

RESOLUTION NO. 2012-06

**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. 021-042-027 (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 May 22, 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 22nd day of May, 2012, 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 portion of Lot 6, as shown on the plat of "Yuba County Tract No. 80-291", filed in the office of the County Recorder of Yuba County in Book 35 of Maps, Page 45, and being more particularly described as follows:

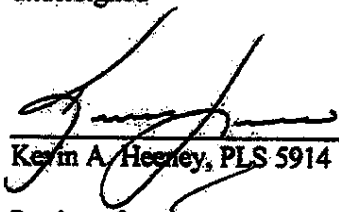
Beginning at the Northeast corner of said Lot 6, from which a brass cap in a monument well at the intersection of Danton Road and Hammon-ton-Smartville Road bears South $74^{\circ}31'13''$ East, 2782.97 feet and from which a brass cap in a monument well at the intersection of Dunning Avenue and Hammon-ton-Smartville Road bears South $35^{\circ}05'27''$ West, 942.63 feet; thence along the North line of said Lot 6, South $60^{\circ}16'57''$ West, 596.47 feet; thence along the West line of said Lot 6, South $00^{\circ}37'03''$ East, 34.89 feet; thence North $61^{\circ}50'37''$ East, 157.89 feet; thence South $00^{\circ}37'03''$ East, 15.39 feet; thence leaving said West line, North $59^{\circ}01'41''$ East, 20.64 feet; thence North $53^{\circ}37'08''$ East, 68.89 feet; thence North $60^{\circ}04'04''$ East, 84.48 feet; thence North $60^{\circ}07'55''$ East, 80.45 feet; thence North $59^{\circ}52'11''$ East, 188.00 feet more or less to a point on the East line of said Lot 6; thence along said East line, North $00^{\circ}36'52''$ West, 43.38 feet to the Point of Beginning, containing 0.522 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 0.99999115.

End of Description

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


Kevin A. Heeney, PLS 5914

07/16/2010
Date



Portion of:
APN 021-042-027



018-220-034
PEACH TREE GOLF & COUNTRY CLUB

(E) 100' RW & EASEMENT TO
GREAT WESTERN POWER CO.
PER BK.59 DEEDS,PG.11

(E) SSJDD R/W & EASEMENT
PER BK.435, PG. 7

POINT OF BEGINNING

SIMPSON DANTONI ROAD

S74°31'13"E 2782.97'

N00°36'52"W
43.38'

(E) CENTRAL PACIFIC
RR EASEMENT PER
BK.85, PG.306

021-500-001
WESELY, OREST & IRENE

FOUND BRASS CAP IN WELL
AT INTX. DANTONI RD. AND
HAMMONTON-SMARTVILLE RD.
57
CASA MIA MOBILE HOME PARK

S00°37'03"E
34.89'

S80°16'57"W 506.47'

N53°52'11"E 188.00'

021-042-027
HUMAM EL SHARIF

55
021-042-014
GILBERT, STEVE & DENISE

SEE DETAIL
BELOW

LOT 6

YUBA COUNTY TRACT NO. 80-291

DUNNING SUB. RS 3-14

LOT 1
021-042-017

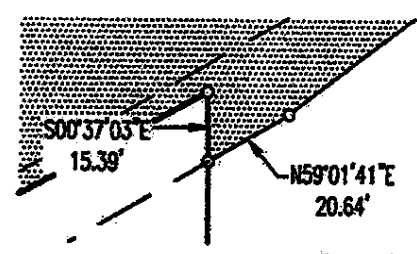
RS 35-45

DUNNING AVENUE

021-042-026
LOT 2

S50°05'27"W 942.63'

FOUND BRASS CAP IN WELL
AT INTX. DUNNING AVE. AND
HAMMONTON-SMARTVILLE RD.



DETAIL SCALE: 1" = 40'

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.



DATE: 07/16/2010

Exhibit 'A-2'	
OWNER:	Humam El Sharif
A.P.N.:	021-042-027
AREA:	FEE TITLE = 0.522 Ac. AREA WITHIN EASEMENTS/LEVEE = 0.419 Ac.

DATE: 07/15/2010	DRAWN BY: KAH	SHEET 1 of 1
SCALE: 1"=100'	JOB NO. 08-008-004	

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

cta Engineering & Surveying

COUNTY OF YUBA, STATE OF CALIFORNIA