

**RESOLUTION NO. 2012-02**

**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 certain property interests from the parcel currently bearing Assessor's Parcel No. 021-041-006 (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 April 17, 2012, 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 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.

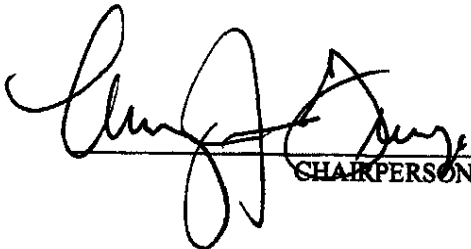
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 17<sup>th</sup> day of April, 2012, by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Brown, Graham, Griego, Nicoletti

NOES: None

ABSTAIN: None

ABSENT: Director Crippen



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 portion of Lot 52, as shown on the plat of "Dunning Subdivision", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 14, and being more particularly described as follows:

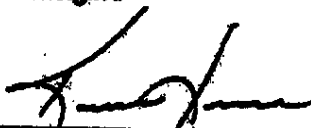
Beginning at the Northwest corner of said Lot 52, from which a brass cap in a monument well at the intersection of Linda Avenue and Hammonton-Smartville Road bears South 41°49'16" West, 2595.54 feet and from which a brass cap in a monument well at the intersection of Dunning Avenue and Hammonton-Smartville Road bears South 84°04'31" East, 807.94 feet; thence along the North line of said Lot 52, North 66°42'57" East, 406.28 feet; thence leaving said North line, South 03°13'11" West, 52.69 feet; thence South 66°04'14" West, 66.31 feet; thence South 66°59'31" West, 192.88 feet; thence South 68°13'56" West, 63.90 feet; thence South 70°52'14" West, 76.50 feet to a point on the West line of said Lot 52; thence along said West line, North 00°37'03" West, 43.06 feet to the Point of Beginning, containing 0.430 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

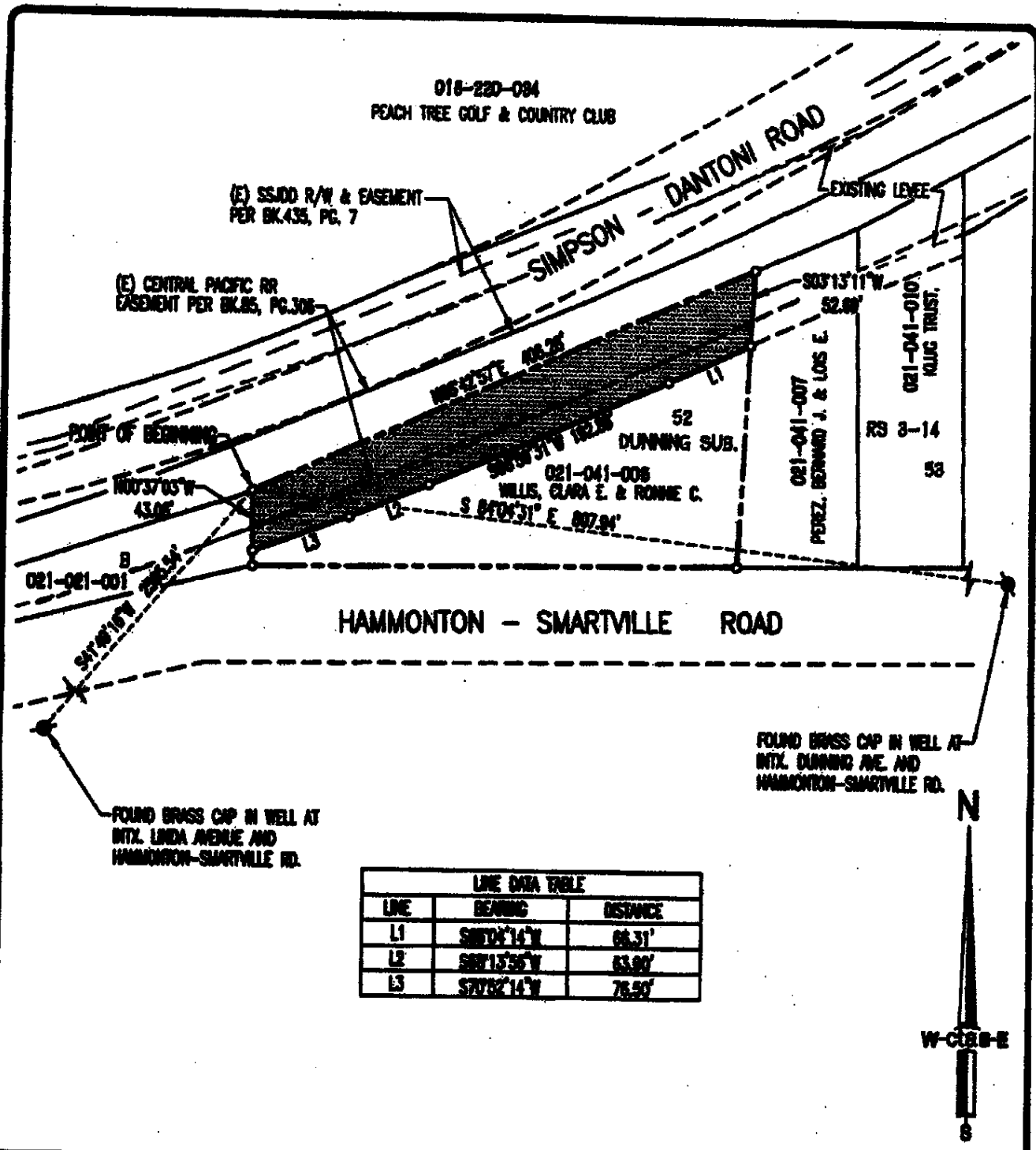
Prepared by CTA Engineering & Surveying under the supervision of the undersigned

  
\_\_\_\_\_  
Kevin A. Hooney, PLS 5914

07/16/2010  
Date



Portion of:  
APN 021-041-006



| LINE DATA TABLE |             |          |
|-----------------|-------------|----------|
| LINE            | BEARING     | DISTANCE |
| L1              | S87°02'14"W | 68.31'   |
| L2              | S87°13'56"W | 63.00'   |
| L3              | S70°02'14"W | 78.50'   |



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 8, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.999975 TO OBTAIN GRID DISTANCES.

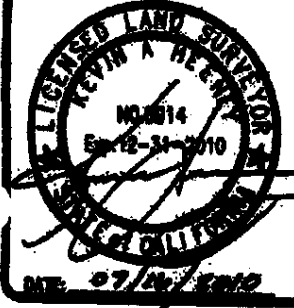


EXHIBIT 'A-2'

OWNER: Willis, Clara E. & Ronnie C.

A.P.N.: 021-041-008

AREA: FEE TITLE = 0.430 Ac.  
AREA WITHIN EASEMENTS/LEVEE = 0.282 Ac.

cta Engineering & Surveying

DATE: 07/15/2010

SCALE: 1"=100'

DRAWN BY: KAR

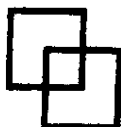
JOB NO. 06-008-004

SHEET 1 OF 1

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for  
**Upper Yuba Levee Improvement Project**

COUNTY OF YUBA STATE OF CALIFORNIA



**BENDER  
ROSENTHAL, INC.**

COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

4400 Ashburn Boulevard, Suite 102  
Sacramento, CA 95841  
main: 916.578.4908 • fax: 916.578.4904  
www.benderrosenthal.com

September 16, 2010

Clara E. Willis  
Ronnie C. Willis  
1931 Hammonton Smartville Road  
Marysville, CA 95901

RE: Upper Yuba Levee Improvement Project  
APN: 021-041-006

Offer to Purchase – Government Code §7267.2

Dear Mr. and Mrs. Willis,

As you may be aware, the Three Rivers Levee Improvement Authority (TRLIA) is in the final planning stages of the Upper Yuba Levee Improvement Project. The Project will increase the Linda area's protection against flooding by upgrading several miles of the Yuba River South Bank Levee to meet current standards for resistance to under seepage. In order to complete the Project, however, TRLIA will need to acquire ownership of a small portion of your property located near the Yuba River in Yuba County. The area TRLIA needs to acquire in fee ownership is approximately 0.430 acres in size.

Bender Rosenthal, Inc. has been retained by TRLIA to acquire the various property rights required for this Project. I have been asked to contact you to discuss the Project, the terms of the proposed acquisition, and the documents and procedures necessary to complete the transaction. As required by California law, TRLIA has obtained a valuation of the required property interest, which is summarized in the enclosed document titled Statement and Summary for the Basis for Appraisal.

This letter, along with the enclosed Summary Statement Relating to Purchase of Real Property or an Interest Therein, Statement and Summary for the Basis for Appraisal, proposed Agreement for Purchase of Real Property, proposed Grant Deed, proposed Escrow Instructions, Title Report, and Information Brochure, constitutes TRLIA's offer to purchase the required real property interests for \$10,500.00.

If the amount and terms of the offer are satisfactory, please sign the proposed Grant Deed with a notary's acknowledgement, the proposed Escrow Instructions, plus two copies of the proposed Agreement for Purchase, and return them to me in the envelope provided at your earliest convenience for processing at TRLIA. Upon acceptance, a completely executed copy of the Purchase Agreement will be returned to you for your records. Of course, this offer is conditioned on TRLIA's ratification of the offer by execution of the Purchase Agreement as approved by the TRLIA Board of Directors.

Please note that you are eligible to receive reimbursement of up to \$5,000 for the reasonable costs associated with retaining the services of a qualified real estate appraiser, licensed by the State Office of Real Estate Appraisers, to prepare an appraisal report for the same property rights for which this offer is being made.

TRLIA realizes that it may take you some time to evaluate its purchase offer, particularly if you decide to obtain an appraisal report of your own. As an alternative, TRLIA would like to enter into an Agreement for Possession and Use of Real Property with you on the following terms:

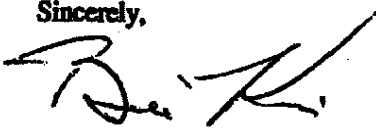
- TRLIA would immediately pay you the \$10,500.00 appraised value of the property interests it needs to acquire.
- TRLIA would have the right to take possession of that property on April 1, 2011 and begin construction of the Project.
- TRLIA will continue to negotiate with you regarding the total price to be paid for the property it is acquiring and other terms of the purchase. If you and TRLIA do not reach an agreement on price and other terms before June 1, 2011, TRLIA will promptly file an eminent domain lawsuit to have the amount of just compensation for the property determined by the Yuba County Superior Court.

A proposed Agreement for Possession and Use of Real Property is also enclosed for your review and consideration. If the price and terms of the Agreement for Possession and Use of Real Property are acceptable, please sign that agreement and return it to me in the enclosed envelope. The proposed Agreement for Possession and Use of Real Property is also subject to approval by the TRLIA Board of Directors.

You are welcome to contact me at (916) 978-4900 or at the address above to discuss this proposed transaction, or the Project, further.

Thank you for your kind and careful consideration to this matter.

Sincerely,



Bill Kouris  
Enclosures