



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

NOV 26 2008

ML 11241

Notice of (Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and 151.11, notice is given of the application filed by the Enterprise Rancheria of Maidu Indians of California to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

Applicant:

Enterprise Rancheria of Maidu Indians of California

Legal Land Description/Site Location:

The land referred to herein is situated in the State of California, County of Yuba, and is described as follows:

A portion of the East half of Section 22, Township 14 North, Range 4 East, M.D.B.&M., described as follows:

Commence at the quarter section corner common to said Section 22 and Section 15, Township 14 North, Range 4 East, M.D.B.&M., and being marked by a brass monument stamped LS3341



ENT 4505

in a monument well as shown on Record of Survey No. 2000-15 filed in Book 72 of Maps, Page 34, Yuba County Records; thence South 0°28'11" East along the line dividing said Section 22 in to East and West halves 2650.73 feet to a brass monument stamped LS3341 in a monument well as shown on said Record of Survey No. 2000-15 and marking the center of said Section 22; thence North 89° 31' 24" East 65.00 feet to a point on the East right-of-way line of Forty Mile Road; thence North 00°28'11" West along said East right-of-way line of Forty Mile Road 45.53 feet to the point of beginning; thence from said point of beginning continue along said East right-of-way line of Forty Mile Road the following courses and distances: North 00° 28'11" West 1133.70 feet, thence North 5° 14' 27" East 50.25 feet; thence North 00° 28' 11" West 136.91 feet; thence leaving said East right-of-way line of Forty Mile Road run North 87° 00'10" East 1315.48 feet; thence South 0° 28' 11" East 1320.48 feet; thence South 87° 59' 10" West 1320.48 feet to the point of beginning.

The above-described parcel is referred to as Yuba County Assessor's Parcel Number 014-280-095 (portion) containing approximately 40.00 acres, more or less.

Project Description/Proposed Land Use:

The Tribe proposes to develop the site for recreation/tourism by constructing a casino, hotel, and parking structure. The casino and hotel resort would include a main gaming hall, food and beverage services, retail space, banquet/meeting space, administrative space, pool, and spa. Several food and beverage facilities are planned, including a buffet, casino bars, and two restaurants. The resort would include an eight-story hotel with 170 rooms, a pool area, an exercise room, and an arcade. Approximately 2,750 parking spaces would be provided for the casino/hotel resort, with 600 of those spaces within a multi-level parking structure.

See enclosed map

Current Use/Taxes and Zoning:

Secured property tax for fiscal year 2007-2008 for Assessor's Parcel Number 014-280-095 was \$39,021.02.

Existing Easements/Encumbrances:

See enclosed list of title exceptions

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Terisa Draper, Supervisory Realty Specialist, at (916) 978-6064.

Sincerely,

A handwritten signature in black ink that reads "Dale Morris". The signature is written in a cursive style with a large initial "D" and "M".

Regional Director

Enclosure: Exhibit "A"
Map

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse – 7001 3450 0002 4630 6640
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Andrea Lynn Hoch – 7006 3450 0002 4630 6657
Legal Affairs Secretary
Office of the Governor
State Capital Building
Sacramento, CA 95814

Sarah J. Drake, Deputy Attorney General – 7006 3450 0002 4630 6664
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

James Peterson, District Director – 7006 3450 0002 4630 6671
Office of Senator Diane Feinstein
750 B Street, Suite 1030
San Diego, CA 92101

Yuba County Board of Supervisors – 7006 3450 0002 4630 6688
County of Yuba
915 8th Street, Suite 109
Marysville, CA 95901

Yuba County Assessor – 7006 3450 0002 4630 6695
915 8th Street, Suite 101
Marysville, CA 95901

County of Yuba– 7006 3450 0002 4630 6701
Planning Department
915 8th Street, Suite 123
Marysville, CA 95901

Yuba County Sheriff's Department – 7006 3450 0002 4630 6718
215 5th Street, Suite 150
Marysville, CA 95901

County of Yuba – 7006 3450 0002 4630 6725
Department of Public Works
915 8th Street, Suite 123
Marysville, CA 95901

Regular Mail:

Superintendent
Bureau of Indian Affairs
Central California Agency
650 Capital Mall, Suite 8-500
Sacramento, CA 95814

SCHEDULE B – SECTION II

EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2008-2009, Assessor's Parcel Number 014-280-095.

Code Area Number: 71-019
1st Installment: \$19,940.07 Paid
2nd Installment: \$19,940.17 Not yet due but payable
Land: \$3,913,371.00
Improvements: \$
Exemption:
Personal Property:

Affects: The herein described land and other land.

2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

3. **Taxes and assessments** levied by the South Yuba Water District.

4. **Taxes and assessments** levied by the Reclamation District No. 784.

5. **Right of ways** for such roadways, levees, water ditches, canals or pipelines and electric transmission, telephone or telegraph lines which may now be established or used by South Yuba Water District and/or Reclamation District No. 784.

6. **Rights of the public** as to any portion of the land lying within the area commonly known as Forty Mile Road.

7. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company
Purpose: Electrical facilities
Recorded: November 12, 1946, Book 104, Page 413, of Official Records
Affects: Southerly portion

SCHEDULE B – EXCEPTIONS (continued)

8. **An unrecorded lease** with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease Agreement
Lessor: Hofman Ranch
Lessee: Sacramento-Valley Limited Partnership
Recorded: February 5, 1992, Instrument No. 92-001445, of Official Records

9. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: County of Yuba
Purpose: Public utilities
Recorded: January 8, 1999, Instrument No. 99-000178, of Official Records
Affects: Along the Westerly boundary

10. **Matters** contained in that certain document entitled "Declaration of Easements, Covenants and Restrictions" dated December 11, 1998, executed by Yuba County Motoplex, LLC, et al, recorded January 8, 1999, Instrument No. 99-000184, of Official Records.

Reference is hereby made to said document for full particulars.

11. **An unrecorded sublease** with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Sublease
Sublessor: Sacramento-Valley Limited Partnership
Sublessee: Air Touch Cellular
Recorded: February 14, 2000, Instrument No. 2000-001499, of Official Records

12. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as set forth in a document;

In favor of: South Yuba Water District
Purpose: Canal
Recorded: September 12, 2007, Instrument No. 2007-015523, of Official Records
Affects: Southerly portion

13. **A lien for unsecured property taxes** filed by the tax collector of the county shown, for the amount set forth, and any other amounts due.

County: Yuba
Fiscal Year: 2008-2009
Taxpayer: Yuba County Entertainment, LLC
County
Identification
Number: 5460
Amount: \$236.81
Recorded: November 14, 2008, Instrument No. 2008-017324, of Official Records

SCHEDULE B – EXCEPTIONS (continued)

14. **Any facts, rights, interests, or claims** which may exist or arise by reason of the following facts disclosed by survey, Job No. 200228, dated March 31, 2003 prepared by Claybar Engineering:

- A. Pacific Bell facilities along the Westerly boundary
- B. Possible agricultural underground water system in the Southerly and Easterly portions
- C. Drainage pit in the Southwesterly portion

15. **Water rights, claims or title to water**, whether or not disclosed by the public records.

16. **Any rights of the parties in possession** of a portion of, or all of, said land, which rights are not disclosed by the public record.

This Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage. The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

17. **Defects**, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

END OF SCHEDULE B – SECTION II

SEC. 13, 14, 23, & POR. SEC. 10, 15, 22, 24, T. 14N., R. 4E., M. D. B. & M. Tax Area Code
14-28

IMPORTANT: This plat is not a survey, it is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands, and not to guarantee dimensions, distances, bearings or acreage.

- (L.L.A. 06-06)
- R.S. - Bk. 80, Pg. 29 (P.M. 04-10)
- R.S. - Bk. 73, Pg. 47 (R.O.S. 02-03)
- (L.L.A. 02-07)
- R.S. - Bk. 73, Pg. 20 (R.O.S. 01-11)
- (L.L.A. 98-09)
- (L.L.A. 97-11)
- R.S. - Bk. 49, Pg. 35 (Parcel Map 88-42)
- R.S. - Bk. 17, Pg. 46 (Parcel Map 4.24)

- (L.L.A. 98-14)
- (L.L.A. 98-10)

- (L.L.A. 98-09)

- (L.L.A. 98-14)
- (L.L.A. 98-10)

- (L.L.A. 98-09)

- (L.L.A. 98-14)
- (L.L.A. 98-10)

- (L.L.A. 98-09)

- (L.L.A. 98-14)
- (L.L.A. 98-10)

- (L.L.A. 98-09)

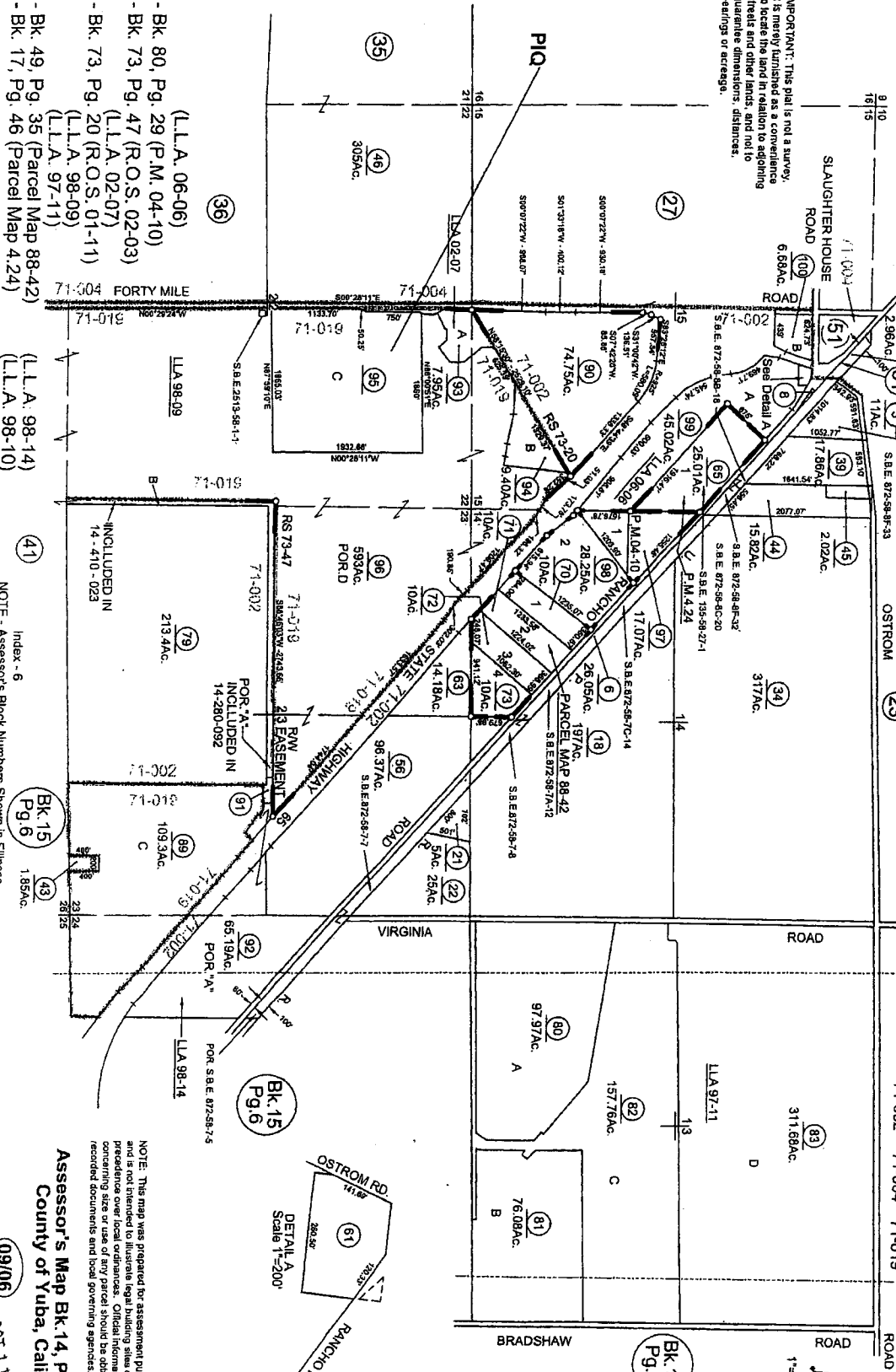
- (L.L.A. 98-14)
- (L.L.A. 98-10)

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

NOTE: This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning site or use of any parcel should be obtained from recorded documents and local governing agencies.

Assessor's Map Bk. 14, Pg. 28
 County of Yuba, Calif.

09/06 OCT 11 2006





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

NOV 26 2008

To: Distribution List

Enclosed is a copy of our notice of an application seeking acceptance of title to real property "in trust" by the United States of America for the Enterprise Rancheria of Maidu Indians of California

Said notice is issued pursuant to the Code of Federal Regulations, Title 25; INDIANS, Parts 151.10 and 151.11. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government of which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

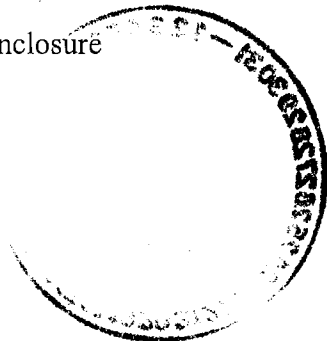
If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of the notice to said party or timely provide our office with the name and address of said party.

Sincerely,

Dale Morris

Regional Director

Enclosure



TAKE PRIDE
IN AMERICA 

REAL PROPERTY TAX ASSESSOR RECORD

Tax Roll Certification Date:06-26-2008
Owner Information Current Through:11-14-2008
County Last Updated:12-02-2008
Current Date:12/04/2008
Source: TAX ASSESSOR
YUBA, CALIFORNIA

OWNER INFORMATION

Owner(s): YUBA COUNTY ENTERTAINMENT LLC
Corporate Owner: CORPORATE OWNER
Mailing Address: 1111 WILLIS AVE
WHEELING, IL 60090-5816

PROPERTY INFORMATION

County: YUBA
Assessor's Parcel Number: **014-280-095**
Property Type: AMUSEMENT-RECREATION
Land Use: RECREATIONAL (NEC)
Zoning: AE-80
Lot Size: 3600234
Lot Acreage: 82.6500
Legal Description: PT S22 T14N R4E P-C LLA 02-07

TAX ASSESSMENT INFORMATION

Tax Year: 2007
Calculated Land Value: \$3,913,371.00
Calculated Total Value: \$3,913,371.00
Assessed Land Value: \$3,913,371.00
Assessed Total Value: \$3,913,371.00
Valuation Method: ASSESSED
Tax Amount: \$39,021.02
Tax Code Area: 071019

ADDITIONAL PROPERTIES POSSIBLY CONNECTED TO OWNER have been located. The owner's mailing address is associated with other properties as indicated by tax assessor records. Additional charges may apply.

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
to order copies of documents related to this or other matters.
Additional charges apply.

END OF DOCUMENT