

**Meeting of the Central Valley Flood Protection Board
December 16, 2016**

Permit Staff Report

**Sacramento County Department of Water Resources
Elder Creek Improvements- Phases 1B & 3, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 19045-1. (Attachment B)

2.0 – APPLICANT

Sacramento County Department of Water Resources. (County)

3.0 – PROJECT LOCATION

The project is located approximately 5.5 miles north of the City of Elk Grove along Elder Creek and extends approximately 1.6 miles northeast of Elk Grove-Florin Road and north of Gerber Road.

(Elder Creek, Sacramento County, see Attachment A)

4.0 – PROJECT DESCRIPTION

The County proposes to complete the Elder Creek Improvement Projects (Phase 1B and Phase 3) as part of the broader Drainage Master Plan improvements for the North Vineyard Station Specific and Florin Vineyard Community Plans. Project improvements include drainage features and will re-align, deepen, and widen Elder Creek for approximately 1 mile. Construction activities include: installation of twenty-one (21) cobble lined drop structures, one 42-inch and one 66-inch pipe diameter concrete outfall structure, three concrete lined access ramps, realigning four existing 36-inch culverts at McCoy Ave, replacing the existing bridge at Florin Road with three 14-feet high by 10-foot wide box culverts, and the removal of an abandoned rail road bridge.

5.0 – AUTHORITY OF THE BOARD

California Water Code § 8534, 8590 – 8610.5, and 8700 – 8710

California Code of Regulations Title 23 (Title 23):

- § 6 – Need for a Permit
- § 112 – Streams Regulated and Nonpermissible Work Periods
- § 116 – Borrow and Excavation Activities – Land and Channel
- § 121 – Erosion Control
- § 123 – Pipelines, Conduits and Utility Lines
- § 130 – Patrol Roads and Access Ramps

6.0 – PROJECT ANALYSIS

The overall Drainage Master Plan for the North Vineyard Station Specific and Florin Vineyard Community areas is designed to provide flood protection, open space, and recreational benefits for a future residential development, which is in the planning stages. The proposed project includes a re-aligned meandering channel with adjacent wetlands, riparian benches, and nesting islands creating several open space corridor enhancements. In August of 2015, the County received a permit (Permit No.19045) from the Central Valley Flood Protection Board for Phase 1A of the Elder Creek Improvement Project. Phase 1A consisted of improvements along Elder Creek in the same project area. The County is requesting approval of the next phases (Phase 1B and Phase 3) to complete the stream improvement project (Attachment C). The combined total span for the three phases will be approximately 1.6 miles.

Approximately 145,000 cubic-yards of material will be excavated to re-align, deepen, and improve the channel to an average top width of approximately 100 feet and a bottom width of 50 feet. The channel improvements will increase the channel capacity to accommodate 200-year flows. Twenty-one (21) cobble lined drop structures will be installed to provide erosion protection along the channel for local upland drainage from Gerber Creek and future development. One 42-inch and one 66-inch pipe diameter concrete outfall structure will also be installed for the runoff water and upland drainage that flows into Elder Creek. Three concrete lined access ramps will be installed to provide access for channel maintenance. Four existing 36-inch culverts will be realigned and lengthened at McCoy Ave to accommodate the new channel alignment. The existing bridge at Florin Road will be replaced with three 14-foot high by 10-foot wide

box culverts, which will prevent overtopping onto Florin Road during high water events. Finally, an abandoned rail road bridge will be removed to allow for channel widening.

6.1 – Hydraulic Analysis

A one-dimensional (1D) hydraulic model of Elder Creek was developed using the U.S. Army Corps of Engineers (USACE) Hydrologic Engineering Center's River Analysis System (HEC-RAS) model. Both existing and proposed conditions were modeled for the 100-year, 200-year, and 500-year events. The HEC-RAS hydraulic analysis shows there will be no rise in water surface elevation and downstream flowrates are expected to be reduced as a result of the channel enlargement and drainage features added by the project.

The Urban Level of Flood Protection (ULOP) Criteria document, which was produced by Department of Water Resources in November 2013, states that any particular location is only subject to ULOP standards if it is located within a watershed that is larger than 10 square miles. The County's Master Plan includes the proposed project location to be within an urbanizing area, but since the Elder Creek watershed area is only 7.8 square miles, the proposed Elder Creek improvements are exempt from the 200-year ULOP requirements. Nevertheless, the County decided to alter the stream and install culverts that will accommodate 200-year flows to prevent flooding of Florin Road, which is a commonly used road in the area. The culverts at McCoy Avenue will not be enlarged and the road will continue to overtop during 100-year events. The County plans to construct a new road that will provide access to existing homes and the future residential development. The County has also worked closely with the Sacramento Area Flood Control Agency to ensure that upstream development does not adversely impact Morrison Creek, which is approximately 4.3 miles downstream and a part of the South Sacramento Streams Group Project.

Based on Board staff's review, the proposed project is expected to have no adverse hydraulic impacts to Elder Creek.

6.2 – Geotechnical Analysis

A geotechnical analysis was not required for this project since there are no levees involved. However, based on Board staff's review of the proposed project, there will be no adverse geotechnical impacts to Elder Creek because all excavated materials and imported rock slope protection along the channel will be placed per current Title 23 standards.

6.3 – Protest Letter Received

Board staff received a protest letter from an adjacent landowner of the project on October 22, 2016 (Attachment D). The protestor expressed concerns that the proposed project may potentially direct “High & Speedy Flood Waters” toward their property. The County’s hydraulic analysis shows that the water surface elevation will be lowered and the velocity will be reduced from 1.93 feet per second to 1.19 feet per second.

Board staff has reviewed the provided HEC-RAS model and hydraulic report and has determined that there will be no negative hydraulic impacts to the adjacent landowner as a result of the project. The project will lower water surface elevations and reduce flow velocities on Elder Creek. In addition, the proposed work will be confined to the County’s existing drainage easement (Attachment E).

7.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- Sacramento County Department of Water Resources endorsed the project on July 21, 2016, with no conditions.
- The USACE 33 U.S.C. 408 approval letter has been received for this application. The USACE Sacramento District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project. The letter is incorporated into the permit as Exhibit A.

8.0 – CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) findings:

The Board, as a responsible agency under CEQA, has independently reviewed the Draft Environmental Impact Report (DEIR, SCH No. 1996032057, July 1997) for the North Vineyard Station Specific Plan, the Final Supplemental Environmental Impact Report (FSEIR, SCH No. 2004032104, July 2004), and the Mitigation Monitoring and

Reporting Plan (MMRP) prepared by the lead agency, Sacramento County (incorporated herein by reference). These documents, including project design, may be viewed or downloaded from the Board website at <http://cvfpb.ca.gov/event/december-2016-board-meeting/> under a link for this agenda item, and are also available for review in hard copy at the Board and Sacramento County offices.

The Sacramento County Board of Supervisors determined on February 26, 2007 that the project examined in the FSEIR would not have a significant effect on the environment and filed a Notice of Determination on March 2, 2007 with the Sacramento County Clerk. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's MMRP and address impacts to air quality, biological resources, cultural resources, noise, and transportation. The description of the mitigation measures are further described in the adopted MMRP.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of the Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Suite 170, Sacramento, California 95821.

9.0 – CALIFORNIA WATER CODE SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on facilities of the State Plan of Flood Control (SPFC), and consistency of the proposed project with the Central Valley Flood Protection Plan (CVFPP) as adopted by Board Resolution 2012-25 on June 29, 2012:

The proposed project is expected to result in no adverse hydraulic or geotechnical impacts on the facilities of the SPFC and is consistent with the CVFPP and current Title 23 standards since the project is located greater than 4 miles outside the SPFC. There are no significant increases in water surface elevation, or increases in channel velocities on Elder Creek due to the project.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There will be no effects to the proposed project from reasonable projected future events because the project provides a multi-benefit design for the development of this reach of Elder Creek that has been incorporated into the County's Master Plan for future area development. The Master Plan in this area provides flood protection improvements, as well as open space corridor enhancements. In the event of climate change and a large increase in flows, levees may need to be constructed along Elder Creek.

10.0 – STAFF RECOMMENDATION

Staff Recommends that the Board:

Adopt:

- The CEQA findings;

Approve:

- Encroachment Permit No. 19045-1 in substantially the form provided; and

Direct:

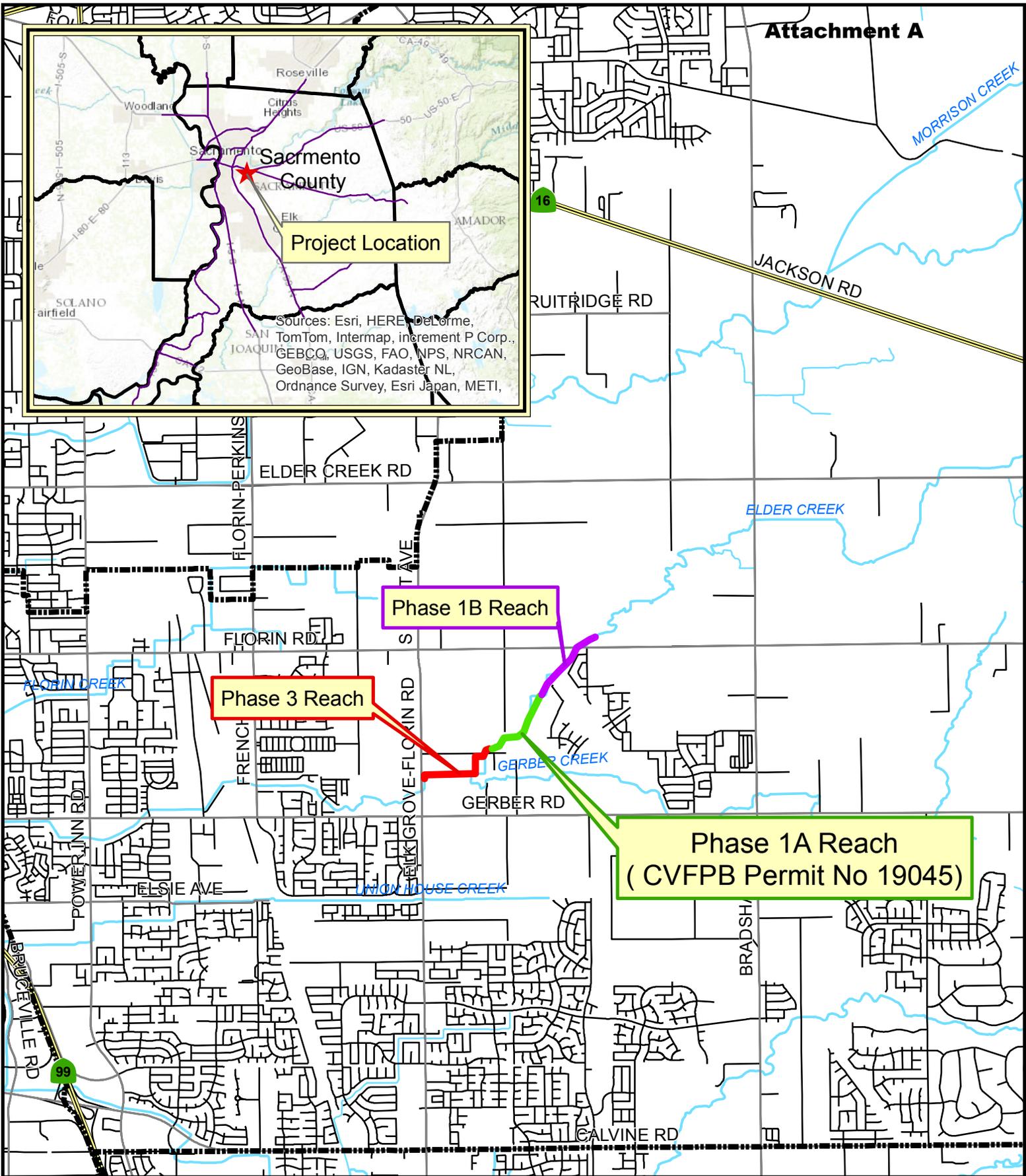
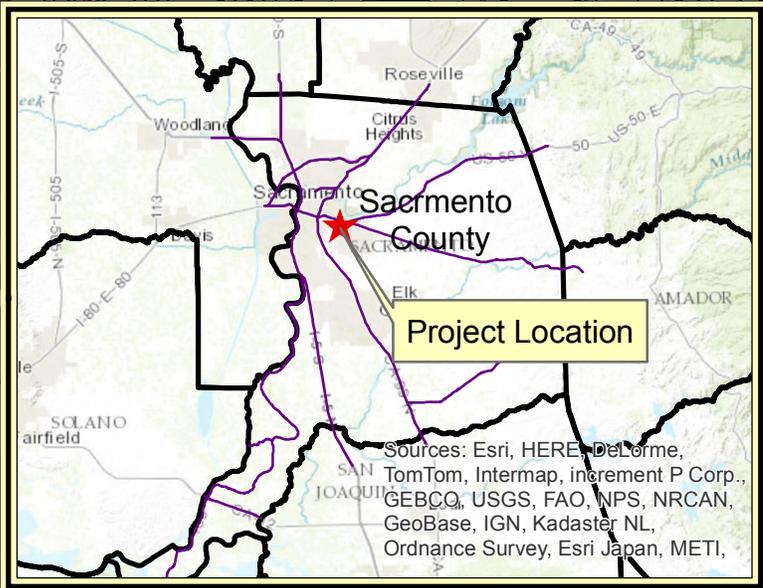
- The Executive Officer to take the necessary actions to execute the permit and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

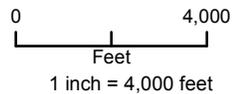
- A. Location Maps and Photos
- B. Draft Permit No. 19045-1

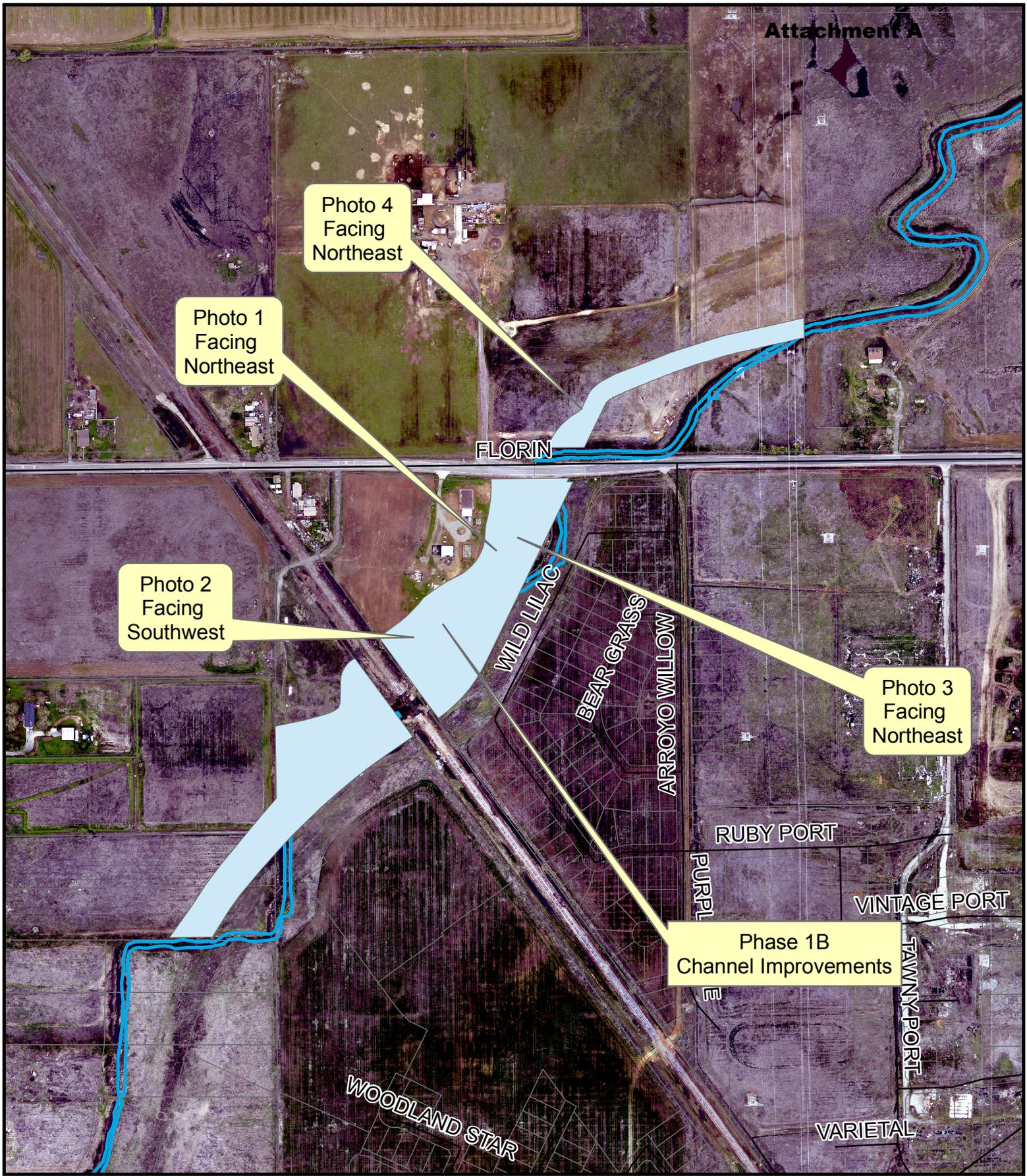
- C. Plans
- D. Protest letter
- E. Drainage Easement

Design Review:	Remy Gill
Environmental Review:	James Herota, Senior Environmental Scientist (Specialist)
Document Review:	Gary Lemon, PE, Permitting Section Chief
	Michael Wright, PE, Acting Operations Branch Chief
	Mitra Emami, PE, Acting Chief Engineer
Legal Review:	Kanwarjit Dua, Board Counsel



Vicinity Map
 Elder Creek Improvements
 Phases 1B and 3





Site Photos
Phase 1B Elder Creek Improvements



1 inch = 400 feet



Department of Water Resources

Site Photos – Phase 1B Channel Improvement Reach



Photo 1



Photo 2



Photo 3

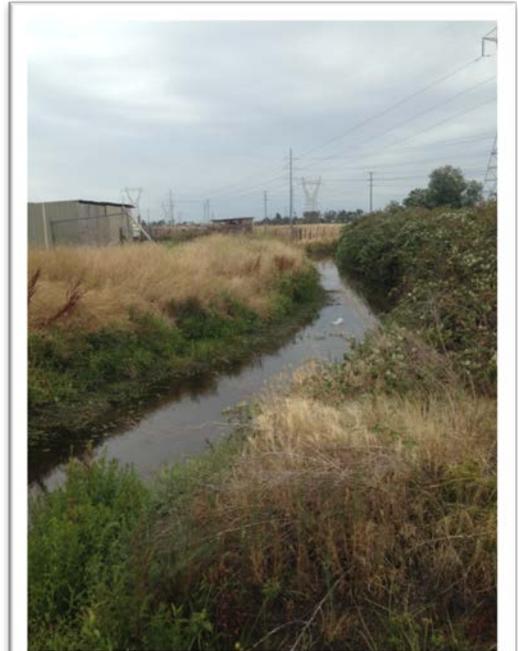


Photo 4



Photo 2 Facing Northwest

Photo 3 Facing East

Photo 4 Facing South

Photo 1 Facing North

Phase 3 Elder Creek Channel Improvements

Site Photos
Phase 3 Elder Creek Improvements



1 inch = 400 feet

Site Photos – Phase 3 Channel Improvement Reach



Photo 1



Photo 2



Photo 3

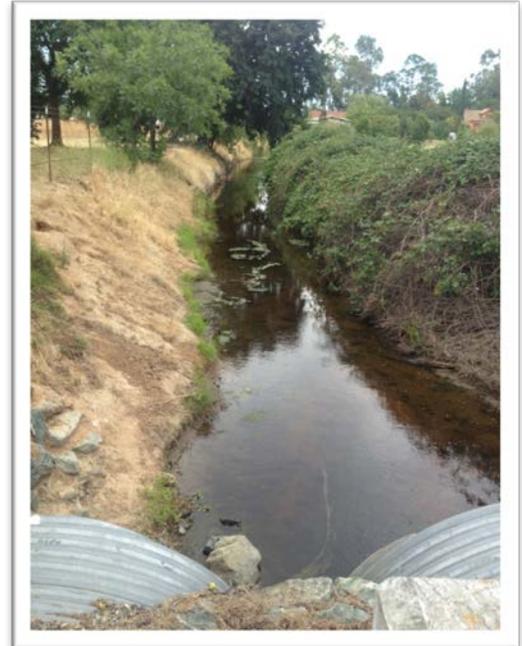


Photo 4

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19045-1 BD

This Permit is issued to:

Sacramento County Department of Water Resources
827 7th Street, Room 301
Sacramento, California 95814

To complete the Elder Creek Improvement Projects (Phase 1B and Phase 3) as part of the broader Drainage Master Plan improvements for the North Vineyard Station Specific and Florin Vineyard Community Plans. Project improvements include drainage features and will re-align, deepen, and widen Elder Creek for approximately 1 mile. Construction activities include: installation of twenty-one (21) cobble lined drop structures, one 42-inch and one 66-inch pipe diameter concrete outfall structure, three concrete lined access ramps, realigning four existing 36-inch culverts at McCoy Ave, replacing the existing bridge at Florin Road with three 14-foot high by 10-foot wide box culverts, and the removal of an abandoned rail road bridge.

The project is located approximately 5.5 miles north of the City of Elk Grove along Elder Creek and extends approximately 1.6 miles northeast of Elk Grove-Florin Road and north of Gerber Road, at 38.48398°N 121.37181°W, Elder Creek, Sacramento County, CA.

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 19045-1 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board (Board) and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Board and the State, safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation,

maintenance, inspection, or emergency repair.

AGENCY CONDITIONS

SIXTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications that were submitted to the Board on September 21, 2016, except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

SEVENTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

NINETEEN: A letter received from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated October 26, 2016 is attached to this permit as Exhibit A in reference to this project.

TWENTY: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

PRE-CONSTRUCTION

TWENTY-ONE: Upon receipt of a signed copy of the issued permit the permittee shall contact the Board by telephone at (916) 574-0609, and submit the enclosed postcard, to schedule a preconstruction conference with the inspector that is assigned to your project. Failure to do so at least 10 working days prior to start of work may result in a delay of the project.

CONSTRUCTION

TWENTY-TWO: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Board. Failure to submit a Time Variance Request to the Board at least 10 working days prior to November 1 may result in a delay of the project.

TWENTY-THREE: No plantings, other than erosion control seeding, shall be performed within the project area without prior approval of the Board.

TWENTY-FOUR: Revetment shall be uniformly placed and properly transitioned into the bank or adjacent revetment and in a manner which avoids segregation.

TWENTY-FIVE: Adequate revetment shall be placed at the discharge end of outfall pipes to prevent

erosion.

TWENTY-SIX: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

TWENTY-SEVEN: Backfill material for excavations shall be placed in four (4) to six (6) inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

POST-CONSTRUCTION

TWENTY-EIGHT: All debris generated by this project shall be properly disposed of outside Elder Creek.

TWENTY-NINE: Elder Creek shall be restored to at least the condition that existed prior to commencement of work.

THIRTY: The permittee shall be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

THIRTY-ONE: If erosion occurs adjacent to the permitted encroachment(s), the permittee shall repair the eroded areas and place adequate revetment on the affected areas to prevent further erosion.

THIRTY-TWO: Upon completion of the project, the permittee shall submit as-constructed drawings to the Board and to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

OPERATIONS AND MAINTENANCE

THIRTY-THREE: After each period of high water, debris that accumulates at the site shall be completely removed from the floodway.

THIRTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Central Valley Flood Protection Board, the Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

THIRTY-FIVE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Board or Department of Water Resources. If the permittee does not comply, the Board may modify or remove the encroachment(s) at the permittee's expense.

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

THIRTY-SIX: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Board at the permittee's or successor's cost and expense.

THIRTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Exhibit A

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (19045-1)

~~OCT 26 2016~~

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Ms. Gallagher:

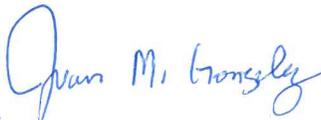
We have reviewed permit application number 19045-1 submitted by Sacramento County Department of Water Resources. This project will re-align, deepen, widen, and construct drainage features for approximately 5,700 feet of Elder Creek, and will provide improvements needed to create wetland, riparian, and upland habitats within an Open Space Preserve. The project is located at Elk Grove Florin Road and follows Elder Creek to a point approximately 0.1 miles north of Florin Road, at 38.483979°N 121.371809°W NAD83, Sacramento County, CA.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A Section 10 and/or Section 404 permit (SPK-2003-00245) has been issued for this work.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821.

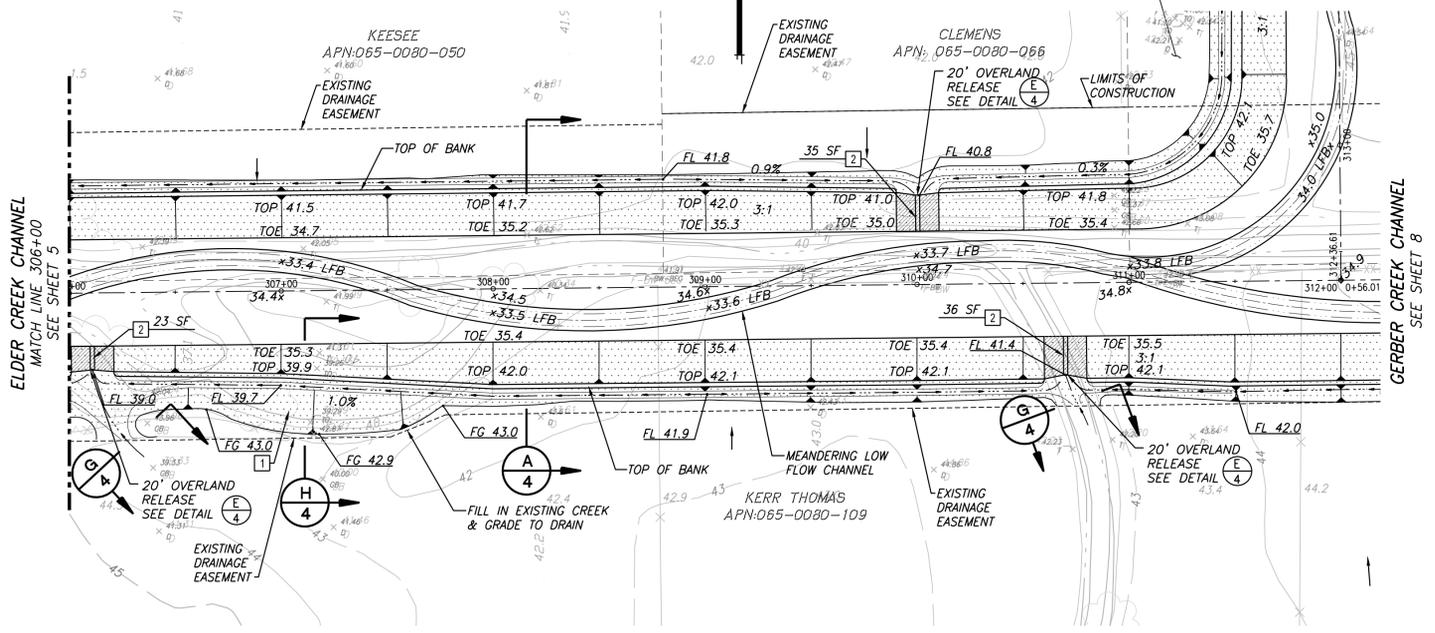
Sincerely,

Post 
Ryan Larson, P.E.

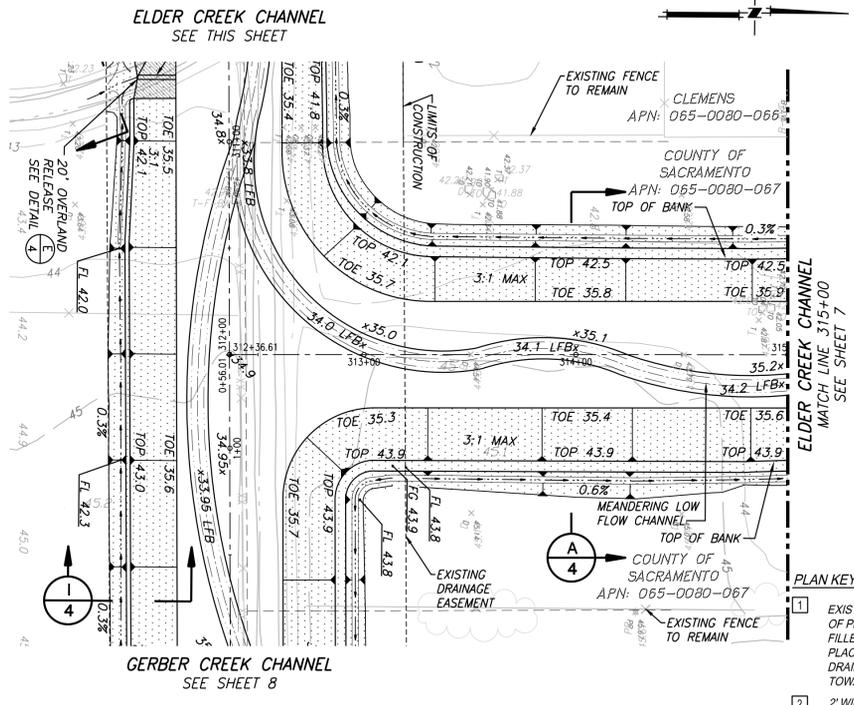
Chief, Flood Protection and Navigation Section

DRAINAGE CHANNEL AS-BUILT
 WE HEREBY STATE THE ELEVATIONS OF THE GROUND ARE AS SHOWN WITHIN THE <-> SYMBOL ON THIS PLAN, ON THE SPECIFIED DATE AND ARE WITHIN 0.2' OF DESIGN ELEVATION.

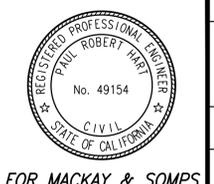
PAUL R. HART R.C.E. 49154 _____ DATE _____



ELDER CREEK CHANNEL
 STA 306+00.00 TO STA 312+00.00



ELDER CREEK CHANNEL
 STA 312+36.61 TO STA 315+00.00



FOR MACKAY & SOMPS
 NOTE: DATUM FOR THIS PROJECT IS NGVD 29
 PRELIMINARY NOT FOR CONSTRUCTION

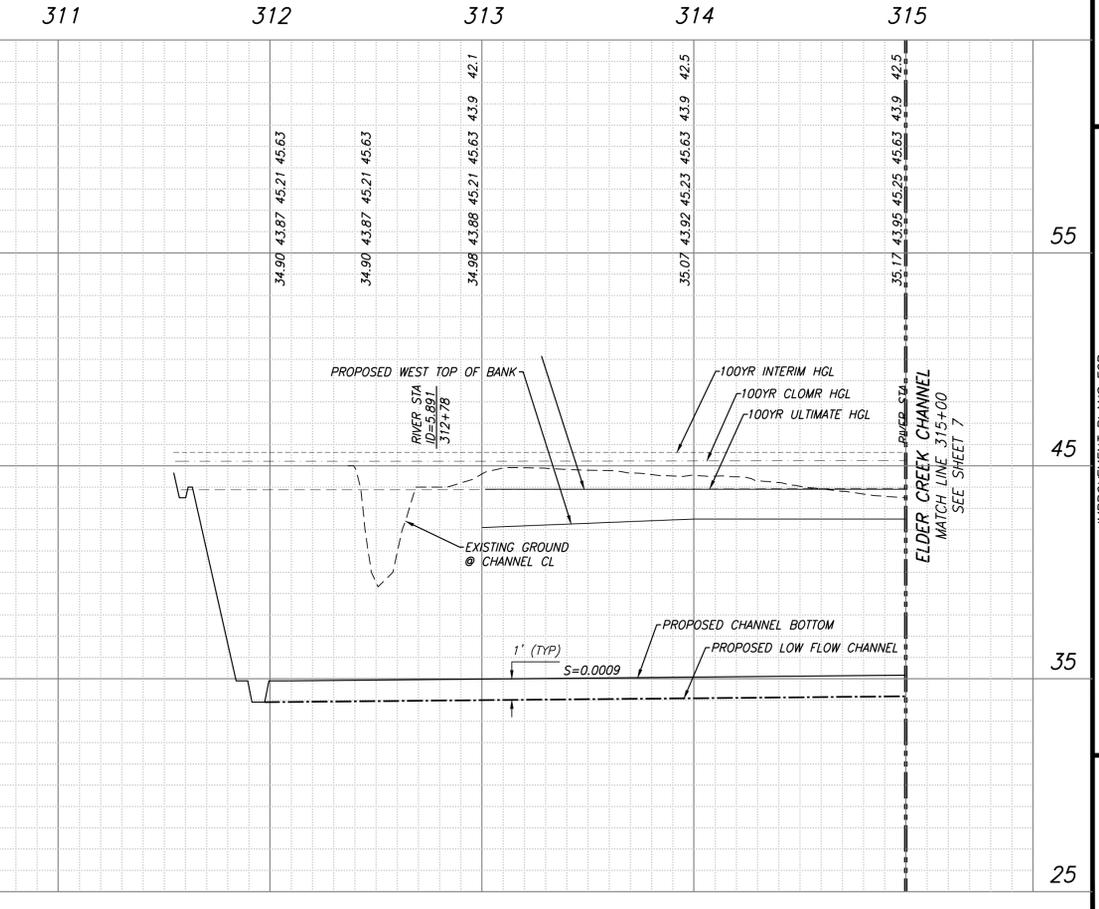
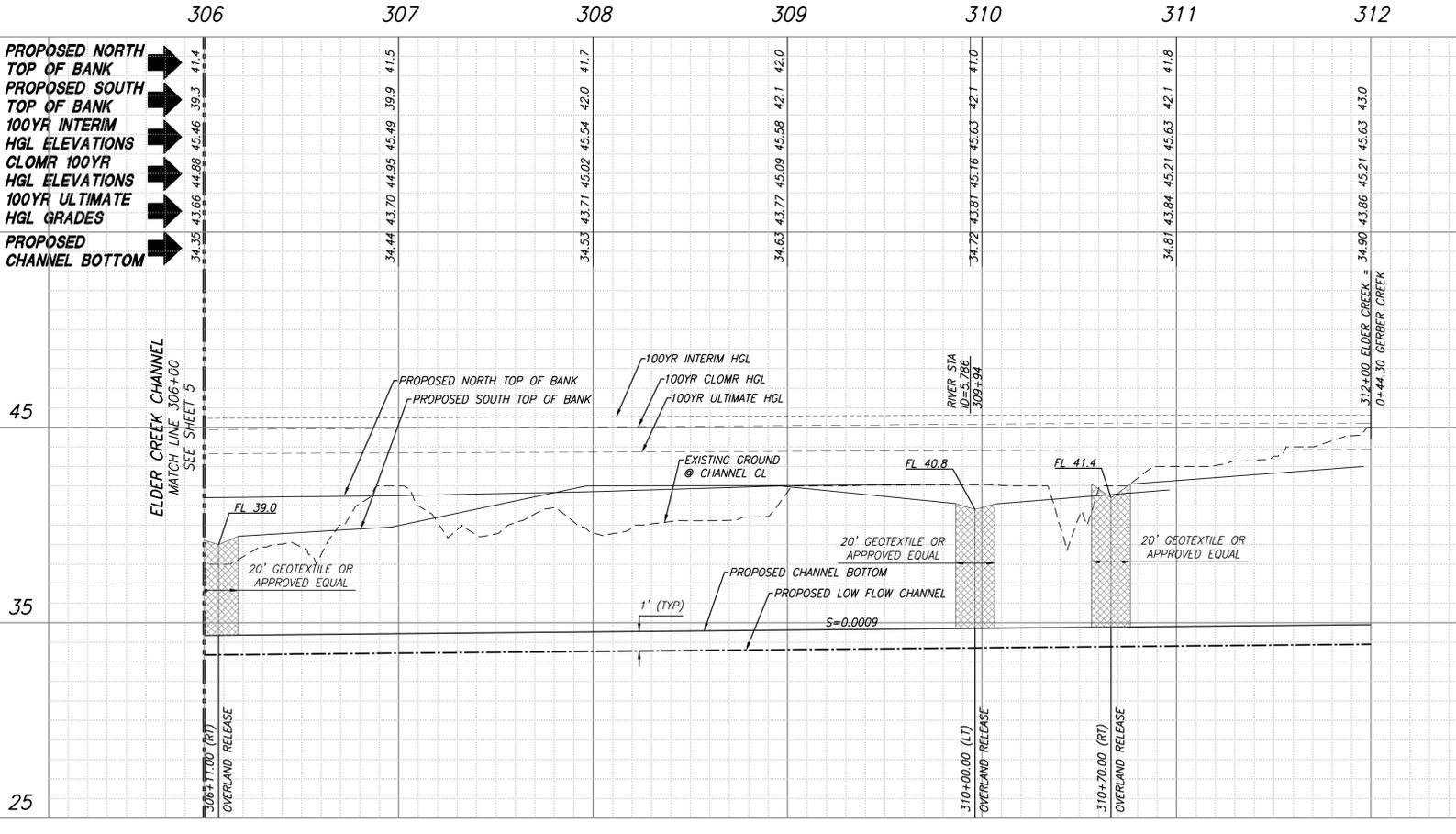
0 20 40 80
 SCALE: 1"=40'

PLAN KEYNOTES

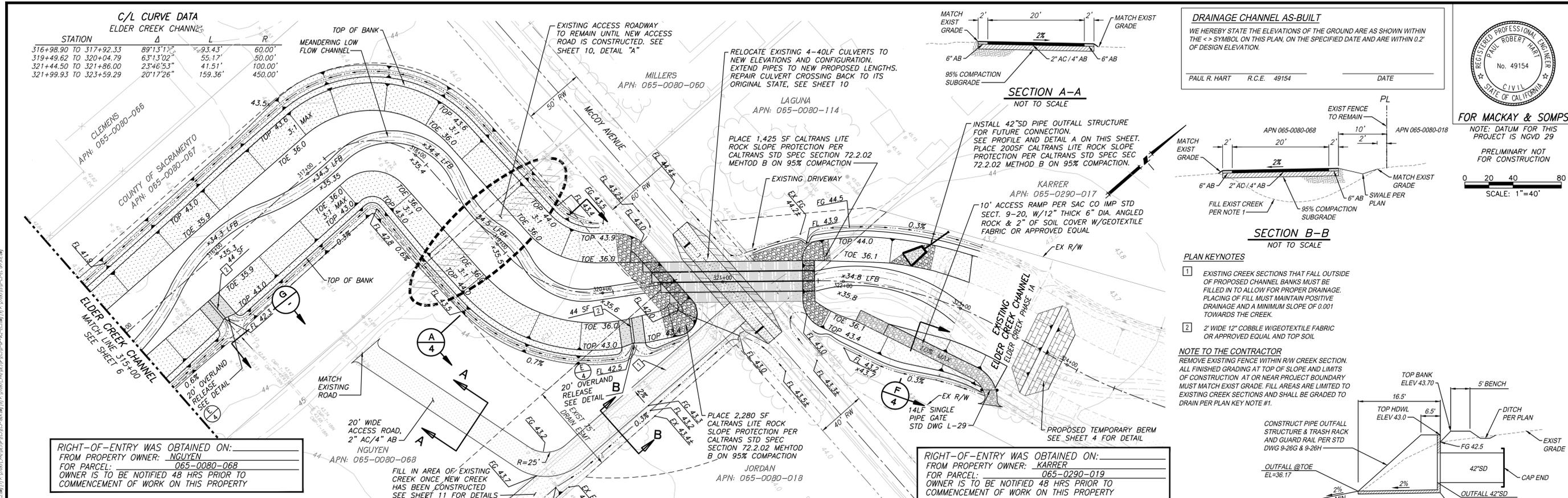
1 EXISTING CREEK SECTIONS THAT FALL OUTSIDE OF PROPOSED CHANNEL BANKS MUST BE FILLED IN TO ALLOW FOR PROPER DRAINAGE. PLACING OF FILL MUST MAINTAIN POSITIVE DRAINAGE AND A MINIMUM SLOPE OF 0.001 TOWARDS THE CREEK.

2 2' WIDE 12" COBBLE W/GEOTEXTILE FABRIC OR APPROVED EQUAL AND TOP SOIL.

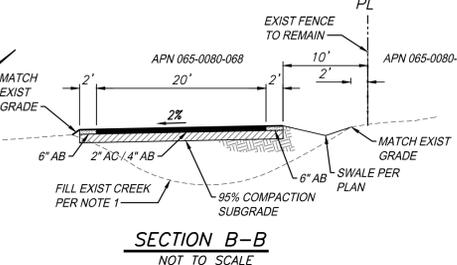
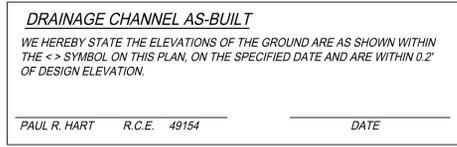
NOTE TO THE CONTRACTOR
 REMOVE EXISTING FENCE WITHIN RW CREEK SECTION. ALL FINISHED GRADING AT TOP OF SLOPE AND LIMITS OF CONSTRUCTION AT OR NEAR PROJECT BOUNDARY MUST MATCH EXIST GRADE. FILL AREAS ARE LIMITED TO EXISTING CREEK SECTIONS AND SHALL BE GRADED TO DRAIN PER PLAN KEY NOTE #1.



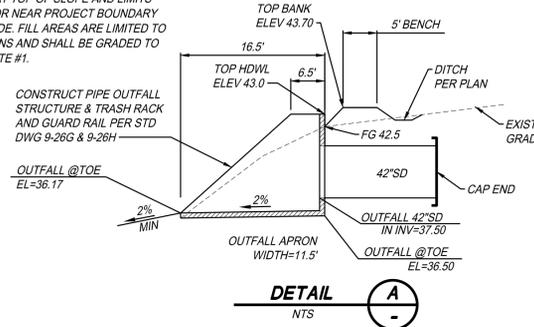
DATE: OCTOBER, 2015	NO.	REVISION
SCALE: H.T. = 40' V.T. = 4'	STAFF	STAFF
DRAWN BY: MACKAY & SOMPS	DESIGNED BY: MACKAY & SOMPS	CHECKED BY: MACKAY & SOMPS
DATE: 10/17/15	NO.	REVISION
MACKAY & SOMPS ENGINEERS 1535 E. Main Street, Suite 100, Redlands, CA 92374		
ELDER CREEK PHASE 3 & GERBER CREEK PHASE 2 ELDER CREEK STA 306+00.00 TO STA 315+00.00 SACRAMENTO, CALIFORNIA		
SHEET 6 OF 16	PROJECT NO. 27095-EC3	



ELDER CREEK CHANNEL
STA 315+00.00 TO STA 323+00.00



- PLAN KEYNOTES**
- EXISTING CREEK SECTIONS THAT FALL OUTSIDE OF PROPOSED CHANNEL BANKS MUST BE FILLED IN TO ALLOW FOR PROPER DRAINAGE. PLACING OF FILL MUST MAINTAIN POSITIVE DRAINAGE AND A MINIMUM SLOPE OF 0.001 TOWARDS THE CREEK.
 - 2' WIDE 12" COBBLE W/GEOTEXTILE FABRIC OR APPROVED EQUAL AND TOP SOIL.
- NOTE TO THE CONTRACTOR**
REMOVE EXISTING FENCE WITHIN RW CREEK SECTION. ALL FINISHED GRADING AT TOP OF SLOPE AND LIMITS OF CONSTRUCTION AT OR NEAR PROJECT BOUNDARY MUST MATCH EXIST GRADE. FILL AREAS ARE LIMITED TO EXISTING CREEK SECTIONS AND SHALL BE GRADED TO DRAIN PER PLAN KEY NOTE #1.



STATION	PROPOSED WEST TOP OF BANK	PROPOSED EAST TOP OF BANK	100YR INTERIM HGL ELEVATIONS	CLOMR 100YR HGL ELEVATIONS	100YR ULTIMATE HGL GRADES	PROPOSED CHANNEL BOTTOM
315	42.5	43.0	45.25	45.63	43.9	35.17
316	43.0	43.5	45.27	45.63	43.0	35.26
317	43.6	44.0	45.30	45.63	43.0	35.35
318	43.6	44.0	45.32	45.68	43.0	35.44
319	44.0	44.5	45.35	45.73	44.0	35.53
320	43.9	44.5	45.37	45.86	43.0	35.62
321	44.0	44.5	45.66	45.89	43.4	35.71
322	44.0	44.5	46.10	45.91	43.4	35.81
323	43.5	44.0	46.12	45.94	43.0	35.90
324	43.5	44.0	46.13	45.95	43.0	35.99

42"SD OUTFALL
STA 322+52.00

REGISTERED PROFESSIONAL ENGINEER
PAUL ROBERT HART
No. 49154
CIVIL
STATE OF CALIFORNIA

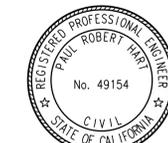
FOR MACKAY & SOMPS
NOTE: DATUM FOR THIS PROJECT IS NGVD 29
PRELIMINARY NOT FOR CONSTRUCTION
0 20 40 80
SCALE: 1"=40'

DATE: OCTOBER, 2015
SCALE: H.T.=40' V.T.=4'
DRAWN BY: STAFF
DESIGNED BY: STAFF
CHECKED BY: STAFF

MACKAY & SOMPS
PLANNERS
ENGINEERS
1535 E. 9th Ave., Suite 100, Redwood City, CA 94061
(650) 717-9110

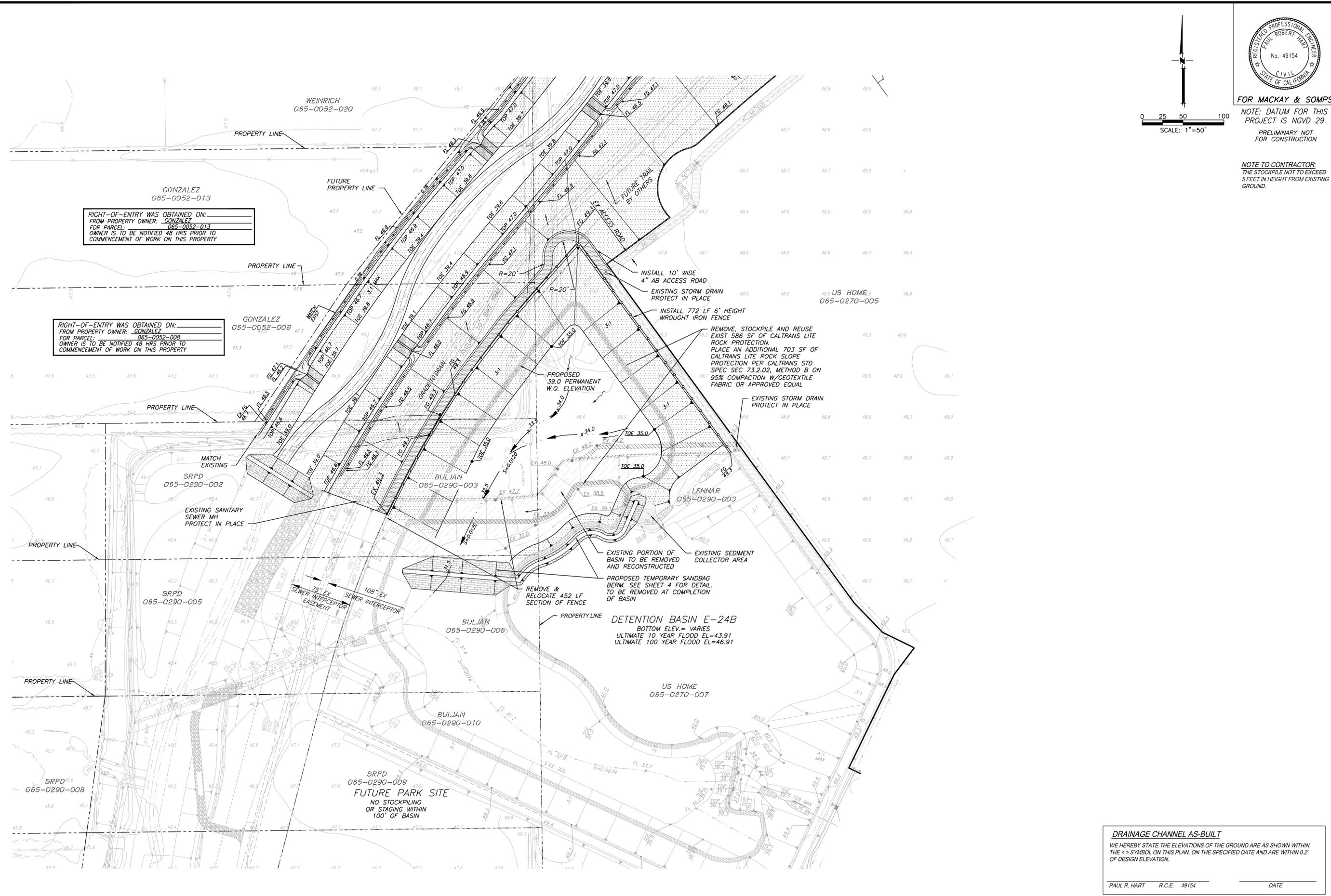
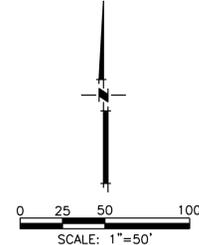
IMPROVEMENT PLANS FOR
ELDER CREEK PHASE 3 & GERBER CREEK PHASE 2
ELDER CREEK STA 315+00.00 TO STA 323+00.00
SACRAMENTO, CALIFORNIA

SHEET 7 OF 16
PROJECT NO. 27095-EC3



FOR MACKAY & SOMPS
NOTE: DATUM FOR THIS PROJECT IS NGVD 29
PRELIMINARY NOT FOR CONSTRUCTION

NOTE TO CONTRACTOR:
THE STOCKPILE NOT TO EXCEED 5 FEET IN HEIGHT FROM EXISTING GROUND.



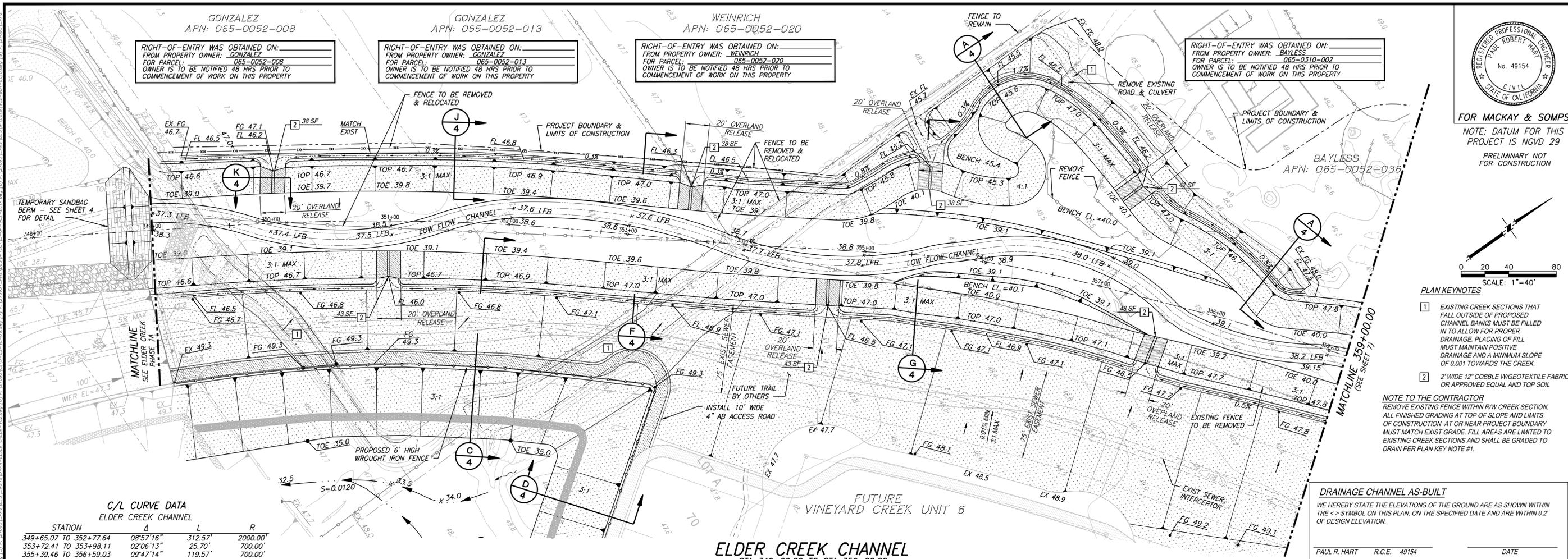
DRAINAGE CHANNEL AS-BUILT
WE HEREBY STATE THE ELEVATIONS OF THE GROUND ARE AS SHOWN WITHIN THE <-> SYMBOL ON THIS PLAN, ON THE SPECIFIED DATE AND ARE WITHIN 0.2' OF DESIGN ELEVATION.
PAUL R. HART R.C.E. 49154 DATE

DATE: NOVEMBER, 2015
SCALE: 1"=50'
DRAWN BY: STAFF
DESIGNED BY: VH
CHECKED BY: PH

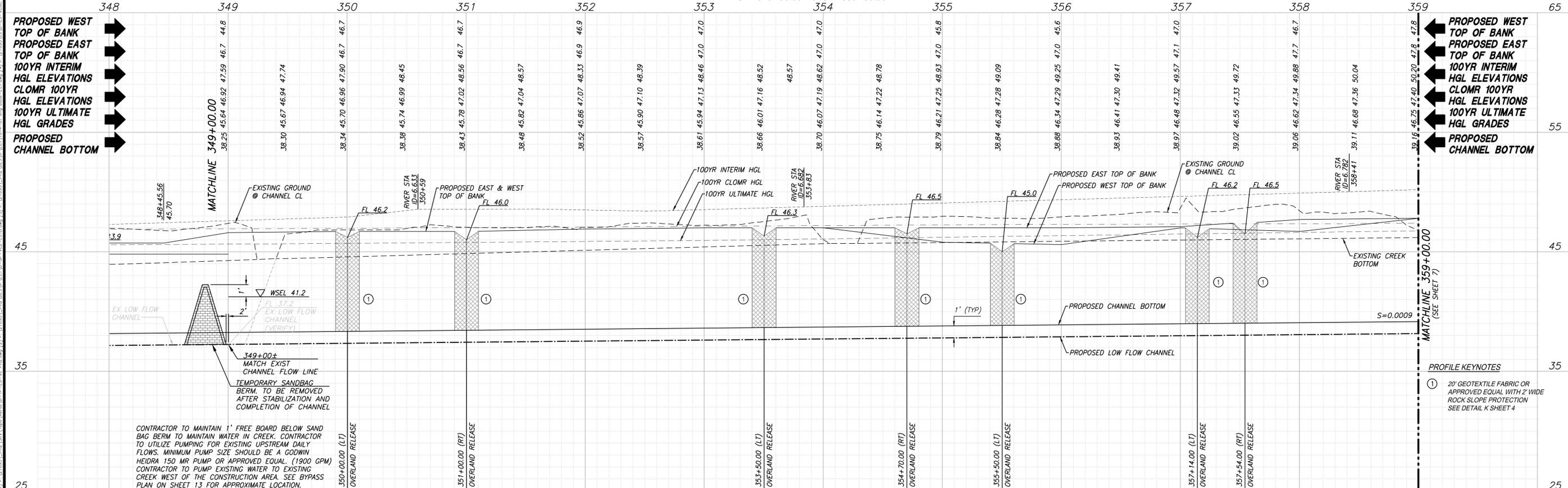
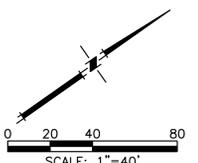
MACKAY & SOMPS
ENGINEERS
PLANNERS
SURVEYORS
1522 Central Expressway, Suite 100, Redwood City, CA 94061 (415) 712-1100

PLAN FOR THE IMPROVEMENT OF
ELDER CREEK PHASE 1B(2)
E24B GRADING PLAN
COUNTY OF SACRAMENTO

SHEET 5 OF 13
PROJECT NO.
27095-EC1B



FOR MACKAY & SOMPS
 NOTE: DATUM FOR THIS PROJECT IS NGVD 29
 PRELIMINARY NOT FOR CONSTRUCTION



DATE: NOVEMBER, 2015
 SCALE: 1"=40' H, 1"=4' V
 DRAWN BY: STAFF
 DESIGNED BY: WH
 CHECKED BY: PH

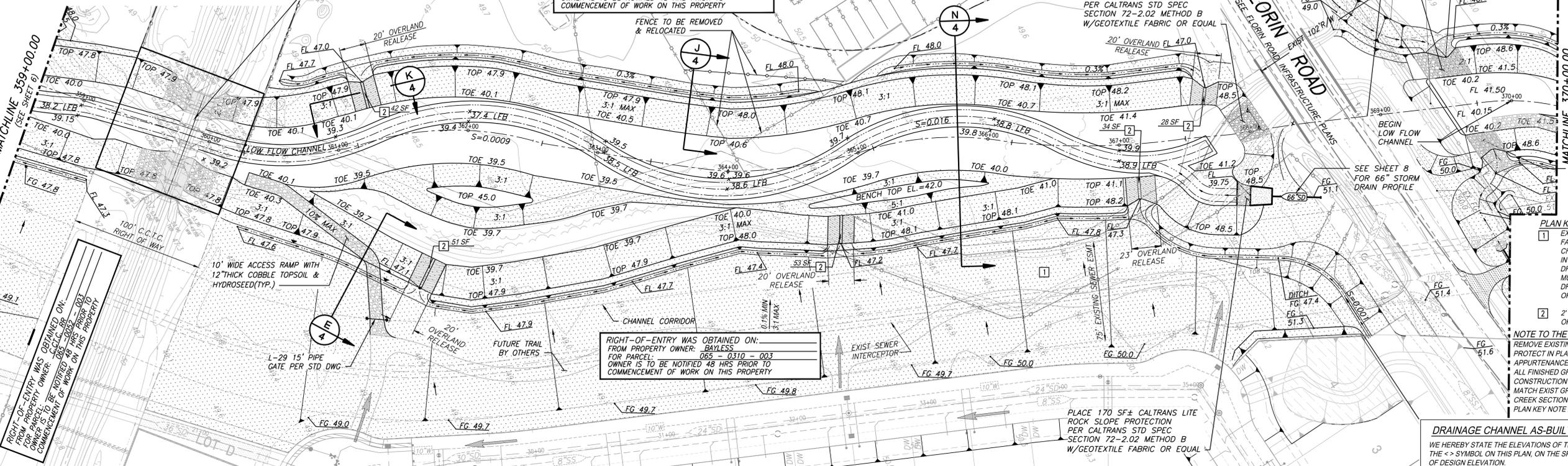
MACKAY & SOMPS
 ENGINEERS
 1525 Eureka Road, Suite 100, Novato, CA 94945
 CALIFORNIA

PLAN FOR THE IMPROVEMENT OF
ELDER CREEK PHASE 1B(2)
 ELDER CREEK STA 349+00.00 TO 359+00.00
 COUNTY OF SACRAMENTO

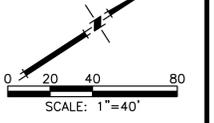
SHEET 6 OF 13
 PROJECT NO:
 27095-EC1B

C/L CURVE DATA
ELDER CREEK CHANNEL

STATION	Δ	L	R
360+27.86 TO 361+15.17	22°56'26"	112.09'	218.04'
361+15.17 TO 362+57.12	35°16'38"	106.27'	230.56'
363+40.86 TO 363+99.98	0°35'48"	132.38'	858.22'
363+99.98 TO 365+12.07	18°02'33"	66.64'	355.95'
365+12.07 TO 366+18.34	25°47'01"	54.50'	236.15'
366+18.34 TO 367+50.72	1°43'15"	26.79'	552.79'
369+73.74 TO 370+00.38	23°16'07"	66.47'	164.10'



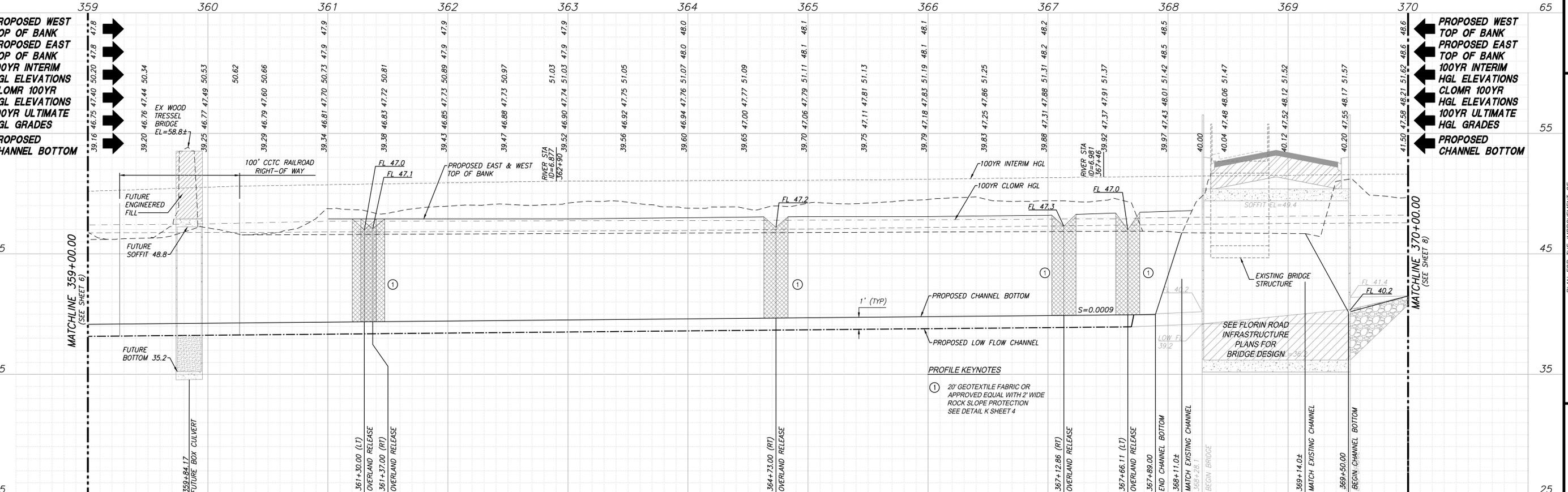
FOR MACKAY & SOMPS
NOTE: DATUM FOR THIS PROJECT IS NGVD 29
PRELIMINARY NOT FOR CONSTRUCTION



- PLAN KEYNOTES**
- EXISTING CREEK SECTIONS THAT FALL OUTSIDE OF PROPOSED CHANNEL BANKS MUST BE FILLED IN TO ALLOW FOR PROPER DRAINAGE. PLACING OF FILL MUST MAINTAIN POSITIVE DRAINAGE AND A MINIMUM SLOPE OF 0.001 TOWARDS THE CREEK.
 - 2' WIDE 12" COBBLE W/GEOTEXTILE FABRIC OR APPROVED EQUAL AND TOP SOIL.
- NOTE TO THE CONTRACTOR**
REMOVE EXISTING FENCE WITHIN RW CREEK SECTION. PROTECT IN PLACE ALL EXISTING WATERLINE AND APPURTENANCES.
ALL FINISHED GRADING AT TOP OF SLOPE AND LIMITS OF CONSTRUCTION AT OR NEAR PROJECT BOUNDARY MUST MATCH EXIST GRADE. FILL AREAS ARE LIMITED TO EXISTING CREEK SECTIONS AND SHALL BE GRADED TO DRAIN PER PLAN KEY NOTE #1.

DRAINAGE CHANNEL AS-BUILT
WE HEREBY STATE THE ELEVATIONS OF THE GROUND ARE AS SHOWN WITHIN THE \rightarrow SYMBOL ON THIS PLAN, ON THE SPECIFIED DATE AND ARE WITHIN 0.2' OF DESIGN ELEVATION.
PAUL R. HART R.C.E. 49154 DATE

ELDER CREEK CHANNEL
STA 359+00.00 TO 370+00.00

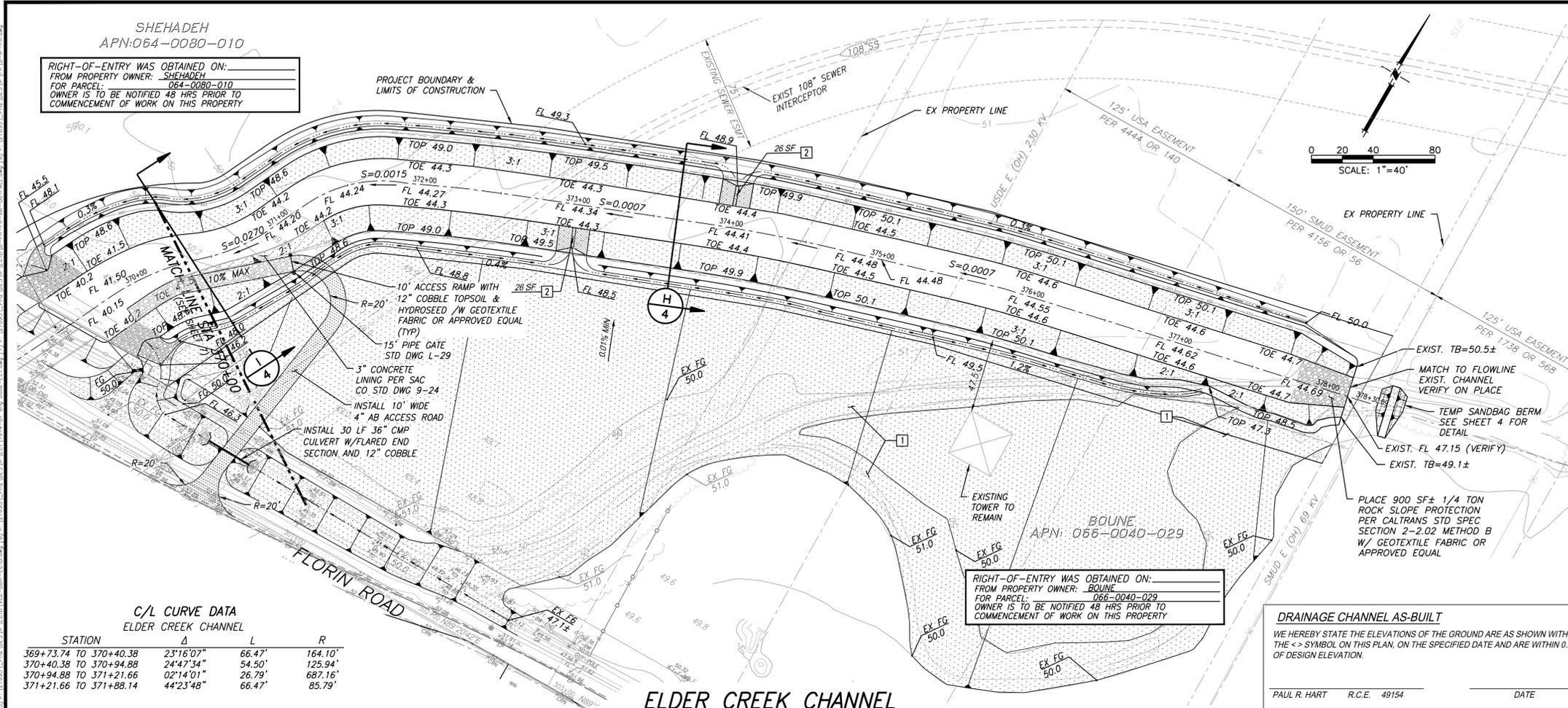


DATE: NOVEMBER, 2015
SCALE: 1"=40', H, 1"=4', V
DRAWN BY: STAFF
DESIGNED BY: VHT
CHECKED BY: PH

MACKAY & SOMPS
ENGINEERS
PLANNERS
SURVEYORS
1525 Eureka Road, Suite 100, Novato, CA 94945 (415) 771-1118
CALIFORNIA

PLAN FOR THE IMPROVEMENT OF
ELDER CREEK PHASE 1B(2)
ELDER CREEK STA 359+00.00 TO 370+00.00
COUNTY OF SACRAMENTO

SHEET 7 OF 13
PROJECT NO:
27095-EC1B

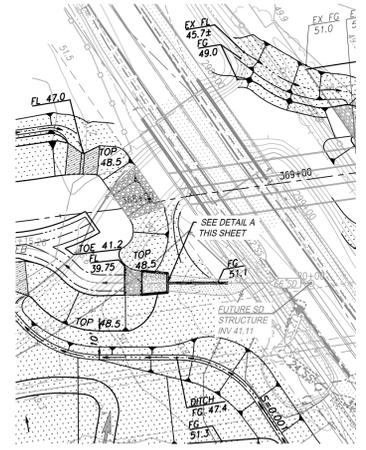


WARNING
EXISTING OVERHEAD LINES IN THE VICINITY OF THE CONSTRUCTION AREA. THE CONTRACTOR TO EXERCISE CAUTION.

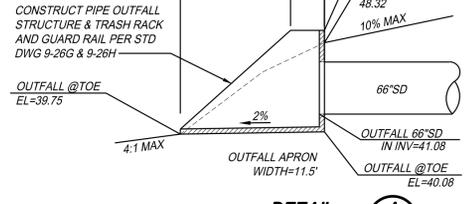


FOR MACKAY & SOMPS
NOTE: DATUM FOR THIS PROJECT IS NGVD 29
PRELIMINARY NOT FOR CONSTRUCTION

- PLAN KEYNOTES**
- EXISTING CREEK SECTIONS THAT FALL OUTSIDE OF PROPOSED CHANNEL BANKS MUST BE FILLED IN TO ALLOW FOR PROPER DRAINAGE. PLACING OF FILL MUST MAINTAIN POSITIVE DRAINAGE AND A MINIMUM SLOPE OF 0.001 TOWARDS THE CREEK.
 - 2' WIDE 12" COBBLE W/GEOTEXTILE FABRIC OR APPROVED EQUAL AND TOP SOIL
- NOTE TO THE CONTRACTOR**
REMOVE EXISTING FENCE WITHIN R/W CREEK SECTION. ALL FINISHED GRADING AT TOP OF SLOPE AND LIMITS OF CONSTRUCTION AT OR NEAR PROJECT BOUNDARY MUST MATCH EXIST GRADE. FILL AREAS ARE LIMITED TO EXISTING CREEK SECTIONS AND SHALL BE GRADED TO DRAIN PER PLAN KEY NOTE #1.



66" SD OUTFALL

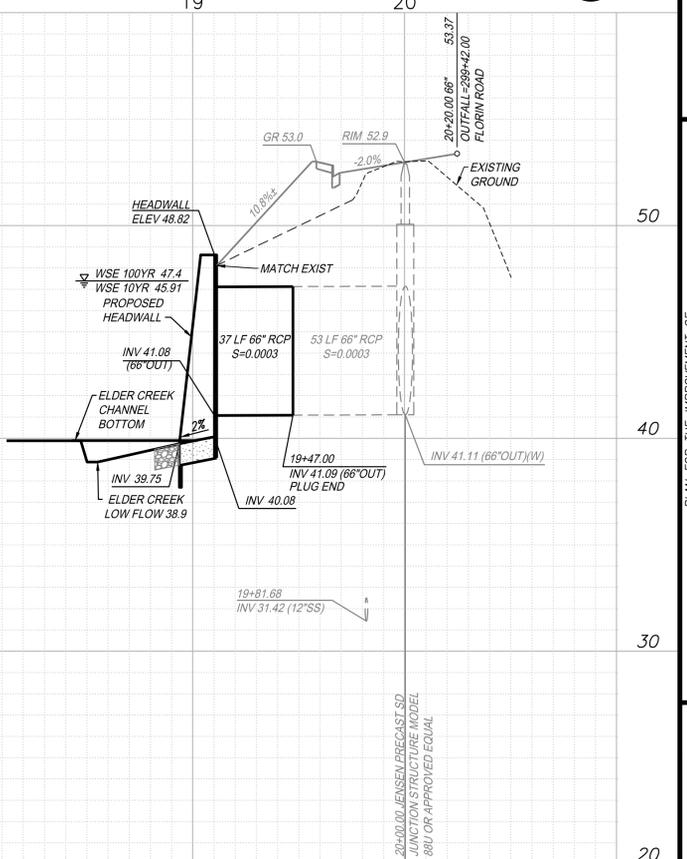
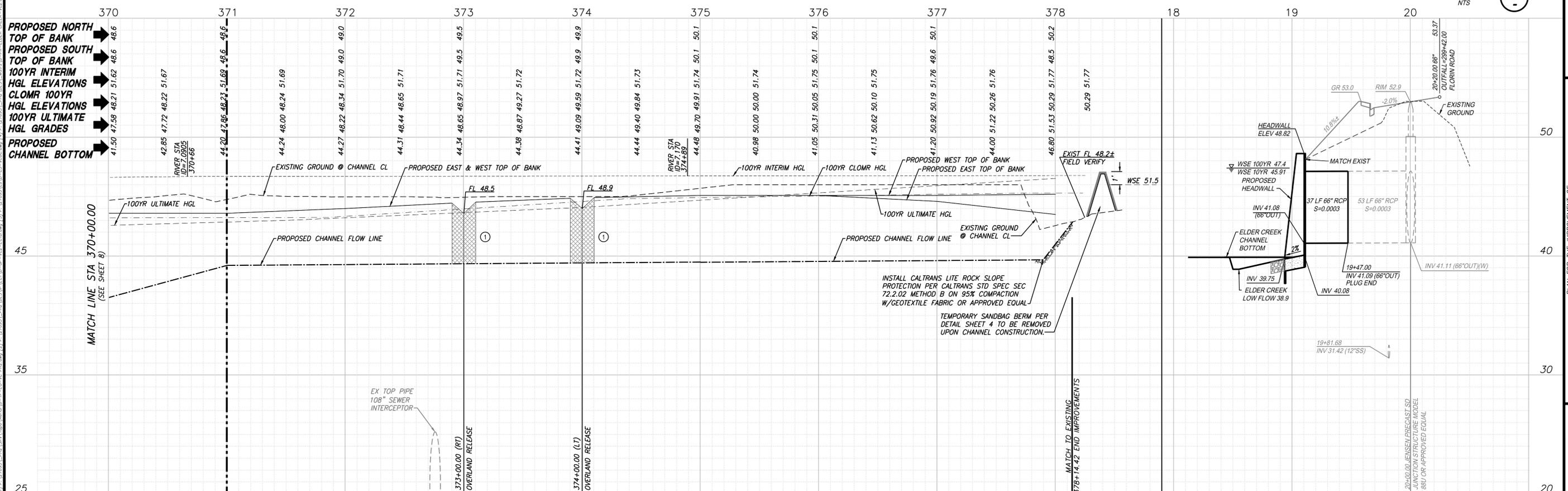


DRAINAGE CHANNEL AS-BUILT
WE HEREBY STATE THE ELEVATIONS OF THE GROUND ARE AS SHOWN WITHIN THE <> SYMBOL ON THIS PLAN, ON THE SPECIFIED DATE AND ARE WITHIN 0.2' OF DESIGN ELEVATION.

PAUL R. HART R.C.E. 49154 DATE

C/L CURVE DATA
ELDER CREEK CHANNEL

STATION	Δ	L	R
369+73.74 TO 370+40.38	23°16'07"	66.47'	164.10'
370+40.38 TO 370+94.88	24°47'34"	54.50'	125.94'
370+94.88 TO 371+21.66	02°14'01"	26.73'	687.16'
371+21.66 TO 371+88.14	44°23'48"	66.47'	85.79'



DATE: NOVEMBER, 2015
SCALE: 1"=40' H, 1"=4' V
DRAWN BY: STAFF
DESIGNED BY: VHT
CHECKED BY: PH

MACKAY & SOMPS
ENGINEERS
PLANNERS
SURVEYORS
1025 Eureka Road, Suite 100, Napa, CA 94951 (707) 717-1118
CALIFORNIA

PLAN FOR THE IMPROVEMENT OF
ELDER CREEK PHASE 1B(2)
ELDER CREEK STA 370+00.00 TO 378+30.09
COUNTY OF SACRAMENTO

SHEET 8 OF 13
PROJECT NO:
27095-EC1B



From the desk of:

Michael E. & Cristy K. Clemens 916) 682-7708
9012 McCoy Avenue (916) 416-5594 Mike (916) 416-3122 Cristy
Sacramento, CA. 95829 E-Mail: disabled99@comcast.net

October 22, 2016

Central Valley Flood Protection Board
3310 ElCamino Avenue Suite 170
Sacramento, CA. 95821

PROTEST TO APPLICATION #19045-1 BD

Mr. Remy Gill,

This protest is being filed on behalf of Michael Edward & Cristy Kathline Clemens (See Personal Info Above) with regards to the County of Sacramento's "PROPOSED RELOCATION of ELDER CREEK" from its present position for last 50 years (**Exhibit "A"- YELLOW**) to its proposed new location (**Exhibit "A"- ORANGE**) as shown on the map attached.

The proposed rerouting of Elder Creek will not only be detrimental to the flow of the flood water in high water conditions, but will cost the County of Sacramento Taxpayers more than \$1,000,000.00 in additional funds in the purchase of additional property and construction of said rerouting.

Let us also point out that the current map this relocation is based on has been found to be incorrect by the County's own surveyor. A new map has been recorded with the notes to the effect of mistakes made by the original surveyor. The County has taken the position that the map being used has been on record for a period of more than 25 years without challenge and therefore cannot be challenged as far as mistakes or issues to the property lines at this time.

As for the adverse affects to our property, shown as "PARCEL 1" (**Exhibit "A"**), our concerns are as follows:

1. We believe the greatest detriment to our property and to any future rights as landowners would be to allow the County of Sacramento to reroute Elder Creek due to their refusal to take the necessary actions to secure the West side 75' x 660.40' piece of property (**Exhibit "A"- PINK**) running adjacent to and alongside the East side of Elder Creek in its current location (**Exhibit "A"- YELLOW**).

County Officials have again given favoritism to their friends in failing to do its job in taking the correct and necessary actions in procuring that land mentioned above leading to the most efficient and least expensive alignment of Elder Creek and its intersection with Gerber Creek. The landowner, having presented the front in their willingness to take legal action if necessary, has given the County of Sacramento the excuse it needs to show rerouting the flow 90 degrees West across the front of "PARCEL 3" and purchasing "PARCEL-2" in its entirety at "FULL MARKET VALUE" would be the most reasonable solution to the problem (**Exhibit "B"- PINK**).

Attachment D

2. Potentially turn and direct any "High & Speedy Flood Waters" towards our property and structures potentially causing hundreds of thousands of dollars in damage not covered by our current Federal Flood Insurance Policy.
3. According to local Realtors & Appraisers, if we were to list our property for sale, the rerouting and placement would have a high probability of causing a large number of otherwise interested buyers in larger homes with property to look elsewhere for better surroundings or if interested at all, to offer much less than the true value.
4. The County of Sacramento has also stated they need "Fee Simple" ownership of the 75' x 220.02', an additional 16,501 S.F. (**Purchase Agreement Map - Exhibit "C"- YELLOW**) located at the south end of our property to widen Elder Creek.

They have sent us a Purchase Agreement offering \$1,200, or about 5% of current appraised value, for these .388 acres or lose it by way of eminent domain (**Exhibit "C"- Item 13**). The 3.185 acres, known as Parcel 1, was appraised by the County's own appraiser at \$62,000.00/acre making this .388 acres value \$24,056. This is a hard cash loss of \$22,856.00 my wife and I will lose should we decide to sell.

In the end, we believe the biggest risk we face now and in our future would be if the County of Sacramento is granted this permit to reroute ELDER CREEK as shown in lieu of taking the actions required in acquiring the property East of and adjacent to its current placement. If they are allowed to bypass the obvious and do or take by threat or force what they desire, regardless of the costs to others, we would lose any future rights in defending our property against hostile political pressures like we face at this time. The threat of "EMINENT DOMAIN" is a powerful and almost in defensive tool.

We hope you will find these explanations justified and reasonable enough to question the County's rerouting in place of the obvious.

Respectfully,

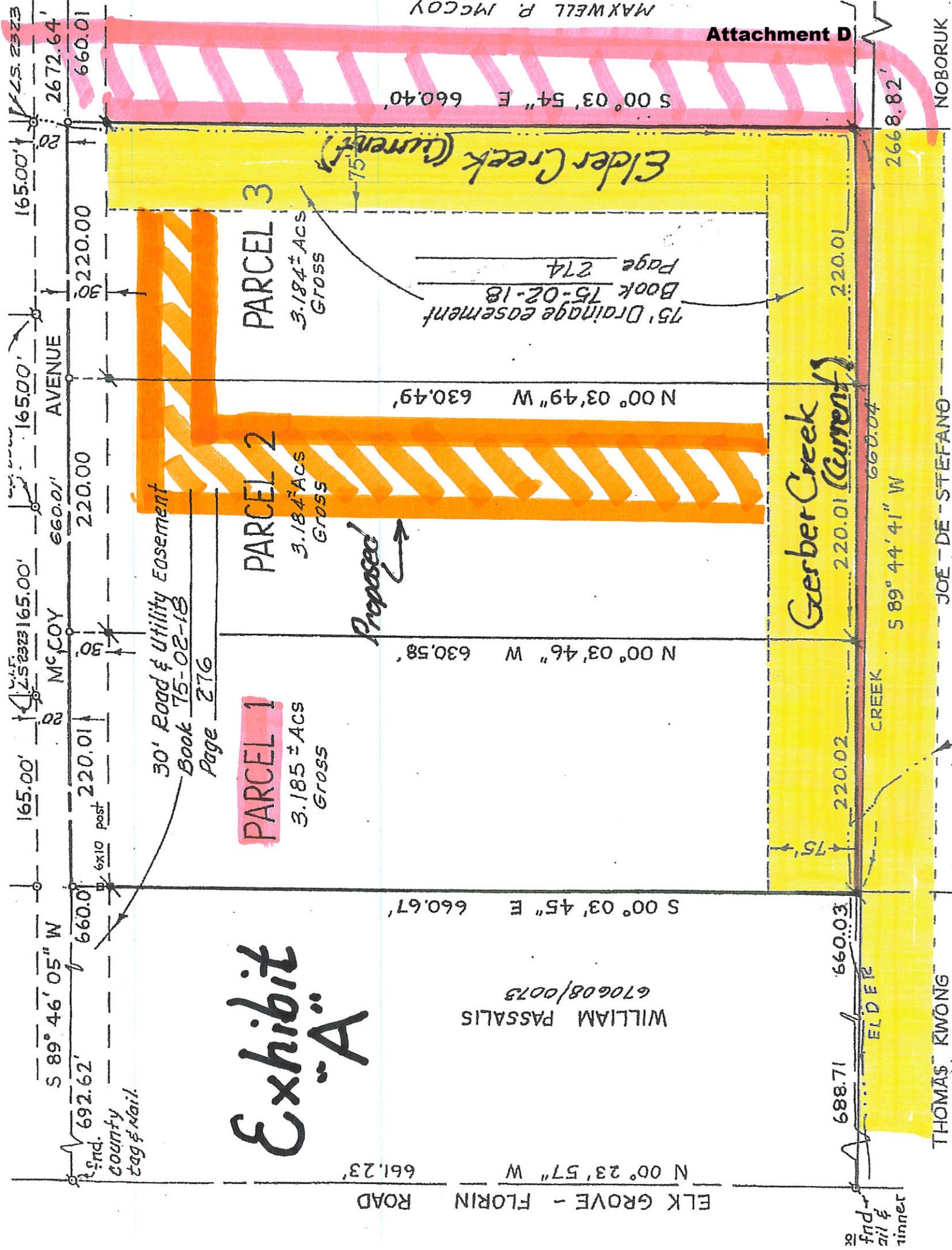

MICHAEL EDWARD CLEMENS, Owner

10/21/2016
DATE:


CRISTY KATHLINE CLEMENS, Owner

10/21/2016
DATE:

Exhibit "A"



WILLIAM PASSALIS
670608/0073

ELK GROVE - FLORIN ROAD

Attachment D

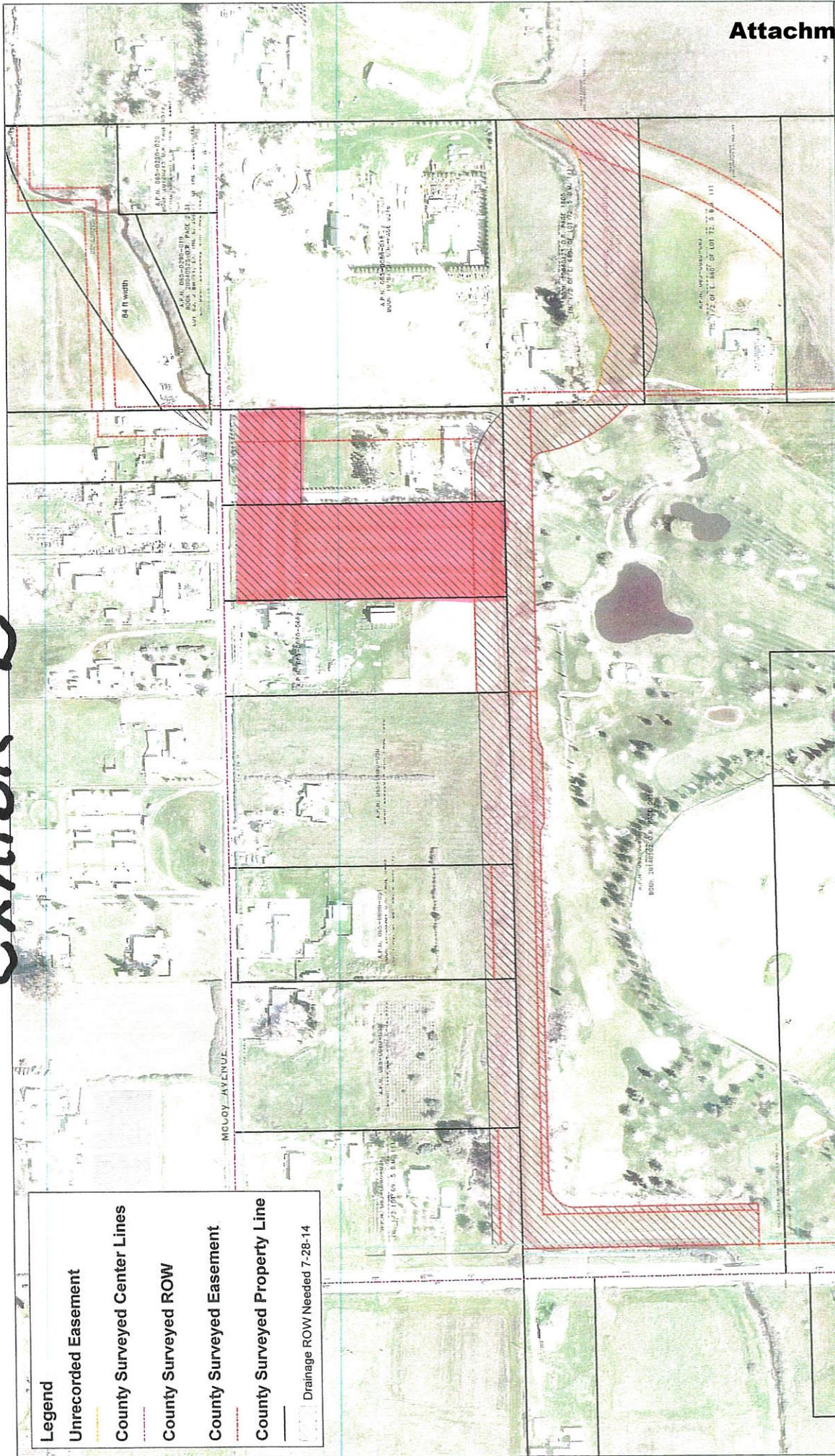
MAXWELL P. MCCOY

THOMAS KWONG

JOE DE STEFANO

NOBORUK

Exhibit "B"



- Legend**
- Unrecorded Easement
 - County Surveyed Center Lines
 - County Surveyed ROW
 - County Surveyed Easement
 - County Surveyed Property Line
 - Drainage ROW Needed 7-28-14

Attachment D
1 in = 100 ft

Elder and Gerber Creeks Boundary Survey
East of Elk Grove - Florin Road



RED File No.: 14-03-008
OWNER: Clemens
APN: 065-0080-066
Project: Elder Creek Channel
Improvement Project, WR

Exhibit "C"

AGREEMENT FOR PURCHASE OF REAL PROPERTY

THIS Real Estate Purchase Agreement, (hereinafter referred to as "Agreement"), is between the County of Sacramento, a political subdivision of the State of California, (hereinafter referred to as "County"), and Michael E. Clemens and Cristy K. Clemens (hereinafter referred to as "Owner").

The parties hereby agree as follows:

1. PROPERTY.

Owner agrees to sell to County and County agrees to purchase from Owner pursuant to the terms and conditions set forth in this Agreement, a Grant Deed for drainage channel, (hereinafter referred to as the "Property"). Copy of the description of the Property is attached hereto as Exhibit "A". Plat of the Property is attached hereto as Exhibit "B". Owner affirms that it is the owner of the Property rights to be conveyed by the Grant Deed and is empowered to execute these conveyance documents and this Agreement. It is understood that said rights are necessary for the construction of the Elder Creek Channel Improvement Project (hereinafter referred to as "Project").

2. DELIVERY OF DOCUMENTS.

The conveyance documents for the Property rights will be executed in a form supplied by County and delivered by Owner to County for processing recording and payment. County shall not be deemed to have accepted delivery of the Grant Deed until such time as the Grant Deed is recorded in the Official Records of the County of Sacramento, California. County shall pay all costs for processing and recording incurred in this transaction.

3. PURCHASE PRICE.

County shall pay to Owner the sum of \$1,200.00 (hereinafter referred to as Purchase Price"), for the Property, which the parties agree includes all improvements, damages, and severance, if any, when title to the Grant Deed vests in the County.

4. PAYMENT OF MORTGAGE OR DEED OF TRUST.

Upon demand by any mortgagee under a mortgage or beneficiary under a deed of trust or lien holder with a lien recorded against the Property, made in writing to County prior to payment of the Purchase Price to the Owner, County may make payable to the mortgagee, beneficiary or lien holder entitled thereunder, an amount not to exceed the Purchase Price under this Agreement. If this section is made applicable by the demand above described then the mortgagee or beneficiary shall furnish the Owner with good and sufficient receipt showing the monies credited against the indebtedness secured by said mortgage, lien or deed of trust.

Attachment D**5. POSSESSION.**

Owner agrees that County and its authorized agents or contractors may enter upon the land described herein for purposes of performing activities related to and incidental to the construction of the Project, inclusive of the right to remove and dispose of any improvements, prior to the Owner receiving the Purchase Price. Such possession and use of the land by the County may commence on the date this Agreement is fully executed.

6. OWNER'S INDEMNIFICATION.

Owner covenants and agrees to indemnify and hold the County harmless from any and all claims that third parties may make or assert with respect to the title to the premises and any improvements.

9. RE-CONSTRUCTION OF OWNER'S REMAINDER PROPERTY.

County and its authorized agents and contractors are hereby granted permission to enter onto Owner's remainder property to reconstruct Owner's driveways, walkways, and appurtenant areas as necessary to conform to Project improvements. The cost of such re-construction of the Owner's remainder property shall be borne by County. Owner is responsible for the reconstruction of all landscape areas, including re-grading and replanting any affected lawn and landscaped areas and repair and/or replacement of irrigation systems for which Owner has been compensated.

10. LEASE WARRANTY.

Owner warrants there are no oral or written leases on any portion of the Property exceeding a period of one month.

11. COUNTY'S USE AND LIABILITY.

County agrees to release Owner from any liability arising from the County exercising its rights under this Agreement. Furthermore, County agrees to assume responsibility for any damages to Owner's property, other than the above mentioned landscaped areas, caused by reason of the County's use of the Property under this Agreement and will, at County's option, either repair or pay for such damage.

12. GOVERNING LAW/SEVERABILITY.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being impaired.

13. PUBLIC PURPOSE.

Both Owner and County agree that County requires the Property, which is not now appropriated to a public use, for the Project and County can acquire the Property through the exercise of the power of eminent domain.

Both Owner and County recognize the expense, time, effort and risk to both Owner and County in failing to resolve a dispute over compensation for the Property by eminent domain litigation; and therefore the parties agree that the compensation set forth herein is in compromise and settlement in lieu of such litigation.

14. AUTHORITY AND EXECUTION.

This Agreement, which is valid only when executed by County, constitutes the complete understanding and Agreement of the parties hereto and no oral representation shall in any manner vary the terms hereof

Attachment D

or be binding.

15. ENTIRE AGREEMENT

The performance of this Agreement constitutes the entire consideration for the conveyances from Owner and shall relieve the County of all further obligation or claim on this account, or on account of the location, grade or construction of the proposed public improvement and related facilities and/or structures. The obligations of the parties hereto shall survive the close of escrow.

(The Remainder of this page is intentionally left blank.)

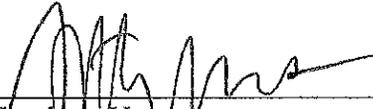
This Agreement shall bind the respective heirs, personal representatives, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as follows:

County	Owner
Date: _____	Date: _____
By: _____ Michael M. Morse Director of General Services By Delegation per SCC §2.61.020 By Reso No. _____ Dated: _____	By: _____ Michael E. Clemens
	Date: _____
	By: _____ Cristy K. Clemens

Address:
9012 McCoy Avenue
Sacramento, CA 95829

RECOMMENDED BY:



Svetlana Vorontsov
Real Estate Officer II
Real Estate Division
County of Sacramento

ATTACH:
Exhibit "A" Legal Description of the PROPERTY
Exhibit "B" Plat of the PROPERTY

EXHIBIT "A"
LEGAL DESCRIPTION

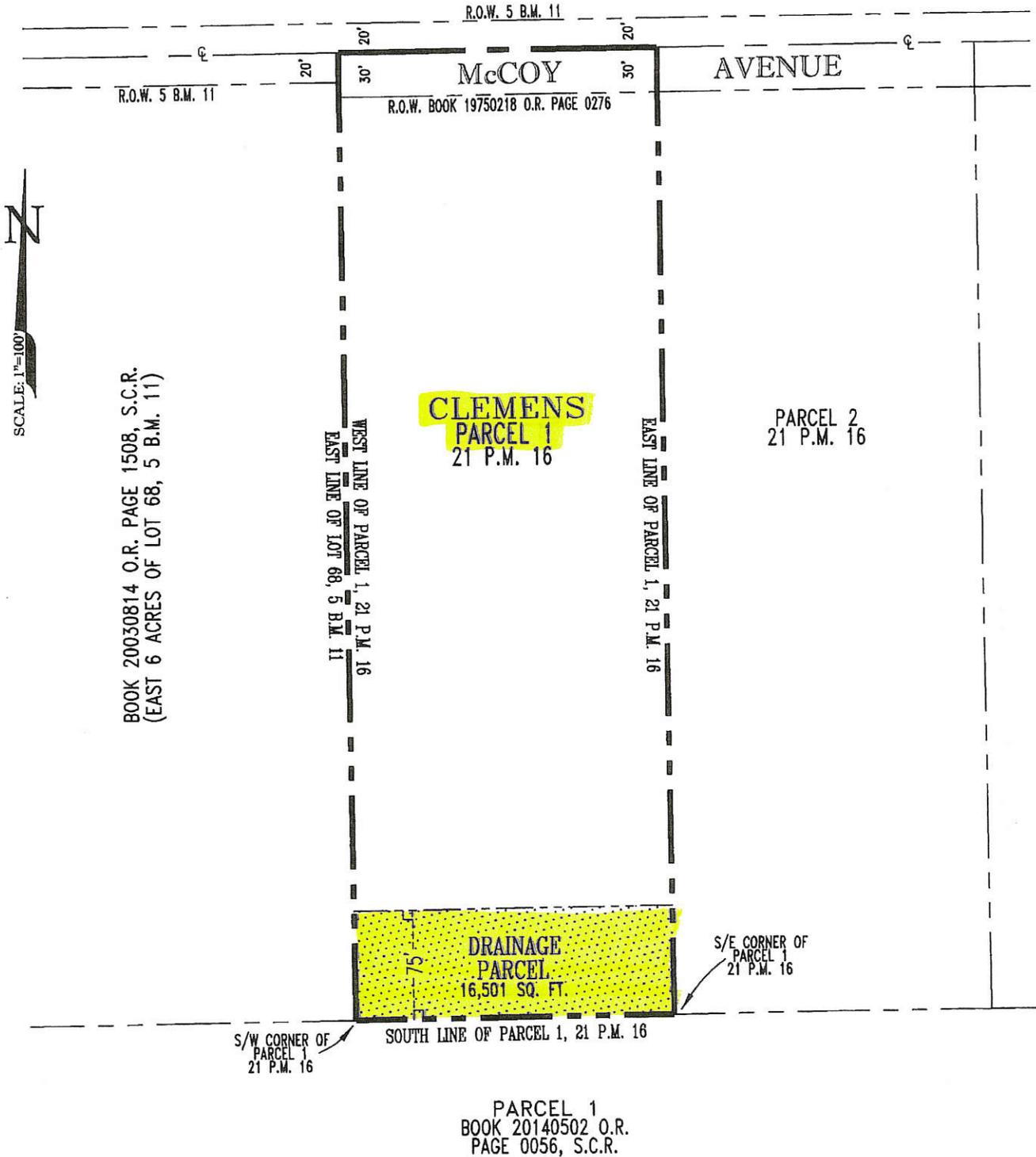
All that real property situated in the unincorporated area of Sacramento County, State of California, described as follows:

A portion of Parcel 1, said parcel being shown on that certain Parcel Map entitled "*LOT 67 OF WRIGHT AND KIMBROUGH COLONY 5, BOOK 5 OF MAPS PAGE 11. SW ¼ SECTION 6, T.7 N., R.6 E., M.D.M.*", filed for record February 18th, the year 1975 in Book 21 of Parcel Maps at Page 16 in the Office of the Recorder of Sacramento County, said portion being further described as follows:

The south 75.00 feet of the aforementioned parcel of land being measured perpendicularly from the south parcel line thereof, containing an area of approximately 16,501 square feet.

See Exhibit "B", plat to accompany legal description, attached hereto and made part hereof.

Robert W. Snow, P.L.S.



LEGEND:

- O.R..... OFFICIAL RECORDS
- S.C.R... SACRAMENTO COUNTY RECORDS
- R.O.W.. RIGHT OF WAY
- P.M..... PARCEL MAP

COUNTY OF SACRAMENTO

DEPARTMENT OF CO. ENGINEERING
SURVEY SECTION

SCALE: 1"=100' AUGUST 2014

EXHIBIT "B"

A PORTION OF PARCEL 1
21 P.M. 16

(A.P.N. 065-0080-066)

COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

WHEN RECORDED RETURN TO:
REAL ESTATE DIVISION
COUNTY OF SACRAMENTO
3711 Branch Center Road
Sacramento, CA 95827
MAIL CODE: 63-002

Attachment D

No Fee Document - Per Government Code 27383
No Document Transfer Tax - Per R & T Code 11922

SEND TAX/ASSESSMENT BILLS TO:
827 7th Street, Room 301
Sacramento, CA 95814

Okay to Accept
Name/Date:

Print Name & Dept: Svetlana Vorontsov, RED

APN: 065-0080-066

Project Name & Dept: Elder Creek Channel Improv Proj, WR

THIS SPACE FOR RECORDER'S USE ONLY

GRANT DEED

Michael E. Clemens and Cristy K. Clemens, husband and wife, as joint tenants

do(es) hereby grant to COUNTY OF SACRAMENTO, a political subdivision of the State of California, all that real property in the unincorporated area, County of Sacramento, State of California, bounded and described as follows, to-wit:

See Exhibit "A" and "B" attached hereto and made part hereof.

Dated this _____ day of _____, 20____

Michael E. Clemens

Cristy K. Clemens

RED FILE No: 14-03-008

LOG No. _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Attachment D

STATE OF _____)
 COUNTY OF _____)

On _____ before me, _____, notary public,
date name of notary officer

personally appeared _____,
name(s) of signer(s)

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Signature of Notary

-----OPTIONAL SECTION-----

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

INDIVIDUAL
 CORPORATE OFFICER(S)

 Title(s)

PARTNER(S) LIMITED
 GENERAL

ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
Name of Person(s) or entity(ies)

OPTIONAL SECTION:

TITLE OR TYPE OF DOCUMENT: _____

DATA REQUESTED HERE IS NOT REQUIRED BY LAW. NUMBER OF PAGES _____ DATE _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the County of Sacramento, a political subdivision of the State of California, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. _____ of the Board of Supervisors of said County adopted on _____ and the Grantee consents to recordation thereof by its duly authorized officer.

Director of General Services

Date

LOG No. _____

0218

274

OFFICIAL RECORDS
SACRAMENTO COUNTY CALIF

FEB 18 9 06 AM 1975

Remond J. H. Jones
COUNTY RECORDER

COUNTY OF SACRAMENTO
DEPARTMENT OF PUBLIC WORKS
REAL ESTATE DIVISION

APN 065-080-19
OK TO ACCEPT JK

BOOK 75 02 18 PAGE 274

DRAINAGE EASEMENT

Canal, Ditch or Pipeline

14890

DELBERT T. BUCKENDORF and J. MARJORIE BUCKENDORF

do , hereby grant to the County of Sacramento, a political subdivision of the State of California, for the purpose of digging, constructing, reconstructing, repairing and forever maintaining thereon, a drainage canal, ditch or pipeline of such dimensions as party of the second part shall deem necessary for drainage purposes, together with the spoil banks and appurtenant structures thereof, a drainage easement over that certain real property in the County of Sacramento, State of California, bounded and described as follows, to-wit:

The east 75.00 feet and the south 75.00 feet of Lot 67 of WRIGHT & KIMBROUGH No. COLONY 5, located in the southwest 1/4 of Section 6, Township 7 North, Range 6 East, MDM, said plat of WRIGHT & KIMBROUGH COLONY 5 is recorded in Book 5 of Maps, Map No. 11, Sacramento County Records.

14890

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Together with the perpetual right and privilege of flowing water in, through, and along said canal, ditch or pipeline in such amounts and at such times as party of the second part shall deem necessary, and the perpetual right of ingress to and egress from said property, for the purpose of exercising and performing all of the rights and privileges herein granted.

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STATE OF CALIFORNIA

County of Sacramento

BOOK 75 02 18 PAGE 275

On this day of , in the year one thousand nine hundred and before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me duly sworn deposed and said: that he resides in the said County of Sacramento, State of California; that he was present and saw

personally known to him to be the person described in, and who executed the said within instrument as part thereto, sign and execute the same; that he, the affiant, then and there, at the request of said person....., subscribed his name as a witness thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires..... 19

Notary Public in and for the County of Sacramento, State of California

STATE OF CALIFORNIA

County of Sacramento

On this 10th day of January, in the year one thousand nine hundred and Seventy five before me June M. Anton, a Notary Public in and for the County of Sacramento, personally appeared

Albert T. Buckenley and J. Mayore Buckenley

known to me to be the persons whose names are subscribed to the within instrument, and..... duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

My Commission Expires Nov 7 19 76

June M. Anton Notary Public in and for the County of Sacramento, State of California



CERTIFICATION OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the County of Sacramento, a political subdivision of the State of California, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. 71-828 of the Board of Supervisors of said County adopted on October 18, 1971, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: FEBRUARY 18, 19 75

By D.W. McKenzie Deputy Director, Department of Public Works

14890

AFTER RECORDING RETURN DRAINAGE EASEMENT TO THE

FOR USE OF RECORDER ONLY