

RESOLUTION NO. 2008-28

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 Assessor's Parcel Nos. 014-250-028 (Yuba County) and 23-180-007 and 009 (Sutter County), 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 July 15, 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.

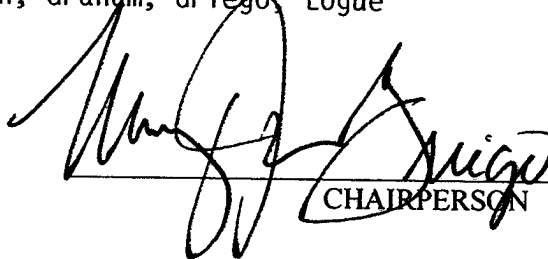
SECTION 2. The general location and extent of the Property to be acquired is as set forth in the legal description attached hereto as Exhibit A and accompanying map attached hereto as Exhibit B, and incorporated herein by reference.

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 15th day of July 2008 by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Crippen, Graham, Griego, Logue
NOES: None
ABSTAIN: None
ABSENT: None



CHAIRPERSON

ATTEST:



Donna Stottlemeyer, Secretary

**APPROVED AS TO FORM
SCOTT L. SHAPIRO
GENERAL COUNSEL**

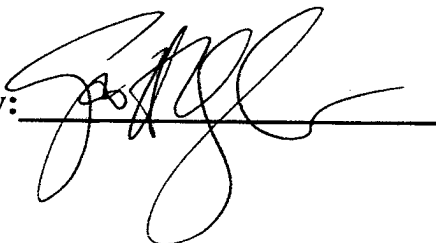
By: 

EXHIBIT 'A'

PROPERTY DESCRIPTION

YUBA COUNTY ASSESSOR'S PARCEL 014-250-28

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the following described line:

Commencing at the Northwest corner of that certain parcel described in the decree quieting title in the matter of Earl Fruit Company vs. The Wolf Hop Company, recorded July 20, 1938 in Book 44, Page 469, Official Records of said County; thence along the Northerly line of said parcel, South 59°09'11" East, 244.51 feet more or less to the toe of an existing levee and the Point of Beginning; thence along the toe of levee the following nine (9) courses:

1. South 20°10'14" West, 418.11 feet; thence
2. South 14°10'14" West, 483.28 feet; thence
3. South 14°06'14" West, 505.75 feet; thence
4. South 10°28'14" West, 1666.75 feet; thence
5. South 11°21'14" West, 112.79 feet to a point on the Southerly line of that certain parcel of land described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County; thence
6. along said Southerly line, South 69°03'22" East, 1.73 feet; thence
7. South 10°13'34" West, 877.66 feet; thence
8. South 04°56'32" West, 424.72 feet; thence
9. South 05°01'33" West, 3.33 feet to a point on the South line of that certain parcel described in the deed to Di Giorgio Fruit Company, recorded in Book 270, Page 363, Official Records of said County, being the Southerly line of said Parcel 4 and the Southerly terminous of the line described herein.

EXCEPTING THEREFROM all that portion of the above lying West of the Yuba-Sutter County line.

The above described parcel contains 105.33 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-07

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

EXHIBIT 'A'

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying North of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 69.96 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-09

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying South of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 9.57 acres more or less.



NORTHWEST CORNER OF QUIET TITLE PARCEL
 IN EARL FRUIT CO. VS. WOLF HOP CO.
 RECORDED IN BK. 44, PG. 469

The following instrument is a correct Copy
 of the original as recorded in the Public Records of Yuba County, California
 Book 559, Page 116
 244516
 244516
 244516

FEATHER RIVER

TOP LEFT BANK OF FEATHER RIVER

023-180-07
 NAUMES

69.96 AC. +/-

014-250-028
 NAUMES

105.33 AC. +/-

023-180-09
 NAUMES

9.57 AC. +/-

N86°06'44"W

SUTTER COUNTY
 YUBA COUNTY

TOE OF LEVEE

WESTERN MOST CORNER OF QUIT CLAIM
 DEED TO DIGIORGIO FRUIT COMPANY
 RECORDED IN BK. 270, PG. 366

014-250-027
 NAUMES

S69°03'22"E
 1.73'

S11°21'14"W
 112.79'

S10°13'34"W
 877.66'

S10°28'14"W
 1666.75'

S14°06'14"W
 505.75'


S14°10'14"W
 483.27'

S20°10'
 418.11'

SOUTH LINE DIGIORGIO FRUIT COMPANY
 PARCEL RECORDED IN BK. 270, PG. 363

S04°56'32"W
 424.72'

S05°01'33"W
 3.33'

OWNER: NAUMES		DATE: 03-25-08		DRAWN BY: KAH		SHEET	
A.P.N. 014-250-28 YUBA COUNTY		SCALE: 1"=600'		JOB NO. 06-008-002		1 OF 1	
023-180-07 SUTTER COUNTY		THREE RIVERS LEVEE IMPROVEMENT AUTHORITY					
023-180-09 SUTTER COUNTY							
 CTA Engineering • Surveying		A.P.N. AREA EXHIBIT		PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784 SETBACK LEVEE RIGHT OF WAY			