

RESOLUTION NO. 2014- 2

**A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY
FOR OPERATION AND MAINTENANCE OF THE WESTERN PACIFIC INTERCEPTION
CANAL LEVEE PROJECT
(CODE CIV. PROC. § 1245.230)**

Property Owner: Latigo Farms LLC (APN 014-360-011 & 013)

WHEREAS, Three Rivers Levee Improvement Authority (“TRLIA”) has determined that it needs to acquire certain property interests from the parcels currently bearing Assessor’s Parcel Nos. 014-360-011 and 014-360-013 in order to operate and maintain the Western Pacific Interceptor Canal Levee (the “Project”); and

WHEREAS, The property interests that TRLIA needs to acquire for the Project are more specifically described and depicted in Exhibit “A” attached hereto; and

WHEREAS, TRLIA has determined that acquisition of the property interests described and depicted in Exhibit “A” will result in a remnant that TRLIA may exercise the power of eminent domain to acquire, as set forth in Code of Civil Procedure Section 1240.410. The remnant that TRLIA has determined it needs to acquire is more specifically described and depicted in Exhibit “B” attached hereto (collectively, the property interests described and depicted in Exhibits “A” and “B” attached hereto are referred to as the “Property”); 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 February 18, 2014, pursuant to Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, TRLIA is authorized to acquire property for the Project pursuant to, among other statutes, the California Constitution and California Eminent Domain Law, Code of Civil Procedure section 1240.410, Government Code section 25350.5, and Water Code section 50930; 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, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.
2. The Project proposed is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

3. The property interests described and depicted in Exhibit "A" attached hereto are necessary for the proposed Project.

4. The property interests described and depicted in Exhibit "B" are a remnant that TRLIA seeks to acquire in accordance with Code of Civil Procedure Section 1240.410.

5. The offer of just compensation required by Government Code Section 7267.2 has been made to the owner of record of the Property.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described and depicted in Exhibits "A" and "B" attached hereto have been complied with by TRLIA.

7. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

The Board of Directors hereby authorizes and empowers legal counsel retained or employed by TRLIA to take the following actions:

1. To acquire in the name of TRLIA, by condemnation, the property interests described and depicted in Exhibits "A" and "B" attached hereto in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;

2. To prosecute in the name of TRLIA such proceedings in the proper court as necessary for such acquisition; and

3. To deposit the probable amount of compensation, based on an appraisal, and to apply to the court for an order permitting TRLIA to take possession of the property for public uses and purposes.

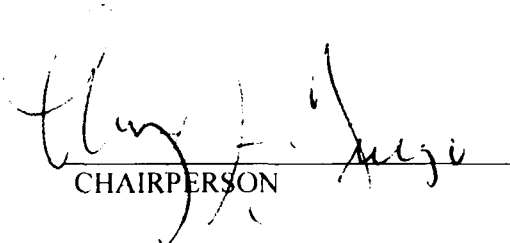
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 18th day of February, 2014, by a two-thirds (2/3) or greater vote as follows:

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

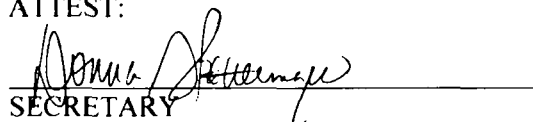
NOES: None

ABSTAIN: None

ABSENT: None


CHAIRPERSON

ATTEST:


SECRETARY

APPROVED AS TO FORM:
GENERAL COUNSEL

By: 
ANDREA CLARK

EXHIBIT A

Exhibit A-1

APN 014-360-011 and 014-360-013
Legal Description

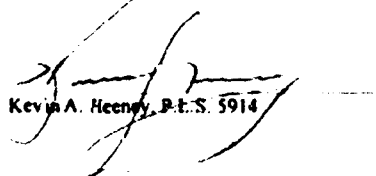
All that real property situated in the County of Yuba, State of California, being a portion of the real property conveyed by deed to Latigo Farms LLC, a California Limited Liability Company, dated February 27, 2013 and recorded in Document No. 2013-002673, Official Records of said County, being a portion Lots 1, 2, 23, 24, 25, 26 and 48 of the land shown on the plat entitled "Subdivision 'A', Marysville Land Co.", filed in Book 3 of Maps, Page 10, Yuba County Records, lying within Sections 21 and 28, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

Beginning at a point on the North line of said Lot 48, from which a brass disk stamped "LS 3341" in a standard monument well, per Record of Survey 2000-15, recorded in Book 72 of Maps, Page 34, Yuba County Records, marking the Northeast corner of said Subdivision 'A' bears South 88°34'08" East, 7718.15 feet and from which a similar brass disk in a standard monument well, marking the Southeast corner of said Subdivision 'A' bears South 54°45'44" East, 9502.49 feet; thence leaving said North line, South 00°36'18" East, 1761.03 feet more or less to a point on the North line of said Lot 26; thence along said North line, North 88°09'33" East, 66.55 feet to a point being the intersection of said North line and the East line of Parcel 4A, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded in Book 36, Page 296, Official Records of Yuba County; thence leaving said North line and along said East line, South 00°39'18" East, 3943.06 feet more or less to a point on the South line of said Lot 1, being also the North line of Parcel 23, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded April 11, 1941 in Book 61, Page 76, Official Records of Yuba County; thence along the South line of said Lot 1 and the North line of said Parcel 23, South 88°29'26" West, 195.38 feet; thence leaving said line, North 00°47'59" West, 288.67 feet; thence North 01°26'29" West, 560.40 feet; thence North 00°35'13" West, 555.57 feet; thence North 00°18'11" West, 536.01 feet; thence North 00°00'11" West, 571.24 feet; thence North 00°20'31" West, 543.43 feet; thence North 00°10'46" West, 512.61 feet; thence North 00°40'08" West, 231.25 feet; thence North 12°09'52" West, 53.54 feet; thence North 80°02'45" West, 35.72 feet more or less to a point on the East line of that certain parcel of land, granted to the State of California for freeway purposes by Frank L. and Emma A. Hofman by grant deed dated August 27, 1964 and recorded in Book 410, Page 468, Official Records of said County and being the East line of State Highway No. 70 and from which Caltrans Survey Monument No. 16-57, located 59.00 feet left of Engineers Station 260+01.05 of the "A2" line shown on the Division of Highways, District 3, Monument Map for Yuba County Route 70, Post Mile R5.3, dated October 31, 1968, on sheet 12 of 22 bears South 13°41'00" West, 606.30 feet; thence along said East line, North 00°32'33" West, 129.21 feet; thence leaving said East line, North 81°00'46" East, 35.63 feet; thence North 00°25'04" West, 716.34 feet; thence North 00°29'21" West, 539.27 feet; thence North 00°44'37" West, 475.50 feet more or less to a point on the North line of said Lot 48, being also the South line of Parcel 10 as described in the deed to Jean Pierre Alfaro and Marie Jeanne Alfaro, Trustees of the Jean Pierre Alfaro and Marie Jeanne Alfaro 1999 Family Revocable Trust, dated March 6, 1999 and recorded in Document No. 2000-0853; thence along said North line, South 82°39'27" East, 128.91 feet to the Point of Beginning, containing 23.066 acres, more or less.

End of Description

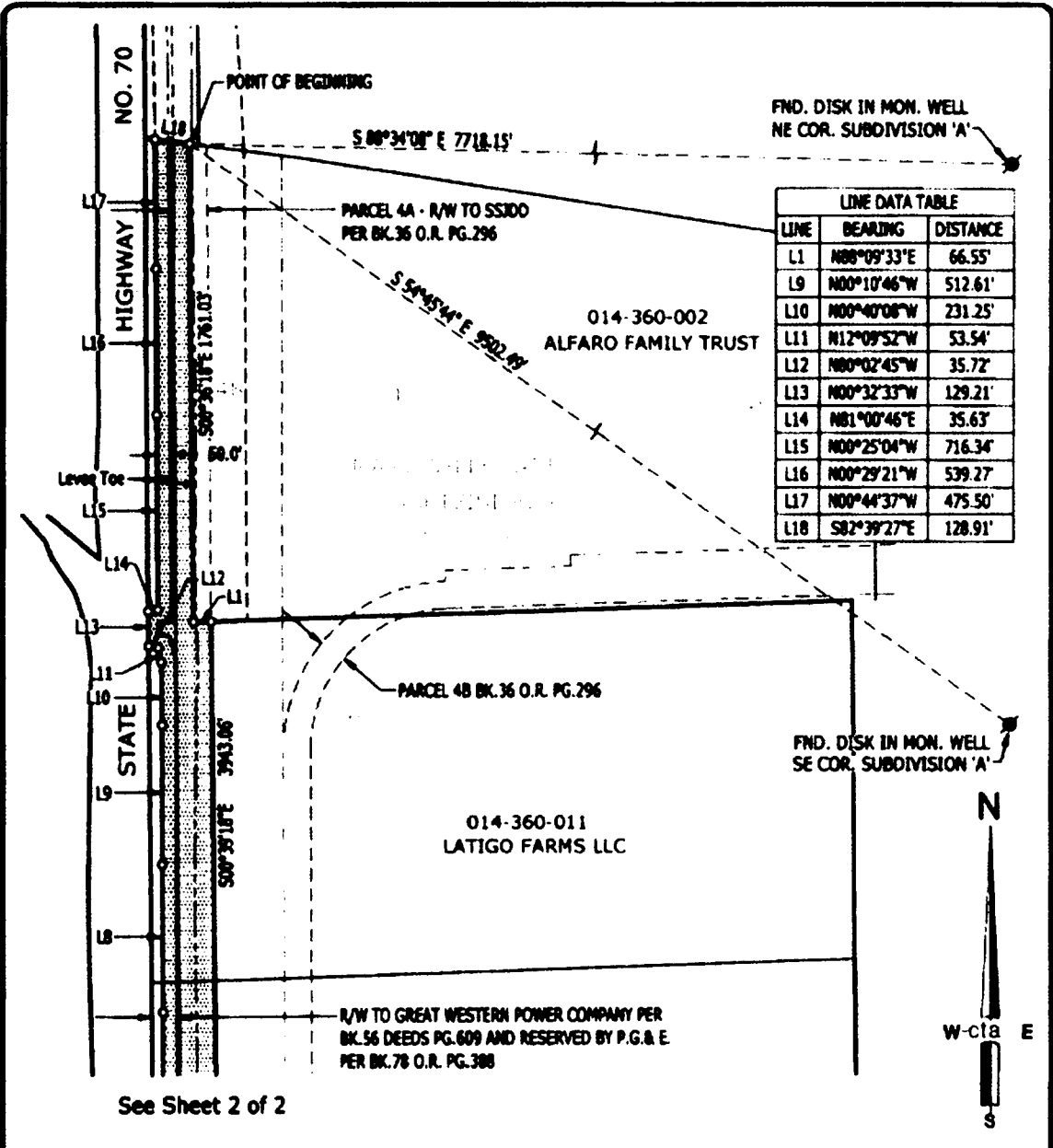
The Basis of Bearings for this description is the California Coordinate System, CCS83 (2007.00), Zone 2, based on observations between NGS Stations Rio Oso, Algodon and HPGN D CA 03 GH. Distances contained herein are ground distances. Multiply the ground distances by 0.99991703 to obtain grid distances.

This description has been prepared by me or under my direct supervision.

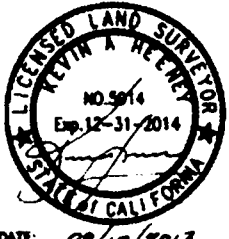

Kevin A. Heeney, P.E.S. 5914

09/10/2013
Date





LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N88°09'33"E	66.53'
L9	N00°10'46"W	512.61'
L10	N00°40'08"W	231.25'
L11	N12°09'52"W	53.54'
L12	N80°02'45"W	35.72'
L13	N00°32'33"W	129.21'
L14	N81°00'46"E	35.63'
L15	N00°25'04"W	716.34'
L16	N00°29'21"W	539.27'
L17	N00°44'37"W	475.50'
L18	S82°39'27"E	128.91'



DATE: 09/10/2013

Exhibit 'A-2'

OWNER: Latigo Farms, LLC

A.P.N. 014-360-011 and 014-360-013

ACQUISITION AREAS:
FEE AREA: 23.066 Ac.

cta Engineering & Surveying

DATE: 09/09/2013

DRAWN BY: KAH

SCALE: 1"=500'

JOB NO. 08-008-005

SHEET 1 of 2

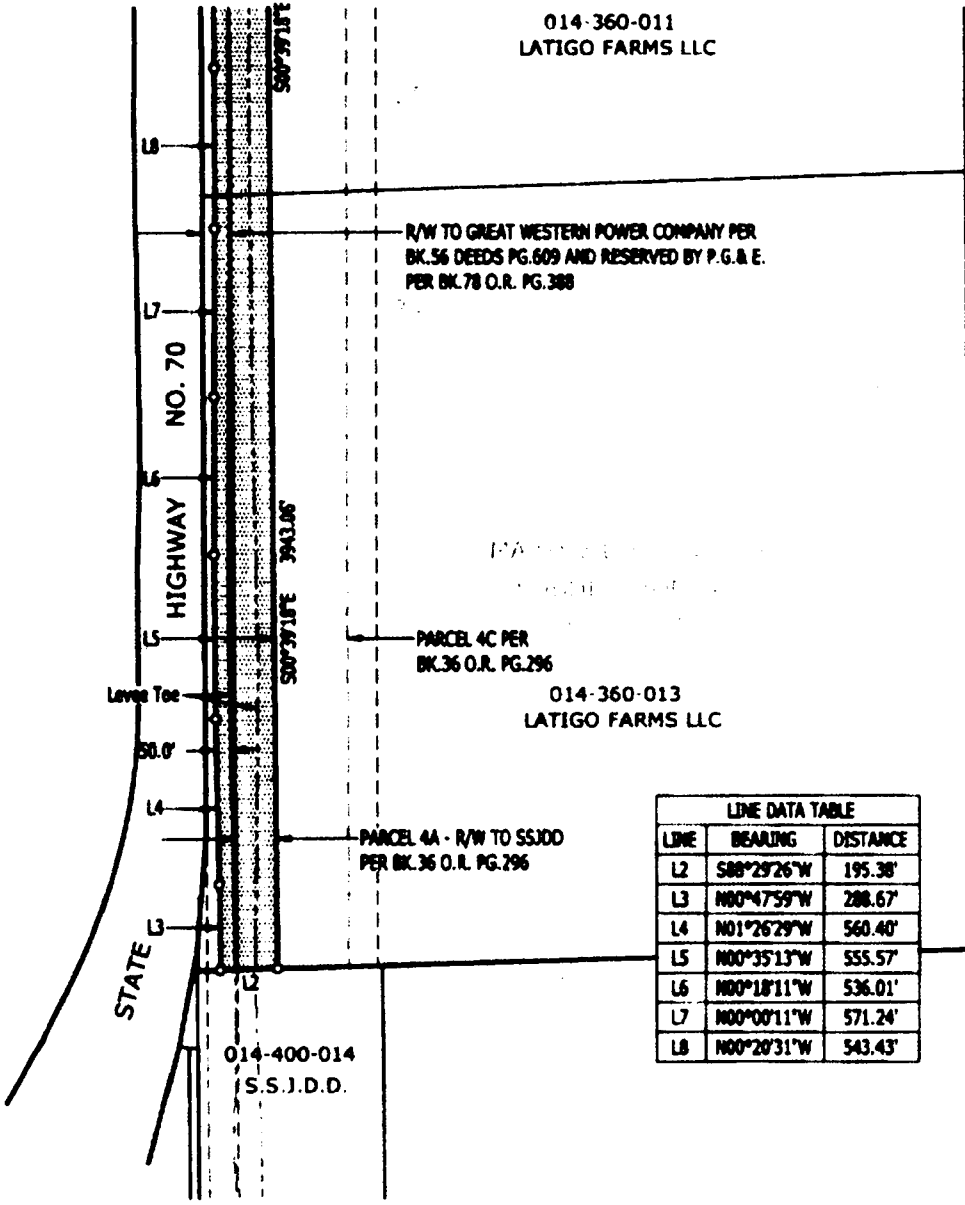
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
WESTERN PACIFIC
INTERCEPTOR CANAL
Reclamation District 784

COUNTY OF YUBA STATE OF CALIFORNIA

See Sheet 1 of 2

014-360-011
LATIGO FARMS LLC



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L2	S88°29'26"W	195.38'
L3	N80°47'59"W	288.67'
L4	N01°26'29"W	560.40'
L5	N00°35'13"W	555.57'
L6	N00°18'11"W	536.01'
L7	N00°00'11"W	571.24'
L8	N00°20'31"W	543.43'



DATE: 09/10/2013

Exhibit 'A-2'

OWNER: Latigo Farms, LLC

A.P.N. 014-360-011 and 014-360-013

ACQUISITION AREAS:
PEE AREA: 23.066 Ac.

cta Engineering & Surveying

DATE: 09/09/2013

DRAWN BY: KAH

SCALE: 1"=500'

JOB NO. 06-008-005

SHEET 2 of 2

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
WESTERN PACIFIC
INTERCEPTOR CANAL
Reclamation District 784

COUNTY OF YUBA STATE OF CALIFORNIA

EXHIBIT B

Exhibit A-1

APN 014-360-011 and 014-360-013
Legal Description

All that real property situated in the County of Yuba, State of California, being a portion of the real property conveyed by deed to Latigo Farms LLC, a California Limited Liability Company, dated February 27, 2013 and recorded in Document No. 2013-002673, Official Records of said County, being a portion Lots 1, 2, 23, 24, 25, 26 and 48 of the land shown on the plat entitled "Subdivision 'A', Marysville Land Co.", filed in Book 3 of maps, Page 10, Yuba County Records, lying within Sections 21 and 28, Township 14 North, Range 4 East, M.D.M., and being more particularly described as follows:

Commencing at a point on the North line of said Lot 48, from which a brass disk stamped "LS 3341" in a standard monument well, per Record of Survey 2000-15, recorded in Book 72 of Maps, Page 34, Yuba County Records, marking the Northeast corner of said Subdivision 'A' bears South 88°34'08" East, 7718.15 feet and from which a similar brass disk in a standard monument well, marking the Southeast corner of said Subdivision 'A' bears South 54°45'44" East, 9502.49 feet; thence leaving said North line, South 00°36'18" East, 1761.03 feet more or less to a point on the North line of said Lot 26; thence along said North line, North 88°09'33" East, 66.55 feet to a point being the intersection of said North line and the East line of Parcel 4A, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded in Book 36, Page 296, Official Records of Yuba County; thence leaving said North line and along said East line, South 00°19'18" East, 3943.06 feet more or less to a point on the South line of said Lot 1, being also the North line of Parcel 23, as described in the deed to the Sacramento-San Joaquin Drainage District, recorded April 11, 1941 in Book 61, Page 76, Official Records of Yuba County; thence along the South line of said Lot 1 and the North line of said Parcel 23, South 88°29'26" West, 195.38 feet to the Point of Beginning; thence leaving said South line, North 00°47'59" West, 288.67 feet; thence North 01°26'29" West, 560.40 feet; thence North 00°35'13" West, 555.57 feet; thence North 00°18'11" West, 536.01 feet; thence North 00°00'11" West, 571.24 feet; thence North 00°20'31" West, 543.43 feet; thence North 00°10'46" West, 512.61 feet; thence North 00°40'08" West, 231.25 feet; thence North 12°09'52" West, 53.54 feet; thence North 80°02'45" West, 35.72 feet more or less to a point hereinafter refer to as Point 'A', on the East line of that certain parcel of land, granted to the State of California for freeway purposes by Frank L. and Emma A. Hofman by grant deed dated August 27, 1964 and recorded in Book 410, Page 468, Official Records of said County and being the East line of State Highway No. 70 and from which Caltrans Survey Monument No. 16-57, located 59.00 feet left of Engineers Station 260+01.05 of the "A2" line shown on the Division of Highways, District 3, Monument Map for Yuba County Route 70, Post Mile R5.3, dated October 31, 1968, on sheet 12 of 22 bears South 13°41'00" West, 606.30 feet; thence along said East line the following three (3) courses:

1. South 00°32'33" East, 2860.86 feet; thence
2. South 00°28'58" East, 544.29 feet; thence
3. South 04°38'18" West, 386.65 feet more or less to a point on the West line of said Subdivision 'A';

thence along the West line of said Subdivision 'A', South 00°33'56" East, 69.12 feet more or less to the Southwest corner of said Subdivision 'A'; thence along the South line of said Subdivision 'A' and the North line of said Sacramento-San Joaquin Drainage District Parcel 23, North 88°29'26" East, 79.64 feet to the Point of Beginning, containing 3.719 acres, more or less.

TOGETHER WITH the following:

Commencing at the aforementioned Point 'A', thence along the East line of said State Highway No. 70, North 00°32'33" West, 129.21 feet to the Point of Beginning; thence leaving said East line, North 81°00'46" East, 35.63 feet; thence North 00°25'04" West, 716.34 feet; thence North 00°29'21" West, 539.27 feet; thence North 00°44'37" West, 475.50 feet more or less to a point on the North line of said Lot 48, being also the South line of Parcel 10 as described in the deed to Jean Pierre Alfaro and Marie Jeanne Alfaro, Trustees of the Jean Pierre Alfaro and Marie Jeanne Alfaro 1999 Family Revocable Trust, dated March 6, 1999 and recorded in Document No. 2000-0853; thence along said North line, North 82°39'27" West, 35.97 feet more or less to a point on the East

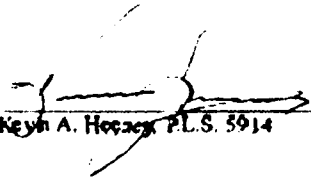
Exhibit A-1

line of said State Highway No. 70; thence along said East line, South 00°32'33" East, 1741.28 feet to the Point of Beginning, containing 1.454 acres, more or less.

End of Description

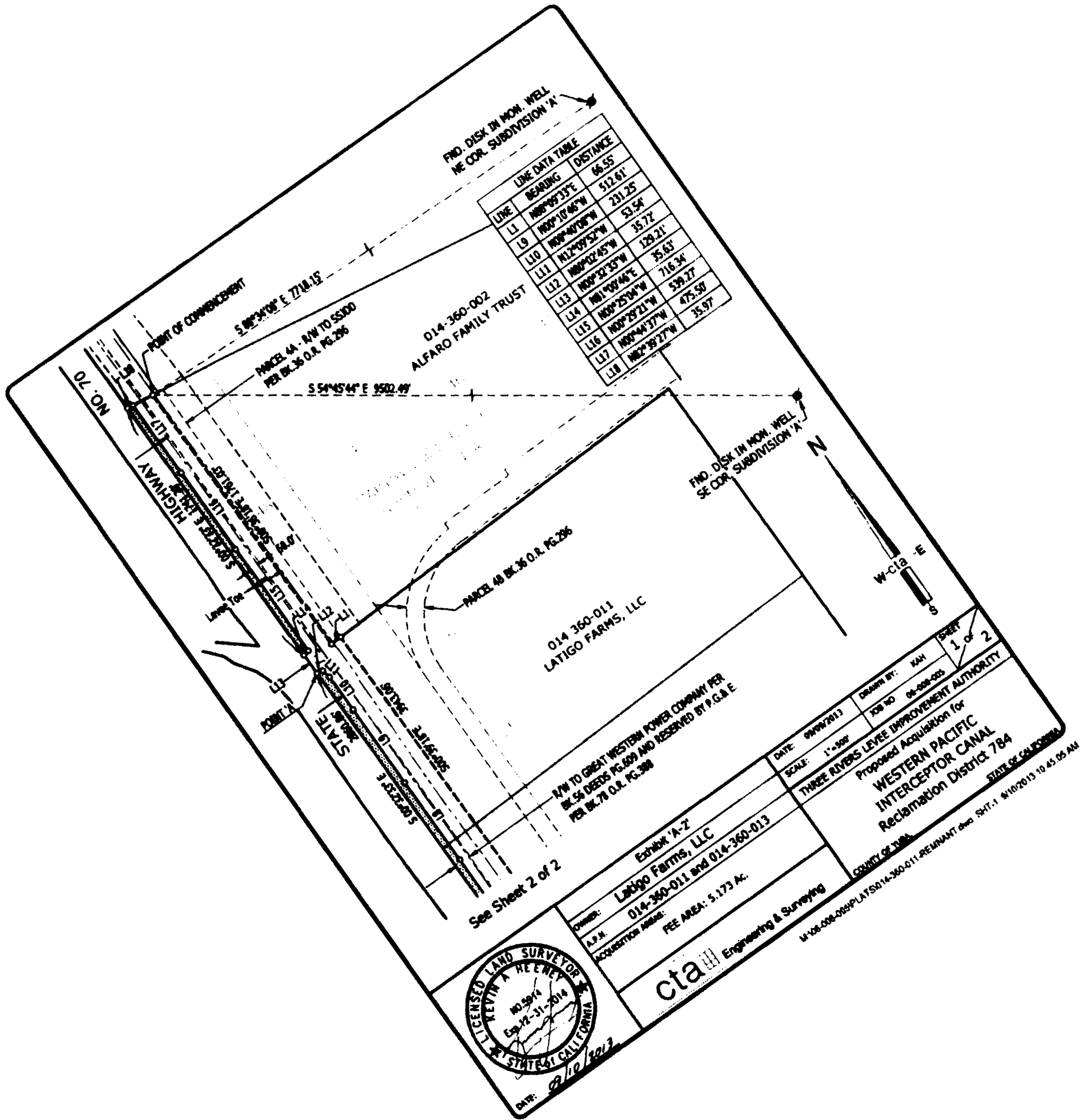
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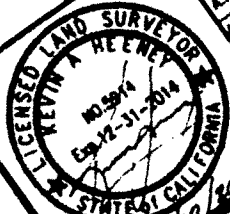

Kevin A. Hooper, P.L.S. 5914

09/10/2013
Date





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L12	N12°02'45"W	35.72'
L13	N00°22'33"W	128.21'
L14	N01°09'46"E	25.83'
L15	N00°25'06"W	716.34'
L16	N00°29'21"W	475.58'
L17	N00°44'37"W	538.27'
L18	N02°39'27"W	35.97'



cta Engineering & Surveying

DATE: 09/09/2013

SCALE: 1"=300'

DATE: 09/09/2013

SCALE: 1"=300'

Drawn By: MAH

JOB NO: 06-008-005

SHEET: 1 of 2

Proposed Acquisition for
WESTERN PACIFIC
INTERCEPTOR CANAL
Reclamation District 784

COUNTY OF YUBA

STATE OF CALIFORNIA

U:\06-008-005\PLATS\014-360-011-RELIQUANT.dwg SRT-1 4/10/2013 10:45:05 AM

OWNER:
A.J.H.
Acquisition Name:
014-360-011 and 014-360-013
Latigo Farms, LLC
FEE AREA: 5.173 Ac.

See Sheet 2 of 2

See Sheet 1 of 2

014-360-011
LATIGO FARMS, LLC

R/W TO GREAT WESTERN POWER COMPANY PER
BK.56 DEEDS PG.609 AND RESERVED BY P.G. & E.
PER BK.78 O.R. PG.388

PARCEL 4C PER
BK.36 O.R. PG.296

014-360-013
LATIGO FARMS, LLC

PARCEL 4A - R/W TO SSJDO
PER BK.36 O.R. PG.296

LINE DATA TABLE		
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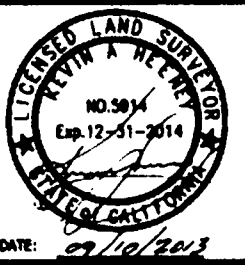
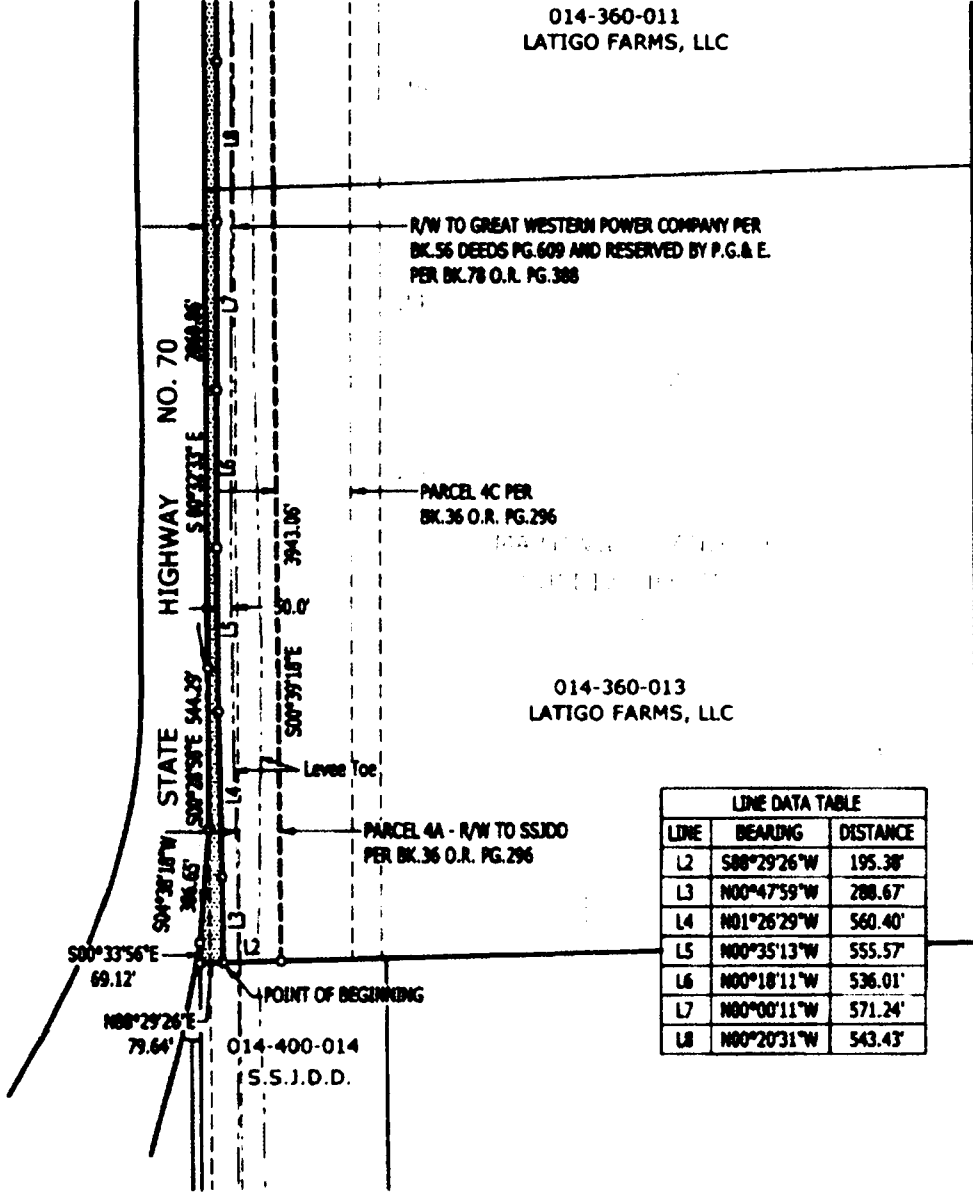


Exhibit 'A-2'

OWNER: **Latigo Farms, LLC**

A.P.N. **014-360-011 and 014-360-013**

ACQUISITION AREAS:
FEE AREA: 5.173 Ac.

cta Engineering & Surveying

DATE: 09/09/2013 DRAWN BY: KAH SHEET 2 of 2

SCALE: 1" = 500' JOB NO. 06-008-003

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
**WESTERN PACIFIC
INTERCEPTOR CANAL
Reclamation District 784**

COUNTY OF YUBA STATE OF CALIFORNIA