

RESOLUTION NO. 08-13

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 016-010-016 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 Exhibit A 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, 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 18<sup>th</sup> 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**

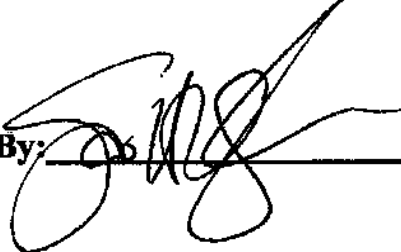
By:   
\_\_\_\_\_

Exhibit 'A'

**APN 016-010-016  
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 Susanna M. Nieschulz, Recorded In Document No. 98010261 Official Records of said County, hereinafter referred to as "Nieschulz" property, being a portion of 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 Section and 36 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

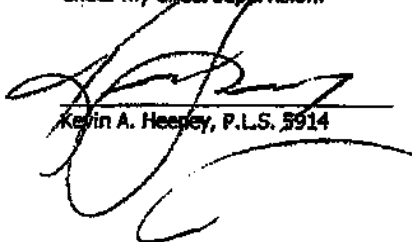
Beginning at a point on the North line of Lot 7, Block 36 of said Arboga Colony No. 2, being North 89°45'45" East 206.08 feet from the Northwest corner of said Lot 7; thence North 89°45'45" 128.91 feet; thence North 21°04'56" West 561.54 feet; thence North 89°49'04" East 751.85 feet; thence South 27°08'34" East 889.33 feet; thence North 89°50'48" East 345.65 feet; thence South 00°10'56" East 46.15 feet; thence North 89°49'04" East 196.78 feet; thence South 23°10'00" West 406.32 feet; thence South 04°00'00" East 400.00 feet; thence South 23°00'00" East 300.00 feet; thence South 42°30'00" East 600.00 feet; thence South 15°30'00" East 300.00 feet; thence South 05°30'00" East 500.00 feet; thence South 64°23'12" West 102.96 feet; thence South 05°33'15" West 37.51 feet; thence North 53°30'00" West 970.00 feet; thence North 25°00'00" West 680.00 feet; thence North 45°00'00" West 700.00 feet; thence North 62°00'00" West 650.00 feet; thence North 12°30'00" East 720.00 feet to the Point of Beginning; containing an area of 3,137,447 Square Feet or 72.03 acres, more or less.

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

**End of description**

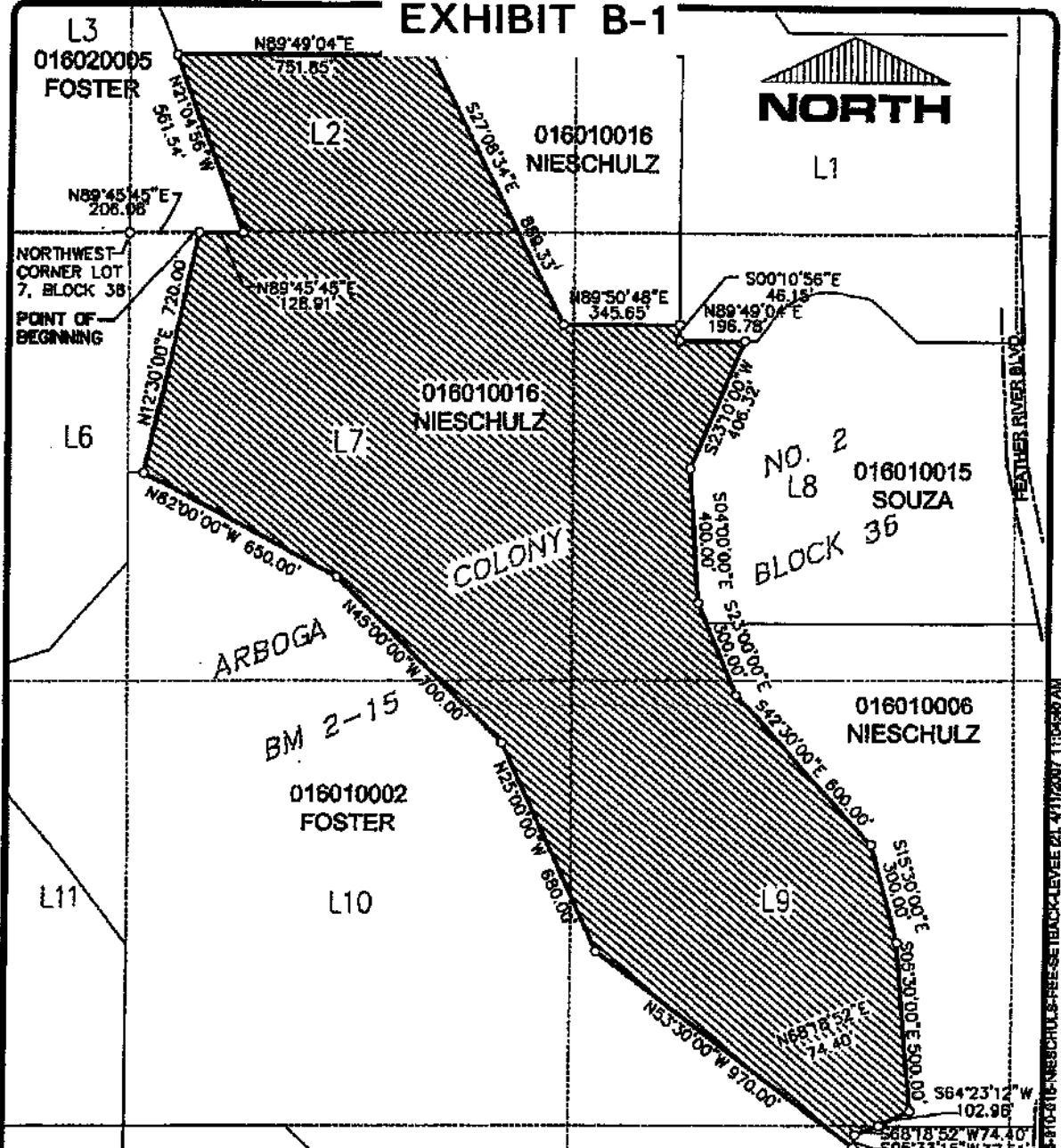
The Basis of Bearings for this description is the California Coordinate System Zone 2.

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

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



# EXHIBIT B-1



OWNER: SUSANNA NIESCHULZ

APN 016-010-016

ACQUISITION AREAS:  
 FEE TITLE ACQUISITION=3,137,447 SQ. FT.  
 OR 72.03 ACRES

CTA Engineering - Surveying

DATE: 04/11/2007    DRAWN BY: JNG    SHEET 1 OF 1

SCALE: 1"=1000'    JOB NO. 06-066-002

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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

COUNTY OF YUBA    CALIFORNIA

MAPS-CORPORATION, INC. 15150 W. 14TH AVENUE, SUITE 100, DENVER, CO 80202-1100

# EXHIBIT B-2



016020005  
FOSTER

016010016  
NIESHULZ

016010016  
NIESHULZ

NO. 2  
016010015  
SOUZA  
BLOCK 36

ARBOGA

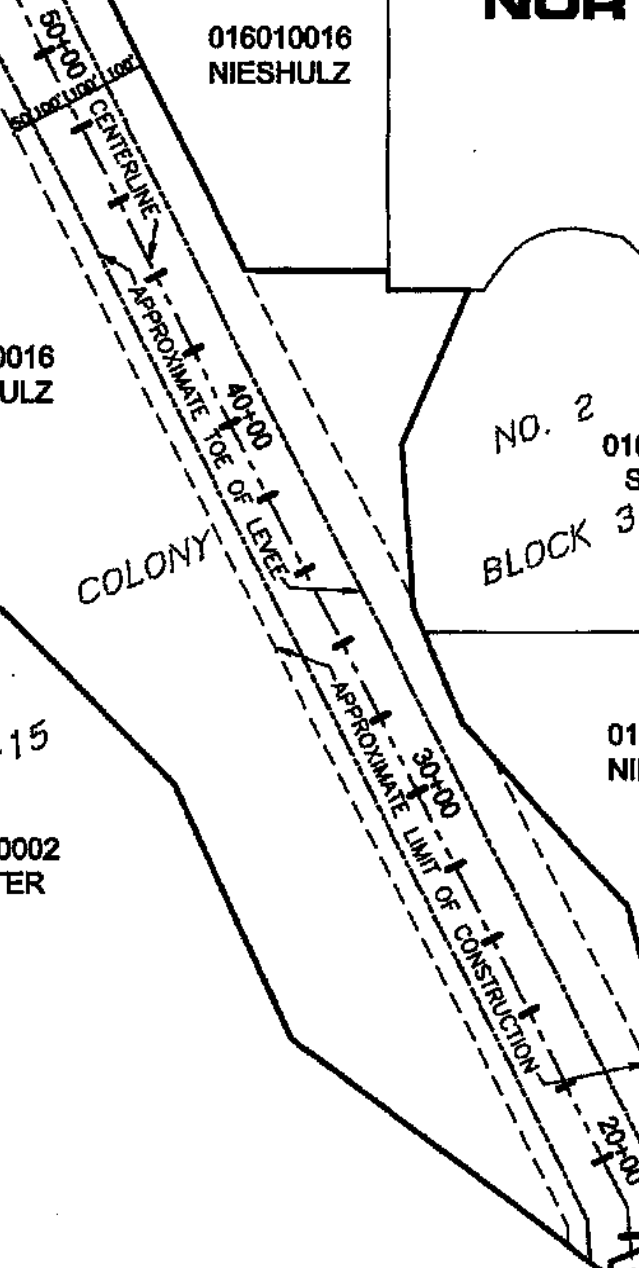
BM 2-15

016010002  
FOSTER

016010006  
NIESHULZ

FEATHER RIVER BLVD.

COLONY



OWNER: SUSANNA NIESCHULZ

A.P.N. 016-010-016

APPROXIMATE CONSTRUCTION LIMITS  
AND APPROXIMATE TOE OF LEVEE

 CTA Engineering - Surveying

DATE: 04/10/2007 DRAWN BY: JMG  
SCALE: 1"=1000' JOB NO. 06-006-002  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

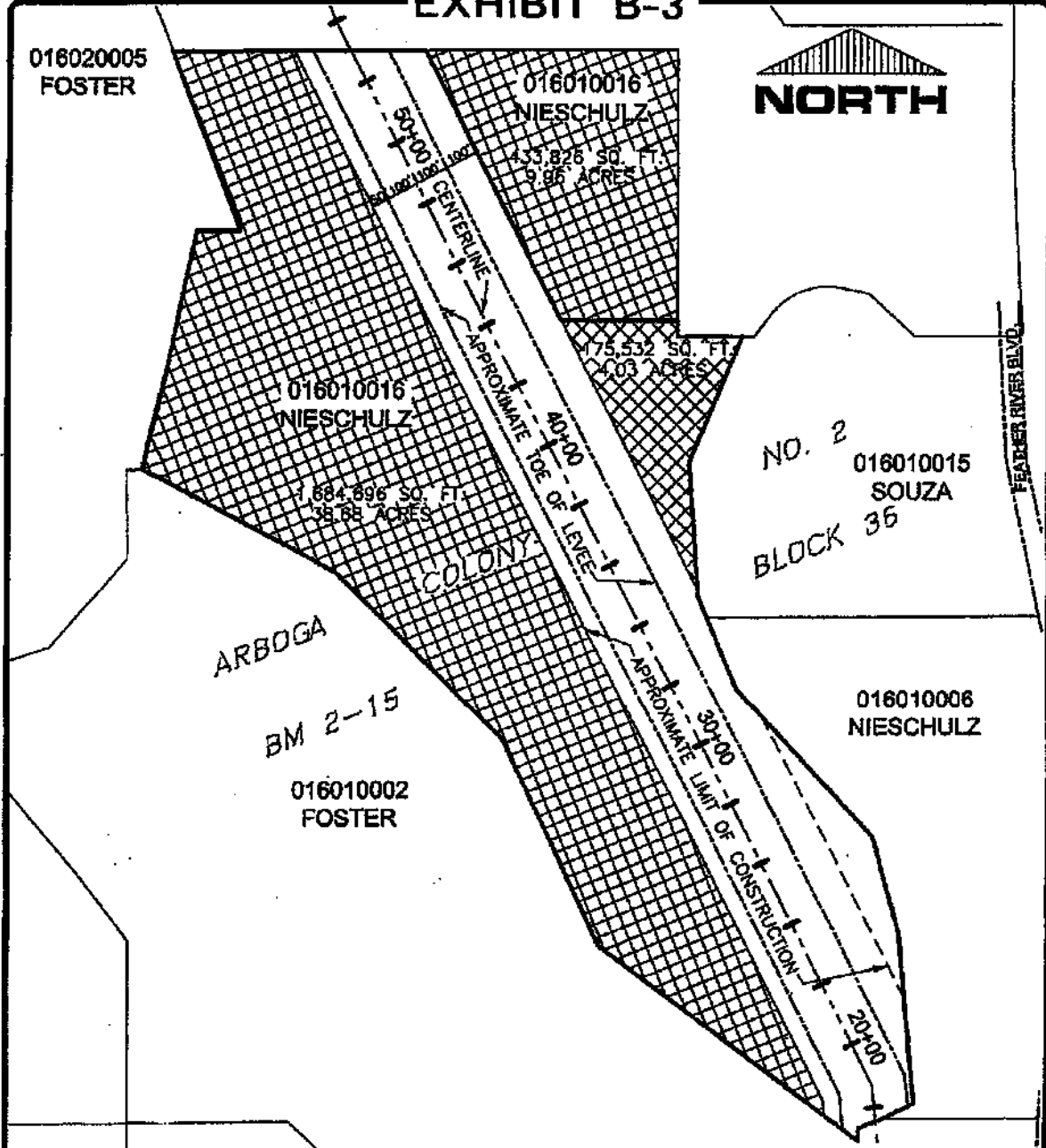
SHEET 1 OF 1

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

COUNTY OF YUBA CALIFORNIA

MAPS-006-002-016-CA18P-CATB.dwg APPN-016-010-016-NIESCHULZ-APPN-TOE 4/10/2007 12:16:38 PM

**EXHIBIT B-3**



MAP 06-006-002 PLATS 1 & 2, A.P.N. 016-010-016 NIESCHULZ-REMANENS, 47' WADY TUBERTY A.M.