

RESOLUTION NO. 2010-6

**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 018-200-008, 018-200-005, 018-200-007 and 018-210-035 (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, Exhibit B-1, Exhibit C-1, Exhibit A-1-1 and Exhibit A-1-2, the accompanying parcel maps attached hereto as Exhibit A-2, Exhibit B-2, Exhibit C-2, Exhibit A-2-1 and Exhibit A-2-2, 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, Exhibit B-1, Exhibit C-1, Exhibit A-1-1 and Exhibit A-2-1, depicted in Exhibit A-2, Exhibit B-2, Exhibit C-2, Exhibit A-1-2 and Exhibit A-2-2, 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 Brown, Crippen, Graham, Griego, Nicoletti
 NOES: None
 ABSTAIN: None
 ABSENT: None

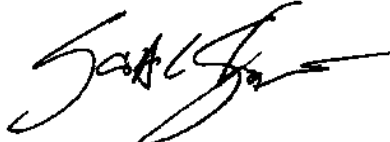


 CHAIRPERSON

ATTEST:


 Donna Stottlemeyer, Secretary

APPROVED AS TO FORM
SCOTT L. SHAPIRO
GENERAL COUNSEL



By: _____

Exhibit 'A-1'

All that real property situate in the County of Yuba, State of California, being a portion of Lot 1 as shown on the plat of Boyer Tract 2, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31, and being more particularly described as follows:

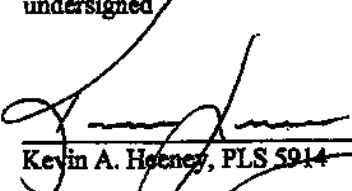
Beginning at the Northeast corner of said Lot 1, from which a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. bears North 89°59'50" East, 883.67 feet, and from which a 3/4" iron pipe marking the Southwest corner of said Section 15 bears South 33°25'14" West, 3242.54 feet; thence along the Southeasterly line of said Lot 1, South 40°35'50" West, 1350.02 feet; thence leaving said Southeasterly line, North 49°20'20" West, 13.76 feet; thence South 42°41'50" West, 320.14 feet; thence North 09°56'00" East, 17.49 feet; thence North 41°43'11" East, 9.68 feet; thence North 41°07'29" East, 304.48 feet; thence North 40°22'00" East, 168.61 feet; thence North 43°03'51" East, 69.69 feet; thence North 40°22'58" East, 238.97 feet; thence North 40°22'58" East, 167.59 feet; thence North 41°07'05" East, 50.61 feet; thence North 41°42'54" East, 106.84 feet; thence North 40°22'00" East, 364.59 feet; thence North 42°07'40" East, 133.74 feet; thence North 38°39'20" East, 17.50 feet more or less to a point on the North line of said Lot 1; thence along said North line, North 89°59'50" East, 34.99 feet to the Point of Beginning, containing 1.004 acres, more or less.

See Exhibit 'A-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 018-200-008

Exhibit 'B-1'

All that real property situate in the County of Yuba, State of California, being a portion of Lot 1 as shown on the plat of Boyer Tract 2, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31, and being more particularly described as follows:

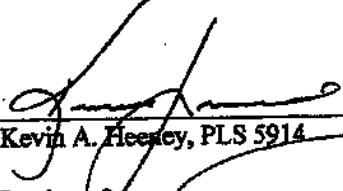
Commencing at the Northeast corner of said Lot 1, from which a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. bears North 89°59'50" East, 883.67 feet, and from which a 3/4" iron pipe marking the Southwest corner of said Section 15 bears South 33°25'14" West, 3242.54 feet; thence along the Southeasterly line of said Lot 1, South 40°35'50" West, 1350.02 feet; thence leaving said Southeasterly line, North 49°20'20" West, 13.76 feet; thence South 42°41'50" West, 320.14 feet; thence North 09°56'00" East, 17.49 feet to the Point of Beginning; thence continuing North 09°56'00" East, 82.88 feet; thence North 40°26'17" East, 661.61 feet; thence North 80°17'44" East, 75.97 feet; thence South 40°22'58" West, 238.97 feet; thence South 43°03'51" West, 69.69 feet; thence South 40°22'00" West, 168.61 feet; thence South 41°07'29" West, 304.48 feet; thence South 41°43'11" West, 9.68 feet to the Point of Beginning, containing 0.771 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. Heesey, PLS 5914

03/10/2010
Date



Portion of
APN 018-200-008

Exhibit 'C-1'

All that real property situate in the County of Yuba, State of California, being a portion of Lot 1 as shown on the plat of Boyer Tract 2, filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 31, and being more particularly described as follows:

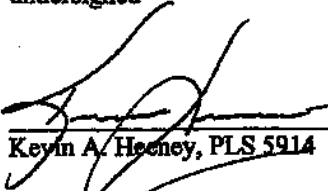
Beginning at a point on the North line of said Lot 1, from which a 1 1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. bears North 89°59'50" East, 1770.56 feet; thence from said Point of Beginning, along the North line of said Lot 1, North 89°59'50" East, 106.59 feet; thence leaving said North line, South 84°29'15" West, 93.69 feet; thence South 89°28'49" West, 14.93 feet; thence North 09°56'00" East, 9.27 feet to the Point of Beginning, containing 0.013 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

Portion of:
APN 018-200-008

08/23/2010
Date



EXHIBIT "A-1-1"

All that real property situate in the County of Yuba, State of California, being a portion of Lot 2 as shown on 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 that portion of said Lot 2 described in the deed to Anthony J. and Zelma B. Luis, recorded in Book 4930, Page 523, Official Records of Yuba County lying within the following described strip or parcel of land:

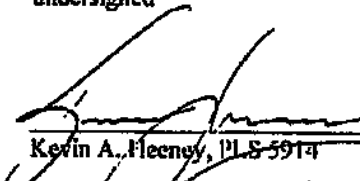
Beginning at a point on the North line of said Boyer Tract 2, from which a 1-1/2" capped iron pipe stamped LS 3341, marking the center of said Section 15 bears North 89°59'50" East, 762.30 feet, and from which a 3/4" iron pipe, marking the Southwest corner of said Section 15 bears South 35°10'25" West, 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°40'26" 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 44°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 Lot 2 contains 3.137 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
Portion of:
APN 018-200-005 & 007

07/20/2010
Date



EXHIBIT "A-2-1"

All that real property situate in the County of Yuba, State of California, being a portion of Lots 1 and 2, as shown on the plat of the "Boyer Tract 1", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 25 and being more particularly described as follows:

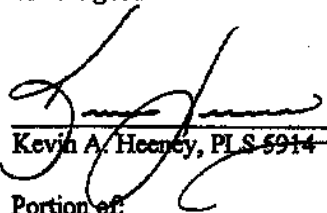
Commencing at a point on the North line of said Lot 1, from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 38°58'32" West, 4167.94 feet and from which a 3/4" iron pipe marking the corner common to Sections 15, 16, 21 and 22, Township 15 North, Range 4 East, M.D.M. bears South 00°42'39" East, 467.90 feet; thence along the North line of said Lot 1, South 76°02'50" West, 253.55 feet to the Point of Beginning; thence continuing along the North line of Lot 1, South 76°02'50" West, 403.45 feet; thence South 81°26'37" West, 666.34 feet more or less to the Northeast corner of said Lot 2; thence along the North line of said Lot 2, South 76°46'58" West, 131.35 feet; thence leaving said North line, South 00°36'46" East, 89.14 feet; thence North 81°43'03" East, 16.47 feet; thence North 81°04'28" East, 485.70 feet; thence North 79°11'18" East, 352.17 feet; thence North 73°50'11" East, 270.65 feet; thence North 67°56'08" East, 96.18 feet; thence North 12°49'21" West, 61.86 feet to the Point of Beginning, containing 2.457 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

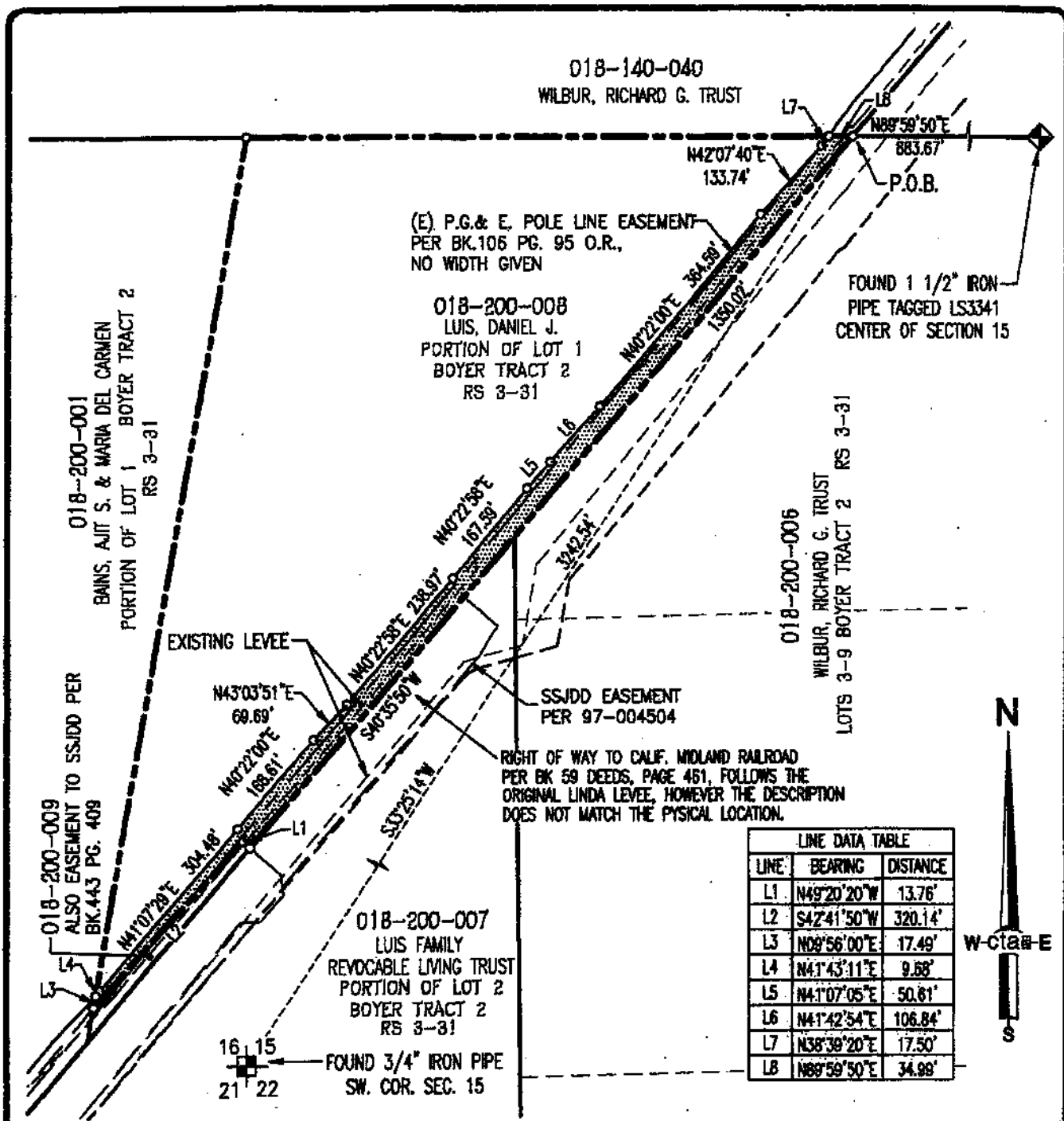
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeneey, PLS 5914

02/10/2010
Date



Portion of:
APN 018-210-035



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'	
OWNER:	Luis, Daniel J.
A.P.N.:	018-200-008
AREA:	FEE TITLE = 1.004 Ac.

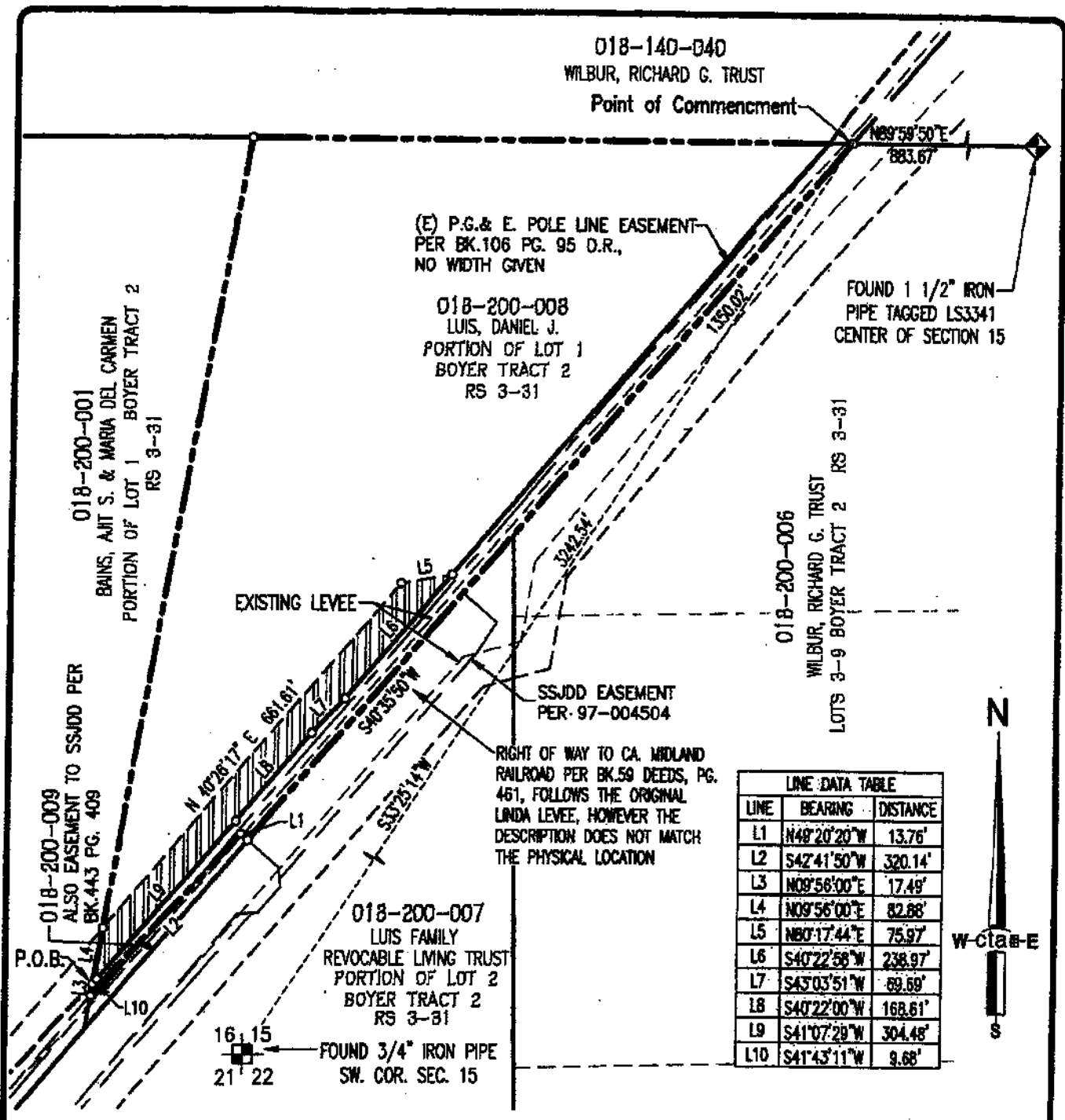
DATE:	02/25/2010	DRAWN BY:	KAH	SHEET	1 OF 1
SCALE:	1"=200'	JOB NO.:	08-008-004		

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



COUNTY OF YUBA, STATE OF CALIFORNIA

DATE: 03/10/2010



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N48°20'20"W	13.76'
L2	S42°41'50"W	320.14'
L3	N09°58'00"E	17.48'
L4	N09°58'00"E	82.88'
L5	N80°17'44"E	75.97'
L6	S40°22'56"W	238.97'
L7	S43°03'51"W	89.89'
L8	S40°22'00"W	168.61'
L9	S41°07'29"W	304.48'
L10	S41°43'11"W	9.68'



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 11, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9999115 TO OBTAIN GRID DISTANCES.



Exhibit 'B-2'

OWNER: Luis, Daniel J.

APN: 018-200-008

AREA: TEMPORARY CONST. ESM'T. = 0.771 Ac.

ctae Engineering & Surveying

DATE: 03/01/2010 DRAWN BY: KAH SHEET 1 of 1

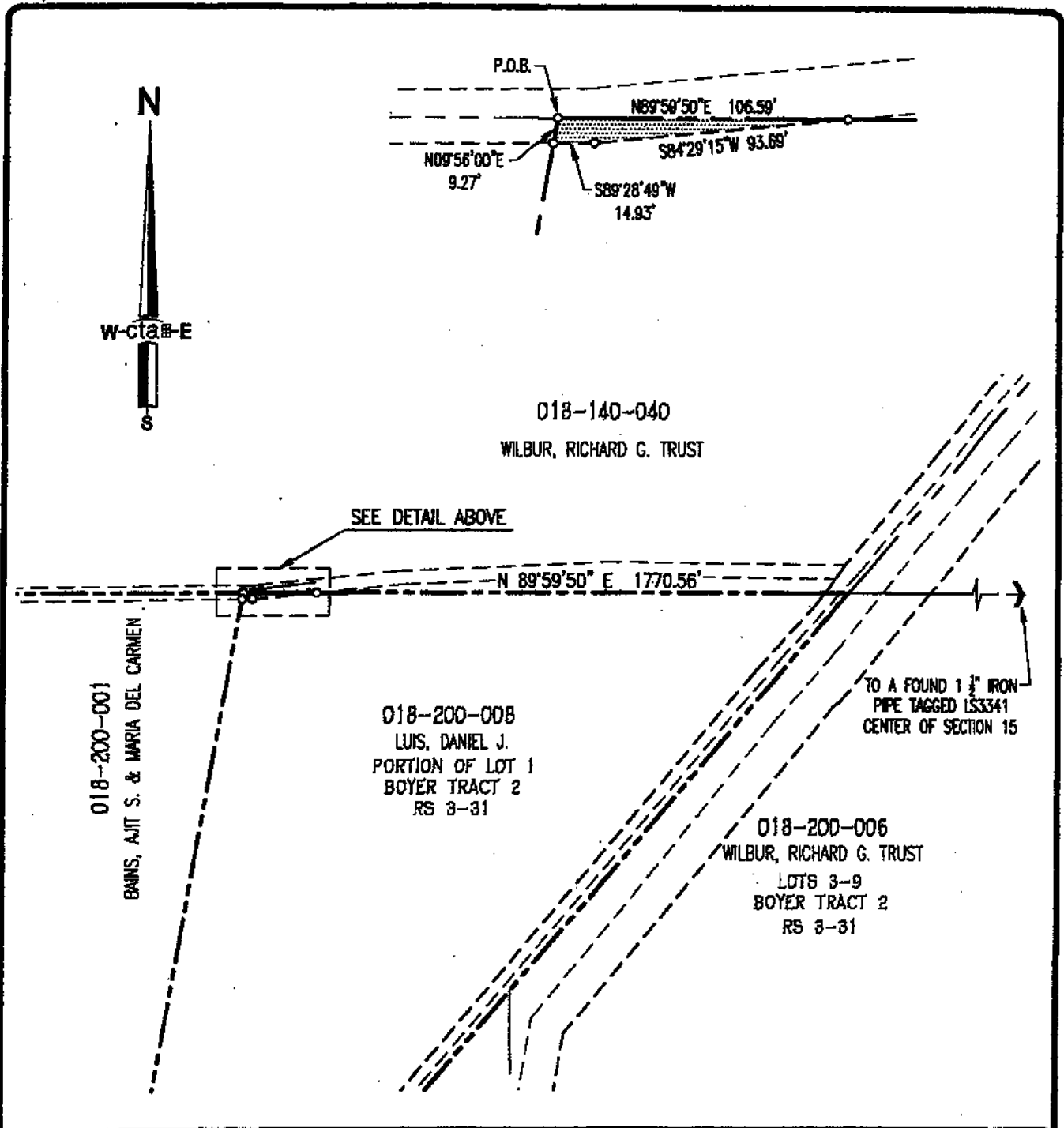
SCALE: 1"=200' JOB NO. 06-008-004

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Temporary Construction Easement 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 'C-2'	
OWNER:	Luis, Daniel J.
A.P.N.:	018-200-008
AREA:	TEMPORARY ACCESS EASEMENT = 0.013 Ac.

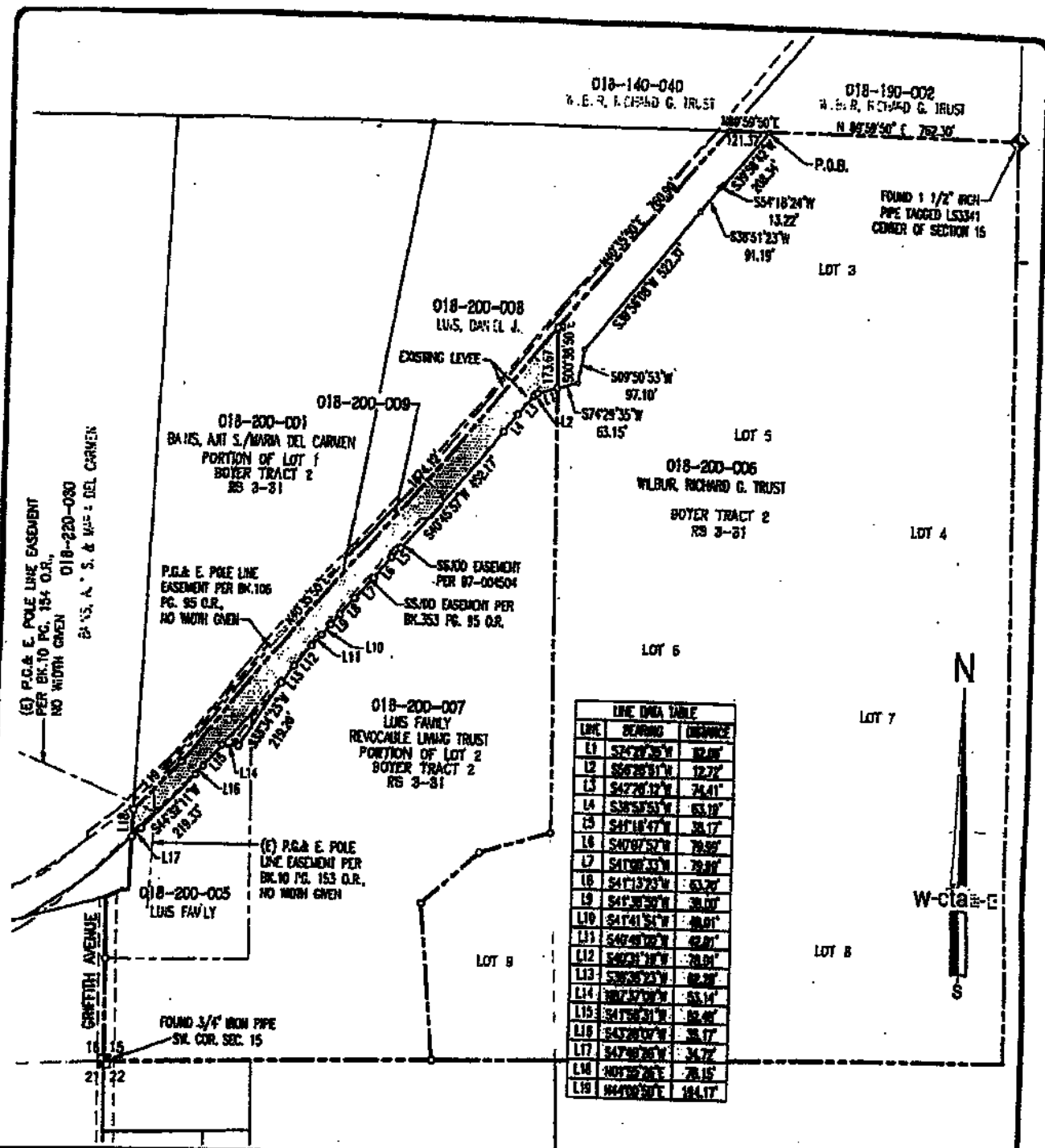
DATE:	03/16/2010	DRAWN BY:	KAH	SHEET	1 OF 1
SCALE:	1"=200'	JOB NO.:	06-008-004		

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

cta Engineering & Surveying

COUNTY OF YUBA, STATE OF CALIFORNIA

DATE: 03/23/2010



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-1-2

OWNER: Luis Family Revocable Living Trust

A.P.N.: 018-200-005 & 007

AREA: FEE TITLE = 3.137 Ac.
AREA WITHIN SSJDD ESMT'S. = 2.850 AC.

cta Engineering & Surveying

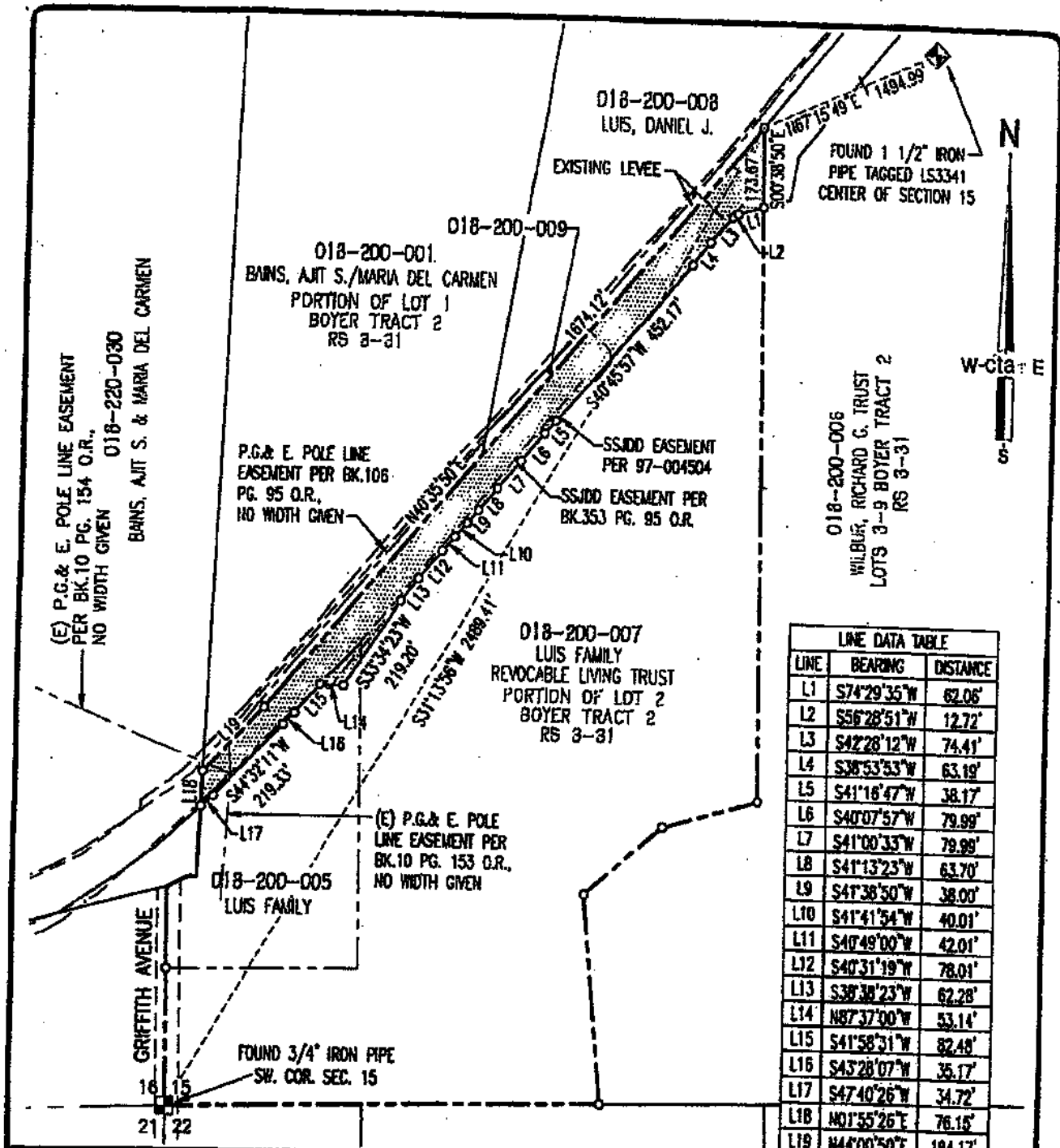
DATE: 07/20/2010

SCALE: 1"=400'

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
Upper Yuba Levee Improvement Project

COUNTY OF YUBA, STATE OF CALIFORNIA



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S74°29'35"W	62.06'
L2	S56°28'51"W	12.72'
L3	S42°28'12"W	74.41'
L4	S38°53'53"W	63.19'
L5	S41°16'47"W	38.17'
L6	S40°07'57"W	79.99'
L7	S41°00'33"W	79.99'
L8	S41°13'23"W	63.70'
L9	S41°38'50"W	38.00'
L10	S41°41'54"W	40.01'
L11	S40°49'00"W	42.01'
L12	S40°31'19"W	78.01'
L13	S38°38'23"W	62.28'
L14	N87°37'00"W	53.14'
L15	S41°58'31"W	82.48'
L16	S43°28'07"W	35.17'
L17	S47°40'26"W	34.72'
L18	N01°55'26"E	76.15'
L19	N44°00'50"E	194.17'

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: Luis Family Revocable Living Trust

A.P.N.: 018-200-005 & 007

AREA: FEE TITLE = 3.137 Ac.
AREA WITHIN SSJDD ESMT'S. = 2.850 AC.

cta Engineering & Surveying

DATE: 07/20/2010

SCALE: 1"=300'

DRAWN BY: KAH

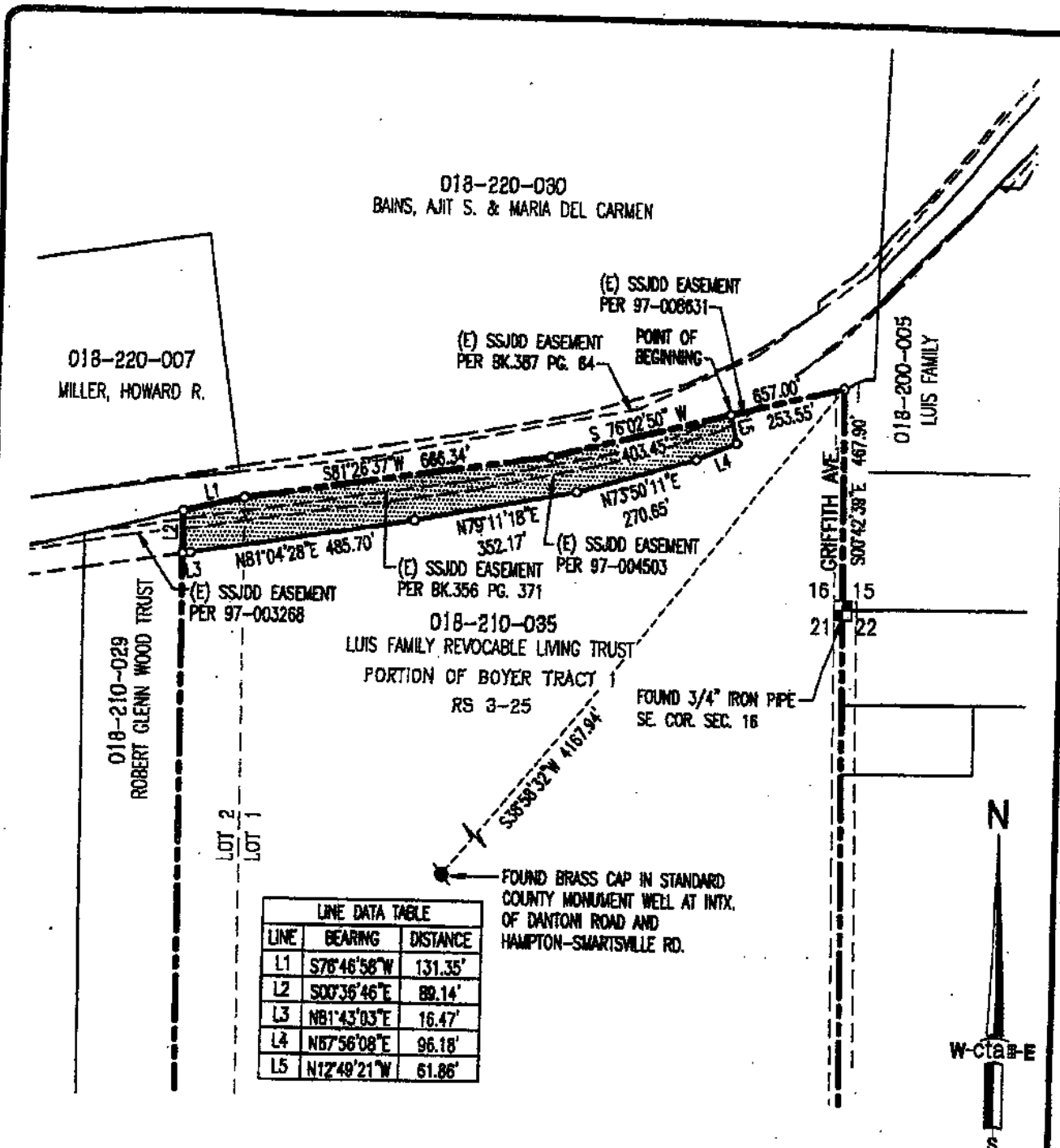
JOB NO.: 08-008-004

SHEET 2 OF 2

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
Upper Yuba Levee Improvement Project

COUNTY OF YUBA, STATE OF CALIFORNIA



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S76°46'58"W	131.35'
L2	S00°36'46"E	89.14'
L3	NB1°43'03"E	16.47'
L4	N67°56'08"E	96.18'
L5	N12°49'21"W	61.86'

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: Luis Family Revocable Living Trust

A.P.N.: 018-210-035

AREA: FEE TITLE = 2.457 Ac. TOTAL
AREA WITHIN SSJDD ESMT'S. = 1.200 AC.

DATE: 02/25/2010 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

COUNTY OF YUBA STATE OF CALIFORNIA

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 DANIEL J. LUIS ("OWNER"), 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.

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 DANIEL J. LUIS ("OWNER"), 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.