

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE EASEMENT INTERESTS IN A PORTION OF THE REAL PROPERTY LOCATED AT 37902 COUNTY ROAD 18, WOODLAND CA 95695, YOLO COUNTY ASSESSOR'S PARCEL NUMBER 027-180-019-000, PROPERTY OWNERS: MOHAMMADREZA GAFFARZADEH AND SHOLEH VARZEGAR, TRUSTEES OF THE MOHAMMADREZA AND SHOLEH GAFFARZADEH LIVING TRUST DATED NOVEMBER 1, 2017, 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 and Exhibit 2 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 and Exhibit 2 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 and Exhibit 2 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 and Exhibit 2 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:

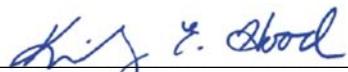
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
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  
GHAFFARZADEH LIVING TRUST**

Being a portion of Parcel 1, as shown on Parcel Map No. 3858, filed in Book 10 of Parcel, at Pages 2 and 3, Yolo County Records, also being a portion of Section 12, Township 10 North, Range 1 East, M.D.B &M., State of California, more particularly described as follows:

\_\_\_\_\_

**BEGINNING** at a point on the easterly line of the Sacramento and San Joaquin Drainage District easement described in that certain Easement Deed, recorded December 5, 1963, in Book 738 of Official Records, at Page 67, Yolo County Records, said **POINT OF BEGINNING** being North 29°38'33" East, a distance of 172.31 feet from a 5/8" rebar with tag stamped "LS 3932", as shown on said Parcel Map, said point also being North 07°04'05" West, a distance of 454.07 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 easterly line, the following six (6) courses and distances:

1. North 07°06'49" East, a distance of 189.90 feet;
2. North 11°24'49" East, a distance of 201.99 feet;
3. North 09°34'49" East, a distance of 201.99 feet;
4. North 02°51'49" East, a distance of 197.99 feet;
5. North 07°13'49" East, a distance of 145.99 feet;
6. North 02°13'49" East, a distance of 200.48 feet to the southern most corner of the Sacramento and San Joaquin Drainage District easement described in that certain Easement Deed, recorded August 26, 1968, in Book 890 of Official Records, at Page 91, Yolo County Records;

Thence leaving said easterly line, along the southeasterly line of last said Easement, North 51°41'33" East, a distance of 21.85 feet to a point being 15.00 feet easterly of the existing levee toe; thence leaving said southeasterly line, along a line parallel with and 15.00 feet easterly of said levee toe, the following thirteen (13) courses and distances:

1. South 14°18'02" East, a distance of 36.30 feet;
2. South 07°16'11" West, a distance of 45.12 feet;
3. South 00°37'59" West, a distance of 55.80 feet;
4. South 11°41'39" East, a distance of 38.65 feet;
5. South 08°48'07" East, a distance of 35.36 feet;
6. South 12°50'17" West, a distance of 123.49 feet;
7. South 06°07'08" West, a distance of 225.42 feet;

8. South 08°16'18" West, a distance of 208.83 feet;
9. South 10°11'43" West, a distance of 74.42 feet;
10. South 08°21'56" West, a distance of 149.53 feet;
11. South 06°33'11" West, a distance of 63.34 feet;
12. South 29°15'33" West, a distance of 49.41 feet;
13. South 18°27'07" West, a distance of 58.10 feet to the **POINT OF BEGINNING**.

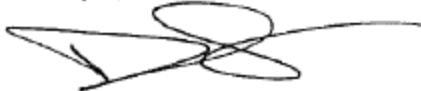
Containing 0.64 acres, more or less.

*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



7/22/21

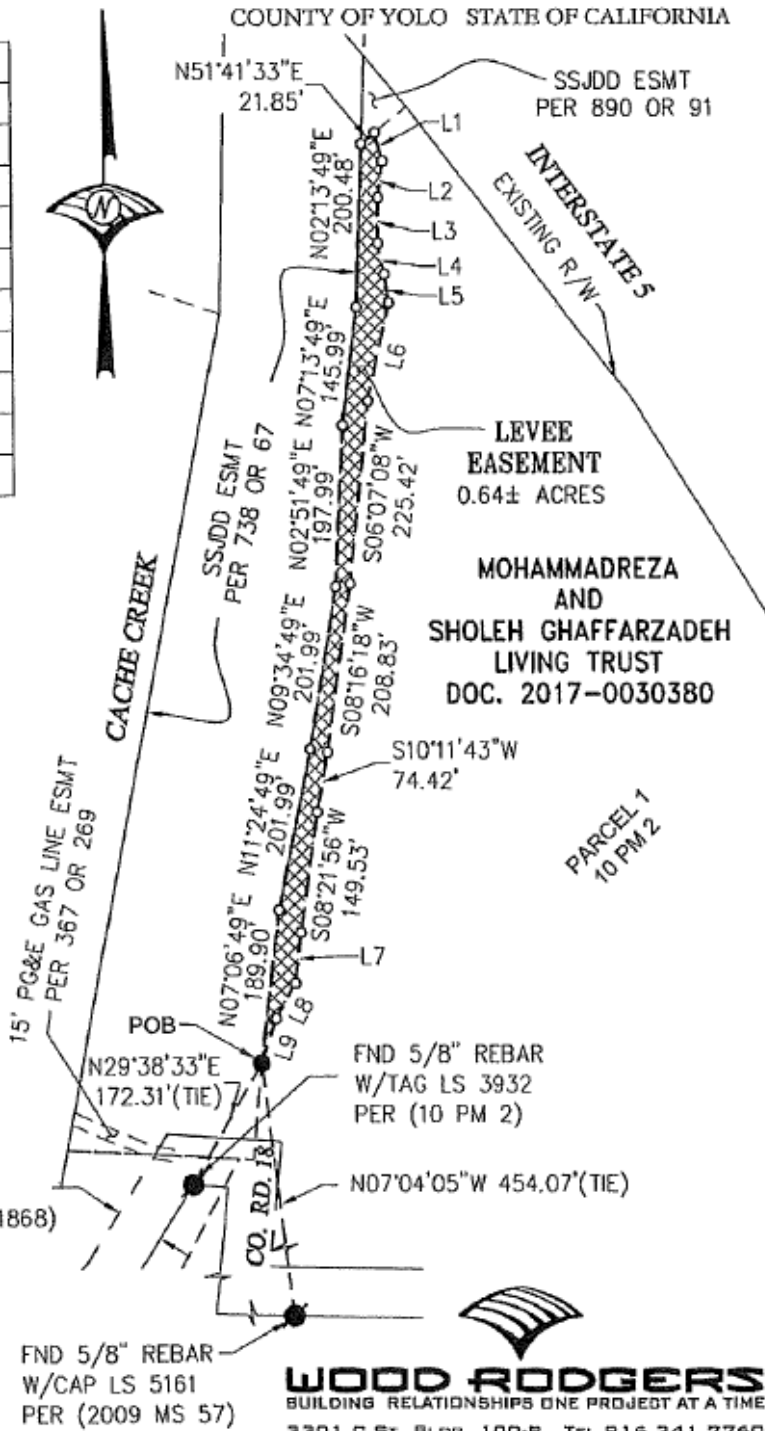
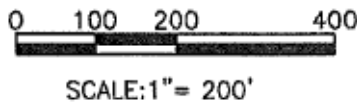
PREPARED BY WOOD-RODGERS, INC.  
SACRAMENTO, CALIFORNIA

# EXHIBIT 'B'

PLAT TO ACCOMPANY  
DESCRIPTION

## HUFF'S CORNER LEVEE REHAB LEVEE EASEMENT GHAFFARZADEH LIVING TRUST COUNTY OF YOLO STATE OF CALIFORNIA

LINE TABLE		
NO.	BEARING	LENGTH
L1	S14°18'02"E	36.30'
L2	S07°16'11"W	45.12'
L3	S00°37'59"W	55.80'
L4	S11°41'39"E	38.65'
L5	S08°48'07"E	35.36'
L6	S12°50'17"W	123.49'
L7	S06°33'11"W	63.34'
L8	S29°15'33"W	49.41'
L9	S18°27'07"W	58.10'



### LEGEND

- POB POINT OF BEGINNING
- FOUND MONUMENT AS NOTED
- DIMENSION POINT
- ▨ LEVEE ESMT = 0.64± ACRES

FND 5/8" REBAR  
W/CAP LS 5161  
PER (2009 MS 57)

**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  
GHAFFARZADEH LIVING TRUST  
POLE LINE EASEMENT  
APN 27-180-019**

Being a portion of Parcel 1, as shown on Parcel Map No. 3858, filed in Book 10 of Parcel, at Pages 2 and 3, Yolo County Records, also being a portion of the southeast one quarter of projected Section 12, 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 with said Parcel 1, the centerline of which is described as follows:

**BEGINNING** at a point on the northerly right-of-way of County Road 18, as shown on said Parcel Map, said **POINT OF BEGINNING** being North 39°49'27" East, a distance of 74.44 feet from a 5/8" rebar with tag stamped "LS 3932", as shown on said Parcel Map, said point also being North 14°37'26" West, a distance of 370.02 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 northerly right-of-way and into said Parcel 1, the following four (4) courses and distances:

1. North 30°53'30" West, a distance of 81.03 feet;
2. North 13°04'26" East, a distance of 216.61 feet;
3. North 06°40'25" East, a distance of 322.69 feet;
4. North 05°24'40" East, a distance of 371.15 feet to the **POINT OF TERMINUS**.

Containing 0.68 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 said northerly right-of-way of County Road 18.

*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

Dennis L. Barber, PLS 8067



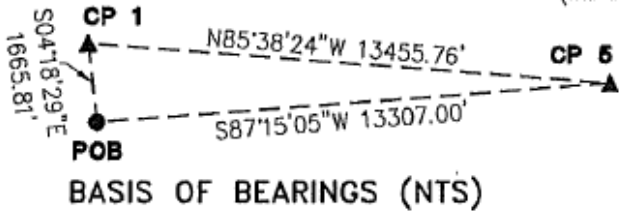
PREPARED BY WOOD-RODGERS, INC.  
SACRAMENTO, CALIFORNIA

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**HUFF'S CORNER LEVEE REHAB  
POLE LINE EASEMENT  
GHAFARZADEH LIVING TRUST - APN 27-180-019**

COUNTY OF YOLO STATE OF CALIFORNIA  
(T.10N. R.1E., M.D.B.&M. S.E.1/4 SEC.12)



1/10/22



SCALE: 1"=200'

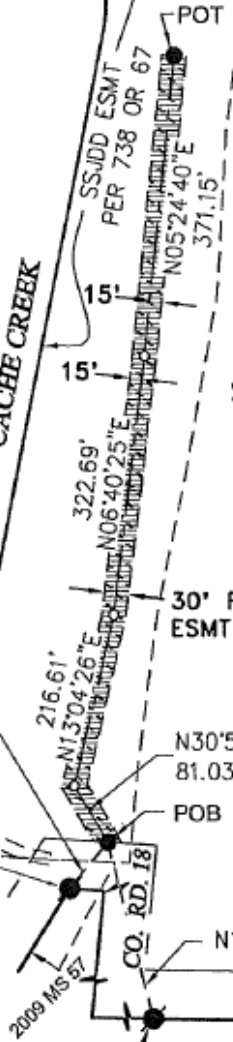
CACHE CREEK

INTERSTATE 5  
EXISTING R/W

MOHAMMADREZA  
AND  
SHOLEH GHAFARZADEH  
LIVING TRUST  
DOC. 2017-0030380

PARCEL 1  
10 PM 2

N39°49'27"E  
74.44'(TIE)  
15' PG&E GAS LINE  
ESMT  
PER 367 OR 269  
FND 5/8" REBAR  
W/TAG LS 3932  
PER (10 PM 2)  
60' ROW PER  
(YOLO BOS 11-2-1868)



**LEGEND**

POLE LINE EASEMENT  
AREA = 0.68± ACRES

FND 5/8" REBAR  
W/CAP LS 5161  
PER (2009 MS 57)

**WOOD RODGERS**  
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3301 O ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
SEPTEMBER 29, 2021 8379.001 SHEET 1 OF 1