

RESOLUTION NO. 05-07

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 YUBA RIVER  
LEVEE SYSTEM  
(CODE CIV. PROC. § 1245.230)

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WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Yuba River Levee System (the "Project") affecting Assessor's Parcel Nos. 020-020-081 and 020-020-082, 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 of Directors on July 5, 2005 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 Yuba River Levee System.

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 1250.140; 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:

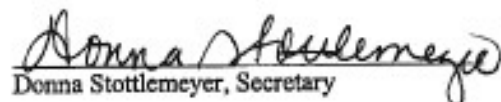
- a. The public interest and necessity require the proposed Project.
- b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Property described in Exhibits A and B is necessary for the proposed Project.
- d. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 5th day of July, 2005 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Griego, Logue, Webb  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
CHAIRPERSON

ATTEST:

  
Donna Stottlemeyer, Secretary

APPROVED AS TO FORM  
DANIEL G. MONTGOMERY  
COUNTY COUNSEL

*BY: [Handwritten Signature]*

**EXHIBIT "A"  
LEGAL DESCRIPTION**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF PLACER, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 24, T.15N., R3E., M.D.B.&M., AS PROJECTED INTO THE BOUNDS OF NEW HELVETIA RANCHO IN YUBA COUNTY, CALIFORNIA AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF STATE HIGHWAY US 99-E AND ALSO BEING THE SOUTHWESTERLY LINE OF TRACT NO. 10, SUBDIVISION OF YUBA GARDENS, FILED IN BOOK 3 OF MAPS, PAGE 2, YUBA COUNTY RECORDS, SAID POINT OF BEGINNING BEING 718 FEET SOUTHWESTERLY FROM THE NORTHWESTERLY CORNER OF SAID TRACT NO. 10; THENCE FROM SAID POINT OF BEGINNING RUN SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF STATE HIGHWAY U.S. 99-E, 40.0 FEET TO A CONCRETE MONUMENT MARKING THE MOST SOUTHERLY CORNER OF THE LAND CONVEYED TO F.A. AND ALTA B. LEWIS BY DEED RECORDED IN BOOK 13 OF OFFICIAL RECORDS OF YUBA COUNTY, PAGE 318; THENCE CONTINUE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF STATE HIGHWAY U.S. 99-E, 60.0 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE OF STATE HIGHWAY U.S. 99-E, RUN NORTH 28 DEGREES 45' EAST, 300.00 FEET; THENCE SOUTH 61 DEGREES 15' EAST, ALONG THE LINE OF THE LAND FORMERLY OWNED BY H.H. JONES, ET UX, RECORDED MARCH 21, 1945, IN BOOK 89 OF OFFICIAL RECORDS OF YUBA COUNTY, PAGE 55 A DISTANCE OF 450.0 FEET; THENCE NORTH 28 DEGREES 45' EAST, 458.7 FEET TO THE BASE OF LEVEE; THENCE NORTH 89 DEGREES 48' WEST, ALONG SAID BASE OF LEVEE, 636 FEET, MORE OR LESS, TO A POINT THAT BEARS THE FOLLOWING THREE COURSES FROM THE POINT OF BEGINNING: (NORTH 28 DEGREES 45' EAST, 327.00 FEET) (NORTH 73 DEGREES 40' EAST, 56.00 FEET) (NORTH 0 DEGREE 12' EAST, 102 FEET MORE OR LESS, TO A POINT AT THE BASE OF LEVEE); THENCE SOUTH 0 DEGREE 12' WEST, 102 FEET, MORE OR LESS; THENCE SOUTH 73 DEGREES 40' WEST, 56.00 FEET; THENCE SOUTH 28 DEGREES 45' EAST, 327.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PROPERTY DESCRIBED IN DEED FROM H.H. JONES, ET UX TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1954, IN BOOK 198 OF OFFICIAL RECORDS OF YUBA COUNTY, PAGE 10.

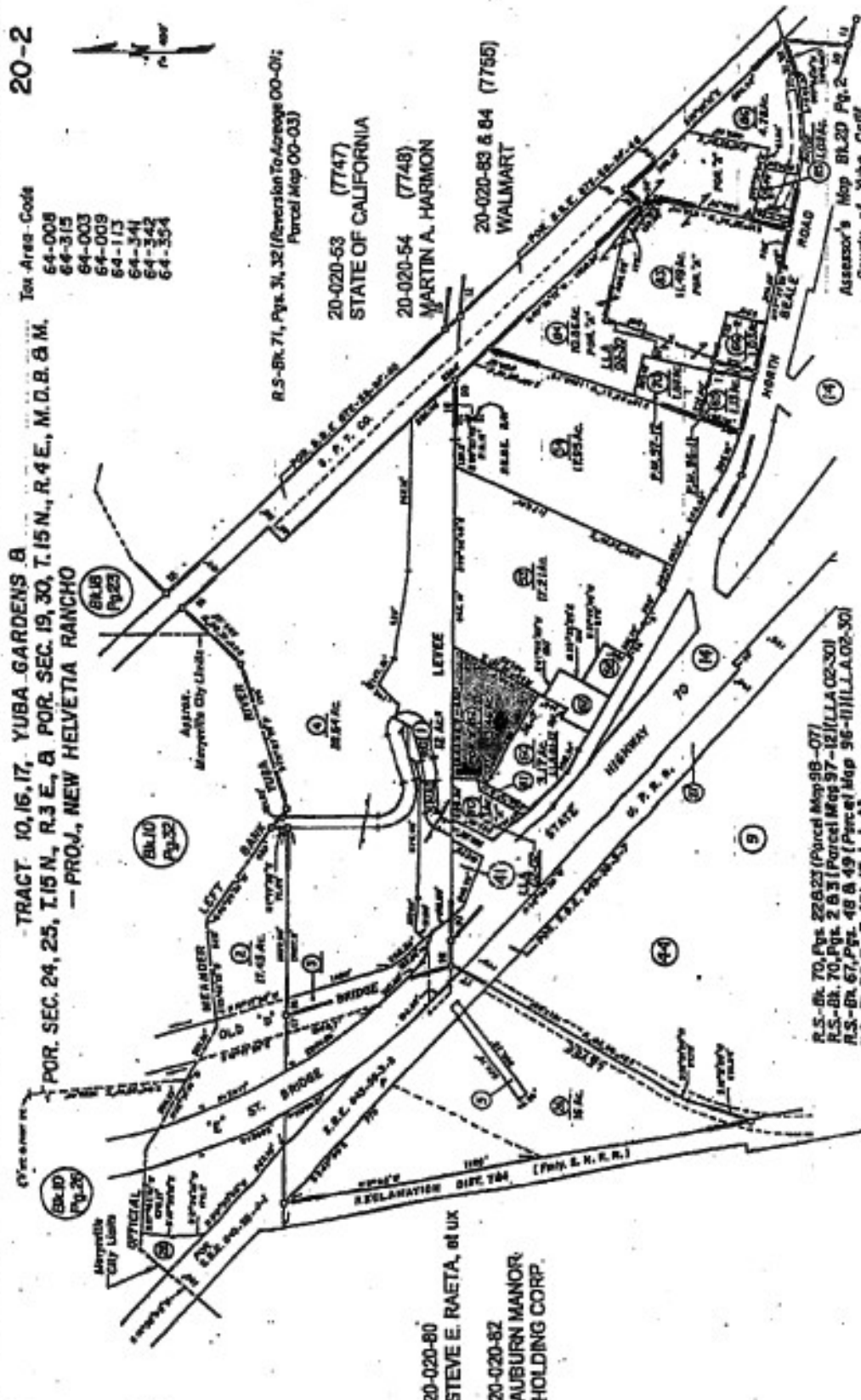
ALSO EXCEPTING THEREFROM THAT PROPERTY DESCRIBED IN DEED TO KARL AND ZENA YARED, RECORDED NOVEMBER 10, 1981, IN BOOK 764 OF OFFICIAL RECORDS OF YUBA COUNTY, PAGE 635.

APN: 020-020-081 & 082.

20-2

Tax Area - Code  
 64-008  
 64-315  
 64-003  
 64-009  
 64-113  
 64-341  
 64-342  
 64-354

TRACT 10, 16, 17, YUBA GARDENS B  
 POR. SEC. 24, 25, T.15 N., R.3 E., & POR. SEC. 19, 30, T.15 N., R.4 E., M.D.B. & M.  
 - PROJ., NEW HELVETIA RANCHO



R.S.-Bk. 71, Pgs. 31, 32 (Reversion To Acquire 00-01;  
 Parcel Map 00-03)

20-020-53 (7747)  
 STATE OF CALIFORNIA

20-020-54 (7748)  
 MARTIN A. HARMON

20-020-83 & 84 (7755)  
 WALMART

20-020-80  
 STEVE E. RAETA, et ux  
 20-020-82  
 AUBURN MANOR  
 HOLDING CORP.

R.S.-Bk. 70, Pgs. 22 & 23 (Parcel Map 98-07)  
 R.S.-Bk. 70, Pgs. 2 & 3 (Parcel Map 97-12) (L.L.A. 02-301)  
 R.S.-Bk. 67, Pgs. 48 & 49 (Parcel Map 96-11) (L.L.A. 02-301)  
 R.S.-Bk. 36, Pg. 7 (R1-13 L.L.A.)  
 R.S.-Bk. 23, Pg. 48 (Parcel Map 7.68) (L.L.A. 96-13)  
 Map Book 3 Pg. 2 (Yuba Gardens) (L.L.A. 02-02)

Assessor's Map 88.20 Pg. 2  
 County of Yuba, Calif.  
 Year-6/73

NOTE - Assessor's Sheet Numbers Shown in Circles  
 Assessor's Parcel Numbers Shown in Circles  
 Parcel Map No. 10-48