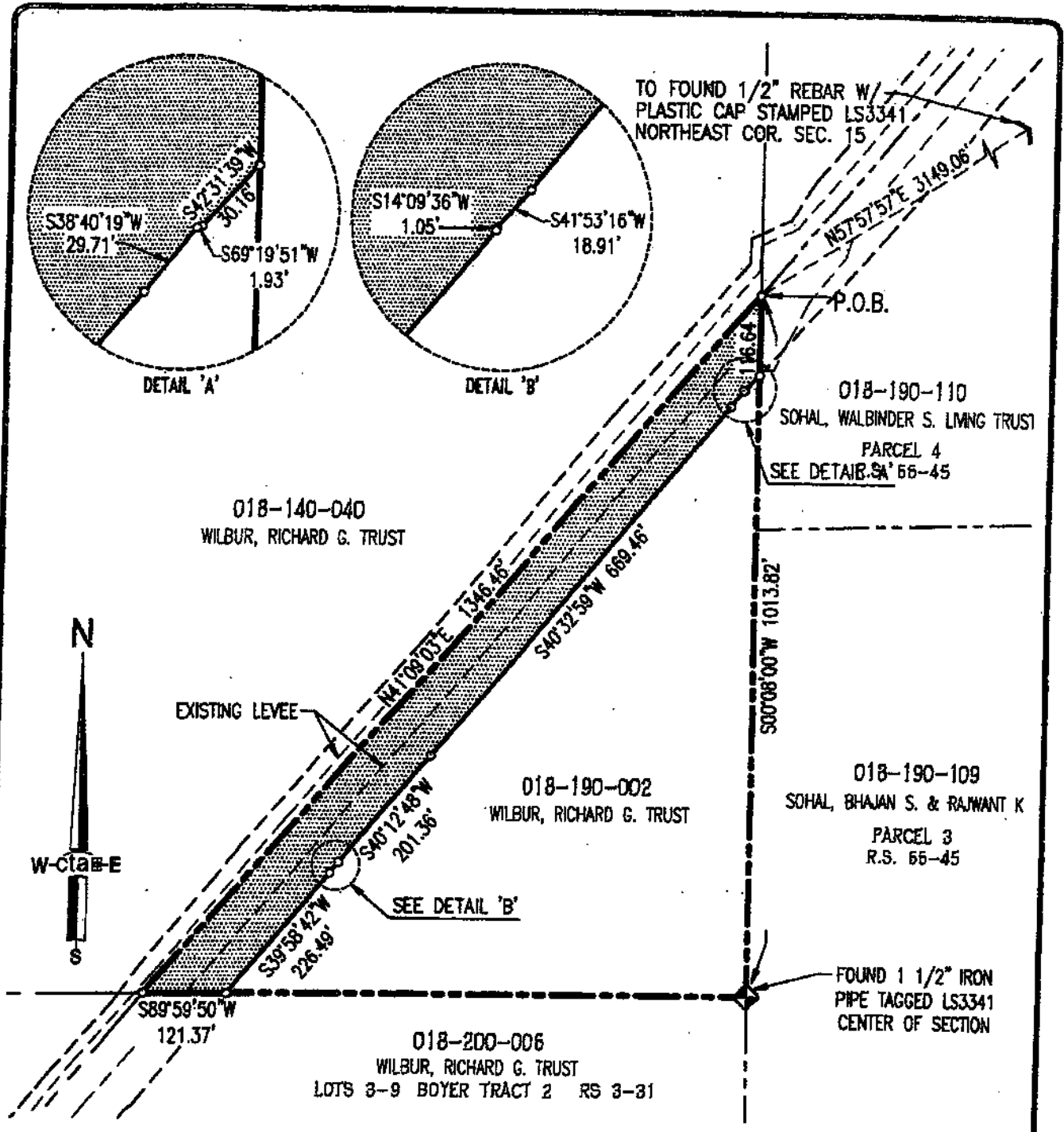
DATE: 03/10/2010 DRAWN BY: KAH SHEET 1 OF 1
 SCALE: 1"=200' JOB NO. 06-008-004

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
 Proposed Acquisition for
Upper Yuba Levee Improvement Project



COUNTY OF YUBA STATE OF CALIFORNIA

DATE: 03/10/2010

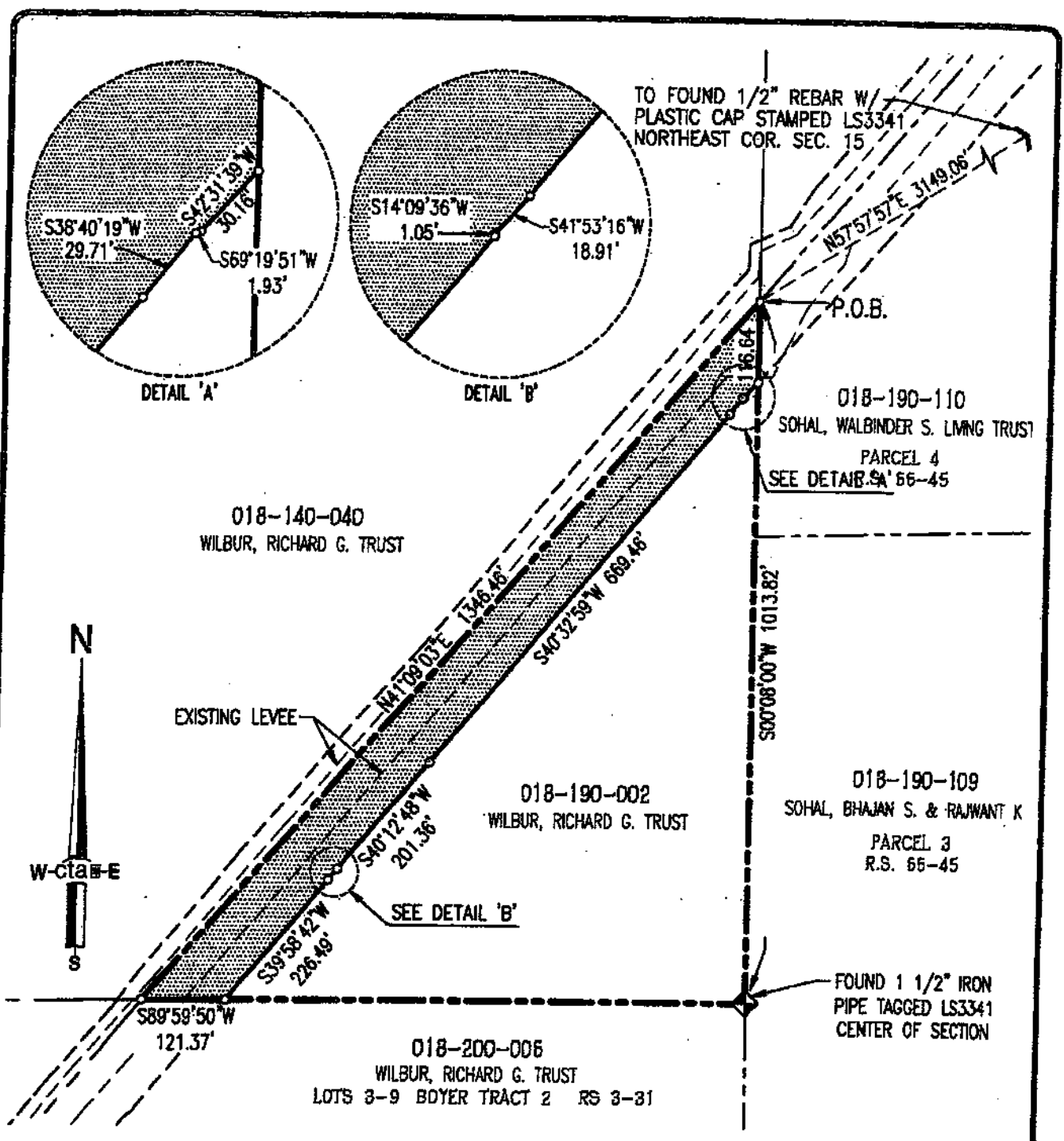


THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9999115 TO OBTAIN GRID DISTANCES.



EXHIBIT "A-2-2"	
OWNER:	Wilbur, Richard G. Trust
A.P.N.:	018-190-002
AREA:	FEE TITLE = 2.388 Ac.
cta Engineering & Surveying	

DATE:	03/10/2010	DRAWN BY:	KAH	SHEET	1 OF 1
SCALE:	1"=200'	JOB NO.:	06-006-004		
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY					
Proposed Acquisition for Upper Yuba Levee Improvement Project					
COUNTY OF YUBA			STATE OF CALIFORNIA		

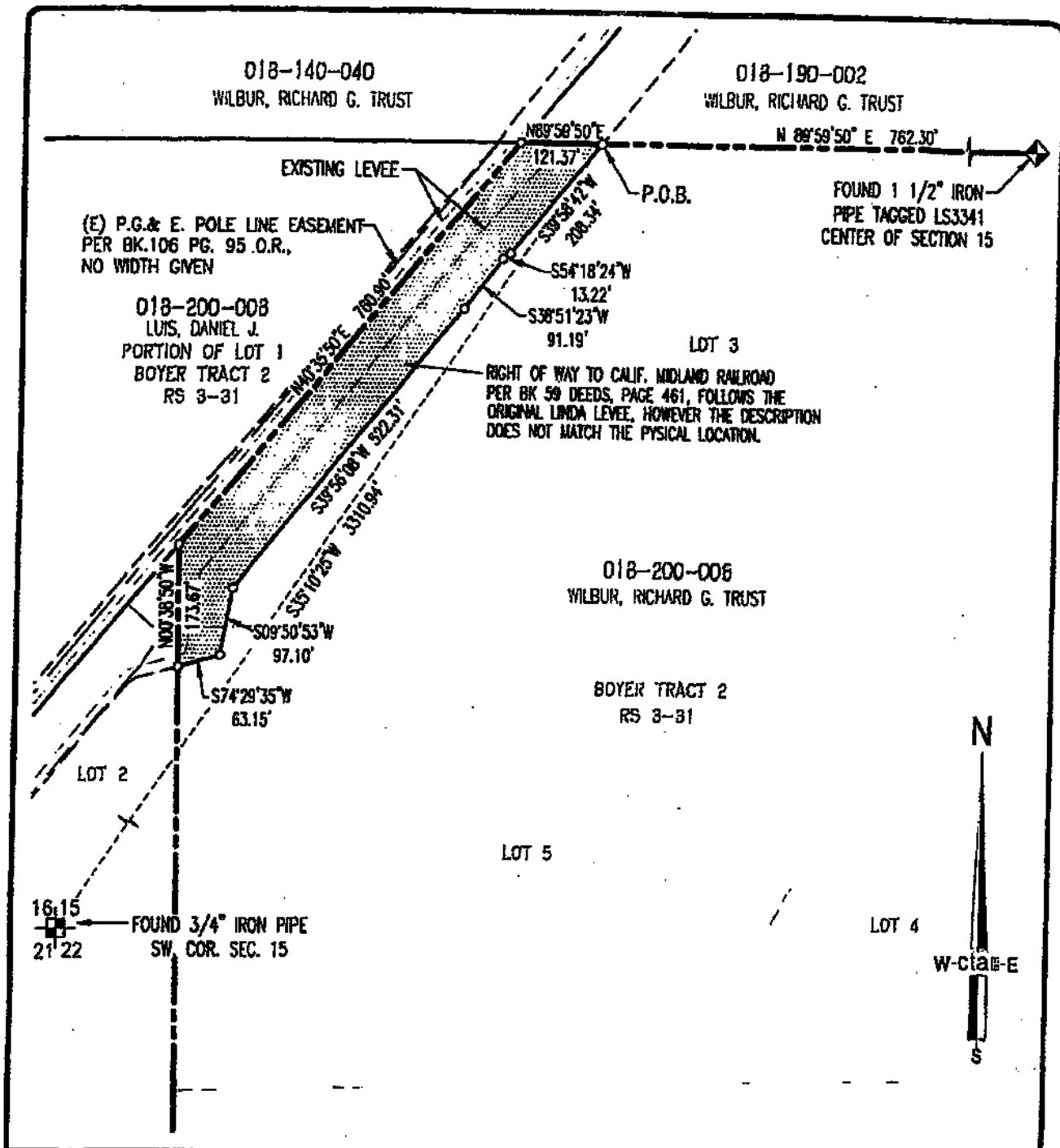


THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9999115 TO OBTAIN GRID DISTANCES.



EXHIBIT "A-2-2"	
OWNER:	Wilbur, Richard G. Trust
A.P.N.:	018-190-002
AREA:	FEE TITLE = 2.388 Ac.
cta Engineering & Surveying	

DATE:	03/10/2010	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		



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 0.9999115 TO OBTAIN GRID DISTANCES.



EXHIBIT "A-3-2"
 OWNER: Wilbur, Richard G. Trust
 A.P.N.: 018-200-006
 AREA: FEE TITLE = 1.974 Ac.

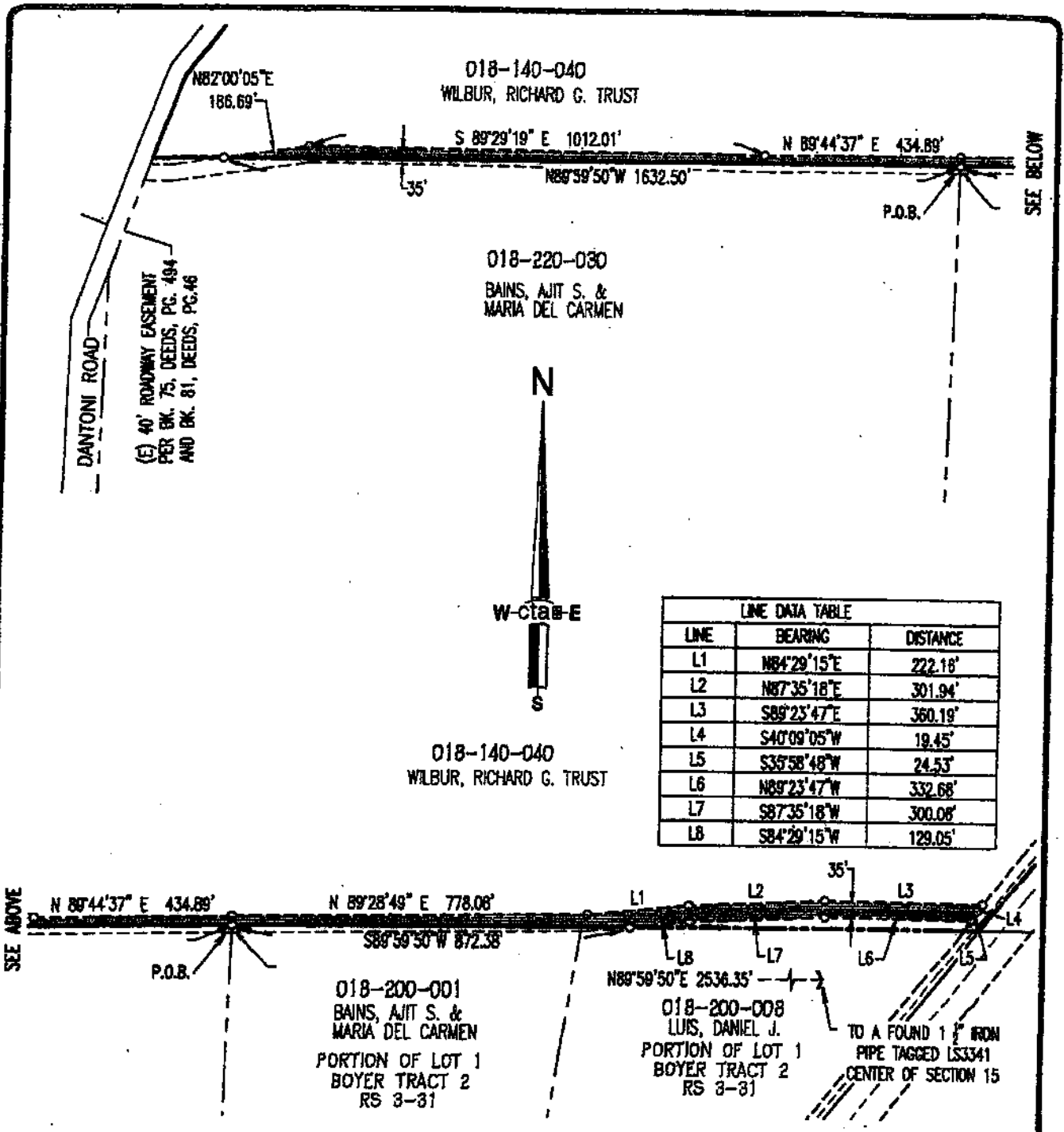
DATE: 07/20/2010
 DRAWN BY: KAH
 SCALE: 1"=200'
 JOB NO. 06-006-004
 SHEET 2 OF 2

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
 Proposed Acquisition for
Upper Yuba Levee Improvement Project

cta Engineering & Surveying

COUNTY OF YUBA STATE OF CALIFORNIA

DATE: 07/20/2010



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 0.9999115 TO OBTAIN GRID DISTANCES.



Exhibit 'B-2'

OWNER: Wilbur, Richard G. Trust

A.P.N.: 018-140-040

AREA: TEMPORARY ACCESS EASEMENT = 1.825 Ac.

DATE: 04/22/2010 DRAWN BY: KAH SHEET 1 OF 1

SCALE: 1"=300' JOB NO. 06-008-004

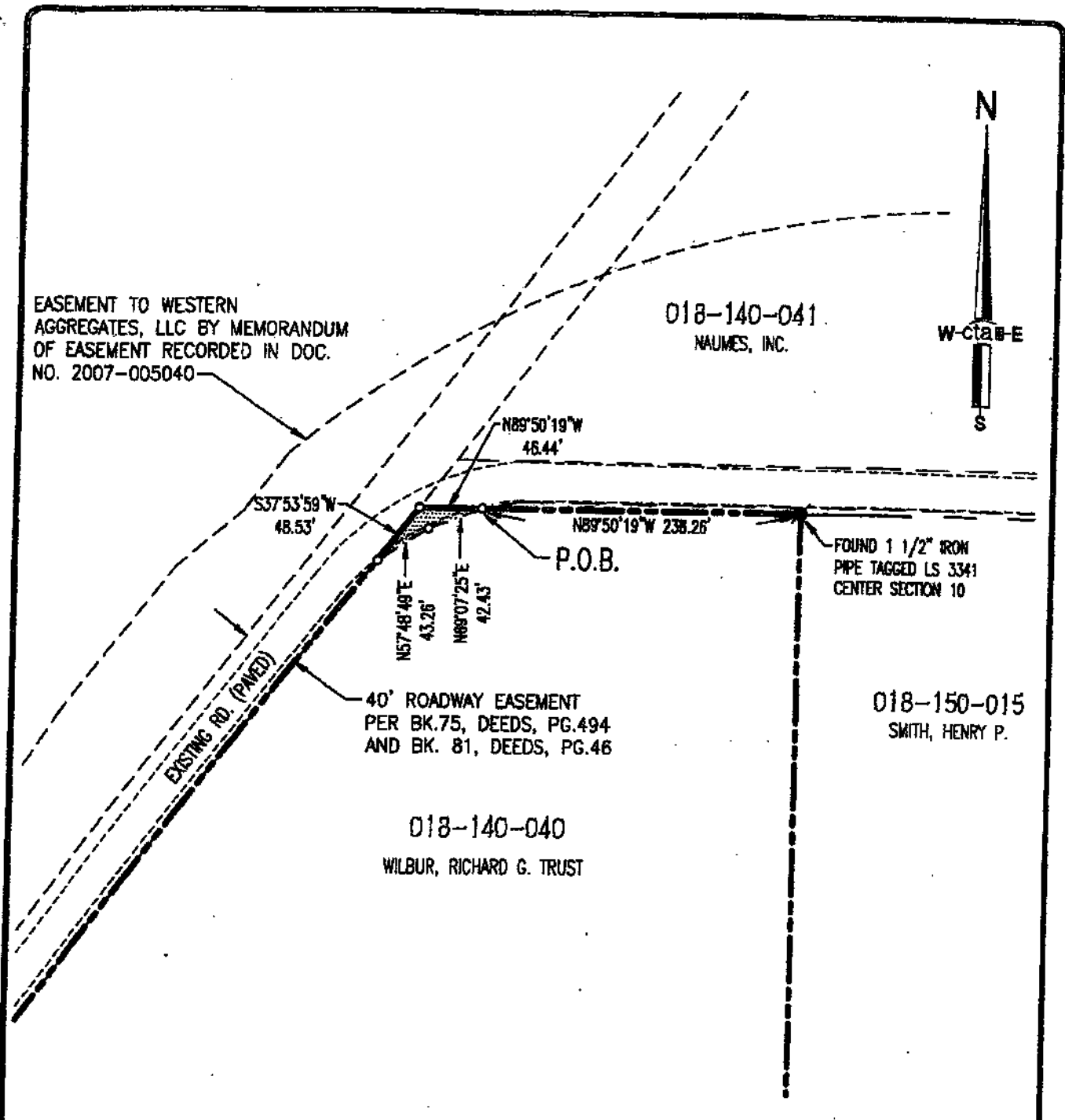
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
Upper Yuba Levee Improvement Project

cta Engineering & Surveying

DATE: 04/22/2010

COUNTY OF YUBA STATE OF CALIFORNIA



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 0.9999115 TO OBTAIN GRID DISTANCES.



	Exhibit 'C-2' OWNER: Wilbur, Richard G. Trust A.P.N.: 018-140-040 AREA: TEMPORARY ACCESS EASEMENT = 0.016 Ac.		DATE: 03/16/2010 SCALE: 1"=300' DRAWN BY: KAH JOB NO. 06-008-004	SHEET 1 of 1
			THREE RIVERS LEVEE IMPROVEMENT AUTHORITY Proposed Acquisition for Upper Yuba Levee Improvement Project	
	DATE: 03/23/2010		COUNTY OF YUBA STATE OF CALIFORNIA	

EXHIBIT "B-3"

TEMPORARY ACCESS EASEMENT

A non-exclusive temporary-access easement for ingress and egress on, over, and across certain real property owned by RICHARD G. WILBUR, TRUSTEE OF THE RICHARD G. WILBUR REVOCABLE TRUST DATED NOVEMBER 2, 1994 ("OWNERS"), located in Yuba County, California and as more particularly described on Exhibits "B-1" and "B-2" ("TAE 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 repair or replace "in like kind" all fences, gates, irrigation facilities, driveways, and private roadways that are destroyed or damaged. The access 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.

EXHIBIT "C-3"

TEMPORARY ACCESS EASEMENT

A non-exclusive temporary access easement for ingress and egress on, over, and across certain real property owned by RICHARD G. WILBUR, TRUSTEE OF THE RICHARD G. WILBUR REVOCABLE TRUST DATED NOVEMBER 2, 1994 ("OWNERS"), located in Yuba County, California and as more particularly described on Exhibits "C-1" and "C-2" ("TAE 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 repair or replace "in like kind" all fences, gates, irrigation facilities, driveways, and private roadways that are destroyed or damaged. The access easement herein described on Exhibits "C-1" and "C-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.