

RESOLUTION NO. 08-12

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 016-010-006 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 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 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 attached hereto as Exhibits A-1, and A-2 and accompanying maps attached hereto as Exhibits B-1, B-2 and B-3, 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, B-2, and B-3 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-1

APN 016-010-006 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 Nieschulz, Recorded in Document No. 98010261, Official Records of said County, hereinafter referred to as "Nieschulz property", being a portion of Lots 5 and 12 of Block 31 and Lots 8 and 9 of Block 36, as shown upon that certain map entitled, "Arboga Colony No. 2", filed in the Office of the Recorder in said County and State in Book 2 of Maps at Page 15, situated in the East Half of Section 36, Township 14 North, Range 3 East and in the West Half of Section 31, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

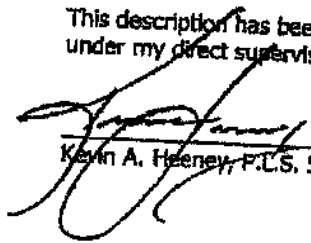
Beginning at a point on the South line of said "Nieschulz" property from which the Southeast corner of said "Nieschulz" property, being a point on the centerline of Feather River Boulevard bears North 88°57'00" East, 358.98 feet; thence along said South line, South 88°57'00" West, 186.81 feet to the Southwest corner of said "Nieschulz" property; thence along the West line of said "Nieschulz" property, North 64°23'12" East, 87.21 feet; thence North 05°30'00" West, 500.00 feet; thence North 15°30'00" West, 300.00 feet; thence North 42°30'00" West, 600.00 feet; thence North 23°00'00" West, 233.84 feet to the Northwest corner of said "Nieschulz" property; thence along the North line of said "Nieschulz" property, North 89°45'45" East, 27.82 feet; thence leaving said North line, South 27°51'54" East, 298.26 feet; thence South 39°57'52" East, 40.60 feet; thence South 28°13'21" East, 44.53 feet; thence South 47°37'07" East, 217.98 feet; thence South 42°23'41" East, 141.72 feet; thence along the arc of a curve concave to the Southwest, having a radius of 320.14 feet, the chord of which bears South 27°49'17" East, 154.50 feet; thence South 12°42'04" East, 474.77 feet; thence along the arc of a curve concave to the Southwest, having a radius of 772.64 feet, the chord of which bears South 21°35'00" East, 175.06 feet to a point of compound curvature; thence along the arc of a curve to the right, having a radius of 1020.21 feet and being subtended by a chord bearing South 09°14'34" East, 130.12 feet; thence South 06°02'29" East, 2.16 feet to the Point of Beginning; containing an area of 64,591 square feet or 1.48 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. Heaney, P.L.S. 5914

12-20-07
Dated:



EXHIBIT A-2

APN 016-010-006 LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

All that Real property situated in the County of Yuba, State of California, being a portion of Real property conveyed by deed to Nieschulz, Recorded in Document No. 98010261, Official Records of said County, hereinafter referred to as "Nieschulz property", being a portion of Lots 5 and 12 of Block 31 and Lots 8 and 9 of Block 36, as shown upon that certain map entitled, "Arboga Colony No. 2", filed in the Office of the Recorder in said County and State in Book 2 of Maps at Page 15, situated in the East Half of Section 36, Township 14 North, Range 3 East and in the West Half of Section 31, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

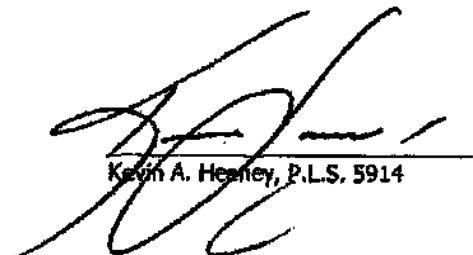
Commencing at the Southeast corner of said "Nieschulz property", being a point on the centerline of Feather River Road; thence along the South line of said "Nieschulz property", South 88°57'00" West, 30.04 feet to a point on the West line of Feather River Road; thence leaving the South line of said "Nieschulz property" along the West line of Feather River Road, North 01°57'00" East, 16.35 feet to the Point of Beginning; thence South 85°02'53" West, 113.44 feet; thence South 87°32'49" West, 101.41 feet; thence South 87°13'30" West, 94.87 feet; thence along the arc of a curve, concave to the Southwest, having a radius of 800.00 feet, the chord of which bears North 05°58'09" West, 15.02 feet; thence North 87°13'30" East, 95.75 feet; thence North 87°32'52" East, 101.10 feet; thence North 85°02'53" East, 114.96 feet to a point on the West line of Feather River Road; thence along the West line of said Feather River Road, South 01°57'00" West, 15.11 feet to the Point of Beginning, containing an area of 4,661 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.

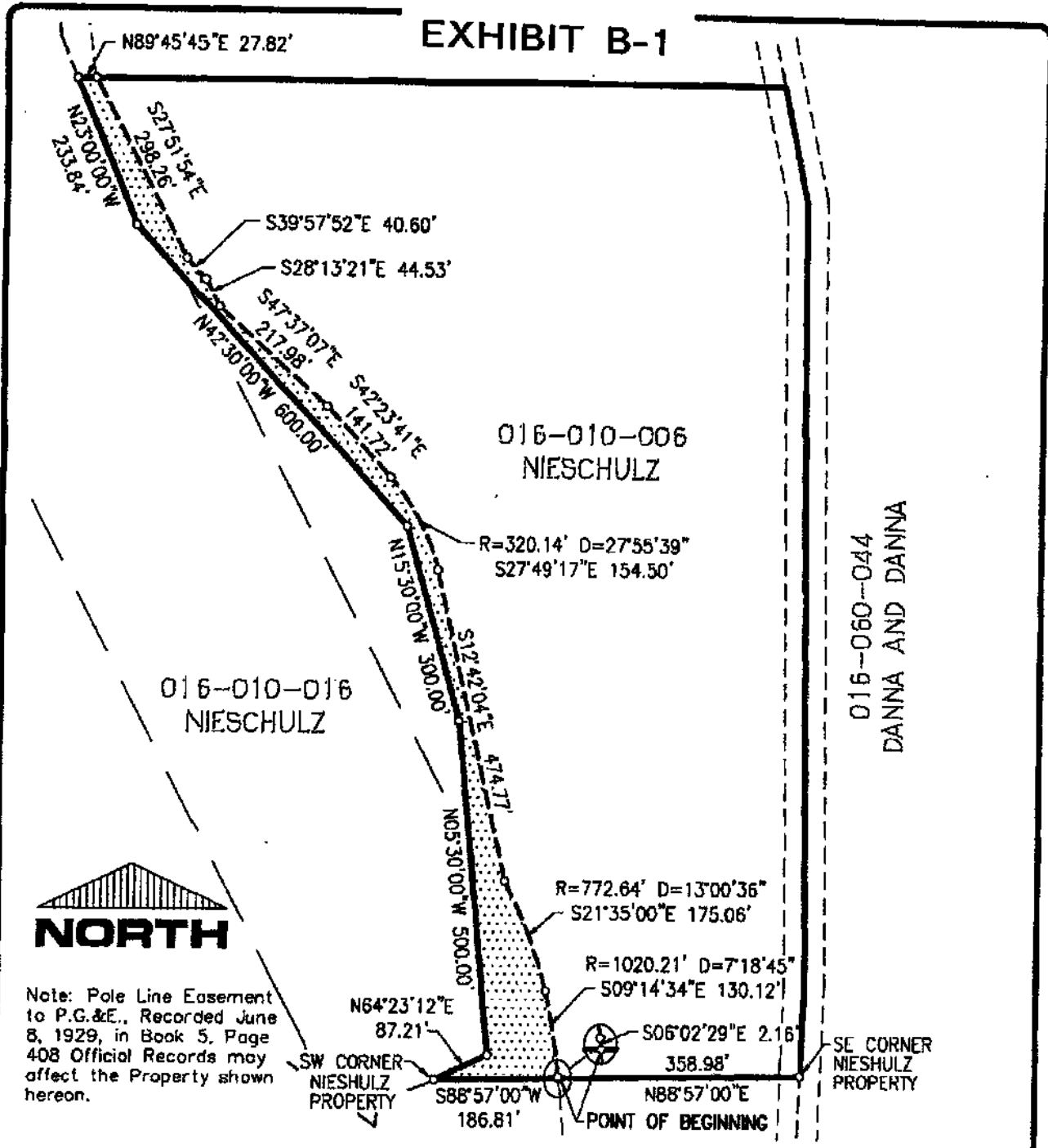
This description has been prepared by me or under my direct supervision.


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

10-19-07
Dated:



EXHIBIT B-1



Note: Pole Line Easement to P.G.&E., Recorded June 8, 1929, in Book 5, Page 408 Official Records may affect the Property shown hereon.



OWNER: NIESCHULZ

APN: 016-010-006

ACQUISITION AREAS:
FEE TITLE ACQUISITION=84,591 SQ. FT.
OR 1.48 ACRES

CTA Engineering · Surveying

DATE: 01/15/2008 DRAWN BY: JMG SHEET 1 OF 1

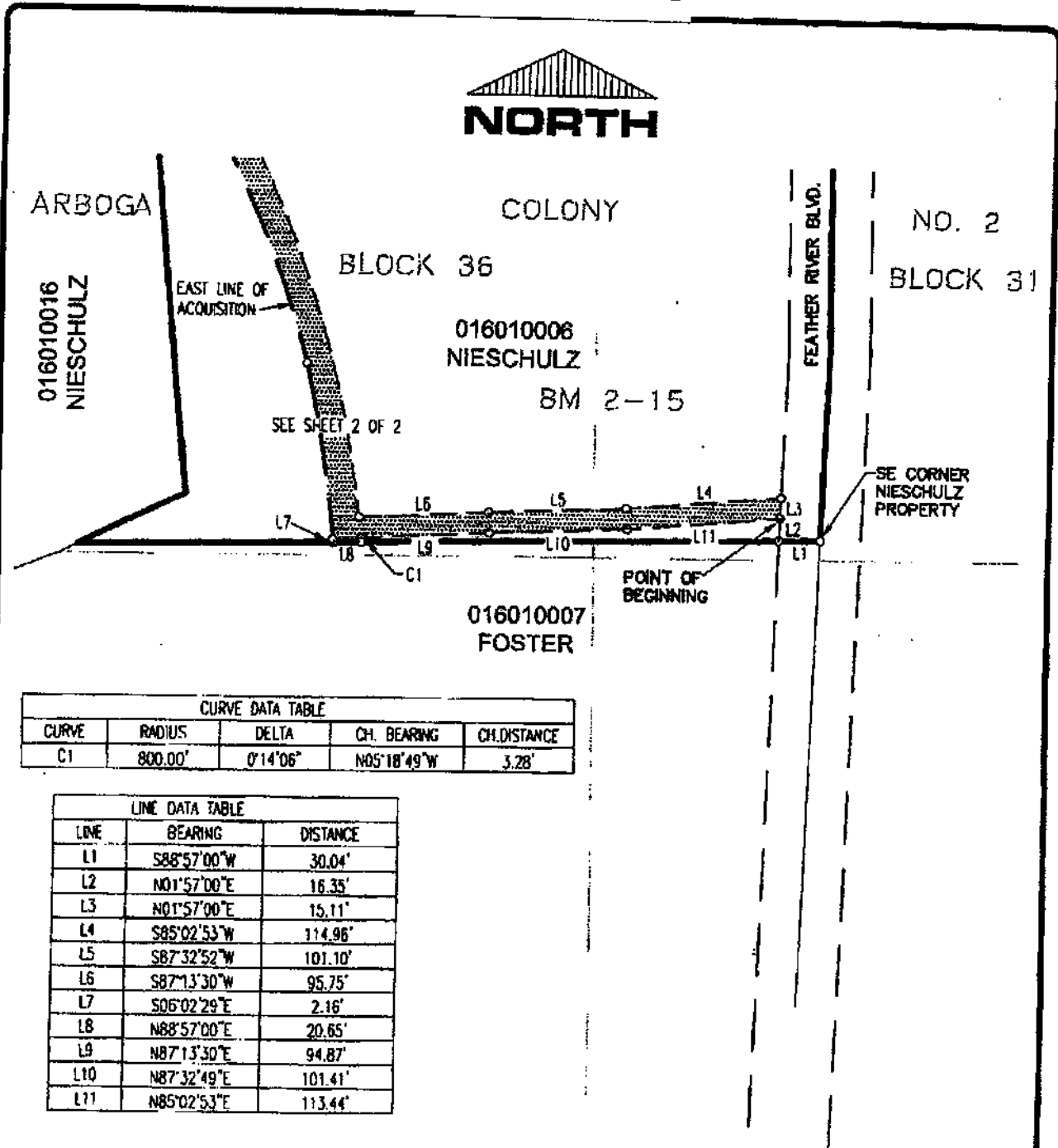
SCALE: 1"=200' JOB NO. 06-008-002

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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

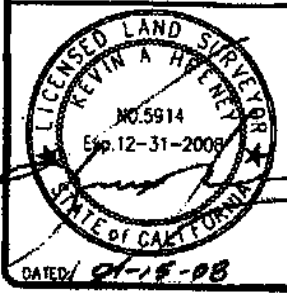
COUNTY OF YUBA CALIFORNIA

EXHIBIT B-2



CURVE	RADIUS	DELTA	CH. BEARING	CH. DISTANCE
C1	800.00'	0°14'06"	N05°18'49"W	3.28'

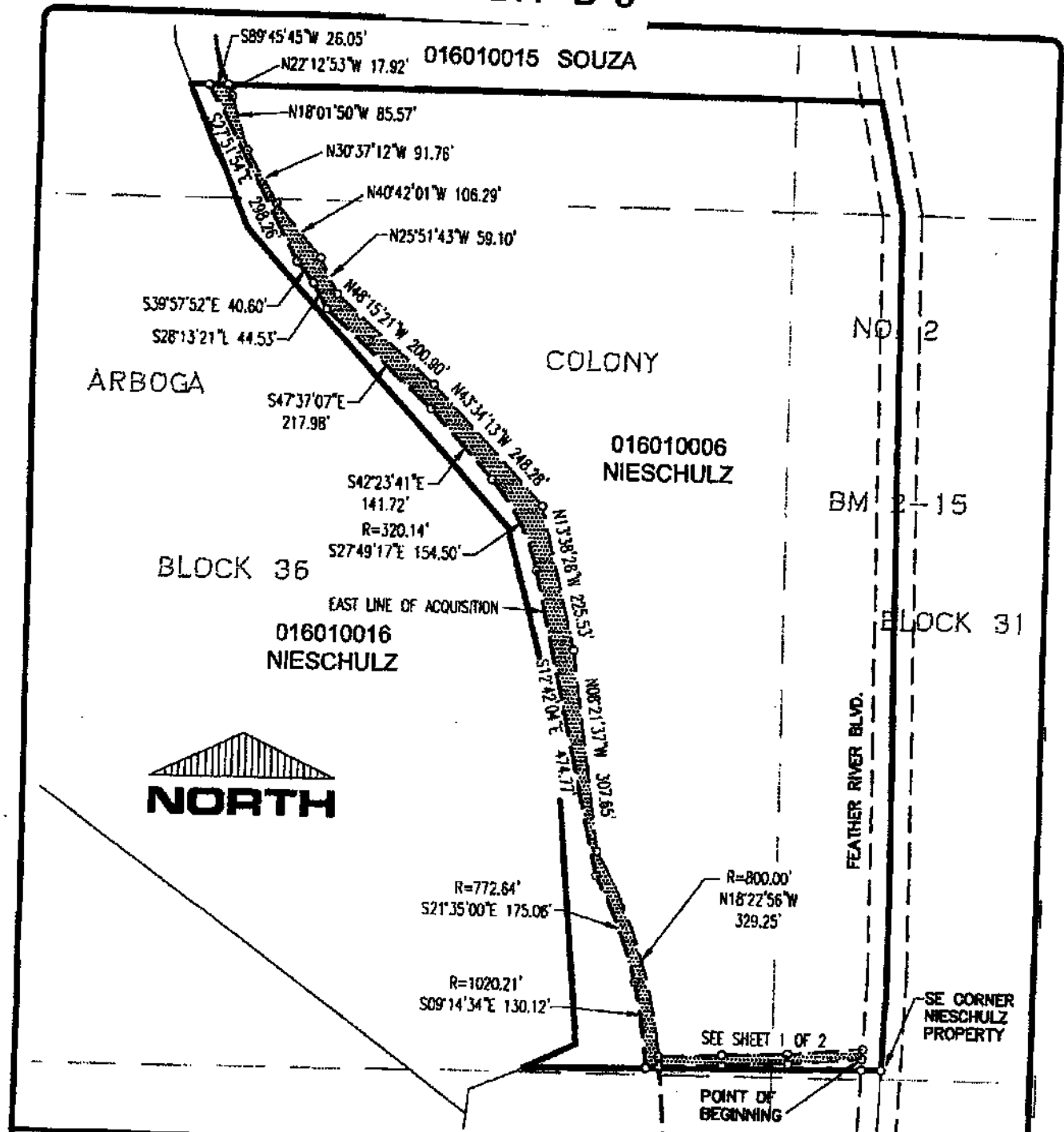
LINE	BEARING	DISTANCE
L1	S88°57'00"W	30.04'
L2	N01°57'00"E	16.33'
L3	N01°57'00"E	15.11'
L4	S85°02'53"W	114.96'
L5	S87°32'52"W	101.10'
L6	S87°13'30"W	95.75'
L7	S06°02'29"E	2.16'
L8	N88°57'00"E	20.65'
L9	N87°13'30"E	94.87'
L10	N87°32'49"E	101.41'
L11	N85°02'53"E	113.44'



OWNER: NIESCHULZ
 A.P.N. 016-010-006
 ACQUISITION AREAS:
 TEMPORARY CONSTRUCTION EASEMENT
 1.014 AC.
 CTA Engineering • Surveying

DATE: 01/15/2008 DRAWN BY: KAH SHEET 1 OF 2
 SCALE: 1"=100' JOB NO. 06-008-002
 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-3



OWNER:	NIESCHULZ
A.P.N.	016-010-006
ACQUISITION AREAS:	TEMPORARY CONSTRUCTION EASEMENT 1.014 AC.
	CTA Engineering - Surveying

DATE:	01/15/2008	DRAWN BY:	KAH	SHEET	2
SCALE:	1"=200'	JOB NO.	06-008-002	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		