

RESOLUTION NO. 08-16

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. 016-010-002, 016-010-007, 016-020-005, 014-370-029 and 014-370-030 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, A-2, and A-3 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, A-3, 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**

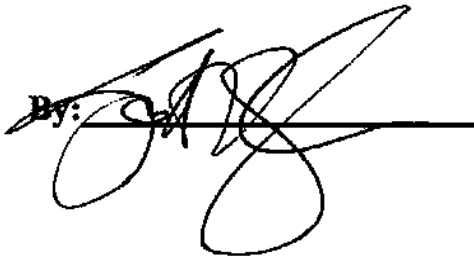
By: 

EXHIBIT A-1

APN 016-010-002 & 007 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 Foster Ranch Limited Partnership, Recorded in Document No. 97013443 Official Records of said County, hereinafter referred to as "Foster" 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 Sections 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 Westerly line of said "Foster property", being the corner common to lots 10,11,14 and 15, Block 36 of said Arboga Colony No. 2, also being the Southeast corner of Parcel 16 of that Certain Real property conveyed by deed to Sacramento San Joaquin Drainage District, Recorded in Book 61, Page 76, said Official Records, hereinafter referred to as "SSJDD property"; thence along the Easterly line of Parcel 16 of said SSJDD property, also being the line common to said Lots 10 and 11, North 00°15'56" West 536.70 feet; thence leaving the West line of said Lot 11 and continuing along the Easterly line of said "SSJDD property" the following courses, North 36°36'56" West 247.28 feet; thence North 39°37'56" West 500.66 feet; thence North 34°16'56" West 202.40 feet; thence North 62°59'10" East 65.69 feet; thence North 70°33'27" East 103.73 feet; thence North 73°00'00" East 200.00 feet; thence North 41°00'00" East 350.00 feet to a point on the line common to Lots 6 and 7, Block 36; thence along said common line North 00°37'35" West 262.92 feet to the Northwest corner of said "Foster property" thence leaving said common line along the North and Easterly line of said "Foster property" the following courses, North 90°00'00" East 46.99 feet; thence South 62°00'00" East 650.00 feet; thence South 45°00'00" East 700.00 feet; thence South 25°00'00" East 680.00 feet; thence South 53°30'00" East 970.00 feet; thence North 05°33'15" East 37.51 feet; thence North 68°18'52" East 74.40 feet to a point on the line common to lots 9 and 16, said Block 36; thence North 64°23'12" East, 15.76 feet to a point on the North line of said "Foster" property; thence along said North line North 88°57'00" East 186.81 feet; thence leaving said common line South 06°02'29" East, 34.04 feet; thence South 05°24'18" East, 432.89 feet; thence South 03°39'25" East, 74.39 feet; thence South 05°34'46" East, 66.81 feet; thence South 06°50'06" West, 95.71 feet to a point on the Southerly line of said "Foster" property; thence along said Southerly line, South 89°45'45" West, 48.07 feet; thence South 00°14'15" East, 329.80 feet; thence North 89°45'45" East, 57.11 feet; thence leaving said Southerly line, South 04°54'53" East, 199.59 feet to a point on the Southerly line of said "Foster" property; thence along said Southerly line, South 89°45'45" West, 189.78 feet; thence South 01°57'00" West, 100.00 feet to the most Southerly, Southeast corner of said "Foster" property, being a point on the South line of said Lot 16; thence along the South line of said "Foster" property and along the South line of Lot 16 South 89°45'45" West 446.66 feet to the Southwest corner of said "Foster" property; thence leaving the South line of said Lot 16 along the Westerly line of said "Foster" property the following courses, North 49°44'15" West 293.61 feet; thence North 50°02'58" West 437.15 feet to a point on the East line of Parcel 15 of said "SSJDD" property and being a point on the line common to said Lots 15 and 16; thence along the East line of said Parcel 15 and along said common line North 00°15'56"

Page 1 of 2

EXHIBIT A-1

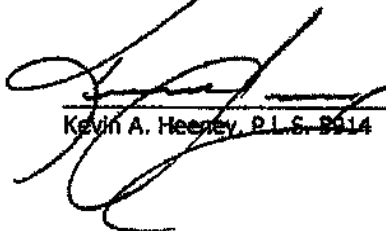
West 48.43 feet; thence leaving said common line along the Westerly line of said "Foster" property the following courses. North 49°21'15" West 161.67 feet; thence North 45°40'37" West 50.20 feet; thence North 46°23'24" West 949.50 feet to a point on the North line of said Parcel 15 and being a point on the line common to said Lots 10 and 15; thence along the North line of said Parcel 15 and along said common line South 89°45'45" West 477.63 feet to the Point of Beginning; containing an area of 4,219,819 square feet or 96.87 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. Heenev, P.L.S. 9914

12-20-07
Dated



EXHIBIT A-2

APN 016-020-005 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 Gregory L. Foster and Mary Ann Foster, Recorded in Document No. 97013446 Official Records of said County, hereinafter referred to as "Foster" 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 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 Sections 25 and 36 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing at an Iron Pipe marking the Northwest corner of Lot 11, Block 25 of said "Arboga Colony"; thence North 89°45'45" East 95.00 feet; thence South 04°39'15" East 380.00 feet; thence South 26°16'15" East 525.00 feet; thence South 07°04'42" East 300.52 feet to the **Point of Beginning**; thence North 89°26'46" East 454.45 feet; thence South 28°34'11" East 138.43 feet; thence South 67°55'56" East 421.02 feet; thence South 24°24'23" East 50.27 feet; thence South 00°15'56" East 130.30 feet; thence North 89°45'45" East 58.41 feet; thence South 24°24'23" East 1862.44 feet; thence South 27°08'34" East 148.56 feet to a point on the Southerly line of said "Foster" property, said point hereinafter referred to as Point 'A'; thence South 89°49'04" West 751.85 feet; thence South 21°04'56" East 561.54 feet; thence South 89°45'45" West 128.91 feet; thence South 12°30'00" West 721.28 feet; thence North 90°00'00" West 46.70 feet; thence South 00°37'35" East 261.67 feet; thence South 41°00'00" West 350.00 feet; thence South 73°00'00" West 200.00 feet; thence South 70°33'27" West 103.73 feet; thence South 62°59'10" West 65.69 feet; thence North 34°14'44" West 35.70 feet; thence North 33°57'56" West 252.98 feet; thence North 35°11'56" West 266.44 feet; thence North 34°35'47" West 219.24 feet; thence North 19°02'00" West 226.26 feet; thence North 33°23'00" West 277.92 feet; thence North 14°41'00" West 191.76 feet; thence North 11°46'40" West 79.25 feet; thence South 89°49'12" West 17.90 feet; thence North 00°14'40" West 108.90 feet; thence North 10°30'07" West 298.56 feet; thence North 15°13'00" West 293.73 feet; thence North 26°28'30" West 330.21 feet; thence North 32°16'39" West 398.01 feet; thence North 89°45'45" East 485.19 feet; thence North 00°14'50" West 337.65 feet; thence North 89°44'04" East 892.79 feet; thence North 20°28'56" West 196.00 feet; thence North 29°24'56" West 133.00 feet; thence North 18°31'56" West 379.20 feet; thence North 48°35'56" West 194.50 feet; thence North 16°29'56" West 378.80 feet to the **Point of Beginning**; containing an area of 5,437,399 Square Feet or 124.83 acres, more or less.

Together with:

Commencing at the aforementioned Point 'A'; thence along the Southerly line of said "Foster" property, North 89°49'04" East, 748.85 feet to an angle point in said Southerly line; thence South 00°10'56" East, 839.00 feet to an angle point in said Southerly line, also being the **Point of Beginning**; thence along the Southerly line of said "Foster" property, North 89°49'04" East, 232.55 feet; thence North 37°15'44" East, 1.01 feet; thence leaving said Southerly line North 55°45'31" West, 60.65 feet; thence North 86°30'24" West, 172.32 feet; thence South 89°50'48" West, 11.17 feet to a point on the Southerly line of said "Foster" property; thence along said Southerly line, South 00°10'56" East, 46.15 feet to the **Point of Beginning**, containing an area of 0.193 acres, more or less.

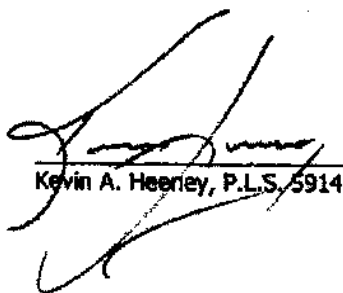
See Exhibit B attached hereto and made a part of this description.

EXHIBIT A-2

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. Heerley, P.L.S. 5914

9-10-07
Date



LEGAL DESCRIPTION

EXHIBIT A-3

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF YUBA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel One:

All that certain real property situate in the County of Yuba, State of California, described as follows:

Portion of Lots 11 and 14, in Block 25, as shown upon the map entitled, "Arboga Colony", on file in the office of the County Recorder of the County of Yuba, State of California, and more particularly described as follows:

Beginning at the intersection of the North line of said Lot 11, with the East line of drain canal, said point being 1225.0 feet West of the Northeast corner of said lot; thence along said East line South 4° 25' East 380.00 feet; thence South 26° 02' East 525.0 feet; South 6° 51' East 298.00 feet; South 16° 14' East 378.0 feet; South 48° 20' East 194.50 feet; South 18° 16' East 379.20 feet; South 29° 09' East 133.0 feet; South 20° 13' East 196.0 feet; thence leaving said drain canal West and parallel with South line of said Lot 14, a distance of 693.9 feet, more or less, to the West line of said Lot 14; thence North along the West line of said Lots 14 and 11, a distance of 2390.30 feet, more or less, to the Northwest corner of Lot 11; thence East along North line of said Lot, 95.0 feet to beginning.

Parcel Two:

Portion of Lot 13, in Block 25, as shown upon the map entitled, "Arboga Colony", filed in the office of the County Recorder of the County of Yuba, State of California in Book 1 of Maps, Page 31, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 13, thence West along the South line of said lot, 602 feet; thence North 31° 55' 30" West 171.1 feet; thence North 31° 27' West 266.8 feet; thence North 37° 27' West 279.18 feet; thence East 1002.18 feet to the East line of said lot; thence South 594.47 feet to the point of beginning.

Parcel Three:

Portion of Lot 13, in Block 25, and portion of Lot 16, in Block 26, as shown upon the map entitled, "Arboga Colony", filed in the office of the County Recorder of the County of Yuba, State of California, in Book 1 of Maps, Page 31, and more particularly described as follows:

Beginning on the East line of said Lot 13 at a point 320.7 feet South of the Northeast corner of said Lot 13; thence West 1335.61 feet; thence South 39° 51' East 453.8 feet; thence South 37° 27' East 71.12 feet; thence East 1002.13 feet to the East line of said lot; thence North 404.14 feet to the point of beginning.

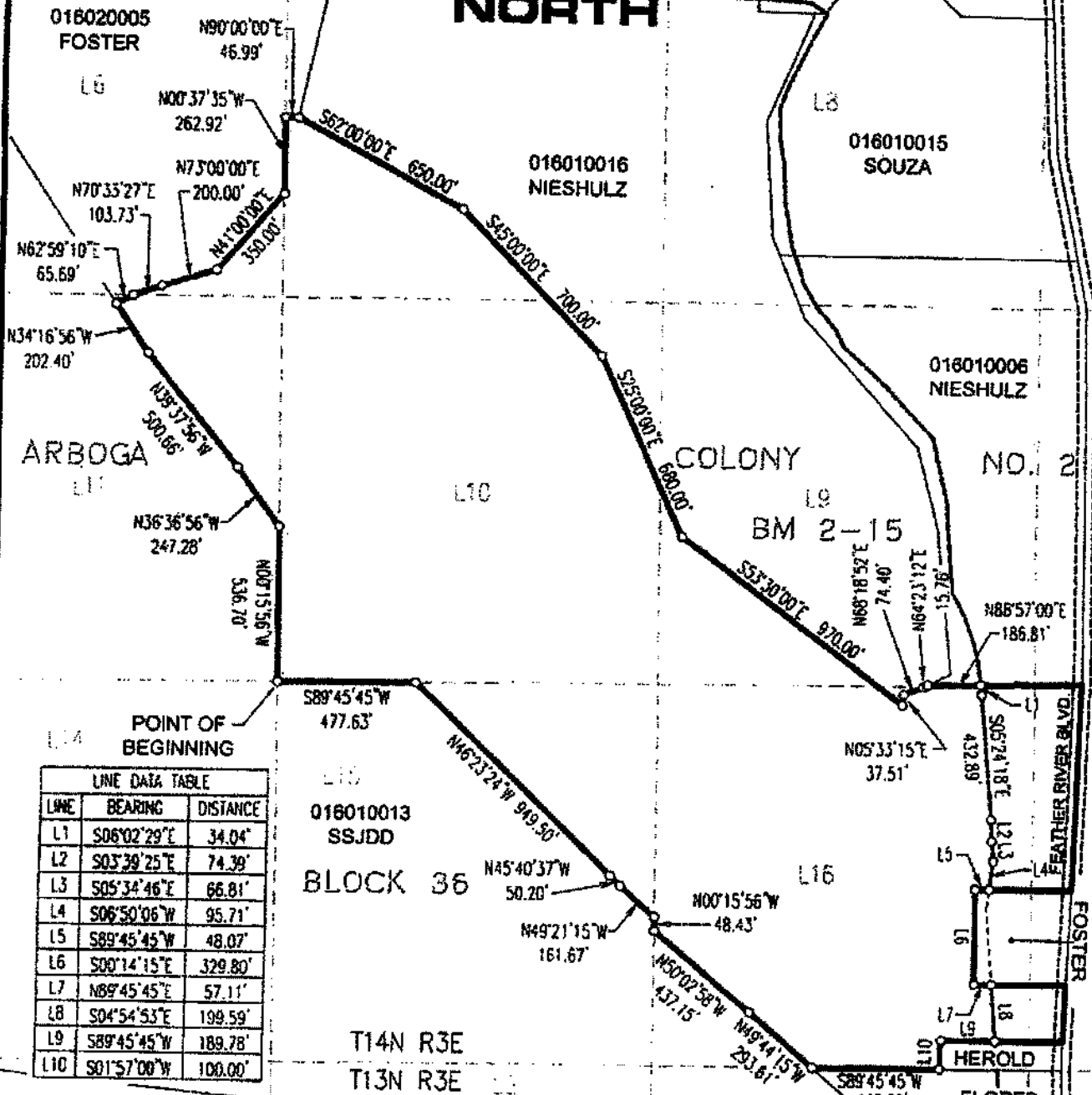
Parcel Four:

Portion of Lot 13, in Block 25, and portion of Lot 16, in Block 26, as shown upon the map entitled, "Arboga Colony", filed in the office of the County Recorder of the County of Yuba, State of California, in Book 1 of Maps, page 31, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 13; thence West along the North lines of said Lots 13 and 16, a distance of 1594.72 feet; thence South 40° 44' 30" East 47.4 feet; thence 37° 50' East 209.4 feet (which was erroneously described in the Deed to Robert Anderson recorded April 23, 1912 in Volume 63 of Deeds, Page 1 as South 37° 50' West a distance of 209.4 feet; thence South 39° 51' East 155.6 feet (which was erroneously described in the Deed to said Anderson, as South 39° 51' West 155.6 feet); thence East 1335.61 feet; thence North 320.7 feet to the point of beginning.

APN: 014-370-029 & 030

EXHIBIT B-1



POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S06°02'29"E	34.04'
L2	S03°39'25"E	74.39'
L3	S05°34'46"E	66.81'
L4	S06°50'06"W	95.71'
L5	S89°45'45"W	48.07'
L6	S00°14'15"E	329.80'
L7	N89°45'45"E	57.11'
L8	S04°54'53"E	199.59'
L9	S89°45'45"W	189.78'
L10	S01°57'00"W	100.00'



OWNER: FOSTER RANCH LIMITED PARTNERSHIP
 A.P.N. 016-010-002, 007..

ACQUISITION AREAS:
 FEE TITLE ACQUISITION=4,219,819 SQ. FT.
 OR 96.87 ACRES

CTA Engineering - Surveying

DATE: 08/03/2007 DRAWN BY: KAH SHEET 1 OF 1
 SCALE: 1"=500' JOB NO. 06-008-002
 THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

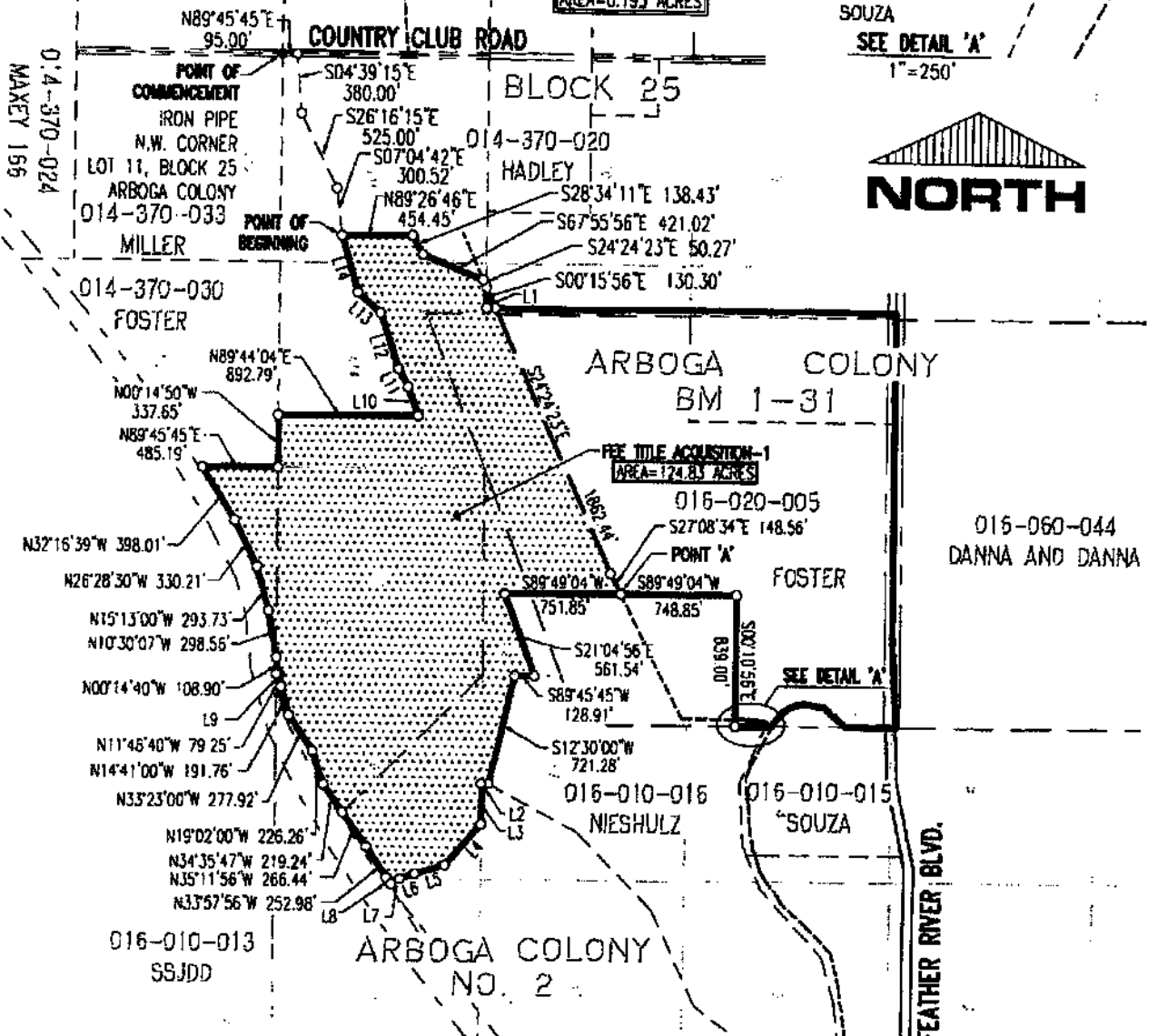
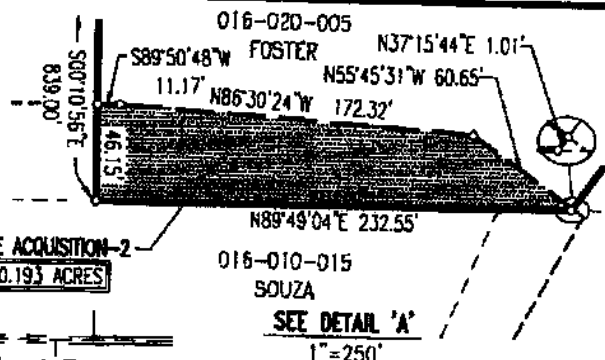
PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT
 RECLAMATION DISTRICT 784
 SETBACK LEVEE RIGHT OF WAY

COUNTY OF YUBA CALIFORNIA

EXHIBIT B-2

LINE	BEARING	LENGTH
L1	N89°45'45"E	58.41'
L2	N90°00'00"W	46.70'
L3	S00°37'35"E	261.67'
L4	S41°00'00"W	350.00'
L5	S73°00'00"W	200.00'
L6	S79°33'27"W	103.73'
L7	S62°59'10"W	65.69'

LINE	BEARING	LENGTH
L8	N34°14'44"W	35.70'
L9	S89°49'12"W	17.90'
L10	N29°28'56"W	196.00'
L11	N29°24'56"W	133.00'
L12	N18°31'56"W	379.20'
L13	N48°35'56"W	194.50'
L14	N16°29'56"W	378.80'



OWNER: GREGORY L. AND MARY ANN FOSTER
 A.P.N. 016-020-005
 ACQUISITION AREAS:
 FEE TITLE ACQUISITION=5,445,797 SQ. FT.
 OR 125.02 ACRES

DATE: 08-24-07 DRAWN BY: JCC SHEET 1 OF 1
 SCALE: 1"=1000' 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

DATE: 9-10-07

CTA Engineering • Surveying

COUNTY OF YUBA STATE OF CALIFORNIA

14-37

Tax Area Codes
64-347
64-145

BLOCK 25, 26, ARBOGA COLONY

NOTE: This map was prepared for assessment purposes only and is not intended to illustrate legal building sites or establish precedents over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

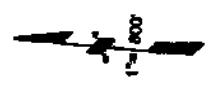
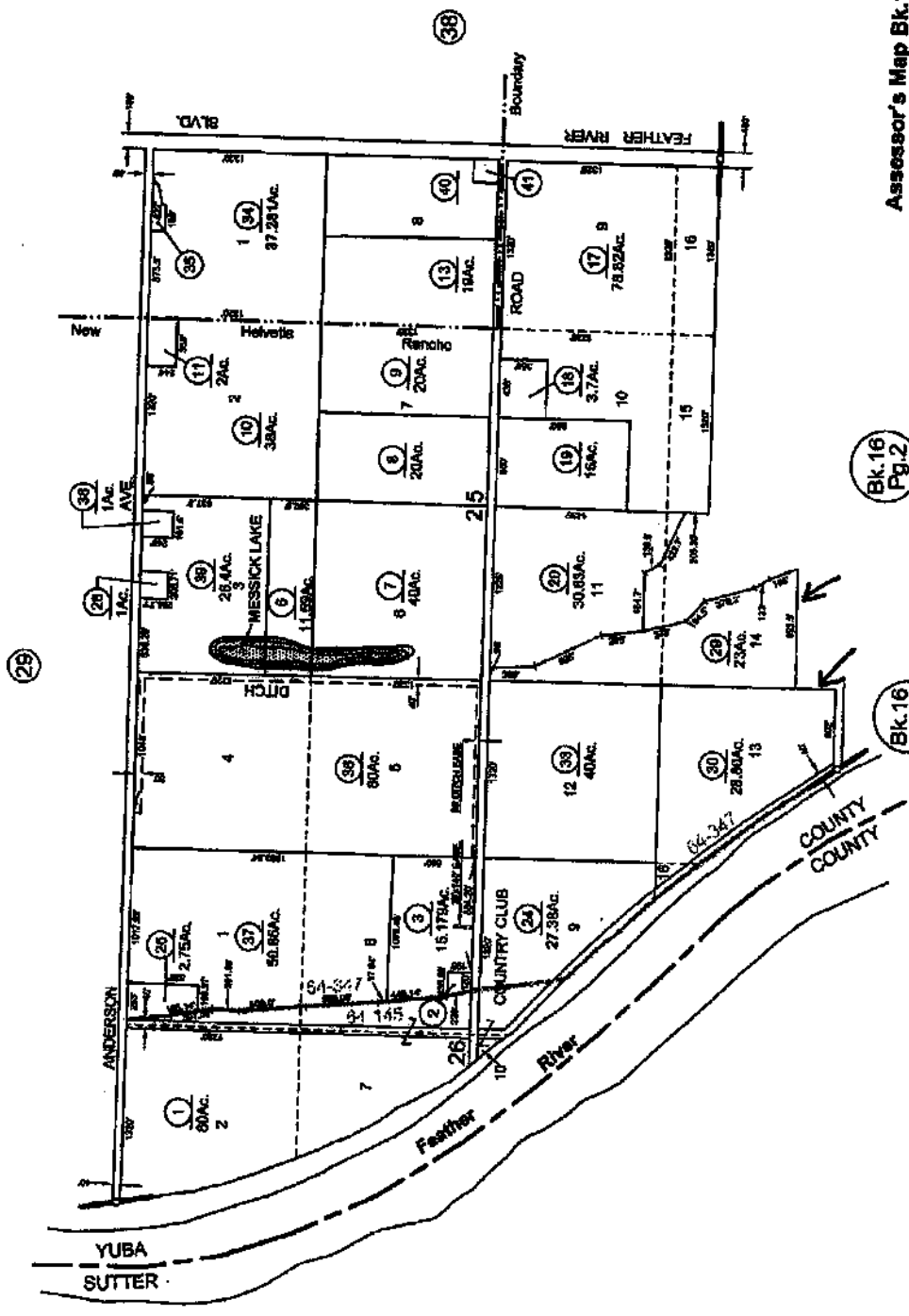


EXHIBIT B-3



Assessor's Map Bk. 14, Pg. 37
County of Yuba, Calif.

04807

1987 1:1 2007

Bk. 16
Pg. 2

Bk. 16
Pg. 1

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

R.S. - Bk. 7, Pg. 28 (Ditch R/W)
R.S. - Bk. 1, Pg. 31 (Arboga Colony)