



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

MAY 1, 2012 – 3:30 P.M.

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I **ROLL CALL** – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

II **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. Prior to this time, speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors.

III **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 meetings of April 17, 2012.

IV **ACTION ITEMS**

A. Adopt resolution of necessity declaring necessity for taking of certain property identified as APN 021-410-001 (Allen, Jason G.) along the Yuba River south bank levee for repair, construction, installation and maintenance of improvements.

V **BOARD AND STAFF MEMBERS' REPORTS**

VI **CLOSED SESSION:**

A. Pending litigation pursuant to Government Code §54956.9(a):

1. TRLIA vs. Bains, et al/YCSCCVED 10-0000977/APN 017-200-001 and 018-220-030
2. TRLIA vs. Luis, et al/ YCSCCVED 10-0000903/APN 018-200-005, 018-200-007, 018-210-035, and 018-200-008 recently changed to 018-200-010

B. Personnel pursuant to Government Code §54957.6 – Provide instruction to representatives Scott Shapiro/Robert Bendorf/Martha Wilson/Iva Seaburg on salary/compensation of Executive Director

VII **ADJOURN**

The complete agenda is available at the Yuba County Government Center, 915 8th Street, Suite 109 Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available at Suite 109 during normal business hours. In compliance with the Americans 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

APRIL 17, 2012

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:22 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Don L. Graham, John Nicoletti, and Mary Jane Griego. Director Jerry Crippen was absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

- I ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti – Director Crippen Absent
- II PUBLIC COMMUNICATIONS: No one came forward.
- III CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown
AYES: John Nicoletti, Rick Brown, Don Graham, Mary Jane Griego,
NOES: None ABSTAIN: None ABSENT: Jerry Crippen

- A. Approve minutes of the meeting of March 20, 2012. Approved
- B. Approve letter to Central Valley Flood Protection Board regarding comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic Environmental Impact Report. Approved

IV ACTION ITEMS

- A. Adopt resolution of public necessity for the taking of certain property and identified as Assessor Parcel No. 021-041-006 (Ronnie Willis and Clara Willis) for Three Rivers Upper Yuba River Levee Improvement Project. Special Counsel Kelly Pope provided a brief recap, a Power Point presentation, and responded to board inquiries.

Design Manager Larry Dakas recapped levee deficiencies from Simpson Lane to the Goldfields, design for levees, solutions, and utility easements.

Mr. Ronnie Willis advised of an upcoming court action to resolve the remaining legal issues concerning ownership of the property.

MOTION: Move to adopt resolution and withhold payout pending Courts ruling
MOVED: John Nicoletti SECOND: Don Graham
AYES: John Nicoletti, Don Graham, Rick Brown, Mary Jane Griego
NOES: None ABSTAIN: None ABSENT: Jerry Crippen

Adopted Resolution No. 2012-02 entitled: "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", property identified as Assessor Parcel No. 021-041-006 (Ronnie Willis and Clara Willis)

- B. Adopt resolution of public necessity for the taking of certain property and identified as Assessor Parcel No. 018-200-001 (Ajit Bains and Maria del Carmen Bains) for Three Rivers Upper Yuba River Levee Improvement Project. Special Counsel Kelly Pope provided a Power Point presentation regarding the necessity of moving the power poles and responded to Board inquiries.

Mr. Brant J. Bordsen, Attorney for Ajit Bains, recapped interest in obtaining access easements for farming operations. Mr. Bains expressed concern regarding removal of additional trees to accommodate the movement of the power poles.

MOTION: Move to adopt resolution

MOVED: John Nicoletti

SECOND: Rick Brown

AYES: John Nicoletti, Rick Brown, Don Graham, Mary Jane Griego

NOES: None

ABSTAIN: None

ABSENT: Jerry Crippen

Adopted Resolution No. 2012-04 entitled: "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", property and identified as Assessor Parcel No. 018-200-001 (Ajit Bains and Maria del Carmen Bains)

- C. Adopt resolution of public necessity for the taking of certain property and identified as Assessor Parcel No. 018-200-008, recently changed to 018-200-010 (Daniel J. Luis) for Three Rivers Upper Yuba River Levee Improvement Project. Special Counsel Kelly Pope provided a brief recap and Power Point presentation and responded to Board inquiries.

Mr. Daniel Luis requested to extend the underground portion to the next pole approximately 70 feet.

MOTION: Move to adopt resolution with the exhibit as published and provide staff the authority to approve the additional 70 feet of underground utilities on the contingency that Mr. Luis signs an agreement prior to the next Board meeting

MOVED: John Nicoletti

SECOND: Rick Brown

AYES: John Nicoletti, Rick Brown, Don Graham, Mary Jane Griego

NOES: None

ABSTAIN: None

ABSENT: Jerry Crippen

Adopted Resolution No. 2012-03 entitled: "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", property identified as Assessor Parcel No. 018-200-008, recently changed to 018-2220-030 (Daniel J. Luis)

Upon receiving Board consensus Chairman Griego called for a Special Meeting to be held Monday, April 30th, 2012 commencing at 4:00 p.m. at the Bains Orchard located at 6567 Dan Toni Road.

V BOARD AND STAFF MEMBERS' REPORTS

Executive Director Paul Brunner:

- State approved Proposition 13 decision memo
- Goldfields high ground evaluation status
- Field trip to Western Aggregates
- Upper Yuba Levee Improvement project starting up in late May
- Feather III Segment Project survey and State survey
- Six new members on the Central Valley Flood Protection Board
- State Mining and Geology Board approved reclamation plan

VI ADJOURN 4:40 p.m. by Chair Griego.

Chair

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

Approved: _____

By: Rachel Ferris, Deputy Clerk



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

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

May 1, 2012

TO: THREE RIVERS LEVEE IMPROVEMENT BOARD OF DIRECTORS
FROM: PAUL BRUNNER, EXECUTIVE DIRECTOR *PBB/aw*
KELLY L. POPE, ESQ., SPECIAL COUNSEL
LARRY DACUS, DESIGN MANAGER

SUBJECT: CONSIDER ADOPTING A RESOLUTION OF NECESSITY FOR
ACQUISITION OF PROPERTY INTERESTS OWNED BY JASON G. ALLEN
ALONG THE YUBA RIVER SOUTH BANK LEVEE

RECOMMENDATION:

That the Board of Directors adopts the attached proposed Resolution of Necessity for the acquisition of certain property interests in the property bearing Assessor's Parcel Number 021-410-001 in order to make necessary improvements to an approximately 320-foot stretch of the Yuba River south levee (the "Project"). The property is currently owned by Jason G. Allen. As described, depicted and defined in the exhibits to the attached proposed Resolution of Necessity, the property interests proposed for acquisition are 0.351 acres in fee, a 0.038-acre access easement, and a 0.086-acre utility easement.

BACKGROUND:

In early 2004, serious seepage issues were identified in the south levee of the Yuba River between Highway 70 and the Southern Pacific Railroad. As a result, commencing in 2004, the Three Rivers Levee Improvement Authority ("TRLIA") began a series of projects to improve and repair the south levee of the Yuba River upstream of its confluence with the Feather River.

On August 24, 2004, the TRLIA Board approved an Initial Study/Mitigated Negative Declaration for Phases I and II of the Yuba River Levee Repair Project ("YRLRP") pursuant to the California Environmental Quality Act ("CEQA"). To address under- and through-seepage concerns and decrease the risk of flooding, Phases I and II of the YRLRP included construction of a slurry cutoff wall and a landside seepage berm along different portions of the Yuba River south levee, from the former Western Pacific Railroad (located just downstream of State Route 70) to approximately 2,000 feet upstream of the former Southern Pacific Railroad. The Phase I work was completed in November 2004, and the work for Phase II was completed in 2006.

On July 18, 2006, the Board approved an Initial Study/Mitigated Negative Declaration for Phase 4 of the YRLRP pursuant to CEQA. To address under- and through-seepage concerns and decrease the risk of flooding, Phase 4 of the YRLRP called for construction of additional repairs to the Yuba River south levee, from the former Southern Pacific Railroad to Simpson Lane.

These repairs included a slurry cutoff wall, a small landside seepage berm and raising the height of a segment of the levee. This Phase 4 work was completed in 2006.

On April 20, 2010, the Board approved an Initial Study/Mitigated Negative Declaration for the Upper Yuba Levee Improvement Project (“UYLIP”), proposing additional Phase 4 improvements and repairs along the stretch of the Yuba River south levee between Simpson Land and the Yuba Goldfields. To address under- and through-seepage concerns and decrease the risk of flooding, the levee improvements for the UYLIP include geometry corrections, a seepage berm, and several miles of seepage cutoff wall. The UYLIP work is ongoing.

A recent United States Army Corp of Engineers review of the RD 784 levees found that since completion of the YRLIP work, a levee slope erosion scarp and possible stability issue has developed between State Route 70 and Shad Road on the land side Yuba River south levee slope. A review of the right of way adjacent to the toe of the levee along the erosion area showed major encroachments on the levee, and further investigation found that the existing levee toe extends beyond the existing levee right of way. In addition, a retaining wall was constructed by the property owner (on his property), cutting into the levee in order to create RV plots. Trees were planted behind the retaining wall on the levee slope, and have grown over 40 feet tall.

The proposed Project would fix these problems along the approximately 320-foot segment of the Yuba River south levee between State Route 70 and Shad Road. The proposed Project improvements include reconstructing the landside of the levee to a slope of 3 horizontal feet to 1 vertical foot, resurfacing the levee crown, clearing trees, structures and fences for an operations and maintenance corridor, and acquiring a 20-foot corridor along the toe of the levee for long term operation and maintenance of the levee. The proposed 20-foot corridor is necessary for the Project in order to provide a 15-foot wide vegetation free zone along the landside levee toe as required by the United States Army Corps of Engineers, and to provide adequate room for levee maintenance, inspection, patrolling during high water, and flood fighting.

There are existing Pacific Gas and Electric Company (PG&E) facilities, power poles, and power lines located within the footprint of the proposed Project improvements. To comply with requirements from the United States Army Corps of Engineers and Title 23 of the California Code of Regulations, it is necessary for the Project that these PG&E facilities be relocated approximately 20-feet outside the proposed landside levee toe.

On January 17, 2012, in compliance with CEQA, the TRLIA Board approved an Addendum to the Yuba River Levee Repair Project Phase I and II (2004) and Phase 4 (2006) Initial Studies/Mitigated Negative Declarations addressing the proposed Project improvements.

The Project is a piece of TRLIA’s larger flood protection program that includes 29.3 miles of levee improvements in Yuba County. The entire 29.3 mile improvement program is necessary to restore 100-year flood protection to the portion of the county within Reclamation District 784, but TRLIA’s goal for the program is to meet a higher 200-year flood protection standard.

These proposed Project improvements impact only the Hayes’ Country Village RV Park (“Park”) owned by Jason Allen and located at 831 N. Beale Road, Marysville, California. A construction period of approximately six to eight weeks is planned for the landside levee improvements. Construction is anticipated to commence on or after August 1, 2012. Before construction can begin, however, tenants residing in the proposed fee acquisition area will have to be relocated.

DISCUSSION:

The Park is approximately 34,848 square feet, and consists of a mobile home/RV park with ten designated spaces, a storage garage, a single family residence, a billboard and RV parking/storage. The proposed fee acquisition of 0.351 acres is located along the northern portion of the Park. Located within the proposed fee acquisition are seven mobile home lots and a small portion of an RV storage area. The remainder will have three mobile home sites, the garage, a single family residence and a billboard.

Construction of the proposed Project will require relocation of tenants residing at the Park within the proposed fee acquisition area. In compliance with State and Federal laws, on February 21, 2012, the Board adopted a Relocation Impact Statement and Last Resort Housing Plan for the Project.

Beyond the fee acquisition, TRLIA is proposing to acquire a utility easement corridor for the replacement of one of the power poles and the power lines along the new property line. TRLIA's staff and consultants have worked with PG&E to determine what is needed to relocate the existing line of utility poles on the Park. After consultation with PG&E, TRLIA staff and consultants determined that a 30-foot wide utility easement centered on the new pole locations is necessary to provide adequate room for the movement of the utility wires, as well as operation and maintenance of the line. Approximately fourteen feet of the Utility Easement will overlap the property TRLIA is acquiring from Mr. Allen in fee, but the other approximately 16 feet in width must be acquired as a new Utility Easement with a total area of 0.086 acres. Included within the proposed 0.086-acre Utility Easement is approximately 0.038 acres along the existing driveway from Shad Road into the Park for access. TRLIA is authorized to acquire the substitute easement pursuant to Code of Civil Procedure section 1240.330.

Finally, in order to provide TRLIA with access to the levee corridor, TRLIA staff and consultants determined that a 0.038-acre access easement is necessary for the Project. The proposed Resolution of Necessity includes maps depicting the Park and the proposed fee and easement acquisitions.

Based on an appraised value of the fee and easement acquisitions, TRLIA offered to purchase the necessary property interests for \$155,100.00 on March 6, 2012. A copy of TRLIA's offer letter (without exhibits) is attached. To date, TRLIA has been unable to reach an agreement with Mr. Allen for the purchase and sale of the property TRLIA seeks to acquire.

The absence of a negotiated agreement for the purchase of the property will require TRLIA to commence condemnation proceedings in the very near future. However, the commencement of litigation will not end TRLIA's efforts to reach a negotiated agreement.

FISCAL IMPACT:

The Department of Water Resources has agreed that the proposed Project should be a part of the Upper Yuba Levee Improvement Project EIP. The proposed Project work is addressed by the Prop 1 E funding agreement and included in the Upper Yuba Levee Improvement Project Budget.

RESOLUTION NO. 2012-__

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 IMPROVEMENTS ALONG THE YUBA RIVER SOUTH LEVEE (CODE CIV. PROC. § 1245.230)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain improvements along an approximately 320-foot stretch of the Yuba River south levee between State Route 70 and Shad Road (the "Project"); and

WHEREAS, TRLIA has determined that it needs to acquire certain property interests from the parcel currently bearing Assessor's Parcel No. 021-410-001 (the "Property") in order to complete the Project; and

WHEREAS, TRLIA has determined that, among the other property interests it needs to acquire for the Project, it needs to acquire a replacement Utility Easement across a portion of the Property for Pacific Gas and Electric Corp. ("PG&E") in order to accomplish certain utility relocation work necessary 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 May 1, 2012, 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, Water Code section 50930, and Code of Civil Procedure section 1240.330.

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 and Exhibit C-1, the accompanying parcel maps attached hereto as Exhibit A-2, Exhibit B-2 and Exhibit C-2, and the accompanying definitions attached hereto as Exhibit B-3 and Exhibit C-3, which are incorporated herein by this reference.

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

- a. The public interest and necessity require the Project.
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Property described in Exhibit A-1, Exhibit B-1 and Exhibit C-1, depicted in Exhibit A-2, Exhibit B-2 and Exhibit C-2, and defined in Exhibit B-3 and Exhibit C-3, is necessary for the proposed Project.

- d. The Property described in Exhibit C-1, depicted in Exhibit C-2, and defined in Exhibit C-3 is necessary for the purpose specified in Code of Civil Procedure section 1240.330. The acquisition of the Utility Easement is necessary as substitute property for PG&E.
- e. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.
- f. 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.
- g. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

SECTION 4. Legal counsel retained by TRLIA is hereby authorized and empowered:

- a. To take appropriate legal action, in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California, to acquire the Property described in Exhibit A-1, Exhibit B-1 and Exhibit C-1, depicted in Exhibit A-2, Exhibit B-2 and Exhibit C-2, and defined in Exhibit B-3 and Exhibit C-3.
- b. To deposit the probable amount of compensation, based on an appraisal, and to apply to the court for an order permitting TRLIA to take immediate possession and use of the Property for public uses and purposes.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 1st day of May, 2012, by a two-thirds (2/3) or greater vote as follows:

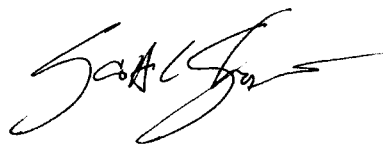
AYES:
 NOES:
 ABSTAIN:
 ABSENT:

 CHAIRPERSON

ATTEST:

 Donna Stottlemeyer, Secretary

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



By: _____

Exhibit 'A-1'

All that real property situate in the County of Yuba, State of California, being a portion of that certain parcel of land, being a portion of Tract 10 of Yuba Gardens, as shown on the plat thereof filed in the office of the County Recorder of Yuba County in Book 3 of Surveys, Page 2 and as described in the deed to Jason G. Allen, filed in the office of the County Recorder of Yuba County as Document No. 2003-22136 and being described as follows:

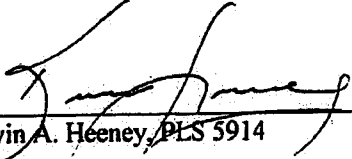
Beginning at a point on the North line of said Tract 10, being the Northeasterly corner of the above described Jason G. Allen property, from which a 3/4" iron pipe at the Northerly corner of Parcel 1, as shown on that certain Parcel Map filed in Book 71 of Surveys, Page 32 bears South 76°32'08" East, 3282.70 feet and also from which a 6" by 6" concrete monument on the Northeasterly right of way of State Highway 70 (99E) as shown on that certain Record of Survey filed in Book 6 of Surveys, Page 46 at the Westerly end of the course labeled S81°08'44"W 181.35' bears South 42°14'36" East, 1548.58 feet; thence along the North line of said Tract 10 and Allen property, South 89°47'46" West, 377.48 feet to a point on the Northeasterly line of said State Highway 70; thence along said Northeasterly line, South 41°32'06" East, 45.58 feet; thence leaving said Northeasterly line, South 88°57'00" East, 108.45 feet; thence South 64°58'25" East, 37.47 feet; thence North 79°03'39" East, 13.09 feet; thence North 89°11'53" East, 101.87 feet; thence North 88°15'29" East, 64.61 feet to the Easterly line of said Allen property, being a point on the Westerly line of Shad Road; thence along the Easterly line of said Allen property, North 28°20'46" East, 53.89 feet to the Point of Beginning, containing 0.351 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

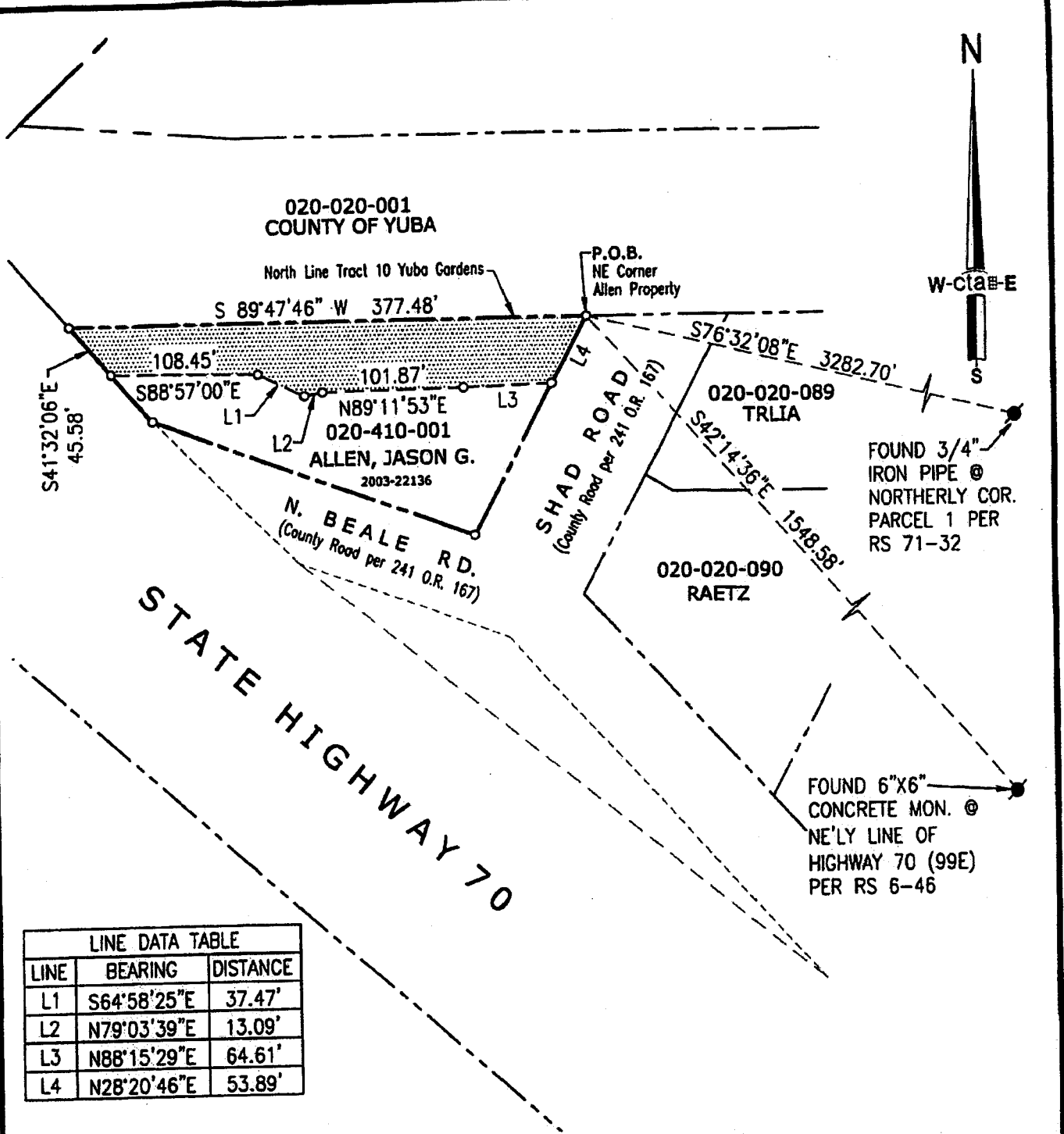
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeney, PLS 5914

12/12/2011
Date

Portion of:
APN 020-410-001





020-020-001
COUNTY OF YUBA

North Line Tract 10 Yuba Gardens

S 89°47'46" W 377.48'

P.O.B.
NE Corner
Allen Property



S41°32'06"E
45.58'

108.45'

S88°57'00"E

L1

101.87'

N89°11'53"E

L3

020-410-001
ALLEN, JASON G.
2003-22136

N. BEALE RD.
(County Road per 241 O.R. 167)

SHAD ROAD
(County Road per 241 O.R. 167)

S76°32'08"E 3282.70'

020-020-089
TRLIA

FOUND 3/4" IRON PIPE @
NORTHERLY COR.
PARCEL 1 PER
RS 71-32

020-020-090
RAETZ

S42°14'36"E

1548.58'

FOUND 6"X6" CONCRETE MON. @
NE'LY LINE OF
HIGHWAY 70 (99E)
PER RS 6-46

STATE HIGHWAY 70

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S64°58'25"E	37.47'
L2	N79°03'39"E	13.09'
L3	N88°15'29"E	64.61'
L4	N28°20'46"E	53.89'

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 0.99999115 TO OBTAIN GRID DISTANCES.



Exhibit 'A-2'

OWNER: Allen, Jason G.

A.P.N.: 020-410-001

AREA: FEE ACQUISITION AREA = 0.351 Ac.

DATE: 12/12/2011 DRAWN BY: KAH SHEET 1 OF 1

SCALE: 1"=100' JOB NO. 06-008-004

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
Proposed Acquisition for

Lower Yuba Levee Improvement Project

Portion of Tract 10, Yuba Gardens
R.S. 3-2

cta Engineering & Surveying

County of Yuba State of California

DATE: 12/12/2011

EXHIBIT B-1

All that real property situate in the County of Yuba, State of California, being a portion of that certain parcel of land, being a portion of Tract 10 of Yuba Gardens, as shown on the plat thereof filed in the office of the County Recorder of Yuba County in Book 3 of Surveys, Page 2 and as described in the deed to Jason G. Allen, filed in the office of the County Recorder of Yuba County as Document No. 2003-22136 and being described as follows:

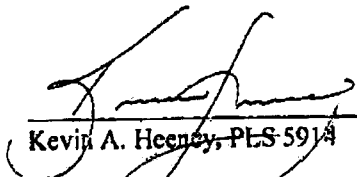
Commencing at a point on the North line of said Tract 10, being the Northeasterly corner of the above described Jason G. Allen property, from which a 3/4" iron pipe at the Northerly corner of Parcel 1, as shown on that certain Parcel Map filed in Book 71 of Surveys, Page 32 bears South 76°32'08" East, 3282.70 feet and also from which a 6" by 6" concrete monument on the Northeasterly right of way of State Highway 70 (99E) as shown on that certain Record of Survey filed in Book 6 of Surveys, Page 46 at the Westerly end of the course labeled S81°08'44"W 181.35' bears South 42°14'36" East, 1548.58 feet; thence along the East line of said Jason G. Allen property, South 28°20'46" West, 53.89 feet to the Point of Beginning; thence continuing along said East line, South 28°20'46" West, 44.03 feet; thence leaving said East line, North 61°12'38" West, 75.73 feet; thence North 89°11'53" East, 22.70 feet; thence North 88°15'29" East, 64.61 feet to the Point of Beginning, containing 0.038 acres, more or less.

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

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

End of Description

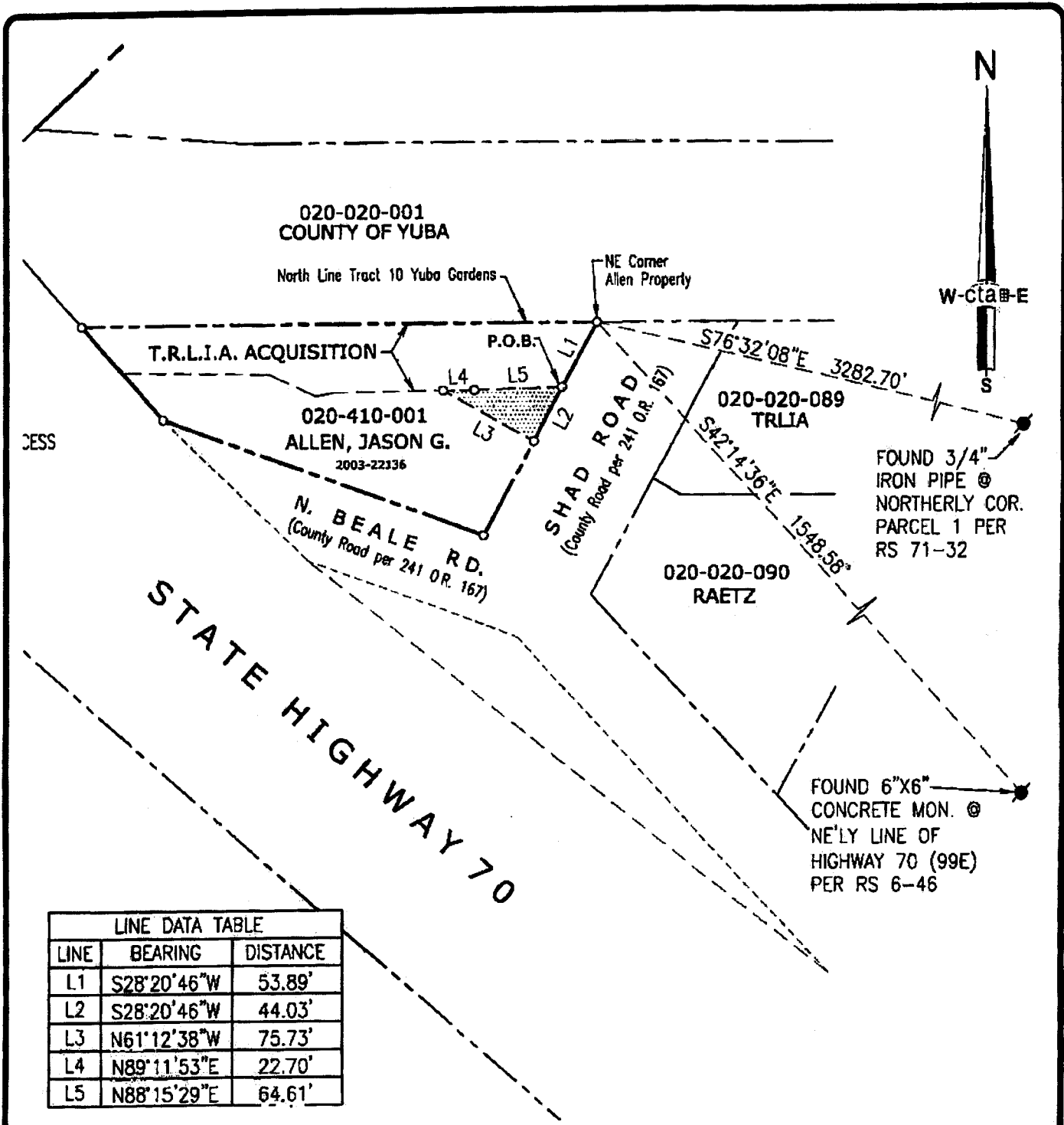
Prepared by CTA Engineering & Surveying under the supervision of the undersigned



Kevin A. Heeney, PLS 5914
Portion of
APN 020-410-001

01/25/2012
Date





LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S28°20'46"W	53.89'
L2	S28°20'46"W	44.03'
L3	N61°12'38"W	75.73'
L4	N89°11'53"E	22.70'
L5	N88°15'29"E	64.61'

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

	Exhibit B-2	DATE: 01/25/2012	DRAWN BY: KAH	SHEET 1 OF 1
	OWNER: Allen, Jason G.	SCALE: 1"=100'	JOB NO. 06-008-004	
	A.P.N.: 020-410-001	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY Proposed Access Easement for		
	AREA: ACCESS EASEMENT AREA = 0.038 Ac.	Lower Yuba Levee Improvement Project		
		Portion of Tract 10, Yuba Gardens R.S. 3-2 County of Yuba State of California		

Exhibit B-3

ACCESS EASEMENT

JASON G. ALLEN, a married man, do(es) hereby grant to the Three Rivers Levee Improvement Authority, a joint powers authority composed of Yuba County and Reclamation District 784, hereinafter referred to as TRLIA, an easement for the perpetual right of ingress and egress, including vehicular traffic, as TRLIA may require from time to time, to provide access to and from an adjacent levee, with said ingress and egress to be over and across that certain real property in the County of Yuba, State of California, bounded and described as follows:

See Exhibits "B-1" and "B-2"
attached hereto and made a part hereof.

The grant of this easement includes the right to improve it in the manner determined to be necessary by TRLIA, including, but not limited to the right to maintain, repair, and improve. Any use of the area subject to this easement which is not compatible with, or interferes with, the rights herein granted shall not be allowed, and if installed in violation hereof, the same shall be removed at the expense of the party responsible for such installation or their successor.

Exhibit C-1

All that real property situate in the County of Yuba, State of California, being a portion of that certain parcel of land, being a portion of Tract 10 of Yuba Gardens, as shown on the plat thereof filed in the office of the County Recorder of Yuba County in Book 3 of Surveys, Page 2 and as described in the deed to Jason G. Allen, filed in the office of the County Recorder of Yuba County as Document No. 2003-22136 and being described as follows:

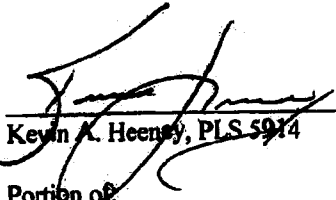
Beginning at a point on the Easterly line of said Allen property, said point lying South 28°20'46" West, 53.89 feet from the Northeast corner thereof; thence along said Easterly line, South 28°20'46" West, 44.03 feet; thence leaving said Easterly line, North 61°12'38" West, 54.21 feet; thence North 87°00'48" West, 124.12 feet; thence North 85°26'38" West, 122.22 feet to a point on the Southwesterly line of said Allen property, being also the Northeasterly line of State Highway No. 70; thence along said Southwesterly line, North 41°32'06" West, 11.27 feet; thence leaving said Southwesterly line, South 88°57'00" East, 108.45 feet; thence South 64°58'25" East, 37.47 feet; thence North 79°03'39" East, 13.09 feet; thence North 89°11'53" East, 101.87 feet; thence North 88°15'29" East, 64.61 feet to the Point of Beginning, containing 0.086 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

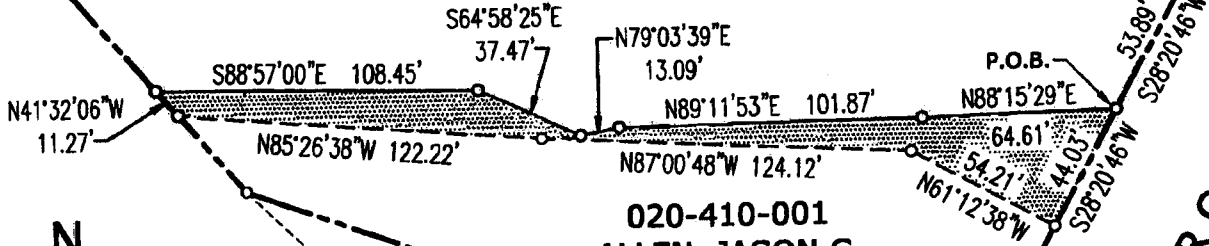

Kevin A. Heensy, PLS 5914
Portion of
APN 020-410-001

03/06/2012
Date



020-020-001
 COUNTY OF YUBA
 LOT "2"
 Bk 54 of Deeds, Pg. 242

NE Corner
 Allen Property



020-410-001
 ALLEN, JASON G.
 2003-22136




STATE HIGHWAY 70

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.



DATE: 03/06/2012

Exhibit 'C-2'	
OWNER:	Allen, Jason G.
A.P.N.:	020-410-001
AREA:	EASEMENT AREA = 0.086 Ac.
 Engineering & Surveying	

DATE: 03/06/2012	DRAWN BY: KAH	SHEET 1 OF 1
SCALE: 1"=60'	JOB NO. 06-008-004	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY Lower Yuba Levee Improvement Project		
Utility Easement		
Portion of Tract 10, Yuba Gardens R.S. 3-2		
County of Yuba	State of California	

Exhibit C-3

UTILITY EASEMENT

JASON G. ALLEN, hereinafter called Grantor, hereby grants to Three Rivers Levee Improvement Authority, a joint powers authority composed of Yuba County and Reclamation District 784, hereinafter referred to as Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefore, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the County of Yuba, State of California, more particularly described and depicted in EXHIBITS "C-1" and "C-2", attached hereto and made a part hereof.

Said facilities and easement area are described as follows:

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures and appurtenances, as Grantee deems necessary for the distribution of electric energy located within the parcel of land described and depicted in EXHIBITS "C-1" and "C-2", attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall retain the right to fully use and enjoy said easement area in a manner that will not unreasonably interfere with use by the Grantee, its successors or assigns. This includes, but is not limited to, the right to use said easement area for ingress and egress, parking passenger vehicles and light trucks (pickups and vans), and the right to pave the ground surface over said easement area; provided, however, that Grantee shall have the right from time to time to break through said paving at Grantor's cost for the purpose of installing or maintaining said facilities. Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area. Grantee shall not install facilities in the easement area in any location that would unreasonably interfere with Grantor's use of the easement area for ingress and egress.

The provisions hereof shall inure to the benefit of and bind the successor and assigns of the respective parties hereto.

March 6, 2012

Jason G. Allen
c/o Sheldon Hadley, Esq.
P.O. Box 1308
Marysville, CA 95901

Re: Upper Yuba Levee Improvement Project
APN: 020-410-001

Offer to Purchase – Government Code §7267.2

Dear Mr. Allen:

As you may be aware, the Three Rivers Levee Improvement Authority (TRLIA) is in the final planning stages of the Upper Yuba Levee Improvement Project. The Project will increase the Linda area's protection against flooding by upgrading several miles of the Yuba River South Bank Levee to meet current standards for resistance to underseepage. In order to complete the Project, however, TRLIA will need to acquire a portion of your property located near the Yuba River in Yuba County. TRLIA needs to acquire in fee ownership approximately 0.351 acres. In addition, TRLIA needs to acquire a Utility Easement and an Access Easement.

Bender Rosenthal, Inc. and Downey Brand LLP have been retained by TRLIA to acquire the various property rights required for this Project. I have been asked to contact you to discuss the Project, the terms of the proposed acquisition, and the documents and procedures necessary to complete the transaction. As required by California law, TRLIA has obtained a valuation of the required property interest, which is summarized in the enclosed document titled Statement and Summary of the Basis for Appraisal.

This letter, along with the enclosed Summary Statement Relating to Purchase of Real Property or an Interest Therein, Statement and Summary of the Basis for Appraisal, proposed Agreement for Purchase of Real Property, proposed Grant Deed, proposed Utility Easement, proposed Access Easement, proposed Escrow Instructions, and Information Brochure, constitutes TRLIA's offer to purchase the required real property for \$155,100.00.

The offer to pay \$155,100.00 is based upon California eminent domain law which provides that property is to be valued as if under a single, undivided ownership. However, the lessees impacted by TRLIA's acquisition of your property may be entitled to compensation if their leasehold interests have market value. Payment of said total sum is conditional upon (1) you and

Jason G. Allen
March 6, 2012
Page 2

the lessees agreeing to a distribution of the total offered compensation; or (2) upon you obtaining a release, quitclaim, and/or assignment of the leases.

If the amount and terms of the offer are satisfactory, please sign and have notarized the proposed Grant Deed, proposed Utility Easement and proposed Access Easement. In addition, please sign the proposed Escrow Instructions, plus two copies of the proposed Agreement for Purchase, and return them to me in the envelope provided at your earliest convenience for processing at TRLIA. Upon acceptance, a completely executed copy of the Purchase Agreement will be returned to you for your records. Of course, this offer is conditioned on TRLIA's ratification of the offer by execution of the Purchase Agreement as approved by the TRLIA Board of Directors.

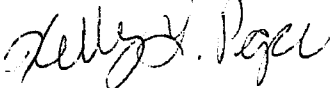
Please note that you are eligible to receive reimbursement of up to \$5,000 for the reasonable costs associated with retaining the services of a qualified real estate appraiser, licensed by the State Office of Real Estate Appraisers, to prepare an appraisal report for the same property rights for which this offer is being made.

You are welcome to contact me at (916) 520-5362 or at the address above to discuss this proposed transaction, or the Project, further.

Thank you for your consideration of this matter.

Sincerely,

DOWNEY BRAND LLP



Kelly L. Pope

LPS

1215184 1

cc: Bob Morrison (w/enclosures)
Scott McElhern (w/o enclosures)