

RESOLUTION NO. 2008-29

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. 013-010-013 and 013-010-016, in the County of Yuba, California (the "Property"); and

WHEREAS, after initiating litigation on Assessor's Parcel No. 013-010-013, TRLIA determined it needed to acquire permanent access easement across certain property also owned by the Property Owners and located across Assessor's Parcel No. 013-010-016 to gain ingress and egress from Ella Way to the Above Star Bend Levee; and

WHEREAS, after initiating litigation TRLIA also determined it needed to acquire a temporary construction easement on Assessor's Parcel No. 013-010-016 to relocate utility infrastructure; 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 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-1 and A-2 and maps attached hereto as Exhibits B-1 and B-2, and incorporated herein by reference.

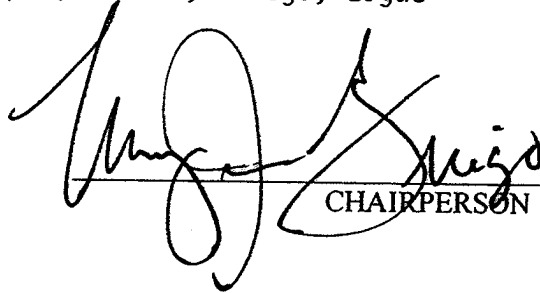
SECTION 3. The Board of Directors declares that it has found and determined as follows:

- 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, and B-2, 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**

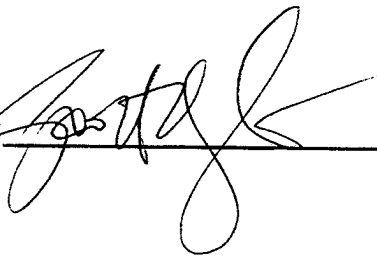
By: 

EXHIBIT A-1

APN 013-010-016 LEGAL DESCRIPTION PERMANENT ACCESS EASEMENT

All that real property situate in the County of Yuba, State of California, being a portion of real property conveyed by deed to Joga S. Mann and Rikki A.K. Mann, recorder in Document No. 2003-15484 of Deeds in said County and State, hereinafter referred to as "Mann Property", being a portion of Lot 15, Block 12 of "Farm Land Colony No. 1", filed in the Office of the County Recorder in said County and State in Book 1 of Maps, at Page 23, situated in the West half of Section 12, Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

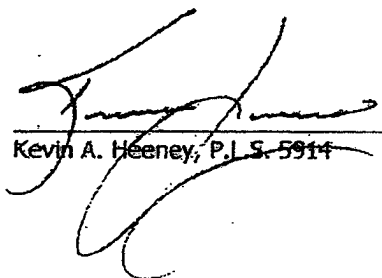
Beginning at the Southwest corner of said "Mann Property"; thence along the West line of said property, North 00°15'56" West, 12.00 feet; thence leaving the West line of said "Mann Property", North 89°45'45" East, 347.44 feet to a point on the West line of Ella Way; thence along the West line of Ella Way, South 08°00'55" West, 12.13 feet to a point on the South line of said "Mann Property"; thence along the South line of said property, South 89°45'45" West, 345.69 feet to the Point of Beginning, containing an area of 4,159 square feet, more or less.

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

End of Description

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

This description was prepared by me or
under my direct supervision.


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

02-08-08
date



EXHIBIT A-2

APN 013-010-016 LEGAL DESCRIPTION Temporary Construction Easement

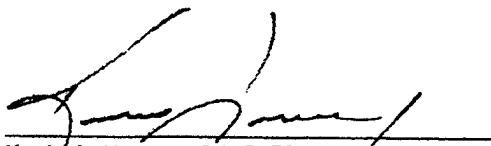
All that real property situate in the County of Yuba, State of California, being a portion of the real property conveyed by deed, dated September 9, 2003, to Joga S. Mann and Rikki A.K. Mann, recorded in Document No. 2003-15484 Records of said County, hereinafter referred to as "Mann Property", being a portion of Lot 15, Block 12 of "Farm Land Colony No. 1", filed in the Office of the County Recorder in said County and State in Book 1 of Maps, at Page 23, situated in the West half of Section 12, Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

A strip of land 100.00 feet wide, extending 776.40 feet Easterly from the West line of said "Mann Property", the North line of which being parallel, coincident and contiguous with the South line of that certain easement conveyed by deed to Pacific Gas & Electric, recorded on July 24, 1970 in Book 502, Page 9 Official Records of said county.

Said strip of land is further depicted on the exhibit prepared by Pacific Gas & Electric Company entitled "Attachment A" sheet 1 of 2, drawing number SE-095, dated 12-13-07 attached hereto and made part of this description.

End of Description

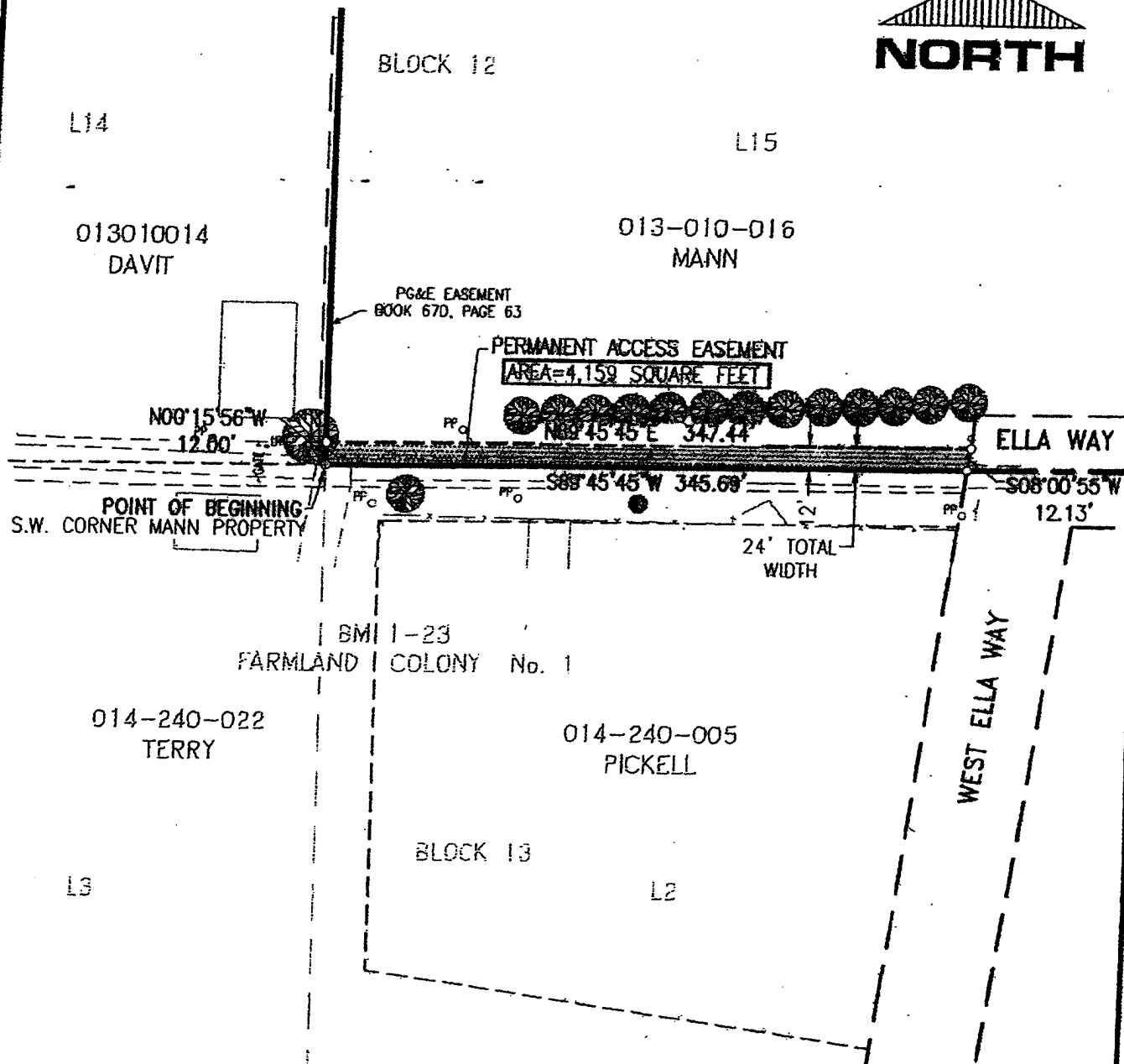
This description was prepared by me or
under my direct supervision.


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

07/08/08
date

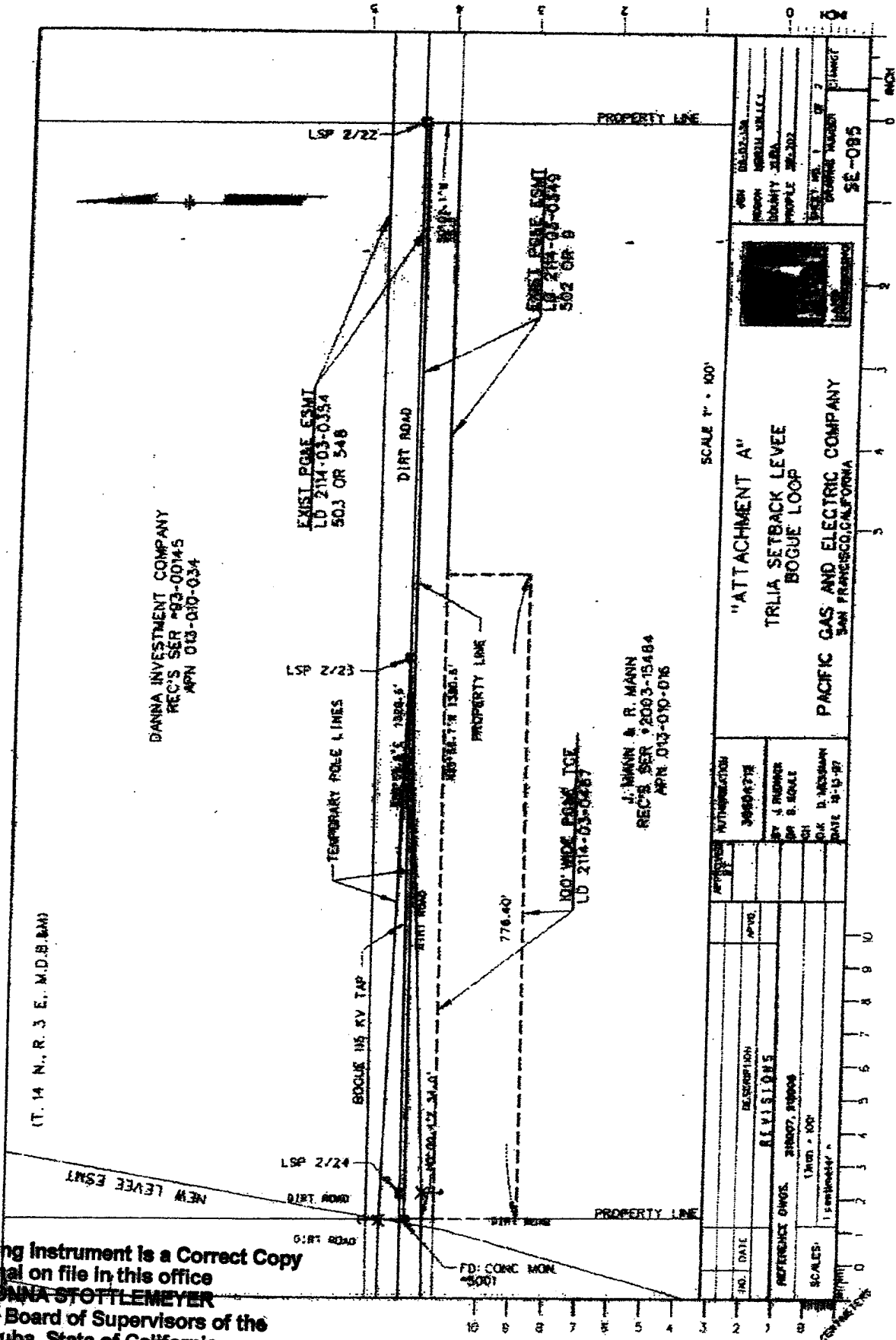


EXHIBIT B-1



	OWNER:	MANN PROPERTY	DATE:	02/06/08	DRAWN BY:	JCC	SHEET	1
	A.P.N.	013-010-016	SCALE:	1"=200'	JOB NO.	06-008-002	OF	1
	ACQUISITION AREAS:	PERMANENT ACCESS EASEMENT=4,159 SQ. FT. OR 0.09 ACRES		THREE RIVERS LEVEE IMPROVEMENT AUTHORITY				
DATE:	02-08-08	CTA Engineering - Surveying		PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784 PERMANENT ACCESS EASEMENT				
		COUNTY OF YUBA		STATE OF CALIFORNIA				

EXHIBIT B-2



The foregoing instrument is a Correct Copy of the original on file in this office
ATTEST: DONNA STOTTMAYER
 Clerk of the Board of Supervisors of the County of Yuba, State of California

By Rachel Ferris, Deputy
 Date: July 22, 2008

SCALE 1" = 100'

"ATTACHMENT A"
 TRILIA SETBACK LEVEE
 BOGUE LOOP

PACIFIC GAS AND ELECTRIC COMPANY
 SAN FRANCISCO, CALIFORNIA

APPROVED: J. MANN & R. MANN
 REC'D SER # 2003-15484
 APRN 013-010-016

APPROVED: DANNA INVESTMENT COMPANY
 REC'D SER # 83-00145
 APRN 013-010-034

APPROVED: [Signature]
 DATE: 10-13-07

DESCRIPTION: B.L. 151815
 SUBJECT: 100' WIDE BANK ICE

SCALES: 1 inch = 100'

REFERENCE DWGS. SUBJECT: 100' WIDE BANK ICE

DATE: 10-13-07

BY: J. MANN & R. MANN

DATE: 10-13-07

PROJECT: B.L. 151815

SCALE: 1" = 100'

DATE: 10-13-07