

**RESOLUTION NO. 2010- 7**

**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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT  
(CODE CIV. PROC. § 1245.230)**

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Upper Yuba River Levee Improvement Project (the "Project"); and

WHEREAS, TRLIA has determined that it needs to acquire a Temporary Access Easement across the parcel currently bearing Assessor's Parcel No. 018-140-041 (the "Property") in order to complete the Project; and

WHEREAS, TRLIA has advised the owner of the Property of the need for the Project and offered the owner an opportunity for a hearing before the TRLIA Board on September 28, 2010, pursuant to Section 1245.235 of the California Code of Civil Procedure; 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 is to be acquired for 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 set forth in the legal description attached hereto as Exhibit A-1, the accompanying parcel map attached hereto as Exhibit A-2, and the accompanying definition attached hereto as Exhibit A-3, which are incorporated herein by this reference.

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

- a. The public interest and necessity require the Project.
- b. The 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 Exhibit A-1, depicted in Exhibit A-2, and defined in Exhibit A-3, is necessary for the proposed Project.
- d. The offer of just compensation required by Government Code Section 7267.2 has been made to the owner of record of the Property.
- e. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property described herein have been complied with by TRLIA.

f. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 28<sup>th</sup> day of September, 2010, by a two-thirds (2/3) or greater vote as follows:

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

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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

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



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

Exhibit 'A-1'

All that real property situate in the County of Yuba, State of California, being a portion of the North One-half of Section 10, Township 15 North, Range 4 East, M.D.M. and being more particularly described as follows:

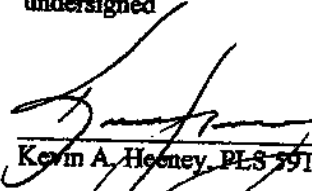
Commencing at a 1 1/2" iron pipe tagged LS 3341 marking the center of said Section 10; thence along the North line of said Southwest One-quarter, North 89°50'19" West, 238.26 feet to the Point of Beginning; thence continuing along said North line, North 89°50'19" West, 46.44 feet to a point on the Southeasterly line of that certain road described in the deed to the County of Yuba recorded in Book 81 of Deeds, Page 46; thence along said Southeasterly line, North 37°52'47" East, 44.41 feet; thence leaving said Southeasterly line, South 89°40'51" East, 1499.54 feet; thence North 88°38'08" East, 199.33 feet; thence South 89°23'17" East, 1199.74 feet to a point on the East line of said Section 10; thence along said East line, South 00°13'40" East, 26.88 feet to the Southeast corner of said North One-half of Section 10; thence along the South line of said North One-half, North 89°50'19" West, 397.75 feet; thence leaving said South line, North 89°23'17" West, 801.88 feet; thence South 88°38'08" West, 199.25 feet; thence North 89°40'51" West, 1452.99 feet; thence South 79°54'13" West, 28.08 feet to the Point of Beginning, containing 1.997 acres, more or less.

See Exhibit 'A-2' attached hereto and made a part of this description.

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83. Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.9999115.

End of Description

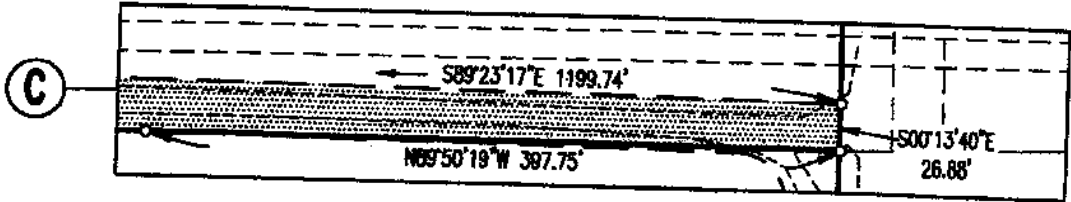
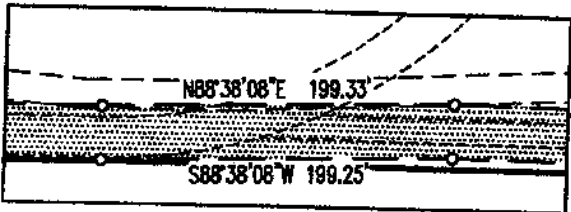
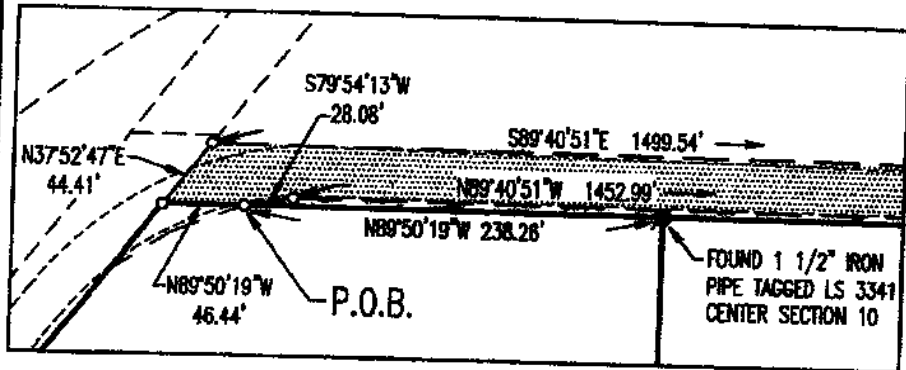
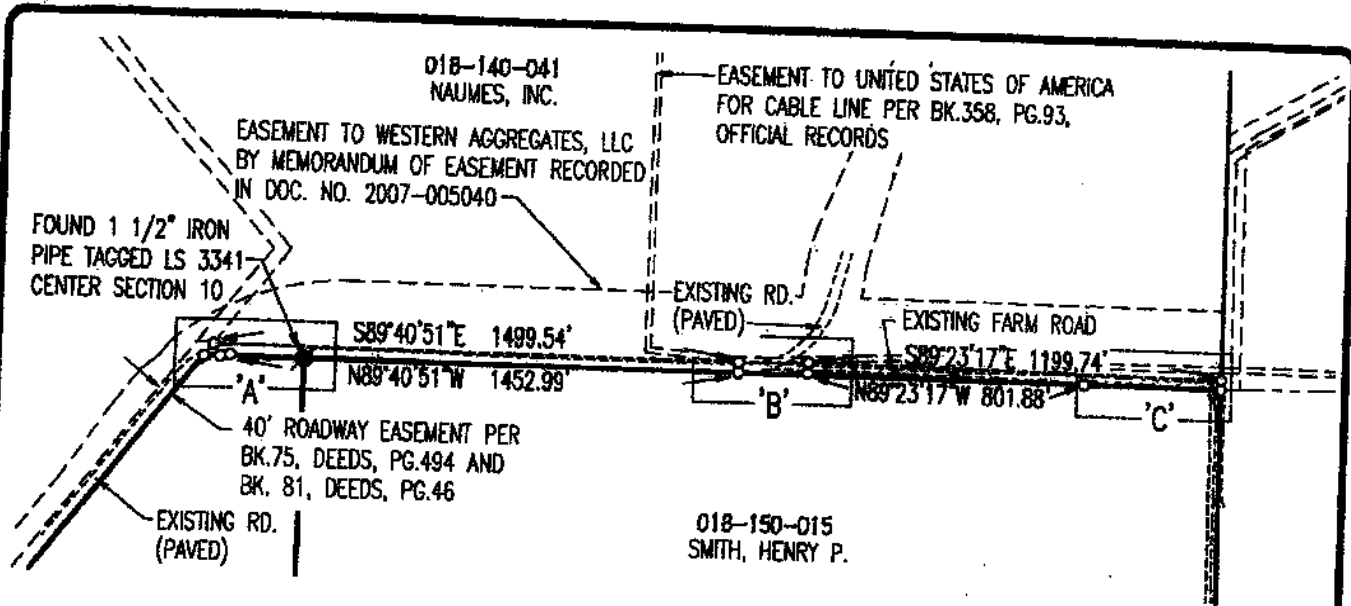
Prepared by CTA Engineering & Surveying under the supervision of the undersigned

  
Kevin A. Heeney, PLS 5914

05/23/2010  
Date



Portion of  
APN 018-140-041



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9999115 TO OBTAIN GRID DISTANCES.



Exhibit 'A-2'	
OWNER:	Naumes, Inc.
A.P.N.:	018-140-041
AREA:	TEMPORARY ACCESS EASEMENT = 1.997 Ac.

DATE:	03/18/2010	DRAWN BY:	KAH	SHEET	1
SCALE:	1"=200'	JOB NO.:	06-008-004	OF	1

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
Proposed Acquisition for  
**Upper Yuba Levee  
Improvement Project**



COUNTY OF YUBA, STATE OF CALIFORNIA

**EXHIBIT "A-3"**

**TEMPORARY ACCESS EASEMENT**

A non-exclusive temporary access easement for ingress and egress on, over, and across certain real property owned by NAUMES, INC. ("OWNER"), located in Yuba County, California and as more particularly described on Exhibits "A-1" and "A-2" ("TAE Area"), attached hereto for the purpose of installing, constructing and/or improving certain levee and other public facilities located on adjacent and nearby property, and demolition of structures thereon, and accomplishing all necessary incidents and appurtenances thereto ("Project"). THREE RIVERS LEVEE IMPROVEMENT AUTHORITY ("TRLIA") shall repair or replace "in like kind" all fences, gates, irrigation facilities, driveways, and private roadways that are destroyed or damaged. The access easement herein described on Exhibits "A-1" and "A-2", shall extend for a period of fifteen months, limited to periods of time consisting of the annual construction season which spans from April 1 through November 15 of each year, beginning on the date so ordered by the Court.