

RESOLUTION NO. 2010- 10

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AMENDING AND SUPERSEDING RESOLUTION NO. 2010-3 AND 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, on July 20, 2010, TRLIA adopted Resolution No. 2010-3, a Resolution of Necessity for the acquisition of the properties currently bearing Assessor's Parcel No.'s 018-190-109 and 018-190-110 for the Property for the Project; and

WHEREAS, subsequent meetings and communications between TRLIA's Special Counsel, consultants, the property owners, and the owners of adjacent properties revealed to all parties that the acquisition by TRLIA of the entirety of both parcels would cause significant negative impacts to adjacent landowners, that such impacts could be mitigated by very slight reductions in the scope of TRLIA's property acquisitions, and that such slight reductions in the scope of TRLIA's acquisitions would not materially affect TRLIA's Project; and

WHEREAS, TRLIA has therefore determined that it needs to acquire portions of the properties currently bearing Assessor's Parcel No.'s 018-190-109 and 018-190-110 (the "Property") in order to complete the Project; and

WHEREAS, TRLIA has advised the owners of the Property of the need for the Project and offered the owners 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 descriptions attached hereto as Exhibit A-1 and Exhibit B-1 and the accompanying parcel maps attached hereto as Exhibit A-2 and Exhibit B-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 Exhibit B-1 and depicted in Exhibit A-2 and Exhibit 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. 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, 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 Parcel 3, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 and being more particularly described as follows:

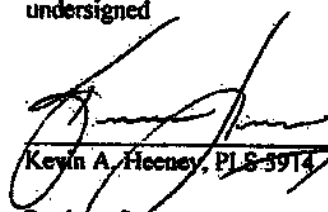
Commencing at a point on the West line of said Parcel 3 marked by a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 44°52'09" East, 3787.33 feet; thence along the West line of said Parcel 3, South 00°33'30" East, 309.85 feet to the Point of Beginning; thence leaving said West line, North 89°04'49" East, 885.08 feet; thence North 88°02'26" East, 742.04 feet; thence South 00°51'04" West, 22.98 feet to a point on the South line of said Parcel 3; thence along said South line, South 88°05'47" West, 1626.76 to the Southwest corner of said Parcel 3; thence along the West line of said Parcel 3, North 00°33'30" West, 37.44 feet to the Point of Beginning, containing 0.991 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 11, 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. Heaney, PLS 5914
Portion of
APN 018-190-109

09/22/2010
Date



Exhibit 'B-1'

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 and being more particularly described as follows:

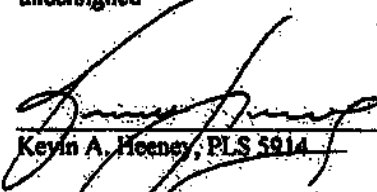
Beginning at the Northwest corner of said Parcel 4, from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bears North 68°20'12" East, 2020.42 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'51" West, 2094.71 feet; thence along the Northwesterly, West and South lines of said Parcel 4, South 40°34'50" West, 1217.26 feet to the West line of said Parcel 4; thence along said West line, South 00°08'00" West, 340.32 feet to the Southwest corner of said Parcel 4; thence along the South line of said Parcel 4, North 88°05'46" East, 1633.65 feet; thence leaving said South line, North 00°02'30" West, 204.69 feet; thence North 00°37'23" West, 307.55 feet; thence North 00°33'11" West, 728.30 feet to a point on the North line of said Parcel 4; thence along said North line, South 87°55'58" West, 830.12 feet to the Point of Beginning, containing 38.131 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

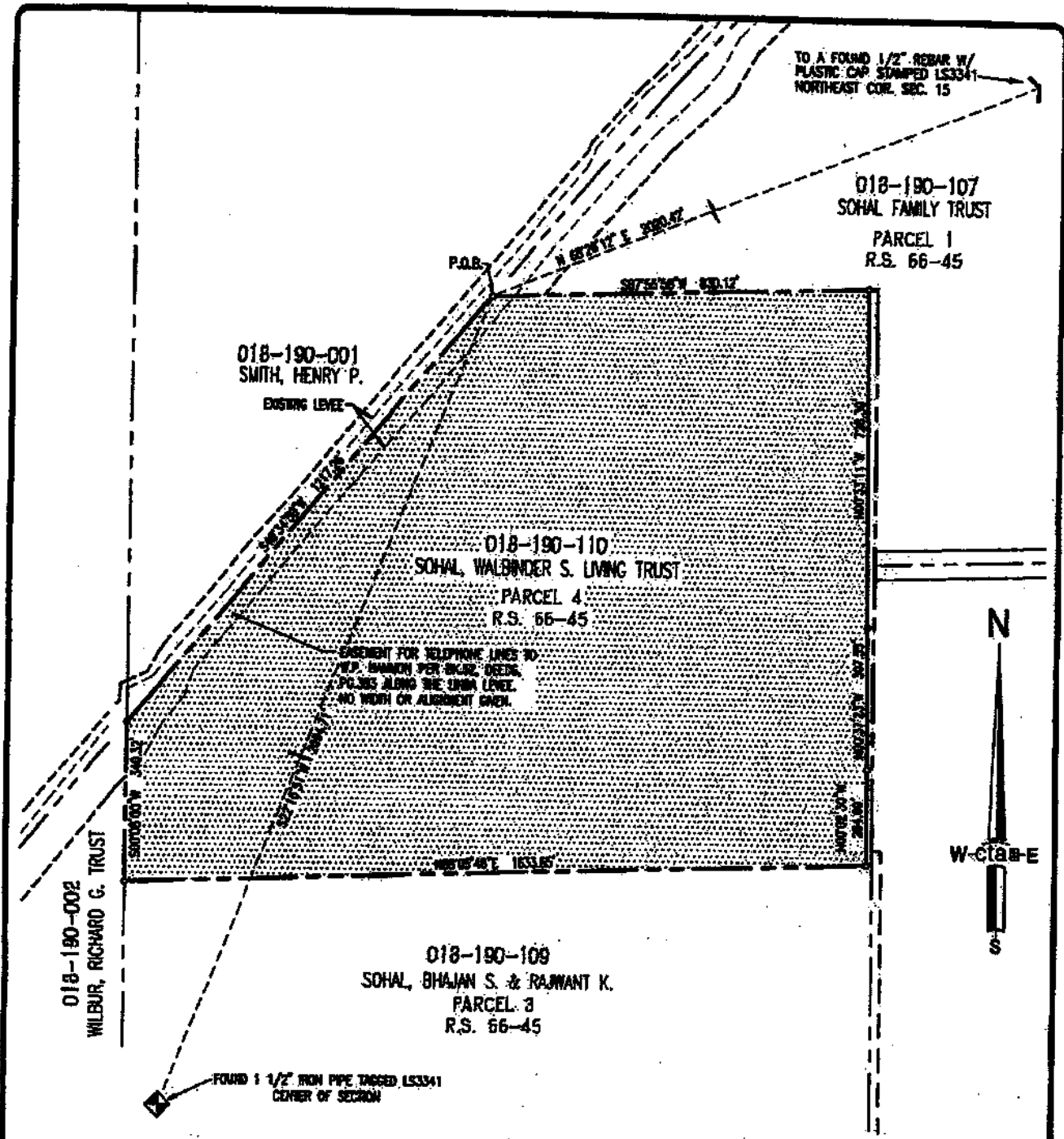


Kevin A. Hooney, PLS 5914

09/22/2010
Date



Portion of:
APN 018-190-110



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 10, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.9998115 TO OBTAIN GRID DISTANCES.



Exhibit "B-2"		DATE: 08/20/2010	DRAWN BY: KAH	SHEET
OWNER:	Sohal, Walbinder S. Living Trust	SCALE: 1"=300'	JOB NO. 08-108-004	1 of 1
A.P.N.:	018-190-110	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY Proposed Acquisition for Upper Yuba Levee Improvement Project		
AREA:	FEE TITLE = 38.131 Ac.			
Engineering & Surveying		COUNTY OF YUBA STATE OF CALIFORNIA		