

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

JULY 22, 2008 – SPECIAL MEETING
1:00 P.M.

No other business shall be conducted at this meeting. The public shall have an opportunity to address the Authority only with respect to items set forth in this agenda. Each individual or group will be limited to no more than five minutes. Prior to this time, speakers must fill out a “Request to Speak” card and submit it to the Clerk of the Board of Supervisors.

I CALL TO ORDER

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

III ACTION ITEMS

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

- i) APN 014-250-028 (Yuba County), 023-180-007 028-180-009 (Sutter County) - Naumes, Inc.
- ii) APN 013-010-013, 013-010-016 – Mann
- iii) APN 013-010-014 – Davit
- iv) APN 014-250-029 – Rice

IV ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, and the County Library at 303 Second Street, Marysville. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

Office (530) 749-7841 Fax (530) 749-6990

July 15, 2008

TO: THREE RIVERS LEVEE IMPROVEMENT BOARD OF DIRECTORS
FROM: PAUL BRUNNER, EXECUTIVE DIRECTOR
BOB MORRISON, RIGHT OF WAY MANAGER
SUBJECT: CONSIDER ADOPTING RESOLUTIONS OF NECESSITY FOR
ACQUISITION OF FOUR PROPERTIES ALONG THE FEATHER
RIVER FOR THE PHASE 4 LEVEE REPAIR PROJECT

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. Naumes, Inc. - 014-250-028, (Yuba County) and 23-180-007, 009 (Sutter County)
(Waterside property)
2. Mann - 013-010-016 (Ella Road and PG&E TCE)
3. Davit - 013-010-014 (Ella Road)
4. T. Rice - 014-250-029 (realignment of levee from original resolution)

BACKGROUND:

The Three Rivers Levee Improvement Authority (TRIJA) 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.

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

Study Description	Workshop Description	Setback Levee Length	Setback Area¹
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

¹ 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 six properties illustrated below; which affects the four property owners listed below. TRLIA has already taken an eminent action impacting these four property owners, however, the finalization of the levee design(e.g. alignment) has required this acreage to be acquired.

Assessor's Parcel No.	Owner	Area to be acquired (Acres)
014-250-028, (Yuba County) and 23-180-007, 009 (Sutter County)	Naumes, Inc.	184.86 acres(waterside property)
013-010-016 (Ella Road and PG&E TCE)	Joga & Rikki Mann	0.9 acres (Ella Road & 100 sq. ft. PG&E TCE)
013-010-014 (Ella Road)	Satinder N. Davit and Saroj K. Davit, Trustees	0.12 acres(Ella Road)
014-250-029	T. Rice; Jeanette Young	4.82 acres (Realignment of levee from original resolution)

FISCAL IMPACT:

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

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 Nos. 014-250-028 (Yuba County) and 23-180-007 and 009 (Sutter County), 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 July 15, 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, Code of Civil Procedure section 1240.125 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 Exhibit 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:

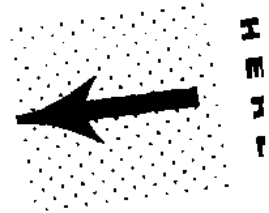
- a. The public interest and necessity require the proposed Project.
- b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Property described in Exhibits A and B is necessary for the proposed Project.
- 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 15th day of July 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'

PROPERTY DESCRIPTION

YUBA COUNTY ASSESSOR'S PARCEL 014-250-28

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the following described line:

Commencing at the Northwest corner of that certain parcel described in the decree quieting title in the matter of Earl Fruit Company vs. The Wolf Hop Company, recorded July 20, 1938 in Book 44, Page 469, Official Records of said County; thence along the Northerly line of said parcel, South 59°09'11" East, 244.51 feet more or less to the toe of an existing levee and the Point of Beginning; thence along the toe of levee the following nine (9) courses:

1. South 20°10'14" West, 418.11 feet; thence
2. South 14°10'14" West, 483.28 feet; thence
3. South 14°06'14" West, 505.75 feet; thence
4. South 10°28'14" West, 1666.75 feet; thence
5. South 11°21'14" West, 112.79 feet to a point on the Southerly line of that certain parcel of land described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County; thence
6. along said Southerly line, South 69°03'22" East, 1.73 feet; thence
7. South 10°13'34" West, 877.66 feet; thence
8. South 04°56'32" West, 424.72 feet; thence
9. South 05°01'33" West, 3.33 feet to a point on the South line of that certain parcel described in the deed to Di Giorgio Fruit Company, recorded in Book 270, Page 363, Official Records of said County, being the Southerly line of said Parcel 4 and the Southerly terminous of the line described herein.

EXCEPTING THEREFROM all that portion of the above lying West of the Yuba-Sutter County line.

The above described parcel contains 105.33 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-07

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

EXHIBIT 'A'

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying North of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 69.96 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-09

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying South of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 9.57 acres more or less.



FEATHER RIVER

TOP LEFT BANK OF FEATHER RIVER

023-180-07
NAUMES

69.96 AC. +/-

014-250-028
NAUMES

105.33 AC. +/-

023-180-09
NAUMES

9.57 AC. +/-

N86°06'44"W

SUTTER COUNTY
YUBA COUNTY

TOE OF LEVEE

WESTERN MOST CORNER OF QUIT CLAIM
DEED TO DIGIORGIO FRUIT COMPANY
RECORDED IN BK. 270, PG. 366

014-250-027
NAUMES

S69°03'22"E
1.73'

S11°21'14"W
112.79'

S10°13'34"W
877.66'

S04°56'32"W
424.77'

S05°01'33"W
3.33'

S10°28'14"W
1666.75'

S14°06'14"W
505.75'

S14°10'14"W
483.28'

S59°09'11"E
244.51'

NORTHWEST CORNER OF QUIT TITLE PARCEL
IN EARL FRUIT CO. VS. WOLF HOP CO.
RECORDED IN BK. 44, PG. 469

SOUTH LINE DIGIORGIO FRUIT COMPANY
PARCEL RECORDED IN BK. 270, PG. 363

OWNER: NAUMES
A.P.N. 014-250-28 YUBA COUNTY
023-180-07 SUTTER COUNTY
023-180-09 SUTTER COUNTY

A.P.N. AREA EXHIBIT

DATE: 03-25-08	DRAWN BY: KAH	SHEET
SCALE: 1"=600'	JOB NO. 05-008-002	1 OF 1
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		

PHASE 4 FEATHER RIVER LEVEE
REPAIR PROJECT
RECLAMATION DISTRICT 784
SETBACK LEVEE RIGHT OF WAY

CTA Engineering • Surveying

COUNTY OF YUBA AND SUTTER 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)

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. 013-010-013 and 013-010-016, in the County of Yuba, California (the "Property"); and

WHEREAS, after initiating litigation on Assessor's Parcel No. 013-010-013, TRLIA determined it needed to acquire permanent access easement across certain property also owned by the Property Owners and located across Assessor's Parcel No. 013-010-016 to gain ingress and egress from Ella Way to the Above Star Bend Levee; and

WHEREAS, after initiating litigation TRLIA also determined it needed to acquire a temporary construction easement on Assessor's Parcel No. 013-010-016 to relocate utility infrastructure; 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 July 15, 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 Exhibit A-1 and A-2 and maps attached hereto as Exhibits B-1 and B-2, 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-1, A-2, B-1, and B-2, is necessary for the proposed Project.

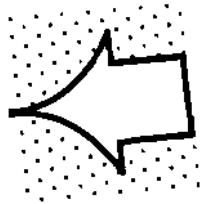
- d. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.
- e. The use of the property for its stated public use scheduled to begin within two years of its acquisition.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 15th day of July 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-1

APN 013-010-016 LEGAL DESCRIPTION PERMANENT ACCESS EASEMENT

All that real property situate in the County of Yuba, State of California, being a portion of real property conveyed by deed to Joga S. Mann and Rikki A.K. Mann, recorder in Document No. 2003-15484 of Deeds in said County and State, hereinafter referred to as "Mann Property", being a portion of Lot 15, Block 12 of "Farm Land Colony No. 1", filed in the Office of the County Recorder in said County and State in Book 1 of Maps, at Page 23, situated in the West half of Section 12, Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

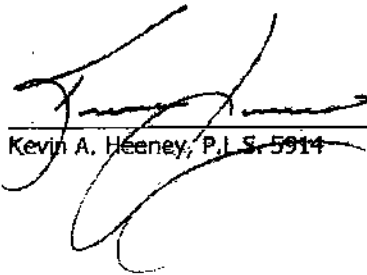
Beginning at the Southwest corner of said "Mann Property"; thence along the West line of said property, North 00°15'56" West, 12.00 feet; thence leaving the West line of said "Mann Property", North 89°45'45" East, 347.44 feet to a point on the West line of Ella Way; thence along the West line of Ella Way, South 08°00'55" West, 12.13 feet to a point on the South line of said "Mann Property"; thence along the South line of said property, South 89°45'45" West, 345.69 feet to the Point of Beginning, containing an area of 4,159 square feet, more or less.

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

End of Description

The Basis of Bearing for this description is the California Coordinate System Zone 2.

This description was prepared by me or under my direct supervision.



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

02-08-08
date



EXHIBIT A-2

APN 013-010-016 LEGAL DESCRIPTION Temporary Construction Easement


All that real property situate in the County of Yuba, State of California, being a portion of the real property conveyed by deed, dated September 9, 2003, to Joga S. Mann and Rikki A.K. Mann, recorded in Document No. 2003-15484 Records of said County, hereinafter referred to as "Mann Property", being a portion of Lot 15, Block 12 of "Farm Land Colony No. 1", filed in the Office of the County Recorder in said County and State in Book 1 of Maps, at Page 23, situated in the West half of Section 12, Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

A strip of land 100.00 feet wide, extending 776.40 feet Easterly from the West line of said "Mann Property", the North line of which being parallel, coincident and contiguous with the South line of that certain easement conveyed by deed to Pacific Gas & Electric, recorded on July 24, 1970 in Book 502, Page 9 Official Records of said county.

Said strip of land is further depicted on the exhibit prepared by Pacific Gas & Electric Company entitled "Attachment A" sheet 1 of 2, drawing number SE-095, dated 12-13-07 attached hereto and made part of this description.

End of Description

This description was prepared by me or under my direct supervision.


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

07/00/08
date

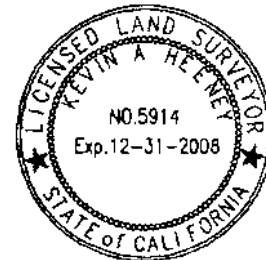
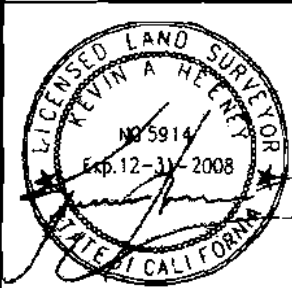
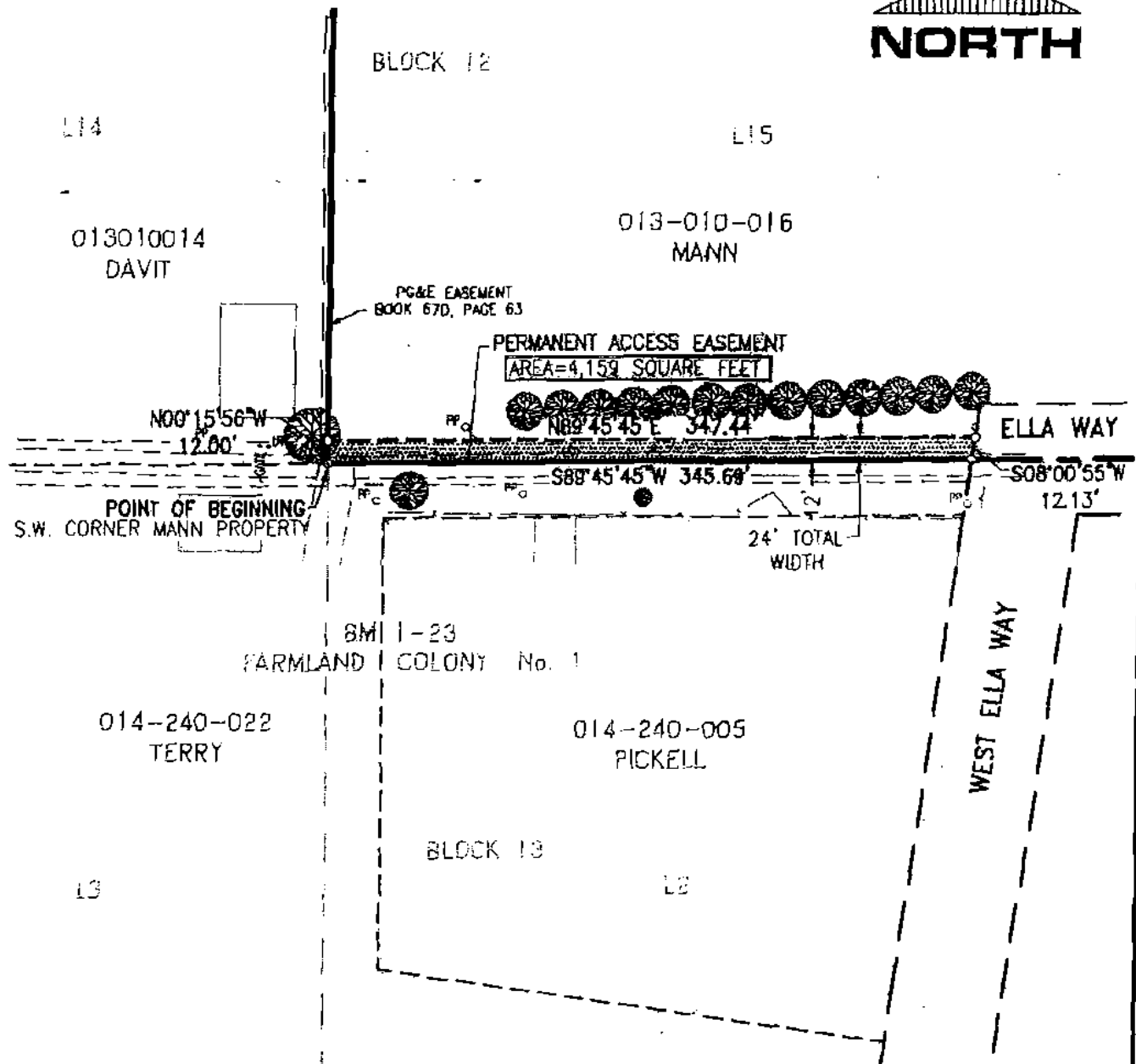


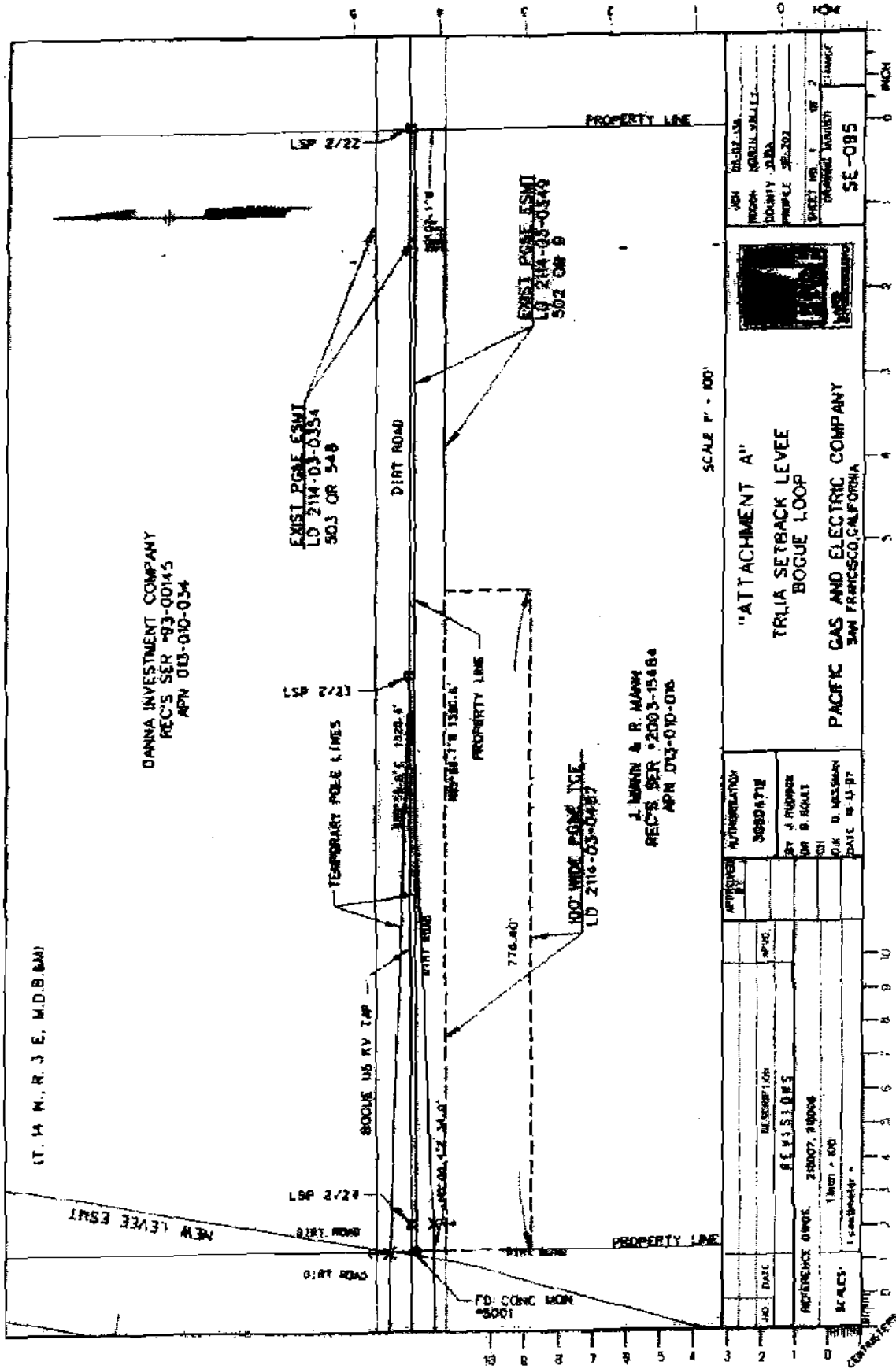
EXHIBIT B-1



DATE: 02-08-08

OWNER: MANN PROPERTY	DATE: 02/06/08	DRAWN BY: JCC	SHEET 1 of 1
APN: 013-010-016	SCALE: 1"=200'	JOB NO: 06-008-002	
ACQUISITION AREAS: PERMANENT ACCESS EASEMENT=4,159 SQ. FT. OR 0.09 ACRES	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
CTA Engineering · Surveying	PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784 PERMANENT ACCESS EASEMENT		
	COUNTY OF YUBA	STATE OF CALIFORNIA	

EXHIBIT B-2



NO.	DATE	DESCRIPTION	APPROVED	AUTHORITY
1		REVISED		3080471
2		BY J. MANN		
3		OR R. MANN		
4		CHK D. MANN		
5		DATE 12-13-07		

REFERENCE ONLY: 2007, 2008
 1 sheet of 500
 SEALS: 1 seal/Sheet
 SHEET NO. 1 OF 2
 DRAWING NUMBER: 11111111
 DATE: 12-13-07
 PROJECT: SE-085

10 9 8 7 6 5 4 3 2 1 0
 1 2 3 4 5 6 7 8 9 10
 1/8" = 1"

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. 013-010-014, in the County of Yuba, California (the "Property"); and

WHEREAS, after initiating litigation TRLIA determined it needed to acquire a permanent access easement across certain property also owned by the Property Owners and located across Assessor's Parcel No. 013-010-014 to gain ingress and egress from Ella Way to the Above Star Bend Levee, 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 July 15, 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 Exhibit 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 is 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 15th day of July 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**

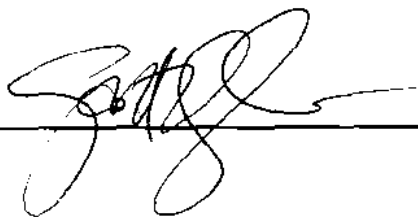
By: 

Exhibit 'A'

**APN 013-010-014
LEGAL DESCRIPTION
PERMANENT ACCESS EASEMENT**

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Salfinder N. Davit and Saroj K. Davit, recorded in Document No. 2005R-031262 of deeds in said County and State, hereinafter referred to as "Davit Property", lying within a portion of Lots 11 and 14, Block 12 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, situated in the West Half of Section 12 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

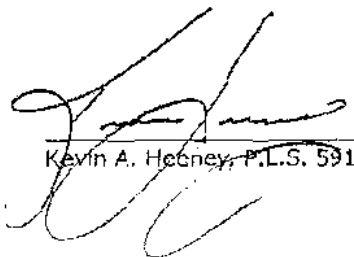
Beginning at the Southeast corner of said "Davit Property"; thence along the South line of said property, South 89°45'45" West, 368.89 feet; thence leaving said South line of "Davit Property", North 15°20'46" East, 15.57 feet; thence North 89°45'45" East, 149.70 feet; thence South 88°44'59" East, 115.85 feet; thence North 89°45'45" East, 100.00 feet to a point on the East line of said "Davit Property"; thence along said East line, South 00°15'56" East, 12.00 feet to the Point of Beginning, containing an area of 5,031 square feet, 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

02-08-08
date



Exhibit 'B'



BLOCK 2

013-010-014
DAVIT
L14

FARMLAND COLONY No. 1

BM 1 20 PG&E EASEMENT
BOOK 67, PAGE 63

013-010-016
MANN
L15

PERMANENT ACCESS EASEMENT

AREA=5,031 SQUARE FEET

N15°20'46"E
15.57'

N89°45'45"E
149.20'

S88°44'50"E
115.85'

N89°45'45"E
100.00'

S00°15'56"E
12.00'

51.91'

316.98'
S89°45'45"W 368.89'

24' TOTAL
WIDTH

POINT OF BEGINNING
S.E. CORNER DAVIT PROPERTY

014-240-022
TERRY
L16

014-240-005
PICKELL

BLOCK 10



DATE: 02-08-08

OWNER DAVIT PROPERTY
APN 013-010-014

ACQUISITION AREAS

PERMANENT ACCESS EASEMENT=5,031 SQ. FT.
OR 0.12 ACRES



CTA Engineering - Surveying

DATE: 02/06/08 DRAWN BY: JCC SHEET 1 OF 1
SCALE: 1"=200' JOB NO: 06-008-002
THREE RIVERS LEVEL IMPROVEMENT AUTHORITY

PHASE 4 FEATHER RIVER LEVEL
REPAIR PROJECT
RECLAMATION DISTRICT 784
PERMANENT ACCESS EASEMENT

COUNTY OF YUBA

STATE OF CALIFORNIA

RESOLUTION NO. _____

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AMENDING RESOLUTION NO. 2007-25, 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 ("Subject Property") of Assessor's Parcel No. 014-250-029, in the County of Yuba, California ("Property"); and

WHEREAS, TRLIA advised the owners of the Property ("Property Owners") of the need for the Project; and

WHEREAS, TRLIA's Board of Directors adopted Resolution No. 2007-25 on August 7, 2007, concerning a certain portion of the Property; and

WHEREAS, based thereon, TRLIA brought an action in eminent domain to acquire that certain portion of the Property; and

WHEREAS, after initiating the litigation, pursuant to the request of the Property Owners, TRLIA agreed to realign the Project; and

WHEREAS, such realignment necessitates the adoption of an amendment to Resolution No. 2007-25 to account for the revised Subject Property to be acquired; and

WHEREAS, pursuant to a stipulation executed by a court of law, the Property Owners have waived their rights to notice of the intent to adopt this amended resolution of necessity and for an opportunity to appear and be heard hereon pursuant to Section 1245.235 of the Code of Civil Procedure; and

WHEREAS, the use of the Subject Property to be acquired for its stated public use is scheduled to begin within two years of its acquisition; 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. Resolution No. 2007-25 adopted by this Board on August 7, 2007, is hereby amended as follows:

Exhibit A and Exhibit B attached thereto and incorporated therein are hereby deleted in their entirety and replaced with Exhibit A and Exhibit B attached hereto and incorporated herein.

SECTION 2. The remaining provisions and findings by the Board of Directors contained in Resolution No. 2007-25 shall remain in effect.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this _____ day of _____, 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 014-250-029
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 Thomas A. Rice and Jeanette L. Young, Recorded in Document No. 200208953, Official Records of said County, lying within a portion of Parcel 1 of that certain Parcel Map No. 8.93, filed in the Office of the Recorder in said County and State in Book 30 of Maps at Page 29, being a portion Lot 14, Block 13 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, and situated in the Southwest One Quarter of Section 13 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

Beginning at the Northwest corner of said Parcel 1; thence along the North line of said Parcel 1 North 89°45'45" East 331.71 feet; thence leaving said North line South 00°02'52" West 635.21 feet to a point on the South line of said Parcel 1; thence along the South line of said Parcel 1 South 89°45'45" West 328.77 feet to the Southwest corner thereof; thence along the West line of said Parcel 1 North 00°14'15" West 635.10 feet to the **Point of Beginning**, containing an area of 209,767 Square Feet or 4.82 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.

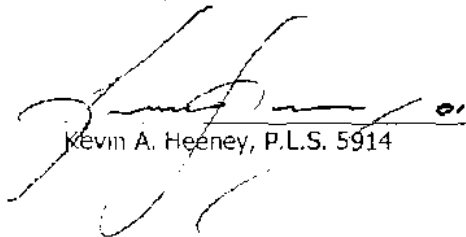
 01-07-08
Kevin A. Heeney, P.L.S. 5914



Exhibit 'B'



FARM LAND COLONY NO. 1
 BM 1-23
 BLOCK 13

15A

14 A

014-250-027
 NAUMES



POINT OF BEGINNING
 N.W. CORNER
 PARCEL 1
 PARCEL MAP
 8-93

014-250-027
 NAUMES

13B

N00°14'15"W 635.10'

N89°45'45"E

331.71'

PARCEL 1

014-250-029
 RICE

S00°02'52"W 635.21'

PARCEL 2
 PARCEL MAP NO 8-93

014-250-030
 RICE

PARCEL 3

014-250-031
 RICE

PLUMAS ROAD

N89°45'45"E

328.77'

NON EXCLUSIVE ROAD & P.U.E
 AND OFFER OF DEDICATION TO
 YUBA COUNTY PER BOOK 708,
 PAGE 669

014-290-004
 HIER

4 ARBOGA COLONY
 BM 1-31
 BLOCK 24

3



OWNER RICE
 A.P.N. 014-250-029

DATE 12/17/2007 DRAWN BY JCC SHEET
 SCALE 1"=200' JOB NO DE-G08-002 1 OF 1
 THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

ACQUISITION AREAS
 FEE TITLE ACQUISITION=209,767 SQ. FT.
 4.82 ACRES

PHASE 4 FEATHER RIVER LEVEE
 REPAIR PROJECT
 RECLAMATION DISTRICT 784
 SETBACK LEVEE RIGHT OF WAY

CTA Engineering - Surveying

COUNTY OF YUBA CALIFORNIA