

AMENDED RESOLUTION NO. 08-32

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 IV Levee Repair Project (the "Project") affecting a portion of Assessor's Parcel No. 020-360-002, in the County of Yuba, California (the "Property"); and

WHEREAS, 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 1250.140, and Water Code section 50930; and

WHEREAS, on April 17, 2007, TRLIA adopted Resolution No. 2007-21 which authorized the acquisition of the fee title of approximately 0.67 acres and a temporary construction easement ("Subject Property") from the Property; and

WHEREAS, on April 30, 2007, TRLIA filed a complaint in eminent domain to acquire the Subject Property; and

WHEREAS, after initiating the litigation TRLIA determined that an additional fee acquisition of 1.029 acres of the Property was needed in order to construct additional levee repair work and the temporary construction easement was no longer needed ("Revised Subject Property"); and

WHEREAS, TRLIA has advised the owners of the Property of the need for the additional levee repair work, presented an offer for the Revised Subject Property, and offered said owners an opportunity for a hearing before the TRLIA Board on August 19, 2008; 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 Revised Subject Property to be acquired is for the repair, construction, installation and maintenance of the Project.

SECTION 2. The general location and extent of the Revised Subject 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 Revised Subject 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.

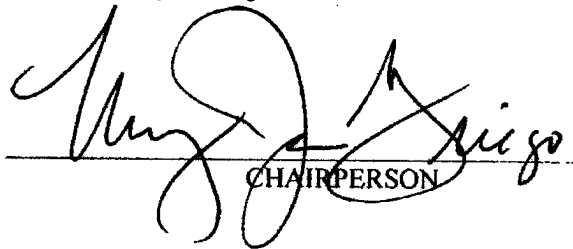
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 19th day of August, 2008 by a two-thirds (2/3) or greater vote as follows:

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

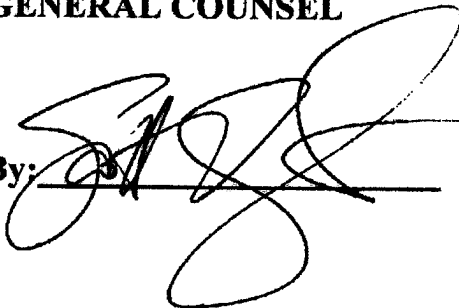
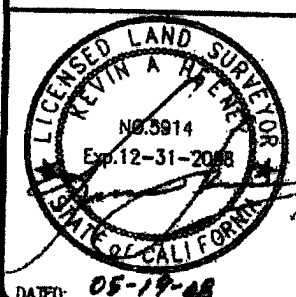
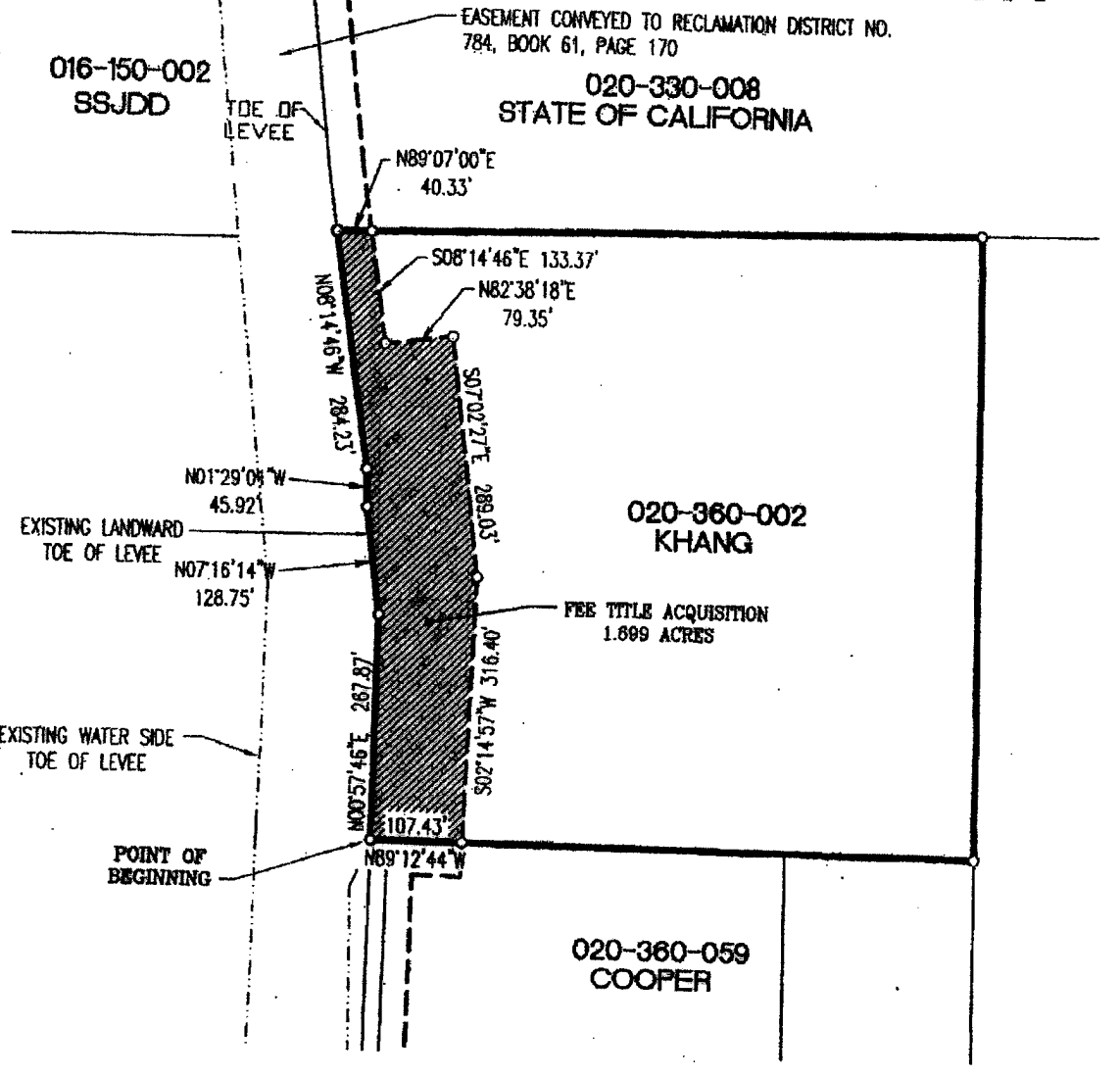
By: 

Exhibit 'B'



OWNER:	KHANG
A.P.N.	020-360-002
ACQUISITION AREAS:	FEE TITLE ACQUISITION 1.699 ACRES
	CTA Engineering · Surveying

DATE: 05/15/2008	DRAWN BY: KAH	SHEET
SCALE: 1"=200'	JOB NO. 06-008-002	1 OF 1
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT RECLAMATION DISTRICT 784		
COUNTY OF YUBA		CALIFORNIA

Exhibit 'A'

**APN 020-360-002
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 Jourbee Khang and True Y. Khang, hereinafter referred to as "Khang" property, recorded in Document No. 2004R-005237 in the Official Records of said County, lying within a portion of Lot 10, Block 36, as shown upon that certain map entitled "Farm Land Colony No. 1", filed in the Office of the Recorder in said County and State In Book 1 of maps at Page 23, situated in the Southeast Quarter of Section 36, Township 15 North, Range 3 East of the Mount Diablo Base and Meridian, being more particularly described as follows:

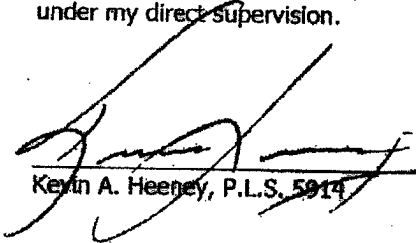
Beginning at the Southwest Corner of said "Khang" property; thence along the Westerly line of said "Khang" property, the following courses, North 00°57'46" East 267.87 feet; thence North 07°16'14" West 128.75 feet; thence North 01°29'01" West 45.92 feet; thence North 08°14'46" West 284.23 feet to the Northwest corner of said "Khang" property; thence along the Northerly line of said "Khang" property North 89°07'00" East 40.33 feet to a point which is 40.00 feet Easterly of when measured at right angles to the Westerly line of said "Khang" property; thence 40.00 feet Easterly of and parallel with said Westerly, South 08°14'46" East 133.37 feet; thence North 82°38'18" East, 79.35 feet; thence South 07°02'27" East, 289.03 feet; thence South 02°14'57" West, 316.40 feet to point on the South line of said "Khang" property; thence along said South line, North 89°12'44" West, 107.43 feet to the Point of Beginning, containing an area of 1.699 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. Heeneey, P.L.S. 5914

Dated: 05-19-08

