

**THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**  
**Yuba County Government Center, Board Chambers**  
**915 Eighth Street, Suite 109A**  
**Marysville, California**

**MARCH 18, 2008 – 2:00 P.M.**

**I CALL TO ORDER**

**II ROLL CALL** – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, Dan Logue

**III PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.**

**IV CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.**

A. Approve minutes of the regular meeting of March 4, 2008.

**V ACTION ITEMS**

A. Adopt resolutions declaring the public necessity for acquisition of property along the Feather River for Phase 4 Levee Repair Project identified as the following (continued from March 4, 2008):

- i) APN 013-010-010, 034, and 035 (Danna Investments)
- ii) APN 014-370-017 (Heir Trust)
- iii) APN 014-290-004 (Heir Family)
- iv) APN 014-370-036 (Nordic)
- v) APN 014-370-006 and 039 (Anderson)
- vi) APN 014-370-007 (P.F. Rice)
- vii) APN 014-370-020 (Hadley)

B. Adopt resolutions declaring the public necessity for acquisition of property along the Feather River for Phase 4 Levee Repair Project identified as the following:

- i) APN 016-010-006 (L. Nieschulz etc.)
- ii) APN 016-010-016 (Susanna M. Nieschulz Trust)
- iii) APN 016-010-009 (Herold)
- iv) APN 016-010-010 (Flores)
- v) APN 016-010-002, 016-010-007, 016-020-005, 014-370-029, 014-370-030 (Foster)
- vi) APN 016-010-008 (Foster)
- vii) APN 016-060-001 (Foster/Mitchell)
- viii) APN 014-250-027, 014-240-008, 014 and Sutter County 23-180-007,009 (Naumes)

**VI BOARD AND STAFF MEMBERS' REPORTS**

**VII CLOSED SESSION**

**VIII ADJOURN**

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

MARCH 4, 2008

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:35 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Jerry Crippen, Don L. Graham, and Mary Jane Griego. Directors Rick Brown and Dan Logue were absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

CONSENT AGENDA

Minutes: Upon motion of Director Crippen, seconded by Director Graham, and carried with Directors Brown and Logue being absent, the Board approved the minutes of the regular meeting of February 19, 2008, as written. APPROVE MINUTES

ACTION ITEMS

Resolutions of Public Necessity/Phase 4 Feather River Levee Repair Project: Following Chair Griego and Counsel Shapiro providing procedural information for proceeding, Right-of-way Manager Bob Morrison provided a Power Point presentation regarding necessity of project and the taking of certain property.

Ms. Berdina Anderson, property owner, requested consideration of specific trees located on her property.

Mr. Ray Anderson, on behalf of Ms. Berdina Anderson, read into the record written comments which are indentified as Exhibit A and attached and made a part of the minutes. EXHIBIT "A"

Mr. David Anderson, property owner, felt the present offer on the property was inadequate and urged inclusion of costs for land, trees, and period of time to reach full production.

Chair Griego continued the following resolutions of necessity to 2:00 p.m. on March 18, 2008:

CONTINUE  
TO 3/18/08

- i) APN 013-010-010, 034, and 035 (Danna Investments)
- ii) APN 014-250-027, 028, 014-240-008, 014 and Sutter County APN 23-180-007, 009 (Naumes)
- iii) APN 014-370-017 (Heir Trust)
- iv) APN 014-290-004 (Heir Family)
- v) APN 014-370-036 (Nordic)
- vi) APN 014-370-006 and 039 (Anderson)
- vii) APN 014-370-007 (P.F. Rice)
- viii) APN 014-370-020 (Hadley)

#### BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Executive Director Paul Brunner:

- Corps of Engineers public scoping meeting March 10, 2008 at 6:30 p.m. in Board chambers regarding 408 and 404 permits
- Early implementation project schedule
- Encroachment permit hearing on March 21, 2008

Director Griego:

- Presented proclamation to California Office of Emergency Deputy Director Paul Jacks on his retirement

#### CLOSED SESSION

The Board retired into closed session at 4:15 p.m. to discuss the following:

Conference with real property negotiators pursuant to Government Code §54956.8 -  
Property: APN 014-360-011 and 014-360-013 Negotiating parties: Hofman Ranch/TRLIA/Bob Morrison/Rich Brown Negotiations: Price and Term of Payment

The Board returned from closed session at 4:39 p.m. with all Board and staff members present as indicated above.

There was no announcement from closed session.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 4:39 p.m. by Chair Griego.

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS  
AND SECRETARY OF THE PUBLIC AUTHORITY

\_\_\_\_\_ Approved: \_\_\_\_\_

Counter Proposal to TRILIA  
Dina --- March 4, 2008

This is a counterproposal to Three Rivers Levee Improvement Authority to recover projected loss of income due to purchase by TRILIA of 18.2 acres from Mrs. Berdina Anderson , which includes 15.2 acres of 7 year old Howard walnuts planted in a hedge row configuration, and are just nearing full production, and 3 acres which could be called wildlife habitat.

Removal of this acreage from the total farm's approximately 35 producing acres will result in a major loss of income, which Mrs. Anderson needs to live on. The removal of this acreage would leave a balance of approximately 4.25 acres of the Howard walnuts and 15.5 acres of older walnuts, which, because of declining production, should be removed and replaced.

Because of this major loss of revenue, we propose that TRILIA compensate Mrs. Anderson for the net cash income loss for the seven years that it would take to bring an equivalent acreage into the same level of production as those being removed. Using University of California 2007 walnut studies: 4400 lbs. per acre @ \$0.80 per lb., would result in an estimated seven year total net loss of income of \$217,694.00.

Just a little background on this property being affected: it was acquired by the Anderson family in 1908 - 100 years ago- and has been farmed continuously ever since, with the full intent of farming it well into the future. Mrs. Anderson, who has been widowed for a little over a year, has been relying on this orchard to provide income for her latter years.

In closing, I would like to point out to everyone what priorities apparently seem to be of prime importance in our society. In addition to 1550 acres of wildlife habitat produced as a result of the set back levee project, the U.S. Department of Fish and Wildlife and Army Corps of Engineers said that an additional 135 acres of Giant Garter Snake and other wildlife habitat would be destroyed by the project. To mitigate for this additional loss of habitat, TRILIA has contracted with Wildlands, Inc. for property on the west side of Highway 113 in Sutter County, at a cost of \$5,332,000.00, which equates to \$39,496.00 per acre. This compares to \$17,500.00 per acre offered for the Anderson property ; plus an estimated

mitigation cost to replace an irrigation well and mini sprinkler system, for a total estimated price of \$368,495, or \$20,247 per acre - \$19,249.00 per acre less than that paid for Giant Garter Snake and other wildlife habitat mitigation. You can draw your own conclusions, who or what has the top priority?



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218  
Marysville, California 95901  
(530) 749-7841 Fax (530) 749-6990

TO: THREE RIVERS LEVEE IMPROVEMENT BOARD OF DIRECTORS

FROM: PAUL BRUNNER, EXECUTIVE DIRECTOR *PAB 11 Mar 08*

DATE: March 11, 2008

SUBJECT: CONSIDER ADOPTING RESOLUTIONS OF NECESSITY FOR  
ACQUISITION OF SEVEN PROPERTIES ALONG THE FEATHER  
RIVER FOR THE PHASE 4 LEVEE REPAIR PROJECT

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## RECOMMENDATION:

That the Board of Directors adopt the attached Resolutions of Necessity for the acquisition of certain properties bearing the following Assessor's Parcel Numbers\* for the Three Rivers Phase 4 Levee Repair Project (the "Project"):

1. 013-010-010, 034 and 035 (Danna Investments)
2. 014-370-017 (Heir Trust)
3. 014-290-004 (Heir Family)
4. 014-370-036 (Nordic)
5. 014-370-006 and 039 (Anderson)
6. 014-370-007 (P.F. Rice)
7. 014-370-020 (Hadley)

## BACKGROUND:

The Three Rivers Levee Improvement Authority held its meeting of March 4, 2008 to consider adoption of the above seven resolutions of necessity. There was not however the quorum of the board of directors necessary to adopt the resolutions of necessity. The staff made its presentation and stenographically recorded the meeting for the Board's review. A transcript of those proceedings will be made available to the Board. The Naumes property which was originally scheduled to be presented at the March 4, 2008 was rescheduled to March 18, 2008.

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\* All references to Assessor's Parcel numbers are as to Yuba County unless otherwise specified.

The Three Rivers Levee Improvement Authority (TRLIA) is preparing to carry out the construction, improvement and repair work along certain sections of the flood control levees along the Feather River in Yuba County. A major portion of the levee improvements includes a new setback levee.

The proposed setback levee is part of a larger flood control project that includes 29.3 miles of levee improvements in Yuba County. The proposed setback levee is about 5.7 miles long and will replace approximately 6.2 miles of existing Feather River levee. At the North end the new levee begins about 2,000 feet downstream of the Linda County Water District wastewater treatment plant and is West of the Yuba County airport. The Northern tie-in station with the existing Feather River levee is at approximately Project Levee Mile (PLM) 23.4. The Southern tie-in with the existing levee is just North of the Star Bend boat ramp, at about PLM 17.2. The levee height generally ranges between 18 and 30 feet, with an average height of about 24 feet, and the setback area (the area between the existing levee and the new setback levee, including the footprint of the new levee) is about 1,550 acres. An addition 200+ acres

### **Selection of Current Alignment**

The selection of the current alignment is based on previous planning studies, hydraulic analysis, and geotechnical analysis. A summary of the planning studies, hydraulic and geotechnical conditions that were considered before selecting the existing Feather River setback levee alignment are described below.

### **Previous Planning Studies**

Setbacks of the Feather River left (East) bank levee within RD 784 have been the subject of several studies and projects by the Yuba County Water Agency and TRLIA during the last seven years. These studies have evaluated levee deficiencies, deficiency remediation measures, and setback levee options. The significant findings of these studies are documented in the following reports:

***Yuba – Feather Supplemental Flood Control Project (2003 Feasibility Report)*** – The 2003 Feasibility Report included Feather River setback levees as options to reduce flooding impacts in Marysville, Yuba City, and RD 784. The study included drilling a total of nine borings to investigate soil conditions in the project area. The Feather River levee was divided into two segments, above Star Bend and below Star Bend. Recommendations included continued development of setback levee options for both reaches.

***RD 784 Supplemental Flood Control Improvements (2004 Feasibility Report)*** – The 2004 Feasibility Report evaluated an alternative that included a combined setback levee for the lower Bear River and the lower (below Star Bend) Feather River. The study recommended a Southern alignment for a Bear River setback levee over the combined Feather-Bear Rivers setback levee alternative. It was found that the Southern Bear River setback levee could accomplish some of the benefits of a below-Star-Bend Feather setback levee. Construction of the Bear River setback levee has been completed.



**Phase 4 Feather River Levee Repair Project Alternatives Analysis (2006 Alternatives Analysis Report)** - While the 2003 Feasibility Report considered a single setback levee alignment extending from Star Bend to about one mile North of Murphy Road, the 2006 Alternatives Analysis Report evaluated that alignment plus two additional alignments farther to the West. The alternative setback levee alignments for study were selected by a range of project stakeholders in an Alternatives Identification Workshop held in January 2006. The workshop participants identified two alignments to include in the alternatives analysis. Subsequent to the workshop a third alternative setback levee alignment was identified to address property owner concerns at the Northern end of Segment 2. These alignments are shown on Figure 2 and summarized in Table 1.

**Table 1:** Alternative Feather River Setback Levee Alignments

| <b>Study Description</b>  | <b>Workshop Description</b> | <b>Setback Levee Length</b> | <b>Setback Area<sup>1</sup></b> |
|---|-----------------------------|-----------------------------|---------------------------------|
| Above Star Bend (ASB) Setback Levee                                   | Modified 2003 Setback Levee | 30,000 ft.                  | 1,600 acres                     |
| Intermediate Setback Levee  | Intermediate Setback Levee  | 29,000 ft.                  | 1,200 acres                     |
| Modified Intermediate Setback Levee                                   | n/a                         | 29,000 ft.                  | 1,000 acres                     |
| <sup>1</sup> Setback area includes the footprint of the setback levee |                             |                             |                                 |

The study assessed the impact of the three alignments on lowering of flood stages in the Feather and Yuba Rivers and evaluated the geotechnical conditions along the alignments, inundation reduction benefits, impact on private property, comparative costs, and opportunities for habitat restoration. As part of the geotechnical evaluation, 13 additional soil borings were drilled to investigate soils conditions along the alternative alignments. Combined with the nine borings from the 2003 Feasibility Report, and several borings from earlier Corps studies, over 25 borings were included in the geotechnical evaluation. Based on the hydraulic, geotechnical, environmental, inundation damage reduction, and cost evaluations documented in the 2006 Alternatives Analysis Report, the Above Star Bend (ASB) setback levee was determined to provide the greatest total benefits and greatest net benefit of the identified alternatives and was therefore determined to be the economically superior alternative.

**DISCUSSION:**

Undertaking the proposed construction work along the Feather and Yuba River bank levee will necessitate the acquisition of the seven properties illustrated below:

| <b>Assessor's Parcel No.</b> | <b>Owner</b>  | <b>Area to be acquired (Acres)</b> |
|------------------------------|---|------------------------------------|
| 013-010-010, 034 and 035     | Danna Investments Company, a California partnership | 56.29 Acres                        |
| 014-370-017                  | Heir Trust (Pritam Kaur                             | .09 Acres                          |

|                  |  |             |
|------------------|--|-------------|
|                  | Heir, Surviving Trustee)   |             |
| 014-290-004      | Heir Family in splintered interests  | 22.02 Acres |
| 014-370-036      | Nordic Industries, Inc., a Nevada Corporation                                    | 80 Acres    |
| 014-370-006, 039 | Gene R. Anderson (Gene R. Anderson & Berdina Cornwell Anderson, Trustees, et al) | 18.26 Acres |
| 014-370-007      | Pat Freeman Rice and Vera Maurine Rice   | 22.41 Acres |
| 014-370-020      | Hadley Family in splintered interests  | 20.19 Acres |

Owners of the seven properties were offered the appraised value for their property. TRLIA has not yet negotiated a successful purchase agreement with the owners. In case TRLIA is unable to reach an amicable agreement and to protect the schedule of the Project, we are recommending moving forward with the eminent domain proceedings. The first step in these proceedings is to adopt a Resolution of Necessity for acquiring the property.

#### FISCAL IMPACT

The appraised values for these seven parcels are within the TRLIA Board approved (Feb. 6, 2007) land acquisition plan for Feather River Segment 2. The Prop 1E funding to acquire these seven parcels is in the TRLIA cash flow and is available to be deposited to the State Treasurer's Condemnation Fund once the Prop 1E State agreement is signed.

RESOLUTION NO. \_\_\_\_\_

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)

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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. 014-370-017, in the County of Yuba, California (the "Property"); 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 March 4, 2008 and March 18, 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 Exhibits 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 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 18th day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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CHAIRPERSON

ATTEST:

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Donna Stottlemeyer, Secretary

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

By: 

Exhibit 'A'

**APN 014-370-017  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Sewa Singh and Pritam Kaur Heir, Recorded in Document No. 20000978, Official Records of said County, hereinafter referred to as "Heir" property, being a portion Lots 9, 10, 15 and 16, Block 25 as shown upon that certain map entitled "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 31, and situated in the Southeast One Quarter of Section 25 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

**Beginning** at the Southwest corner of said "Heir" property; thence along the West line of said "Heir" property North  $00^{\circ}15'56''$  West 130.30 feet; thence leaving said West line South  $24^{\circ}24'23''$  East 142.82 feet to a point on the South line of said "Heir" property; thence along said South line South  $89^{\circ}45'45''$  West 58.41 feet to the **Point of Beginning**, containing an area of 3,805 Square Feet or 0.09 acres, more or less.

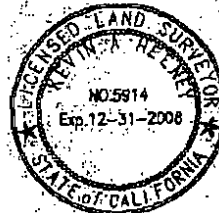
See Exhibit B attached hereto and made a part of this description.

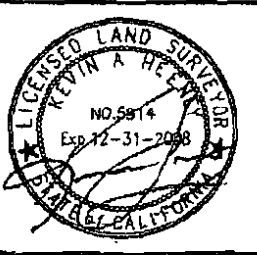
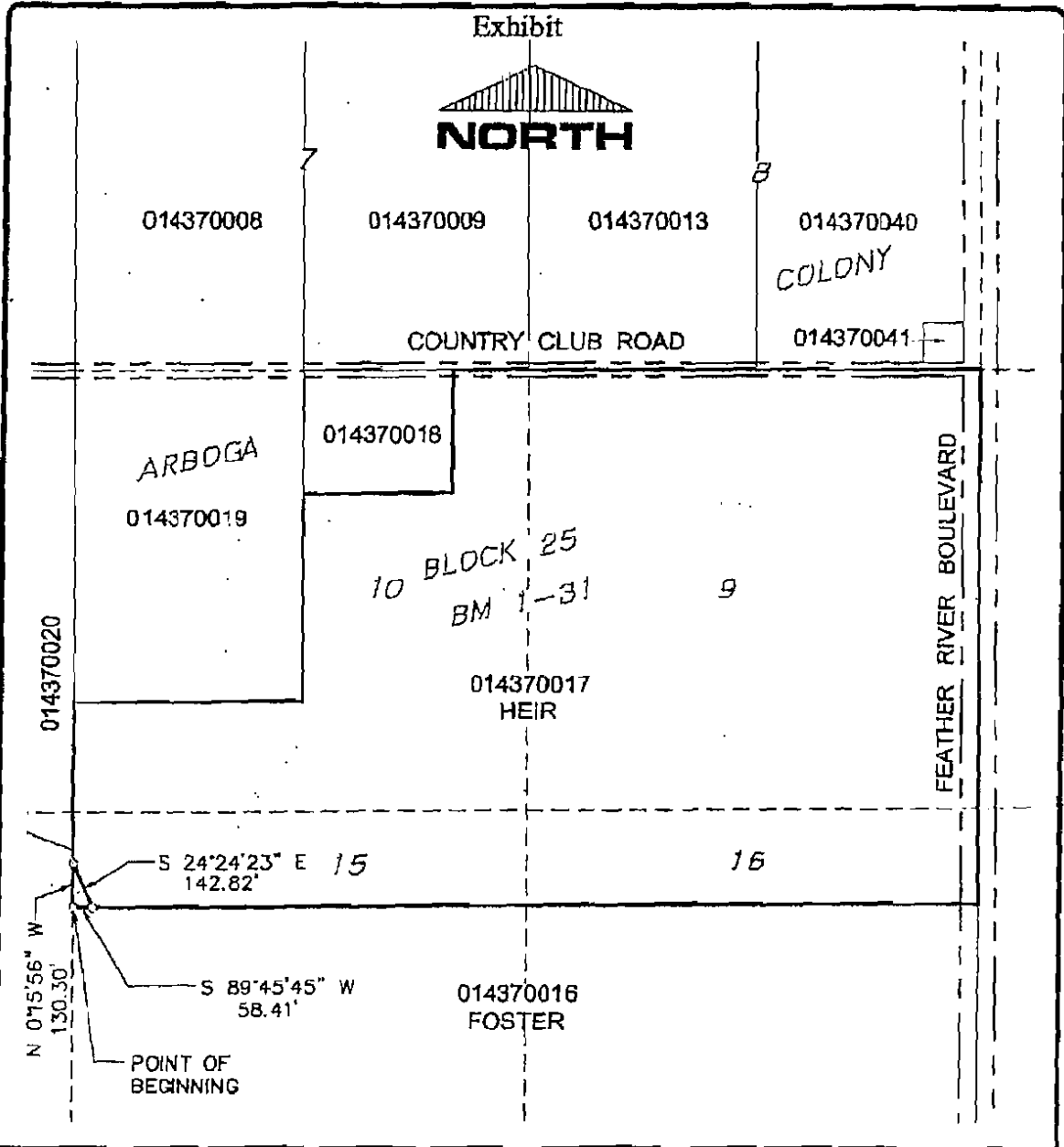
**End of description**

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. Heenev, P.L.S. 5914





|                             |                             |
|-----------------------------|-----------------------------|
| OWNER:                      | P. HEIR                     |
| A.P.N.                      | 014-370-017                 |
| ACQUISITION AREAS:          |                             |
| FEE TITLE ACQUISITION=      | 3,805 SQ. FT.<br>0.09 ACRES |
| CTA Engineering - Surveying |                             |

|   |                    |        |
|---|--------------------|--------|
| DATE: 06/27/2007  | DRAWN BY: JWG      | SHEET  |
| SCALE: 1"=400'  | JOB NO. 06-008-002 | 1 OF 1 |
| THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  |                    |        |
| <b>PHASE 4 FEATHER RIVER LEVEE<br/>REPAIR PROJECT</b><br>RECLAMATION DISTRICT 784<br>SETBACK LEVEE RIGHT OF WAY |                    |        |
| COUNTY OF YUBA  | CALIFORNIA         |        |

RESOLUTION NO. \_\_\_\_\_

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)

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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 Nos. 013-010-010, 013-010-034 and 013-010-035, in the County of Yuba, California (the "Property"); 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 March 4, 2008 and March 18, 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 Exhibits 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 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 18th day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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CHAIRPERSON

ATTEST:

---

Donna Stottlemeyer, Secretary

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

By:  \_\_\_\_\_



Exhibit 'A'

**APN 013-010-010  
APN 013-010-034  
APN 013-010-035  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to D.F. Danna and Company, a partnership, recorded in Book 90, Page 235 of deeds in said County and State, hereinafter referred to as "Danna property", lying within a portion of Lots 2, 3, 14, and 15, Block 1 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, also being a portion of Parcels 5 and 6, Parcel Map 80-65, filed in the Office of said Recorder in Book 36 of Maps, Page 28, and situated in the South Half of Section 1 and the North Half of Section 12 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

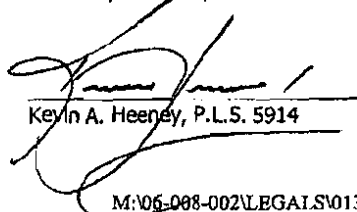
**Beginning** at an Iron Pipe marking the Southwest corner of Parcel 6 of said Parcel Map; Thence along the Westerly line of said Parcel 6 North 00°15'56" West 1320.52 feet to the Northwest corner thereof; thence South 89°45'45" West 847.35 feet to a point on the Easterly line of the land described in parcel 6 of deeds to Sacramento-San Joaquin Drainage District, recorded October 15, 1940 in Book 58, Official Records, Page 211 and April 11, 1941 in Book 61, Official Records, Page 76; thence Northerly along the Easterly line of said Sacramento-San Joaquin Drainage District Parcel the following courses, North 35°04'23" East 240.06 feet; thence North 32°48'01" East 255.37 feet; thence North 29°19'17" East 186.52 feet; thence North 23°25'29" East 211.38 feet; thence North 25°37'47" East 338.26 feet; thence North 13°27'01" East 134.32 feet; thence North 26°58'12" East 721.79 feet; thence North 27°34'03" East 154.85 feet to the Northwest corner of said Danna property; thence leaving the Easterly line of said Sacramento-San Joaquin Drainage District Parcel, along the Northerly line of said Danna property North 89°43'30" East 519.31 feet; thence leaving said Northerly line, South 09°43'59" West 4661.64 feet to a point on the West line of said Danna property, being a point on the Westerly line of Parcel 5 of said Parcel Map; thence along the Westerly line of Parcel 5 of said Parcel Map North 00°15'56" West 1290.71 feet to the **Point of Beginning**, containing an area of 56.29 acres, 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.

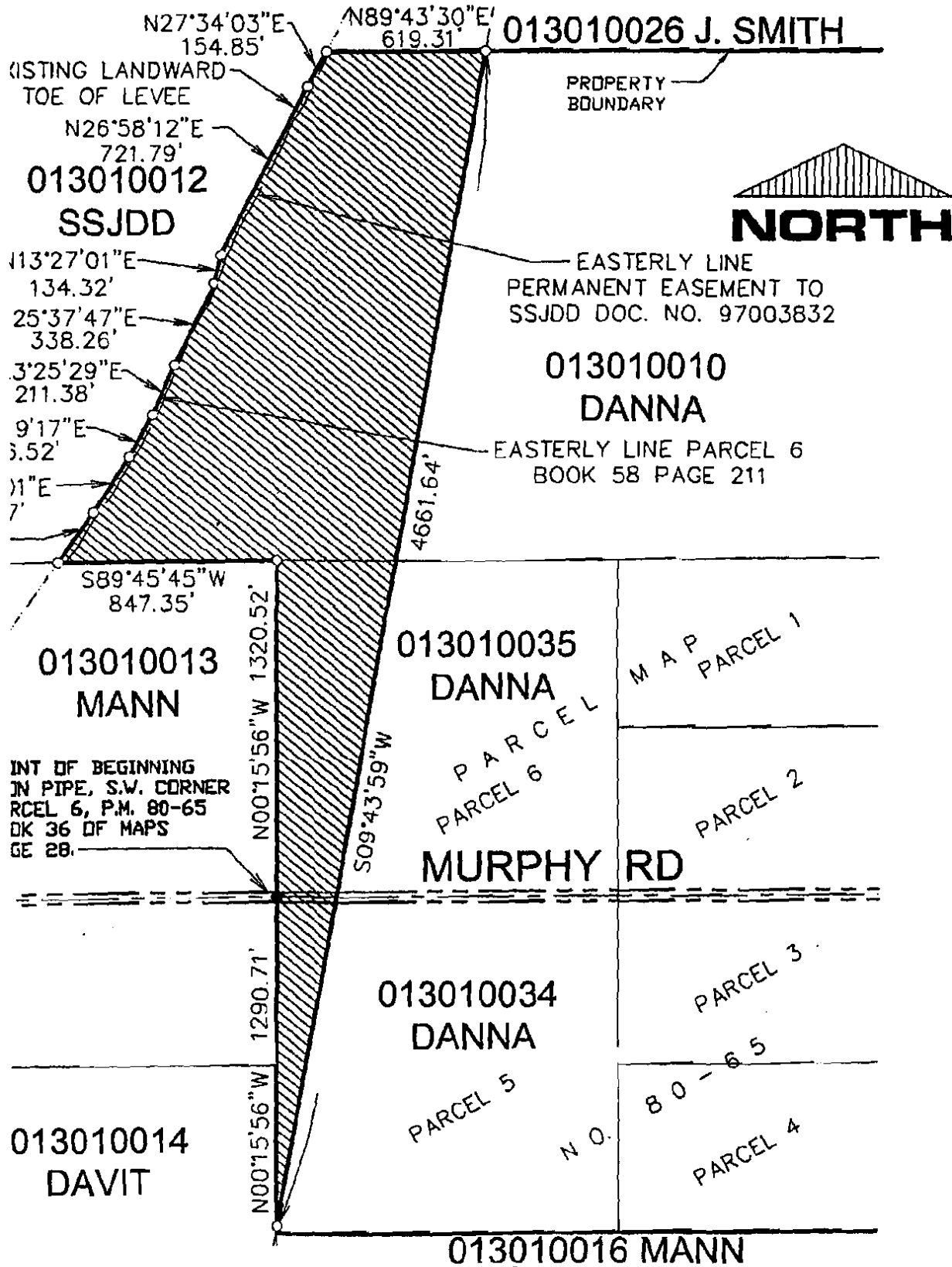
  
Kevin A. Heeney, P.L.S. 5914



Page 1 of 1

M:\06-008-002\LEGAL\S\013-010-0010 & 013-010-035-DANNA-SETBACK-FEE.doc  
3/8/2007

Exhibit 'B'



INT OF BEGINNING  
IN PIPE, S.W. CORNER  
RCEL 6, P.M. 80-65  
DK 36 DF MAPS  
GE 28.



|                                      |       |  |            |                    |     |       |   |
|--------------------------------------|-------|--|------------|--------------------|-----|-------|---|
| OWNER:                               | DANNA | DATE:                                    | 03/08/2007 | DRAWN BY:          | JWG | SHEET | 1 |
| A.P.N.013-010-010, 013-010-034 & 035 |       | SCALE:                                   | 1"=600'    | JOB NO. 06-008-002 |     | OF 1  |   |
| ACQUISITION AREAS:                   |       | THREE RIVERS LEVEE IMPROVEMENT AUTHORITY |            |                    |     |       |   |

S.dwg, APN-013-010-010-DANNA-FEE-SETBACK-LEVEE, 3/8/2007 9:36:50 AM

RESOLUTION NO. \_\_\_\_\_

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. 014-370-020, in the County of Yuba, California (the "Property"); 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 March 4, 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 Exhibits 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 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 18th day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

CHAIRPERSON

ATTEST:

---

Donna Stottlemeyer, Secretary

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

By:  \_\_\_\_\_

Exhibit 'A'

**APN 014-370-020  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to "Hadley", Brieden and Beal, Recorded in Document No. 98000696, Official Records of said County, hereinafter referred to as "Hadley" property, being a portion Lots 11 and 14, Block 25 as shown upon that certain map entitled "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 31, and situated in the Southwest One Quarter of Section 25 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

**Commencing** at a Brass Disk marking the Northeast corner of said "Hadley" property; thence along the North line of said "Hadley" property South 89°45'45" West 516.37 feet to the **Point of Beginning**; thence leaving said North line South 05°48'19" East 412.97 feet; thence South 24°24'23" East 1112.27 feet to a point on the Southerly line of said "Hadley" property; thence along said Southerly line the following courses, North 67°54'15" West 420.31 feet; thence North 28°54'15" West 136.30 feet; thence South 89°45'45" West 454.70 feet to the Southwest corner of said "Hadley" property; thence along the Westerly line of said "Hadley" property the following courses, North 07°05'15" West 298.00 feet; thence North 26°16'15" West 525.00 feet; thence North 04°39'15" West 380.00 feet to the Northwest corner of said "Hadley" property; thence along the North line of said "Hadley" property North 89°45'45" East 708.63 feet to the **Point of Beginning**, containing an area of 879,664 Square Feet or 20.19 acres, more or less.

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

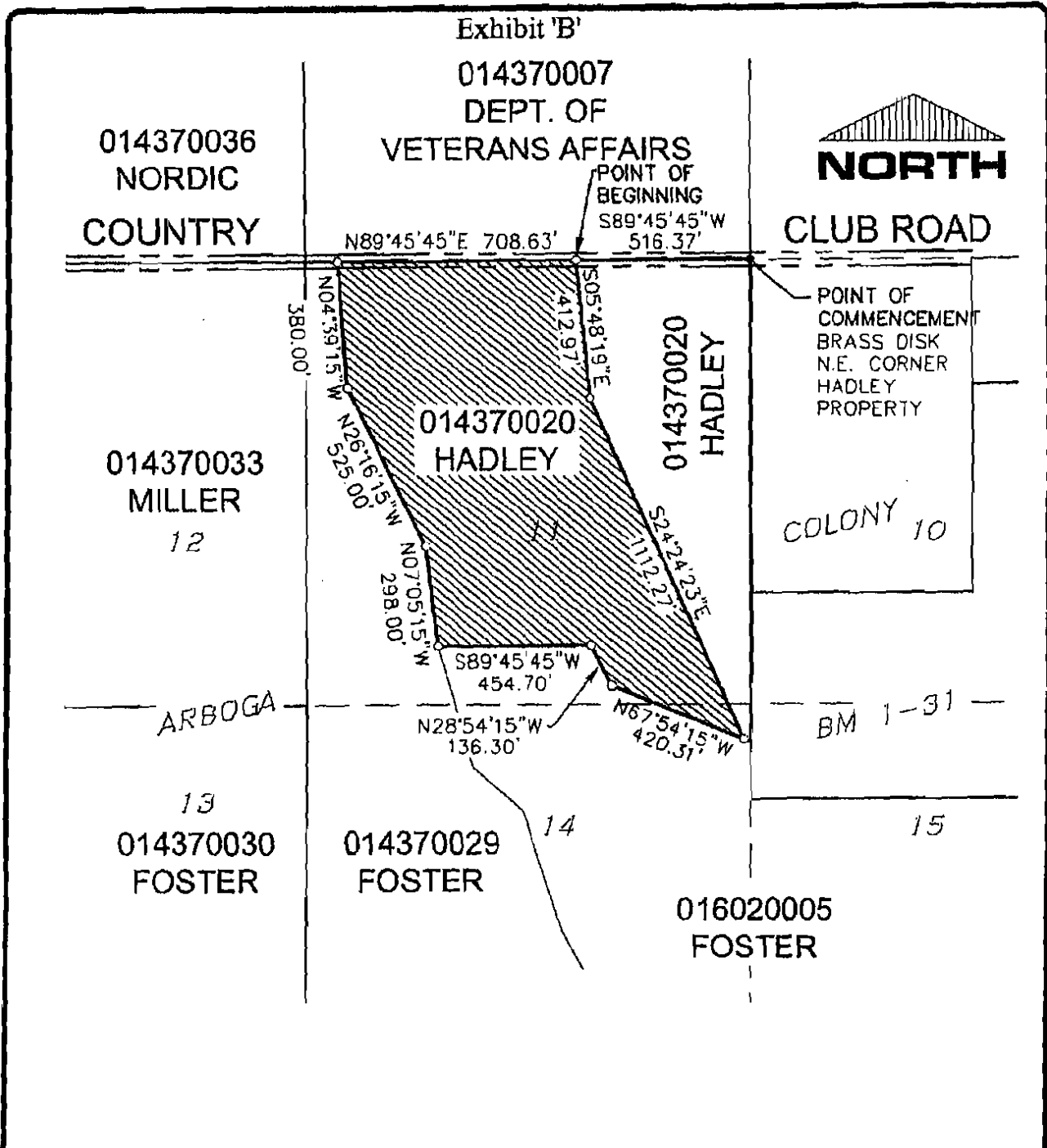
**End of description**

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. 8914





|                             |  |   |                    |            |
|-----------------------------|--|---|--------------------|------------|
|                             | OWNER: HADLEY  | DATE: 03/20/2007  | DRAWN BY: JWG      | SHEET      |
|                             | A.P.N. 014-370-020                                   | SCALE: 1"=400'  | JOB NO. 06-008-002 | 1 of 1     |
|                             | ACQUISITION AREAS:                                   | THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  |                    |            |
|                             | FEE TITLE ACQUISITION=879,664 SQ. FT.<br>20.19 ACRES | PHASE 4 FEATHER RIVER LEVEE<br>REPAIR PROJECT<br>RECLAMATION DISTRICT 784<br>SETBACK LEVEE RIGHT OF WAY |                    |            |
| CTA Engineering - Surveying |  | COUNTY OF YUBA  |                    | CALIFORNIA |

M:\06-008-002\PLATS\PLATS.dwg, APN\014-370-020-HADLEY-FEE-SETBACK-LEVEE, 3/20/2007 10:35:56 AM

RESOLUTION NO. \_\_\_\_\_

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)

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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. 014-370-007, in the County of Yuba, California (the "Property"); 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 March 4, 2008 and March 18, 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 Exhibits 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 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 18<sup>th</sup> day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Donna Stottlemeyer, Secretary

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

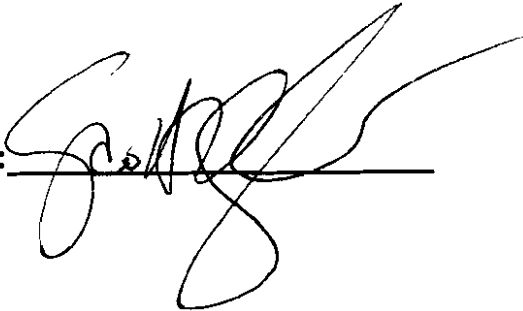
By:  \_\_\_\_\_



Exhibit 'A'

**APN 014-370-007  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Department of "Veterans" Affairs, Recorded in Book 408, Page 134, Official Records of said County, hereinafter referred to as "Veterans" property, being a portion Lot 6, Block 25 as shown upon that certain map entitled "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 31, and situated in the Northwest One Quarter of Section 25 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

**Commencing** at a Brass Disk marking the Southeast corner of said "Veterans" property; thence along the South line of said "Veterans" property South  $89^{\circ}45'45''$  West 516.37 feet to the **Point of Beginning**; thence continuing along said South line South  $89^{\circ}45'45''$  West 803.63 feet to the Southwest corner of said "Veterans" property; thence along the West line of said "Veterans" property North  $00^{\circ}15'56''$  West 1320.00 feet to the Northwest corner thereof; thence along the North line of said "Veterans" property North  $89^{\circ}45'45''$  East 675.60 feet; thence leaving said North line South  $05^{\circ}48'19''$  East 1326.26 feet to the **Point of Beginning**, containing an area of 976,297 Square Feet or 22.41 acres, 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.

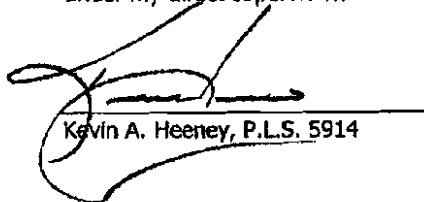
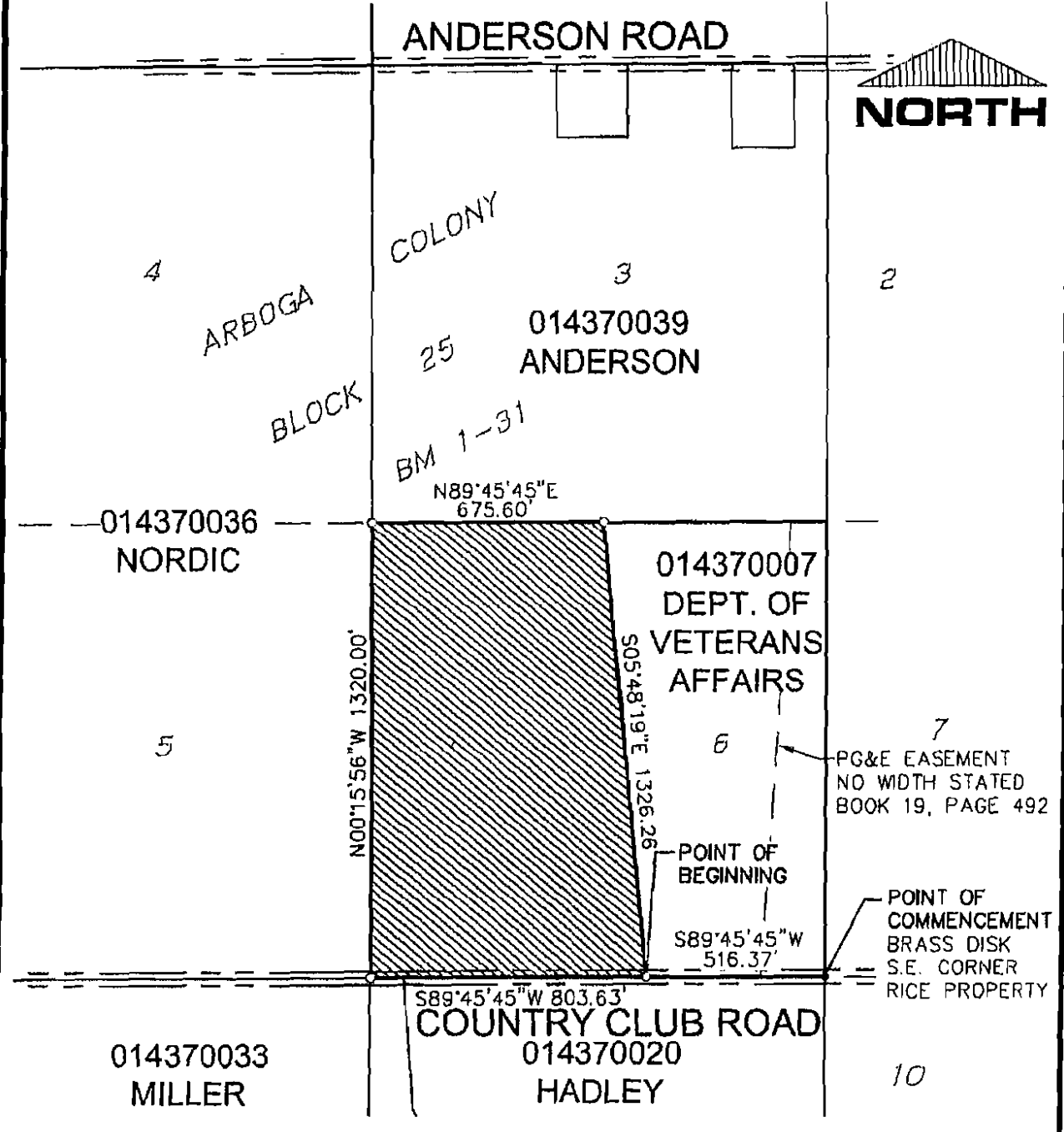
  
Kevin A. Heeney, P.L.S. 5914



Exhibit 'B'

ANDERSON ROAD



|  |   |                    |        |
|--|---|--------------------|--------|
| OWNER: DEPARTMENT OF VETERANS AFFAIRS                | DATE: 03/20/2007  | DRAWN BY: JWC      | SHEET  |
| A.P.N. 014-370-007                                   | SCALE: 1"=400'  | JOB NO. 06-008-002 | 1 of 1 |
| ACQUISITION AREAS:                                   | THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  |                    |        |
| FEE TITLE ACQUISITION=976,297 SQ. FT.<br>22.41 ACRES | PHASE 4 FEATHER RIVER LEVEE<br>REPAIR PROJECT<br>RECLAMATION DISTRICT 784<br>SETBACK LEVEE RIGHT OF WAY |                    |        |
| CTA Engineering • Surveying                          | COUNTY OF YUBA  | CALIFORNIA         |        |

M:\06-008-002\PLATS\PLATS.dwg, APN-014-370-007-VETERANS-FEE-SETBACK-LEVEE), 3/20/2007 10:43:23 AM

RESOLUTION NO. \_\_\_\_\_

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)

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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 Nos. 014-370-006 and 014-370-039, in the County of Yuba, California (the "Property"); 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 March 4, 2008 and March 18, 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 Exhibits 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 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 18<sup>th</sup> day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

CHAIRPERSON

ATTEST:

---

Donna Stottlemeyer, Secretary

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

By: \_\_\_\_\_

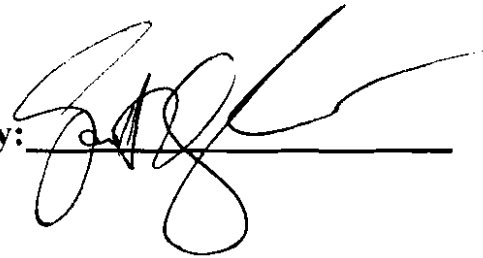
A handwritten signature in black ink, appearing to read "Scott L. Shapiro", is written over a horizontal line. The signature is stylized and cursive.

Exhibit 'A'

**APN 014-370-006  
APN 014-370-039  
LEGAL DESCRIPTION  
FEE TITLE ACQUISITION**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Gene R. "Anderson", Recorded in Book 553, Page 583, Official Records of said County, hereinafter referred to as "Anderson" property, being a portion Lot 3, Block 25 as shown upon that certain map entitled "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 31, and situated in the Northwest One Quarter of Section 25 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

**Beginning** at an Iron Pipe marking the Northwest corner of said "Anderson" property; thence along the North line of said "Anderson" property North 89°45'45" East 531.27 feet; thence leaving said North line South 00°17'03" East 57.29 feet; thence South 00°15'56" East 96.88 feet; thence along the arc of a 300.00 foot radius curve concave Easterly and being subtended by a chord bearing South 05°09'24" East 51.16 feet; thence South 10°02'53" East 402.15 feet; thence along the arc of a 700.00 foot radius curve concave Southwest and being subtended by a chord bearing South 07°55'36" East 51.82 feet; thence South 05°48'19" East 670.40 feet to a point on the South line of said "Anderson" property; thence along the South line of said "Anderson" property South 89°45'45" West 675.60 feet to the Southwest corner thereof; thence along the West line of said "Anderson" property North 00°15'56" West 1320.00 feet to the **Point of Beginning**, containing an area of 795,272 Square Feet or 18.26 acres, 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.

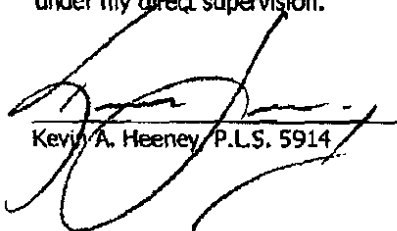
  
Kevin A. Heeney, P.L.S. 5914



Exhibit 'B'



014250027  
NAUMES

014290034  
UPPAL

DOC. NO. 99000467

N89°45'45"E  
531.27'

ANDERSON ROAD

POINT OF BEGINNING  
IRON PIPE  
N.W. CORNER  
ANDERSON  
ROPERTY

S00°17'03"E  
57.29'  
S00°15'56"E  
96.88'  
R=300.00'

S05°09'24"E 51.16'

N00°15'56"W 1320.00'

R=700.00'  
S07°55'36"E 51.82'

402.15'  
S10°02'53"E

014370028  
ANDERSON

014370039  
ANDERSON

014370006  
ANDERSON

014370036  
NORDIC

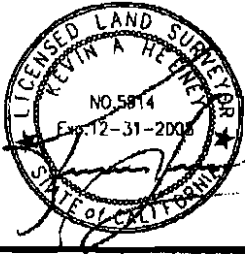
S89°45'45"W  
675.60'

ARBOGA  
BLOCK

COLONY

25  
BM 1-31

014370007  
DEPT. OF  
VETERANS AFFAIRS



OWNER: ANDERSON  
A.P.N. 014-370-006 & 014-370-039  
ACQUISITION AREAS:  
FEE TITLE ACQUISITION=795,272 SQ. FT.  
18.26 ACRES  
CTA Engineering - Surveying

DATE: 04/27/2007 DRAWN BY: JWC SHEET 1 OF 1  
SCALE: 1"=400' JOB NO. 06-008-002  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
PHASE 4 FEATHER RIVER LEVEE  
REPAIR PROJECT  
RECLAMATION DISTRICT 784  
SETBACK LEVEE RIGHT OF WAY  
COUNTY OF YUBA CALIFORNIA

M:\06-008-002\PLATS\PLATS.dwg, APN:014-370-039-ANDERSON\FEE-REVISED, 4/27/2007 3:00:36 PM

RESOLUTION NO. \_\_\_\_\_

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 Assessor's Parcel No. 014-370-036, in the County of Yuba, California (the "Property"); 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 March 4, 2008 and March 18, 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 Exhibits 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 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 18th day of March, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

CHAIRPERSON

ATTEST:

---

Donna Stottlemeyer, Secretary

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

By: 



**LEGAL DESCRIPTION**

**EXHIBIT "A"**

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

Lots 4 and 5, in Block 25, as shown upon the map entitled, "Arboga Colony", on file in the office of the County Recorder of the County of Yuba, State of California, in Book 1 of Maps, at Page 31.

APN: 014-370-036-000

