PLACE: West Sacramento Chamber of Commerce Meeting Room
1420 Merkley Avenue, Suite 6
West Sacramento, CA

DATE: Thursday, June 9, 2011

TIME: 10:00 AM Closed Session, 10:30 AM Regular Meeting

Closed Session

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (GOVT CODE §54956.8)

Negotiating Parties: Katie Yancey and Michael Bessette (City of West Sacramento)

Property: The Rivers Phase 1 Early Implementation Project (EIP): 1010 Rivercrest Drive, West Sacramento, California APN 014-690-089; 1020 Rivercrest Drive, West Sacramento, California APN 014-690-090

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (GOVT CODE §54956.9(c))

Number of potential cases: One

Meeting Agenda

1. Agenda Approval
2. Public Comment
3. May 12, 2011 Minutes
5. Consideration of Approval of Budget for Fiscal Years 2011-12 and 2012-13
6. Consideration of Approval of a Professional Services Contract with Crocker & Crocker
7. Consideration of Resolutions 11-06-01 and 11-06-02, Authorizing an Eminent Domain Action to Acquire Real Property for the WSLIP, Rivers EIP, APN’s 014-690-089 and 014-690-090
8. WSAFCA Project Update
9. Informational Items
10. Adjourn

** In accordance to the Brown Act, any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public at 1420 Merkley Ave., Suite 4, West Sacramento, CA 95691, 8:00 am to 4:00 pm, Monday through Friday.**
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY

MEETING DATE: June 9, 2011

ITEM # 5

SUBJECT: CONSIDERATION OF BUDGET FOR FISCAL YEARS 2011-12 AND 2012-13

INITIATED OR REQUESTED BY: [ ] Council [X] Staff
[ ] Other

REPORT COORDINATED OR PREPARED BY:

Michael W. Bessette, Flood Protection Manager

ATTACHMENT [X] Yes [ ] No [ ] Information [ ] Direction [X] Action

OBJECTIVE
To approve the West Sacramento Area Flood Control Agency (WSAFCA) budget for fiscal years 2011-12 and 2012-13.

RECOMMENDED ACTION
It is respectfully recommended that the JPA board members adopt the Budgets for fiscal years 2011-12 and 2012-13.

BACKGROUND
On May 27, 2011, the proposed (WSAFCA) biennial budget was delivered to the JPA members for their review and comment on the policies and preparation of the operating budget in advance of the regular meeting.

ANALYSIS
The operating budget for WSAFCA consists of Personnel Services, Operations & Maintenance, and Capital Projects. The revenue sources are primarily from the flood assessments (including zero land value parcels), bond proceeds, state grant money from the design and construction funding agreements, and interest earnings. The operating expenses are necessary for the day to day expenses of the program, but also include monies for FEMA related expenses, O&M payments to RD 900, RD 537, the city and Yolo County, and debt service expenses.

WSAFCA’s share of the total projected costs for capital improvement projects has decreased since the last budget cycle, due to the construction funding agreement with the State - increasing from 50 percent (2010) to 90 percent (2011). The Board also approved the issuance of $13,360,000 (net $12,000,000) in bonds to finance the local share of the two Early Implementation Projects slated for construction this year: the CHP Academy Site, and the Rivers Phase 1 Site.

Modifications of Operations and Maintenance Costs
The Operations and Maintenance (O&M) budget has not drastically increased in its projected costs with the exception of the second bond cost of issuance, the debt service payment of the bonds, and FEMA related expenditures.

The WSAFCA loan of $967,517.79 to the City of West Sacramento (City) for the Main Drain Pump Station construction project that was issued as part of the 2008 bond issuance will be repaid in current fiscal year with the money that the City directed into the WSAFCA budget from the Lighthouse CFD. The Lighthouse CFD proceeds were used to fund design related activities for the Rivers Phase 1 project. The total received from the Lighthouse CFD to date is $1,400,000 (therefore a surplus of $432,482.21 to WSAFCA). The $432,482.21 surplus money from the City to WSAFCA will be repaid in the form of future investment into levee improvements or interior drainage improvements.
Alternatives

1. The JPA may adopt the budget as proposed; or
2. The JPA may modify the budget and adopt the budget as modified; or
3. The JPA may continue deliberation of the budget.

Coordination and Review
This report was a collaborative effort of the city staff including the Finance Department, Capital Facilities Manager and Flood Protection Manager.

Budget/Cost Impact
N/A

ATTACHMENT
2011-12 – 2012-13 Budget
## West Sacramento Area Flood Control Agency

### Biennial Budget 2011/12 and 2012/2013

#### Personnel Services

<table>
<thead>
<tr>
<th>Program 10</th>
<th>2011-12 Request</th>
<th>2012-13 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program 10</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Project #90006</td>
<td>150,000</td>
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</tr>
</tbody>
</table>

**Personnel Subtotal:**

| 300,000 | 300,000 |

#### Operations & Maintenance

<table>
<thead>
<tr>
<th>Item</th>
<th>2011-12</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Clothing &amp; Supplies</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Household Expenses</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Communications</td>
<td>3,800</td>
<td>3,800</td>
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<tr>
<td>Office Expense</td>
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<td>1,000</td>
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<tr>
<td>Postage</td>
<td>1,500</td>
<td>1,500</td>
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<tr>
<td>Books &amp; Periodicals</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Ads/Promotions/Notices</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Vehicle Expenses</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Memberships/Dues</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Computer Software &lt; $500</td>
<td>500</td>
<td>500</td>
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<tr>
<td>Training, Travel &amp; Meals</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>FEMA related expenses</td>
<td>120,000</td>
<td>100,000</td>
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<tr>
<td>Special Departmental Expense</td>
<td>2,500</td>
<td>2,500</td>
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<tr>
<td>Professional Services</td>
<td>70,000</td>
<td>70,000</td>
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<tr>
<td>O&amp;M Payments to JPA Members</td>
<td>588,000</td>
<td>599,760</td>
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<td>Debt Service Payment</td>
<td>1,800,000</td>
<td>1,800,000</td>
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<td>2nd Bond/Loan Cost of Issuance</td>
<td>325,000</td>
<td>0</td>
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</table>

**O&M Subtotal:**

| 2,947,600 | 2,614,360 |

#### Capital

<table>
<thead>
<tr>
<th>Item</th>
<th>2011-12</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project #40002 - GRR</td>
<td>400,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Project #41002 - Storm Drain Master Plan*</td>
<td>0</td>
<td>225,000</td>
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<tr>
<td>Project #40010 - FEMA Remapping Support*</td>
<td>120,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Project #41002 - Storm Drain Major Maintenance*</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Project #41160 - EIP/ Design</td>
<td>-1,600,000</td>
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<tr>
<td>Project #41161 - EIP I Street</td>
<td>100,000</td>
<td></td>
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<tr>
<td>Project #41163 - EIP/CHP</td>
<td>1,150,000</td>
<td></td>
</tr>
<tr>
<td>Project #41164 - EIP/Sac Bank EIR</td>
<td>1,500,000</td>
<td></td>
</tr>
<tr>
<td>Project #41165 - Bridge District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project #41166 - EIP/The Rivers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project #41170 - PEIR/EIS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project #61030 - Tree Mitigation</td>
<td>125,000</td>
<td>125,000</td>
</tr>
</tbody>
</table>

**Capital Subtotal:**

| 1,805,000 | 560,000 |

**Budget Unit Totals:**

| 5,052,600 | 3,474,360 |

*To be funded by in-lieu fee*
## Biennial Budget Summary For
### West Sacramento Area Flood Control Agency

Summary of Receipts, Appropriations and Reserves

<table>
<thead>
<tr>
<th></th>
<th>2010/11 Projected</th>
<th>2011/12 Requested</th>
<th>2012/13 Requested</th>
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</thead>
<tbody>
<tr>
<td><strong>Receipts:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessments (includes SBE)</td>
<td>4,100,000</td>
<td>4,182,000</td>
<td>4,265,640</td>
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<tr>
<td>Bond Issuance</td>
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<td>12,000,000</td>
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<tr>
<td>Contributions/Reimbursements</td>
<td>2,332,000</td>
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<td></td>
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<tr>
<td>State Capital Outlay</td>
<td>2,453,250</td>
<td>35,014,506</td>
<td>3,920,000</td>
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<tr>
<td>Interest Earnings</td>
<td>10,000</td>
<td>15,000</td>
<td>10,000</td>
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<td><strong>Subtotal:</strong></td>
<td>8,895,250</td>
<td>51,211,506</td>
<td>8,195,640</td>
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<tr>
<td><strong>Appropriations:</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Personnel</td>
<td>175,000</td>
<td>300,000</td>
<td>300,000</td>
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<tr>
<td>Operations &amp; Maintenance</td>
<td>2,800,000</td>
<td>2,947,600</td>
<td>2,614,360</td>
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<tr>
<td>Capital</td>
<td>5,500,000</td>
<td>42,592,680</td>
<td>3,034,134</td>
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<td><strong>Subtotal:</strong></td>
<td>8,475,000</td>
<td>45,840,280</td>
<td>5,948,494</td>
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<tr>
<td><strong>Net Receipts over Appropriations:</strong></td>
<td>420,250</td>
<td>5,371,226</td>
<td>2,247,146</td>
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</table>

**Reserves:**

<p>| Bond Reserve (to be used as final debt service payment) | 1,658,472 |</p>
<table>
<thead>
<tr>
<th>Project Number</th>
<th>Description</th>
<th>City Council Approved Remaining Budget as of 04/15/2011</th>
<th>CIP Budget Request 2011-12</th>
<th>CIP Budget Request 2012-13</th>
<th>Total Biennial CIP Budget Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>40002</td>
<td>General Re-evaluation Report</td>
<td>437,990</td>
<td>400,000</td>
<td>100,000</td>
<td>500,000</td>
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<tr>
<td>40005</td>
<td>West Sac Levee Deficiency Repairs</td>
<td>1,062,257</td>
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<tr>
<td>40010</td>
<td>FEMA Remapping Support</td>
<td>116,663</td>
<td>120,000</td>
<td>100,000</td>
<td>220,000</td>
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<tr>
<td>41002</td>
<td>Storm Drain Master Plan</td>
<td>new project</td>
<td>-</td>
<td>225,000</td>
<td>225,000</td>
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<tr>
<td>41150</td>
<td>Levee Analysis</td>
<td>197,615</td>
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<td></td>
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<tr>
<td>41160</td>
<td>EIP Design + Permitting</td>
<td>1,811,564</td>
<td>(1,600,000)</td>
<td>-</td>
<td>(1,600,000)</td>
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<tr>
<td>41161</td>
<td>EIP - I Street Bridge</td>
<td>(697)</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
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<tr>
<td>41163</td>
<td>EIP Sac Bypass/CHP</td>
<td>11,336,634</td>
<td>1,150,000</td>
<td>-</td>
<td>1,150,000</td>
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<tr>
<td>41164</td>
<td>EIP Southport Sac River</td>
<td>17,479,056</td>
<td>1,500,000</td>
<td>-</td>
<td>1,500,000</td>
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<td>41165</td>
<td>EIP - Bridge District</td>
<td>31,762</td>
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<tr>
<td>41166</td>
<td>EIP - WSR North Levee/The Rivers</td>
<td>61,076,432</td>
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<td>41170</td>
<td>Levee System EIR/Economic &amp; Risk Analysis</td>
<td>395,709</td>
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<tr>
<td>61030</td>
<td>Tree Mitigation</td>
<td>-</td>
<td>125,000</td>
<td>125,000</td>
<td>250,000</td>
</tr>
<tr>
<td>43001</td>
<td>Storm Drain major maintenance</td>
<td>new project</td>
<td>10,000</td>
<td>10,000</td>
<td>20,000</td>
</tr>
</tbody>
</table>

**Total for Flood Control Const. Fund** | 93,506,996 | 1,805,000 | 560,000 | 2,365,000
MEETING DATE: June 9, 2011

SUBJECT:
APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH CROCKER & CROCKER FOR PUBLIC RELATIONS SERVICES SUPPORTING THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM

INITIATED OR REQUESTED BY: [ ] JPA Board [ X ] Staff [ ] Other

REPORT COORDINATED OR PREPARED BY:

[Signature]
Michael W. Bessette, Flood Protection Manager

ATTACHMENT [ X ] Yes [ ] No [ ] INFORMATION [ ] DIRECTION [ X ] ACTION

OBJECTIVE
To enter into a Professional Services Contract with Crocker & Crocker (formerly LucyCo Communications) to provide public relations services and outreach materials for the West Sacramento Levee Improvement Program.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board:

1. Approve the Professional Services Contract in the amount of $97,500 with Crocker & Crocker to provide public relations services supporting the West Sacramento Levee Improvement Program; and
2. Authorize the General Manager or his designee to take any and all actions reasonably necessary to complete the work described in the Contract, including the approval of minor Contract amendments that, in the opinion of the General Manager, will not materially alter the purpose of the Contract nor increase the total compensation due under the Contract by more than 10% ($9,750).

BACKGROUND
The West Sacramento Area Flood Control Agency (WSAFCA) anticipates awarding construction contracts for both the CHP Academy site and Rivers Phase 1 site Early Implementation Projects (EIP) this summer. In addition, WSAFCA is in the preliminary design phase for the Southport Sacramento River EIP project, with environmental scoping work beginning later this year. All of these projects require extensive public outreach activities in order to provide a proactive and involved approach with City residents, stakeholder, partners, and elected officials.

Crocker & Crocker (formerly LucyCo Communications) has been the public relations consultant for the West Sacramento Levee Improvement Program (WSLIP) since 2007. The current contract between LucyCo Communications and the City of West Sacramento will soon expire. As the WSLIP expands and levee improvement projects continue, the WSAFCA will require continued public relations assistance. Crocker & Crocker has submitted a proposed scope of work and fee proposal dated May 2, 2011 to provide the necessary services to WSAFCA (attached).

ANALYSIS
Crocker & Crocker will work closely with agency staff on public outreach efforts to ensure an integrated approach that achieves the overall public outreach objectives. This includes developing the messaging, content and strategy, and creating the tactical elements for a successful public outreach program. Crocker & Crocker will coordinate with local stakeholder representatives to relay information about the WSLIP as needed and serve as a community liason.
Consideration of Approving Public Relations Contract
June 9, 2011
Page 2

The scope of work comprehensively approaches the overall flood program outreach as well as focused outreach for construction projects and environmental documentation activities. Important elements of the proposed scope of services include; finalizing and keeping current all outreach materials (key messages, fact sheets, frequently asked questions sheet, stakeholder database, website), conduct proactive public outreach about Rivers and Southport EIP projects, update and engage elected officials and key stakeholders (Chamber of Commerce, Rotary, Washington Unified School District, BBCAN, neighborhood groups), and manage Southport Sacramento River EIP environmental documentation public outreach.

Alternatives
Staff recommends that the JPA Board approve the Professional Services Contract with Crocker & Crocker for the Public Outreach Services contract. The Board may elect not to approve the contract at this time and/or may elect to rescopo the proposed services. However, without the services defined in this proposed contract the public outreach activities planned for near term construction projects will be impacted.

Budget/Cost Impact
The Contract with Crocker & Crocker in the amount of $97,500 will be funded by a combination of property flood assessment revenue, bond proceeds, and the State of California. WSAFCA has an existing Design Funding Agreement with the State and will also be entering into a Construction Funding Agreement with the State in the summer of 2011. These proposed public relations services are eligible and will be included within the Construction Funding Agreement.

ATTACHMENT
Crocker & Crocker (formerly LucyCo Communications) Proposed Scope of Work dated May 2, 2011
OBJECTIVE
The purpose of the report is to request West Sacramento Area Flood Control Agency's (WSAFCA) approval of two resolutions authorizing the initiation of eminent domain proceedings to acquire certain real property rights needed for construction of levee improvements necessary to achieve and maintain at least a 200-year level of flood protection throughout the City and at this section of the Sacramento River North as part of the Rivers Early Implementation Project (EIP) ("Project").

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board approve the findings and adopt Resolution 11-06-01 (Attachment 1):

A) Determining that the public interest and necessity require the Project; and
B) Determining that the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
C) Determining that the property owned by the Simona Copaciu, located at 1010 River Crest Drive, West Sacramento, CA (APN 014-690-089 "Copaciu Property") is necessary for the Project; and
D) Determining that the offer required by Section 7267.2 of the Government Code has been made to the owner of record; and
E) Authorizing WSAFCA's attorney to file a complaint in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute that action to final judgment; and
F) Authorizing the deposit of the amount of probable compensation in the amount of $40,000; and

Approve the findings and adopt Resolution 11-06-02 (Attachment 2):
A) Determining that the public interest and necessity require the Project; and
B) Determining that the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
C) Determining that the property owned by the Glen and Deborah Campora, located at 1020 River Crest Drive, West Sacramento, CA (APN 014-690-090 "Campora Property") is necessary for the Project; and
D) Determining that the offer required by Section 7267.2 of the Government Code has been made to the owner of record; and
E) Authorizing WSAFCA's attorney to file a complaint in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute that action to final judgment; and
F) Authorizing the deposit of the amount of probable compensation in the amount of $50,000.
BACKGROUND
WSAFCA is the joint powers authority comprised of the City of West Sacramento, Reclamation District 900 and Reclamation District 537. WSAFCA was created in 1994 to plan and build facilities to protect the city from flood hazards and to finance the local share of these flood control projects in partnership with the state and Federal governments.

In late 2005, the City of West Sacramento adopted a comprehensive flood control strategy for the purposes of improving the City’s flood protection system, thereby meeting new Federal standards for evaluating levee integrity. WSAFCA’s goal is to achieve a minimum 200-year flood protection for the City. A 200-year flood has a .5% chance of occurring in any given year. WSAFCA’s objectives to meet this goal are to:

- Construct levee improvements as soon as possible to reduce flood risk as quickly as possible;
- Construct improvements that are politically, socially, economically and environmentally acceptable;
- Provide recreation and open space features that are compatible with flood improvement actions;
- Preserve and enhance riparian and other native habitats; and
- Ensure continuing Federal and state assistance for levee repairs and maintenance.

By the fall of 2006, WSAFCA had begun funding the initial stages of a levee study. In August of 2007, upon completion of the study, the City Council hired HDR Engineering, Inc. to facilitate the environmental, design and permitting for the first phase of improvements. The result of this process identified the first round of construction sites.

WSAFCA is working with the California Department of Water Resources (DWR) and the U.S. Army Corps of Engineers (USACE) on a comprehensive study of the flood control facilities protecting the City. This study, called the West Sacramento General Reevaluation Report (GRR), will enable the USACE to determine the Federal interest for improving the City’s flood control system. While the GRR is under development, WSAFCA is advancing early implementation levee improvement projects (EIPs) to accelerate improvements that incrementally reduce the risk of flooding and associated damages.

In the levee improvement program, outlined in WSAFCA’s Draft Alternatives Analysis report dated November 13, 2009, three reaches of the City’s levee system were identified as priorities for immediate improvement. One of those reaches was the south levee of the Sacramento River north of Bryte Park. WSAFCA has determined to pursue an EIP at this reach. This Project is called the Rivers EIP. The Rivers EIP will improve 3,035 feet of the levee. In October of 2010, HDR completed 100% construction drawings for the Rivers EIP.

WSAFCA has prepared an environmental impact report (EIR) under CEQA, and an environmental impact statement (EIS) under NEPA for the Rivers EIP which includes evaluation of the project specific impacts of the Rivers EIP Project. The Board certified that document on March 10, 2011. On March 24, 2011 WSAFCA also approved the offers on Campora and Copaciu Properties. On April 8, 2011 WSAFCA’s right-of-way agent, Bender Rosenthal, Inc. (BRI) made an offer for a levee easement on the Copaciu Property. On April 12, 2011, BRI made an offer for a levee easement on the Campora Property

ANALYSIS

Acquisition
Surrounded by levees on all sides, the City of West Sacramento has a long history living with flood risk. Currently most of the City mapped by the Federal Emergency Management Agency (FEMA) in 1995 was in an X- zone, which indicates that it area is protected by levees from a 100-year flood. Using new evaluation techniques developed after flood events along the gulf coast, the City has identified problems, with seepage, stability, and erosion throughout the levee system. These are common forms of levee deficiencies throughout the Central Valley and may threaten the public’s safety and the City’s economic vitality if left unchecked. The impacts of the deficiencies in the levee system reach beyond those apparent during a storm event when the lives and livelihoods of citizens of West Sacramento could be in jeopardy. The potential of FEMA remapping prevents business expansion and hinders the attraction of new investment to the City. It halts residential construction and can negatively impact property values of existing homes and businesses, all of which have
impacts to the funds available to the City to pay for essential services, including police and fire. It is essential that that WSAFCA take an aggressive approach to addressing these shortfalls.

City staff and WSAFCA’s engineering consultants have evaluated different alternatives and considered the implications of these alternatives in order to accomplish WSAFCA’s goal to achieve a minimum 200-year flood protection for the City. Those considerations have resulted in the design of priority levee improvements throughout the City, including the Rivers Phase 1 EIP.

Compensation based on appraised value of the modified easement for the Campora Property is $50,000 and for the Copaciu Property $40,000. For the Campora Property the total compensation of $50,000 is a combination of the fair market value of the permanent easement to be acquired ($28,338) and severance damages on remainder ($21,662). The appraisal states that value of remainder is reduced by the proposed acquisition of the permanent levee easement as it reduces the utility, desirability and marketability of the remainder. The same conditions exist on the Copaciu Property, where total compensation of $40,000 is comprised of the fair market value of the permanent easement to be acquired ($16,676) and severance damages on remainder ($23,324).

Construction of the Rivers EIP improvements was scheduled to begin in July of this year. In order to complete the improvements during the dry season, all real property interests needed for construction must be acquired prior to the commencement of construction, which is scheduled to begin in July 2011. However, due to the delay in the acquisition of the real property rights construction is likely to commence in early August.

Findings Required to Adopt a Resolution of Necessity

On May 25, 2011, WSAFCA issued a Notice of Hearing for a Resolution of Necessity to the owners of record, (Campora and Copaciu) notifying it that a hearing is scheduled on June 9, 2011 at 10:30 am before WSAFCA. This written notice is required by Code of Civil Procedure section 1245.235 and advises the property owners of its, or its representative’s, right to appear and be heard before WSAFCA and address the proposed resolution including the following issues:

1. The public interest and necessity of the proposed Project.

Based on the newest Federal standards, certain important deficiencies have been found in the Federal levee system that protects the City. Without an intact levee system that meets current Federal standards, the lives of the citizens of the City of West Sacramento are in danger of flooding during an intense storm event. There are direct negative impacts to the local economy when the levee system is not to current standards. Lastly, there is the potential for the negative impacts to the funding of essential City services, paid for with property taxes and sales tax.

In addition to the public safety objectives, WSAFCA has objectives related to providing recreation and open space features that are compatible with flood improvement actions for the use and enjoyment of the public and objectives for the preservation and enhancement of riparian and other native habitats.

In 2007, the City conducted an initial screening and selection process to identify its first round of EIP sites. This initial process used nine site selection screening criteria for identifying deficient levee reaches throughout the West Sacramento basin as potential candidates for Early Implementation Project sites. These screening criteria include; Public Safety (primary criterion), and secondary criteria including availability of funds, real estate requirements, scalability of construction, evolving technical policy, land-use compatibility, permit requirements, environmental and cultural impacts, and integration of multiple objectives. The Rivers Phase 1 EIP Site was selected for consideration as an Early Implementation Project based on an overall favorable assessment when compared against these criteria.

2. The proposed Project is planned or located in a manner that will be most compatible with the greatest public good and least private injury.
The Rivers EIP levee improvements initially were approximately 4,500 feet long and included approximately 1,500 feet along River Crest Drive, in The Rivers residential development. As the project design was developed, engineering analysis revealed that levee improvements other than a seepage cut-off wall may be preferable along River Crest Drive. To determine the best solution, further analysis is required. The time required for that analysis would have delayed the entire project. Instead of delaying the project, the decision was made to remove the portion along River Crest Drive from the project. The eastern 1/3rd, approximately 1,500 feet, was truncated from the project, the Project is now approximately 3,000 feet long and the eastern edge of the Project is now at the intersection of River Crest Drive and Westlake Drive. Deficiencies at this site include geometry, stability, through-seepage, and under-seepage. To address these deficiencies, The Rivers EIP design calls for a combination of slurry cutoff wall and landside slope flattening.

Unlike the properties previously brought before WSAFCA this year for acquisition, the Campora and Copaciu Properties are subdivided parcels configured for a single family home, which are designed to be constructed, per their existing Central Valley Flood Protection Board (CVFPB) Permit on the water ward side of the levee. The 100% designed documents, referenced in the background section, showed that a permanent levee easement is necessary across the southern boundaries of these two parcels, more specifically where the likely utility connections and access points to River Crest Drive would be. The intended residential use conflicted with the template easement document contained in the Exhibits Binder, dated December 2009, for the State-Federal Flood Control System Modification Program, EIP process, as it was written. Staff worked with Department of Water Resources, the overseers for the EIP program and received approval to modify the template easement document to reflect to intended uses on these two parcels. As a result, the easement explicitly addresses uses consistent with a residential lot: driveways, landscaping and utilities. The proposed easement language was shared with BRI for the appraisal process. WSAFCA was granted approval to use the modified easement as shown in Exhibit A to Attachments 1 and 2.

The flood improvements (and its corresponding operation and maintained corridor) required to meet the above mentioned design criteria for the improvement of levees is subject to the authority of the Central Valley Flood Protection Board (CVFPB). Their authority is granted by the State of California via Title 23, “Water.” The CVFPB determines the extent of the operation and maintenance corridors. The Project requires Section 408 approval from the United States Army Corps of Engineers. The Project also requires approval from both the State Department of Water Resources and the CVFPB, which requires each agency to conduct extensive design review and approval. The extent of the easements to meet WSAFCA’s objectives is consistent with the design criteria described in the United States Army Corps of Engineers document “Design and Construction of Levees, (EM 1110-2-1913, dated April 30, 2000) and compliant with the California Department of Water Resources “Interim Levee Design Criteria, Version 4”, dated May 15, 2009.

3. The property sought is necessary for the Project.

The Campora and Copaciu Properties are north of the eastern edge of the levee improvement. Staff and consultants have determined that in order to be compliant with state and Federal design standards and to meet WSAFCA’s objectives of flood protection, the operation and maintenance corridors on the Campora and Copaciu Properties was determined by projecting a 3:1 water ward slope of the levee to native ground (i.e., establishment of the levee toe), with a 20-foot offset from the determined location of the waterside levee toe.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner of record.

- On March 10, 2011 WSAFCA certified the Project’s EIR/EIS.

- On April 8, 2011, BRI mailed a final offer packet to the owner of the Copaciu Property. On April 12, 2011, BRI mailed a final offer packet to the owner of the Campora Property. The packet included a written offer satisfying Government Code section 7267.2, which requires WSAFCA to make an offer in writing for the property of at least its appraised fair market value prior to adopting a resolution of necessity. The appraisals on which WSAFCA based its offer was completed on March 11, 2011.
Strategic Plan Integration
This strategic acquisition for flood control purposes furthers WSAFCA’s objectives and is done in support the City strategic planning principles of providing a place where people feel safe and secure, provides for a financially sound city government, and is a top priority of the 2008, 2009 and 2010 Policy Agenda.

Alternatives
1. WSAFCA adopts Resolution 11-06-01 and 11-06-02.

2. WSAFCA may choose to make modifications to the Resolution. WSAFCA may direct staff to make those changes in conjunction with legal counsel. This is not recommended, as it delays the filing of the complaint in eminent domain to acquire such property interest, which in turn delays the final judgment of order for possession. Delay in possession will result in the Project commencing construction in 2012, rather than 2011 as presently planned.

3. WSAFCA may choose not to adopt this resolution. This is not recommended because it will prevent the acquisition of the property rights needed for the Project.

Alternative 1 is the staff recommendation. Staff does not recommend the alternative approaches because they would prevent construction from occurring this year.

Coordination and Review
This report was coordinated with WSAFCA, the City’s Finance Department, and legal counsel for WSAFCA and the City.

Budget/Cost Impact
The total deposit of the amount of probable compensation is $90,000. The total cost of the eminent domain proceedings is unknown but is eligible for reimbursement upon DWR’s approval of the Construction Funding Agreement and the subsequent approval of the Project’s Real Estate Plan. Appropriations for these acquisitions were included in the current Capital Improvements Project Budget, funded by a combination of property flood assessment revenue, bond proceeds, and the City of West Sacramento. Ninety-five percent of the costs are eligible for reimbursement through the State-Federal Flood Control Systems Modification Program’s Land Acquisition Process.

ATTACHMENTS
1. Resolution 11-06-01
2. Resolution 11-06-02
3. Easement Determination Cross Section
RESOLUTION 11-06-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM, THE RIVERS EARLY IMPLEMENTATION PROJECT – YOLO COUNTY ASSESSOR’S PARCEL NUMBER 014-690-089

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900, and RD 537 for the purposes of constructing the improvements necessary to enhance the levee system protecting the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection, through the development, design, acquisition, and construction of such projects as are required to provide the necessary flood protection for the protection of the public and property within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to preserve environmental resources that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to provide mitigation for environmental impacts resulting from the development, operation and maintenance of necessary flood protection infrastructure within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to preserve environmental resources that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to improve the function of existing habitat or create new habitat within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to enhance ecosystem services that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to improve the function of existing habitat or create new habitat within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to achieve recreational benefits that support or are compatible with at least a 200-year level of flood protection, through the development, design, acquisition, and construction of such recreational features that can be efficiently integrated with delivery of the necessary flood protection infrastructure within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, in furtherance of its purposes, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System; and

WHEREAS, the study determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento; and
WHEREAS, in August of 2007, the City Council of the City of West Sacramento approved a contract with HDR Engineering, Inc. for environmental, design, and permitting to prepare an Early Implementation Program (EIP) to guide the first phase of improvements, selecting the sites based primarily on those providing the greatest public safety, with the least negative effects; and

WHEREAS, based on that criterion HDR identified a series of necessary improvements to the flood control facilities surrounding the City of West Sacramento; and

WHEREAS, in October 2010, HDR completed its 100% construction drawings for the levee improvements for a portion of Reach 2, known as “the Rivers EIP,” which included the geometry for the extent of the real property interest to be acquired in support of the levee and ancillary recreational improvements, and riparian habitat restoration; and

WHEREAS, Resolution 11-03-02 approved an offer for an easement across a portion of the parcel owned in fee by the Simona Copaciu (the “Property”) within the Rivers EIP; and

WHEREAS, WSAFCA has had an environmental impact report (“EIR”) under CEQA, and an environmental impact statement (“EIS”) under NEPA, prepared for the Rivers EIP which includes evaluation of the project-specific impacts and measures to mitigate the potentially significant adverse impacts of the Rivers EIP Project (“EIR/EIS”); and

WHEREAS, by Resolution 11-03-01, WSAFCA has certified the EIR/EIS prepared for the Rivers EIP, which includes evaluation of the project specific impacts and measures to mitigate the potentially significant adverse impacts of the Rivers EIP Project; and

WHEREAS, the California Department of Fish and Game and US Fish and Wildlife Service require WSAFCA to provide on-site mitigation for riparian habitat that must be removed to build levee improvements in compliance with the levee construction and maintenance standards of the California Department of Water Resources, Central Valley Flood Protection Board and US Army Corps of Engineers; and

WHEREAS, the flood control improvements contemplated under the Rivers EIP require that WSAFCA obtain lands for construction and maintenance of levee and ancillary recreational improvements, and riparian habitat restoration; and

WHEREAS, acquisition of the easement being attached hereto and incorporated herein as Exhibit A for property located at 1010 River Crest Drive, West Sacramento, California, Yolo County APN 014-690-089, consisting of approximately 3,384 square feet of a 0.24 acre unoccupied residentially-zoned parcel located along the Sacramento River within the City of West Sacramento, is necessary for the Rivers EIP; and

WHEREAS, each person whose name and address appeared on the last equalized County Assessment Role as an owner of the Property has been given notice and a reasonable opportunity to appear and be heard on this date on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235;

NOW, THEREFORE, BE IT RESOLVED by West Sacramento Area Flood Control Agency that:
Section 1: WSAFCA intends to acquire through the exercise of the power of eminent domain the real property or interest in real property identified above as the "Property," including all riparian and other water rights appurtenant to the Property.

Section 2: That the public use for which the Property is to be taken is for construction, operation, reconstruction, repair and maintenance of improvements for present and future flood control, infrastructure relocations, environmental impact mitigation, recreational and other purposes in connection with the Project.

Section 3: That WSAFCA is authorized to acquire the Property by eminent domain for the above-mentioned public purposes by California Government Code sections 6523 and 37350.5, Water Code section 50930, and as set forth in section 5.f. of the West Sacramento Area Flood Control Agency Joint Exercise of Powers Agreement made and entered into as of July 20, 1994, by and between the City of West Sacramento, RD 900, and RD 537.

Section 4: That the Property is described in Exhibit A-1 and shown as "Easement Area" on Exhibit B-1, both exhibits being attached hereto and incorporated herein by this reference.

Section 5: That the Board declares that it has found and determined each of the following:

a. The public interest and necessity require the Project.

b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Property is necessary for the Project.

d. WSAFCA has made the offer required under Section 7267.2 of the Government Code to the owners of record or representatives of the owners of record of the Property.

Section 6: That WSAFCA, a joint exercise of powers agency, its appropriate officers, employees and agents, are hereby authorized and empowered:

a. To acquire in the name of WSAFCA, a joint exercise of powers agency, the Property, including all riparian and other water rights appurtenant to the Property, by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.

b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Property.

c. To deposit the probable amount of compensation with the appropriate authority.

d. To make application to a court of competent jurisdiction for an order permitting WSAFCA to take immediate possession and use of the Property.

OWNER: Simona Copaciu, an individual
Resolution 11-06-01
APNs: 014-690-089

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 9th day of June, 2011, by the following vote:

AYES:
NOES:
ABSENT:

William E. Denton, President

ATTEST:

APPROVED AS TO FORM:

Kenneth A. Ruzich, General Manager

James M. Day, Jr., WSAFCA Attorney
Exhibit A
[Easement]
EASEMENT DEED
(INDIVIDUAL)

The Rivers Early Implementation Project
Parcel No. 014-690-089

I, Simona Copaciu, hereinafter referred to as “GRANTOR", GRANTS to the WEST SACRAMENTO AREA FLOOD CONTROL AGENCY ("WSAFCA"), a public agency, and its successors and assignees, exclusive perpetual rights of way and easements, with the rights of pedestrian, equipment, and vehicular ingress and egress, in the hereinafter described real property on Exhibit A, attached hereto and incorporated herein, situated in the County of Yolo, State of California, for any present or future flood control project to:

1. Construct, reconstruct, enlarge, fence, plant with trees, shrubs, and other vegetation, preserve and retain all vegetative growth desirable for project purposes, remove, replace, repair, maintain, operate and use flood control works, which shall include, but not be limited to, access, haul, and patrol roads, levees, ditches, embankments, channels, berms, fences, and appurtenant structures, and operate and maintain said flood control works in conformity with the Code of Federal Regulations, Corps of Engineers’ Standard Operation and Maintenance Manual, and State of California Standards.

2. Clear and remove from said flood control works any and all natural or artificial obstructions, improvements, trees, and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergency flood fight.

3. Flow waters and materials and by said flow erode.

4. Place or deposit earth, debris, sediment, or other material.

5. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.

Pursuant to Government Code Section 27383, Grantee is exempt from paying recording fees

SPACE ABOVE THE LINE FOR RECORDER’S USE
6. Locate or relocate roads and public utility facilities by grantee or others.

7. Restrict the rights of the Grantor, his successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the Grantor's interest in any minerals, including oil and gas.

8. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

GRANTOR FURTHER ACKNOWLEDGES AND AGREES THAT:

9. The property over which this right of way and easement is granted is located within an adopted plan of regulated flood control area and subject to the California Code of Regulations.

10. Because this right of way and easement area is located in a regulated flood control area, Grantor shall not place or permit to be placed any improvements in, under, or across the right of way and easement area, including but not limited to any buildings or structures, with the exception of those items specifically listed in Paragraph 11 below.

11. Notwithstanding Paragraph 10 above, Grantor may construct driveways, landscaping, and utilities in, under, or across the right of way and easement area conditioned upon Grantor's prior receipt of an encroachment permit issued by WSAFCA and by the Central Valley Flood Protection Board of the State of California.

12. This Easement Deed and the obligations of WSAFCA hereunder may be assigned by WSAFCA to any other California public agency without the prior written consent of Grantor.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this _____ day of ______________, 20__. 

GRANTOR

By: ____________________________________
Exhibit A-1

[Legal Description]
That certain real property situated in the City of West Sacramento, Yolo County, State of California, being a portion of Section 27, Township 9 North, Range 4 East, Mount Diablo Baseline and Meridian; being a portion of land described in the grant deed recorded on April 4, 2002, as Document Number 2002-0014231-00, Yolo County Records; also being a portion of Lot 2 as shown on the Plat Map of Subdivision No. 3953, Unit No. A, Lighthouse Marina & Country Club, filed on February 25, 1992, in Map Book 17, at Pages 1 through 18, Yolo County Records; more particularly described as follows:

COMMENCING at the survey control point marked with an aluminum disk and with the National Geodetic Survey designation “HPGN D CA 03 CH” and the National Geodetic Survey PID “AC9220”, thence South 86°33'00" East 13976.16 feet to the survey control point marked with a brass disk and with the National Geodetic Survey designation “Z 585 RESET” and the National Geodetic Survey PID “JS2248”; thence North 11°38'55" East 11716.87 feet to a brass disk in a monument well at the centerline of River Crest Drive south of Lot 18 and at the end of the course labeled ‘N 84°24'53" W 1074.79", said brass disk being stamped “LS 3013”, as shown on said Plat Map of Lighthouse Marina & Country Club filed in Map Book 17, at Pages 1 through 18; thence North 85°53'30" West 1074.77 feet to a brass disk in a monument well at the centerline of the most westerly turn knuckle of River Crest Drive, said brass disk being stamped “LS 3013”, as shown on the said Plat Map of Lighthouse Marina & Country Club, thence North 31°57'24" West 114.39 feet to a point on the north boundary of the herein described permanent levee right-of-way, said point also being the POINT OF BEGINNING; thence in a clockwise direction, easterly along the said north boundary, South 89°08'23" East 35.02 feet, to the east boundary of Lot 2, as shown on said Plat Map of Lighthouse Marina & Country Club; thence leaving the said north boundary of the herein described permanent levee right-of-way, southeasterly along the said east boundary of said Lot 2 the following courses:

1) South 01°13'26" East 11.04 feet;
2) South 37°35'33" East 50.59 feet,

to the southerly line of said Lot 2, also being the northerly line of River Crest Drive; thence leaving the east boundary of said Lot 2, westerly along the said northerly line of River Crest Drive, being a non-tangent curve to the left, concave southwesterly, an arc length of 30.52 feet, said curve having a radius of 49.00 feet, a central angle of 35°41'18", a chord bearing of South 66°03'58" West, a chord length of 30.03 feet, the radius point of said curve bears South 06°05'23" East from the beginning of curve to the west boundary of said Lot 2; thence leaving the said southerly boundary of Lot 2 and the said northwesterly line of River Crest Drive, northerly along the said west boundary of Lot 2 the following courses:

1) North 55°19'28" West 89.25 feet;
2) thence North 01°13'26" West 13.59 feet,

to a point that bears North 89°08'23" West from the point of beginning; thence leaving the west boundary of Lot 2, easterly along the said northerly boundary of the herein described permanent levee right-of-way, South 89°08'23" East 36.20 feet, to the POINT OF BEGINNING.

Containing 2438 square feet, more or less.

Bearings and distances are based on the California Coordinate System, Zone 2, North American Datum 1983. Multiply distances shown by 1.00003115 to obtain ground distances. All distances are provided in United States Survey Feet.

All distances in this description are listed in United States Survey Feet.

SUBJECT TO any special assessments, restrictions, reservations, easements, and other encumbrances.

End of Description.

This document was prepared by me, or under my direct supervision.

Landon Blake – PLS 8489
BEING A PORTION OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 4 EAST, MOUNT DIABLO BASELINE AND MERIDIAN, IN THE CITY OF WEST SACRAMENTO, YOLO COUNTY, STATE OF CALIFORNIA.

ABBREVIATIONS:

APN = TAX ASSESSOR PARCEL NUMBER
MB = MAP BOOK
IN = INSTRUMENT NUMBER
DN = DOCUMENT NUMBER
NO. = NUMBER
PM = PARCEL MAP
(R) = RADIAL
● = SURVEY MONUMENT

SEE SHEET #3

POINT OF BEGINNING

BRASS DISK IN MONUMENT WELL STAMPED "LS 3013"
AS SHOWN ON MB 17 PG. 3
NORTHING: 1981686.80
EASTING: 6697210.60

N85°53'30"W
1074.77

BRASS DISK IN MONUMENT WELL STAMPED "LS 3013"
AS SHOWN ON MB 17 PG. 4
NORTHING: 1981609.80
EASTING: 6698282.61

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NORTH AMERICAN DATUM OF 1983. MULTIPLY GRID DISTANCES BY 1.00003115 TO OBTAIN GROUND DISTANCES.
RESOLUTION 11-06-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM, THE RIVERS EARLY IMPLEMENTATION PROJECT – YOLO COUNTY ASSESSOR’S PARCEL NUMBER 014-690-090

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900, and RD 537 for the purposes of constructing the improvements necessary to enhance the levee system protecting the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection, through the development, design, acquisition, and construction of such projects as are required to provide the necessary flood protection for the protection of the public and property within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to preserve environmental resources that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to provide mitigation for environmental impacts resulting from the development, operation and maintenance of necessary flood protection infrastructure within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to preserve environmental resources that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to provide mitigation for environmental impacts resulting from the development, operation and maintenance of necessary flood protection infrastructure within WSAFCA’s boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, in furtherance of its purposes, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System; and

WHEREAS, the study determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento; and
WHEREAS, in August of 2007, the City Council of the City of West Sacramento approved a contract with HDR Engineering, Inc. for environmental, design, and permitting to prepare an Early Implementation Program (EIP) to guide the first phase of improvements, selecting the sites based primarily on those providing the greatest public safety, with the least negative effects; and

WHEREAS, based on that criterion HDR identified a series of necessary improvements to the flood control facilities surrounding the City of West Sacramento; and

WHEREAS, in October 2010, HDR completed its 100% construction drawings for the levee improvements for a portion of Reach 2, known as “the Rivers EIP,” which included the geometry for the extent of the real property interest to be acquired in support of the levee and ancillary recreational improvements, and riparian habitat restoration; and

WHEREAS, Resolution 11-03-02 approved an offer for an easement across a portion of the parcel owned in fee by the Glen and Deborah Campora (the “Property”) within the Rivers EIP; and

WHEREAS, WSAFCA has had an environmental impact report (“EIR”) under CEQA, and an environmental impact statement (“EIS”) under NEPA, prepared for the Rivers EIP which includes evaluation of the project-specific impacts and measures to mitigate the potentially significant adverse impacts of the Rivers EIP Project (“EIR/EIS”); and

WHEREAS, by Resolution 11-03-01, WSAFCA has certified the EIR/EIS prepared for the Rivers EIP, which includes evaluation of the project specific impacts and measures to mitigate the potentially significant adverse impacts of the Rivers EIP Project; and

WHEREAS, the California Department of Fish and Game and US Fish and Wildlife Service require WSAFCA to provide on-site mitigation for riparian habitat that must be removed to build levee improvements in compliance with the levee construction and maintenance standards of the California Department of Water Resources, Central Valley Flood Protection Board and US Army Corps of Engineers; and

WHEREAS, the flood control improvements contemplated under the Rivers EIP require that WSAFCA obtain lands for construction and maintenance of levee and ancillary recreational improvements, and riparian habitat restoration; and

WHEREAS, acquisition of the easement being attached hereto and incorporated herein as Exhibit A for property located at 1020 River Crest Drive, West Sacramento, California, Yolo County APN 014-690-090, consisting of approximately 6,954 square feet of a 0.31 acre unoccupied residentially-zoned parcel located along the Sacramento River within the City of West Sacramento, is necessary for the Rivers EIP; and

WHEREAS, each person whose name and address appeared on the last equalized County Assessment Role as an owner of the Property has been given notice and a reasonable opportunity to appear and be heard on this date on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235;
NOW, THEREFORE, BE IT RESOLVED by West Sacramento Area Flood Control Agency that:

Section 1: WSAFCA intends to acquire through the exercise of the power of eminent domain the real property or interest in real property identified above as the "Property," including all riparian and other water rights appurtenant to the Property.

Section 2: That the public use for which the Property is to be taken is for construction, operation, reconstruction, repair and maintenance of improvements for present and future flood control, infrastructure relocations, environmental impact mitigation, recreational and other purposes in connection with the Project.

Section 3: That WSAFCA is authorized to acquire the Property by eminent domain for the above-mentioned public purposes by California Government Code sections 6523 and 37350.5, Water Code section 50930, and as set forth in section 5.f. of the West Sacramento Area Flood Control Agency Joint Exercise of Powers Agreement made and entered into as of July 20, 1994, by and between the City of West Sacramento, RD 900, and RD 537.

Section 4: That the Property is described in Exhibit A-1 and shown as "Easement Area" on Exhibit B-1, both exhibits being attached hereto and incorporated herein by this reference.

Section 5: That the Board declares that it has found and determined each of the following:

a. The public interest and necessity require the Project.

b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Property is necessary for the Project.

d. WSAFCA has made the offer required under Section 7267.2 of the Government Code to the owners of record or representatives of the owners of record of the Property.

Section 6: That WSAFCA, a joint exercise of powers agency, its appropriate officers, employees and agents, are hereby authorized and empowered:

a. To acquire in the name of WSAFCA, a joint exercise of powers agency, the Property, including all riparian and other water rights appurtenant to the Property, by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.

b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Property.

c. To deposit the probable amount of compensation with the appropriate authority.

d. To make application to a court of competent jurisdiction for an order permitting WSAFCA to take immediate possession and use of the Property.
Resolution 11-06-02
Page 4

OWNER: Glen and Deborah Campora

APNs: 014-690-090

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 9th day of June, 2011, by the following vote:

AYES:
NOES:
ABSENT:

____________________________
William E. Denton, President

____________________________
Kenneth A. Ruzich, General Manager

____________________________
James M. Day, Jr., WSAFCA Attorney

ATTEST:

APPROVED AS TO FORM:
Exhibit A
[Easement]
EXHIBIT A

WHEN RECORDED RETURN TO:

West Sacramento Area Flood Control
Agency
1420 Merkley Ave.
Suite 6
West Sacramento, CA 95691
Attn: General Manager

Pursuant to Government Code Section 27383, Grantee is exempt from paying recording fees

EASEMENT DEED
(INDIVIDUAL)

The Rivers Early Implementation Project
Parcel No. 014-690-090

1. Glen and Deborah Campora, hereinafter referred to as “GRANTOR”, GRANTS to the WEST SACRAMENTO AREA FLOOD CONTROL AGENCY (“WSAFCA”), a public agency, and its successors and assignees, exclusive perpetual rights of way and easements, with the rights of pedestrian, equipment, and vehicular ingress and egress, in the hereinafter described real property on Exhibit A, attached hereto and incorporated herein, situated in the County of Yolo, State of California, for any present or future flood control project to:

1. Construct, reconstruct, enlarge, fence, plant with trees, shrubs, and other vegetation, preserve and retain all vegetative growth desirable for project purposes, remove, replace, repair, maintain, operate and use flood control works, which shall include, but not be limited to, access, haul, and patrol roads, levees, ditches, embankments, channels, berms, fences, and appurtenant structures, and operate and maintain said flood control works in conformity with the Code of Federal Regulations, Corps of Engineers’ Standard Operation and Maintenance Manual, and State of California Standards.

2. Clear and remove from said flood control works any and all natural or artificial obstructions, improvements, trees, and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergency flood fight.

3. Flow waters and materials and by said flow erode.

4. Place or deposit earth, debris, sediment, or other material.

5. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.
6. Locate or relocate roads and public utility facilities by grantee or others.

7. Restrict the rights of the Grantor, his successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the Grantor's interest in any minerals, including oil and gas.

8. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

GRANTOR FURTHER ACKNOWLEDGES AND AGREES THAT:

9. The property over which this right of way and easement is granted is located within an adopted plan of regulated flood control area and subject to the California Code of Regulations.

10. Because this right of way and easement area is located in a regulated flood control area, Grantor shall not place or permit to be placed any improvements in, under, or across the right of way and easement area, including but not limited to any buildings or structures, with the exception of those items specifically listed in Paragraph 11 below.

11. Notwithstanding Paragraph 10 above, Grantor may construct driveways, landscaping, and utilities in, under, or across the right of way and easement area conditioned upon Grantor's prior receipt of an encroachment permit issued by WSAFCA and by the Central Valley Flood Protection Board of the State of California.

12. This Easement Deed and the obligations of WSAFCA hereunder may be assigned by WSAFCA to any other California public agency without the prior written consent of Grantor.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this _____ day of __________________, 20__.

GRANTOR

By: __________________________________________

By: __________________________________________
Exhibit A-1
[Legal Description]
EXHIBIT A-1

PARCEL GEOMETRY DESCRIPTION
West Sacramento Flood Control Agency EIP Project – The Rivers Project Site
Campora Permanent Levee Right-of-Way
Glen & Deborah Campora
APN 014-690-090

That certain real property situated in the City of West Sacramento, Yolo County, State of California, being a portion of Section 27, Township 9 North, Range 4 East, Mount Diablo Baseline and Meridian; being a portion of land described in the grant deed recorded on April 4, 2002, as Document Number 2002-0014232-00, Yolo County Records; also being a portion of Lot 1 as shown on the Plat Map of Subdivision No. 3953, Unit No. A, Lighthouse Marina & Country Club, filed on February 25, 1992, in Map Book 17, at Pages 1 through 18, Yolo County Records; more particularly described as follows:

COMMENCING at the survey control point marked with an aluminum disk and with the National Geodetic Survey designation “HPGN D CA 03 CH” and the National Geodetic Survey PID “AC9220”, thence South 86°33’00” East 13976.16 feet to the survey control point marked with a brass disk and with the National Geodetic Survey designation “Z 585 RESET” and the National Geodetic Survey PID “JS2248”; thence North 11°38’55” East 11716.87 feet to a brass disk in a monument well at the centerline of River Crest Drive south of Lot 18 and at the end of the course labeled ‘N 84°24’53” W 1074.79’, said brass disk being stamped “LS 3013”, as shown on said Plat Map of Lighthouse Marina & Country Club filed in Map Book 17, at Pages 1 through 18; thence North 85°53’30” West 1074.77 feet to a brass disk in a monument well at the centerline of the most westerly turn knuckle of River Crest Drive, said brass disk being stamped “LS 3013”, as shown on said Plat Map of Lighthouse Marina & Country Club; thence North 53°04’57” West 163.32 feet to the northerly boundary of the herein described permanent levee right-of-way, said point also being the POINT OF BEGINNING; thence easterly along the northerly boundary of the herein described permanent levee right-of-way, South 89°08’23” East 35.02 feet, to the easterly boundary of said Lot 1; thence leaving the northerly boundary of the herein described permanent levee right-of-way, southeasterly along the easterly boundary of the said Lot 1 the following courses:

1) South 1°13’26” East 13.59 feet;
2) thence South 55°19’28” East 89.25 feet,

to the northwesterly boundary of Rivercrest Drive; thence leaving said easterly boundary of Lot 1 on a non-tangent curve to the left an arc length of 30.52 feet, said curve having a radius of 49.00 feet, and a central angle of 35°41’19”, the radius point from beginning of said curve bearing South 41°46’41” East, to the southwesterly boundary of said Lot 1; thence leaving the northwesterly boundary of Rivercrest Drive, westerly along the southwesterly boundary of said Lot 1, North 7°02’25” West 135.32 feet, to the westerly boundary of said Lot 1; thence leaving the southwesterly boundary of said Lot 1, northerly along the westerly boundary of said Lot 1, North 1°13’25” West 46.14 feet, to a point on the northerly boundary of the herein described permanent levee right-of-way that bears North 89°08’23” East from the point of beginning; thence leaving the westerly boundary of said Lot 1, easterly along the northerly boundary of the
herein described permanent levee right-of-way, South 89°08'23" East 35.02 feet, to the **POINT OF BEGINNING**.

Containing 6954 square feet, more or less.

Bearings and distances are based on the California Coordinate System, Zone 2, North American Datum 1983. Multiply distances shown by 1.00003115 to obtain ground distances. All distances are provided in United States Survey Feet.

All distances in this description are listed in United States Survey Feet.

**SUBJECT TO** any special assessments, restrictions, reservations, easements, and other encumbrances.

End of Description.

This document was prepared by me, or under my direct supervision.

[Signature]

Landon Blake – PLS 8489
See Sheet #3

Point of Beginning

N53°04'57"W 163.32'

Brass Disk in Monument Well
Stamped LS 3013
As shown on MB 17 PG. 3
Northing: 1981686.80
Easting: 6697210.60

Brass Disk in Monument Well
Stamped LS 3013
As shown on MB 17 PG. 4
Northing: 1981609.80
Easting: 6698282.61

N113°38'55"E
11716.87'

Bearings and Distances are based on the California Coordinate System, Zone 2, North American Datum of 1983. Multiply Grid Distances by 1.00003115 to obtain ground distances. All distances shown are in US Survey Feet.
BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NORTH AMERICAN DATUM OF 1983. MULTIPLY GRID DISTANCES BY 1.00003115 TO OBTAIN GROUND DISTANCES. ALL DISTANCES SHOWN ARE IN US SURVEY FEET.

DN 2008-019899
OWENS MORTGAGE INVESTMENT FUND
APN 014-690-08-80

PERMANENT LEVEE
RIGHT OF WAY
6954 SQUARE FEET

RIVERCREST DRIVE

LOT 301
THE RIVERS COMMUNITY ASSOCIATION
DN 2004-054549
APN 014-690-09-10

BRASS DISK IN MONUMENT WELL

WEST LAKE DRIVE

APN-014-690-090

THE RIVERS SITE

WEST SACRAMENTO AREA FLOOD CONTROL AGENCY

Design
Scale
1" = 30'

Date
AUGUST 2010

Sheet Number
3 of 3

Project File No
2044-0060