

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

RON No.: 2012-07
Adoption Date: March 21, 2012
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0120-001-0000
DWR Parcel No.: DCAP-143
Owner(s): Elliot Family Revocable 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 204.75-acre subject property is located in an unincorporated area of Sacramento County and is south of Clarksburg, and west of Interstate 5. The property fronts State Highway 160, which is a two-lane state maintained road that services the area. The rectangular shaped parcel contains approximately 108 acres of newly planted apple, pear and cherry orchards, a 31.35 acre mature pear orchard, a 37.36 acre mature apple orchard, 20 acres of cherry orchard root stock, and a remaining 8 acres comprised of levee encumbered ground and non-farmable land. The entire orchard is irrigated using the drip method.

Current Use: Orchard

DATED MARCH 5, 2012, 07:30A.M.
SCHEDULE B
PART I

1-2 TAXES

3. ANY UNPAID AMOUNTS FOR MUNICIPAL SERVICES

BLANKET TITLE COMPANY EXCEPTIONS

4. RIGHTS OF THE PUBLIC AS TO ANY PUBLIC ROAD.

BLANKET TITLE COMPANY EXCEPTIONS

5. ADVERSE CLAIM LAND NOT WITHIN THE STATE OF CALIFORNIA AND COUNTY OF SACRAMENTO

BLANKET TITLE COMPANY EXCEPTIONS

6. ANY ADVERSE CLAIM BASED UPON THE ASSERTION HIGH WATER MARK, AVUSION AND ACRETION

BLANKET TITLE COMPANY EXCEPTIONS

7. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY

BLANKET TITLE COMPANY EXCEPTIONS

8. ANY RIGHTS IN FAVOR OF THE PUBLIC

9. ANY ADVERSE CLAIM LAND WITHIN A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER.

BLANKET TITLE COMPANY EXCEPTIONS

10. COVENANTS AND RESTRICTIONS IMPOSED BY ANY LAND CONSERVATION CONTRACT

BLANKET TITLE COMPANY EXCEPTIONS

PART II

1. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY, A CALIFORNIA CORPORATION
RECORDED JUNE 30, 1913, BOOK 384 OF DEEDS, PAGE 281
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE

2. EASEMENT(S) FOR THE LEVEE GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED MAY 6, 1922, BOOK 604 OF DEEDS, PAGE 20

3. MATTERS CONTAINED IN "EASEMENT DEED" DATED MAY 6, 1922 BY M. BELLA JOHNSTON ETAL EXECUTED AND SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT RECORDED MAY 6, 1922, BOOK 604 OF DEEDS, PAGE 20

4. EASEMENT(S) FOR ROAD PURPOSES GRANTED TO ASSOCIATED AMERICAN DISTRIBUTORS, INC.
RECORDED NOVEMBER 2, 1938, BOOK 716, PAGE 132, OF OFFICIAL RECORDS

5. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GENERAL TELEPHONE COMPANY OF CALIFORNIA
RECORDED JULY 1, 1969, BOOK 690701, PAGE 291, OF OFFICIAL RECORDS
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE

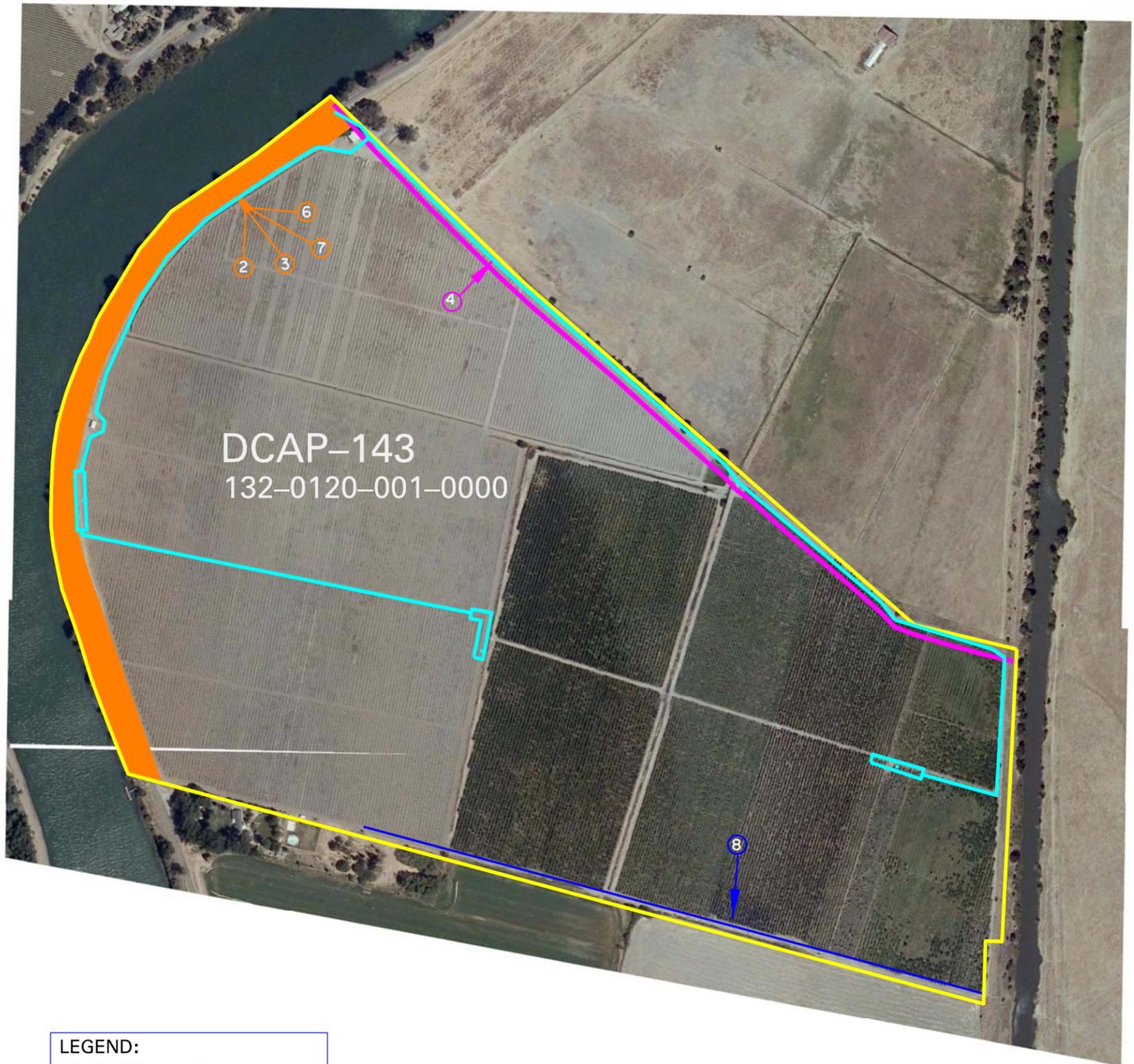
6. EASEMENT(S) FOR FLOOD CONTROL GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED APRIL 27, 1971, BOOK 710427, PAGE 68, OF OFFICIAL RECORDS

7. TERMS AND CONDITIONS OF RIGHT OF ENTRY PERMIT, RECORDED SEPTEMBER 3, 1971, IN BOOK 710903, PAGE 408, OFFICIAL RECORDS.

8. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO SACRAMENTO MUNICIPAL UTILITY DISTRICT
RECORDED MAY 14, 1973, BOOK 730514, PAGE 244, OF OFFICIAL RECORDS

9. MATTER CONTAINED IN "SUBCONTRACT AGREEMENT" BY DAVID J. ELLIOT JRL AND BONNIE JEANNE ELLIOT TRUSTEES OF THE ELLIOT FAMILY
* REVOCABLE TRUST AND STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES RECORDED JULY 30, 2010, BOOK 20100730, PAGE 1973, OF OFFICIAL RECORDS.

10. AN OIL AND GAS LEASE LESSEE: ARCHER EXPLORATION, INC., RECORDED SEPTEMBER 16, 2011, BOOK 20110916, PAGE 453, OF OFFICIAL RECORDS
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LEGEND:
PROPERTY LINE ———
ACQUISITION LINE ———
*AFFECTS ENTIRE PARCEL

SACRAMENTO COUNTY
PREPARED 11/29/12

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

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