

RESOLUTION NO. 2016- 1

**A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY
FOR SEGMENT 3 OF THE FEATHER RIVER LEVEE IMPROVEMENT PROJECT
(CODE CIV. PROC. § 1245.230)**

Property Owner: Unknown

WHEREAS, Three Rivers Levee Improvement Authority (“TRLIA”) has determined that it needs to acquire certain property interests in property along the Northwest side of Riverside Avenue in Yuba County for Segment 3 of the Feather River Levee Improvement Project (the “Project”); and

WHEREAS, The property interests that TRLIA needs to acquire for the Project are more specifically described and depicted in Exhibits “A-1” and “A-2” attached hereto; 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, 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 Exhibits “A-1” and “A-2” attached hereto are necessary for the proposed Project.
4. 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.

5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described and depicted in Exhibits "A-1" and "A-2" attached hereto have been complied with by TRLIA.

6. 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-1" and "A-2" 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 19th day of January, 2016, by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Atwal, Brown, Nicoletti, Ritchie

NOES: None


ABSTAIN: None

ABSENT: Director Griego



CHAIRPERSON

ATTEST:


Donna Stottlemeyer, Secretary

**APPROVED AS TO FORM
SCOTT L. SHAPIRO
GENERAL COUNSEL**

By: 

EXHIBIT A-1

LEGAL DESCRIPTION

All that real property situate in the County of Yuba, State of California, being a portion of Lot 39 of the "New Helvetia Rancho", lying within projected Sections 24 & 25, Township 15 North, Range 3 East, M.D.M., being a portion of the lands shown on the plat of "Yuba Gardens", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 2, and being more particularly described as follows:

PARCEL 14046

BEGINNING at an angle point in the West line of Lot 117 as shown on the plat of "Subdivision of Tract Number 8, Yuba Gardens", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 45, said point lying on the Easterly line of that certain tract or parcel of land designated as PARCEL 5 in the deed to the Sacramento and San Joaquin Drainage District, dated December 12, 1958 and recorded in Book 267, Page 509, Official Records of Yuba County and from which an iron pipe set in concrete marking the Northwest corner of Parcel 1 as shown on that certain Parcel Map No. 89-03, filed in the office of the County Recorder of Yuba County in Book 50 of Maps, Page 26 bears South 27°10'44" East, 1874.95 feet and also from which a standard well monument set at the intersection of the centerlines of Kimerer Drive and Alicia Avenue, as shown on "Tract No. 137", filed in the office of the County Recorder of Yuba County in Book 8 of Maps, Page 16 bears South 40°42'10" East, 2158.34 feet; thence along the Northerly line of said "Subdivision of Tract Number 8, Yuba Gardens" the following three (3) courses:

1. North 17°44'14" East, 293.64 feet; thence
2. North 22°04'14" East, 77.78 feet; thence
3. North 30°49'14" East, 1017.40 feet more or less to the Northernmost corner of said "Subdivision of Tract Number 8, Yuba Gardens", being a point on the Southwesterly line of the Union Pacific Railroad Right of Way;

thence along said Right of Way line, North 49°06'46" West, 66.82 feet more or less to the Southerly line of the land described in the deed to E Street MX, Inc., dated December 13, 2006 and filed in Book 2006, Page 025830, Official Records of Yuba County; thence leaving said Right of Way and along said Southerly line being described as the base of a levee, the following two (2) courses:

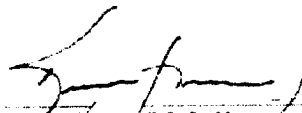
1. South 31°49'08" West, 974.17 feet; thence
2. South 36°00'14" West, 232.74 feet more or less to a point on the Easterly line of PARCEL 3 in the deed to Sacramento and San Joaquin Drainage District dated December 12, 1958 and recorded in Book 267, Page 509, Official Records of Yuba County;

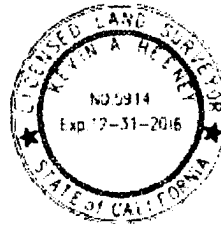
thence along the Easterly line of said PARCEL 3, South 11°20'46" East, 222.56 feet to a point on the North line of said PARCEL 5; thence along the North line of said PARCEL 5, North 78°39'14" East, 10.00 feet to the Northeast corner of said PARCEL 5; thence along the East line of said PARCEL 5, South 11°20'46" East, 37.66 feet to the **POINT OF BEGINNING**, containing 2.530 acres, more or less.

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.

End of Description

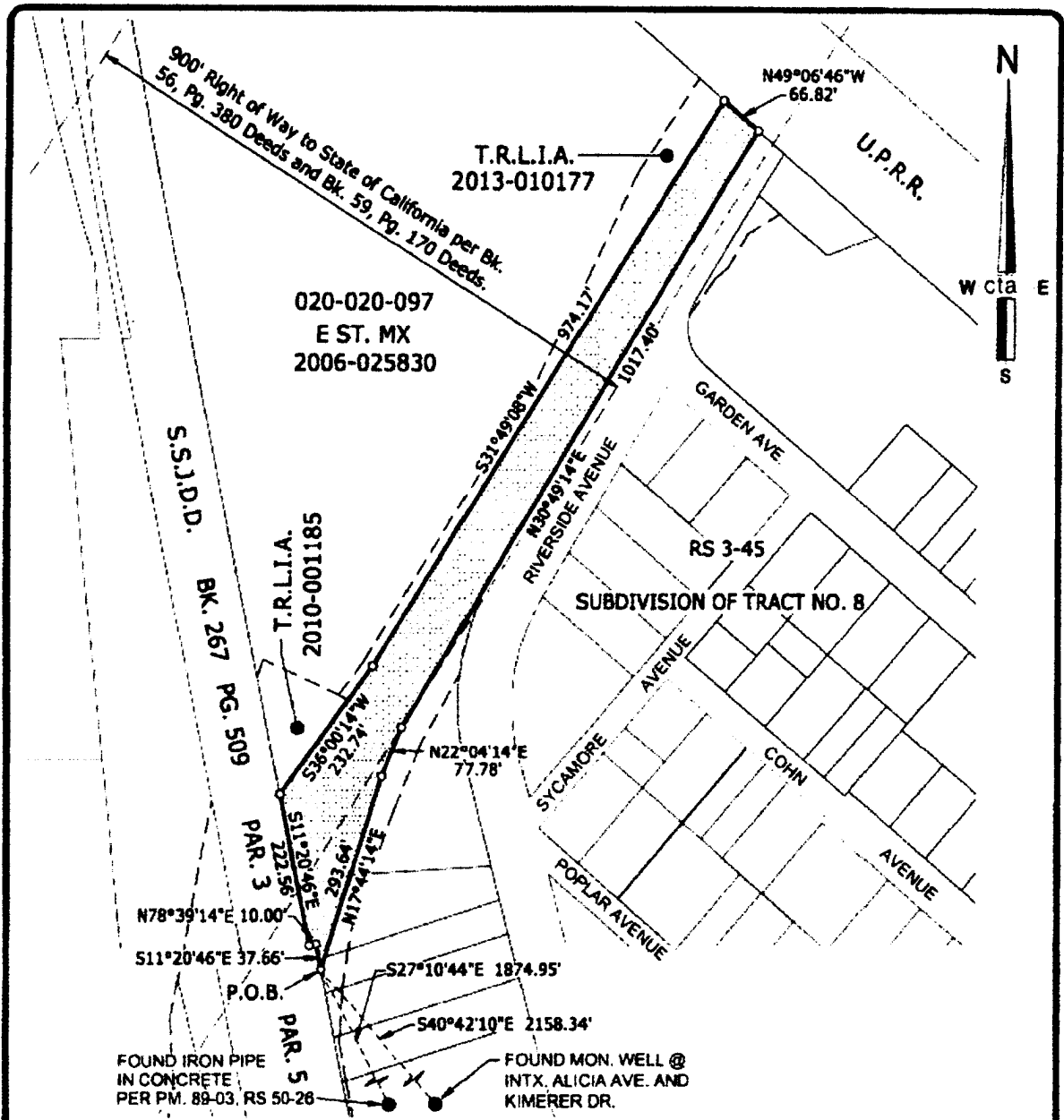
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


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

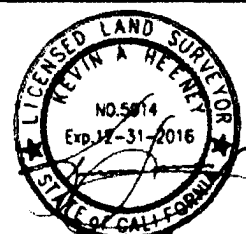


06/23/2015
Dated

EXHIBIT A-2



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 0.99991703 TO OBTAIN GRID DISTANCES



DATE: 06/23/2015

Exhibit 'A-2'	
OWNER:	Unknown
A.P.N.:	N.A.
AREA:	FEE AREA: 2.530 Ac.
cta Engineering & Surveying	

DATE: 06/23/2015	DRAWN BY: KAH	SHEET 1 of 1
SCALE: 1"=200'	JOB NO. 06-008-005	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
Proposed Acquisition for Feather River Levee Repair Project Segment 3		
COUNTY OF YUBA	STATE OF CALIFORNIA	