



RESOLUTION No. 2017-27

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

DECLARING NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PROJECT KNOWN AS THE ***Meade Canal Encasement Project*** – on Yuba County APNs 006-260-035-000 owned by Shaun Brady

After duly convened public hearing on the matter of the acquisition by eminent domain of property interests for the ***Meade Canal Encasement Project (Project)***, the Board of Directors determines and declares as follows:

1. The Nevada Irrigation District (District) owns and operates the Meade Canal and appurtenant facilities as integral parts of the District's Irrigation and Treated Water Conveyance Systems and Facilities.
2. The public improvement project entitled the ***Meade Canal Encasement Project***, includes the encasement and rehabilitation of an existing earthen canal and appurtenances along the alignment of the existing District facilities.

The *Project* consists of the following activities:

- Installation of approximately 3,000 feet of 18-inch diameter water pipeline within the existing canal footprint.
 - Improvements of access roadway along the canal and pipeline.
 - Rehabilitation, repairs and improvements on canal sections, culverts and access.
 - Perfecting District's easement rights related to District's ongoing operations.
3. The ***Meade Canal Encasement Project*** provides needed improvements to accomplish the following public purposes:
 - Improve the quality and reliability of delivery of District's irrigation and treated water to the consumers in the Smartsville area.
 - Enhance public health, safety and welfare by protecting the primary source for water delivery into the Smartsville Water Treatment Plant.
 - Improve reliability of irrigation water deliveries from the Meade Canal, and as a supplementary conveyance into the Town Canal.

- Correcting chronic issues with the open canal will facilitate more efficient ongoing operations and maintenance activities.
 - Further District's water efficiency efforts by eliminating leakage and evaporation.
4. The **Meade Canal Encasement Project** is a public use authorized by law.
 5. The **Meade Canal Encasement Project** is planned and located in a manner that would be most compatible with the greatest public good and least private injury, in that it follows the alignment and is within the footprint of existing District facilities.
 6. The public interest and necessity require the **Meade Canal Encasement Project**.
 7. The property sought to be acquired is necessary for the **Meade Canal Encasement Project**.
 8. The District's water conveyance systems and facilities are and will continue to be necessary to the District's beneficial use of water for consumptive purposes and to otherwise carry out the District's purposes.
 9. The District is authorized to exercise the right of eminent domain to acquire property necessary to carry out its purposes, including the furnishing of water for consumptive use (Division 11, Part 5, Chapter 1, Article 1 of the California Water Code) under California Water Code section 22456.
 10. The property interests to be acquired are situated in the county of Yuba.
 11. The property interests to be acquired are situated outside of the Nevada Irrigation District boundaries.
 12. The **Meade Canal Encasement Project** involves negligible or no expansion of an existing use of the property to be acquired and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The District's use of the easement will comply with the California Environmental Quality Act, and all applicable local, state and federal laws and regulation.
 13. The Nevada Irrigation District is authorized to acquire property by eminent domain outside of the territorial limits of the District for water supply purposes, under California Code of Civil Procedure section 1240.125.
 14. The extent and location of the property interests to be acquired for the **Meade Canal Encasement Project** are set forth in the easement deed attached to this resolution as Exhibit "1" and are more particularly described and depicted in Exhibits "A" and "B", attached hereto.
 15. No person, business or farm operation shall be displaced by reason of the acquisition of the real property interest described herein for a public use.

16. The District acquired the Meade Canal and related facilities and property interests from the Excelsior Water and Power Company in the 1920's.
17. The District's ownership and continued operation of the Meade Canal and related systems and facilities are conducted under authority and terms of California Railroad Commission (CRC) Decision No. 15926.
18. The property interests to be acquired will be used for activities, facilities and appurtenances related to and necessary for water conveyance purposes, including but not limited to the following:
 - Operation, maintenance, installation, construction, repair, replacement, patrolling, and accessing District's lands, facilities and improvements;
 - Transporting people, tools, equipment, materials, debris, sediment, aggregate, and deposits.
19. Shaun Brady is the owner of the property to be acquired whose name and address appear on the last equalized county assessment roll.
20. Notice has been given each person or entity whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030, in accordance with California Code of Civil Procedure section 1245.235.
21. The offer required by section 7267.2 of the California Government Code to acquire the property interests for the amount established as just compensation was directed to the person or entity whose name and address appear on the last equalized county assessment roll; and

BE IT RESOLVED by this Board of Directors that Nevada Irrigation District be, and is, authorized and empowered as follows:

1. To acquire in the name of Nevada Irrigation District property interests referred to hereinabove and described in Exhibits "1", "A" and "B" attached hereto, pursuant to the provisions of Division 11 of the California Water Code, Section 22456, and the provisions of Title 7 of the California Code of Civil Procedure commencing with Section 1230.010, et seq., and the Constitution of the State of California relating to eminent domain.
2. To prepare and prosecute in the name of Nevada Irrigation District such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such adjudication.
3. To move the Court for an order for possession prior to judgment, pursuant to Code of Civil Procedure sections 1255.410 and following.

4. To deposit the probable amount of compensation based on an appraisal, which will be awarded in the proceeding, pursuant to Code of Civil Procedure sections 1255.010 and following
5. To make deposits of security out of proper funds under the control of Nevada Irrigation District, in such amounts so fixed and determined and in such a manner as the Nevada Irrigation District General Manager or his designee may direct.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting of said Board, held on the 13th day of September, 2017 by the following vote of said Board:

AYES:	Directors	Drew, Miller, Morebeck, Wilcox
NOES:	Directors	Weber
ABSENT:	Directors	None
ABSTAINING:	Directors	None



President of the Board of Directors

Attest:



Secretary to the Board of Directors

Exhibit 1
Res. No. 2017-27

RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945

Yuba County APN: 006-260-035-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: 1071 Meade Canal Encasement

Map No. 151
Index No. 11

Documentary Transfer Tax: \$ -0-

() Computed on full value of property conveyed

(X) Unincorporated area () City of _____

(X) Recordation requested by Nevada Irrigation District,
a political subdivision of the State of California
pursuant to Government Code Section 6103.

Signature of Agent Determining Tax

EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

SHAUN BRADY, AN UNMARRIED MAN,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement for rights stated herein, on, over, under and across those certain lands, hereinafter called Easement Area, which are situated in the unincorporated area, County of Yuba, State of California, described in Exhibit "A" and shown on Exhibit "B" attached hereto.

GRANTOR hereby grants to DISTRICT the rights, privilege and authority to excavate for, install, replace, relocate (of the initial or any other size or flow), inspect, remove, operate, patrol, maintain and use such facilities as the DISTRICT shall from time to time elect for conveying water, with necessary and proper valves and other appurtenances and fittings including telemetry or electrical lines, measuring, recording, and monitoring devices, aboveground vaults, valve boxes, fire hydrants, blow offs or manholes, and other directly related apparatus, and devices for controlling electrolysis for use in connection with said facilities, together with adequate protection therefore, and also together with a right of way within said Easement Area, or along a route as hereinafter set forth;

Together with the following rights:

- a) the right of grading said Easement Area for the full width thereof;
- b) the right to ingress to and egress from said Easement Area for persons, equipment, materials and vehicles over and across GRANTOR's property by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to GRANTOR;
- c) the right from time to time to trim, remove, cut down and clear away any and all trees, brush, and debris now or hereafter on said Easement Area;

- d) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- e) the right to mark the location of pipelines by suitable markers set in the ground.

OBLIGATIONS OF THE DISTRICT

DISTRICT hereby covenants and agrees:

- a) DISTRICT shall repair any damage it shall do to GRANTOR's private roads or lanes on said Easement Area;
- b) DISTRICT shall indemnify GRANTOR against any claims for loss and damage arising out of the exercise of rights granted hereby.

Failure by DISTRICT to perform its obligations described herein would constitute a breach of contract and be subject to action for damages. DISTRICT non-performance would not constitute a condition subsequent or a basis for an extinguishment, forfeiture or reversion of this Easement.

GRANTOR'S USE OF EASEMENT AREA

GRANTOR may use said Easement Area for purposes and in a manner that will not interfere with DISTRICT's full enjoyment of the rights granted hereby; provided that GRANTOR shall first apply for and receive from DISTRICT an encroachment permit authorizing the use. GRANTOR's application will be processed and determined in accordance with DISTRICT's rules and regulations regarding encroachments upon areas subject to DISTRICT easements, as they now exist or as hereafter duly adopted. DISTRICT will not unreasonably condition or deny the encroachment permit, or delay acting upon GRANTOR's application.

Typical GRANTOR uses that may meet DISTRICT approval include utility facilities (e.g. private service conduits), walkways, driveways, fencing, low impact landscaping, or cattle grazing.

Typical GRANTOR uses that do not meet DISTRICT approval include erecting or constructing any structure or other obstruction, drilling or operating any well, constructing any reservoir, diminishing or substantially adding to the ground cover, storing or using materials that pose a hazard to water quality.

BINDING EFFECT

This Easement shall be binding upon and inure to the benefit of the parties successors and assigns, heirs, beneficiaries and personal representatives.

Date: _____

Shaun Brady

ACCEPTANCE

This is to certify that the interest in real property conveyed by this document to the Nevada Irrigation District, a governmental agency, is hereby accepted by the undersigned on behalf of the Board of Directors of the Nevada Irrigation District pursuant to authority conferred by Resolution No. 2015-07 of said Board adopted on March 11, 2015.

Date: _____

Matthew Crowe, Senior Right-of-Way Agent

EXHIBIT "A"

A strip of land, fifty (50) feet in width, over and across a portion of the parcel of land described in Document Number 2013-010431, recorded on August 9, 2013 in the Office of the Yuba County Recorder, State of California, said parcel being a portion of the Northeast one-quarter of Section 34 and the Southeast one-quarter of Section 27 Township 16 North, Range 6 East, M.D.M., the sidelines of said strip lying 15.00 feet north and east and 35.00 feet south and west, as measured at right angles, from the following described line:

Commencing at the southwest corner of the parcel of land described in said Document Number 2013-010431, thence along the west property line of said parcel North 918.45 feet to the **True Point of Beginning**;

Thence leaving said west property line and across the lands described in said Document Number 2013-010413 the following twenty (20) courses:

South 80°50'03" East 152.32 feet;

North 85°15'07" East 17.33 feet;

South 49°04'47" East 6.62 feet;

South 9°02'48" East 25.70 feet;

South 23°21'40" East 21.91 feet;

South 29°24'59" East 28.23 feet;

South 6°20'55" East 26.51 feet;

South 8°54'53" East 56.61 feet;

South 1°38'07" West 48.35 feet;

South 6°41'00" East 45.53 feet;

South 15°19'31" East 38.86 feet;

South 0°53'45" East 58.56 feet;

South 8°41'23" East 44.87 feet;

South 5°36'13" East 166.37 feet;

South 2°00'44" East 89.50 feet;

South 12°21'23" East 64.22 feet;

South 0°04'22" West 42.72 feet;

South 20°15'27 "East 29.03 feet;

South 8°45'34" East 68.80 feet;

South 17°23'24" East 47.49 feet to a point on the south property line of said parcel of land described in said Document Number 2013-010431.

The sidelines of the strip of land described herein shall be lengthened or shortened as necessary to terminate at the west, south and east property lines of the parcel of land described in said Document Number 2013-010431.

The herein described strip contains an area of 52,682 square feet or 1.21 acres, more or less.

The herein described strip is shown on Exhibit "B" attached hereto and made a part hereof.

The herein described strip affects a portion of APN 006-260-035 Yuba County.

Bruce E. Parker, PLS 7757



End of Description

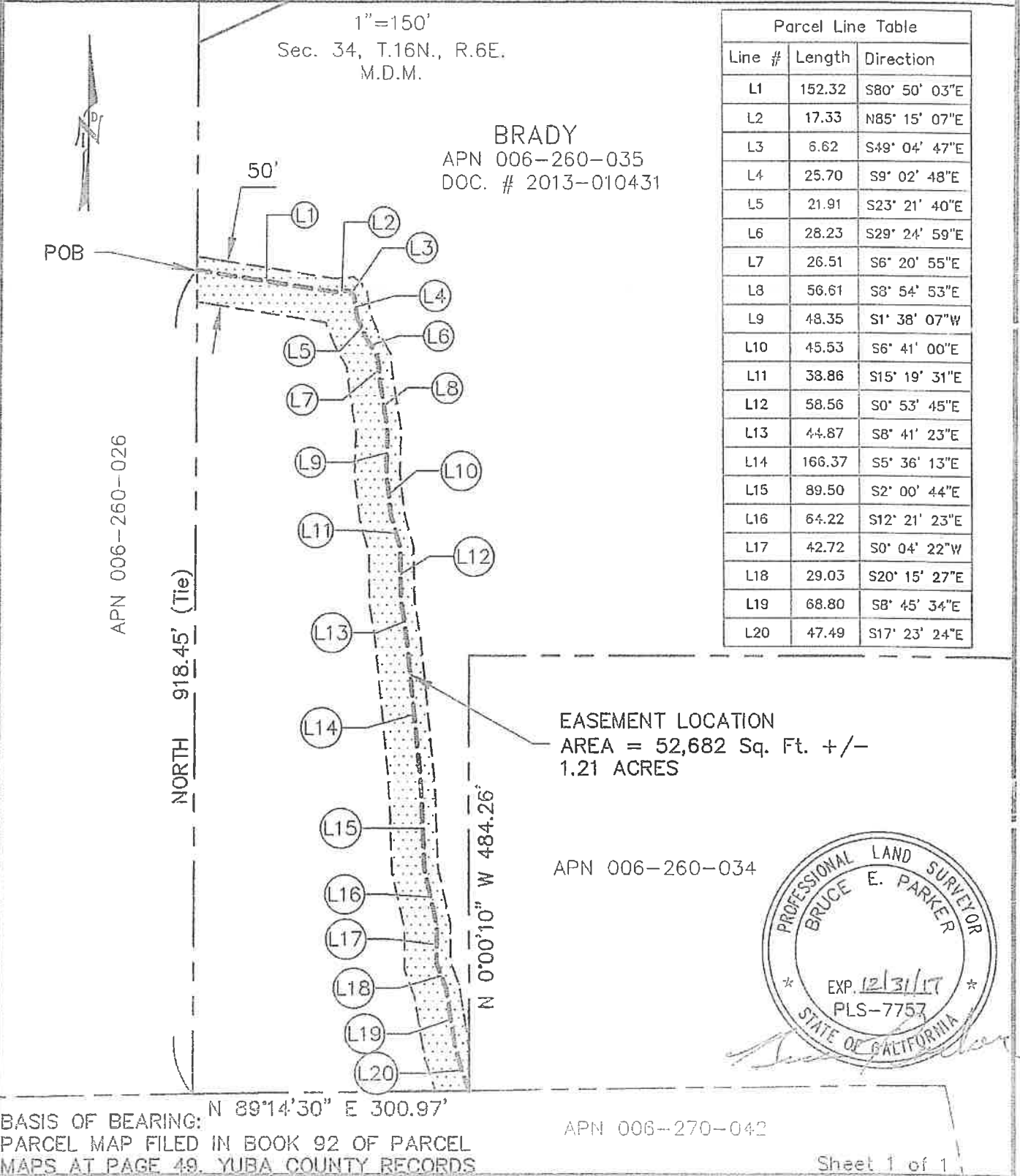
NEVADA IRRIGATION DISTRICT

NEVADA - PLACER - YUBA COUNTIES, CALIFORNIA

EXHIBIT 'B'

PROJECT FOR MEADE CANAL
THROUGH LAND OF BRADY

DATE June 29, 2017
SCALE: 1"=150'



Parcel Line Table		
Line #	Length	Direction
L1	152.32	S80° 50' 03"E
L2	17.33	N85° 15' 07"E
L3	6.62	S49° 04' 47"E
L4	25.70	S9° 02' 48"E
L5	21.91	S23° 21' 40"E
L6	28.23	S29° 24' 59"E
L7	26.51	S6° 20' 55"E
L8	56.61	S8° 54' 53"E
L9	48.35	S1° 38' 07"W
L10	45.53	S6° 41' 00"E
L11	38.86	S15° 19' 31"E
L12	58.56	S0° 53' 45"E
L13	44.87	S8° 41' 23"E
L14	166.37	S5° 36' 13"E
L15	89.50	S2° 00' 44"E
L16	64.22	S12° 21' 23"E
L17	42.72	S0° 04' 22"W
L18	29.03	S20° 15' 27"E
L19	68.80	S8° 45' 34"E
L20	47.49	S17° 23' 24"E

