

RESOLUTION NO. 2016-~~3~~

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

Property Owner: R.B. Satori, LP (APNs 018-220-056)

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 No. 018-220-056 for the Upper Yuba 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” and “B” attached hereto (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 2, 2016, 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 Exhibits “A” and “B” attached hereto are necessary for the proposed Project.
4. The offer of just compensation required by Government Code section 7267.2 has been made to the owner of record of the Property.
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” and “B” 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" 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.

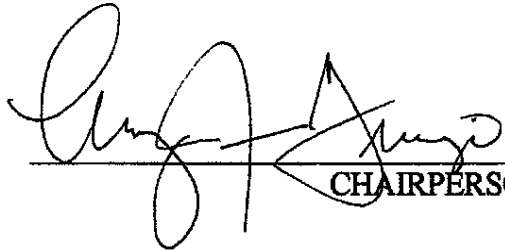
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 2nd day of February, 2016, by a two-thirds (2/3) or greater vote as follows:

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

NOES: None


ABSTAIN: None

ABSENT: None



CHAIRPERSON

ATTEST:



Donna Stottlemeyer, Secretary

**APPROVED AS TO FORM
ANDREA CLARK
GENERAL COUNSEL**

By: Andrea P. Clark

EXHIBIT A

Exhibit 'A-1'

All that real property situate in the County of Yuba, State of California, being a portion of Lot 37 of the New Helvetia Rancho, as shown on the Plat thereof, filed in the office of the Bureau of Land Management, Sacramento, California, Township 15 North, Range 4 East, M.D.M, and being also a portion of the land underlying the railroad easement conveyed to Central Pacific Railway Company in Book 85 of Deeds, Page 308, Official Records of Yuba County and lying North of the Southwesterly line of Parcel 4, as described in Book 10 at Page 295, Official Records of Yuba County and being more particularly described as follows:

PARCEL 14074

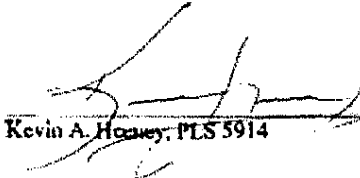
COMMENCING at the Southernmost corner of Parcel 6, as shown on that certain Record of Survey No. 2001-10, filed in the office of the County Recorder of Yuba County in Book 73 of Maps, Page 12, from which a brass cap set in a monument well at the intersection of Dunning Avenue and Hampton-Smartsville Road bears South 46°37'29" West, 2383.35 feet, and from which a brass cap set in a monument well at the intersection of Dantoni Road and Hampton-Smartsville Road bears South 42°50'34" East, 2193.45 feet; thence from said Point of Commencement, South 02°14'28" East, 109.12 feet to a point on the Northerly line of said Central Pacific Railway Easement, being also a point on the Westerly line of the lands of Green Rose Investments, LLC as described in the deed recorded June 22, 2007 in Document No. 2007-010680, Official Records of Yuba County and the true **POINT OF BEGINNING**; thence along said Westerly line, South 28°32'22" East, 29.65 feet, more or less to a point on the Southerly line as described in the deed to Richard B. Wilbur, dated January 27, 1956 and recorded in Book 219 Page 13, Official Records of Yuba County; thence following said line, South 53°24'57" West, 293.39 feet; thence South 60°16'57" West, 3.17 feet to an angle point in the North line of Lot 57, 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, being also an angle point in the North line of that parcel of land described in the Deed to Three Rivers Levee Improvement Authority, recorded November 10, 2010, Document No. 2010-014119, Official Records of Yuba County; thence leaving said South line and along the Easterly line of said lands of Western Aggregates LLC, North 38°06'48" West, 33.36 feet, more or less, to a point on the Northerly line of said Central Pacific Railway Easement, being also an angle point on the Southerly line of Parcel 5 of the lands of Richard G. Wilbur, as Trustee of the Richard G. Wilbur Revocable Trust dated November 2, 1994 as described in the deed dated September 26, 1996 and recorded in Document No. 96010501, Official Records of Yuba County; thence along said Northerly line, North 55°48'36" East, 36.65 feet; thence North 55°24'36" East, 71.80 feet; thence North 53°31'06" East, 193.20 feet to the **POINT OF BEGINNING**, containing 0.208 acres, more or less.

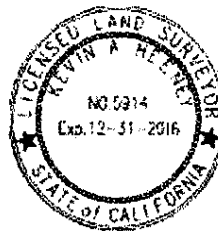
See Exhibit 'A-2' attached hereto and made a part of this description.

The Basis of Bearings for this description is the California Coordinate System, 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.

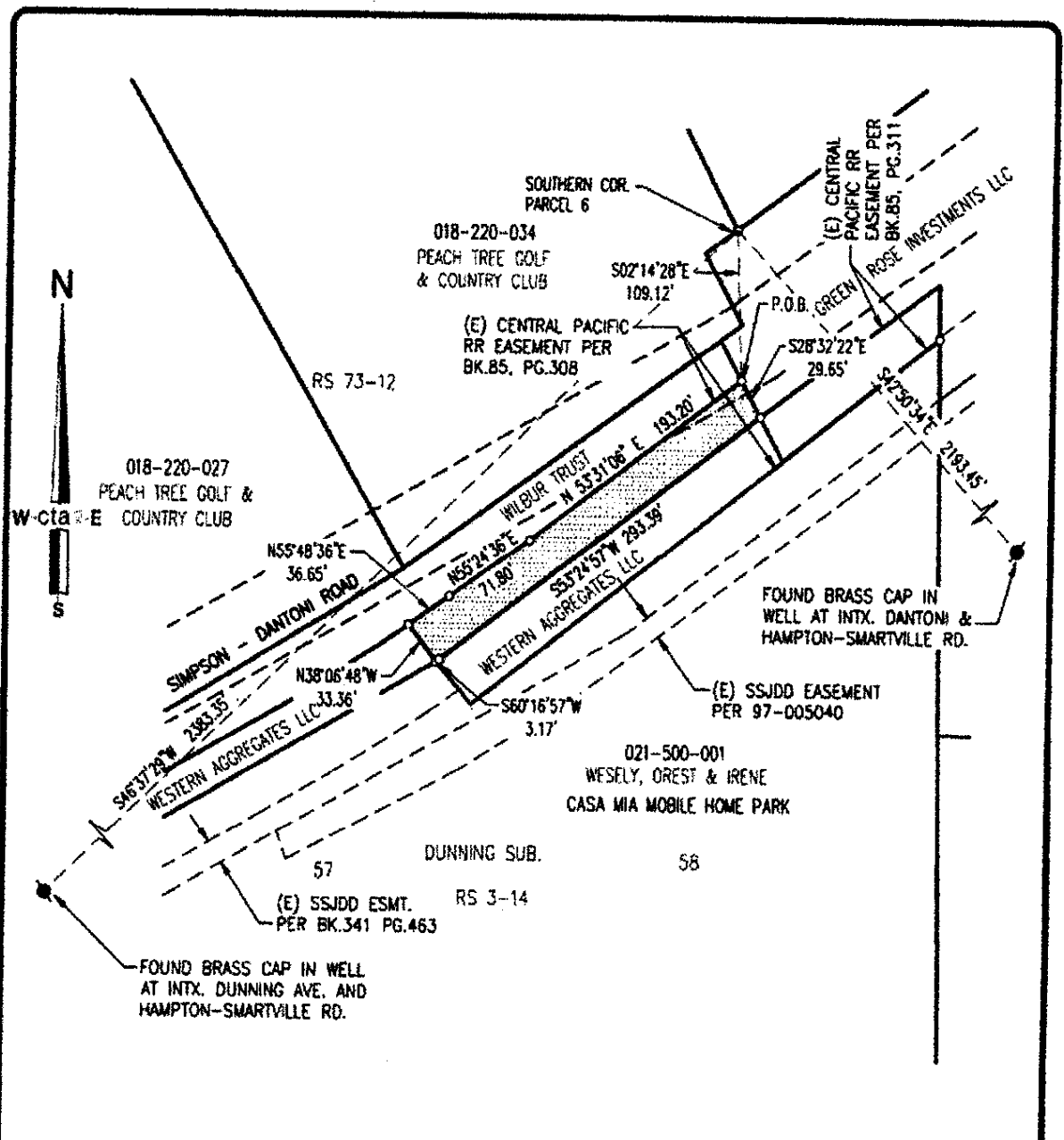
End of Description

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


Kevin A. Heaney, PLS 5914



12/03/2016
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 0.99991703 TO OBTAIN GRID DISTANCES.



Exhibit 'A-2'	
OWNER:	Richard G. Wilbur Rev. Trust
A.P.N.:	Portion of 018-220-056
AREA:	0.208 Ac.

DATE:	12/03/2015	DRAWN BY:	KAH	SHEET 1 of 1
SCALE:	1"=100'	JOB NO.	06-008-004	

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

DATE: 12/03/2015

cta Engineering & Surveying

COUNTY OF YUBA, STATE OF CALIFORNIA

EXHIBIT B

Exhibit 'A-1'

All that real property situate in the County of Yuba, State of California, being a portion of Lot 37 of the New Helvetia Rancho, lying within projected Sections 20 and 21, Township 15 North, Range 4 East, M.D.M., being a portion of Parcel 5 of the lands of Richard G. Wilbur, as Trustee of the Richard G. Wilbur Revocable Trust dated November 2, 1994 as described in the deed dated September 26, 1996 and recorded in Document No. 96010501, Official Records of Yuba County and being more particularly described as follows:

PARCEL 14074

Beginning at the Northwest corner of Lot 51, as shown on the plat of the "Dunning Subdivision", filed in the office of the County Recorder of Yuba County in Book 3 of Maps, Page 14, from which a brass cap in a standard County monument well located at the intersection of Linda Avenue and Hammonton-Smartville Road bears South $24^{\circ}50'54''$ West, 1967.84 feet and from which a similar brass cap in a standard County monument well at the intersection of Dunning Avenue and Hammonton-Smartville Road bears North $87^{\circ}48'46''$ East, 1708.67 feet; thence along the Northerly line of said "Dunning Subdivision" South $83^{\circ}01'22''$ East, 101.81 feet; thence North $88^{\circ}58'38''$ East, 88.50 feet more or less to the intersection of the Northerly line of the Central Pacific Railway easement as described in the indenture dated June 25, 1926 and recorded in Book 85 of Deeds, Page 306, Official Records of Yuba County and the land of Western Aggregates LLC as described in the deed recorded May 4, 2007 in Document No. 2007-007862, Official Records of Yuba County; thence along said Northerly line the following twenty four (24) courses:

1. North $76^{\circ}23'36''$ East, 498.73 feet; thence
2. North $72^{\circ}24'51''$ East, 52.22 feet; thence
3. along a tapered curve to the left, (deflecting $1^{\circ}00'$ every 30 feet) North $71^{\circ}53'06''$ East, 74.31 feet; thence
4. along the arc of a curve to the left, having a radius of 1607.09 feet, the chord of which bears North $70^{\circ}21'51''$ East, 41.37 feet; thence
5. along a tapered curve to the left (deflecting $1^{\circ}00'$ every 30 feet), North $68^{\circ}50'21''$ East, 74.31 feet; thence
6. North $68^{\circ}18'36''$ East, 224.37 feet; thence
7. along a tapered curve to the left, (deflecting $1^{\circ}00'$ every 30 feet) North $67^{\circ}55'51''$ East, 59.53 feet; thence
8. along the arc of a curve to the left, having a radius of 1879.91 feet, the chord of which bears North $66^{\circ}28'36''$ East, 61.24 feet; thence
9. along a tapered curve to the left, (deflecting $1^{\circ}00'$ every 30 feet) North $65^{\circ}00'51''$ East, 59.53 feet; thence
10. North $64^{\circ}38'36''$ East, 170.21 feet; thence
11. along a tapered curve to the left, (deflecting $1^{\circ}00'$ every 30 feet) North $64^{\circ}15'36''$ East, 59.53 feet; thence
12. along the arc of a curve to the left, having a radius of 1879.91 feet, the chord of which bears North $62^{\circ}32'36''$ East, 78.73 feet; thence
13. along a tapered curve to the left, (deflecting $1^{\circ}00'$ every 30 feet) North $60^{\circ}49'21''$ East, 59.53 feet; thence
14. North $60^{\circ}26'36''$ East, 325.30 feet; thence
15. along the arc of a curve to the left, having a radius of 34347.47 feet, the chord of which bears North $60^{\circ}17'36''$ East, 179.98 feet; thence
16. North $60^{\circ}08'36''$ East, 564.26 feet; thence

Exhibit 'A-1'

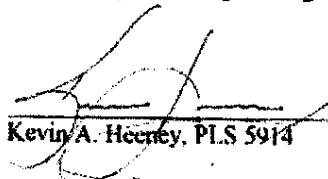
17. along the arc of a curve to the right, having a radius of 17218.74 feet, the chord of which bears North 60°24'36" East, 160.13 feet; thence
18. North 60°40'36" East, 445.15 feet; thence
19. along a tapered curve to the left, (deflecting 1°15' every 30 feet) North 60°12'06" East, 59.41 feet; thence
20. along the arc of a curve to the left, having a radius of 1497.96 feet, the chord of which bears North 58°02'36" East, 78.87 feet; thence
21. North 55°53'06" East, 22.76 feet; thence
22. North 55°48'36" East, 36.65 feet; thence
23. North 55°24'36" East, 71.80 feet; thence
24. North 53°31'06" East, 193.20 feet to a point on the Westerly line of the lands of Green Rose Investments, LLC as described in the deed recorded June 22, 2007 in Document No. 2007-010680, Official Records of Yuba County; thence
leaving the Northerly line of said Central Pacific Railroad easement and the lands of Western Aggregate LLC, and along said Westerly line, North 28°32'22" West, 2.03 feet; thence leaving said Westerly line South 54°34'46" West, 49.90 feet; thence South 57°22'56" West, 76.33 feet; thence South 56°27'23" West, 76.33 feet; thence South 58°11'28" West, 90.22 feet; thence South 59°31'18" West, 144.18 feet; thence along the arc of a curve to the right, having a radius of 4630.00 feet, the chord of which bears South 61°40'16" West, 347.30 feet; thence along the arc of a curve to the left, having a radius of 6200.00 feet, the chord of which bears South 62°43'03" West, 238.72 feet; thence South 61°36'51" West, 208.67 feet; thence South 60°54'09" West, 221.24 feet; thence South 60°22'58" West, 221.24 feet; thence South 59°55'25" West, 461.15 feet; thence South 61°35'59" West, 226.01 feet; thence South 63°40'33" West, 73.19 feet; thence along the arc of a curve to the right, having a radius of 3000.00 feet, the chord of which bears South 65°57'09" West, 238.33 feet; thence South 68°13'44" West, 89.39 feet; thence South 68°26'18" West, 159.16 feet; thence along the arc of a curve to the right, having a radius of 2350.00 feet, the chord of which bears South 72°58'54" West, 372.31 feet; thence South 77°31'30" West, 71.23 feet more or less to a point on the Southerly line of Simpson Dantoni Road; thence along said Southerly line and the arc of a curve, concave to the North, having a radius of 1929.91 feet, the chord of which bears South 87°58'26" West, 244.17 feet; thence leaving said Southerly line, South 82°06'31" West, 190.40 feet; thence South 65°06'06" West, 31.96 feet to a point on the Easterly line of that certain parcel of land to Western Aggregates as described as Parcel 2 in Document No. 98001096, Official Records of Yuba County; thence along said Easterly line, South 18°09'16" East, 41.13 feet to the Point of Beginning, containing 3.171 acres, more or less.

See Exhibit 'A-2' attached hereto and made a part of this description.

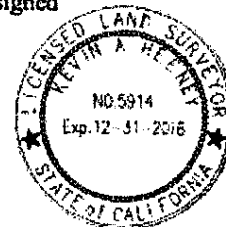
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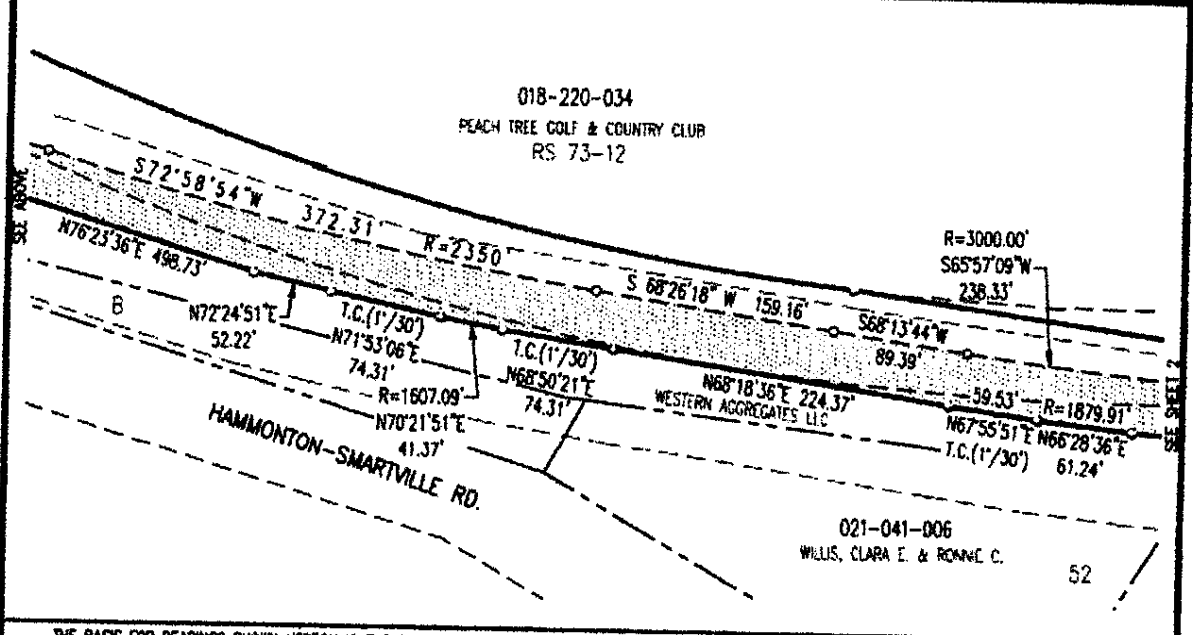
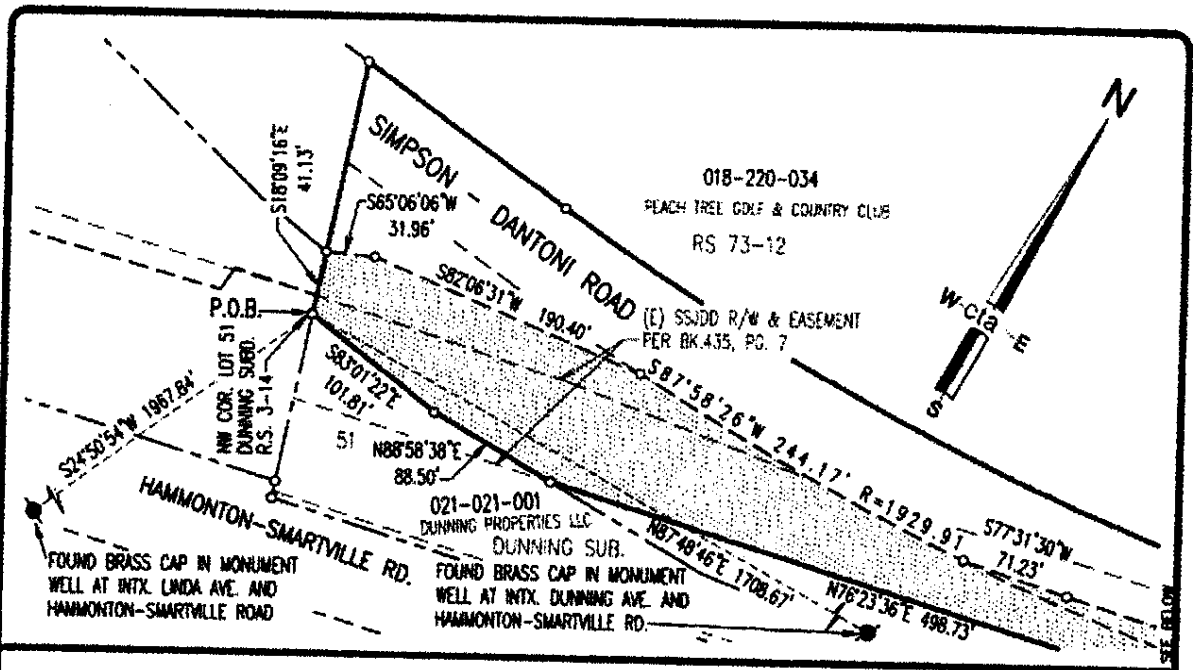
End of Description

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


Kevin A. Heeney, PLS 5914

12/03/2015
Date





THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE N, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.99991703 TO OBTAIN GRID DISTANCES.

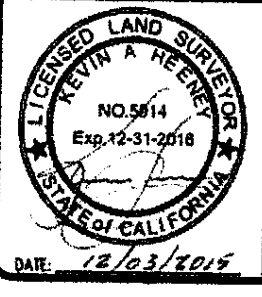
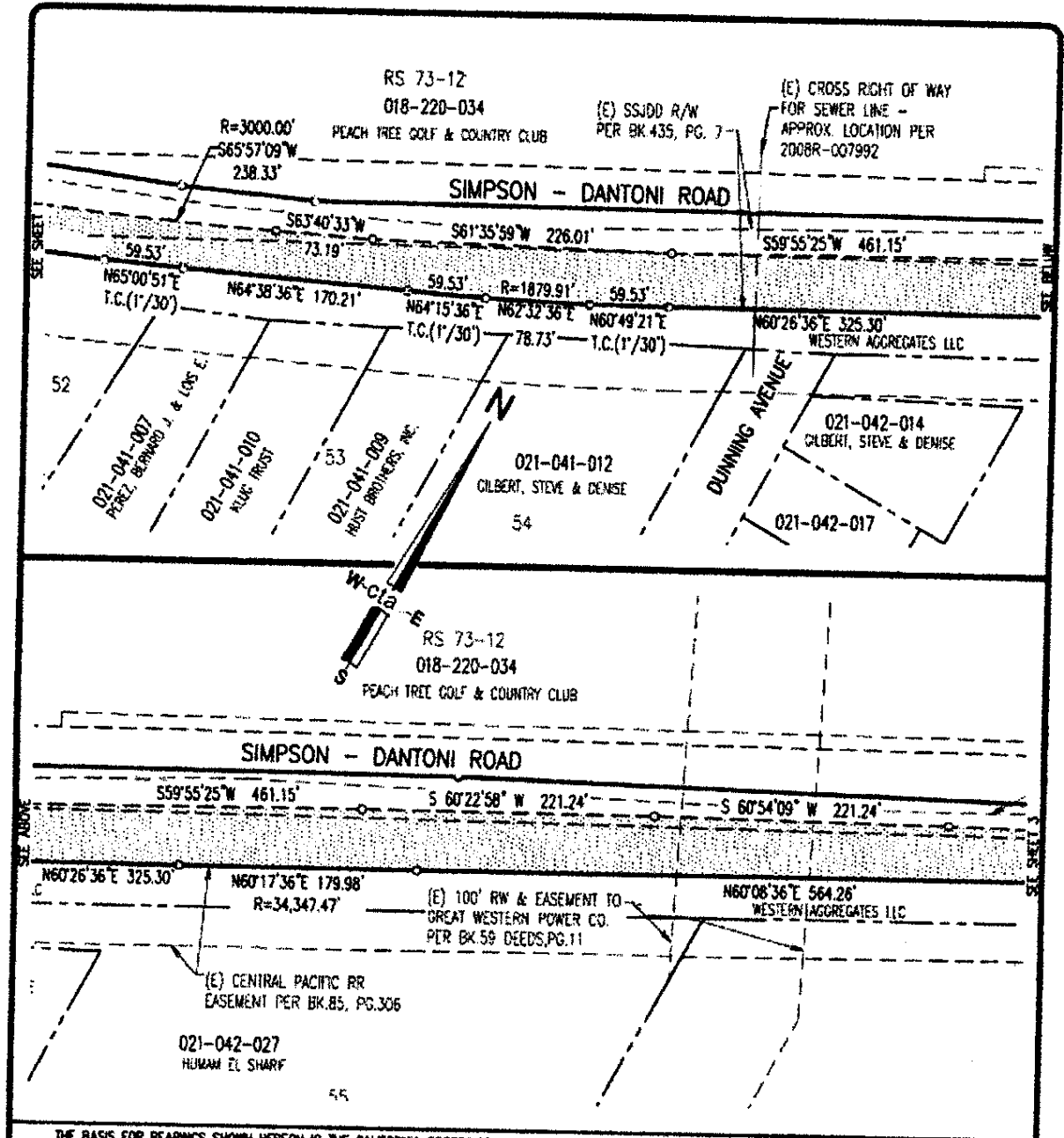


Exhibit 'A-2'		DATE: 12/03/2015	DRAWN BY: KAH	SHEET
OWNER:	Richard G. Wilbur Trust	SCALE: 1"=100'	JOB NO. 06-008-004	1 of 3
A.P.M.:	Portion of 018-220-056	THREE RIVERS LEVEE IMPROVEMENT AUTHORITY		
AREA:	3.171 Ac.	Proposed Acquisition for Upper Yuba Levee Improvement Project		
cta Engineering & Surveying		COUNTY OF YUBA STATE OF CALIFORNIA		

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Acquisition for
Upper Yuba Levee Improvement Project

COUNTY OF YUBA STATE OF CALIFORNIA



THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 18, NAD 83. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.99991703 TO OBTAIN GRID DISTANCES.



DATE: 12/03/2015

Exhibit 'A-2'	
OWNER:	Richard G. Wilbur Trust
A.P.N.:	Portion of 018-220-056
AREA:	3.171 Ac.
cta Engineering & Surveying	

DATE:	12/03/2015	DRAWN BY:	KAH	SHEET	2 OF 3
SCALE:	1"=100'	JOB NO.:	06-008-004		
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY					
Proposed Acquisition for Upper Yuba Levee Improvement Project					
COUNTY OF YUBA			STATE OF CALIFORNIA		

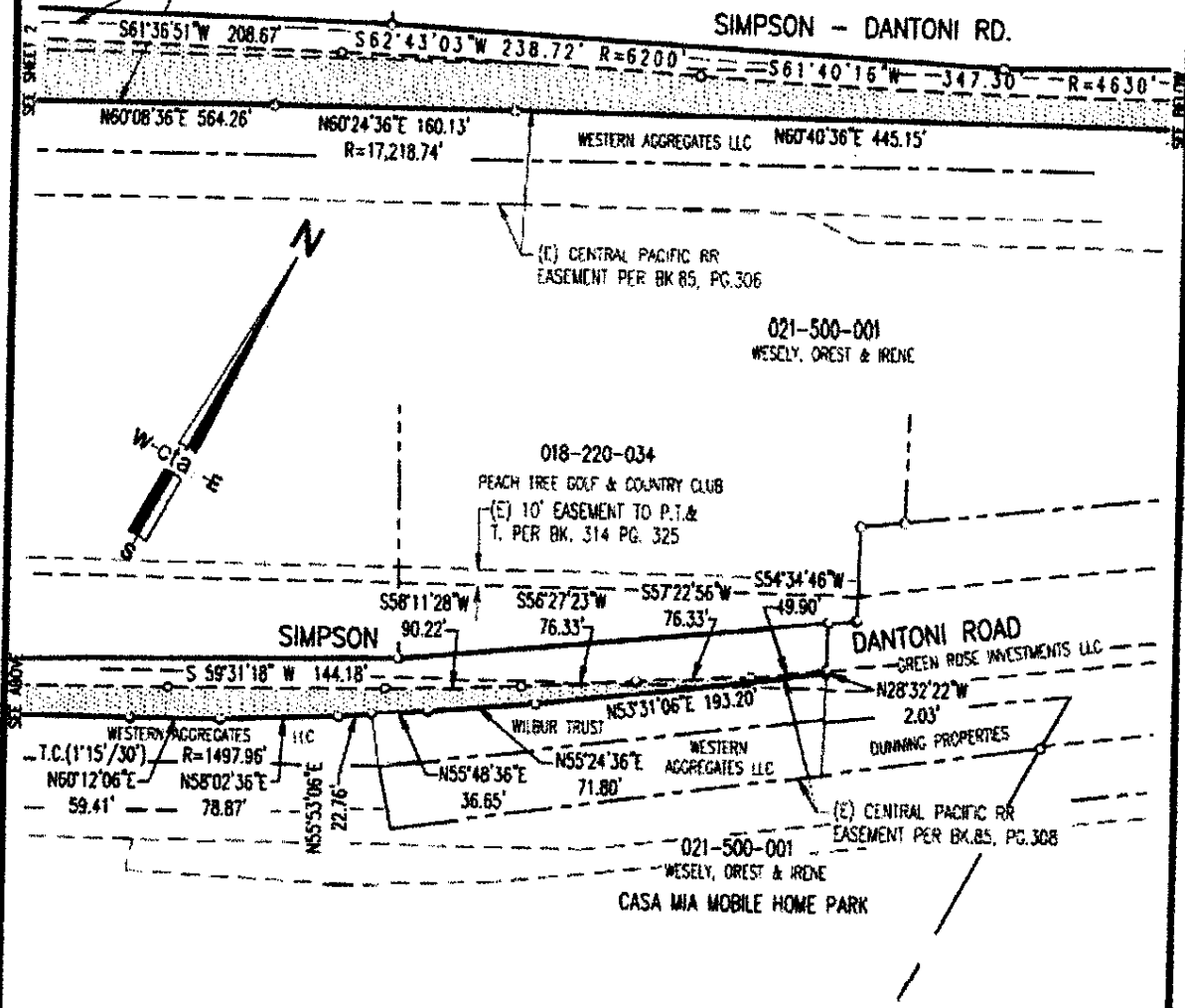
RS 73-12

018-220-027

PEACH TREE GOLF & COUNTRY CLUB

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

SIMPSON - DANTONI RD.



021-500-001
WESELY, OREST & IRENE

018-220-034
PEACH TREE GOLF & COUNTRY CLUB
(E) 10' EASEMENT TO P.T.&
T. PER BK. 314 PG. 325

021-500-001
WESELY, OREST & IRENE
CASA MIA MOBILE HOME PARK

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MULTIPLY GROUND DISTANCE BY 0.99991703 TO OBTAIN GRID DISTANCES.



DATE: 12/02/2015

Exhibit 'A-2'	
OWNER:	Richard G. Wilbur Trust
A.P.N.:	Portion of 018-220-056
AREA:	3.171 Ac.
cta Engineering & Surveying	

DATE:	12/03/2015	DRAWN BY:	KAH	SHEET	3 of 3
SCALE:	1"=100'	JOB NO.:	08-008-004		
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY					
Proposed Acquisition for Upper Yuba Levee Improvement Project					
COUNTY OF YUBA			STATE OF CALIFORNIA		