

RESOLUTION NO. 2018-01

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: Unknown

WHEREAS, Three Rivers Levee Improvement Authority (“TRLIA”) has determined that it needs to acquire certain property interests in property constituting a portion of Dunning Avenue along the South Bank Yuba River Levee 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; 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” and “B” 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" 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.

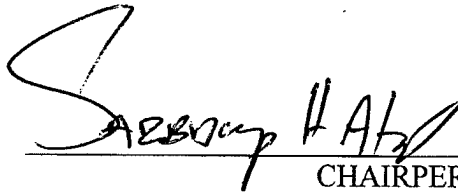
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 20th day of February, 2018, by a two-thirds (2/3) or greater vote as follows:

AYES: Directors Atwal, Brown, Lofton, Vasquez

NOES: None

ABSTAIN: None

ABSENT: None


CHAIRPERSON

ATTEST:


Donna Stottlemeyer, Secretary

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

By: 

EXHIBIT A

Portion of Dunning Avenue

All that real property situate in the County of Yuba, State of California, lying within Section 20, Township 15 North, Range 4 East, M.D.M., being a portion of the County Road (now known as and hereinafter referred to as Dunning Avenue) 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 and being more particularly described as follows:

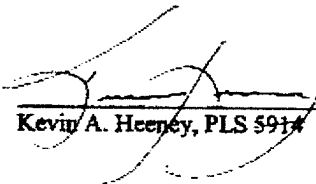
BEGINNING at the Northeast corner of said Dunning Avenue, being also the Northwest corner of Lot 6, as shown on the plat of "Yuba County Tract No. 80-291", filed in the office of the County Recorder of Yuba County in Book 35 of Maps, Page 45, and being also the Northwest corner of that certain parcel of land described in the Final Order of Condemnation in favor of Three Rivers Levee Improvement Authority, filed in the office of the County Recorder of Yuba County as Document No. 2013-007014, and from which a brass cap in a standard County monument well located at the intersection of Trevor Drive and Rick Drive bears South 82°44'57" East, 2012.41 feet, and from which a similar brass cap in a standard County monument well located at the intersection of Dunning Avenue and Hamonton-Smartville Road bears South 02°52'23" West, 476.21 feet; thence from said **POINT OF BEGINNING**, along the East line of said Dunning Avenue, South 00°37'03" East, 34.89 feet to the Northwest corner of that certain parcel of land as described in the deed to Three Rivers Levee Improvement Authority, filed in the office of the County Recorder of Yuba County in Document No. 2011-004476; thence continuing along the East line of said Dunning Avenue, South 00°37'03" East, 19.77 feet to the Southwest corner of said Three Rivers Levee Improvement Authority parcel; thence leaving the East line of said Dunning Avenue, South 61°56'00" West, 62.04 feet; thence South 61°30'02" West, 5.60 feet to the West line of said Dunning Avenue, being also the Southeast corner of that certain parcel of land as described in the deed to Three Rivers Levee Improvement Authority, filed in the office of the County Recorder of Yuba County in Document No. 2011-004475; thence along the West line of said Dunning Avenue, North 00°37'03" West, 55.06 feet to the Northwest corner of said Dunning Avenue, being also the Northeast corner of the last said Three Rivers Levee Improvement Authority parcel; thence along the North line of said Dunning Avenue, being also the South line of the lands described as Parcel 1 in that certain Quitclaim Deed to Western Aggregates LLC, filed in the office of the County Recorder of Yuba County in Document No. 2007-007862; thence along said North and South line the following two (2) courses:

1. North 62°16'57" East, 64.70 feet; thence
2. North 60°16'57" East, 2.75 feet to the **POINT OF BEGINNING**, containing 3,287 square feet.

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

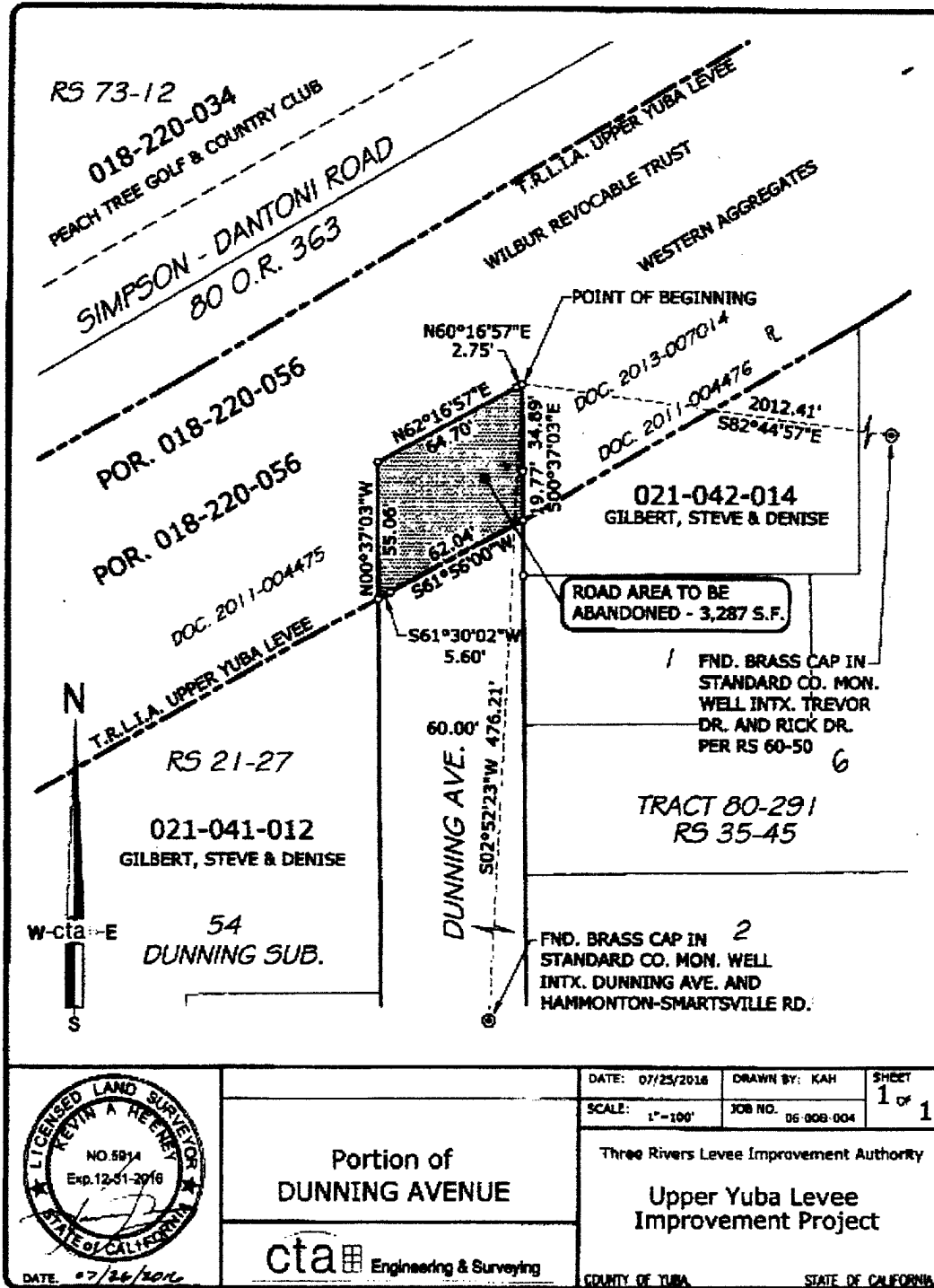
Prepared by CTA Engineering & Surveying under the supervision of the undersigned


Kevin A. Heeney, PLS 5914



07/26/2016
Date

EXHIBIT B



**Portion of
DUNNING AVENUE**

cta Engineering & Surveying

DATE: 07/25/2016	DRAWN BY: KAH	SHEET 1 of 1
SCALE: 1"=100'	JOB NO. 05 008-004	
Three Rivers Levee Improvement Authority		
Upper Yuba Levee Improvement Project		
COUNTY OF YUBA		STATE OF CALIFORNIA

The foregoing instrument is a Correct Copy of the original on file in this office
ATTEST: DONNA STOTTEMEYER
 Clerk of the Board of Supervisors of the County of Yuba, State of California

By *Rebecka L. Lorrain, Deputy*

