

RESOLUTION NO. 2012-07

**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 a “gap” property bordered to its North by Assessor’s Parcel Number 018-150-032 and to its South by Assessor’s Parcel Number 018-150-035 (the “Property”) in order to complete the Project; and

WHEREAS, following a diligent search by TRLIA, it is unable to identify or locate the property owners, if any, of the Property; and

WHEREAS, because the persons whose property interests are to be acquired by eminent domain cannot be located in the exercise of reasonable diligence, TRLIA is not required to give any party notice and a reasonable opportunity to appear and be heard this date on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235; 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.

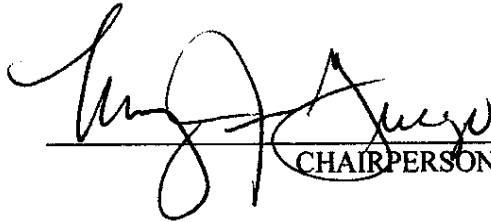
SECTION 3. The Board of Directors declares that it has found and determined as follows:

- 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. TRLIA is exempt from making the offer of just compensation required by Government Code Section 7267.2 because the owner cannot be located with reasonable diligence.

- 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 May 22, 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 a portion of the "Linda Levee", lying within the West One-half of Section 11, Township 15 North, Range 4 East, and being more particularly described as follows:

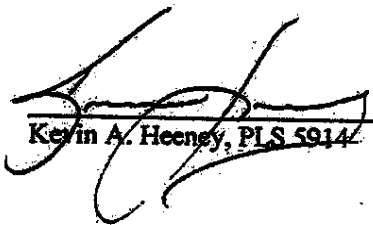
Beginning at a point at the intersection of the West line of Section 11 and the South line of the "Remainder Parcel", as shown on Parcel Map No. 5-34, filed in the office of the County Recorder of Yuba County in Book 19 of Maps, Page 22, being a point on the riverside toe of the Linda Levee and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Southwest corner of Section 11, bears South 00°13'40" East, 1131.94 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 10, Township 15 North, Range 4 East, bears North 60°38'23" West, 3037.13 feet; thence from said Point of Beginning, along the South line of said "Remainder Parcel" and the riverside toe of the Linda Levee, North 54°08'40" East, 693.60 feet; thence North 54°18'13" East, 789.86 feet; thence North 57°06'32" East, 700.97 feet; thence North 54°44'29" East, 694.73 feet; thence North 59°23'26" East, 322.40 feet to the East line of said "Remainder Parcel" and the East line of the West One-half of said Section 11; thence along said East line, South 00°17'38" West, 78.61 feet more or less to a point on the centerline of said Linda Levee; thence leaving said East line and along the centerline of said Linda Levee, South 63°06'36" West, 282.28 feet; thence South 55°49'07" West, 691.64 feet; thence South 57°36'14" West, 700.56 feet; thence South 54°23'06" West, 788.71 feet; thence South 53°49'26" West, 718.27 feet to a point on the West line of said Section 11; thence along said West line, North 00°13'40" West, 40.45 feet to the Point of Beginning, containing 2.648 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.

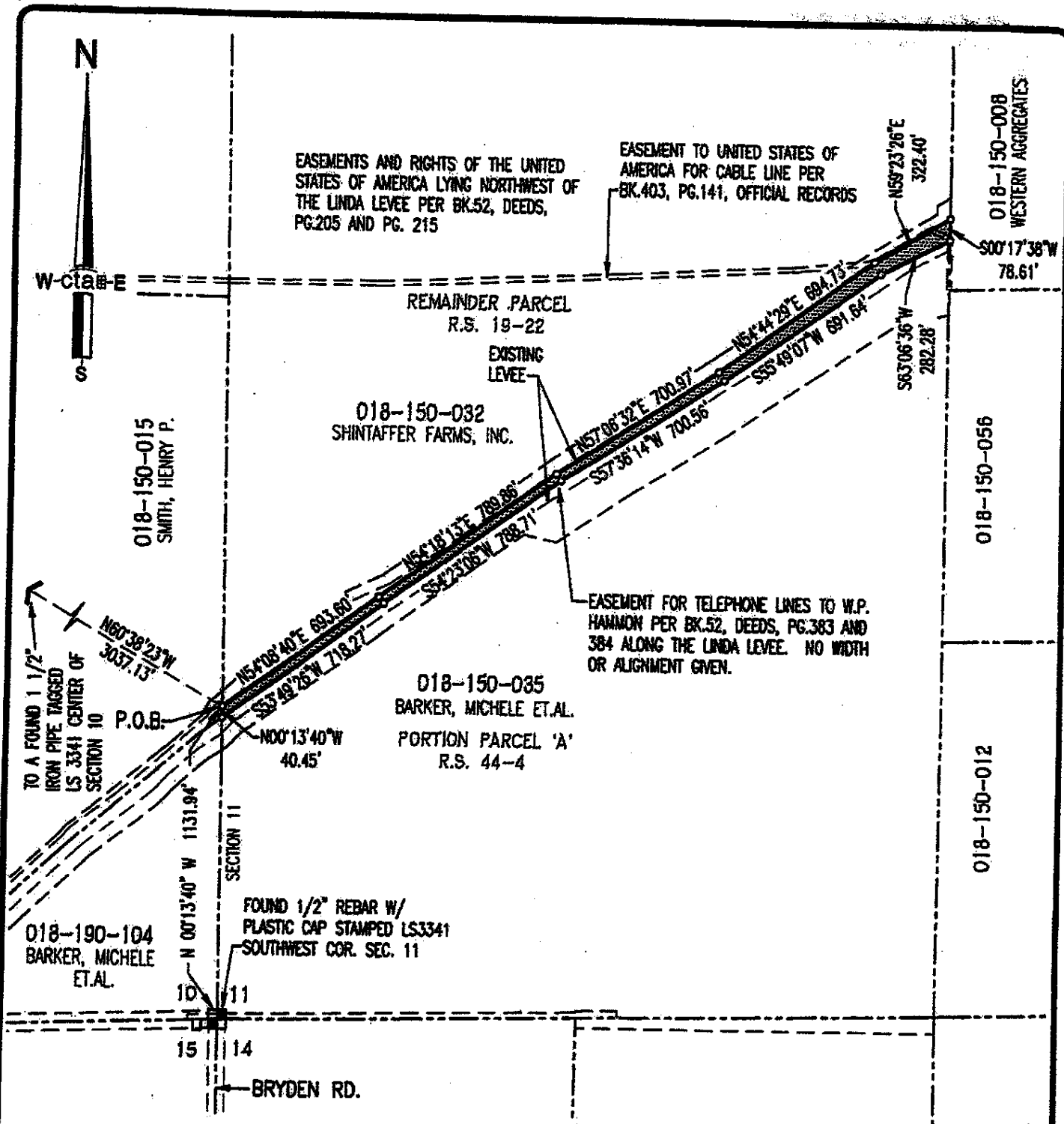
End of Description

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


Kevin A. Heeney, PLS 5914

05/19/2010
Date





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: 05/19/2010

Exhibit 'A-2'		DATE: 05/18/2010	DRAWN BY: KAH	SHEET 1 of 1
OWNER:	Unknown	SCALE: 1"=500'	JOB NO. 06-008-004	
A.P.N.:		THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
AREA:	2.648 AC.	Proposed Acquisition for Upper Yuba Levee Improvement Project		
cta Engineering & Surveying		COUNTY OF YUBA, STATE OF CALIFORNIA		