

Staff Report

for the Regular Meeting of the Board of Directors, July 12, 2017

TO: Board of Directors

FROM: Gary D. King, PE, PhD, Engineering Manager
Matthew Crowe, Senior Right of Way Agent

DATE: July 5, 2017

SUBJECT: Chicago Park Powerhouse Road Easement Acquisition Project
Placer County Assessor Parcel Numbers: 063-150-014, 063-150-008,
063-320-001 and 063-320-002 (Back); and 063-150-021 (Lehy, et al)

ENGINEERING

RECOMMENDATION:

Adopt Resolution No. 2017-20 (Declaring necessity and authorizing eminent domain proceedings for the acquisition of real property for a public project known as the *Chicago Park Powerhouse Road Easement Acquisition Project* - on Placer County Assessor Parcel Numbers: 063-150-014 and 063-150-008 owned by George Back; and Placer County Assessor Parcel Numbers: 063-320-001 and 063-320-002 Owned by George Back & Dorothy R. Back) and authorizing the General Manager to execute the appropriate documents.

Adopt Resolution No. 2017-21 (Declaring necessity and authorizing eminent domain proceedings for the acquisition of real property for a public project known as the *Chicago Park Powerhouse Road Easement Acquisition Project* – on Placer County APN: 063-150-021 owned by James Earle Lehy* & Patricia Ann Lehy*, Trustees of the Lehy* Family Trust (*aka Leahy); and Penni F. Behr, Trustee of the Penni F. Behr Trust; and Lori Lane Solberg) and authorizing the General Manager to execute the appropriate documents.

BACKGROUND:

The intent of the *Chicago Park Powerhouse Road Easement Acquisition Project* is to secure easement rights for the Nevada Irrigation District (NID) to access the Chicago Park Power House, Rollins Reservoir and related systems and facilities. The subject easements follow the existing Chicago Park Powerhouse Road (CPPH Road) which crosses several properties extending between Secret Town Road @ Interstate 80 in

Placer County, 3+ miles, across the Bear River and the Chicago Park Powerhouse in Nevada County. There is no practical alternative route to meet NID's needs in this area.

NID has obtained easements for two of four project acquisitions to complete the easement rights it needs to provide access or the maintenance, and operation of Rollins Reservoir, the Chicago Park Powerhouse and other lands and facilities in NID's water delivery and hydroelectric systems. These two remaining acquisitions are necessary to complete NID rights for access.

The CPPH Road has provided NID access to the Chicago Park Powerhouse, Rollins Reservoir and related facilities, since these NID facilities were developed in the 1960's, as part of its Yuba-Bear Hydroelectric Project (YB Project) under Federal Energy Regulatory Commission (FERC) License No. 2266. The lower portion of the YB Project includes hydraulic conduits, reservoirs, powerhouses and appurtenant facilities extending from NID's Dutch Flat No. 2 Flume Intake at the Drum Afterbay to NID's Rollins Reservoir and Rollins Powerhouse located along the Bear River in the of Nevada and Placer Counties.

NID is presently relicensing its Yuba-Bear Project – FERC License 2266. Information may be reviewed by visiting NID's website <http://www.eurekasw.com/NID/default.aspx>

NID needs to obtain documented permanent rights to use, improve and maintain the road and appurtenant facilities to preserve in perpetuity NID's ability to meet its obligations for water delivery and its FERC license. By acquiring these rights, NID will reduce potential disputes and litigation that might occur among multiple interest holders as to their respective rights in the subject land. The subject acquisitions are forwarded separately, so that they may each proceed independently and unaffected by constraints that may occur on other properties or acquisitions.

The specific areas and property interests which NID seeks to acquire are described in the attached resolutions and deed exhibits.

Resolution 2017-20 (Back) APNs 063-150-014, 063-150-008, 063-320-001 and 063-320-002

On January 5, 2017, NID staff mailed the first written offer to the owners of record. NID's offer is based upon, an appraisal report prepared by Daniel R. Ketcham & Associates. NID has received no response to numerous attempts by staff to contact the property ownership and representatives. It is believed that the record owners are deceased.

Resolution 2017-21 (Lehy, et al) APN 063-150-021

On January 11, 2017, NID staff mailed the first written offer to the owners of record. NID's offer is based upon, an appraisal report prepared by Daniel R. Ketcham & Associates. On January 20, 2017, Staff had a telephone conversation with one member of the ownership. Several other attempts to further engage the owners have gone unanswered.

Presently, negotiations for each of these acquisitions are at an impasse, as no ownership representative has responded to NID's offers. Therefore, staff recommends the attached resolutions of necessity to enable NID staff and legal counsel to proceed via the courts to acquire the necessary easements.

In adopting each of the resolutions and authorizing the initiation of eminent domain proceedings, the NID Board must find the following four items:

1. The public interest and necessity require the *Chicago Park Powerhouse Road Easement Acquisition Project*.
2. The *Chicago Park Powerhouse Road Easement Acquisition Project* is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the *Chicago Park Powerhouse Road Easement Acquisition Project*.
4. The offer required by section 7267.2 of the California Government Code has been made to the owner of record of the property to be acquired or directed to the persons whose name and address appear on the last equalized county assessment roll.

The request from staff is a finding regarding the necessity for these acquisitions, approval to seek order(s) from the court for possession of the real property interests and judgments by the court of fair value.

GK/MC

attachments:

Resolution 2017-20 with Exhibits A-D and 1-8 (Back)
Offer Letter dated January 5, 2017 (Back)
Notice of Intent dated June 27, 2017 (Back)
Resolution 2017-21 with Exhibits A, 1 & 2 (Lehy, etal)
Offer Letter dated January 11, 2017 (Lehy, etal)
Notice of Intent dated June 27, 2017 (Lehy, etal)
Presentation Slides



RESOLUTION No. 2017-20

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 *CHICAGO PARK POWERHOUSE ROAD EASEMENT ACQUISITION PROJECT* – on Placer County APNs 063-150-014 and 063-150-008 owned by George Back and Placer County APNs 063-320-001 and 063-320-002 owned by George Back & Dorothy R. Back

After duly convened public hearing on the matter of the acquisition by eminent domain of property interests for the ***CHICAGO PARK POWERHOUSE ROAD EASEMENT ACQUISITION PROJECT*** (CPPH RD Acquisition Project), the Board of Directors determines and declares as follows:

1. The Nevada Irrigation District (District) owns and operates the Chicago Park Power House, Rollins Reservoir and related systems and facilities as integral parts of the District's Yuba-Bear Hydroelectric Project (Yuba-Bear Project).
2. A portion of District's Yuba-Bear Project consists of integrated systems of hydraulic conduits, hydroelectric powerhouses and appurtenant facilities and real property interests extending from the District's Dutch Flat No. 2 Flume Intake at the Drum Afterbay to the District's Rollins Reservoir and Rollins Powerhouse located along the Bear River in the Counties of Nevada and Placer, State of California.
3. Following the Federal Energy Regulatory Commission (FERC) approval of the District's Yuba-Bear Project license 2266 in 1963, the District has constructed and operated the Yuba-Bear Project systems and facilities.
4. The District's Yuba-Bear Project systems and facilities are and will continue to be necessary to the District's beneficial use of water for consumptive purposes and for the generation of electric power and to otherwise carry out the District's purposes.
5. The District's operation of the Yuba-Bear Project systems and facilities are necessary for, related to and required by FERC license 2266.
6. CPPH RD Acquisition Project will secure for the District certain easement real property interests, which are necessary for the District's operation of the Yuba-Bear Project and the implementation of FERC license 2266.
7. 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) and the generation of hydroelectric power (Division 11, Part 5, Chapter 1, Article 3 of the California Water Code) under California Water Code section 22456.

8. The property interests to be acquired are situate in the county of Placer.
9. The property interests to be acquired are situate outside of the District boundaries.
10. The District is authorized to acquire property by eminent domain outside of the territorial limits of the District for water or electric supply purposes, under California Code of Civil Procedure section 1240.125.
11. The property interests to be acquired will be used for road purposes, including but not limited to the following:
 - a. Access to DISTRICT's lands, facilities and improvements;
 - b. Transporting people, tools, equipment, materials, debris, sediment, aggregate, and deposits; and
 - c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.
12. The extent and location of the property interests to be acquired for the CPPH RD Acquisition Project are set forth in the road easement deeds attached to this resolution as Exhibits A through D, and are more particularly described and depicted in Exhibits 1 through 8, attached hereto.
13. George Back and Dorothy R. Back are the owners of the property to be acquired whose names and address appear on the last equalized county assessment roll.
14. Notice has been given each person 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.
15. The CPPH RD Acquisition 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 road easement will comply with the California Environmental Quality Act, and all applicable local, state and federal laws and regulation.
16. The public interest and necessity require the CPPH RD Acquisition Project.
17. The CPPH RD Acquisition Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
18. The property sought to be acquired is necessary for the CPPH RD Acquisition Project.
19. The offer required by section 7267.2 of the California Government Code could not be made because the District could not with reasonable diligence locate the owners of record of the property interests to be acquired, George Back and Dorothy R. Back. An offer to acquire the property interests for the amount established as just compensation was directed to the persons whose name and address appear on the last equalized county assessment roll; and

BE IT FURTHER 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 above and described in Exhibits A through D, and 1 through 8 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 12 day of July, 2017 by the following vote of said Board:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors

RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

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

Exhibit "A"

Placer County APN 063-150-014

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: Chicago Park Powerhouse Road
Map No. 216/234
Index No. 13

Documentary Transfer Tax: \$-0-

() Computed on full value of property conveyed

() Unincorporated area () City of _____

() 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

ROAD EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

GEORGE BACK,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement and right-of-way for pedestrian, vehicle, and equipment ingress to and egress from DISTRICT facilities and property interests, on, over, under and across that certain real property and improvements, hereinafter called Easement Area, situated in the unincorporated area, County of Placer, State of California, described in Exhibit "1" and shown on Exhibit '2' attached hereto, for any and all lawful purposes, including, but not limited to:

- a. Access to DISTRICT's Chicago Park Powerhouse and related lands and improvements;
- b. Transporting and hauling sediment, aggregate, and deposits, including soil, clay, sand, gravel, and rock removed from the Bear River, Steephollow Creek, or Rollins Reservoir; and
- c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.

GRANTOR hereby grants to DISTRICT the right, privilege and authority to excavate for, install, replace, relocate, inspect, operate, patrol, maintain, use and protect such facilities and appurtenances, for roadway, access and drainage control purposes, as DISTRICT shall from time to time elect.

Subject to the following conditions:

OBLIGATIONS OF GRANTOR

GRANTOR further grants to the DISTRICT:

- a) the right to grade the full width of said Easement Area;
- b) the right to pave the surface of the entire Easement Area;
- c) the right to install guard rails, signage and any other improvements as DISTRICT shall from time to time elect to make DISTRICT's use of said Easement Area safe and convenient;

- d) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter within or encroaching on said Easement Area;
- e) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- f) the right to use the entire Easement Area for full enjoyment of the rights granted hereby, as DISTRICT shall from time to time elect, even if DISTRICT does not do so initially, and GRANTOR shall not make any changes or improvements in said Easement Area that obstruct DISTRICT's right to use the entire Easement Area.

OBLIGATIONS OF THE DISTRICT

The DISTRICT hereby covenants and agrees to indemnify GRANTOR against claims or actions for bodily injury or damage to property arising out of the use of GRANTOR's property by DISTRICT or its contractors.

ENCROACHMENT BY GRANTOR

GRANTOR may make use of said Easement Area for purposes which will not interfere with the DISTRICT'S full enjoyment of the rights granted hereby, subject to approval of the DISTRICT and subject to the rules and regulations of the DISTRICT regarding encroachments upon DISTRICT facilities and easements, as adopted and modified from time to time.

ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Date: _____

George Back

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: _____

Remleh Scherzinger, General Manager

EXHIBIT "1"

Road Easement Description

Three (3) easement strips 60.00 feet in width, traversing portions of Lots 1, 2 and 3 of the southwest quarter, and Lots 5 and 8 of the northwest quarter of Section 7, Township 15 North, Range 10 East, M.D.M., Placer County, California, said easement strips being portions of the lands of George Back, as said lands are described by Book 2373 of Official Records, Page 477, Placer County Records through reference therein to Book 2143, of Official Records, Page 566, recorded April 2, 1981 and July 10, 1979 respectively, said strips being delineated on Exhibit "2" attached hereto and made a part hereof.

EXCEPTING THEREFROM, all that portion lying within the southeast quarter of Lot 2 of the northwest quarter of said Section 7.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on December 16, 2016.



Michael W. Caston, P.L.S. 6304

End of Description

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

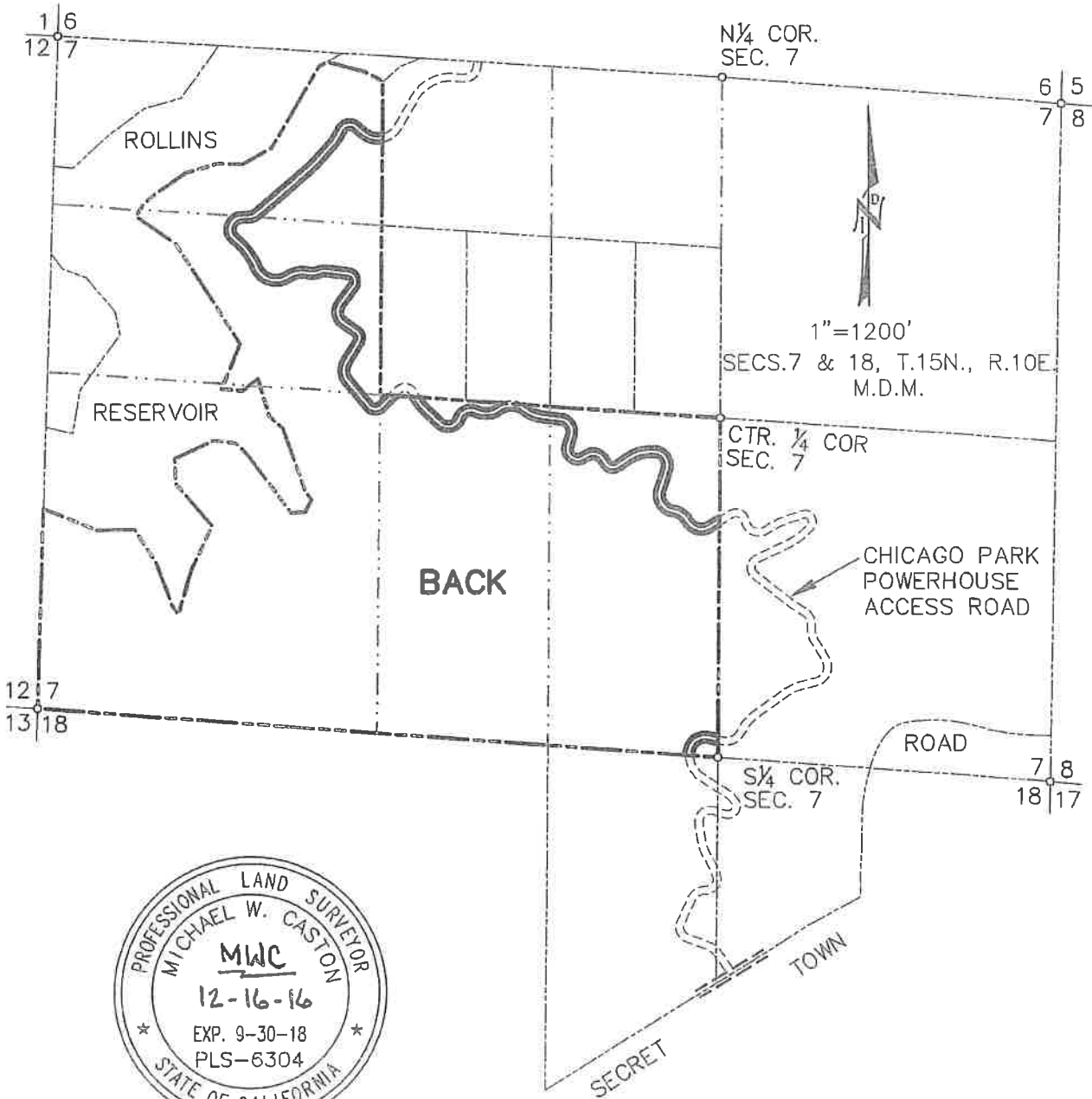
EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back AP 063-150-014

SCALE: 1"=1200'



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

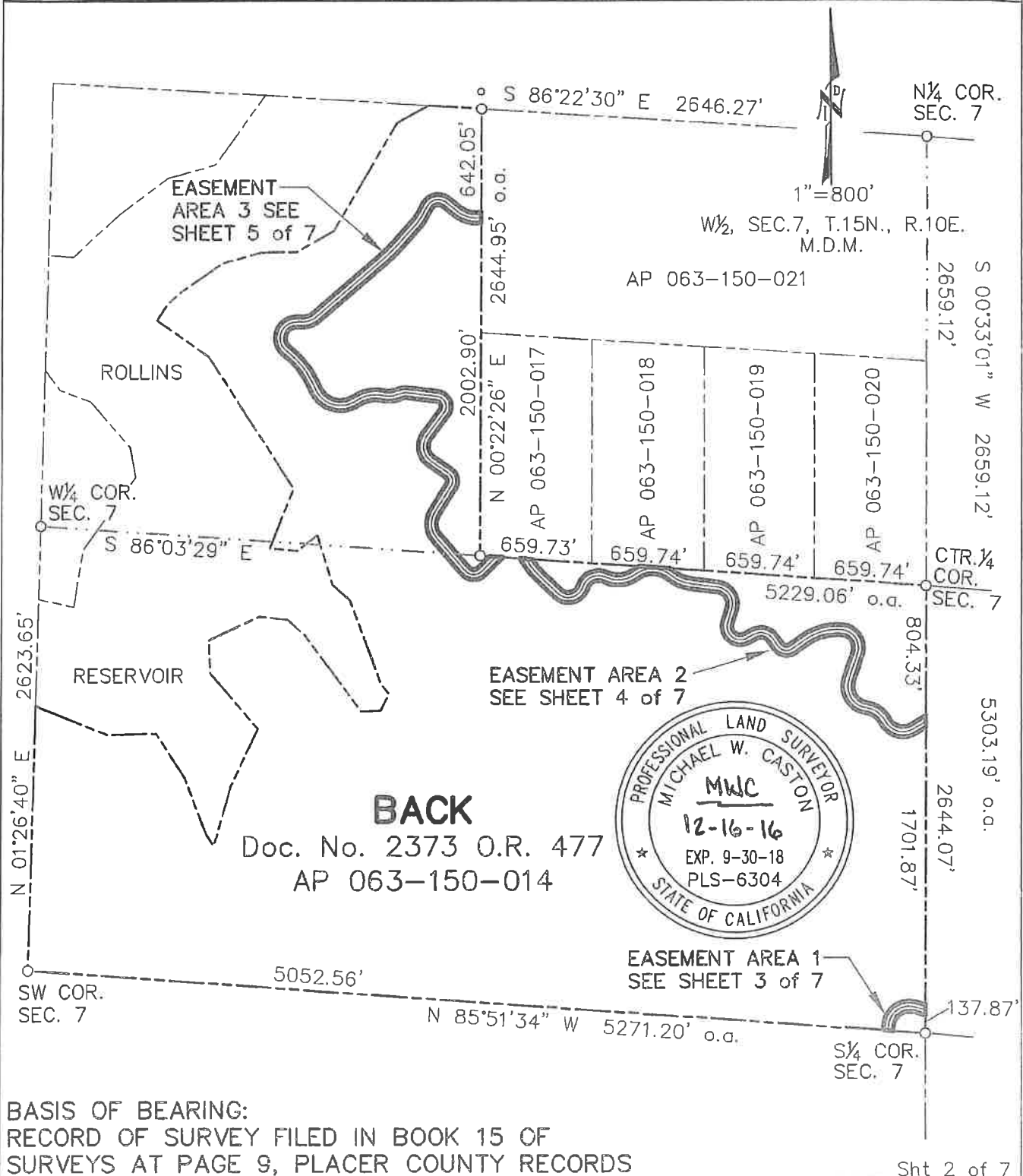
EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=800'



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Civil 3D Projects\6877 Chicago Park Powerhouse Access\ROW Easements_Back_63-150-14.dwg

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=60'

BACK

Doc. No. 2373 O.R. 477

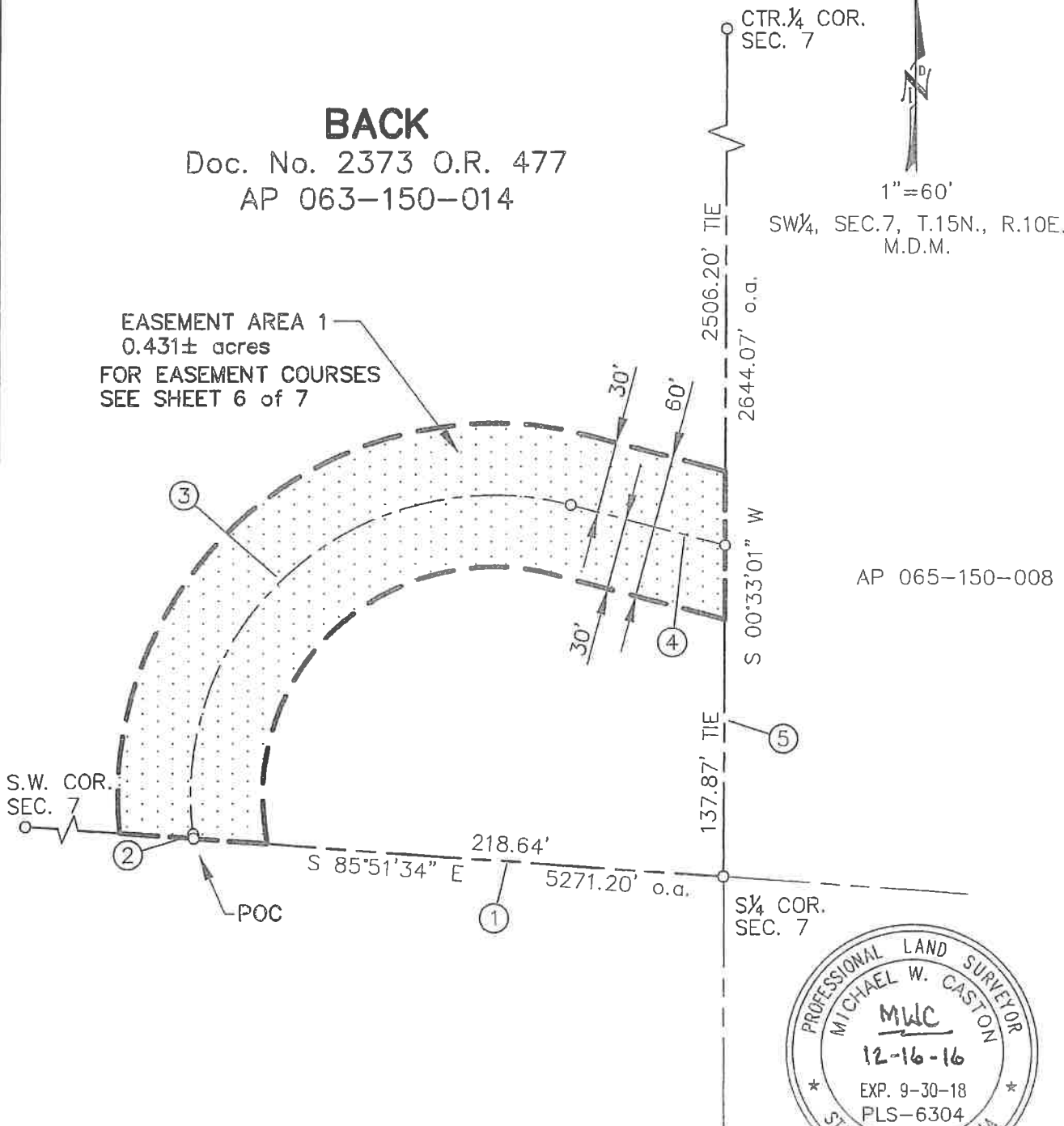
AP 063-150-014

EASEMENT AREA 1
0.431± acres
FOR EASEMENT COURSES
SEE SHEET 6 of 7



1"=60'

SW $\frac{1}{4}$, SEC.7, T.15N., R.10E.
M.D.M.



AP 065-150-008



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

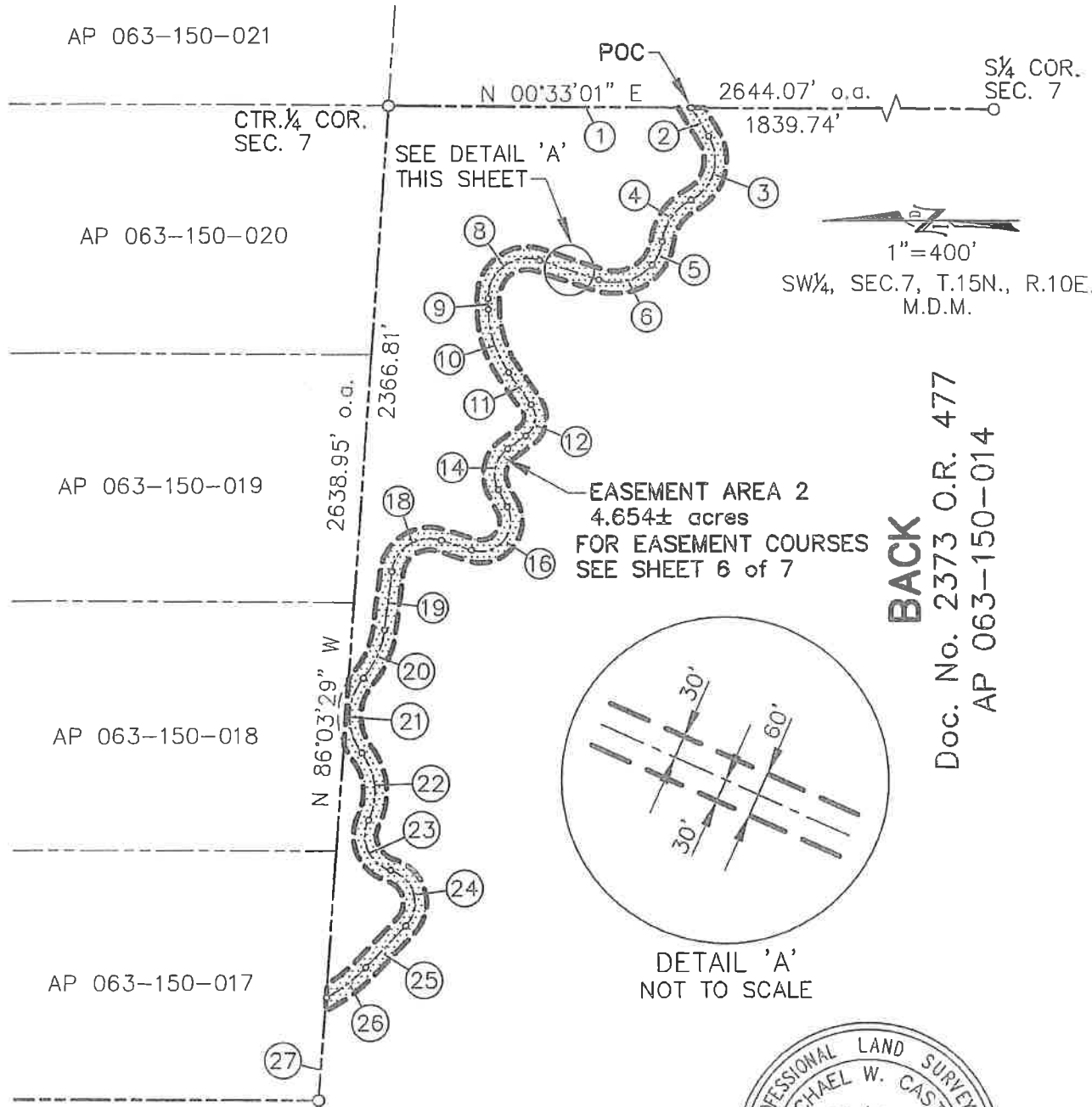
EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=400'



BACK
 Doc. No. 2373 O.R. 477
 AP 063-150-014

DETAIL 'A'
NOT TO SCALE



BASIS OF BEARING:
 RECORD OF SURVEY FILED IN BOOK 15 OF
 SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Ch4 3D Projects\6877 Chicago Park Powerhouse Access\ROW Easement\Bock_03-150-14.dwg

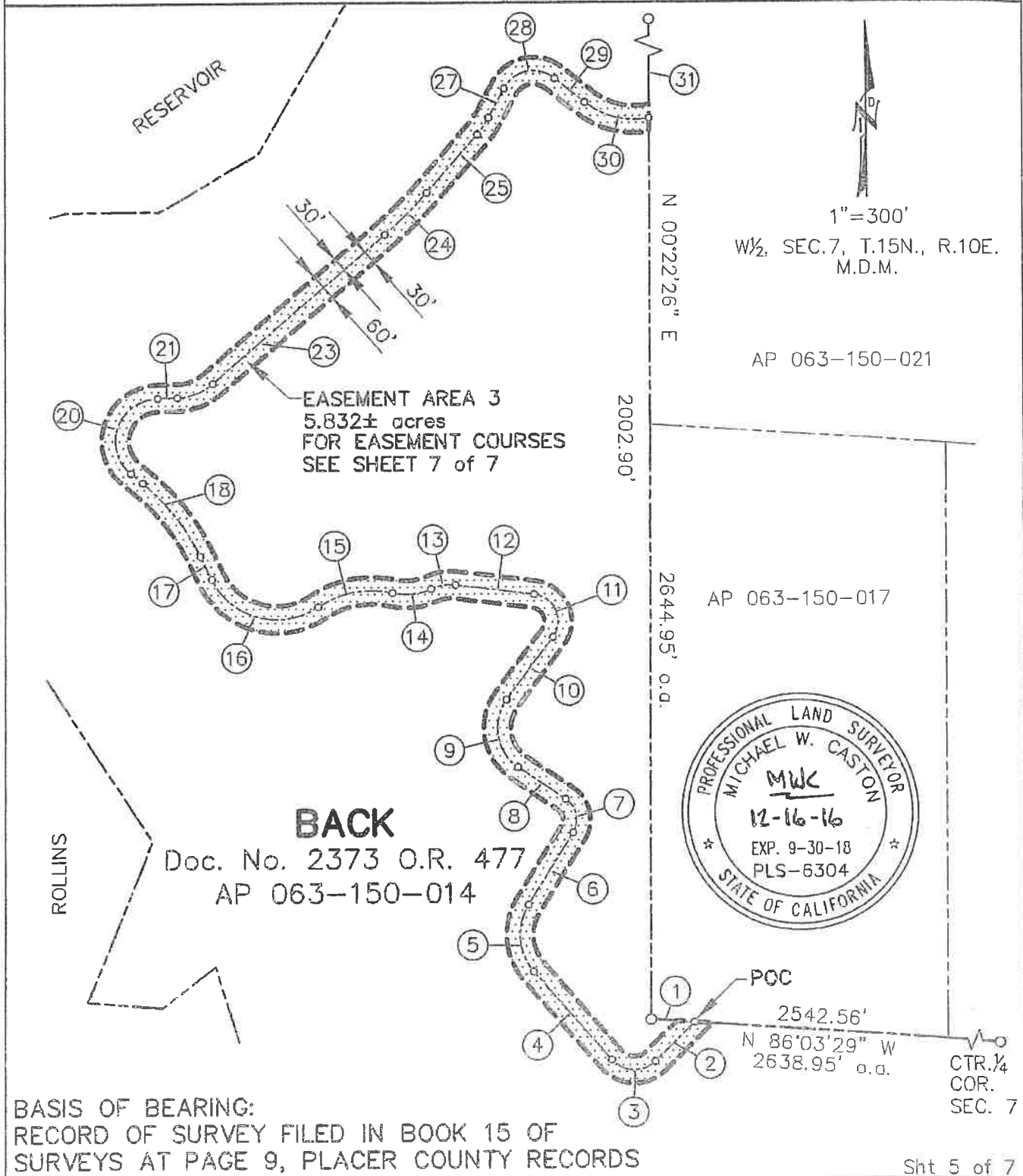
NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road
THROUGH LAND OF Back

DATE December 16, 2016
SCALE: 1"=300'



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road
THROUGH LAND OF Back

DATE December 16, 2016
SCALE: N\A

EASEMENT COURSES - AREA 1

NO.	COURSE	DISTANCE
1	S 85°51'34" E	218.64' TIE
2	N 07°31'53" W	1.80'
3	R=125.00' Δ=112°24'42" L=245.24'	
4	S 75°07'10" E	65.81'
5	S 00°33'01" W	137.87' TIE

EASEMENT COURSES - AREA 2

NO.	COURSE	DISTANCE
1	N 00°33'01" E	804.33' TIE
2	S 58°46'00" W	87.53'
3	R=120.00' Δ=93°49'00" L=196.49'	
4	R=145.00' Δ=54°51'00" L=138.81'	
5	R=120.00' Δ=32°26'03" L=67.93'	
6	R=130.00' Δ=68°13'57" L=154.81'	
7	N 18°24'00" E	165.83'
8	R=105.00' Δ=109°05'27" L=199.92'	
9	S 89°18'33" W	28.51'
10	R=300.00' Δ=34°00'28" L=178.06'	
11	S 55°18'04" W	104.42'
12	R=60.00' Δ=89°04'01" L=93.27'	
13	N 35°37'55" W	59.24'
14	R=85.00' Δ=82°21'31" L=122.18'	
15	S 62°00'34" W	51.84'
16	R=80.00' Δ=135°55'11" L=189.78'	
17	N 17°55'45" E	83.24'
18	R=100.00' Δ=100°54'45" L=176.13'	
19	N 82°59'00" W	156.15'
20	R=250.00' Δ=32°19'08" L=141.02'	
21	R=160.00' Δ=76°25'08" L=213.40'	
22	R=170.00' Δ=63°03'00" L=187.07'	
23	R=95.00' Δ=98°39'00" L=163.57'	
24	R=90.00' Δ=116°00'00" L=182.21'	
25	N 46°41'00" W	149.78'
26	R=430.00' Δ=17°23'41" L=130.55'	
27	N 86°03'29" W	272.14' TIE



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: N/A

EASEMENT COURSES - AREA 3

NO.	COURSE	DISTANCE
1	N 86°03'29" W	96.39' TIE
2	S 45°10'00" W	123.66'
3	R=65.00' Δ =94°12'07" L=106.87'	
4	N 40°37'53" W	260.56'
5	R=125.00' Δ =72°32'53" L=158.28'	
6	N 31°55'00" E	188.29'
7	R=55.00' Δ =87°29'00" L=83.98'	
8	N 55°34'00" W	126.93'
9	R=105.00' Δ =92°24'00" L=169.33'	
10	N 36°50'00" E	173.24'
11	R=60.00' Δ =119°49'00" L=125.47'	
12	N 82°59'00" W	174.99'
13	R=100.00' Δ =31°57'43" L=55.78'	
14	R=130.00' Δ =38°07'43" L=86.51'	
15	R=205.00' Δ =47°33'00" L=170.13'	
16	R=160.00' Δ =98°14'00" L=274.32'	
17	N 26°08'00" W	57.55'
18	R=500.00' Δ =24°04'00" L=210.02'	
19	N 50°12'00" W	33.46'
20	R=95.00' Δ =139°05'02" L=230.61'	
21	N 88°53'02" E	43.56'
22	R=125.00' Δ =39°52'04" L=86.98'	
23	N 49°00'59" E	503.70'
24	R=1000.00' Δ =7°32'51" L=131.73'	
25	N 41°28'08" E	171.88'
26	R=200.00' Δ =12°50'50" L=44.85'	
27	N 28°37'18" E	73.56'
28	R=75.00' Δ =100°18'06" L=131.29'	
29	S 51°04'36" E	85.01'
30	R=175.00' Δ =49°31'46" L=151.28'	
31	N 00°22'26" E	642.05' TIE



RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

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

Exhibit "B"

Placer County APN 063-150-008

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: Chicago Park Powerhouse Road
Map No. E of 234; S of 217
Index No. 13

Documentary Transfer Tax: \$-0-
() Computed on full value of property conveyed
() Unincorporated area () City of _____
() 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

ROAD EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

GEORGE H. BACK,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement and right-of-way for pedestrian, vehicle, and equipment ingress to and egress from DISTRICT facilities and property interests, on, over, under and across that certain real property and improvements, hereinafter called Easement Area, situated in the unincorporated area, County of Placer, State of California, described in Exhibit "3" and shown on Exhibit '4' attached hereto, for any and all lawful purposes, including, but not limited to:

- a. Access to DISTRICT's Chicago Park Powerhouse and related lands and improvements;
- b. Transporting and hauling sediment, aggregate, and deposits, including soil, clay, sand, gravel, and rock removed from the Bear River, Steephollow Creek, or Rollins Reservoir; and
- c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.

GRANTOR hereby grants to DISTRICT the right, privilege and authority to excavate for, install, replace, relocate, inspect, operate, patrol, maintain, use and protect such facilities and appurtenances, for roadway, access and drainage control purposes, as DISTRICT shall from time to time elect.

Subject to the following conditions:

OBLIGATIONS OF GRANTOR

GRANTOR further grants to the DISTRICT:

- a) the right to grade the full width of said Easement Area;
- b) the right to pave the surface of the entire Easement Area;
- c) the right to install guard rails, signage and any other improvements as DISTRICT shall from time to time elect to make DISTRICT's use of said Easement Area safe and convenient;

- d) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter within or encroaching on said Easement Area;
- e) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- f) the right to use the entire Easement Area for full enjoyment of the rights granted hereby, as DISTRICT shall from time to time elect, even if DISTRICT does not do so initially, and GRANTOR shall not make any changes or improvements in said Easement Area that obstruct DISTRICT's right to use the entire Easement Area.

OBLIGATIONS OF THE DISTRICT

The DISTRICT hereby covenants and agrees to indemnify GRANTOR against claims or actions for bodily injury or damage to property arising out of the use of GRANTOR's property by DISTRICT or its contractors.

ENCROACHMENT BY GRANTOR

GRANTOR may make use of said Easement Area for purposes which will not interfere with the DISTRICT'S full enjoyment of the rights granted hereby, subject to approval of the DISTRICT and subject to the rules and regulations of the DISTRICT regarding encroachments upon DISTRICT facilities and easements, as adopted and modified from time to time.

ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Date: _____

George H. Back

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: _____

Remleh Scherzinger, General Manager

EXHIBIT "3"

Road Easement Description

An easement strip 60.00 feet in width, traversing a portion of the southeast quarter of Section 7, Township 15 North, Range 10 East, M.D.M., Placer County, California, said easement strip being a portion of the lands of George Back, as said lands are described by Book 2347 of Official Records, Page 5, Placer County Records through reference therein to Book 2143, of Official Records, Page 565, recorded January 14, 1981 and July 10, 1979 respectively, said strip being delineated on Exhibit "4" attached hereto and made a part hereof.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on December 16, 2016.





Michael W. Caston, P.L.S. 6304

End of Description

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

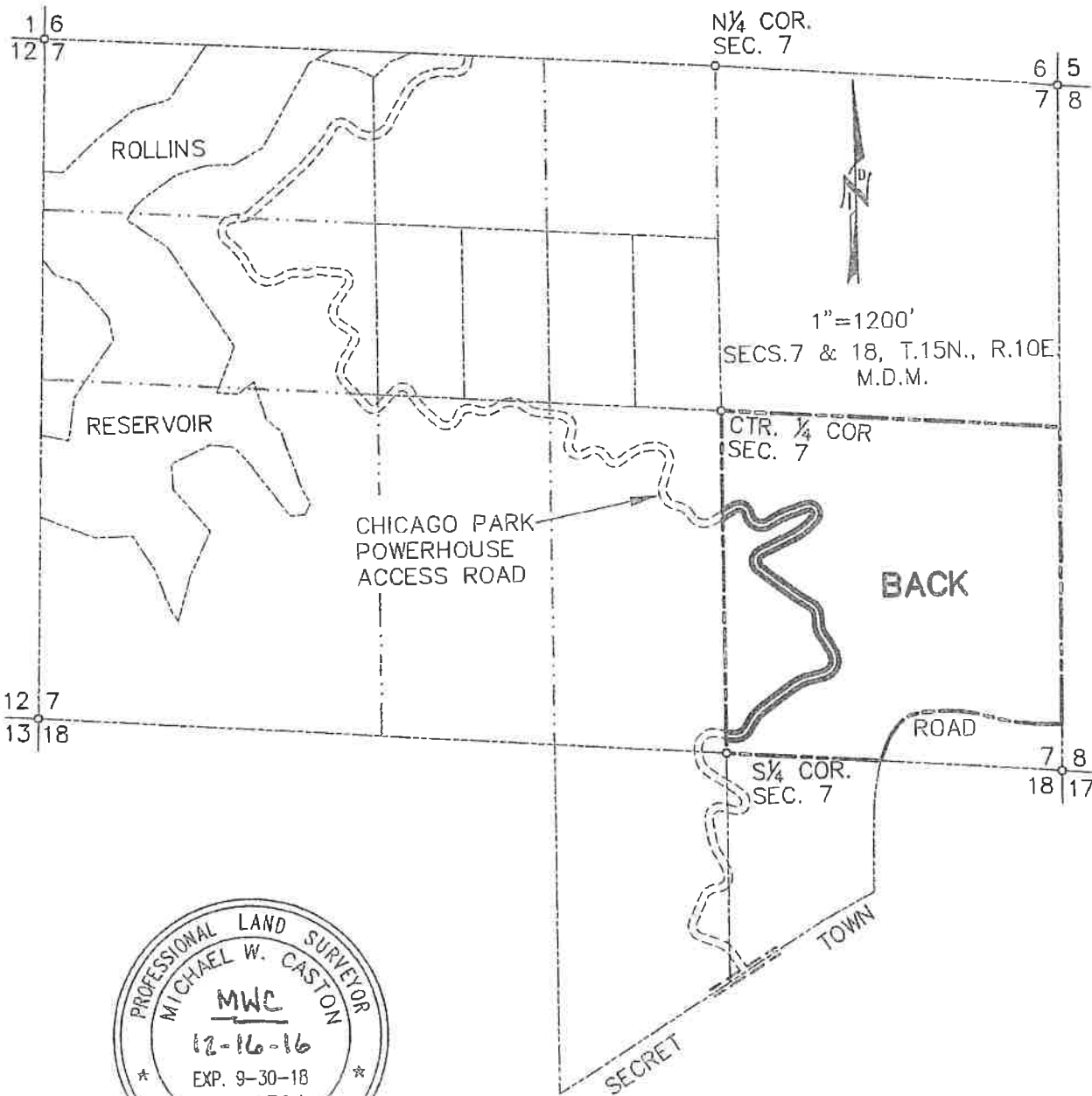
EXHIBIT '4'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back AP 063-150-008

SCALE: 1"=1200'



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

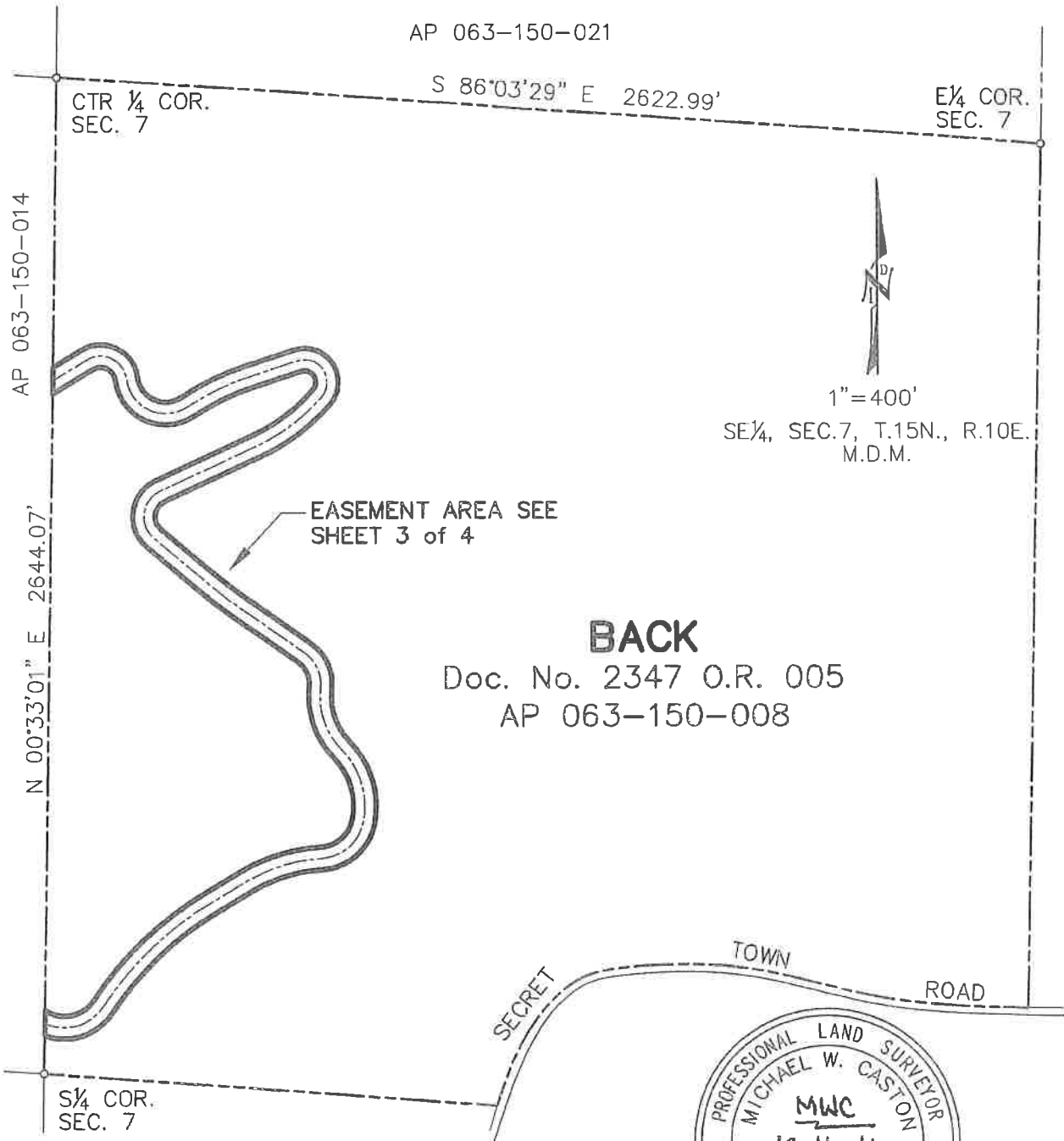
EXHIBIT '4'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=400'



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY
RECORDS



Sht 2 of 4

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

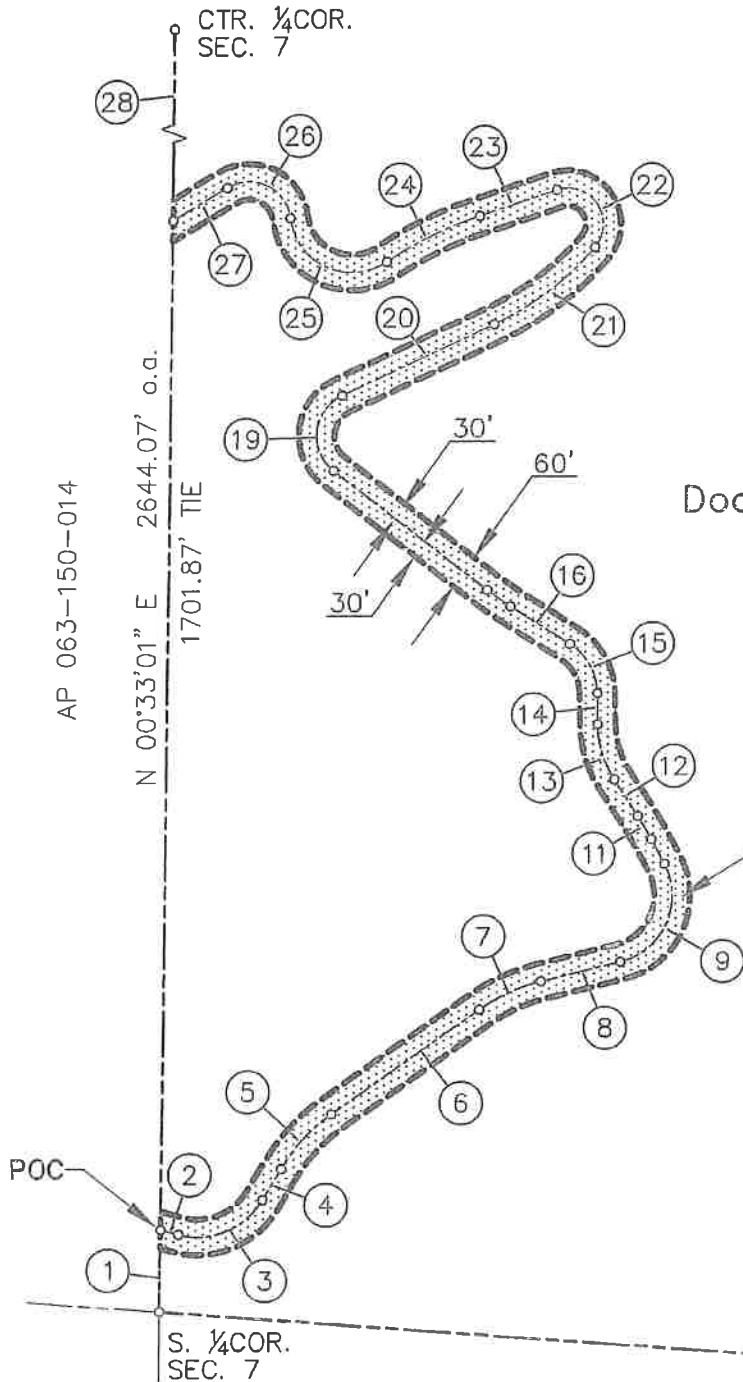
EXHIBIT '4'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=300'



1"=300'

SE 1/4, SEC. 7, T. 15N., R. 10E.
M.D.M.

BACK

Doc. No. 2347 O.R. 005

AP 063-150-008

EASEMENT AREA
5.001± acres
FOR EASEMENT COURSES
SEE SHEET 4 of 4



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

Sht 3 of 4

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '4'

PROJECT FOR Chicago Park Powerhouse Access Road
THROUGH LAND OF Back

DATE December 16, 2016

SCALE: N/A

EASEMENT COURSES

NO.	COURSE	DISTANCE
1	S 0°33'01" W	137.87' TIE
2	S 75°07'10" E	31.25'
3	R=125.00' Δ =74°25'21" L=162.36'	
4	N 30°27'29" E	60.64'
5	R=300.00' Δ =23°53'18" L=125.08'	
6	N 54°20'08" E	302.71'
7	R=300.00' Δ =21°45'39" L=113.94'	
8	N 76°06'26" E	137.47'
9	R=115.00' Δ =103°35'22" L=207.92'	
10	N 27°28'56" W	47.20'
11	R=500.00' Δ =5°10'14" L=45.12'	
12	N 32°39'10" W	73.36'
13	R=175.00' Δ =32°09'02" L=98.20'	
14	N 00°30'08" W	52.47'
15	R=100.00' Δ =56°56'39" L=99.39'	
16	N 57°26'47" W	118.69'
17	R=500.00' Δ =5°29'45" L=47.96'	
18	N 51°57'02" W	326.43'
19	R=75.00' Δ =116°43'02" L=152.78'	
20	N 64°46'00" E	282.37'
21	R=515.00' Δ =24°05'46" L=216.59'	
22	R=60.00' Δ =149°06'14" L=156.14'	
23	S 71°34'00" W	137.00'
24	R=640.00' Δ =15°42'53" L=175.54'	
25	R=105.00' Δ =117°00'11" L=214.42'	
26	R=70.00' Δ =114°05'18" L=139.39'	
27	S 58°46'00" W	106.30'
28	N 00°33'01" E	804.33' TIE



RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

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

Exhibit "C"

Placer County APN 063-320-001

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: Chicago Park Powerhouse Road
Map No. E of 234; S of 217
Index No. 13

Documentary Transfer Tax: \$-0-
() Computed on full value of property conveyed
() Unincorporated area () City of _____
() 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

ROAD EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

GEORGE BACK and DOROTHY BACK,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement and right-of-way for pedestrian, vehicle, and equipment ingress to and egress from DISTRICT facilities and property interests, on, over, under and across that certain real property and improvements, hereinafter called Easement Area, situated in the unincorporated area, County of Placer, State of California, described in Exhibit "5" and shown on Exhibit '6' attached hereto, for any and all lawful purposes, including, but not limited to:

- a. Access to DISTRICT's Chicago Park Powerhouse and related lands and improvements;
- b. Transporting and hauling sediment, aggregate, and deposits, including soil, clay, sand, gravel, and rock removed from the Bear River, Steephollow Creek, or Rollins Reservoir; and
- c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.

GRANTOR hereby grants to DISTRICT the right, privilege and authority to excavate for, install, replace, relocate, inspect, operate, patrol, maintain, use and protect such facilities and appurtenances, for roadway, access and drainage control purposes, as DISTRICT shall from time to time elect.

Subject to the following conditions:

OBLIGATIONS OF GRANTOR

GRANTOR further grants to the DISTRICT:

- a) the right to grade the full width of said Easement Area;
- b) the right to pave the surface of the entire Easement Area;
- c) the right to install guard rails, signage and any other improvements as DISTRICT shall from time to time elect to make DISTRICT's use of said Easement Area safe and convenient;

- d) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter within or encroaching on said Easement Area;
- e) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- f) the right to use the entire Easement Area for full enjoyment of the rights granted hereby, as DISTRICT shall from time to time elect, even if DISTRICT does not do so initially, and GRANTOR shall not make any changes or improvements in said Easement Area that obstruct DISTRICT's right to use the entire Easement Area.

OBLIGATIONS OF THE DISTRICT

The DISTRICT hereby covenants and agrees to indemnify GRANTOR against claims or actions for bodily injury or damage to property arising out of the use of GRANTOR's property by DISTRICT or its contractors.

ENCROACHMENT BY GRANTOR

GRANTOR may make use of said Easement Area for purposes which will not interfere with the DISTRICT'S full enjoyment of the rights granted hereby, subject to approval of the DISTRICT and subject to the rules and regulations of the DISTRICT regarding encroachments upon DISTRICT facilities and easements, as adopted and modified from time to time.

ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Date: _____

George Back

Date: _____

Dorothy Back

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: _____

Remleh Scherzinger, General Manager

EXHIBIT "5"

Road Easement Description

Two (2) easement strips 60.00 feet in width, traversing portions of Lot 1 of the northwest quarter of Section 18, Township 15 North, Range 10 East, M.D.M., Placer County, California, said easement strips being portions of the lands of George and Dorothy R. Back, as said lands are described by Book 2557 of Official Records, Page 18, Placer County Records through reference therein to Book 2512, of Official Records, Page 377, recorded January 13, 1983 and July 9, 1982 respectively, said strips being delineated on Exhibit "6" attached hereto and made a part hereof.

EXCEPTING THEREFROM, all that portion lying within the northeast quarter of said Section 18.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on December 16, 2016.





Michael W. Caston, P.L.S. 6304

End of Description

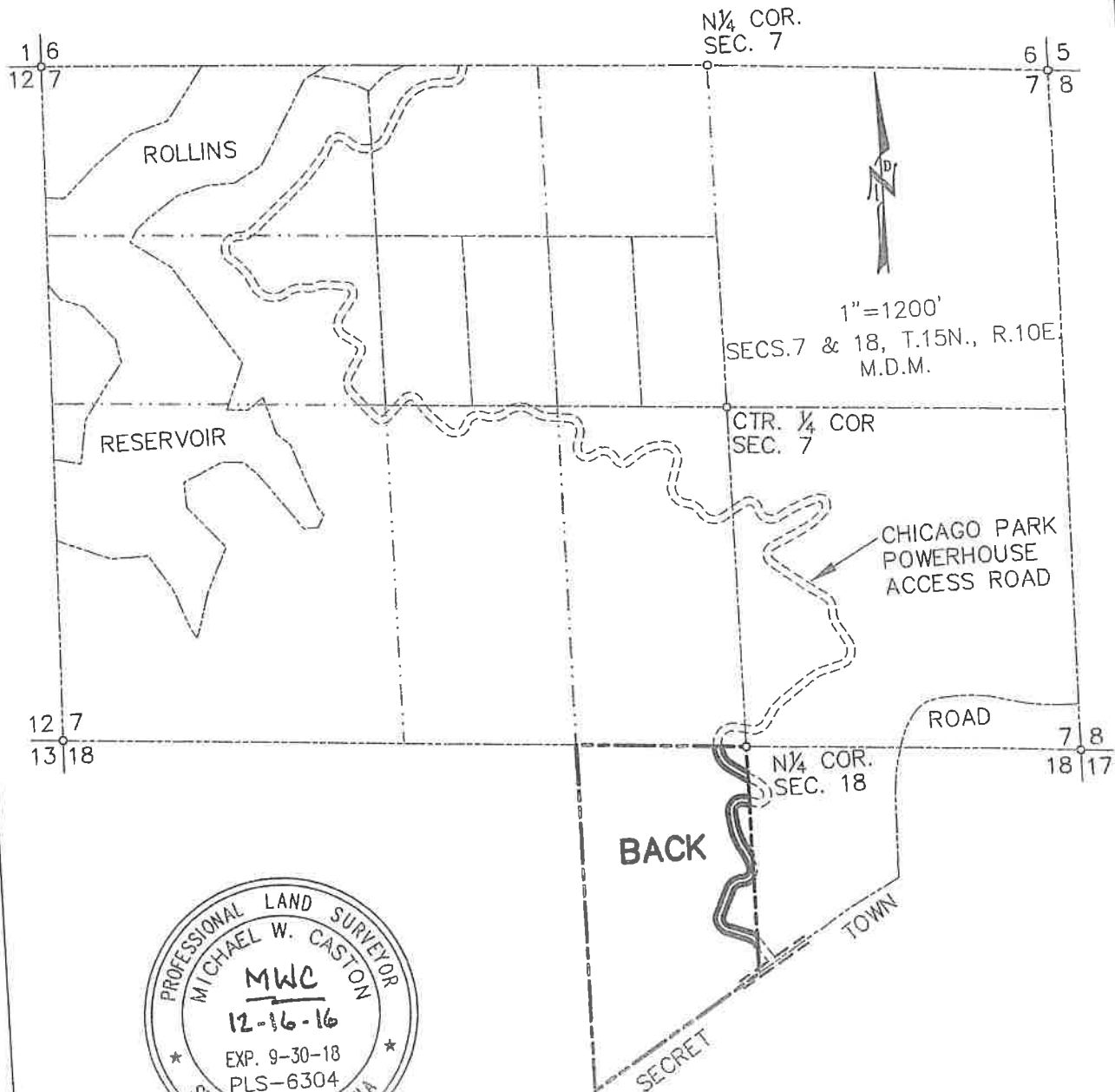
NEVADA IRRIGATION DISTRICT
NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '6'

DATE December 16, 2016

SCALE: 1"=1200'

PROJECT FOR Chicago Park Powerhouse Access Road
THROUGH LAND OF Back AP 063-320-001



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

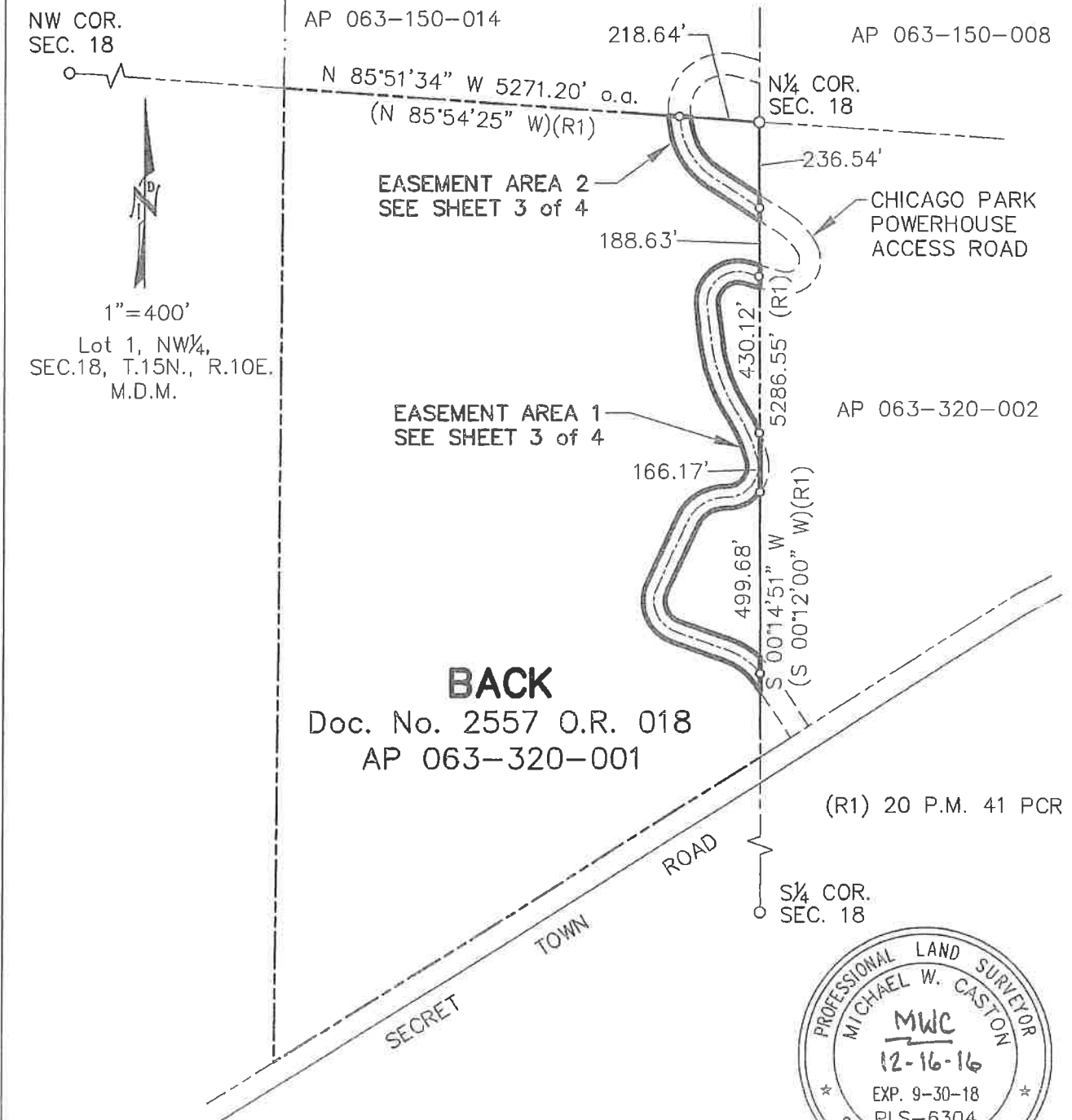
EXHIBIT '6'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=400'



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

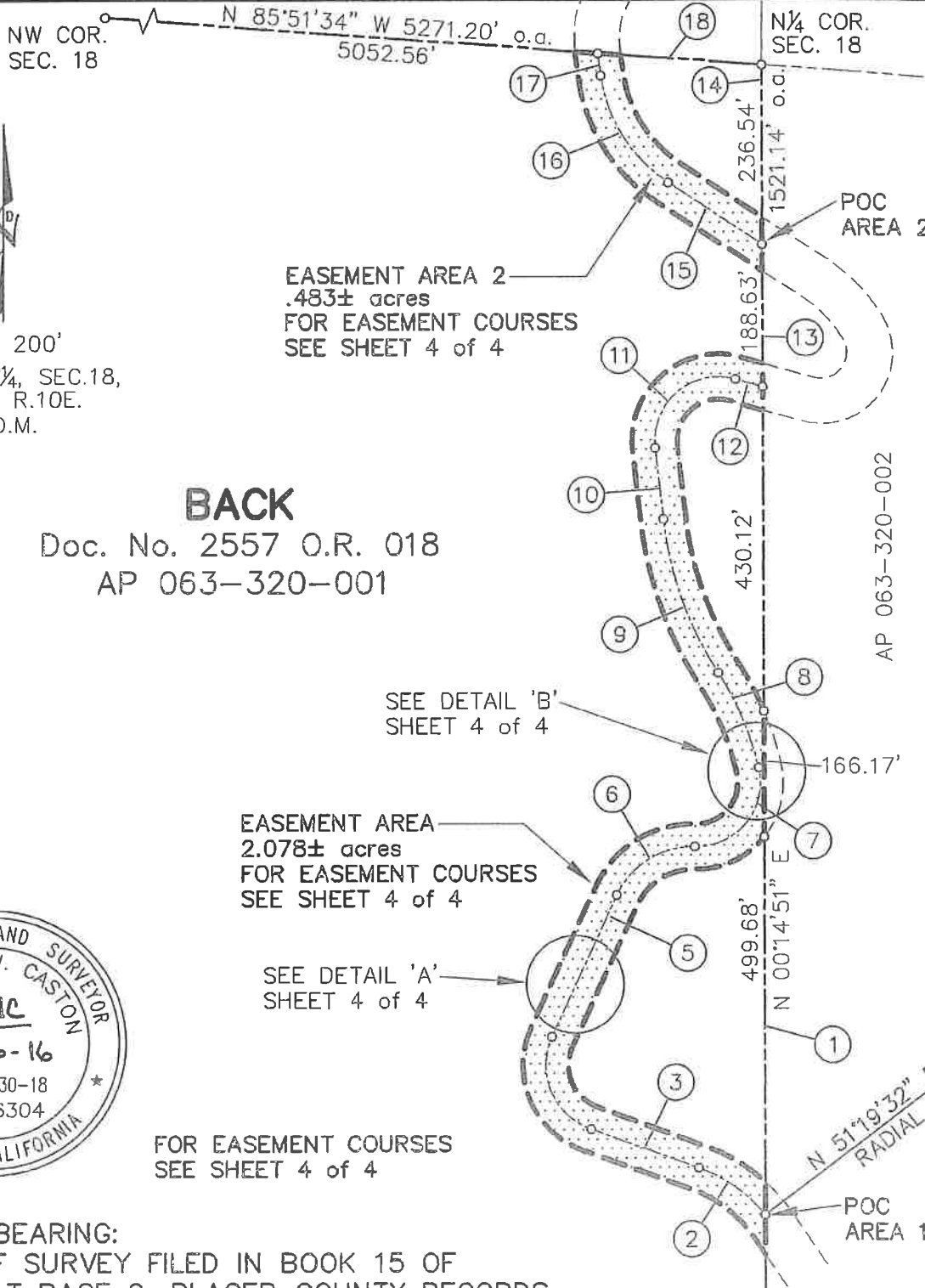
EXHIBIT '6'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1" = 200'



1" = 200'
 Lot 1, NW 1/4, SEC.18,
 T.15N., R.10E.
 M.D.M.

BACK
 Doc. No. 2557 O.R. 018
 AP 063-320-001



BASIS OF BEARING:
 RECORD OF SURVEY FILED IN BOOK 15 OF
 SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Chd 3D Projects\6877 Chicago Park Powerhouse Access\RGW Easements\Back_63-320-01.dwg

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '6'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

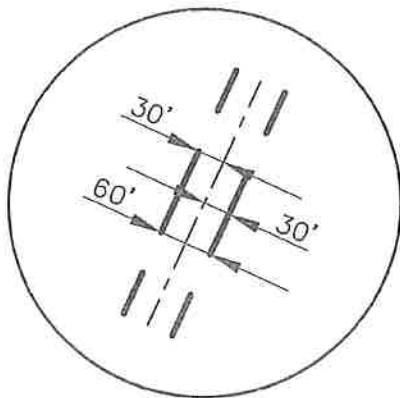
SCALE: N/A

EASEMENT COURSES – AREA 1

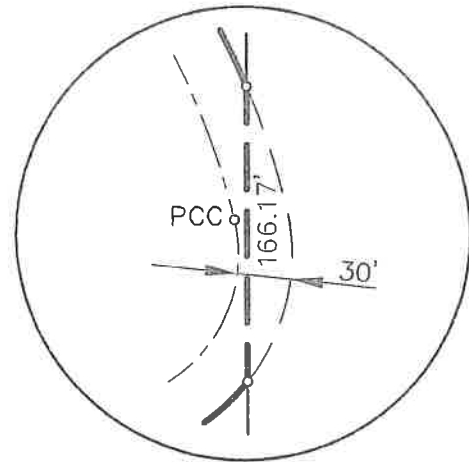
NO.	COURSE	DISTANCE
1	N 00°14'51" E	1521.14' TIE
2	R=200.00' Δ=31°15'32" L=109.11'	
3	N 69°56'00" W	150.36'
4	R=90.00' Δ=94°44'00" L=148.81'	
5	N 24°48'00" E	205.25'
6	R=110.00' Δ=67°02'00" L=128.69'	
7	R=85.00' Δ=104°47'07" L=155.45'	
8	R=400.00' Δ=19°35'24" L=136.76'	
9	R=475.00' Δ=26°23'31" L=218.80'	
10	N 06°09'00" W	94.96'
11	R=85.00' Δ=112°06'32" L=166.32'	
12	S 74°02'28" E	37.48'
13	N 00°14'51" E	425.17' TIE

EASEMENT COURSES – AREA 2

NO.	COURSE	DISTANCE
14	N 00°14'51" E	236.54' TIE
15	N 56°41'00" W	149.27'
16	R=200.00' Δ=49°09'07" L=171.57'	
17	N 07°31'53" W	29.68'
18	S 85°51'34" E	218.64' TIE



DETAIL 'A'
NOT TO SCALE



DETAIL 'B'
NOT TO SCALE



RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

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

Exhibit "D"

Placer County APN 063-320-002

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: Chicago Park Powerhouse Road
Map No. E of 234; S of 217
Index No. 13

Documentary Transfer Tax: \$-0-

Computed on full value of property conveyed

Unincorporated area City of _____

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

ROAD EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

GEORGE BACK and DOROTHY BACK,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement and right-of-way for pedestrian, vehicle, and equipment ingress to and egress from DISTRICT facilities and property interests, on, over, under and across that certain real property and improvements, hereinafter called Easement Area, situated in the unincorporated area, County of Placer, State of California, described in Exhibit "7" and shown on Exhibit '8' attached hereto, for any and all lawful purposes, including, but not limited to:

- a. Access to DISTRICT's Chicago Park Powerhouse and related lands and improvements;
- b. Transporting and hauling sediment, aggregate, and deposits, including soil, clay, sand, gravel, and rock removed from the Bear River, Steephollow Creek, or Rollins Reservoir; and
- c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.

GRANTOR hereby grants to DISTRICT the right, privilege and authority to excavate for, install, replace, relocate, inspect, operate, patrol, maintain, use and protect such facilities and appurtenances, for roadway, access and drainage control purposes, as DISTRICT shall from time to time elect.

Subject to the following conditions:

OBLIGATIONS OF GRANTOR

GRANTOR further grants to the DISTRICT:

- a) the right to grade the full width of said Easement Area;
- b) the right to pave the surface of the entire Easement Area;
- c) the right to install guard rails, signage and any other improvements as DISTRICT shall from time to time elect to make DISTRICT's use of said Easement Area safe and convenient;

- d) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter within or encroaching on said Easement Area;
- e) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- f) the right to use the entire Easement Area for full enjoyment of the rights granted hereby, as DISTRICT shall from time to time elect, even if DISTRICT does not do so initially, and GRANTOR shall not make any changes or improvements in said Easement Area that obstruct DISTRICT's right to use the entire Easement Area.

OBLIGATIONS OF THE DISTRICT

The DISTRICT hereby covenants and agrees to indemnify GRANTOR against claims or actions for bodily injury or damage to property arising out of the use of GRANTOR's property by DISTRICT or its contractors.

ENCROACHMENT BY GRANTOR

GRANTOR may make use of said Easement Area for purposes which will not interfere with the DISTRICT'S full enjoyment of the rights granted hereby, subject to approval of the DISTRICT and subject to the rules and regulations of the DISTRICT regarding encroachments upon DISTRICT facilities and easements, as adopted and modified from time to time.

ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Date: _____

George Back

Date: _____

Dorothy Back

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: _____



Remleh Scherzinger, General Manager

EXHIBIT "7"

Road Easement Description

An easement strip varying in width, together with two (2) easement strips 60.00 feet in width, traversing portions of the northeast quarter of Section 18, Township 15 North, Range 10 East, M.D.M., Placer County, California, said easement strips being portions of the lands of George Back, as said lands are described by Book 2584 of Official Records, Page 653, Placer County Records through reference therein to Book 2512, of Official Records, Page 378, recorded May 6, 1983 and July 9, 1982 respectively, said strips being delineated on Exhibit "8" attached hereto and made a part hereof.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on December 16, 2016.

Michael W. Caston, P.L.S. 6304

End of Description

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

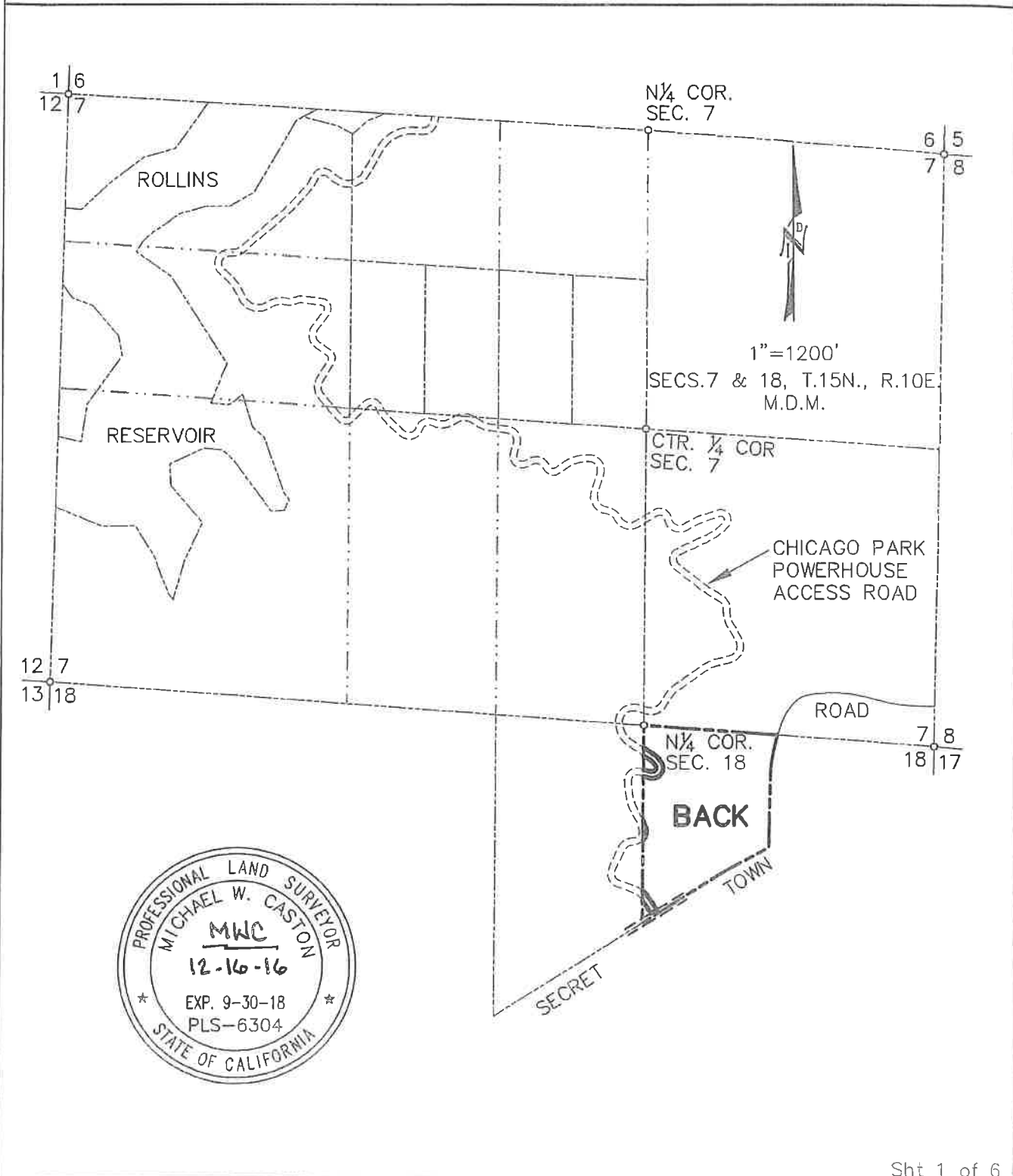
EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back AP 063-320-002

SCALE: 1"=1200'



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

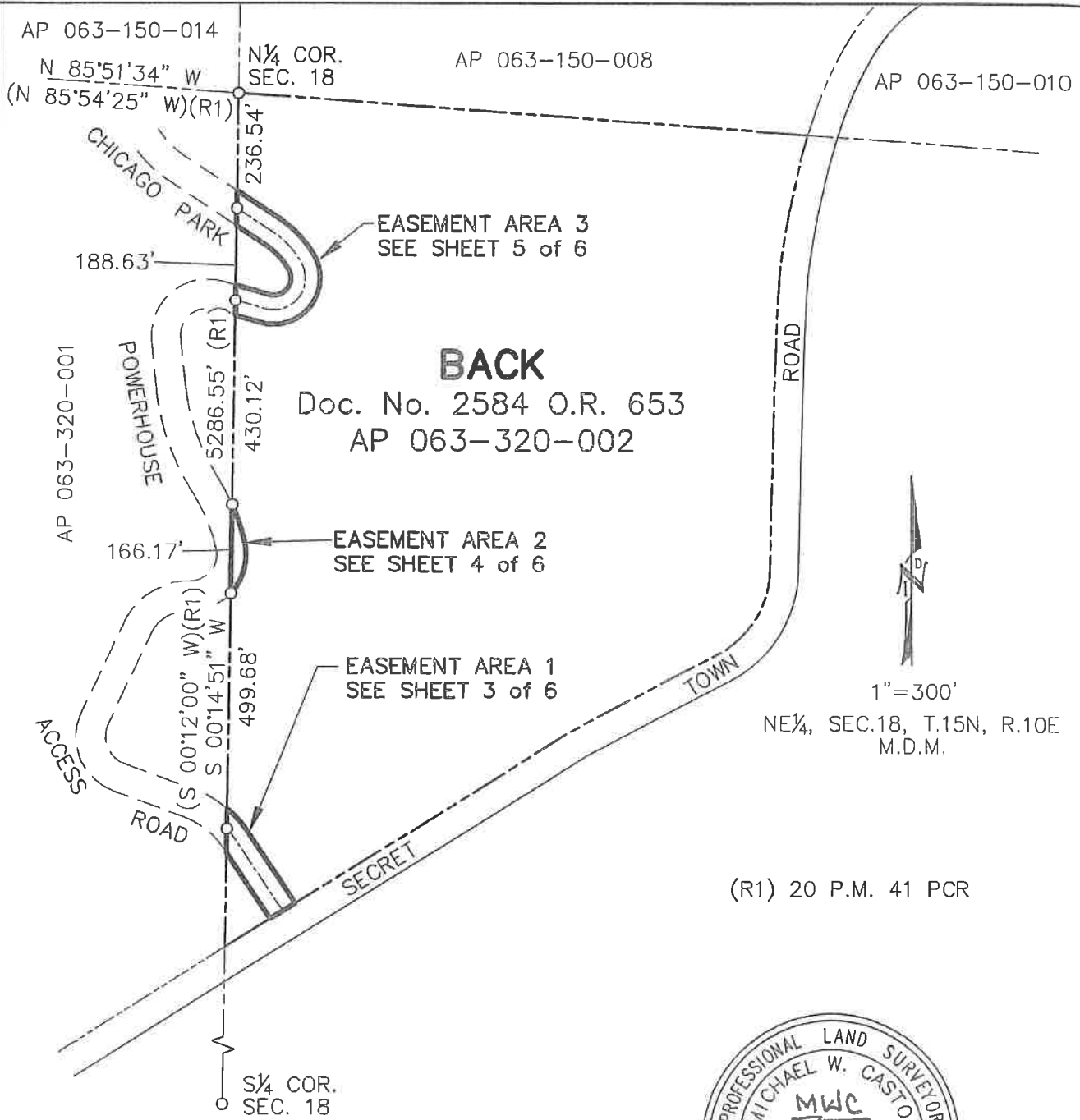
EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=300'



BACK
 Doc. No. 2584 O.R. 653
 AP 063-320-002

1"=300'
 NE $\frac{1}{4}$, SEC.18, T.15N, R.10E
 M.D.M.

(R1) 20 P.M. 41 PCR



BASIS OF BEARING:
 RECORD OF SURVEY FILED IN BOOK 15 OF
 SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Civil 3D Projects\6877 Chicago Park Powerhouse Access\ROW Easements_Back_63-320-02.dwg

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=60'



AP 063-320-001

N¼ COR.
SEC. 18

BACK

Doc. No. 2584 O.R. 653
AP 063-320-002

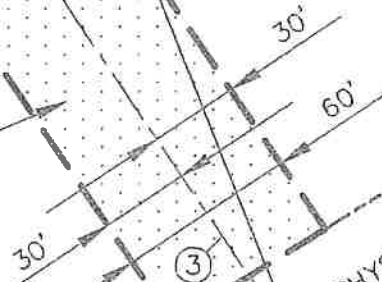
①
N 51°19'32" E
RADIAL



1"=60'

NE¼, SEC.18, T.15N, R.10E
M.D.M.

EASEMENT AREA 1
.279± acres
FOR EASEMENT COURSES
SEE SHEET 6 of 6



CENTERLINE
PHYSICAL ROAD

POC

NOTE
SEE
TOWN

NOTE 1: THE LOCATION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SECRET TOWN ROAD SHOWN HEREON IS ASSUMED AT 30.00' NORTHWESTERLY OF AND PARALLEL WITH THE PHYSICAL CENTERLINE OF SAID ROAD AS LOCATED BY SURVEY IN JULY 2010 AND USED HEREIN ONLY FOR APPROXIMATING THE AREA OF THIS SEGMENT OF THE CHICAGO PARK POWERHOUSE ACCESS ROAD. PER PLACER COUNTY RIGHT OF WAY DEPT., SECRET TOWN ROAD (PLA. CO. ROAD H5005) IS PRESCRIPTIVE IN THIS AREA WITH VARYING WIDTHS.

BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

Sht 3 of 6

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

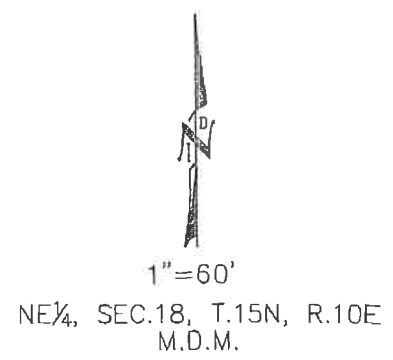
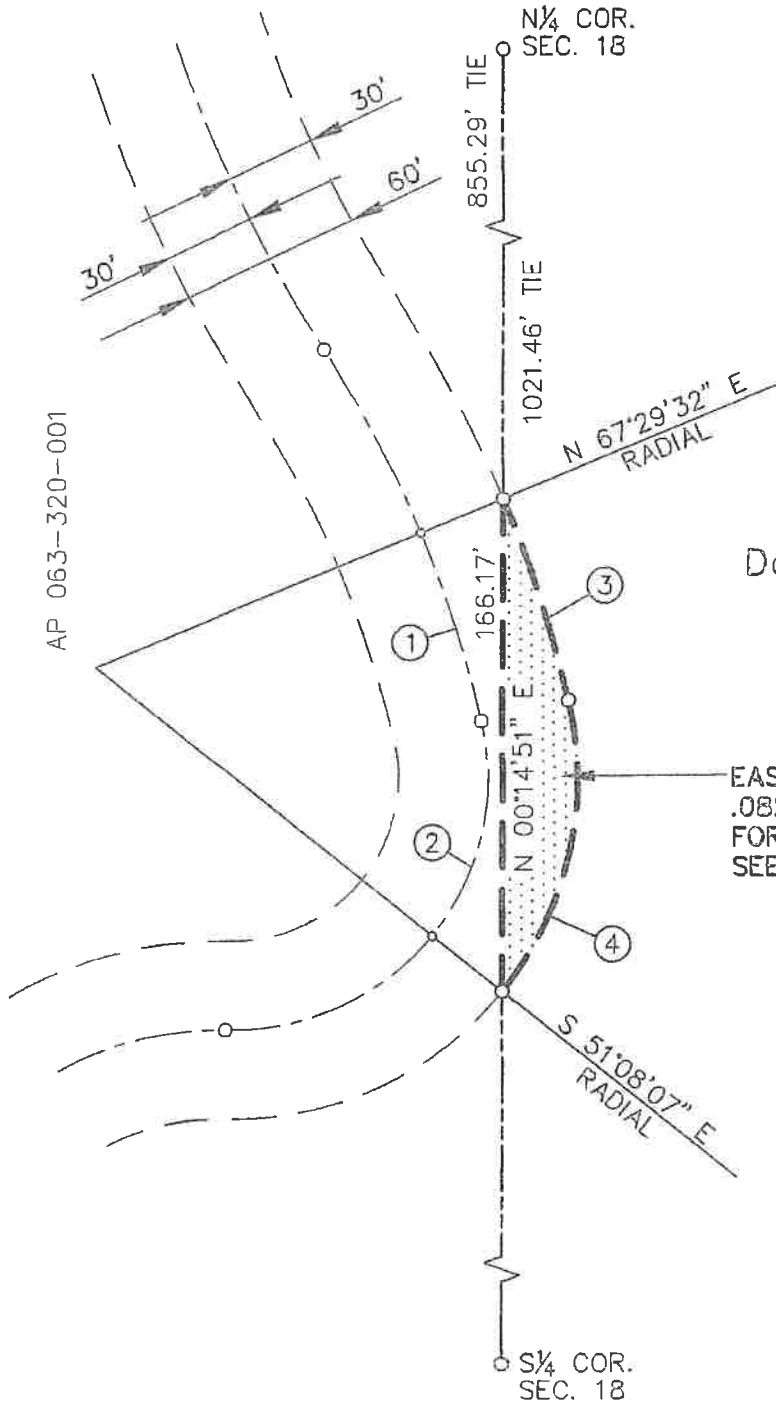
EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: 1"=60'



BACK
Doc. No. 2584 O.R. 653
AP 063-320-002

EASEMENT AREA 2
.082± acres
FOR EASEMENT COURSES
SEE SHEET 6 of 6



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Civil 3D Projects\6877 Chicago Park Powerhouse Access\ROW Easements_Back_03-320-02.dwg

NEVADA IRRIGATION DISTRICT

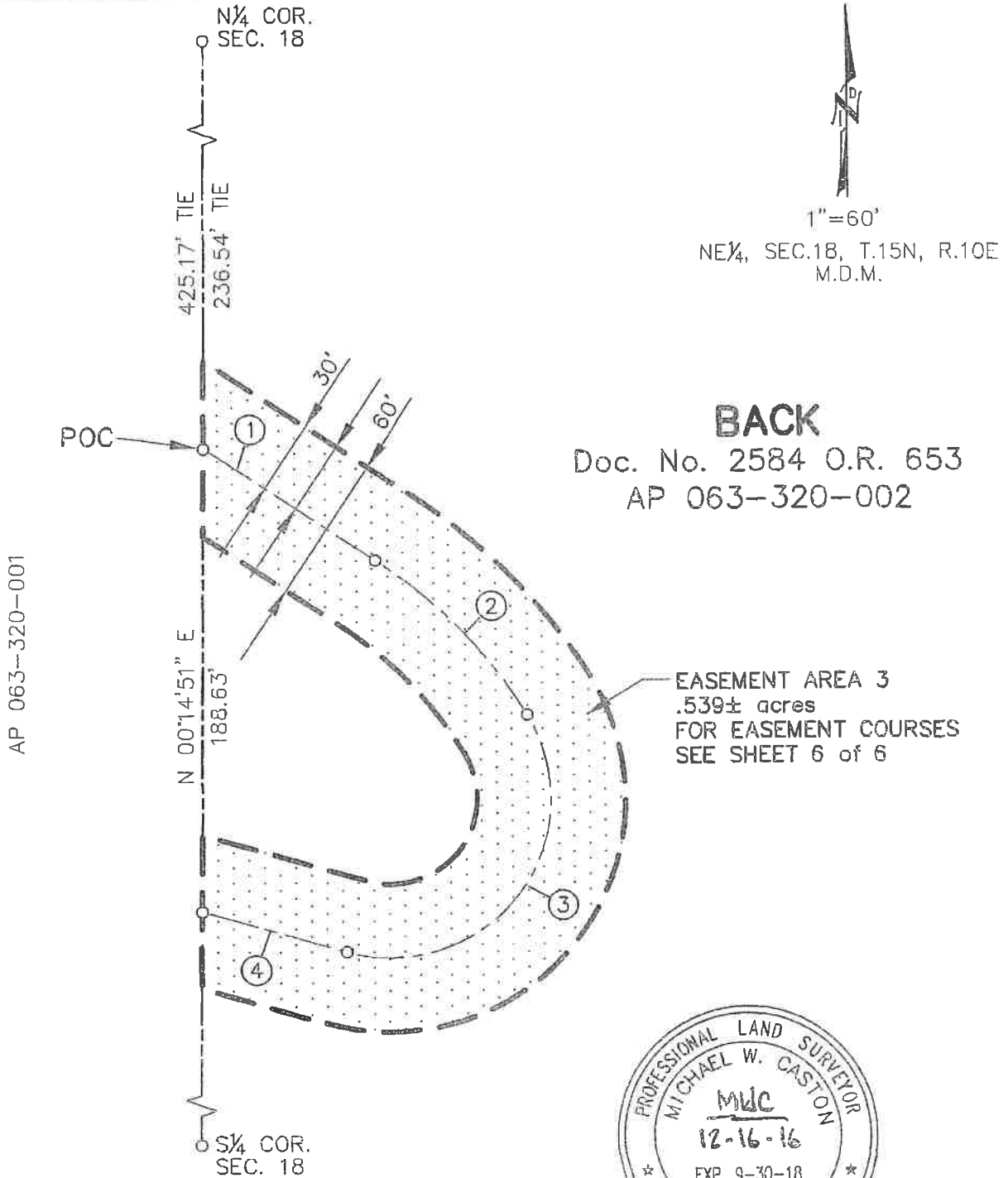
NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road
THROUGH LAND OF Back

DATE December 16, 2016

SCALE: 1"=60'



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS



Sht 5 of 6

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '8'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF Back

SCALE: N/A

EASEMENT COURSES - AREA 1

NO.	COURSE	DISTANCE
1	N 00°14'51" E	1521.14' TIE
2	R=200.00' $\Delta=5^{\circ}06'36''$ L=17.84'	
3	S 33°33'52" E	176.47'
4	N 03°27'08" W	1685.63' TIE

EASEMENT COURSES - AREA 2

NO.	COURSE	DISTANCE
1	R=400.00' $\Delta=9^{\circ}33'21''$ L=66.71'	
2	R=85.00' $\Delta=51^{\circ}49'00''$ L=76.87'	
3	R=430.00' $\Delta=9^{\circ}33'21''$ L=71.72'	
4	R=115.00' $\Delta=51^{\circ}49'00''$ L=104.00'	

EASEMENT COURSES - AREA 3

NO.	COURSE	DISTANCE
1	S 56°41'00" E	83.00'
2	R=200.00' $\Delta=25^{\circ}25'39''$ L=88.76'	
3	R=65.00' $\Delta=137^{\circ}12'53''$ L=155.67'	
4	N 74°02'28" W	60.18'





RESOLUTION No. 2017-21

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 *CHICAGO PARK POWERHOUSE ROAD EASEMENT ACQUISITION PROJECT* – on Placer County APN: 063-150-021 owned by James Earle Lehy* & Patricia Ann Lehy*, Trustees of the Lehy* Family Trust (*aka Leahy); and Penni F. Behr, Trustee of the Penni F. Behr Trust; and Lori Lanee Solberg

After duly convened public hearing on the matter of the acquisition by eminent domain of property interests for the ***CHICAGO PARK POWERHOUSE ROAD EASEMENT ACQUISITION PROJECT*** (CPPH RD Acquisition Project), the Board of Directors determines and declares as follows:

1. The Nevada Irrigation District (District) owns and operates the Chicago Park Power House, Rollins Reservoir and related systems and facilities as integral parts of the District's Yuba-Bear Hydroelectric Project (Yuba-Bear Project).
2. A portion of District's Yuba-Bear Project consists of integrated systems of hydraulic conduits, hydroelectric powerhouses and appurtenant facilities and real property interests extending from the District's Dutch Flat No. 2 Flume Intake at the Drum Afterbay to the District's Rollins Reservoir and Rollins Powerhouse located along the Bear River in the Counties of Nevada and Placer, State of California.
3. Following the Federal Energy Regulatory Commission (FERC) approval of the District's Yuba-Bear Project license 2266 in 1963, the District has constructed and operated the Yuba-Bear Project systems and facilities.
4. The District's Yuba-Bear Project systems and facilities are and will continue to be necessary to the District's beneficial use of water for consumptive purposes and for the generation of electric power and to otherwise carry out the District's purposes.
5. The District's operation of the Yuba-Bear Project systems and facilities are necessary for, related to and required by FERC license 2266.
6. CPPH RD Acquisition Project will secure for the District certain easement real property interests, which are necessary for the District's operation of the Yuba-Bear Project and the implementation of FERC license 2266.
7. 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 and the generation of hydroelectric power, under California Water Code section 22456.

8. The property interests to be acquired are situate in the county of Placer.
9. The property interests to be acquired are situate outside of the District boundaries.
10. The District is authorized to acquire property by eminent domain outside of the territorial limits of the District for water or electric supply purposes, under California Code of Civil Procedure section 1240.125.
11. The property interests to be acquired will be used for road purposes, including but not limited to the following:
 - a. Access to DISTRICT's lands, facilities and improvements;
 - b. Transporting people, tools, equipment, materials, debris, sediment, aggregate, and deposits; and
 - c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.
12. The extent and location of the property interests to be acquired for the CPPH RD Acquisition Project are set forth in the road easement deeds attached to this resolution as Exhibits A, and are more particularly described and depicted in Exhibits 1 and 2, attached hereto.
13. James Earle Lehy* & Patricia Ann Lehy*, Trustees of the Lehy* Family Trust (*aka Leahy); and Penni F. Behr, Trustee of the Penni F. Behr Trust; and Lori Lanee Solberg are the owners of the property to be acquired whose names and address appear on the last equalized county assessment roll.
14. Each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll has been given 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.
15. The CPPH RD Acquisition 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 road easement will comply with the California Environmental Quality Act, and all applicable local, state and federal laws and regulation.
16. The public interest and necessity require the CPPH RD Acquisition Project.
17. The CPPH RD Acquisition Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
18. The property sought to be acquired is necessary for the CPPH RD Acquisition Project.
19. The offer required by section 7267.2 of the California Government Code has been made to the owner of record of the property to be acquired. The owners of record of the property interests to be acquired are James Earle Lehy* & Patricia Ann Lehy*, Trustees of the Lehy* Family Trust (*aka Leahy); and Penni F. Behr, Trustee of the Penni F. Behr Trust; and Lori Lanee Solberg. The offer was directed to these

persons at the address that appears on the last equalized county assessment roll. The District could not with reasonable diligence elicit a response from or pursue negotiations with these individuals.

BE IT FURTHER 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 above and described in Exhibits A, 1 and 2 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(s) 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 12 day of July, 2017 by the following vote of said Board:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors

Exhibit "A"

RECORDING REQUESTED BY:

Nevada Irrigation District

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA95945**

Placer County APN 063-150-021

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: Chicago Park Powerhouse Road
Map No. 216/217
Index No. 13

Documentary Transfer Tax: \$-0-
() Computed on full value of property conveyed
() Unincorporated area () City of _____
() 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

ROAD EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

PENNI F. BEHR, TRUSTEE OF THE PENNI F. BEHR TRUST and LORI LANE SOLBERG, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY and JAMES EARLE LEHY AND PATRICIA ANN LEHY, TRUSTEES OF THE LEHY FAMILY TRUST DATED SEPTEMBER 7, 2003, EACH AS TO AN UNDIVIDED 1/3 INTEREST AS TENANTS IN COMMON,

hereinafter called GRANTOR, hereby grants to **NEVADA IRRIGATION DISTRICT**, hereinafter called DISTRICT, a permanent easement and right-of-way for pedestrian, vehicle, and equipment ingress to and egress from DISTRICT facilities and property interests, on, over, under and across that certain real property and improvements, hereinafter called Easement Area, situated in the unincorporated area, County of Placer, State of California, described in Exhibit "1" and shown on Exhibit '2' attached hereto, for any and all lawful purposes, including, but not limited to:

- a. Access to DISTRICT's Chicago Park Powerhouse and related lands and improvements;
- b. Transporting and hauling sediment, aggregate, and deposits, including soil, clay, sand, gravel, and rock removed from the Bear River, Steephollow Creek, or Rollins Reservoir; and
- c. Public access for recreational use as required by federal, state, or local law, regulation, or permit or license.

GRANTOR hereby grants to DISTRICT the right, privilege and authority to excavate for, install, replace, relocate, inspect, operate, patrol, maintain, use and protect such facilities and appurtenances, for roadway, access and drainage control purposes, as DISTRICT shall from time to time elect.

Subject to the following conditions:

OBLIGATIONS OF GRANTOR

GRANTOR further grants to the DISTRICT:

- a) the right to grade the full width of said Easement Area;
- b) the right to pave the surface of the entire Easement Area;

- c) the right to install guard rails, signage and any other improvements as DISTRICT shall from time to time elect to make DISTRICT's use of said Easement Area safe and convenient;
- d) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter within or encroaching on said Easement Area;
- e) the right to install, maintain and use gates in all fences which now or hereafter cross said Easement Area;
- f) the right to use the entire Easement Area for full enjoyment of the rights granted hereby, as DISTRICT shall from time to time elect, even if DISTRICT does not do so initially, and GRANTOR shall not make any changes or improvements in said Easement Area that obstruct DISTRICT's right to use the entire Easement Area.

OBLIGATIONS OF THE DISTRICT

The DISTRICT hereby covenants and agrees to indemnify GRANTOR against claims or actions for bodily injury or damage to property arising out of the use of GRANTOR's property by DISTRICT or its contractors.

ENCROACHMENT BY GRANTOR

GRANTOR may make use of said Easement Area for purposes which will not interfere with the DISTRICT'S full enjoyment of the rights granted hereby, subject to approval of the DISTRICT and subject to the rules and regulations of the DISTRICT regarding encroachments upon DISTRICT facilities and easements, as adopted and modified from time to time.

ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

GRANTOR(s)

PENNI F. BEHR TRUST

Date: _____

 Penni F. Behr, Trustee

LORI LANE SOLBERG

Date: _____

 Lori Lane Solberg

LEHY FAMILY TRUST

Date: _____

James Earle Lehy, Trustee

Date: _____

Patricia Ann Lehy, Trustee

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 "1"

Road Easement Description

An easement strip 60.00 feet in width, traversing a portion of the north half of Lot 2 of the northwest quarter of Section 7, Township 15 North, Range 10 East, M.D.M., Placer County, California, said easement strip being a portion of the lands of James Earle Lehy, et al, as said lands are described in Document No. 2014-0038772, Placer County Official Records, recorded June 11, 2014, said strip being delineated on Exhibit "2" attached hereto and made a part hereof.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on December 16, 2016.

Michael W. Caston, P.L.S. 6304

End of Description

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

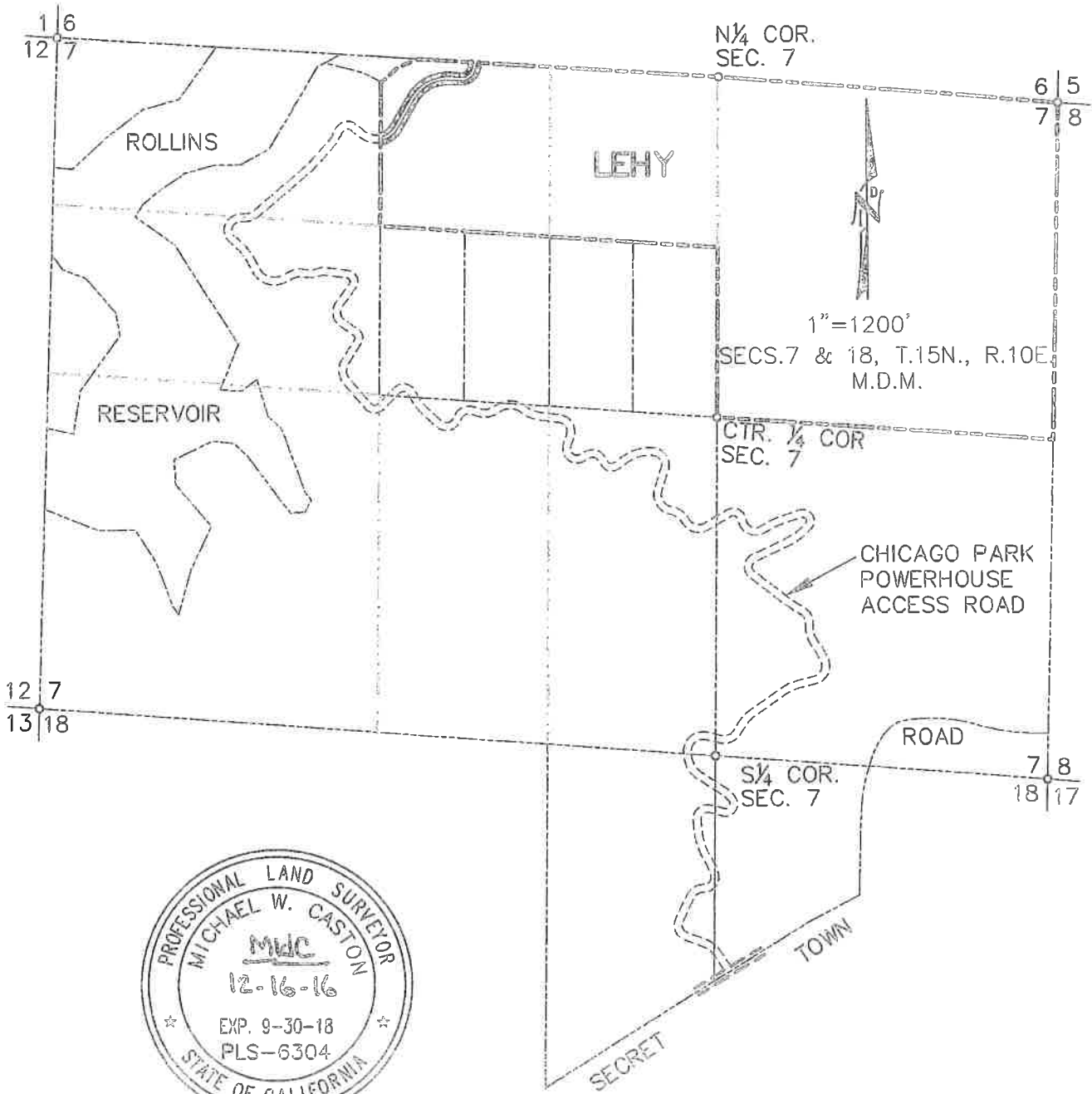
EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF James Lehy Trste. etal AP 063-150-021

SCALE: 1"=1200'



NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

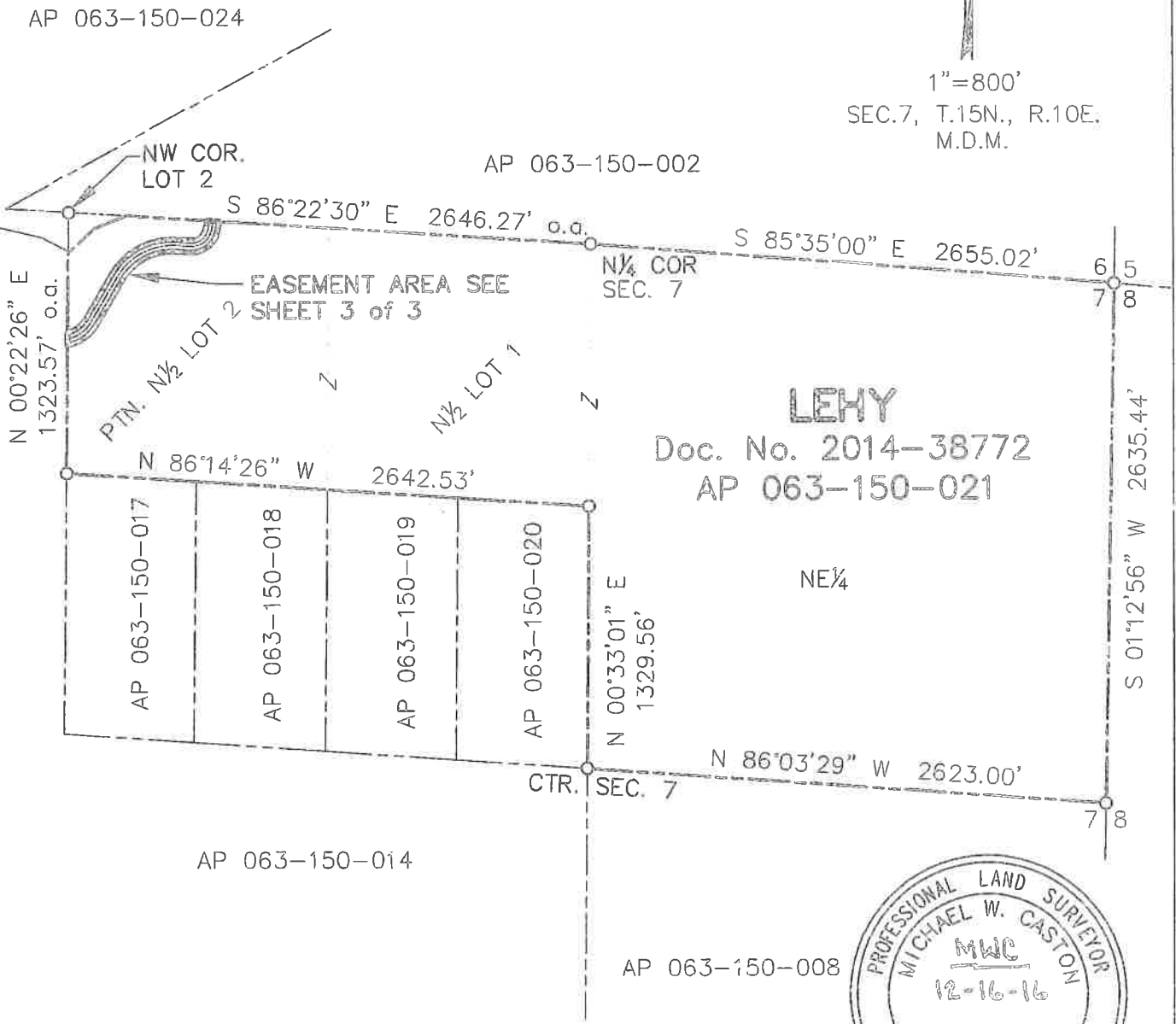
THROUGH LAND OF James Lehy, Trste. etal

SCALE: 1"=800'



1"=800'

SEC. 7, T. 15N., R. 10E.
M.D.M.



LEHY
Doc. No. 2014-38772
AP 063-150-021



BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY RECORDS

F:\Engineering\Drafting\Civil 3D Projects\6877 Chicago Park Powerhouse Access\ROW Easements\Lehy_63-150-21.dwg

NEVADA IRRIGATION DISTRICT

NEVADA AND PLACER COUNTIES, CALIFORNIA

EXHIBIT '2'

PROJECT FOR Chicago Park Powerhouse Access Road

DATE December 16, 2016

THROUGH LAND OF James Lehy, Trste. et al

SCALE: 1" = 200'



LEHY

Doc. No. 2014-38772

AP 063-150-021

EASEMENT COURSES

NO.	COURSE	DISTANCE
1	R=175.00' Δ=49°25'39" L=150.97'	
2	N 29°58'00" E	260.64'
3	R=325.00' Δ=63°59'28" L=362.98'	
4	S 86°02'32" E	73.05'
5	R=100.00' Δ=80°57'32" L=141.30'	
6	N 12°59'55" E	52.08'



AP 063-150-017

AP 063-150-018

BASIS OF BEARING:
RECORD OF SURVEY FILED IN BOOK 15 OF
SURVEYS AT PAGE 9, PLACER COUNTY
RECORDS



NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424 ~ www.nidwater.com
(530) 273-6185 ~ Fax: (530) 477-2646 ~ Toll Free: (800) 222-4102

January 5, 2017

U.S.P.S. Certified Mail Receipt #7015 0920 4850 8419

George H. Back & Dorothy R. Back
PO Box 597
Colfax, CA 95713

**RE: Chicago Park Powerhouse Road - Easement Acquisition Project #6877
Placer County APNs: 063-150-014, 063-150-008, 063-320-001 & 063-320-002**

Dear Property Owner:

Nevada Irrigation District (NID) is proposing to acquire right-of-way for the Chicago Park Powerhouse Road for operation, maintenance and access purposes related to NID facilities such as Chicago Park Powerhouse and Rollins Reservoir. Copies of the four (4) proposed easement deeds, which show affected areas of the above referenced parcels, are enclosed for your review.

As a public agency NID is required to offer "just compensation" or the fair market value for any easement rights it acquires. NID hired Daniel R. Ketcham and Associates (DRKA), an appraisal consulting firm, to provide an independent opinion of "just compensation" for the proposed easement rights to be acquired. A copy of the DRKA report is included for your review.

This letter and the enclosed documents constitute NID's offer to acquire the proposed easement rights, for the "just compensation" indicated in DRKA's report. NID's offer may be accepted for the entire acquisition or for individual easement areas, as follows:

For the acquisition of all of the interests described in all four proposed easement deeds, NID offers to pay \$29,600.

For the acquisition of interests described in the Road Easement Deed on APN 063-150-014, only, NID offers to pay \$11,000.

For the acquisition of interests described in Road Easement Deed on APN 063-150-008, only, NID offers to pay \$7,600.

For the acquisition of interests described in Road Easement Deed on APN 063-320-001, only, NID offers to pay \$7,100.

For the acquisition of interests described in Road Easement Deed on APN 063-320-002, only, NID offers to pay \$3,900.

The enclosed documents include the following:

- **Road Easement Deed (063-150-014)** with Exhibits "1" and "2";
- **Road Easement Deed (063-150-008)** with Exhibits "3" and "4";

(1.1) #6877 Cvr Ltr (Back) (APN 063-320-001,-002; 063-150-008,-014)mc

SERVING PORTIONS OF NEVADA, PLACER & YUBA COUNTIES

- **Road Easement Deed (063-320-001)** with Exhibits “5” and “6”;
- **Road Easement Deed (063-320-002)** with Exhibits “7” and “8”;
- **Right of Way Agreement;**
- **Escrow Instructions** to Placer Title Company, including: “1099 Certification Form,” “Seller's Affidavit FIRPTA Form,” “Seller's Instructions on Disbursement of Proceeds Form,” “Free & Clear Affidavit Verification of Unencumbered Property Form,” “Lender Information & Authorization Form,” and a copy of the respective Preliminary Title Report for each subject parcel;
- **NID Informational Pamphlet** entitled “Acquisition of Real Property.”

In order to assist you in your evaluation of this offer, NID also offers to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by you¹. NID will consider your appraiser's report and may adjust its offer based on the additional information.

If you find the offer satisfactory and your questions have all been addressed, please execute the original documents within the **Package to Sign & Return** as instructed on the documents. Note that the signatures on each of the *Easement Deeds* must be acknowledged before a notary.

You may return the signed documents to me in the enclosed envelope at your earliest convenience. Please include a receipt for the reasonable cost of Notary Services, and NID will reimburse you for that expense.

If it is more convenient for you, NID can provide notary service and step you through the signing process. Once NID receives the signed documents, we will forward them to Placer Title Company for processing as outlined in the escrow instructions.

A copy of the signing documents is enclosed for you to keep in your records. You are welcome to contact me at (530) 273-6185 ext 235 or by mail at the address above to discuss any questions or comments you may have. Thank you for your cooperation and consideration of this matter.

Sincerely,



Anthony D. Rondoni
Right-of-Way Agent

Enclosures

¹ Pursuant to Code of Civil Procedure Section §1263.025 and to ensure that appraisal costs are reasonable (not to exceed \$5,000) and process payment appropriately, the District will need a full copy of your appraisal report, the owner-appraiser contract (if any), and the appraiser's invoice with a W-9. In accord with Code of Civil Procedure Section §1263.025, your selected appraiser must be licensed by the Bureau of Real Estate Appraiser's (BREA). The BREA carries a listing of licensed appraisers on their website at <http://www.orea.ca.gov/>.



NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424
(530) 273-6185 ~ Fax: (530) 477-2646 ~ www.nidwater.com

June 27, 2017

U.S.P.S. Mail Receipt: 7009 2250 0001 9123 6100

PLACER COUNTY ASSESSOR PARCEL NUMBERS: 063-150-014, 063-150-008,
063-320-001 and 063-320-002

George Back & Dorothy R. Back
PO Box 597
Colfax, CA 95713

This letter is being sent to provide you with an invitation to address your project related items of concern before the Nevada Irrigation District Board of Directors. Your comments to the Board are most welcome and appreciated. The following is a formal notice to inform you of the important opportunity to participate in this process.

NOTICE

YOU ARE HEREBY NOTIFIED that on **July 12, 2017** the governing body of Nevada Irrigation District will consider for adoption, and may adopt, a resolution of necessity authorizing eminent domain proceedings to be commenced against you for the acquisition of certain real property for Nevada Irrigation District facilities and activities related to its water conveyance and hydroelectric systems. The real property owned by you, which is the proposed subject of eminent domain proceedings, is more particularly described in the Easement Deeds and Exhibits 1 through 8 inclusive, attached hereto and incorporated by reference herein.

YOU ARE FURTHER NOTIFIED that the governing body of Nevada Irrigation District will be considering all of these matters set forth and referred to in California Code of Civil Procedure, 1240.030 consisting of the following:

1. The public interest and necessity require the project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.

The Nevada Irrigation District Board of Directors meeting is scheduled for 9:00 a.m., **July 12, 2017**. The Board of Directors will consider and may adopt said resolution of necessity at this meeting. There is no set time for this agenda item, so it will be heard in the course of business during the meeting.

You have the right to appear and be heard on the matters referred to in Section 1240.030, restated above, and Section 1240.610 et seq. Your failure to file a written

Back
Chicago Park Powerhouse Road - Notice
June 27, 2017

request to appear and be heard within 15 days after this notice was mailed (the date of this notice) will result in waiver of the right to appear and be heard.

Please direct any inquiries in this matter to Nevada Irrigation District, 1036 W. Main Street, Grass Valley, CA 95945.



Matthew Crowe, Senior Right-of-Way Agent
Nevada Irrigation District

6-27-2017

Date

Attachments

cc:

Kris Stepanian
M. Anthony Soares, Esq



NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424 ~ www.nidwater.com
(530) 273-6185 ~ Fax: (530) 477-2646 ~ Toll Free: (800) 222-4102

January 11, 2017

U.S.P.S. Certified Mail Receipt #7015 0920 0001 4850 8426

James Earle Lehy and Patricia Ann Lehy, Trustees of the Lehy Family Trust
Penni F. Behr, Trustee of the Penni F. Behr Trust
Lori Lanee Solberg
3335 Nevada Ave
Costa Mesa, CA 92626

RE: Chicago Park Powerhouse Road & Bear River Sediment Removal at Rollins Reservoir Project #6877 - Easement Acquisition (Placer County APN: 063-150-021)

Dear Property Owner:

Nevada Irrigation District (NID) is proposing to acquire right-of-way for the Chicago Park Powerhouse Road for operation, maintenance and access purposes related to NID facilities such as the Chicago Park Powerhouse and Rollins Reservoir. A copy of the proposed easement deed, which shows the affected area on your property, is enclosed for your review.

As a public agency NID is required to offer "just compensation" or the fair market value for any easement rights it acquires. NID hired Daniel R. Ketcham and Associates (DRKA), an appraisal consulting firm, to provide an independent opinion of "just compensation" for the proposed easement rights to be acquired. A copy of the DRKA report is included for your review.

This letter and the enclosed documents constitute NID's offer to acquire the proposed easement rights for the "just compensation" amount of \$1,800.00 as indicated in the DRKA report. Enclosed documents includes the following:

- **Road Easement Deed** including Exhibits "1" and "2"
- **Right of Way Agreement**
- **Escrow Instructions** to Placer Title Co. including "1099 Certification Form," "Seller's Affidavit FIRPTA Form," "Seller's Instructions on Disbursement Proceeds," "Free & Clear Affidavit Verification of Unencumbered Property Form," "Certification of Trustees Under Trust Form," and an excerpt of the Preliminary Title Report
- **NID Informational Pamphlet** entitled "Acquisition of Real Property"

In order to assist you in your evaluation of this offer, NID also offers to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by you¹. NID will consider your appraiser's report and may adjust its offer based on the additional information.

¹ Pursuant to Code of Civil Procedure Section §1263.025 and to ensure that appraisal costs are reasonable (not to exceed \$5,000) and process payment appropriately, the District will need a full copy of your appraisal report, the owner-appraiser (1.1) #6877 Cvr Ltr (Behr, Solberg, Lehy) (APN 063-150-021)

If you find the offer satisfactory and your questions have all been addressed, please execute the original documents within the Package to Sign & Return as instructed on the documents. Note that the signatures on the *Road Easement Deed* and on the *Certification of Trustees Under Trust Form* must be acknowledged before a notary.

You may return the signed documents to me in the enclosed envelope at your earliest convenience. Please include a receipt for the reasonable cost of Notary Services, and NID will reimburse you for that expense.

If it is more convenient for you, NID can provide notary service and step you through the signing process. Once NID receives the signed documents, we will forward them to Placer Title Company for processing as outlined in the escrow instructions.

A copy of the signing documents is enclosed for you to keep in your records. You are welcome to contact me at (530) 273-6185 ext 235 or by mail at the address above to discuss any questions or comments you may have. Thank you for your cooperation and consideration of this matter.

Sincerely,



Anthony D. Rondoni
Right-of-Way Agent

Enclosures

contract (if any), and the appraiser's invoice with a W-9. In accord with Code of Civil Procedure Section §1263.025, your selected appraiser must be licensed by the Bureau of Real Estate Appraiser's (BREAA). The BREAA carries a listing of licensed appraisers on their website at <http://www.orea.ca.gov/>.

(1.1) #6877 Cvr Ltr (Behr, Solberg, Lohy) (APN 063-150-021)



NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424
(530) 273-6185 ~ Fax: (530) 477-2646 ~ www.nidwater.com

June 27, 2017

U.S.P.S. Mail Receipt: 7009 2250 0001 9123 6094

PLACER COUNTY APN: 063-150-021

James Earle Lehy* and Patricia Ann Lehy*, Trustees of the Lehy* Family Trust
(*aka Leahy)
Penni F. Behr, Trustee of the Penni F. Behr Trust
Lori Lanee Solberg
3335 Nevada Ave
Costa Mesa, CA 92626

This letter is being sent to provide you with an invitation to address your project related items of concern before the Nevada Irrigation District Board of Directors. Your comments to the Board are most welcome and appreciated. The following is a formal notice to inform you of the important opportunity to participate in this process.

NOTICE

YOU ARE HEREBY NOTIFIED that on July 12, 2017 the governing body of Nevada Irrigation District will consider for adoption, and may adopt, a resolution of necessity authorizing eminent domain proceedings to be commenced against you for the acquisition of certain real property for Nevada Irrigation District facilities and activities related to its water conveyance and hydroelectric systems. The real property owned by you, which is the proposed subject of eminent domain proceedings, is more particularly described in the Easement Deed with Exhibits 1 and 2, attached hereto and incorporated by reference herein.

YOU ARE FURTHER NOTIFIED that the governing body of Nevada Irrigation District will be considering all of these matters set forth and referred to in California Code of Civil Procedure, 1240.030 consisting of the following:

1. The public interest and necessity require the project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.

The Nevada Irrigation District Board of Directors meeting is scheduled for 9:00 a.m., July 12, 2017. The Board of Directors will consider and may adopt said resolution of necessity at this meeting. There is no set time for this agenda item so it will be heard in the course of business during the meeting.

You have the right to appear and be heard on the matters referred to in Section 1240.030, restated above, and Section 1240.610 et seq. Your failure to file a written

Lehy (aka Leahy) Trust, Behr Trust, and Solberg
Chicago Park Powerhouse Road Notice – APN 063-150-021
June 27, 2017

request to appear and be heard within 15 days after this notice was mailed (the date of this notice) will result in waiver of the right to appear and be heard.

Please direct any inquiries in this matter to Nevada Irrigation District, 1036 W. Main Street, Grass Valley, CA 95945.



Matthew Crowe, Senior Right-of-Way Agent
Nevada Irrigation District

June 27, 2017
Date

Attachments

cc:

Kris Stepanian
M. Anthony Soares, Esq.

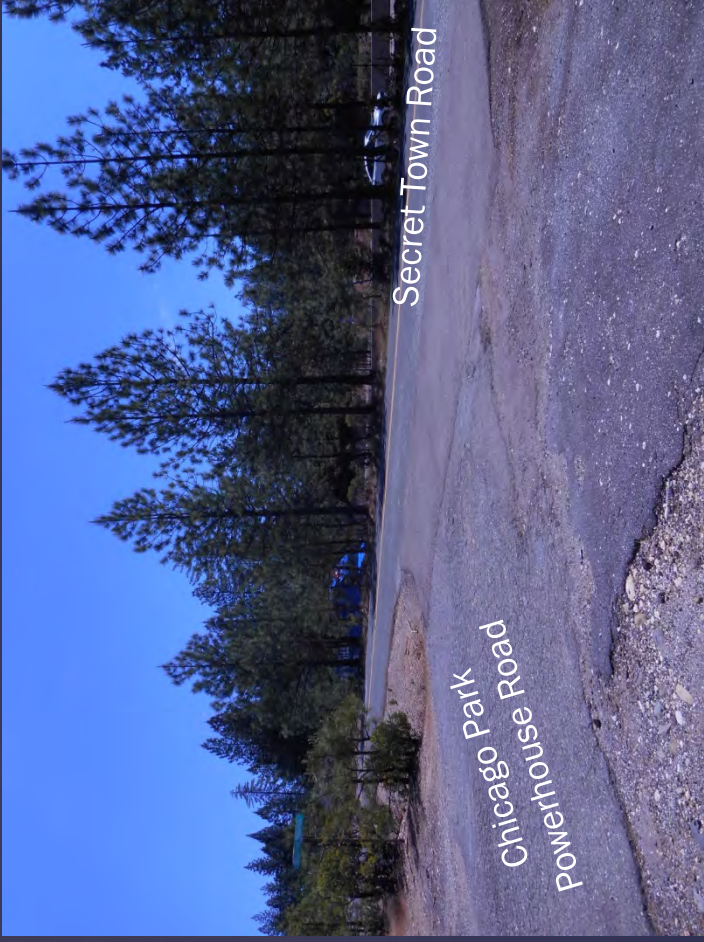
CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION

Resolutions of Necessity

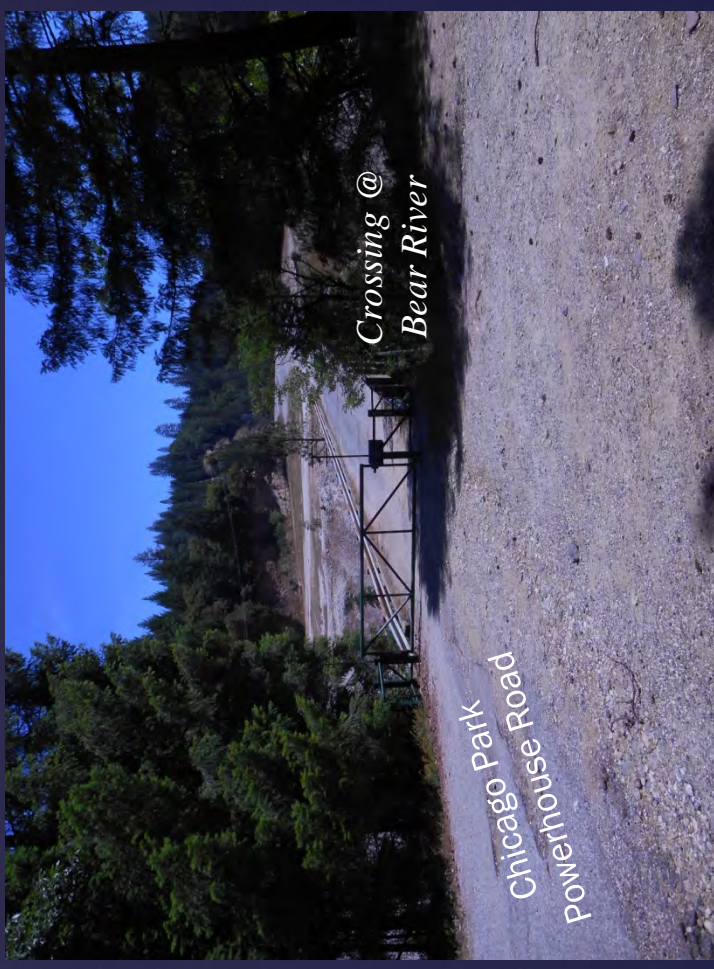
No. 2017- 20

and

No. 2017- 21



Presented at the
Nevada Irrigation District
Board of Directors meeting
July 12, 2017



CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION



CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION

RESOLUTION FINDINGS

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the Project.
4. The offer required by section 7267.2 of the California Government Code has been made to the owner of record of the property to be acquired or directed to the persons whose name and address appear on the last equalized county assessment roll.

CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION

RESOLUTION No. 2017 - 20

Acquisition summary:

Owners of Record George Back and Dorothy R. Back

Placer County APNs 063-150-014, 063-150-008,
063-320-001, and 063-320-002

Total Easement Area 19.4 Acres

- 05/27/2016 Appraisal site inspection
- 01/05/2017 Initial Written Offer mailed to the persons whose name and address appear on the last equalized county assessment roll.
- 02/06/2017 Follow-up correspondence mailed.
- 06/27/2017 Notice of Intent mailed.

CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION

RESOLUTION No. 2017-20

“Declaring necessity and authorizing eminent domain proceedings for the acquisition of real property for a public project known as the Chicago Park Powerhouse Road Easement Acquisition Project – on Placer County APNs: 063-150-014 and 063-150-008 owned by George Back, and APN 063-320-001 and 063-320-002 owned by George Back and Dorothy R. Back”

CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION RESOLUTION No. 2017-21

Acquisition summary:

Owners of Record James Earle Lehy* & Patricia Ann Lehy*,
Trustees of the Lehy* Family Trust (*aka Leahy); and
Penni F. Behr,
Trustee of the Penni F. Behr Trust; and
Lori Lanee Solberg

Placer County APN 063-150-021

Easement Area 1.434± Acres

- 05/27/2016 Appraisal site inspection
- 01/11/2017 Initial Written Offer mailed to owners of record.
- 01/20/2017 Phone and email contact.
- 03/01/2017 Follow-up letter mailed. No response.
- 03/31/2017 Second follow-up letter mailed. No response.
- 06/27/2017 Notice of Intent mailed.

CHICAGO PARK POWERHOUSE ROAD RIGHT OF WAY ACQUISITION

RESOLUTION No. 2017-21

“Declaring necessity and authorizing eminent domain proceedings for the acquisition of real property for a public project known as the Chicago Park Powerhouse Road Easement Acquisition Project –

on Placer County APN: 063-150-021 owned by James Earle Lehy* & Patricia Ann Lehy*, Trustees of the Lehy* Family Trust (*aka Leahy); and Penni F. Behr, Trustee of the Penni F. Behr Trust; and Lori Lanee Solberg”