

RESOLUTION NO. 08-17

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. 016-010-008 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 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**

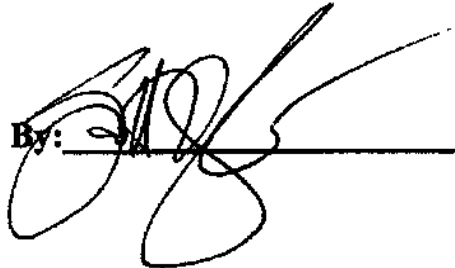
By: 

Exhibit 'A'

**APN 016-010-008
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. 97013444 Official Records of said County, hereinafter referred to as "Foster" property, being a portion of Lot 16, Block 36, and Lot 13, Block 31 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 and Section 31, Township 14 North, Range 4 East, M.D.M., being more particularly described as follows:

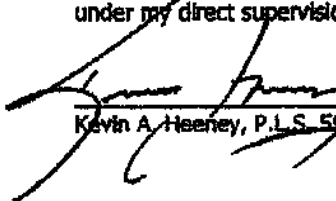
Commencing at the Southwest corner of said Lot 13; thence along the West line of said Lot 13 North 00°15'56" West 298.85 feet to a point on the South line of said "Foster property"; thence along the South line of said "Foster property" South 89°45'45" West 138.39 feet to the Point of Beginning of the herein described real property; thence continuing along said South line, South 89°45'45" West 60.56 feet to the Southwest corner of said "Foster" property; thence along the West line of said "Foster" property North 00°14'15" West, 329.80 feet to the Northwest corner of said "Foster" property; thence along the North line of said "Foster" property, North 89°45'45" East, 48.07 feet; thence leaving said North line, South 06°50'06" West, 67.36 feet; thence South 04°45'22" East, 263.77 feet to the Point of Beginning; containing an area of 16,129 Square Feet or 0.37 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

12-20-07
Dated:



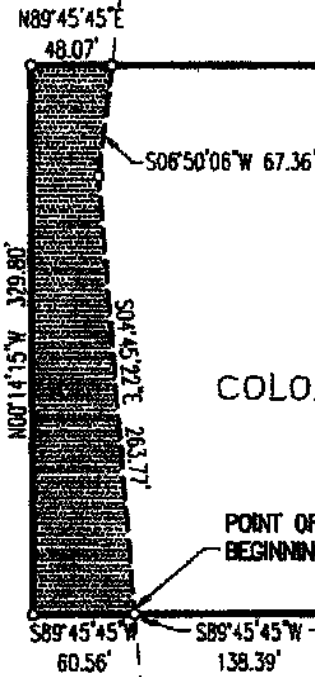
Exhibit 'B'



016-010-007
FOSTER

ARBOGA

L16



COLONY

FEATHER RIVER BLVD.

NO. 2

L13

BM 2-15

BLOCK 36

N00°15'56"W 298.85'

BLOCK 31

016-010-009
HEROLD

016-010-010
FLORES

SW CORNER
LOT 13, BLOCK 31



DATE: 12-20-07

OWNER: FOSTER RANCH LIMITED PARTNERSHIP
A.P.N. 016-010-008

ACQUISITION AREAS:
FEE TITLE ACQUISITION=16,129 SQ. FT.
OR 0.37 ACRES



CTA Engineering - Surveying

DATE: 12/19/2007 DRAWN BY: KAH SHEET 1 OF 1
SCALE: 1"=100' JOB NO. 06-008-002
THREE RIVERS LEVEL 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 March 3, 2008, I served the following document:

**NOTICE OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY'S
INTENT TO ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE
CERTAIN REAL PROPERTY BY EMINENT DOMAIN TO GREGORY LYNN
FOSTER, as managing general partner of the FOSTER RANCH LIMITED
PARTNERSHIP, established December 18, 1997, GREGORY LYNN FOSTER, A
MARRIED MAN**

by certified mail, return receipt requested on the following parties 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 the United States mailbox in the City of Marysville, California.

Foster Ranch Limited Partnership
c/o Gregory Lynn Foster, General Partner
2160 Feather River Boulevard
Marysville, CA 95901

Gary Liviach, Esq.
Desmond Miller Nolan & Livaich
15th & S Building, 1830 15th Street
Sacramento, CA 95814

Gregory Lynn Foster
2160 Feather River Boulevard
Marysville, CA 95901

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 March 3, 2008.

DONNA STOTTLEMEYER
Secretary