

RESOLUTION NO. _____

RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE EASEMENT INTERESTS IN A PORTION OF THE REAL PROPERTY LOCATED AT 37687 COUNTY ROAD 18, WOODLAND CA 95695, YOLO COUNTY ASSESSOR'S PARCEL NUMBER 025-320-005-000, PROPERTY OWNERS: KIMBLE L. TIMOTHY AND PATRICIA M. TIMOTHY, AS TRUSTEES OF THE TIMOTHY FAMILY TRUST, ESTABLISHED JULY 11, 2011, FOR THE HUFF'S CORNER LEVEE RAISE AND CHANNEL RECONFIGURATION PROJECT

WHEREAS, the section of Cache Creek known as "Huff's Corner" is a small reach on the right bank extending approximately 2,700-feet upstream from Interstate 5 (I-5), north of Woodland, in the unincorporated area of the County of Yolo ("County" or "Yolo County");

WHEREAS, the levee at Huff's Corner was initially constructed by the U.S. Army Corps of Engineers (USACE), although the precise date of construction is unknown;

WHEREAS, USACE Periodic Inspection Reports have identified the entire 2,700-foot reach of the Huff's Corner levee as being freeboard deficient (i.e., below the design height);

WHEREAS, in early 2018, the County initiated engineering recommendations to address deferred maintenance of the Huff's Corner section of the levee and further identified to major improvement projects: (1) a raise of the entire reach of levee to restore it to original design height to address the freeboard deficiencies; and (2) a channel reconfiguration to control erosion and remove excess sedimentation. These components are collectively referred to as the Huff's Corner Levee Raise and Channel Reconfiguration Project ("Project");

WHEREAS, to complete the levee raise and restoration component of the Project, the County has determined that it needs to acquire certain property interests more particularly described in Exhibit 1, Exhibit 2, Exhibit 3 and Exhibit 4 attached hereto (the "Property") and located in the unincorporated area of Yolo County, California;

WHEREAS, California Government Code section 25350.5 and California Code of Civil Procedure sections 1240.010, 1240.040, and 1240.510 authorize the County Board of Supervisors to acquire by eminent domain for the Project;

WHEREAS, on June 7, 2022, in compliance with the California Environmental Quality Act (CEQA), the Board of Supervisors approved an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the environmental effects of the Project and incorporated mitigation measures to reduce or eliminate any potential significant project-related impacts with approval of a Mitigation Monitoring and Reporting Program;

WHEREAS, the County filed a Notice of Determination in accordance with CEQA on or about June 8, 2022;

WHEREAS, each person whose name and address appeared on the last equalized Yolo County Assessment Roll as an owner of the Property has been given notice and a reasonable opportunity to appear and be heard 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 on the date and at the time and place fixed for hearing, this Board did hear and consider all of the evidence presented; and

WHEREAS, the Board of Supervisors adopts this resolution in compliance with Code of Civil Procedure section 1245.230.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF YOLO COUNTY:

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 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 in Exhibit 1, Exhibit 2, Exhibit 3 and Exhibit 4 attached hereto are necessary for the Project.
4. The County has made the offer required under Section 7267.2 of the Government Code to the owners of record or representatives of the owners 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 in Exhibit 1, Exhibit 2, Exhibit 3 and Exhibit 4 attached hereto have been complied with by the County.
6. The County possesses the statutory authority to acquire the Property by eminent domain, including pursuant to Government Code section 25350.5 and Code of Civil Procedure sections 1240.010, 1240.040, and 1240.510.
7. That the County, its appropriate officers, employees, and agents, including legal counsel retained or employed by the County, are hereby authorized and empowered:
 - a. To acquire, in the name of the County, the property interests described in Exhibit 1, Exhibit 2, Exhibit 3 and Exhibit 4 attached hereto, by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.
 - b. To prepare, file, and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Property.

- c. To deposit the probable amount of compensation with the appropriate authority.
- d. To make application to a court of competent jurisdiction for an order permitting the County to take immediate possession and use of the Property.
- e. To transfer possession and the property interest acquired for the levee easement (Exhibit 1 attached hereto) to the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, for continued maintenance of the Project.

PASSED AND ADOPTED this 24th day of January, 2023, by the Board of Supervisors, County of Yolo, State of California, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Oscar Villegas, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk

By _____
Deputy
(Seal)

Approved As To Form:
Philip J. Pogledich, County Counsel

By 
Kimberly Hood, Assistant County Counsel

EXHIBIT 1

LEVEE EASEMENT

COUNTY OF YOLO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA (“County”), hereby acquires perpetual rights of way and easements in, on, over, along, across, and under that certain real property in the County of Yolo, State of California, described in Exhibit A and depicted in Exhibit B, attached hereto and made a part hereof, for the Huffs Corner Levee Raise and Channel Reconfiguration Project and future flood control projects to:

1. Construct, reconstruct, enlarge, fence, plant with trees, shrubs, and other vegetation, preserve and retain all vegetative growth desirable for project purposes, repair and use flood control works, which shall include, but not be limited to, access, haul, and patrol roads, levees, ditches, embankments, channels, berms, fences, and appurtenant structures, and operate and maintain said flood control works in conformity with the Code of Federal Regulations, Corps of Engineers' Standard Operation and Maintenance Manual, and State of California Standards.
2. Clear and remove from said flood control works any and all natural or artificial obstructions, improvements, trees, and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergency flood fight.
3. Flow waters and materials and by said flow erode.
4. Place or deposit earth, debris, sediment, or other material.
5. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.
6. Locate or relocate roads and public utility facilities by County or others.
7. Restrict the rights of the Owner, Owner’s successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the Owner’s interest in any minerals, including oil and gas.
8. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

County shall be permitted to make the rights provided under this easement available to other flood control entities responsible for flood fighting and for the construction, operation, maintenance, inspection, repair, reconstruction and improvement of flood control works as described herein.

EXHIBIT 'A'

**HUFF'S CORNER LEVEE REHAB
LEGAL DESCRIPTION
LEVEE EASEMENT
TIMOTHY FAMILY TRUST**

Being a portion of the Land described in the Trust Transfer Deed recorded as Document #2011-0019206, Official Records, Yolo County Recorder, also being a portion of Sections 12 and 13, Township 10 North, Range 1 East, M.D.B &M., State of California, more particularly described as follows:

AREA 1

BEGINNING at a point being the intersection of the west line of said Land and the southerly line of the Sacramento and San Joaquin Drainage District easement described in that certain Order for Immediate Possession, recorded June 2, 1960, in Book 605 of Official Records, at Page 533, Yolo County Records, said **POINT OF BEGINNING** being South 58°22'06" West, a distance of 710.46 feet from a 5/8" rebar with tag stamped "LS 3932", as shown on Parcel Map No. 3858, filed in Book 10 of Parcel, at Pages 2 and 3, Yolo County Records, said point also being South 84°30'24" West, a distance of 749.45 feet from a 5/8" rebar with cap stamped "LS 5161, as shown on the Record of Survey, filed in Book 2009 of Maps, at Page 57, Yolo County Records; thence from said **POINT OF BEGINNING**, along said southerly line, the following three (3) courses and distances:

1. North 76°00'49" East, a distance of 102.29 feet;
2. North 79°35'49" East, a distance of 152.99 feet;
3. North 70°18'49" East, a distance of 191.87 feet to a point being 15.00 feet southerly of the existing levee toe, said point hereinafter referred to as "**POINT A**";

Thence leaving said southerly line, through said Land, parallel with and 15.00 feet southerly of said levee toe, the following five (5) courses and distances:

1. South 60°59'26" West, a distance of 30.81 feet;
2. South 66°42'10" West, a distance of 101.49 feet;
3. South 73°50'10" West, a distance of 123.32 feet;
4. South 72°46'59" West, a distance of 84.65 feet;
5. South 79°53'46" West, a distance of 113.35 feet to the west line of said Land;

Thence along said west line, North 02°12'37" East, a distance of 17.38 feet to the **POINT OF BEGINNING**.

Containing 0.14 acres, more or less.

AREA 2

COMMENCING at the aforementioned "**POINT A**"; thence from said **POINT OF COMMENCEMENT**, along said southerly line, the following two (2) courses and distances:

1. North 70°18'49" East, a distance of 39.12 feet;
2. North 44°27'49" East, a distance of 22.28 feet to a point being 15.00 feet southerly of the existing levee toe, said point also being the **POINT OF BEGINNING**;

Thence from said **POINT OF BEGINNING**, continuing along said southerly line, North 44°27'49" East, a distance of 75.14 feet to a point that is 15.00 feet southerly of the existing levee toe; thence leaving said southerly line, through said Land, parallel with and 15.00 feet southerly of said levee toe, the following two (2) courses and distances:

1. South 36°33'20" West, a distance of 51.67 feet;
2. South 60°59'26" West, a distance of 24.99 feet to the **POINT OF BEGINNING**.

Containing 267 square feet, more or less.

See Exhibit 'B', Plat to accompany description, attached hereto and made a part hereof.

Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD83, Epoch 2010.00(2011), as measured between control point "CP 1" and control point "CP 5" as described in Cache Creek cross section and staff gage benchmark GEO-2019-0012 final report-rev1 8/8/2019. Said bearing North 85°38'24" West.

Distances herein described are Grid distance values. Multiply Grid Distances by 1.000063 to obtain ground distance values.

May 6, 2021

Dennis L. Barber, PLS 8067



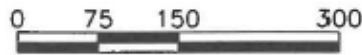
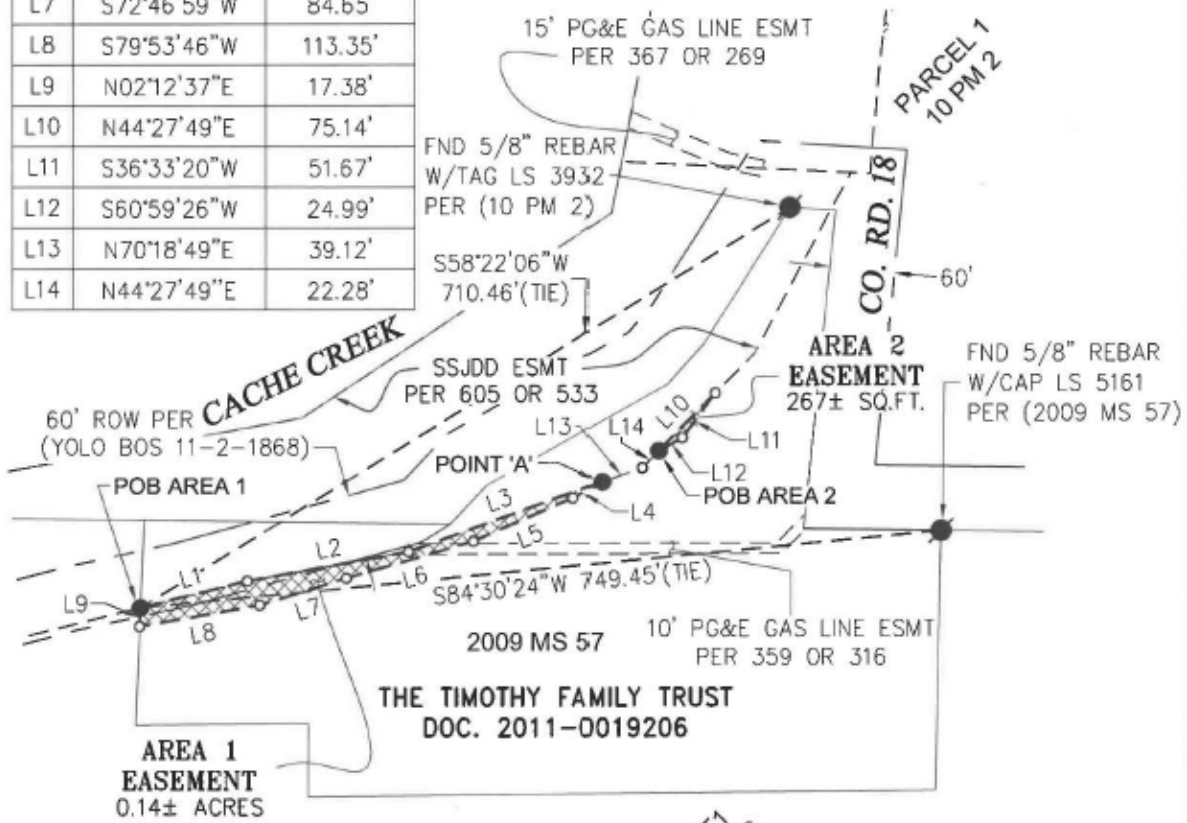
PREPARED BY WOOD-RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

HUFF'S CORNER LEVEE REHAB LEVEE EASEMENT TIMOTHY FAMILY TRUST COUNTY OF YOLO STATE OF CALIFORNIA

| LINE TABLE | | |
|------------|-------------|---------|
| NO. | BEARING | LENGTH |
| L1 | N76°00'49"E | 102.29' |
| L2 | N79°35'49"E | 152.99' |
| L3 | N70°18'49"E | 191.87' |
| L4 | S60°59'26"W | 30.81' |
| L5 | S66°42'10"W | 101.49' |
| L6 | S73°50'10"W | 123.32' |
| L7 | S72°46'59"W | 84.65' |
| L8 | S79°53'46"W | 113.35' |
| L9 | N02°12'37"E | 17.38' |
| L10 | N44°27'49"E | 75.14' |
| L11 | S36°33'20"W | 51.67' |
| L12 | S60°59'26"W | 24.99' |
| L13 | N70°18'49"E | 39.12' |
| L14 | N44°27'49"E | 22.28' |



SCALE: 1" = 150'

LEGEND

- POB POINT OF BEGINNING
- FOUND MONUMENT AS NOTED
- DIMENSION POINT
- ▨ LEVEE ESMT = 0.15± ACRES

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3301 D ST, BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

MAY 6, 2021 8379.001 SHEET 1 OF 1

EXHIBIT 2

PUBLIC UTILITY EASEMENT

COUNTY OF YOLO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA (“County”), hereby acquires in perpetuity an easement for public utility purposes in, on, over, along, across, and under that certain land situated in the County of Yolo, State of California, and more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and made a part hereof, for the Huffs Corner Levee Raise and Channel Reconfiguration Project and future flood control projects.

EXHIBIT 'A'

**HUFF'S CORNER LEVEE REHAB
TIMOTHY FAMILY TRUST
PUBLIC UTILITY EASEMENT
APN 25-320-005**

Being a portion of the Land described in the Trust Transfer Deed recorded as Document #2011-0019206, Official Records, Yolo County Recorder, also being a portion of the northeast one quarter of the projected Section 13, Township 10 North, Range 1 East, M.D.B &M., in Rancho Rio Jesus Maria, located in the unincorporated area, County of Yolo, State of California, more particularly described as follows:

A strip of land 10.00 feet wide, lying within said Land, the northerly line of which is described as follows:

BEGINNING at a point on the west line of said Land, said **POINT OF BEGINNING** also being 15.00 feet southerly of the existing levee toe and being South 57°13'12" West, a distance of 720.28 feet from a 5/8" rebar with tag stamped "LS 3932", as shown on Parcel Map No. 3858, filed in Book 10 of Parcel, at Pages 2 and 3, Yolo County Records, said point also being South 83°11'39" West, a distance of 751.97 feet from a 5/8" rebar with cap stamped "LS 5161, as shown on the Record of Survey, filed in Book 2009 of Maps, at Page 57, Yolo County Records; thence from said **POINT OF BEGINNING**, leaving said west line, within said Land, parallel with and 15.00 feet southerly of said levee toe, the following three (3) courses and distances:

1. North 79°53'46" East, a distance of 113.35 feet;
2. North 72°46'59" East, a distance of 84.65 feet;
3. North 73°50'10" East, a distance of 79.72 feet to a point on the southerly line of the gas line easement, as described in that certain Document recorded in Book 359 of Official Records, at Page 316, Yolo County Records, said point also being the **POINT OF TERMINUS**.

Containing 0.07 acres, more or less.

The sidelines of said 10.00 foot wide strip of land to be shortened or lengthened to terminate at angle points and said southerly and west line.

See Exhibit 'B', Plat to accompany description, attached hereto and made a part hereof.

Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD83, Epoch 2010.00(2011), as measured between control point "CP 1" and control point "CP 5" as described in Cache Creek cross section and staff gage benchmark GEO-2019-0012 final report-rev1 8/8/2019. Said bearing North 85°38'24" West.

Distances herein described are Grid distance values. Multiply Grid Distances by 1.000063 to obtain ground distance values.

END OF DESCRIPTION

September 29, 2021

Antonio A. Alvarado, PLS 9573



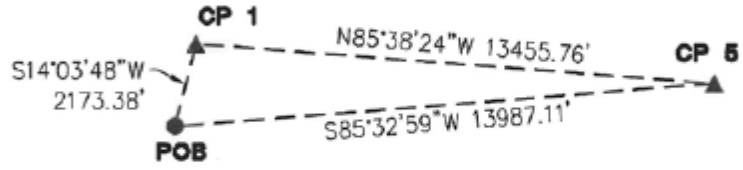
6-23-22

PREPARED BY WOOD-RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

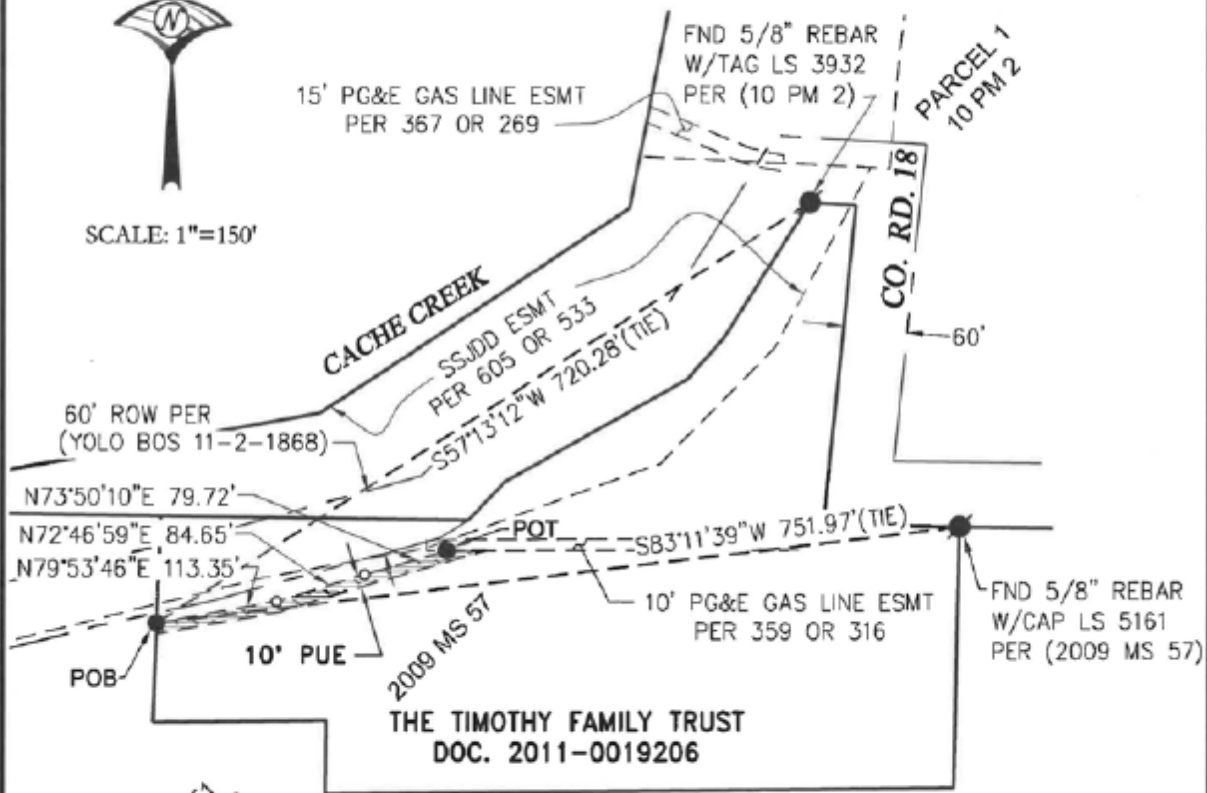
**HUFF'S CORNER LEVEE REHAB
PUBLIC UTILITY EASEMENT
TIMOTHY LIVING TRUST - APN 25-320-005**
COUNTY OF YOLO STATE OF CALIFORNIA
(T.10N. R.1E., M.D.B.&M. N.E.1/4 SEC. 13)



BASIS OF BEARINGS (NTS)



SCALE: 1"=150'



**THE TIMOTHY FAMILY TRUST
DOC. 2011-0019206**

LOT 1
2-MB 36

LEGEND

- PUE PUBLIC UTILITY EASEMENT
- PUE = 0.07± ACRES



6-23-22



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SACRAMENTO, CA 95816 FAX 916.341.7767
SEPTEMBER 29, 2021 8379.001 SHEET 1 OF 1

EXHIBIT 3

PUBLIC UTILITY EASEMENT

COUNTY OF YOLO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA (“County”), hereby acquires in perpetuity an easement for public utility purposes in, on, over, along, across, and under that certain land situated in the County of Yolo, State of California, and more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and made a part hereof, for the Huffs Corner Levee Raise and Channel Reconfiguration Project and future flood control projects.

EXHIBIT 'A'

**HUFF'S CORNER LEVEE REHAB
TIMOTHY FAMILY TRUST
PUBLIC UTILITY EASEMENT
APN 25-320-005**

Being a portion of the Land described in the Trust Transfer Deed recorded as Document #2011-0019206, Official Records, Yolo County Recorder, also being a portion of the southeast one quarter of projected Section 12 and a portion of the northeast one quarter of the projected Section 13, Township 10 North, Range 1 East, M.D.B &M., in Rancho Rio Jesus Maria, located in the unincorporated area, County of Yolo, State of California, more particularly described as follows:

A strip of land 30.00 feet wide, lying within said Land, the northwesterly line of which is described as follows:

BEGINNING at a point being the intersection of the northerly line of said Land, also being the southerly right-of-way of County Road 18 and the southeasterly line of the Sacramento and San Joaquin Drainage District easement described in that certain Order for Immediate Possession, recorded June 2, 1960, in Book 605 of Official Records, at Page 533, Yolo County Records, said **POINT OF BEGINNING** being South 86°28'11" East, a distance of 38.41 feet from a 5/8" rebar with tag stamped "LS 3932", as shown on Parcel Map No. 3858, filed in Book 10 of Parcel, at Pages 2 and 3, Yolo County Records, said point also being North 18°59'44" West, a distance of 315.69 feet from a 5/8" rebar with cap stamped "LS 5161, as shown on the Record of Survey, filed in Book 2009 of Maps, at Page 57, Yolo County Records; thence from said **POINT OF BEGINNING**, along said southeasterly line, the following two (2) courses and distances:

1. South 28°04'49" West, a distance of 150.78 feet;
2. South 44°27'49" West, a distance of 52.57 feet;

Thence leaving said southeasterly line, through said Land, the following two (2) courses and distances:

1. South 36°33'20" West, a distance of 51.67 feet;
2. South 60°59'26" West, a distance of 24.99 feet to a point on said southeasterly line;

Thence along said southeasterly line, the following two (2) courses and distances:

1. South 44°27'49" West, a distance of 22.28 feet;
2. South 70°18'49" West, a distance of 39.12 feet;

Thence leaving said southeasterly line and within said Land, the following three (3) courses and distances:

1. South 60°59'26" West, a distance of 30.81 feet;

2. South $66^{\circ}42'10''$ West, a distance of 101.49 feet;
3. South $73^{\circ}50'10''$ West, a distance of 7.42 feet to the **POINT OF TERMINUS**.

Containing 0.30 acres, more or less.

The sidelines of said 30.00 foot wide strip of land to be shortened or lengthened to terminate at angle points, and the northerly and easterly line of said Land.

See Exhibit 'B', Plat to accompany description, attached hereto and made a part hereof.

Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD83, Epoch 2010.00(2011), as measured between control point "CP 1" and control point "CP 5" as described in Cache Creek cross section and staff gage benchmark GEO-2019-0012 final report-rev1 8/8/2019. Said bearing North $85^{\circ}38'24''$ West.

Distances herein described are Grid distance values. Multiply Grid Distances by 1.000063 to obtain ground distance values.

END OF DESCRIPTION

September 29, 2021

Antonio A. Alvarado, PLS 9573



6-23-22

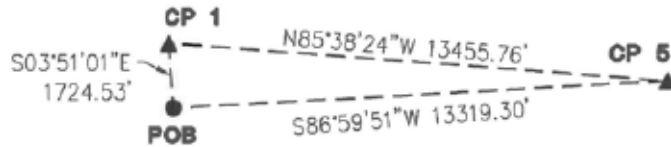
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SACRAMENTO, CALIFORNIA

EXHIBIT 'B'

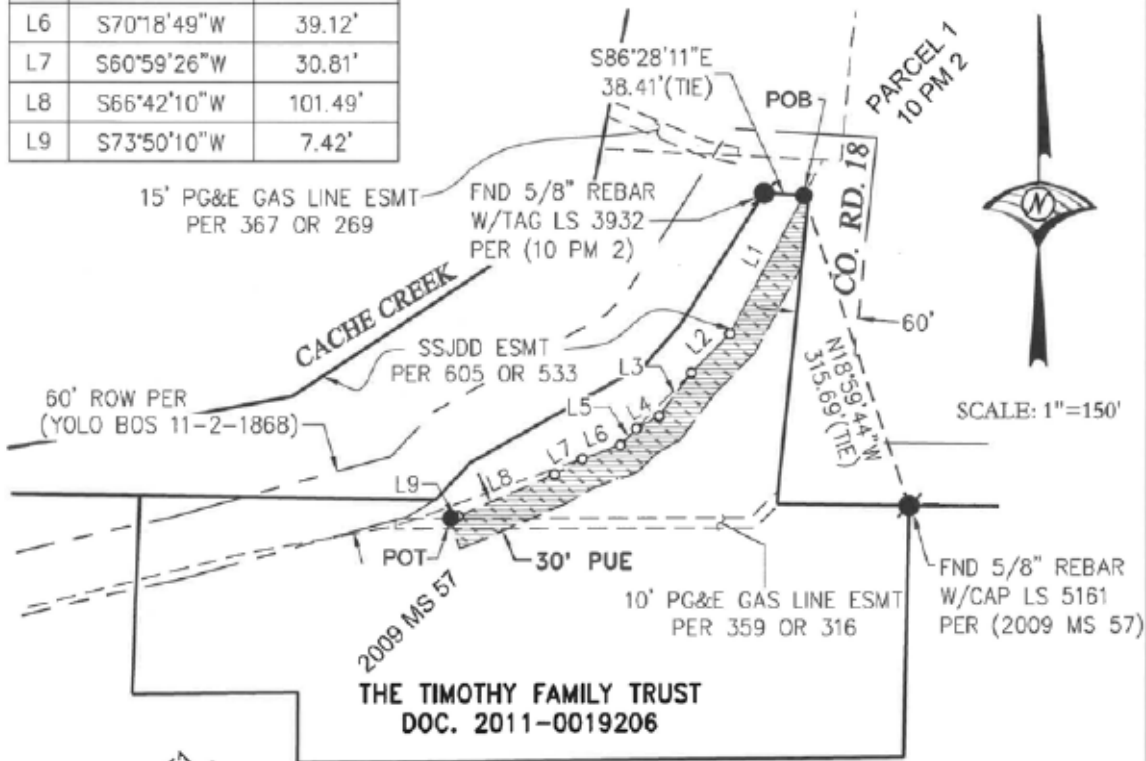
PLAT TO ACCOMPANY
DESCRIPTION

**HUFF'S CORNER LEVEE REHAB
PUBLIC UTILITY EASEMENT
TIMOTHY LIVING TRUST - APN 25-320-005**
COUNTY OF YOLO STATE OF CALIFORNIA
(T.10N. R.1E., M.D.B.&M. S.E.1/4 SEC.12 & N.E.1/4 SEC. 13)

| LINE TABLE | | |
|------------|-------------|---------|
| NO. | BEARING | LENGTH |
| L1 | S28°04'49"W | 150.78' |
| L2 | S44°27'49"W | 52.57' |
| L3 | S36°33'20"W | 51.67' |
| L4 | S60°59'26"W | 24.99' |
| L5 | S44°27'49"W | 22.28' |
| L6 | S70°18'49"W | 39.12' |
| L7 | S60°59'26"W | 30.81' |
| L8 | S66°42'10"W | 101.49' |
| L9 | S73°50'10"W | 7.42' |



BASIS OF BEARINGS (NTS)



SCALE: 1"=150'

LEGEND

- PUE PUBLIC UTILITY EASEMENT
- PUE = 0.30± ACRES



6-23-22

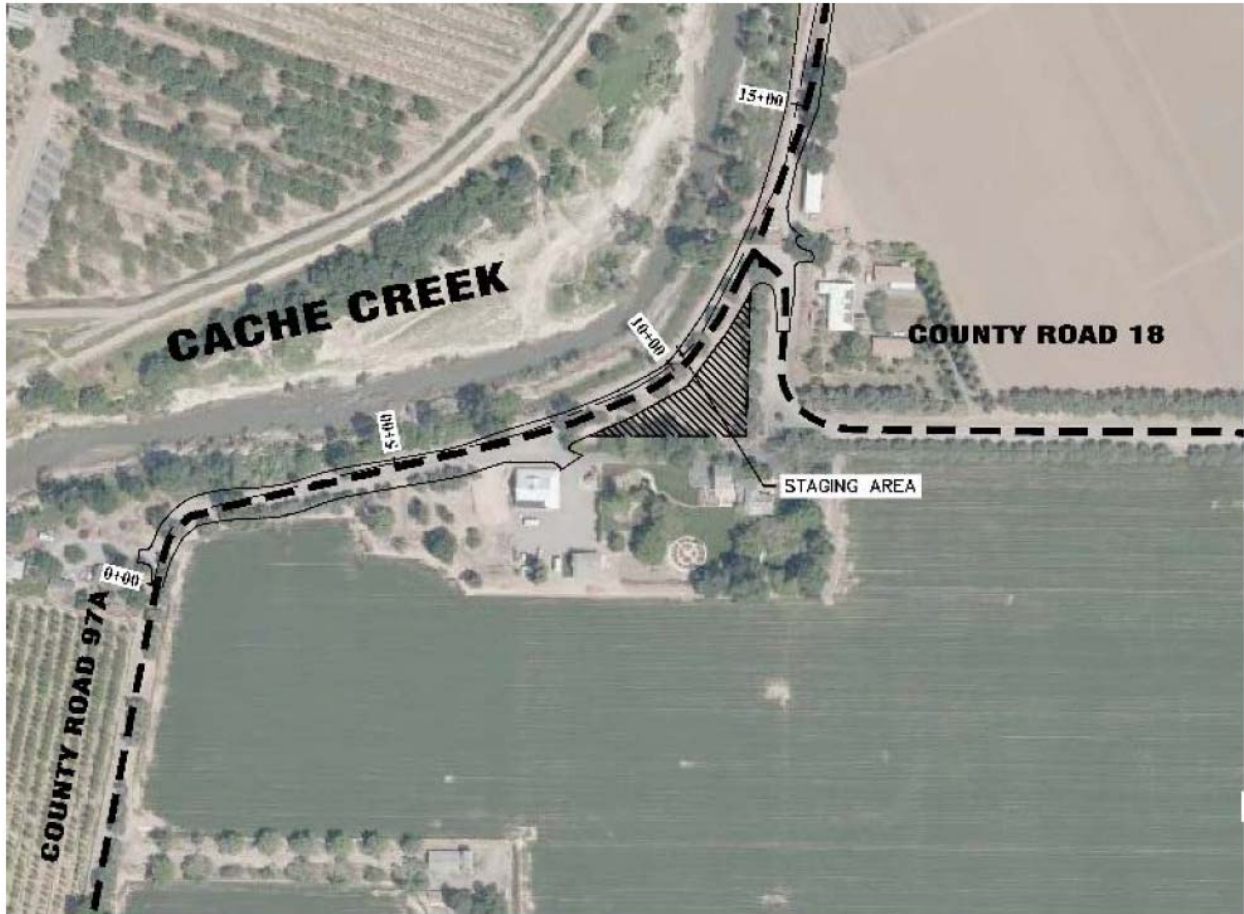
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SEPTEMBER 29, 2021 8379.001 SHEET 1 OF 1

EXHIBIT 4

TEMPORARY CONSTRUCTION EASEMENT

COUNTY OF YOLO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA (“County”), hereby acquires a Temporary Construction Easement (“TCE ”) on, over, along and across that certain land situated in the County of Yolo, State of California, and more particularly depicted in Exhibit A, attached hereto and made a part hereof (“Property”). The purpose of this TCE is to allow the County, its officers, agents, employees and contractors to utilize the Property as a staging area for the Huffs Corner Levee Raise and Channel Reconfiguration Project (“Project”), and to enter the Property and bring the necessary workers, tools and equipment for the Project. The term of the TCE is seventeen (17) months from the date of possession. At the conclusion of the TCE term, the County shall restore the Property to the condition it was in at the TCE commencement date.

Exhibit A



Huff's Corner Levee Maintenance Project
Staging Area