

RESOLUTION NO. 08-04

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. 014-250-027; 014-250-028; 014-240-008 and 014-250-014, in the County of Yuba, California and a portion of Assessor's Parcel Nos. 23-180-007 and 23-180-009, in the County of Sutter, 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, 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 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:

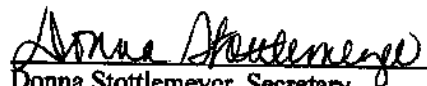
- a. The public interest and necessity require the proposed Project.
- b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Property described in Exhibits A and B is necessary for the proposed Project.
- 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: Directors Brown, Crippen, Griego, Logue
NOES: None
ABSTAIN: Director Graham
ABSENT: None


CHAIRPERSON

ATTEST:


Donna Stottlemeyer, Secretary

APPROVED AS TO FORM
SCOTT L. SHAPIRO
GENERAL COUNSEL

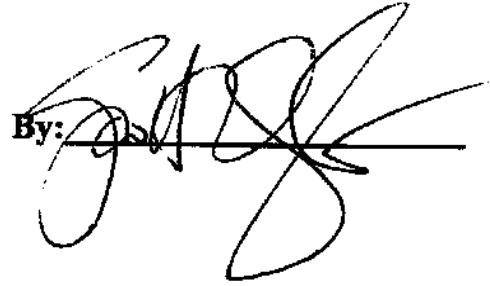
By: 

Exhibit 'A'

**APN 014-250-027
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 Naumes of Oregon, Inc. an Oregon corporation, Recorded in Book 671, Page 302, Official Records of said County, hereinafter referred to as "Naumes" property, being a portion of "Arboga Colony", filed in the Office of the Recorder in said County and State in Book 1 of Maps at Page 31, also being a portion of 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 Sections 13, 14, 23 and 24 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

Parcel "A"

Commencing at an Iron Pipe marking the Northwest corner of Lot 11, Block 24 of said "Arboga Colony", being a point on the East line of said "Naumes" property; thence along said East line North 00°15'56" West 1377.73 feet to the Point of Beginning; thence leaving said East line North 03°04'07" West 276.19 feet; thence North 00°02'52" East 4008.94 feet; thence North 15°20'46" East 2026.01 feet to a point on the Northerly line of said "Naumes" property; thence along said Northerly line South 59°09'11" East 363.21 feet; thence leaving said Northerly line South 15°20'46" West 1881.93 feet; thence South 00°02'52" West 2336.76 feet to a point on the East line of said "Naumes" property; thence along said East line South 89°45'45" West 345.37 feet to an angle point thereon; thence South 00°15'56" East 1899.26 feet to the Point of Beginning, containing an area of 35.05 acres, more or less.

Parcel "B"

Commencing at an Iron Pipe marking the Northwest corner of Lot 11, Block 24 of said "Arboga Colony", being a point on the East line of said "Naumes" property; thence along said East line South 00°15'56" East 521.88 feet to the Point of Beginning; thence continuing along said East line South 00°15'56" East 2118.49 feet to an Iron Pipe marking the Southeast corner thereof, being the Southeast corner of Lot 5, Block 24 of said "Arboga Colony"; thence along the South line of said "Naumes" property South 89°45'45" West 2640.00 feet to the Southwest corner thereof; thence along the West line of said "Naumes" property North 00°15'56" West 2129.43 feet; thence leaving said West line North 90°00'00" East 2640.03 feet to the Point of Beginning, containing an area of 128.72 acres, more or less.

Parcel "C"

Beginning at an Iron Pipe marking the Northwest corner of Lot 11, Block 24 of said "Arboga Colony", being a point on the East line of said "Naumes" property; thence along said East line, North 00°15'56" West, 1377.73 feet; thence leaving said East line, North 03°04'07" West 276.19 feet; thence North 00°02'52" East 4008.94 feet; thence North 15°20'46" East 2026.01 feet to a point on the Northerly line of said "Naumes" property; thence along said Northerly line, North 59°09'11" West, 2257.40 feet to a point on the West line of Parcel 2, as described in the Easement Deed to Sacramento and San Joaquin Drainage District, recorded as Instrument No. 200305663, records of said County; thence along said Westerly line, South 20°10'14" West, 418.11 feet; thence South 14°10'14" West, 483.28 feet; thence South 14°06'14" West, 505.75 feet; thence South 10°28'14" West, 1666.75 feet; thence South 69°03'22" East, 1.73 feet; thence South 10°13'34" West, 877.66 feet; thence South 04°56'32" West, 424.72 feet to a point on the East line of Parcel 8 as said Parcel 8 is described in the deed to the Sacramento and San Joaquin

Exhibit 'A'

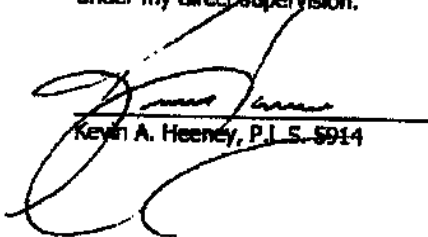
Drainage District recorded in Book 61 of Official Records, Page 76, records of said County; thence along said East line, South 05°01'33" West, 374.05 feet; thence South 03°17'33" West, 965.43 feet; thence South 04°18'33" West, 435.13 feet; thence South 05°01'33" West, 800.31 feet; thence South 02°52'33" West, 400.24 feet; thence South 04°18'39" West, 400.18 feet; thence South 02°01'33" West, 800.47 feet; thence South 00°40'33" West, 223.97 feet; thence South 03°32'48" West, 3.34 feet; thence South 89°44'49" West, 46.00 feet to the corner common to Lots 7, 8, 9 and 10, Block 23 of said "Arboga Colony"; thence along the line common to said Lots 9 and 10, South 00°15'56" East, 509.85 feet; thence leaving said common line, North 00°00'00" East, 2640.03 feet to a point on the East line of said "Naumes" property; thence along said East line, North 00°15'56" West, 521.88 feet to the Point of Beginning, containing 473.62 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.

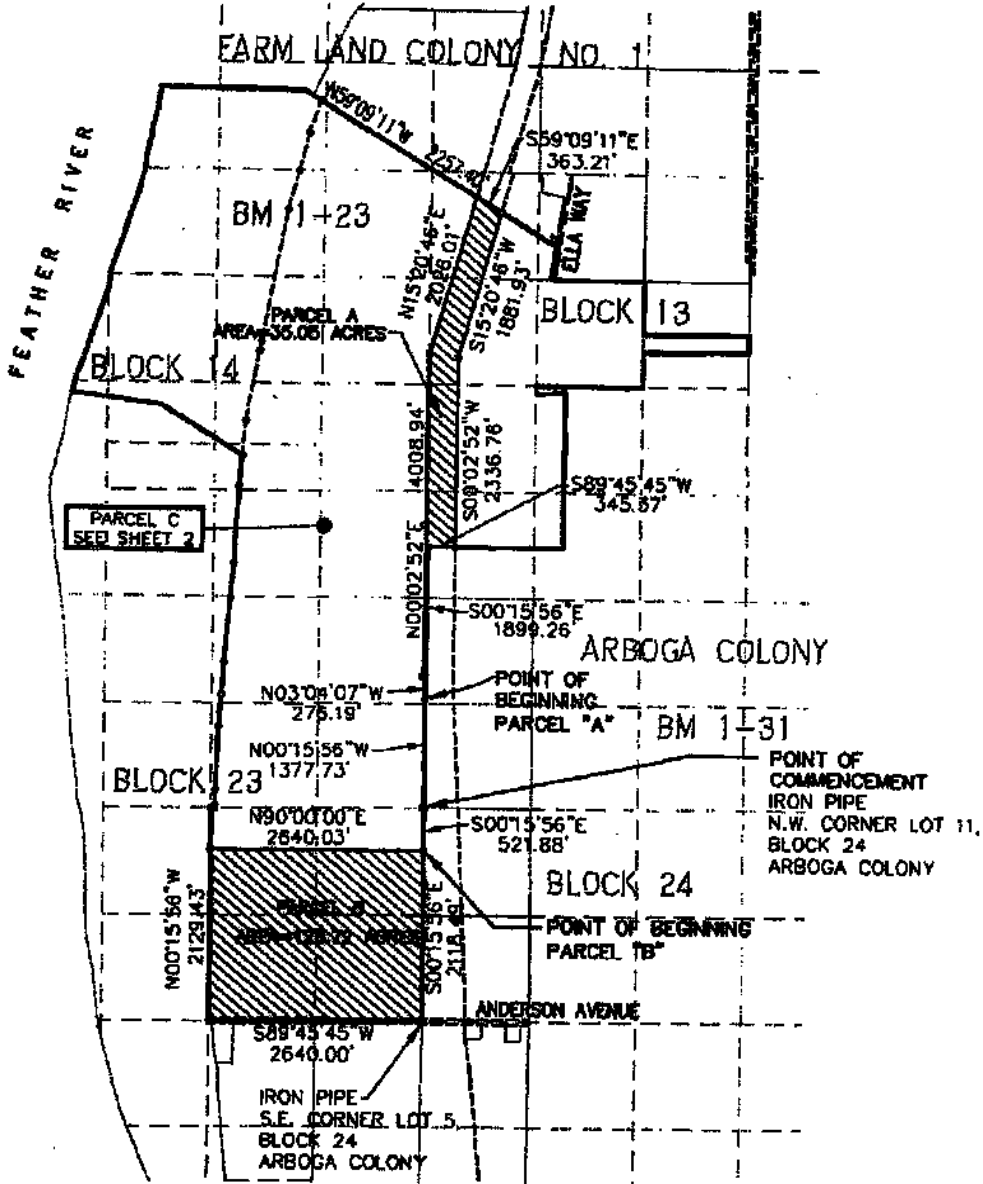
This description has been prepared by me or under my direct supervision.


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

7/31/07
Dated



Exhibit 'B'

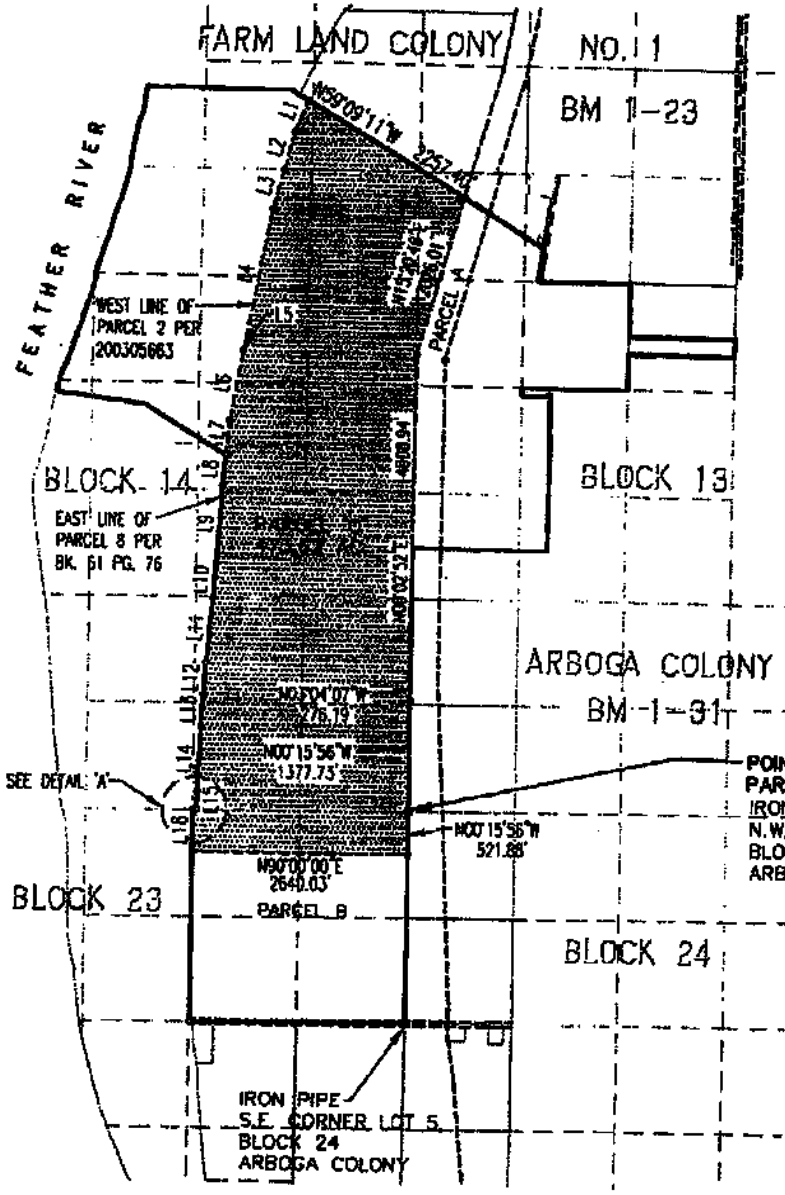


OWNER:	NAUMES
A.P.N.	014-250-027
ACQUISITION AREAS:	
PARCEL 'A'	= 35.05 ACRES
PARCEL 'B'	= 128.72 ACRES
PARCEL 'C'	= 473.62 ACRES
CTA Engineering - Surveying	

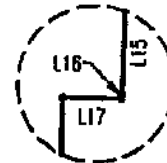
DATE: 03/22/2007	DRAWN BY: JWC	SHEET
SCALE: 1"=2000'	JOB NO. 06-026-002	1 OF 2
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784 SETBACK LEVEE RIGHT OF WAY		
COUNTY OF YUBA	CALIFORNIA	

Exhibit 'B'

NORTH



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S20°10'14"W	418.11'
L2	S14°10'14"W	483.28'
L3	S14°06'14"W	505.75'
L4	S10°28'14"W	1666.75'
L5	S89°03'22"E	1.73'
L6	S10°13'34"W	877.66'
L7	S04°56'32"W	424.72'
L8	S05°01'33"W	374.05'
L9	S03°17'33"W	965.43'
L10	S04°18'33"W	435.13'
L11	S05°01'33"W	800.31'
L12	S02°52'33"W	400.24'
L13	S04°18'39"W	400.18'
L14	S02°01'33"W	800.47'
L15	S00°40'33"W	225.97'
L16	S03°32'48"W	3.34'
L17	S89°44'49"W	46.00'
L18	S00°15'56"E	509.85'



DETAIL 'A'



OWNER: NAUMES
 A.P.N. 014-250-027
 ACQUISITION AREAS:
 PARCEL 'A' = 35.05 ACRES
 PARCEL 'B' = 128.72 ACRES
 PARCEL 'C' = 473.62 ACRES
 CTA Engineering - Surveying

DATE: 03/22/2007 DRAWN BY: J. J.
 SCALE: 1"=2000' JOB NO. 06-008-002 SHEET 2 OF 2
 THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
 PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT
 RECLAMATION DISTRICT 784
 SETBACK LEVEE RIGHT OF WAY
 COUNTY OF YUBA CALIFORNIA

PROOF OF SERVICE

I am employed in the County of Yuba; my business address is 915 Eighth Street, Marysville, California. I am over the age of 18 years and not a party to the foregoing action.

On February 29, 2008, I served the following document:

NOTICE OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY'S INTENT TO ADOPT RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN TO ELEANOR HEROLD, an unmarried woman

by certified mail, return receipt requested on the following party(ies) in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. In the ordinary course of business at the County of Yuba, mail placed in that designated area is given the correct amount of postage and is deposited that same day in a United States mailbox in the City of Marysville, California.

Eleanor Herold
2052 Feather River Boulevard
Olivehurst, CA 95961-9626

Gary Livaich
Desmond Nolan Livaich & Cunningham
1830 15th Street
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on February 29, 2008.

DONNA STOTTLEMEYER
Secretary