

RESOLUTION NO. 2008-31

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AMENDING RESOLUTION NO. 2007-25, 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)

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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 ("Subject Property") of Assessor's Parcel No. 014-250-029, in the County of Yuba, California ("Property"); and

WHEREAS, TRLIA advised the owners of the Property ("Property Owners") of the need for the Project; and

WHEREAS, TRLIA's Board of Directors adopted Resolution No. 2007-25 on August 7, 2007, concerning a certain portion of the Property; and

WHEREAS, based thereon, TRLIA brought an action in eminent domain to acquire that certain portion of the Property; and

WHEREAS, after initiating the litigation, pursuant to the request of the Property Owners, TRLIA agreed to realign the Project; and

WHEREAS, such realignment necessitates the adoption of an amendment to Resolution No. 2007-25 to account for the revised Subject Property to be acquired; and

WHEREAS, pursuant to a stipulation executed by a court of law, the Property Owners have waived their rights to notice of the intent to adopt this amended resolution of necessity and for an opportunity to appear and be heard hereon pursuant to Section 1245.235 of the Code of Civil Procedure; and

WHEREAS, the use of the Subject Property to be acquired for its stated public use is scheduled to begin within two years of its acquisition; 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:

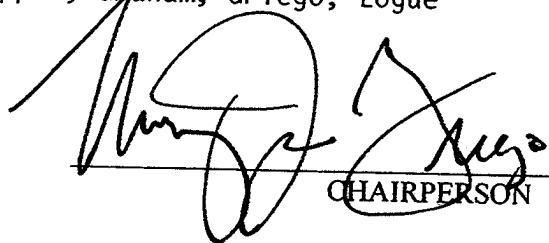
SECTION 1. Resolution No. 2007-25 adopted by this Board on August 7, 2007, is hereby amended as follows:

Exhibit A and Exhibit B attached thereto and incorporated therein are hereby deleted in their entirety and replaced with Exhibit A and Exhibit B attached hereto and incorporated herein.

SECTION 2. The remaining provisions and findings by the Board of Directors contained in Resolution No. 2007-25 shall remain in effect.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 22 day of July, 2008 by a two-thirds (2/3) or greater vote as follows:

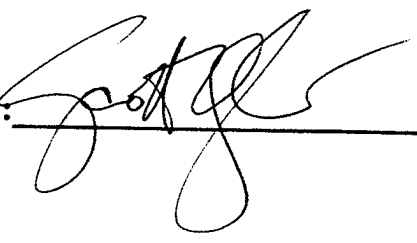
AYES: Directors Brown, Crippen, Graham, Griego, Logue  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
Donna Stottlemeyer, Secretary

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

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

**APN 014-250-029  
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 Thomas A. Rice and Jeanette L. Young, Recorded in Document No. 200208953, Official Records of said County, lying within a portion of Parcel 1 of that certain Parcel Map No. 8.93, filed in the Office of the Recorder in said County and State in Book 30 of Maps at Page 29, being a portion Lot 14, Block 13 as shown upon that certain map entitled "Farmland Colony No. 1", filed in the Office of the Recorder in said County and State in Book 1 of maps at Page 23, and situated in the Southwest One Quarter of Section 13 Township 14 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

**Beginning** at the Northwest corner of said Parcel 1; thence along the North line of said Parcel 1 North 89°45'45" East 331.71 feet; thence leaving said North line South 00°02'52" West 635.21 feet to a point on the South line of said Parcel 1; thence along the South line of said Parcel 1 South 89°45'45" West 328.77 feet to the Southwest corner thereof; thence along the West line of said Parcel 1 North 00°14'15" West 635.10 feet to the **Point of Beginning**, containing an area of 209,767 Square Feet or 4.82 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.

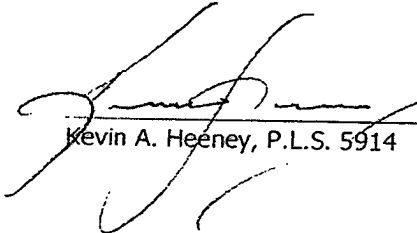
  
01-07-08  
Kevin A. Heeney, P.L.S. 5914



Exhibit 'B'



FARM LAND COLONY NO. 1

BM 1-23  
BLOCK 13

14 A

15A

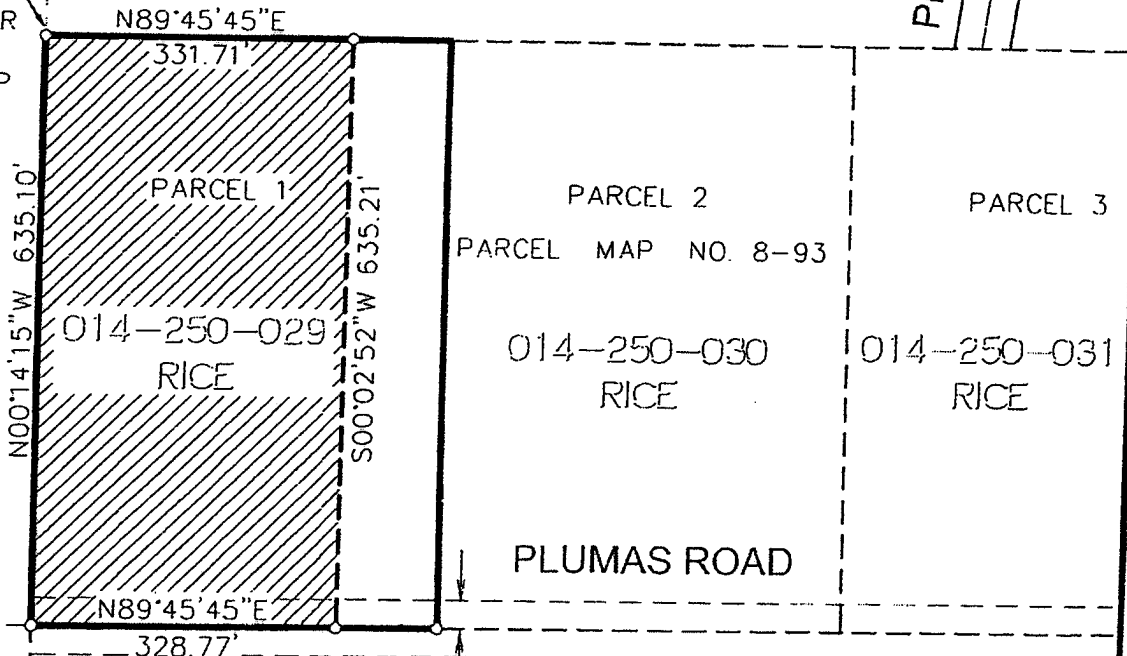
014-250-027  
NAUMES

PRIVATE ROAD

POINT OF BEGINNING  
N.W. CORNER  
PARCEL 1  
PARCEL MAP  
8.93

014-250-027  
NAUMES

13B



PARCEL 2  
PARCEL MAP NO. 8-93

PARCEL 3

014-250-030  
RICE

014-250-031  
RICE

PLUMAS ROAD

NON EXCLUSIVE ROAD & P.U.E.  
AND OFFER OF DEDICATION TO  
YUBA COUNTY PER BOOK 708,  
PAGE 669

4 ARBOGA COLONY  
BM 1-31  
BLOCK 24

014-290-004  
HIER

3



OWNER: RICE	DATE: 12/17/2007	DRAWN BY: JCC	SHEET 1 OF 1
A.P.N. 014-250-029	SCALE: 1"=200'	JOB NO 06-008-002	
ACQUISITION AREAS: FEE TITLE ACQUISITION=209,767 SQ. FT. 4.82 ACRES	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
CTA Engineering - Surveying	PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784 SETBACK LEVEE RIGHT OF WAY		