

RESOLUTION NO. 2010-9

**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 portion of the parcel currently bearing Assessor's Parcel No. 018-210-029 (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 and the accompanying parcel map attached hereto as Exhibit A-2, 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 and depicted in Exhibit A-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 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 28th day of September, 2010, by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Crippen, Griego, Nicoletti, Graham

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 Lot 2, as shown on the plat of the "Boyer Tract 1", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 25 and being more particularly described as follows:


Beginning at a point on the North line of said Lot 2, from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 22°04'14" West, 3186.10 feet and from which a 3/4" iron pipe marking the corner common to Sections 15, 16, 21 and 22, Township 15 North, Range 4 East, M.D.M. bears South 82°48'57" East, 1441.53 feet; thence from said Point of Beginning, along the North line of said Lot 2, South 76°46'58" West, 214.20 feet; thence leaving said North line, South 00°39'07" East, 70.54 feet; thence North 81°43'03" East, 210.88 feet; thence North 00°36'46" West, 89.14 feet to the Point of Beginning, containing 0.383 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

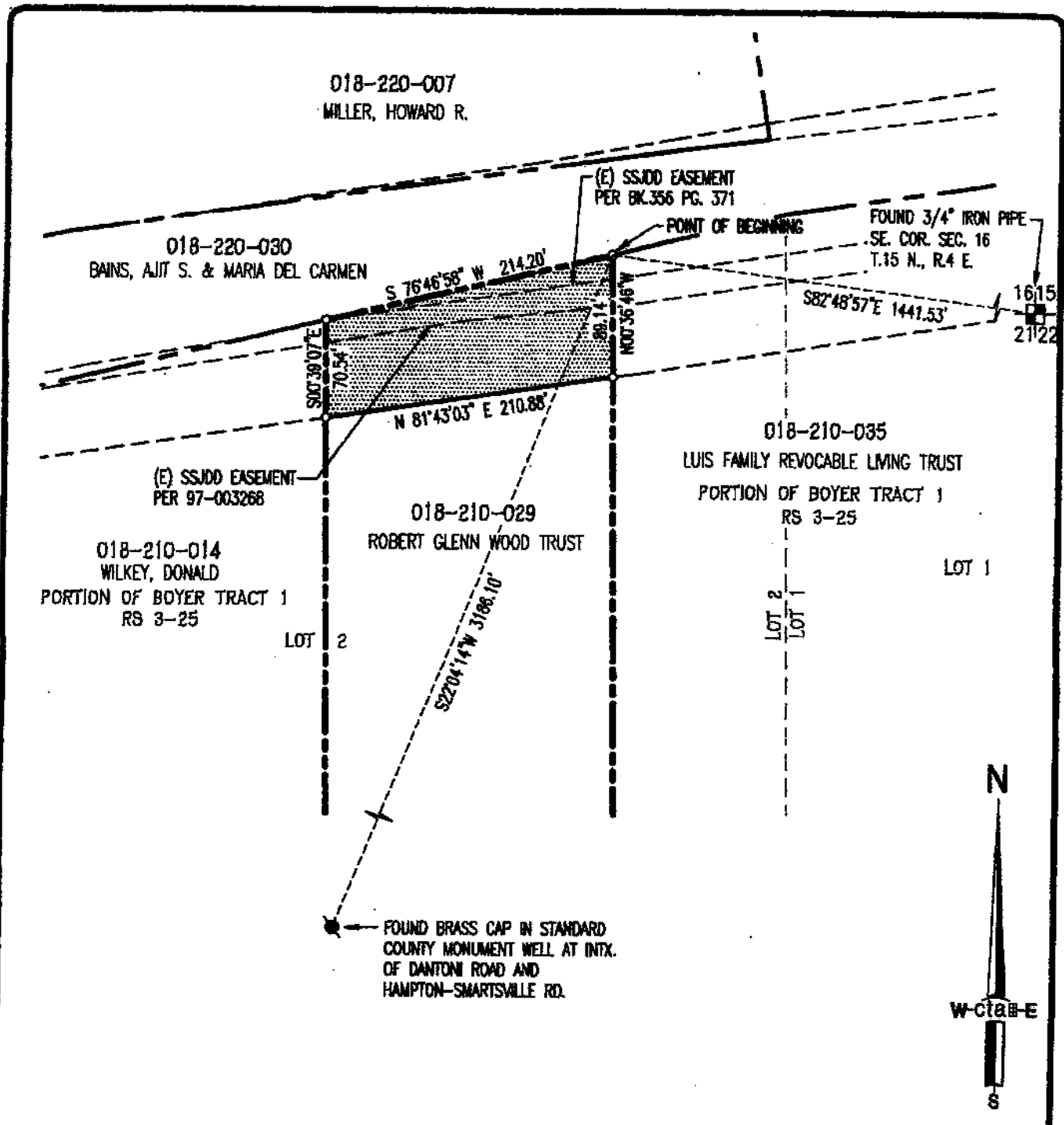
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeneey, PLS 5914

03/10/2010
Date



Portion of:
APN 018-210-029



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 0.99999115 TO OBTAIN GRID DISTANCES.



Exhibit 'A-2'
 OWNER: Robert Glenn Wood Trust
 A.P.N.: 018-210-029
 AREA: FEE TITLE = 0.383 Ac.
 AREA WITHIN SSJDD ESMT'S. = 0.122 Ac.

DATE: 02/25/2010 DRAWN BY: KAH SHEET 1 of 1
 SCALE: 1"=100' JOB NO. 06-008-004

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

cta Engineering & Surveying

DATE: 05/10/2010

COUNTY OF YUBA STATE OF CALIFORNIA