

RESOLUTION NO. 2021-04

**A RESOLUTION BY THE BOARD OF DIRECTORS OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING CERTAIN REAL PROPERTY AS
EXEMPT SURPLUS LAND**

WHEREAS, the Three Rivers Levee Improvement Authority (“TRLIA”) is a public entity organized and existing under the Joint Exercise of Powers Act (Cal. Government Code, §§ 6500 *et seq.*) for the purpose of providing flood control improvements located in the County of Yuba, including improvements to the levee system and related drainage infrastructure; and

WHEREAS, in furtherance of its levee construction and rehabilitation projects, TRLIA has acquired fee simple interest in several parcels within Yuba County, identified in **Exhibit A**; and

WHEREAS, TRLIA and the California Department of Water Resources have determined that continued agricultural use of the Properties is consistent with TRLIA’s flood protection purposes; and

WHEREAS, the Surplus Land Act (Government Code, §§ 54220 *et seq.*) requires that before a local agency such as TRLIA takes action to dispose of (sell or lease) land, it must declare the property to be either “surplus land” or “exempt surplus land;” and

WHEREAS, pursuant to Government Code section 54221(f)(1)(G), “exempt surplus land” includes surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited; and

WHEREAS, the Properties are required by the California Department of Water Resources to be encumbered by flowage easements in favor of the Sacramento-San Joaquin Drainage District that would effectively make housing prohibited through the right to flow and impound waters over the Properties; and

WHEREAS, pursuant to Government Code section 54221(f)(1)(J), “exempt surplus land” includes real property that is necessary for agency’s use to support agency work or operations; and

WHEREAS, the Properties were required to be acquired for purposes of TRLIA’s levee construction and rehabilitation projects; either contain or are required to support flood control facilities maintained by TRLIA or Reclamation District No. 784; and/or are encumbered by a flood/flowage easement prohibiting activities inconsistent with flood control purposes. The Properties therefore remain necessary for TRLIA’s use in its flood protection purposes; and

WHEREAS, TRLIA desires at this time and deems it to be in the public interest to declare the Properties as exempt surplus land and to consider offering them for lease for uses consistent with its flood control purposes, including but not limited to agricultural production; and

WHEREAS, Section 400(e) of the Surplus Land Act Guidelines, issued by the California Department of Housing and Community Development (“HCD”), requires a local agency that determines property is exempt from the Surplus Land Act to provide a copy of the resolution and written findings declaring the property exempt surplus land to HCD at least 30 days prior to disposition.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Three Rivers Levee Improvement Authority finds that all of the preceding background facts are true and correct and are hereby incorporated and adopted as findings and determinations of the Board of Directors as if fully set forth herein.
2. The Board hereby declares the Properties exempt surplus land pursuant to Government Code sections 54221(f)(1)(G) and 54221(f)(1)(J).
3. The Board hereby authorizes and directs the Executive Director, on its behalf, to submit this declaration of exempt surplus land and written findings to the California Department of Housing and Community Development.

PASSED AND ADOPTED this 1 day of June 2021, by the Board of Directors of Three Rivers Levee Improvement Authority by the following vote:

AYES: Directors Atwal, Bradford, Brown, Vasquez

NOES: None

ABSENT: Director Ledbetter

ABSTAIN: None



Chairperson

ATTEST:
CLERK OF THE BOARD



APPROVED AS TO FORM:
GENERAL COUNSEL
ANDREA P. CLARK



EXHIBIT A

3026

3026 1/2

3026 1/2

10000 hours of operation
on NO. 10000 hours
10000 hours of operation
10000 hours of operation

1728879v1

Exhibit "A"

Potential Agricultural Mitigation Parcels

	Property Identification	APN(s)
1	Goldfields tie-in remnant	018-150-063
2	Brophy Basin	018-180-082
3	Road 1034 Basin	018-180-073, 018-180-072, 018-180-074, 018-180-070, 018-180-079, 018-180-078
4	Bear Setback Area	016-130-015, 016-130-016, 016-150-024, 016-150-007, 028-050-009, 028-050-007
5	Bear Detention Basin	016-150-026, 016-150-025
6	FRSB 1	013-010-070, 013-010-071
7	FRSB 2	013-010-069
8	FRSB 3	014-250-028, 023-180-009, 023-180-007

Existing Agricultural Properties

	Property Identification	APN (s)
9	FRSB 4	013-010-068
10	FRSB 5	014-370-003, 014-370-037, 014-370-024, 014-370-026, 014-370-002
11	FRSB 6	014-370-033
12	FRSB 7	016-010-034
13	FRSB 8	014-370-059
14	FRSB 9	016-010-033, 016-020-019, 014-370-051

The foregoing is a true and correct copy of the document on file in this office
ATTEST: RACHEL FERRIS
Clerk of the Board of Supervisors of the County of Yuba, State of California
By: Rachel Ferris
Date: 6-2-21