



22 E. Weber Avenue, Room 301 | Stockton, CA 95202 | (209) 937-7900 | www.sjafca.com

BOARD OF DIRECTORS

City of Stockton

Jesús Andrade, Chair
Dan Wright
Alt. Sol Jobrack

Public Member

Mike Morowit

San Joaquin County

Katherine M. Miller
Tom Patti
Alt. Miguel Villapudua

City of Manteca

Jose Nuño
Gary Singh, Vice-Chair

Executive Director

Chris Elias

City of Lathrop

Paul Akinjo
Diane Lazard

BOARD MEETING

MONDAY, APRIL 29, 2019

1:30 P.M. – CLOSED SESSION

2:00 P.M. – REGULAR MEETING

MEETING LOCATION:

**San Joaquin Council of Governments
555 E. Weber Avenue
Stockton, CA 95202**

- 1. CALL TO ORDER / ROLL CALL**
- 2. PLEDGE TO FLAG**
- 3. CLOSED SESSION**
 - 3.1) Dominick Gulli v. San Joaquin Area Flood Control Agency; ICF International, Inc.; Peterson and Brustad, Inc; Moffat and Nichol.
Case No. STK-CV-UWM-2015-0011880
 - 3.2) Atherton Cove Property Owners Association v. San Joaquin Flood Control Agency. C085520 San Joaquin County
Case No. STK-CV-UWM-2015-60011847
- 4. CONSENT ITEMS**
 - 4.1) Approve minutes of the Board meeting of March 28, 2019

- 4.2) Authorization of SJAFCA representatives to travel to Washington, D.C. for Spring 2019 Advocacy Trip
- 4.3) Revocation of Board action regarding Resolution of Necessity for acquisition of property interests from APN 109-020-060 for the Smith Canal Gate Project

5. SMITH CANAL

- 5.1) Approval of Resolution of Necessity for acquisition of property interests from APN 109-020-060 for the Smith Canal Gate Project

6. ORAL REPORT FROM EXECUTIVE DIRECTOR

- 6.1) This is an opportunity to provide timely information to the Board in support of its work

7. PUBLIC COMMENTS

8. BOARD QUESTIONS, COMMENTS, ACTIONS

9. RECESS

- 9.1) Strategic Planning Session

10. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

Agenda Item 4.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SPECIAL BOARD MEETING OF MARCH 28, 2019**

CITY COUNCIL CHAMBERS, STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 9:02 AM

Roll Call

Present:

Mike Morowit

Diane Lazard

Gary Singh

Jesús Andrade

Dan Wright

Paul Akinjo

Jose Nuño

Tom Patti

Absent:

Katherine Miller

Director Patti arrived at 9:04 AM

2. PLEDGE TO FLAG 9:02 AM

3. CONSENT ITEMS 9:03 AM

3.1) Approve minutes of the Board meeting of February 7, 2019

3.2) Approval to renew a contract with Willdan Financial Services to provide annual Assessment District administration and reporting services

3.3) Director of Engineering position

- a) Approve and adopt one new job classification for a full-time agency employee position of "Director of Engineering Services" to replace existing position of "Deputy Director of Public Works"
- b) Receive information on job description for a new Agency employee position of "Director of Engineering Services"
- c) Authorize compensation of the new Agency employee by re-directing the previously budgeted salary and benefits for Deputy Director of Public Works effective Fiscal Year 2018/19
- d) Receive information on recruitment and selection process for the position of "Director of Engineering Services"

3.4) Revision of SJAFCA Board Meeting Schedule for 2019

AGENDA ITEM 4.1

PUBLIC COMMENT

- Dominick Gulli **9:04 AM**

Motion: Approve Consent Items
Moved by: Director Morowit, seconded by Director Singh
Vote: Motion carried 8-0
Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño
Absent: Director Miller

4. SMITH CANAL 9:07 AM

- 4.1) Smith Canal Bond Authorization and Engineer's Report Addendum
- a) Resolution Approving Bonds
 - b) Fiscal Agent Agreement between SJAFCA and Wells Fargo Bank
 - c) Resolution to approve Addendum No. 1 to the 2018/19 Smith Canal Area Assessment District Engineer's Report

PUBLIC COMMENT

- Dominick Gulli **9:36 AM**

Motion: Approve Item 4.1
Moved by: Director Akinjo, seconded by Director Morowit
Vote: Motion carried 8-0
Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño
Absent: Director Miller

- 4.2) Change Order with Larsen Wurzel & Associates, Inc. for Urban Flood Risk Reduction (UFRR) funding Agreement administration

PUBLIC COMMENT

- Dominick Gulli **9:43 AM**

Motion: Approve Item 4.2
Moved by: Director Patti, seconded by Director Wright
Vote: Motion carried 8-0
Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño
Absent: Director Miller

- 4.3) Approval of Resolution of Necessity for acquisition of property interests from APN 109-020-060 for the Smith Canal Gate Project

PUBLIC COMMENT

- Rick Goucher **10:10 AM**
- Dominick Gulli **10:31 AM**

Motion: Approve Item 4.3 with added condition: Staff Shall meet with Country Club representatives and shall not initiate eminent domain litigation for 30 days from today

Moved by: Director Morowit, seconded by Director Wright

Vote: Motion carried 6-2

Yes: Director Morowit, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño

No: Director Lazard, Director Patti

Absent: Director Miller

- 4.4) Consideration of proposed lease with the State Lands Commission for the Smith Canal Gate Project

PUBLIC COMMENT

- Dominick Gulli **10:55 AM**

Motion: Approve Item 4.4

Moved by: Director Akinjo, seconded by Director Singh

Vote: Motion carried 8-0

Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño

Absent: Director Miller

5. MOSSDALE TRACT LEVEE IMPROVEMENT PER SENATE BILL 5 (SB-5)
10:59 AM

- 5.1) Workshop on Mossdale Tract Program and related approvals

- a) Review financing plan and next steps by team for funding the Mossdale Tract Program
- b) Update on Approach Annual Progress Report
- c) Update on Fee Program
- d) Update on Assessment District Process

- 5.2) Approval of Template Fee Crediting Agreements and delegation of authority to Executive Director to approve agreements in substantial conformance to template subject to Counsel's review and approval

- a) Fee Credit Template
- 5.3) Authorization to Advertise for Assessment Engineering Services
- 5.4) Authorization to negotiate and execute a Task Order with Peterson Brustad Inc. to prepare updated cost estimate for Mossdale Tract Program Engineering Support Services pursuant to SJAFCA's Climate Change Adaption Policy

PUBLIC COMMENT

- Dominick Gulli **11:45 AM**

Motion: Approve Item 5.2, Item 5.3 & Item 5.4
Moved by: Director Wright, seconded by Director Morowit
Vote: Motion carried 8-0
Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño
Absent: Director Miller

6. STRATEGIC PLANNING PROCESS 11:48 AM

- 6.1) Setting of Dates for Special and/or Regular Meetings

7. ORAL REPORT FROM EXECUTIVE DIRECTOR 11:54 AM

- 7.1) This is an opportunity to provide timely information to the Board in support of its work

8. PUBLIC COMMENTS 12:00 PM

- Dominick Gulli

9. BOARD QUESTIONS, COMMENTS, ACTIONS 12:04 PM

10. CLOSED SESSION 12:04 PM

- 10.1) Dominick Gulli v. San Joaquin Area Flood Control Agency; ICF International, Inc.; Peterson and Brustad, Inc; Moffat and Nichol.
Case No. STK-CV-UWM-2015-0011880
- 10.2) Atherton Cove Property Owners Association v. San Joaquin Flood Control Agency. C085520 San Joaquin County
Case No. STK-CV-UWM-2015-60011847

REPORT OF ACTION TAKEN IN CLOSED SESSION 12:26 PM

- No report.

11. ADJOURNMENT 12:28 PM

Motion: Adjourn
Moved by: Director Wright, seconded by Director Morowit
Vote: Motion carried 8-0
Yes: Director Morowit, Director Lazard, Director Patti, Director Singh, Director Andrade, Director Wright, Director Akinjo, and Director Nuño
Absent: Director Miller

The meeting adjourned at 12:28 PM. The next meeting is scheduled for April 29, 2019, at 2:00 PM.



CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

Agenda Item 4.2

April 29, 2019

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AUTHORIZATION OF SJAFCA REPRESENTATIVES TO TRAVEL TO WASHINGTON, D.C. FOR 2019 SPRING ADVOCACY TRIP**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) authorize travel for SJAFCA representatives for an advocacy trip to Washington, D.C. from June 3, 2019 through June 5, 2019.

DISCUSSION

Background

Each year, representatives of SJAFCA travel to Washington, D. C. to meet with federal policymakers in Congress and various administration departments to discuss SJAFCA's priority projects.

On May 10, 2006, the Board of Directors adopted SJAFCA Resolution 06-02 establishing guidelines for advocacy travels and approving the Agency's advocacy travel policy. This policy states that SJAFCA will cover 100% of the expenses if an advocacy trip is arranged exclusively to address SJAFCA issues and the Board has been notified in advance to give authorization.

Present Situation

The Spring 2019 Advocacy Trip is planned for the week of June 3, 2019 through June 5, 2019. This trip is an opportunity to elevate SJAFCA's voice at the national level on flood protection priority projects of importance to the residents and businesses within SJAFCA's jurisdiction. Discussions will include FY 2020 requests for New Start proposal, initial allocation of funding toward early construction, EO 11988 Policy and FY 2020 Work Plan Request.

In order to comply with the quorum requirements of the Brown Act, up to four (4) Board members may participate in this trip, along with one (1) staff member of the San Joaquin County Flood Control and Water Conservation District, SJAFCA's Executive Director and

September 20, 2018

**AUTHORIZATION OF SJAFCA REPRESENTATIVES TO TRAVEL TO WASHINGTON,
D.C. FOR 2018 FALL ADVOCACY TRIP**

(Page 2)

General Counsel. Sufficient funds are available to cover the travel expenses (air travel, hotel stay and ground transportation expenses) and proposed reimbursements for this advocacy trip.

PREPARED BY: Chris Elias



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:DC

RESOLUTION NO. SJAFCA 19-19

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**RESOLUTION TO AUTHORIZE SJAFCA REPRESENTATIVES TO
TRAVEL TO WASHINGTON, D.C. FOR 2019 SPRING ADVOCACY
TRIP**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY, AS FOLLOWS:

1. That the Board of Directors of the San Joaquin Area Flood Control Agency hereby authorize travel and expenses for the individuals listed below for an advocacy trip to Washington, D.C. from September 25, 2018 to September 27, 2018.
 - Four (4) Board members
 - One (1) staff member of the San Joaquin County Flood Control and Water Conservation District
 - SJAFCA's Executive Director
 - General Counsel

PASSED, APPROVED AND ADOPTED this 29th day of APRIL, 2019.

JESÚS ANDRADE, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 4.3

April 29, 2019

TO: SAN JOAQUIN AREA FLOOD CONTROL AGENCY

FROM: CHRIS ELIAS, EXECUTIVE DIRECTOR
SCOTT SHAPIRO, AGENCY COUNSEL

SUBJECT: **REVOCATION OF BOARD ACTION REGARDING RESOLUTION OF
NECESSITY FOR ACQUISITION OF PROPERTY INTERESTS FROM
APN 109-020-060 FOR THE SMITH CANAL GATE PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency ("SJAFCA") revoke the action taken at its March 28, 2019 meeting in regard to adopting the Resolution of Necessity for the acquisition of certain property interests in the property bearing Assessor's Parcel Number 109-020-060 for the Smith Canal Gate Project ("Project").

BACKGROUND AND DISCUSSION

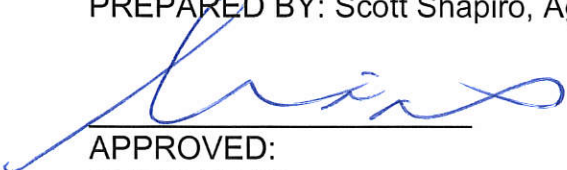
At the March 28 Board meeting the Board directed staff to continue to negotiate with this landowner for at least 30 more days (an action that was already happening), and if the outstanding issues could not be successfully resolved via negotiation, then staff was authorized to file a RON no sooner than April 29th. Following the vote on March 28, an issue was raised as to whether a voting Board Member may have had a financial interest in the property requiring recusal. At the time of the vote, the Board Member's understanding was that there was not a financial interest. Staff has researched the issue and found that the law is not clear in this case, but in an abundance of caution, and especially because no action has yet been taken by staff as a result of the Board vote, staff is recommending that the Board vote be revoked.

Staff will then be free to provide a briefing to the Board on the further negotiations that have occurred, and the Board may provide direction at that point.

FISCAL IMPACT

There is no fiscal impact associated with this action.

PREPARED BY: Scott Shapiro, Agency Counsel



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

RESOLUTION NO. SJAFCA 19-20

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**A RESOLUTION OF THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY
REVOKING RESOLUTION NO. 19-13**

WHEREAS, on March 28, 2019, the San Joaquin Area Flood Control Agency ("SJAFCA") passed a resolution (No. 19-13) to acquire certain property interests from the parcel currently bearing Assessor's Parcel No. 109-020-060 for the Smith Canal Gate Project (the "Project"); and

WHEREAS, a Member of the Board of Directors may have unknowingly voted in favor of the resolution with a potential financial interest; and

WHEREAS, SJAFCA desires to ensure that the vote is appropriate in every way; and

WHEREAS, no action has yet been taken in regard to the action authorized under Resolution No. 19-13.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors hereby takes this action to revoke Resolution No. 19-13.

PASSED, APPROVED AND ADOPTED this 29th day of April, 2019, by the Board of Directors of the San Joaquin Area Flood Control Agency, by a vote as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

JESÚS ANDRADE, Chair
of the San Joaquin Area
Flood Control Agency

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 5.1

April 29, 2019

TO: SAN JOAQUIN AREA FLOOD CONTROL AGENCY

FROM: CHRIS ELIAS, EXECUTIVE DIRECTOR

SUBJECT: **RESOLUTION OF NECESSITY FOR ACQUISITION OF PROPERTY INTERESTS FROM APN 109-020-060 FOR THE SMITH CANAL GATE PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency ("SJAFC") adopt the attached proposed Resolution of Necessity for the acquisition of certain property interests in the property bearing Assessor's Parcel Number 109-020-060 for the Smith Canal Gate Project ("Project").

The property bearing Assessor's Parcel Number 109-020-060 is currently owned by the Stockton Golf & Country Club. As described and depicted in the exhibits to the attached proposed Resolution of Necessity, the property interests proposed for acquisition are approximately 0.50 acres in permanent access and service road and maintenance easements for the Project, and an approximately 0.19 acres temporary construction easement for the project.

DISCUSSION

At the March 28 Board meeting, the Board adopted a Resolution of Necessity for the acquisition of certain property interests from the Stockton Golf & Country Club for the Project. However, the Board directed staff to continue to negotiate with the landowner for at least 30 more days (an action that was already happening), and if the outstanding issues could not be successfully resolved via negotiation, then staff was authorized to file an eminent domain action no sooner than April 29th.

Following the vote on March 28, an issue was raised as to whether a voting Board Member may have had a financial interest in the property requiring recusal. At the time of the vote, the Board Member's understanding was that there was not a financial interest. Staff has researched the issue and found that the law is not clear in this case, but in an abundance of caution, and especially because no action has yet been taken by staff as a result of the Board vote, staff is recommending that the Board vote adopting the original Resolution of Necessity be revoked. Accordingly, staff is bringing a new proposed Resolution of Necessity for the Board's consideration.

Over the last 30 days, since the March 28 Board meeting, staff has reached out multiple times by email and phone to the Stockton Golf & Country Club. Additionally, on Friday April 19, Executive Director Chris Elias and Senior Civil Engineer Juan Neira met with

AGENDA ITEM 5.1

**RESOLUTION OF NECESSITY FOR ACQUISITION OF PROPERTY INTERESTS
FROM APN 109-020-060 FOR THE SMITH CANAL GATE PROJECT (Page 2)**

Rich Howarth with the Stockton Golf & Country Club to continue discussions. To date, SJAFCA has not been able to reach an agreement with the Stockton Golf & Country Club for the acquisition of the property at issue.

Required findings for adoption of a Resolution of Necessity

The attached proposed Resolution of Necessity lists the findings required by California Eminent Domain Law. Importantly, the Board is recommended to find:

1. The public interest and necessity require the Project;
2. The proposed 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 interests are necessary for the proposed Project; and
4. The offer of just compensation required by Government Code section 7267.2 has been made to the owner or owners of record of the property.

Support for Findings

Finding 1: The public interest and necessity require the Project.

The Smith Canal is a backwater slough of the Sacramento-San Joaquin Delta ("Delta"), south of the Calaveras River. Existing levees along the Smith Canal are heavily encroached upon and cannot be certified as meeting Federal Emergency Management Agency ("FEMA") standards or the state's Urban Levee Design Criteria ("ULDC").

The Project is therefore necessary to address and/or correct the following:

- Levee encroachment has prevented necessary patrol and maintenance of the levees.
- Levee encroachment has prevented performance of inspections, surveys, or subsurface investigations necessary to accredit the levees.
- Loss of FEMA accreditation requires mandatory flood insurance for the residents of the affected area carrying Federally-backed mortgages.
- Loss of FEMA accreditation restricts building and improvements in the area.
- As required by the Central Valley Flood Protection Act of 2008, the CVFPB will require 200-year flood protection by 2025 for urban and urbanizing areas, with building limitations taking effect after July 2016 if adequate progress toward achieving this standard is not made.

Finding 2: The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

**RESOLUTION OF NECESSITY FOR ACQUISITION OF PROPERTY INTERESTS
FROM APN 109-020-060 FOR THE SMITH CANAL GATE PROJECT** (Page 3)

SJAFCA's primary goal for the Project is to improve flood performance to secure FEMA accreditation, and remove the Special Flood Hazard Area designation from a large portion of central Stockton. In addition to securing FEMA accreditation, SJAFCA also seeks through the Project to obtain a 200-year level of flood protection as defined by the California Department of Water Resources ("DWR").

The proposed Project is planned and located in a manner that would meet the Project goals, and reduce flood risk for approximately 8,000 properties behind the existing Smith Canal levees, by constructing a floodwall and gate structure to isolate the Smith Canal from the main channel of the San Joaquin River in the event of either a 100-year or greater flood stage event, or a breach of a levee within the canal. The floodwall is designed to extend from Dad's Point and tie into the Stockton Golf & Country Club levee. The Project is also planned and located in a manner that would comply with the ULDC, released by DWR in May 2012 pursuant to Senate Bill No. 5.

The easements that SJAFCA staff recommends SJAFCA acquire over the property owned by the Stockton Golf & Country Club are limited in size and scope to what is necessary to meet the Project goals and will not interfere with the continued use of the property as a golf course. Accordingly, the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Finding 3: The property interests are necessary for the proposed Project.

The property interests proposed to be acquired consist of permanent access and service road and maintenance easements, and a temporary construction easement, along the 7th and 8th holes of the Stockton Golf & Country Club. The permanent access easement is approximately 0.17 acres, and extends from an existing entry gate from Virginia Lane, about half way up the fairway from the Tee Box of the 7th hole, to about 20 feet from the intersection of two cart paths. The permanent maintenance easement is approximately 0.33 acres and is located next to the San Joaquin River on the 8th hole of the golf course. The temporary construction easement is approximately 0.19 acres and is located along the western side of the cart path on the 7th hole of the golf course.

The proposed acquisition is necessary for the Project in order to access the Project gate structure from the north for construction purposes, and for long-term operations and maintenance of the Project gate structure.

Finding 4: SJAFCA made the offer required by Government Code Section 7267.2.

Based on an appraised value of the proposed easement acquisitions, SJAFCA made an offer pursuant to Government Code section 7267.2 to purchase the necessary property interests on November 16, 2018.

**RESOLUTION OF NECESSITY FOR ACQUISITION OF PROPERTY INTERESTS
FROM APN 109-020-060 FOR THE SMITH CANAL GATE PROJECT** (Page 4)

Fiscal Impact

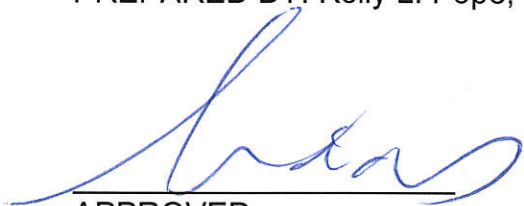
The approved appraised value of the proposed easement acquisitions is \$24,110.00.

Documents incorporated into this report

Attachment A – Draft Resolution of Necessity (Resolution 19-21)

Environmental documentation in compliance with CEQA is available for review on SJAFCA's website, https://www.sjafca.com/smith_canal_closure.php.

PREPARED BY: Kelly L. Pope, Special Counsel



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

RESOLUTION NO. SJAFCA 19-21

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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A RESOLUTION OF THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY
DECLARING THE PUBLIC NECESSITY FOR THE TAKING
OF CERTAIN PROPERTY FOR THE SMITH CANAL GATE PROJECT
(CODE CIV. PROC. § 1245.230)

Property Owner: Stockton Golf & Country Club (APN 109-020-060)

WHEREAS, San Joaquin Area Flood Control Agency ("SJAFCA") has determined that it needs to acquire certain property interests from the parcel currently bearing Assessor's Parcel No. 109-020-060 for the Smith Canal Gate Project (the "Project"); and

WHEREAS, the property interests that SJAFCA needs to acquire for the Project are more specifically described and depicted in Exhibits "1" and "2" attached hereto (the "Property"); and

WHEREAS, SJAFCA has advised the owner of the Property of the need for the Project and offered the owner an opportunity for a hearing before the SJAFCA Board on March 28, 2019, pursuant to Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, SJAFCA is authorized to acquire Property for the Project pursuant to, among other statutes, the California Constitution and California Eminent Domain Law, Code of Civil Procedure section 1240.410, and Government Code section 25350.5; and

WHEREAS, the Board of Directors of SJAFCA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.
2. The Project proposed is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property interests described and depicted in Exhibits "1" and "2" attached hereto are necessary for the proposed Project.
4. The offer of just compensation required by Government Code section 7267.2 has been made to the owner of record of the Property.
5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described and depicted in Exhibits "1" and "2" attached hereto have been complied with by SJAFCA.

6. SJAFCA has statutory authority to acquire the Property by eminent domain.

The Board of Directors hereby authorizes and empowers legal counsel retained or employed by SJAFCA to take the following actions:

1. To acquire in the name of SJAFCA, by condemnation, the property interests described and depicted in Exhibits "1" and "2" attached hereto in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;
2. To prosecute in the name of SJAFCA such proceedings in the proper court as necessary for such acquisition; and
3. To deposit the probable amount of compensation based on an appraisal, and to apply to the court for an order permitting SJAFCA to take possession of the property for public uses and purposes.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the San Joaquin Area Flood Control Agency this 29th day of April, 2019, by a two-thirds (2/3) or greater vote as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

JESÚS ANDRADE, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

EXHIBIT 1

PERMANENT ACCESS AND SERVICE ROAD AND MAINTENANCE EASEMENT

San Joaquin Area Flood Control Agency ("Agency") hereby acquires a Permanent Access and Service Road and Maintenance EASEMENT to construct, reconstruct, operate, maintain, and use an access and service road and a permanent maintenance area over, through and across that certain real property situated in the City of Stockton, County of San Joaquin, State of California, described as follows:

See Exhibit "A", legal description and Exhibit "B", "B1", and "B2", plats to accompany legal description, attached hereto and made a part hereof.

Together with the right of ingress and egress from said property, for the purpose of exercising and performing all of the rights and privileges herein granted.

EXHIBIT "A"
LEGAL DESCRIPTION

**DESCRIPTION
STOCKTON GOLF AND COUNTRY CLUB
APN 109-020-06**

All that certain real property situated in the County of San Joaquin, State of California, Section 6, Township 1 North, Range 6 East, Mont Diablo Base and Meridian, being a portion of Lot 1 as shown on The Map of the Tuxedo Country Club Farms by Budd and Widdows, recorded in Book 8 of Maps at Page 66 filed September 20, 1916, San Joaquin County Records; also being a portion of that certain Grant Deed to Stockton Golf and Country Club, a corporation, recorded in Book of Official Records Volume 10, at Page 67, on April 11, 1924, San Joaquin County Records, described as follows:

UNIT A - MAINTENANCE EASEMENT

COMMENCING at a found 2-inch Iron Pipe, set as the most northwesterly corner of that certain 0.967 Acs. lot as shown on that certain map by Chas H. Widdows, filed in Book of Surveys Volume 4 at Page 263, on December 30, 1937, San Joaquin County Records; thence along the easterly Right-of-Way of Virginia Lane, a 40' wide public roadway, South 15°01'46" East 599.96 feet to a found 2-inch Iron Pipe, set at the south westerly corner of that 1.081 Acs. lot as shown on said map by Chas H. Widdows; thence South 5°23'35" West 490.97 feet to a point on the easterly line of herein described Permanent Easement, designated as Point "A", said point also being the **TRUE POINT OF BEGINNING** of the herein described Maintenance Easement; thence along the easterly lines of herein described Maintenance Easement, the following three (3) courses:

- 1) South 27° 53' 58" East 51.73 feet;
- 2) thence North 74° 28' 11" East 67.35 feet;
- 3) thence South 03° 09' 46" West 3 feet, more or less,

to the Ordinary High Water Mark (OHWM) of the San Joaquin River; thence along the approximate OHWM the following three (3) courses:

- 1) South 65° 25' 32" West 64.17 feet;
- 2) thence South 62° 06' 02" West 130.00 feet;
- 3) thence South 56° 19' 48" West 60.80 feet,

to the southwest corner of herein described Maintenance Easement; thence in a general northerly direction along the southwesterly and northwesterly lines of herein described Maintenance Easement, the following four (4) courses:

- 1) North 32° 03' 05" West 13.55 feet;
- 2) thence North 56° 49' 04" East 61.74 feet;
- 3) thence North 27° 53' 58" West 86.91 feet;
- 4) thence North 62° 06' 02" East 130.00 feet,

to the most northerly corner of herein described Maintenance Easement; thence southeasterly along the easterly lines of herein described Maintenance Easement, South 27° 53' 58" East 34.69 feet,

to herein above described Point "A", said point also being the **TRUE POINT OF BEGINNING**.
Containing 0.33 acres, more or less.

UNIT B - ACCESS EASEMENT

BEGINNING at the herein above described Point "A" in Unit A, thence northerly along the westerly line of herein described access easement, the following nine (9) courses:

- 1) North 58° 28' 19" East 77.90 feet;
- 2) thence along a tangent curve to the left an arc length of 60.01 feet, said curve having a radius of 50.00 feet, and a central angle of 68° 46' 12", with a chord bearing of North 24° 05' 13" East, a distance of 56.48 feet, the radius point from beginning of said curve bearing North 31° 31' 41" West;
- 3) thence North 10° 17' 53" West 61.49 feet;
- 4) thence North 20° 59' 36" West 98.53 feet;
- 5) thence North 14° 58' 57" West 110.47 feet;
- 6) thence North 13° 46' 16" West 127.18 feet;
- 7) thence North 16° 39' 33" West 75.83 feet;
- 8) thence North 12° 33' 26" West 87.76 feet;
- 9) thence along a tangent curve to the right an arc length of 34.86 feet, said curve having a radius of 25.00 feet, and a central angle of 79° 53' 06", with a chord bearing of North 27° 23' 07" East, a distance of 32.10 feet, the radius point from beginning of said curve bearing North 77° 26' 34" East, to a point on the existing westerly Right-of-Way of Virginia Lane, a 40 foot public road as shown on said map by Chas H. Widdows, filed in Book of Surveys Volume 4 at Page 263;

thence southeasterly along said Right-of-Way, South 15° 01' 46" East 25.00 feet; thence leaving said Right-of-Way, along a non-tangent curve to the left an arc length of 22.84 feet, said curve having a radius of 20 feet, and a central angle of 65° 26' 32", with a chord bearing of South 20° 09' 50" West, a distance of 21.62 feet, the radius point from beginning of said curve bearing South 37° 06' 54" East; thence in a general southerly direction, along the easterly lines of herein described access easement, the following eight (8) courses:

- 1) South 12° 33' 26" East 68.85 feet;
- 2) thence South 16° 39' 33" East 75.72 feet;
- 3) thence South 13° 46' 16" East 127.33 feet;
- 4) thence South 14° 58' 57" East 109.84 feet;
- 5) thence South 20° 59' 36" East 98.94 feet;
- 6) thence South 10° 17' 53" East 62.43 feet;
- 7) thence along a tangent curve to the right an arc length of 70.02, said curve having a radius of 60.00 feet, and a central angle of 68° 46' 12", with a chord bearing of South 24° 05' 13" West, a distance of 67.77 feet, the radius point from beginning of said curve bearing South 79° 42' 07" West;
- 8) thence South 58° 28' 19" West 78.54 feet; to the east line of the above described Unit A;

thence along the said east line North 27° 53' 58" West 10.02 feet to the herein above described Point "A", also being the **TRUE POINT OF BEGINNING** of herein described Access Easement. Containing 0.17 acres, more or less.

SUBJECT TO special assessments, if any, restrictions, reservations and easements of record.

Bearings and distances are based on the North American Datum of 1983 (NAD83) converted to the California Coordinate System of 1983; Zone 3 (CCS83-III), Survey Feet Units, 1991.35 Epoch Date Adjustment. Multiply distances shown by 1.00005972 to obtain ground distances.

End of Description.

EXHIBIT “B” PLAT MAP

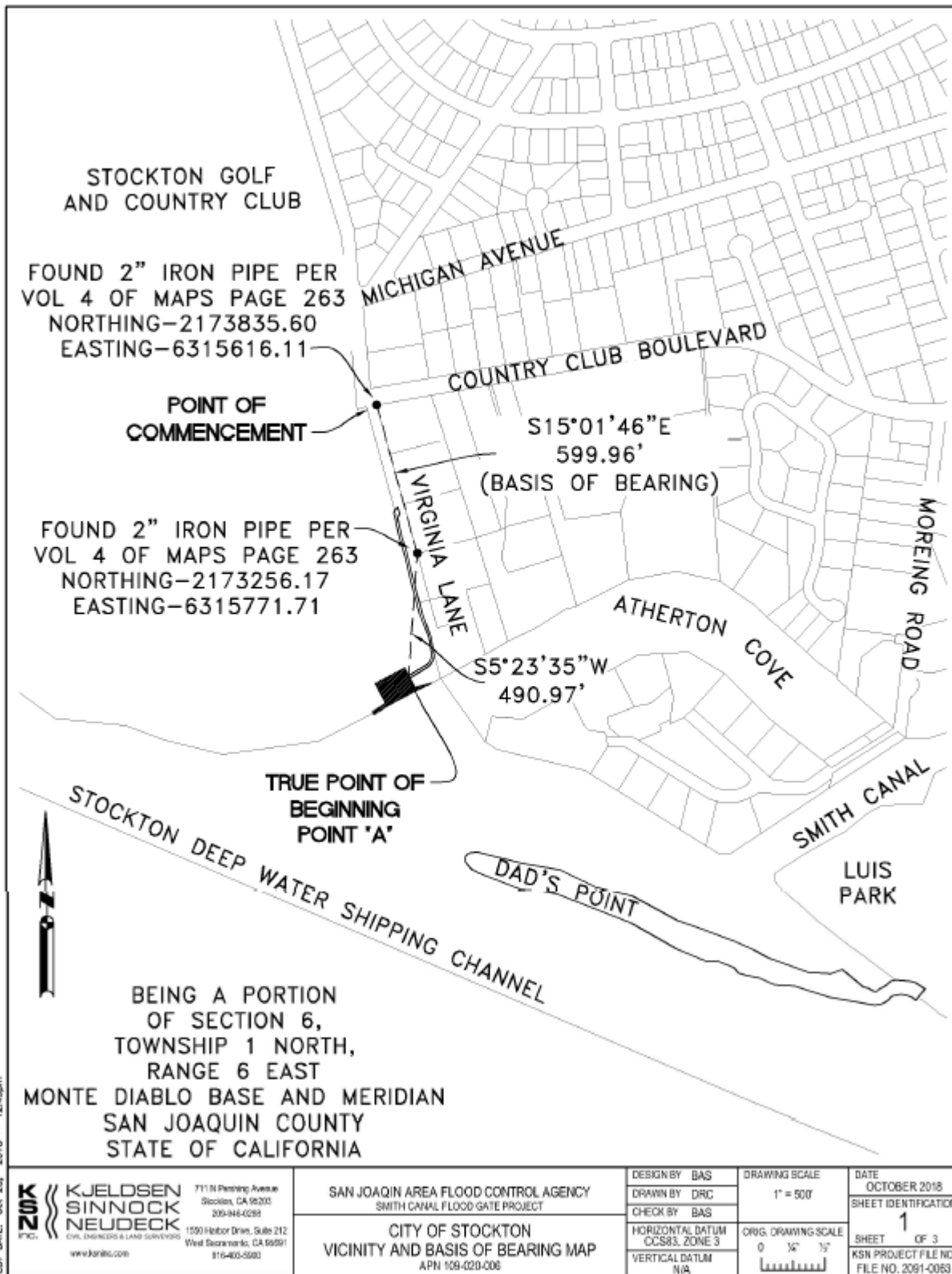


EXHIBIT "B1"
PLAT MAP
UNIT A

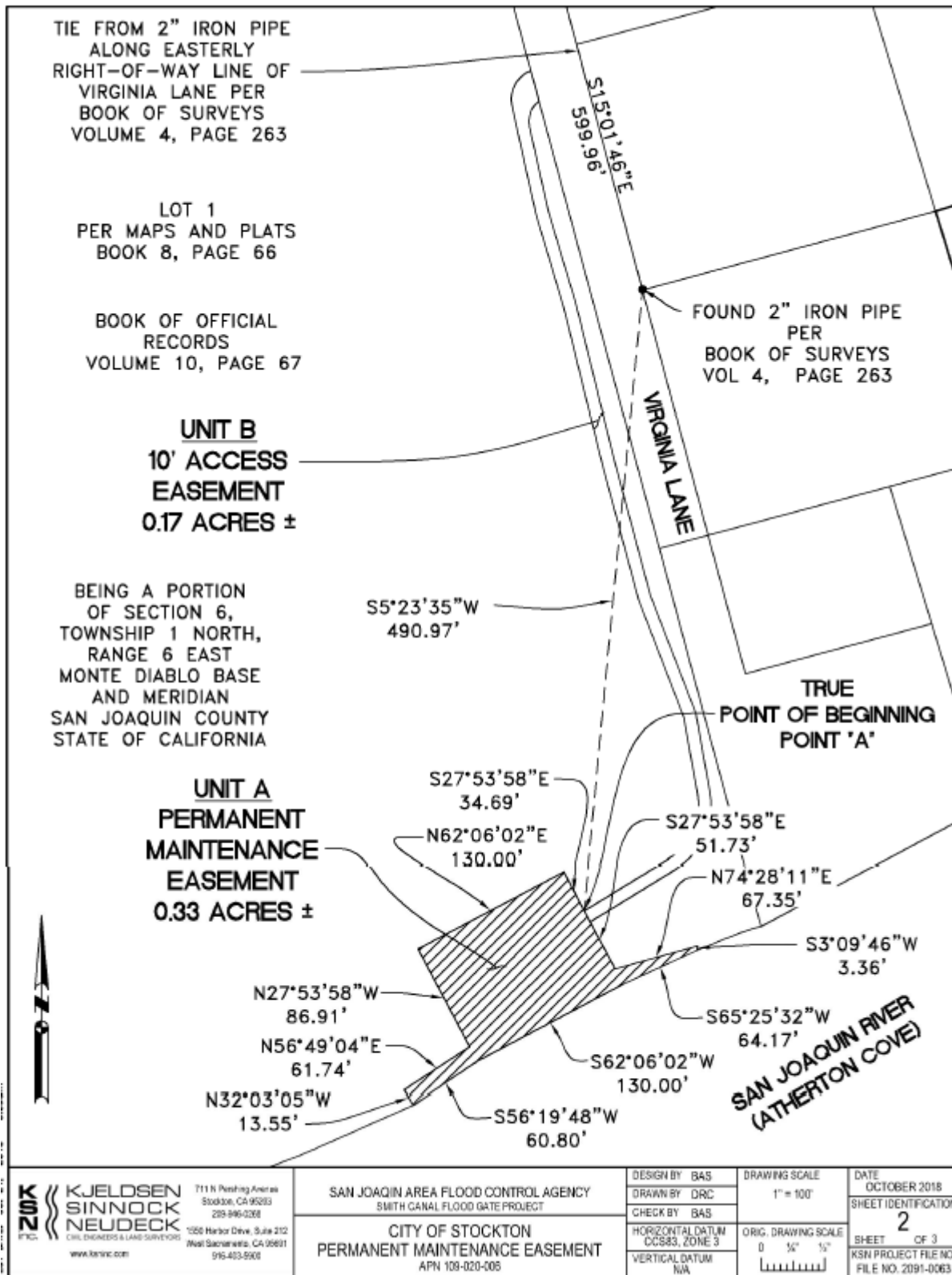


EXHIBIT "B2"
PLAT MAP
UNIT B

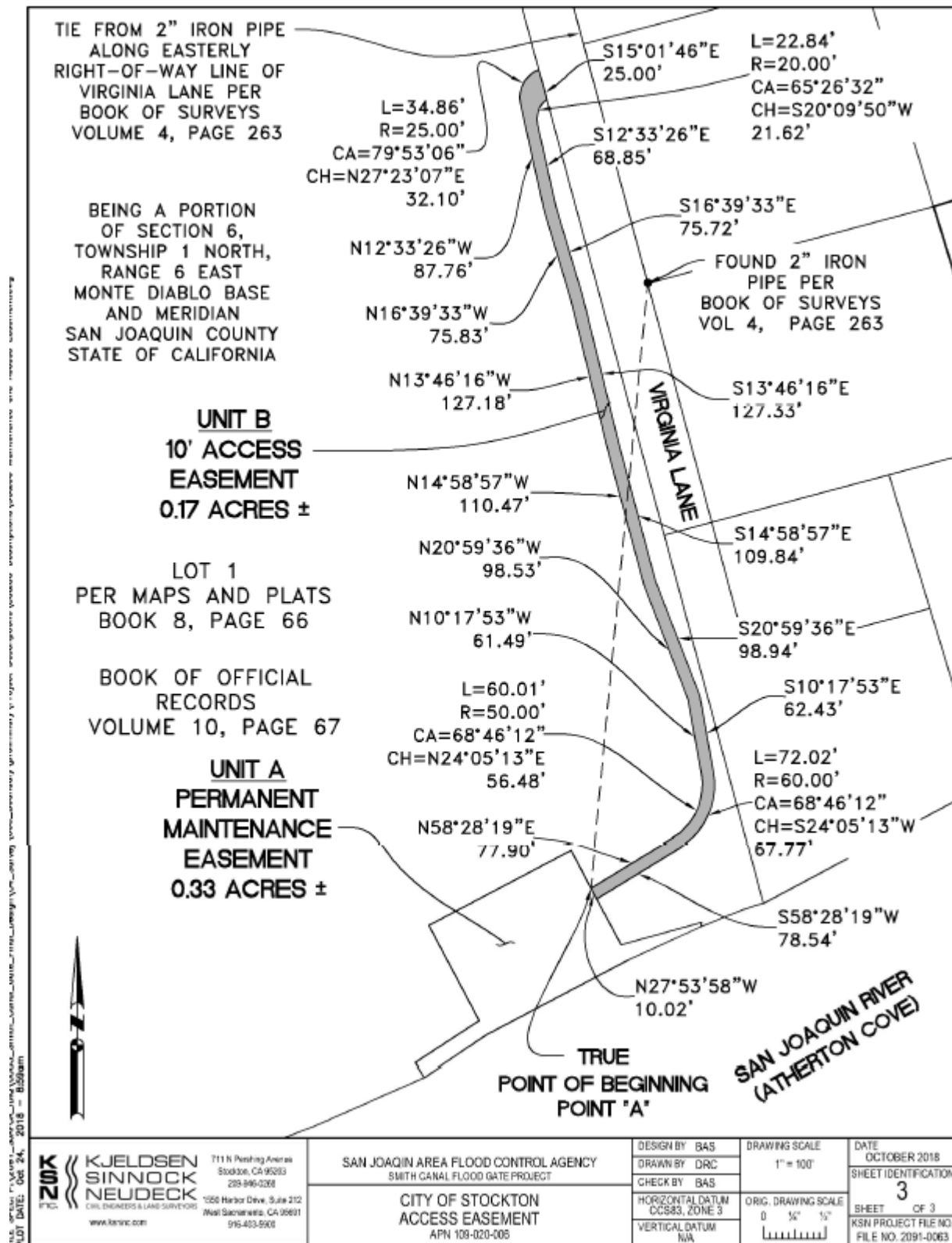


EXHIBIT 2

TEMPORARY CONSTRUCTION EASEMENT

San Joaquin Area Flood Control Agency ("Agency") hereby acquires a Temporary Easement and right of way for the purpose of moving and/or maneuvering construction equipment and vehicles, and the temporary storage of equipment and materials necessary for constructing an access and service road and a permanent maintenance area, together with the temporary storage of spoil or excavated material during the construction work, and any other operations necessary and appurtenant to the construction of said access and service road and permanent maintenance area over, through, and across that certain real property situated in the City of Stockton, County of San Joaquin, State of California, described as follows:

See Exhibit "A", legal description and Exhibit "B" and B1", plats to accompany legal description, attached hereto and made a part hereof.

Together with the right of ingress and egress from said property, for the purpose of exercising and performing all of the rights and privileges herein granted.

Said temporary easement shall be effective for a period of twenty-four months, beginning on the date so ordered by the Court. All works, structures and facilities remaining on said parcel of land after said termination date shall become the property of the Stockton Golf & Country Club and the Agency shall have no obligation to remove, operate or maintain any works, structures, or facilities on said parcel of land.

EXHIBIT "A"
LEGAL DESCRIPTION

DESCRIPTION
STOCKTON GOLF AND COUNTRY CLUB
TEMPORARY CONSTRUCTION EASEMENT
APN 109-020-06

All that certain real property situated in the County of San Joaquin, State of California, Section 6, Township 1 North, Range 6 East, Mont Diablo Base and Meridian, being a portion of Lot 1 as shown on The Map of the Tuxedo Country Club Farms by Budd and Widdows, recorded in Book 8 of Maps at Page 66 filed September 20, 1916, San Joaquin County Records; also being a portion of that certain Grant Deed to Stockton Golf and Country Club, a corporation, recorded in Book of Official Records Volume 10, at Page 67, on April 11, 1924, San Joaquin County Records, described as follows:

COMMENCING at a found 2-inch Iron Pipe, set as the most northwesterly corner of that certain 0.967 Acs. lot as shown on that certain map by Chas H. Widdows, filed in Book of Surveys Volume 4 at Page 263, on December 30, 1937, San Joaquin County Records; thence along the easterly Right-of-Way of Virginia Lane, a 40' wide public roadway, S15°01'46"E 599.96 feet to a found 2-inch Iron Pipe, set at the south westerly corner of that 1.081 Acs. lot as shown on said map by Chas H. Widdows; thence S5°23'35"W 490.97 feet to the most southerly point of herein described Temporary Construction Easement, designated as Point "A", said point also being the **TRUE POINT OF BEGINNING**; thence in a northerly direction along the easterly lines of herein described Temporary Construction Easement, the following eight (8) courses:

- 1) North 58° 28' 19" East 77.90 feet;
- 2) thence along a tangent curve to the left an arc length of 60.01 feet, said curve having a radius of 50.00 feet, and a central angle of 68° 46' 12", with a chord bearing of North 24° 05' 13" East, a distance of 56.48 feet, the radius point from beginning of said curve bearing North 31° 31' 41" West;
- 3) thence North 10° 17' 53" West 61.49 feet;
- 4) thence North 20° 59' 36" West 98.53 feet;
- 5) thence North 14° 58' 57" West 110.47 feet;
- 6) thence North 13° 46' 16" West 127.18 feet;
- 7) thence North 16° 39' 33" West 75.83 feet;
- 8) thence North 12° 33' 26" West 95.66 feet; to the northerly most point of herein described Temporary Construction Easement;

thence along a non-tangent curve to the left, an arc length of 28.91 feet, said curve having a radius of 40.00 feet, and a central angle of 41° 24' 35", with a chord bearing of South 08° 08' 52" West, 28.28 feet, the radius point from the beginning of said curve bearing South 61° 08' 51" East; thence in a general southerly direction, along the westerly lines of herein described Temporary Construction Easement, the following eight (8) courses:

- 1) South 12° 33' 26" East 69.56 feet;
- 2) thence South 16° 39' 33" East 75.93 feet;
- 3) thence South 13° 46' 16" East 127.03 feet;
- 4) thence South 14° 58' 57" East 111.10 feet;

- 5) thence South $20^{\circ} 59' 36''$ East 98.12 feet;
- 6) thence South $00^{\circ} 55' 15''$ East 61.38 feet;
- 7) thence along a non-tangent curve to the right an arc length of 36.01 feet, said curve having a radius of 30.00 feet, and a central angle of $68^{\circ} 46' 12''$, with a chord bearing of South $24^{\circ} 05' 13''$ West, 33.89 feet, the radius point from the beginning of said curve bearing South $79^{\circ} 42' 07''$ West;
- 8) thence South $58^{\circ} 28' 19''$ West 76.63 feet to a point on the easterly line of a proposed Permanent Easement;

thence southerly along the said easterly line of a proposed Permanent Easement, South $27^{\circ} 53' 58''$ East 20.04 feet to herein above described Point "A", also being the **TRUE POINT OF BEGINNING** of herein described Temporary Construction Easement.
Containing 0.19 acres, more or less.

SUBJECT TO special assessments, if any, restrictions, reservations and easements of record.

Bearings and distances are based on the North American Datum of 1983 (NAD83) converted to the California Coordinate System of 1983; Zone 3 (CCS83-III), Survey Feet Units, 1991.35 Epoch Date Adjustment. Multiply distances shown by 1.00005972 to obtain ground distances.

End of Description.

EXHIBIT “B” TCE PLAT MAP

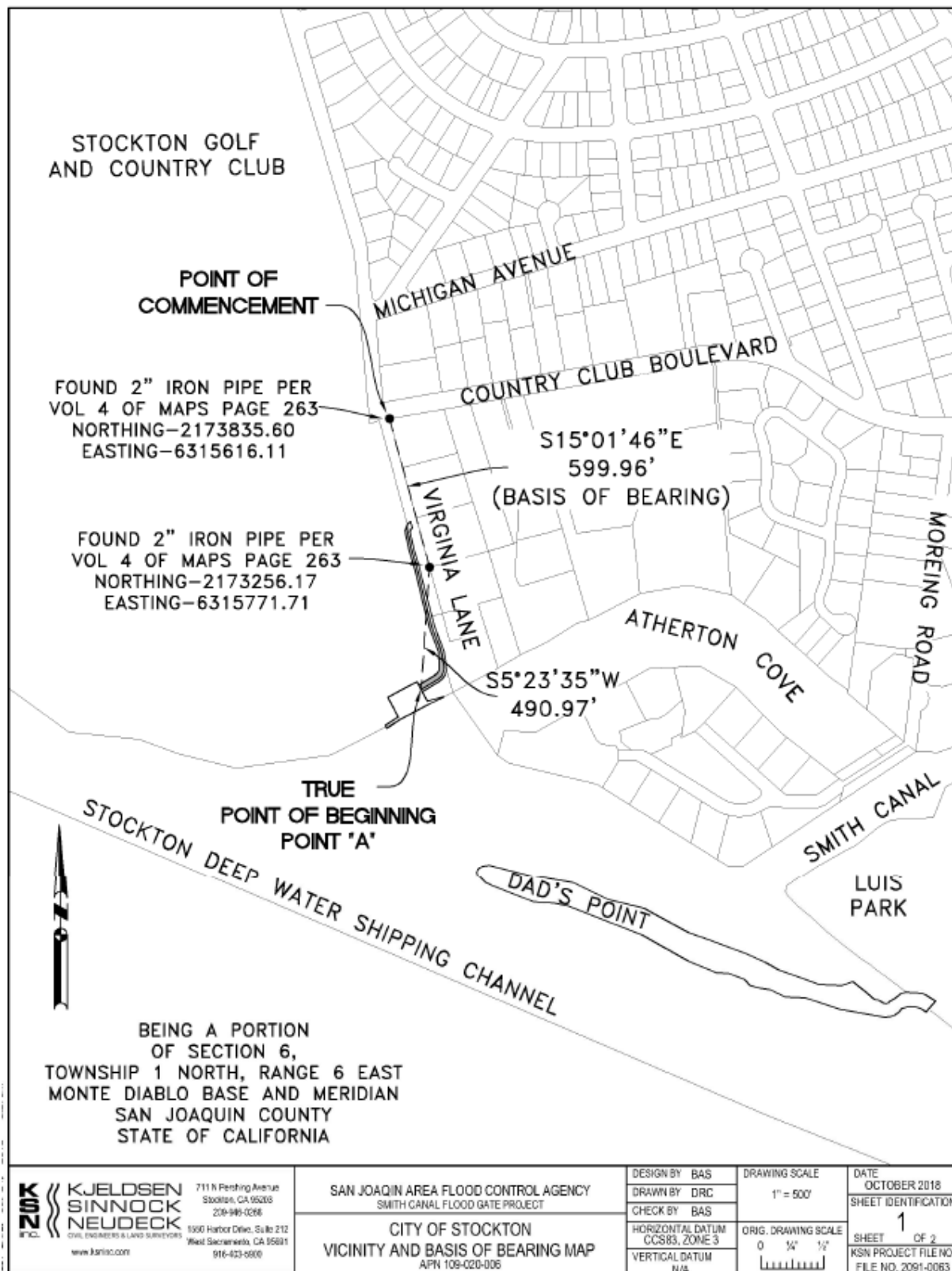
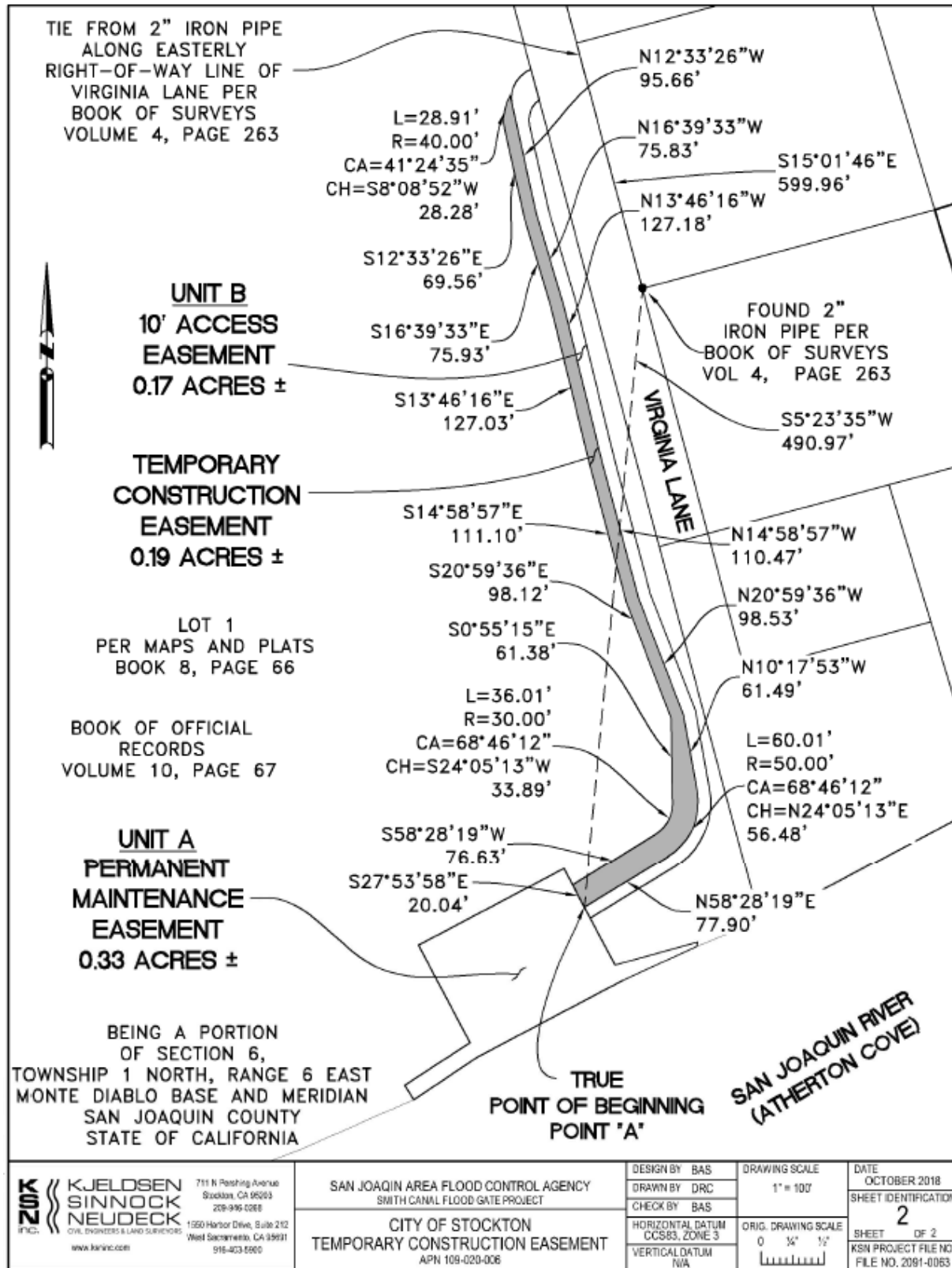


EXHIBIT "B1"
TCE PLAT MAP



**End of Agenda
Packet**