

**PREPARED FOR THE CALIFORNIA WATER COMMISSION  
AMENDED RESOLUTION OF NECESSITY  
DEPARTMENT OF WATER RESOURCES (DWR) STAFF REPORT – ENCUMBRANCES  
March 20, 2013**

**RON No.:** 2011-29  
**Adoption Date:** November 16, 2011  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 156-0060-011-0000  
**DWR Parcel No.:** DCAP-213  
**Owner(s):** The Douglas and Patricia Allen Trust  
**Rights to be Acquired:** Permanent Non-Exclusive Easement, Temporary Construction Easement, and Temporary Access Easement

### **AMENDMENT PURPOSE**

The purpose of this amendment is to include additional findings in the Resolution of Necessity regarding the impacts of the acquisition on the existing encumbrances as identified in California Code of Civil Procedure Sections 1240.510 and 1240.610.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.510.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use the property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.610.

## **PARCEL INFORMATION**

Detailed Parcel Description: The subject property is a 100-acre irregularly shaped parcel with approximately 99.5 percent Class 3w soil and is currently planted to irrigated field crops, irrigated via the flood method. The subject parcel is located in an unincorporated area of Sacramento County, adjacent to the Mokelumne River, and is approximately 5.4 miles south of Walnut Grove and 3.5 miles east of Isleton. The property is along Tyler Island Road, a two-lane county maintained gravel road servicing the area.

1. Current Use: Agriculture – Irrigated Field Crops

DATED SEPT 19, 2011

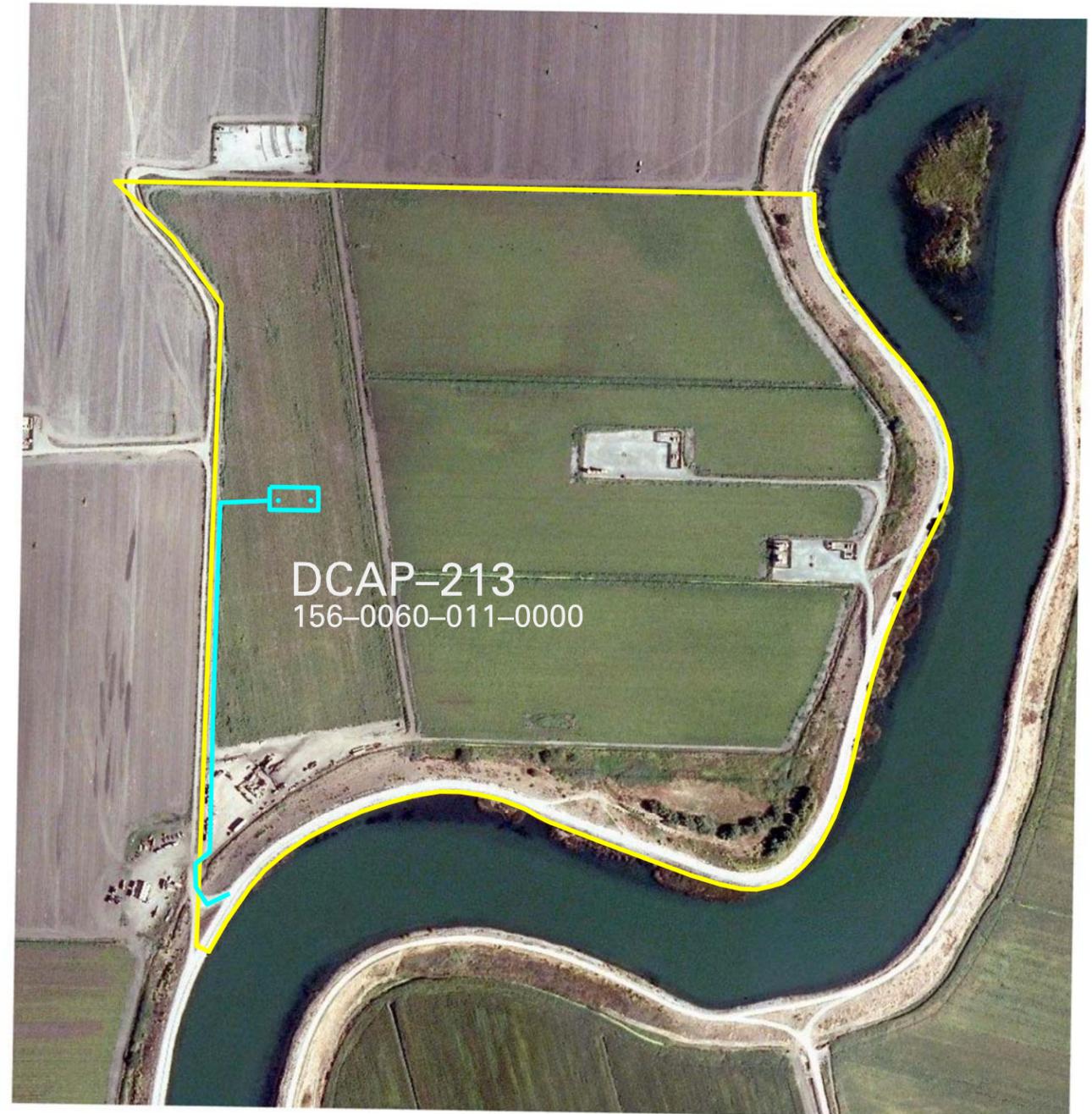
PART I

1-2. TAXES

3. ANY UNPAID AMOUNTS NOW OWING FOR MUNICIPAL SERVICES **BLANKET TITLE COMPANY EXEMPTION**
4. **RIGHTS** OF THE PUBLIC/RECLAMATION DISTRICT #563 FOR ALL ROADS, DITCHES, CANALS, AND LEVEES LYING WITHIN SAID PROPERTY.
5. ANY ADVERSE CLAIM THAT SOME PORTION OF SAID LAND HAS NOT AT ANY TIME BEEN WITHIN THE BOUNDARIES OF THE STATE OF CALIFORNIA OR COUNTY OF SACRAMENTO  
**BLANKET TITLE COMPANY EXEMPTION**
6. ANY ADVERSE CLAIM BASED HIGH WATER MARK, ACCRETION OR AVULSION **BLANKET TITLE COMPANY EXEMPTION**
7. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY **BLANKET TITLE COMPANY EXEMPTION**
8. ANY RIGHTS IN FAVOR OF THE PUBLIC **BLANKET TITLE COMPANY EXEMPTION**
9. ANY ADVERSE CLAIM BASED UPON BEING WITHIN A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER. **BLANKET TITLE COMPANY EXEMPTION**

PART II

1. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY RECORDED: DECEMBER 29, 1911, BOOK 349 OF DEEDS, PAGE 188  
**UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
2. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY OF CALIFORNIA RECORDED DECEMBER 29, 1927, BOOK 166, PAGE 137, OF OFFICIAL RECORDS  
**UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
3. EASEMENT(S) FOR GAS PIPELINE GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY RECORDED MARCH 23, 1960, BOOK 4023, PAGE 29, OF OFFICIAL RECORDS  
**UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- \* 4. MATTERS CONTAINED "RESOLUTION NO. 71-AP-051 RESOLUTION TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN SACRAMENTO COUNTY" BY THE COUNTY OF SACRAMENTO RECORDED FEBRUARY 25, 1971, BOOK 710225, PAGE 1030, OF OFFICIAL RECORDS.
- \* 5. COVENANTS AND RESTRICTIONS IMPOSED BY A LAND CONSERVATION CONTRACT RECORDED FEBRUARY 25, 1971, BOOK 710225, PAGE 1038, OF OFFICIAL RECORDS
- \* 6. AN OIL AND GAS LEASE  
LESSEE: TRI-VALLEY OIL & GAS CO., A CORPORATION  
RECORDED JANUARY 2, 1979, BOOK 790102, PAGE 361, OF OFFICIAL RECORDS
- \* 7. AN OIL AND GAS LEASE LESSEE: TOWNE EXPLORATION COMPANY, RECORDED AUGUST 26, 2004, BOOK 20040826, PAGE 1491, OF OFFICIAL RECORDS



**LEGEND:**  
PROPERTY LINE ————  
ACQUISITION LINE ————  
\* AFFECTS ENTIRE PARCEL

STATE OF CALIFORNIA  
THE NATURAL RESOURCES AGENCY  
**DEPARTMENT OF WATER RESOURCES**  
DIVISION OF ENGINEERING – GEODETIC BRANCH  
THIS EXHIBIT DOES NOT REPRESENT A SURVEY AND IS FOR INFORMATIONAL PURPOSES ONLY

SACRAMENTO COUNTY  
PREPARED 11/30/12

**DELTA HABITAT CONSERVATION  
AND CONVEYANCE PROGRAM  
PARCEL TITLE EXCEPTIONS**