

RESOLUTION NO. 05-14

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

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Bear River Levee System (the "Project") affecting a portion of Assessor's Parcel No. 016-150-017, 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 September 27, 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 Bear 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 descriptions and maps attached hereto as Exhibits A and B respectively. All exhibits are 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 the attached Exhibits 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 27th day of September, 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

EXHIBIT A

All that real property situate in the County of Yuba, State of California, being a portion of Lots 10 and 15 of Block 17, as shown on that certain map entitled "Arboga Colony No. 2", filed in Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in deed to David B. Foster and Pam Foster, husband and wife as joint tenants, recorded in Document No. 20003545, Yuba County Official Records. Said easement being all that portion of said Foster parcel lying southeasterly of the following described line:

Commencing at a nail and washer stamped LS 3649 in the centerline of County Road 512 marking the most southerly corner of Parcel 1, as shown on Parcel Map No. 95-02 as said map is filed in Book 55 of Maps at page 24, Yuba County Official Records; thence continuing along the southerly line of said Parcel 1 the following courses: North 00°16'08" East, a distance of 38.24 feet; thence North 36°42'53" East, a distance 307.79 feet to the southerly line of land described in deed to Robert B. De Valentine, as his sole and separate property, recorded in Document No. 95-00524, Yuba County Official Records; thence North 88°25'53" East, along the southerly line of said De Valentine parcel, a distance of 397.59 feet to the **TRUE POINT OF BEGINNING** of the herein described line; thence leaving the southerly line of said De Valentine parcel, South 34°00'32" West, a distance of 706.32 feet to the southerly line of said Foster parcel and there terminating. This description contains 18.25 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-150-017



7/25/05

