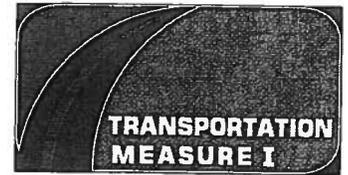




San Bernardino Associated Governments

1170 W. 3rd Street, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov



-
- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA

Mountain/Desert Committee

October 19, 2012

9:00 a.m.

Location

**Town of Apple Valley
14975 Dale Evans Parkway
Apple Valley, CA**

Mountain/Desert Committee Membership

Chair

*Julie McIntyre, Mayor Pro Tem
City of Barstow*

*Bill Jahn, Mayor
City of Big Bear Lake*

*George Huntington, Council Member
Town of Yucca Valley*

Vice Chair

*Ed Paget, Mayor
City of Needles*

*Mike Leonard, Council Member
City of Hesperia*

*Brad Mitzelfelt
Board of Supervisors*

*Cari Thomas, Mayor
City of Adelanto*

*Jim Harris, Council Member
City of Twentynine Palms*

*Neil Derry
Board of Supervisors*

*Rick Roelle, Council Member
Town of Apple Valley*

*Ryan McEachron, Mayor
City of Victorville*

*Janice Rutherford
Board of Supervisors*

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a **Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

AGENDA

Mountain/Desert Committee

**October 19, 2012
9:00 a.m.**

Location

**Town of Apple Valley
14975 Dale Evans Parkway
Apple Valley, CA**

CALL TO ORDER:

(Meeting Chaired by: Julie McIntyre)

- I. Pledge of Allegiance
- II. Attendance:
- III. Announcements:
- IV. Agenda Notices/Modifications – Diane Greve

Notes/Actions

- 1. **Possible Conflict of Interest Issues for the Mountain/Desert Committee Meeting of October 19, 2012.** Pg. 7

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

- 2. **Attendance Register** Pg. 9

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

Discussion Items

Transportation Fund Administration

3. Allocation of Funds to Mountain/Desert Subarea Projects

Pg. 11

That the Committee recommend the Board:

1. Allocate \$4,747,000 in Victor Valley Major Local Highway Program (MLHP) funds and \$3,543,000 in State-Local Partnership Program (SLPP) funds to the County of San Bernardino for the Yates Road Project.
2. Allocate \$6,407,000 in Victor Valley Major Local Highway Program (MLHP) funds and \$6,407,000 in State-Local Partnership (SLPP) Program funds to the Town of Apple Valley for the Yucca Loma Bridge Project.
3. Allocate \$1,200,000 in Mountains Major Local Highway Program (MLHP) funds and \$1,200,000 in State-Local Partnership Program (SLPP) funds to the City of Big Bear Lake for the Village L Project.
4. Allocate \$1,301,774 in State-Local Partnership Program (SLPP) funds to the County of San Bernardino for the Maple Lane Project in the Mountains Subarea.
5. Allocate \$200,000 in Morongo Basin Major Local Highway Program (MLHP) funds and \$400,000 in State-Local Partnership Program (SLPP) funds to the City of Twentynine Palms for the National Park Drive Street Improvement Project. **Carrie Schindler**

Discussion Items Continued. . . .Project Delivery**4. Hearings to Consider Resolutions of Necessity for Properties for the Lenwood Road Grade Separation Project Pg. 15**

That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Conduct public hearings to consider condemnation of real property required for the Lenwood Road Grade Separation project ("Project") in the City of Barstow and the County of San Bernardino, and
2. By at least a two-thirds majority, adopt Resolutions of Necessity Nos. 13-007, 13-008, 13-009, 13-013, 13-014, 13-015, 13-016, 13-017, 13-018, 13-019, 13-020, 13-021, 13-022, 13-036, and 13-037 and authorize and direct general counsel or her designees to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from the following property owners: Wilbur and Elaine Gassaway (APN 0497-142-26); Caroll Fulmer Management Company (APN 0497-131-59); Clayton and Janice Carmean and Albert and Rita Vogler (APN 0421-172-12); Richard Bowers (APN 0497-142-25); Warren Wallis (APN 0497-131-52); Naji Razzouk (APN 0422-042-12); Nabil and Janet Razzouk (APN 0422-041-07); Chong Nam Yim and Young Ja Yim (APN0422-011-04); Chong Nam Yim and Young Ja Yim (APN 0421-181-11); Metor Finance (APN 0422-011-13); Daniel Gallardo (APN 0422-012-09, -11, and -22); Lawrence and Beverly Watson (APN 0421-181-08); Laurence Brown (APN 0497-131-65); Mona Young (APN 0422-043-05, -06, -07, and -08); and Gregory and Brenda Hudson (APN 0421-181-04). **Garry Cohoe**

Administrative**5. Change to Mountain/Desert Committee Meeting Start Time Pg. 254**

That the Committee recommend the Board approve a change in the start time for the Mountain/Desert Committee. **Duane Baker**

Comments from Committee Members

Brief Comments from Committee Members –

Public Comment

Brief Comments by the General Public –

Additional Information

Acronym List

Pg. 255

Complete packages of this agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

ADJOURNMENT:

Next Mountain Desert Committee Meeting – Friday, November 16, 2012

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM 1

Date: October 19, 2012

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the SANBAG Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
4	<u>APN#</u> 0497-142-26	<u>Property Owners:</u> Wibur Walter Gassaway and Elaine Frances Gassaway	None
	0497-131-59	Carroll Fulmer Management Co.	
	0421-172-12	Clayton A. Carmean and Janice J. Carmean, and Albert H. Vogler and Rita K. Vogler	

*

	<p><i>Approved</i> Mountain/Desert Committee</p> <p>Date: _____</p> <p>Moved: Second:</p> <p>In Favor: Opposed: Abstained:</p> <p>Witnessed: _____</p>
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COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.
 MDC1210z-gc

4 (Cont.)	0497-142-25	Richard D. Bowers	
	0497-131-52	Warren Opie Wallis	
	0422-042-12	Naji Razzouk	
	0422-041-07	Nabil and Janet Razzouk	
	0422-011-04	Chong Nam Yim and Young Ja Yim	
	0421-181-11	Cong Nam Yim and Young Ja Yim	
	0422-011-13	Metor Finance, A California Corporation	
	0422012-19	Daniel Gallardo	
	0422-012-11	“” “”	
	0422-012-22	“” “”	
	0421-181-08	Lawrence W. and Beverly A. Watson	
	0497-131-65	Laurence K. Brown	
	0422-043-05	Mona L. Young	
	0422-043-06	“” “”	
	0422-043-07	“” “”	
0422-043-08	“” “”		
0421-181-04	Gregory W. and Brenda E. Hudson		

Financial Impact: This item has no direct impact on the SANBAG budget.

Reviewed By: This item is prepared monthly for review by SANBAG Board and Committee members.

**AGENDA ITEM #2
MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD - 2012**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Cari Thomas + City of Adelanto	X	X	X	X	X	X	X		X			
Rick Roelle Town of Apple Valley		X			X			X				
Julie McIntyre City of Barstow	X	X			X	X	X		X			
Bill Jahn City of Big Bear Lake	X	X	X	X		X	X	X	X			
Mike Leonard City of Hesperia	X	X	X	X		X	X	X	X			
Ed Paget City of Needles	X	X	X	X	X	X	X	X	X			
Jim Harris City of Twentynine Palms	X	X	X	X	X	X	X	X	X			
Ryan McEachron City of Victorville	X	X	X	X	X		X	X	X			
George Huntington Town of Yucca Valley	X		X	X	X	X	X	X	X			
Brad Mitzelfelt County of San Bernardino		X				X		X	X			
Janice Rutherford County of San Bernardino		X					X					
Neil Derry County of San Bernardino	X	X	X	X				X	X			

*Non-voting City Representative attended
+ Measure I Committee representative

**The Mountain/Desert Committee did not meet
x*Alternate Attended

*** New SANBAG Board Member

X = Member attended meeting.
MDCatt12.doc

Empty box = Member did not attend meeting

Crossed out box = Not a Board Member at the time.

**AGENDA ITEM #2
MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD - 2011**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Cari Thomas ***+ City of Adelanto	**	X	X	X	X	X	X	X	X	X	X	X
Rick Roelle Town of Apple Valley	**	X	X	X*	X	X	X	X	X	X		X
Julie McIntyre City of Barstow	**	X	X	X	X		X	X	X	X	X	X
Bill Jahn City of Big Bear Lake	**	X	X	X	X	X	X	X	X	X		
Mike Leonard City of Hesperia	**	X	X	X	X	X				X*	X	X
Ed Paget *** City of Needles	**	X	X	X	X	X	X	X	X	X	X	X
Jim Harris City of Twentynine Palms	**	X	X	X	X	X	X	X	X	X	X	X
Ryan McEachron City of Victorville	**	X	X	X	X	X*	X	X	X	X	X	X
George Huntington *** Town of Yucca Valley	**	X	X	X	X	X	X	X	X	X	X	X
Brad Mitzelfelt County of San Bernardino	**		X	X	X	X		X	X	X	X	X
Janice Rutherford*** County of San Bernardino												
Neil Derry County of San Bernardino <i>(Self Suspension-5/3/2011)</i>	**	X	X	X	Self Suspension 5/3/11							

**Non-voting City Representative attended
+ Measure I Committee representative

**The Mountain/Desert Committee did not meet
x* Alternate Attended

*** New SANBAG Board Member

X = Member attended meeting.
MDCatt1.1.doc

Empty box = Member did not attend meeting

Crossed out box = Not a Board Member at the time.



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: October 19, 2012

Subject: Allocation of Funds to Mountain/Desert Subarea Projects

Recommendation:* That the Committee recommend the Board:

1. Allocate \$4,747,000 in Victor Valley Major Local Highway Program (MLHP) funds and \$3,543,000 in State-Local Partnership Program (SLPP) funds to the County of San Bernardino for the Yates Road Project.
2. Allocate \$6,407,000 in Victor Valley Major Local Highway Program (MLHP) funds and \$6,407,000 in State-Local Partnership (SLPP) Program funds to the Town of Apple Valley for the Yucca Loma Bridge Project.
3. Allocate \$1,200,000 in Mountains Major Local Highway Program (MLHP) funds and \$1,200,000 in State-Local Partnership Program (SLPP) funds to the City of Big Bear Lake for the Village L Project.
4. Allocate \$1,301,774 in State-Local Partnership Program (SLPP) funds to the County of San Bernardino for the Maple Lane Project in the Mountains Subarea.
5. Allocate \$200,000 in Morongo Basin Major Local Highway Program (MLHP) funds and \$400,000 in State-Local Partnership Program (SLPP) funds to the City of Twentynine Palms for the National Park Drive Street Improvement Project.

*

Approved
 Mountain Desert Committee

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.

MDC1210a-cs

<http://portal.sanbag.ca.gov/mgmt/committee/desert/mdc2012/mdc1210/AgendaItems/MDC1210a1-cs.xlsx>

Background: MLHP Funding The strategic plan for Measure I 2010-2040 created a process for identifying project priorities in the Mountain/Desert Subareas to be funded by the 25% portion of Measure I known as the Major Local Highways Program (MLHP). These project priorities are to be used by the Mountain/Desert Committee and the SANBAG Board of Directors to make allocation decisions.

The Mountain/Desert subarea allocations of MLHP funds are made on a case-by-case basis. The allocations to each jurisdiction are subject to geographic equity throughout the subarea. Funded projects are to be from a candidate project list developed by transportation planning partners in the subarea, should serve to maximize leveraging of private, local, federal and State dollars, and shall be made with the objective to deliver projects at the earliest possible date.

Each project listed above was nominated by the local agency and approved by the subarea representatives at meetings in September and October, 2012.

SLPP Funding On January 5, 2011, the Board of Directors approved Policy 35000, Allocation of Proposition 1B State-Local Partnership Program (SLPP) Funds. The funds are to be allocated based on the policy's formula of 50% population/50% centerline miles. Table 3 on Attachment 1 details the funds available by subarea.

Financial Impact: This item does not have an impact on the SANBAG FY 2012/2013 Budget. Project-specific funding agreements will be developed for each of these projects, and any impacts to the SANBAG budget will be identified with approval of those agreements.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff: Carrie Schindler, Chief of Fund Administration and Programming

Attachment 1

Table 1 - Distribution of San Bernardino Total SLPP (Formula Program)¹ \$ 56,894,000

Region	Centerline Miles ²	Percentage of Centerline Miles	Population ³	Percentage of Population	Allocation Percentage (50% Centerline Miles/50% Population)	Allocation Amount
Valley	4,542.06	53.3%	1,505,467	72.6%	63.0%	\$ 35,830,226
Mountain/Desert	3,973.73	46.7%	567,682	27.4%	37.0%	\$ 21,063,774
Total	8,515.79	100.0%	2,073,149	100.0%	100.0%	\$ 56,894,000

1. San Bernardino SLPP Formula Program Total has been updated to reflect final allocations. The rest of the data is consistent with what was approved by the Board on January 11, 2011.

2. Centerline Miles - The information is from the 2009 Public Road Data published by Caltrans (County's information previously supplied is from the 2008 Public Road Data).

3. Population - Numbers shown are from the SANBAG Board approved Measure 1 2010 Population Estimate (Approved on August 4, 2010)

Table 2 - Project List and SLPP Allocation Amounts

Project	Lead Agency	SLPP Amount			Current Project Status
		Total	Valley SLPP (63%)	Mountain/Desert SLPP (37%)	
Vineyard Ave Grade Separation	Ontario	\$ 14,080,000	\$ 14,080,000		Right of way phase
South Milliken Grade Separation	Ontario	\$ 17,655,000	\$ 17,655,000		Right of way phase
I-15 Rancho Interchange	Hesperia	\$ 4,550,000		\$ 4,550,000	Advertisement phase
Lenwood Grade Separation	Barstow/County	\$ 2,161,000		\$ 2,161,000	Right of way phase
Yucca Loma Corridor (Bridge & Yates Road Portion)**	Apple Valley/ County	\$ 9,950,000		\$ 9,950,000	Right of way phase
US 395 Interim widening	SANBAG	\$ -		\$ -	SLPP allocated in 10-yr delivery plan but project will not make deadline*
SR-62 Apache to Palm **	Yucca Valley	\$ 723,000		\$ 723,000	Right of way phase
SR-62 LaHonda to Dumosa**	Yucca Valley	\$ 778,000		\$ 778,000	Right of way phase
Big Bear Lake - Village L**	Big Bear	\$ 1,200,000		\$ 1,200,000	Construction ready
Maple Drive**	County	\$ 1,301,774		\$ 1,301,774	Right of way phase
National Park Drive, Street Improvement Project-Phase 2**	Twentynine Palms	\$ 400,000		\$ 400,000	Environmental cleared, no right of way & 95% design
	SLPP \$ Identified	\$ 52,798,774	\$ 31,735,000	\$ 21,063,774	
	Allocation Amount (see Table 1)	\$ 56,894,000	\$ 35,830,226	\$ 21,063,774	
	Remaining \$ to be programmed	\$ 4,095,226	\$ 4,095,226	\$ (0)	

*All SLPP funds must be allocated by the CTC for the construction phase by June 11, 2013

**The SLPP allocation to these projects still requires Board approval.

Table 3 - Mountain/Desert Subareas - SLPP Shares & Remaining Balance in Accordance with Policy 35000 and Table 2

Subarea	Population	Percentage	SLPP Share	Programmed	Balance
Colorado River	8,185	1.40%	\$ 294,893		\$ 294,893
Morongo Basin	77,627	13.70%	\$ 2,885,737	\$ 1,901,000	\$ 984,737
Mountains	53,156	9.40%	\$ 1,979,995	\$ 2,501,774	\$ (521,779)
North Desert	60,092	10.60%	\$ 2,232,760	\$ 2,161,000	\$ 71,760
Victor Valley	368,622	64.90%	\$ 13,670,389	\$ 14,500,000	\$ (829,611)
Total	567,682	100.00%	\$ 21,063,774	\$ 21,063,774	\$ (0)



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 4

Date: October 19, 2012

Subject: Hearings to Consider Resolutions of Necessity for Properties for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Conduct public hearings to consider condemnation of real property required for the Lenwood Road Grade Separation project ("Project") in the City of Barstow and the County of San Bernardino, and
2. By at least a two-thirds majority, adopt Resolutions of Necessity Nos. 13-007, 13-008, 13-009, 13-013, 13-014, 13-015, 13-016, 13-017, 13-018, 13-019, 13-020, 13-021, 13-022, 13-036, and 13-037 and authorize and direct general counsel or her designees to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from the following property owners: Wilbur and Elaine Gassaway (APN 0497-142-26); Carroll Fulmer Management Company (APN 0497-131-59); Clayton and Janice Carmean and Albert and Rita Vogler (APN 0421-172-12); Richard Bowers (APN 0497-142-25); Warren Wallis (APN 0497-131-52); Naji Razzouk (APN 0422-042-12); Nabil and Janet Razzouk (APN 0422-041-07); Chong Nam Yim and Young Ja Yim (APN0422-011-04); Chong Nam Yim and Young Ja Yim (APN 0421-181-11); Meteor Finance (APN 0422-011-13); Daniel Gallardo (APN 0422-012-09, -11, and -22); Lawrence and Beverly Watson

*

	<p><i>Recommended Mountain/Desert Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	CTC	X	CTA	SAFE	CMA
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Check all that apply.

mdc1210a-bmf

Attachments: <http://portal.sanbag.ca.gov/mgmt/committee/desert/mdc2012/mdc1210/AgendaItems/MDC1210a1-bmf.xlsx>

(APN 0421-181-08); Laurence Brown (APN 0497-131-65); Mona Young (APN 0422-043-05, -06, -07, and -08); and Gregory and Brenda Hudson (APN 0421-181-04).

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in October 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While SANBAG and Epic continue to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owners have not been successful and these properties will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On October 3, 2012, the Board approved setting a public hearing for November 7, 2012, to consider adoption of Resolutions of Necessity regarding fourteen properties, that did not include the Hudson property. At the time SANBAG's right-of-way consultants believed the Hudson property would be acquired by negotiated sale based upon discussions with the property owners. When it was determined that acquisition of the Hudson property by negotiated sale would not be likely, proper legal notice was given of a public hearing to be held by the Board on November 7, 2012, to consider adoption of a Resolution of Necessity for the Hudson property. Accordingly, the Hudson property has been added to this agenda item. The Hudson's have been notified of the Mountain Desert Committee meeting and of the November Board hearing date, consistent with the requirements of the eminent domain process.

The adoption of the attached Resolutions of Necessity by the Commission allow for the eminent domain process to proceed which results in obtaining legal rights to the properties needed for the Project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction of the Project to start in 2013 as scheduled.

In order to adopt the Resolutions of Necessity, the Commission must make five findings discussed below for each parcel to be acquired for the Project. The issue of compensation value for these property interests is not addressed by these resolutions and is not to be considered at these hearings. The five necessary findings are:

1. The public interest and necessity require the Project.

The safety improvements from eliminating an at-grade railroad/street crossing at Lenwood Road and the BNSF tracks, the reduction in traffic delay associated with the waiting for trains, the reduced emergency vehicle response time, and the improvement of passenger rail operations support the need for the proposed Project.

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

The Project is being constructed on the existing alignment to minimize impacts on adjacent properties. In general, the Project requires additional frontage right-of-way, and easements to accommodate future slopes and utility relocations. The proposed design minimizes the property required, but does include full acquisitions, partial acquisitions, and permanent and temporary easements.

3. The properties sought to be acquired are necessary for the Project.

While the Project follows the existing roadway alignment, the grade separation for Lenwood Road to cross over the BNSF railroad will cause a considerable grade change to Lenwood Road and Main Street. The properties are impacted with slopes and retaining walls to support the proposed grade changes. Several of the properties are losing access to Lenwood Road and permanent cul-de-sacs are being constructed for their new access. The following are the required takes for the subject properties:

Wilbur Walter Gassaway and Elaine Frances Gassaway, Trustees of the Wilbur Walter and Elaine Frances Gassaway Trust dated 9-30-98: Parcel APN 0497-142-26. This is a vacant light industrial property. The project requires 2 roadway easements and a temporary construction easement to accommodate a wider and raised Lenwood Road, and a new public cul-de-sac.

Carroll Fulmer Management Company, Inc. a Florida Corporation: Parcel APN 0497-131-59. This is a vacant light industrial property. The project requires

2 roadway easements and two temporary construction easements to accommodate a wider and raised Lenwood Road, and a new public cul-de-sac.

Clayton A. Carmean and Janice J. Carmean and Albert H. Vogler and Rita K Vogler, as tenancy in common: Parcel APN 0421-172-12. This is a vacant rural commercial property. The project requires a temporary construction easement to accommodate a temporary bypass road. This bypass road will be in place the duration of construction.

Richard D. Bowers, Trustee of the Richard D. Bowers 1996 Trust: Parcel APN 0497-142-25. This is a vacant light industrial property. The project requires 2 roadway easements and a temporary construction easement to accommodate a wider and raised Lenwood Road, and a new public cul-de-sac.

Warren Opie Wallis, an unmarried man: Parcel APN 0497-131-52. This is light industrial property with commercial business on the site. The project requires a roadway easement to accommodate a wider and raised Lenwood Road, and a temporary construction easement along Jasper Road to construct a new driveway.

Naji Razzouk, trustee of the Family Trust of Naji Y. Razzouk dated November 16, 1999: Parcel APN 0422-042-12. This is a commercial property. The project requires a full take of this property to accommodate embankment slopes to support the raised intersection of Lenwood Road and Main Street.

Nabil and Janet Razzouk, trustees of the Nabil and Janet Razzouk Family Trust dated 10/10/94: Parcel APN 0422-041-07. This is a commercial property. The project requires a full take of this property to accommodate embankment slopes to support the raised street grade of Main Street.

Chong Nam Yim and Young Ja Yim, husband and wife as joint tenants: Parcel APN 0422-011-04. This is a rural living, residential property. The project requires a full take of this property to accommodate embankment slopes to support the raised street grade of Lenwood Road.

Chong Nam Yim and Young Ja Yim, husband and wife as joint tenants: Parcel APN 0421-181-11. This is a general commercial site with a residential building. The project requires a permanent roadway easement for the raising and widening of Lenwood Road and a temporary construction easement to tie the driveway into Lenwood Road.

Metor Finance, a California Corporation: Parcel APN 0422-011-13. This is a rural living/vacant property. The project requires a full take of this property to

accommodate embankment slopes to support the raised street grade of Lenwood Road.

Daniel Gallardo, a married man, as his sole and separate property: Parcels APN 0422-012-09, 11, and 22. This is a rural commercial property with a residential building. The project requires a roadway easement to accommodate a wider and raised Main Street, and a temporary construction easement to construct new driveways.

Lawrence W. and Beverly A. Watson, husband and wife as joint tenants: Parcel APN 0421-181-08. This is a general commercial property with commercial and residential buildings. The project requires a full take of this property to accommodate embankment slopes to support the raised intersection of Lenwood Road and Main Street.

Laurence K. Brown as trustee of the Nancy Brown Supplemental Trust, subject to Item No. 11 of Schedule B: Parcel APN 0497-131-65. This is a vacant light industrial property. The project requires a roadway easement and a temporary construction easement to accommodate a wider and raised Lenwood Road, and grading and paving Coyote Road.

Mona L. Young: Parcels APN 0422-043-05 through -08. This is a rural living and rural commercial property with a residential building. The project requires a roadway easement to accommodate a wider and raised Lenwood Road, and a temporary construction easement to construct a new driveway.

Gregory W. and Brenda E. Hudson, trustees of the Hudson Family Trust 09-30-97: Parcel APN 0421-181-04. The project requires a roadway easement to accommodate a wider and raised Main Street.

The properties presented are necessary for the construction of the Project.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject properties were appraised and offers for the appraised amount have been made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The Gassaway and Fulmer offers were made on Dec 14, 2011. The Bowers offer was made Jan. 18, 2012. The Wallis offer was made on Jan. 20, 2012. The Brown offer was made on June 5, 2012. The Young offer was made on Dec. 13, 2011. The Gallardo offer was made on June 5, 2012. The Meteor Finance offer was made on June 7, 2012 and the Razzouk offers were made on July 5, 2012. The Carmean and Vogler offer was made on December 22,

2011. The Hudson offer was made on May 30, 2012. The Watson offer and both Yim offers were made on June 5, 2012.

5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the properties have been complied with.

SANBAG has complied with all conditions and requirements to exercise the power of eminent domain.

Upon completion of the Project, SANBAG will transfer properties acquired for this Project to the City of Barstow or the County of San Bernardino.

Financial Impact: This item has no financial impact on the SANBAG 2012/2013 Budget. Task No. 0881.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has approved this item as to form.

Responsible Staff: Garry Cohoe, Director of Project Delivery

**LENWOOD ROAD GRADE SEPARATION PROJECT
PROPERTY ACQUISITIONS FOR HEARING RESOLUTIONS OF NECESSITY**

RES #	APN	NAME	TITLE OWNER	TYPE
13-007	0497-142-26	GASSAWAY	WILBUR WALTER GASSAWAY AND ELAINE FRANCES GASSAWAY, TRUSTEE(S) OF THE WILBUR WALTER AND ELAINE FRANCES GASSAWAY TRUST DATED 9-30-98	2 ROADWAY EASEMENTS, TEMPORARY CONSTRUCTION EASEMENT
13-008	0497-131-59	FULMER	CARROLL FULMER MANAGEMENT CO., INC., A FLORIDA CORPORATION	ROADWAY EASEMENT, TEMPORARY CONSTRUCTION EASEMENT
13-009	0421-172-12	CARMEAN AND VOGLER	CLAYTON A. CARMEAN & JANICE J. CARMEAN AND ALBERT H. VOGLER & RITA K. VOGLER, AS TENANCY IN COMMON	TEMPORARY CONSTRUCTION EASEMENT
13-013	0497-142-25	BOWERS	RICHARD D. BOWERS, TRUSTEE OF THE RICHARD D BOWERS 1996 TRUST	2 ROADWAY EASEMENTS, TEMPORARY CONSTRUCTION EASEMENT
13-014	0497-131-52	WALLIS	WARREN OPIE WALLIS, AN UNMARRIED MAN	ROADWAY EASEMENT, 2 TEMPORARY CONSTRUCTION EASEMENTS
13-015	0422-042-12	NAJI RAZZOUK	NAJI RAZZOUK, TRUSTEE OF THE FAMILY TRUST OF NAJI Y. RAZZOUK DATED NOVEMBER 16,1999	FULL TAKE
13-016	0422-041-07	NABIL RAZZOUK	NABIL AND JANET RAZZOUK, TRUSTEES OF THE NABIL AND JANET RAZZOUK FAMILY TRUST DATED 10/10/94	FULL TAKE
13-017	0422-011-04	YIM	CHONG NAM YIM AND YOUNG JA YIM, HUSBAND AND WIFE AS JOINT TENANTS	FULL TAKE
13-018	0421-181-11	YIM	CHONG NAM YIM AND YOUNG JA YIM, HUSBAND AND WIFE AS JOINT TENANTS	ROADWAY EASEMENT, TEMPORARY CONSTRUCTION EASEMENT
13-019	0422-011-13	METOR FINANCE	METOR FINANCE, A CALIFORNIA CORPORATION	FULL TAKE

13-020	0422-012-09, 11, 22	GALLARDO	DANIEL GALLARDO, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY	3 ROADWAY EASEMENTS, 3 TEMPORARY CONSTRUCTION EASEMENTS (ON 3 PARCELS)
13-021	0421-181-08	WATSON	LAWRENCE W. AND BEVERLY A. WATSON, HUSBAND AND WIFE AS JOINT TENANTS	FULL TAKE
13-022	0497-131-65	BROWN	LAURENCE K. BROWN AS TRUSTEE OF THE NANCY BROWN SUPPLEMENTAL TRUST, SUBJECT TO ITEM NO. 11 OF SCHEDULE B	ROADWAY EASEMENT, TEMPORARY CONSTRUCTION EASEMENT
13-036	0422-043-05, 0422-043-06, 0422-043-07, 0422-043-08	YOUNG	MONA L. YOUNG	4 ROADWAY EASEMENTS, 4 TEMPORARY CONSTRUCTION EASEMENTS (ON 4 PARCELS)
13-037	0421-181-04	HUDSON	GREGORY W. AND BRENDA E. HUDSON, TRUSTEES OF THE HUDSON FAMILY TRUST 09-30-97	ROADWAY EASEMENT

RESOLUTION NO. 13-007

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF APN NO. 0497-142-26

WHEREAS, the San Bernardino County Transportation Commission (the "Commission") is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain portions of the property located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes two roadway easements as legally described in Exhibits "A1" and "A2" and depicted in Exhibit "B" and located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, the hereinafter described real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" and located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in real property described and depicted in Exhibits "A" through "D" herein. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last

equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012 at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the Property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of two roadway easements as legally described in Exhibits "A1" and "A2" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D", are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the

use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire two roadway easements as legally described in Exhibits "A1" and "A2" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A1”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-26**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Elaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "A1"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;

Thence N 89°33'30" E, a distance of 52.00 feet to a point on the existing Easterly right of way line of Lenwood Road, said point being the POINT of BEGINNING,

Thence continuing N 89°33'30" E, a distance of 26.42 feet;

Thence S 0°53'03" E, a distance of 376.01 feet;

Thence S 89°33'30" W, a distance of 29.33 feet, to a point on the Easterly right of way line of Lenwood Road;

Thence N 0°26'30" W, along said Easterly right of way line, a distance of 376.00 to the POINT of BEGINNING.

Tract contains 10,481 square feet, 0.24 acres, more or less.

(End Exhibit "A1")

This legal description was prepared by me or under my direction.

By: _____

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “A2”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-26**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Elaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "A2"

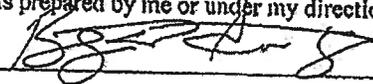
Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;
Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;
Thence N 89°33'30" E, a distance of 300.00 feet to the POINT of BEGINNING,
Thence continuing N 89°33'30" E, a distance of 50.00 feet;
Thence S 0°26'30" E, a distance of 376.00 feet;
Thence S 89°33'30" W, a distance of 47.00 feet to a point of curvature;
Thence along said curve that has a radius of 47.00 feet, a central angle of 145°56'39", a 89.88 feet chord which bears N 17°28'10" W, a distance of 119.72 feet, to a point of reverse curve;
Thence along said curve that has a radius of 53.00 feet, a central angle of 55°56'40", a 49.72 feet chord which bears N 27°31'47" E, a distance of 51.75 feet,
Thence N 00°26'30" W, a distance of 246.15 feet to the POINT of BEGINNING.
Tract contains 22,172 square feet, 0.51 acres, more or less.

(End Exhibit "A2")

This legal description was prepared by me or under my direction.

By: 

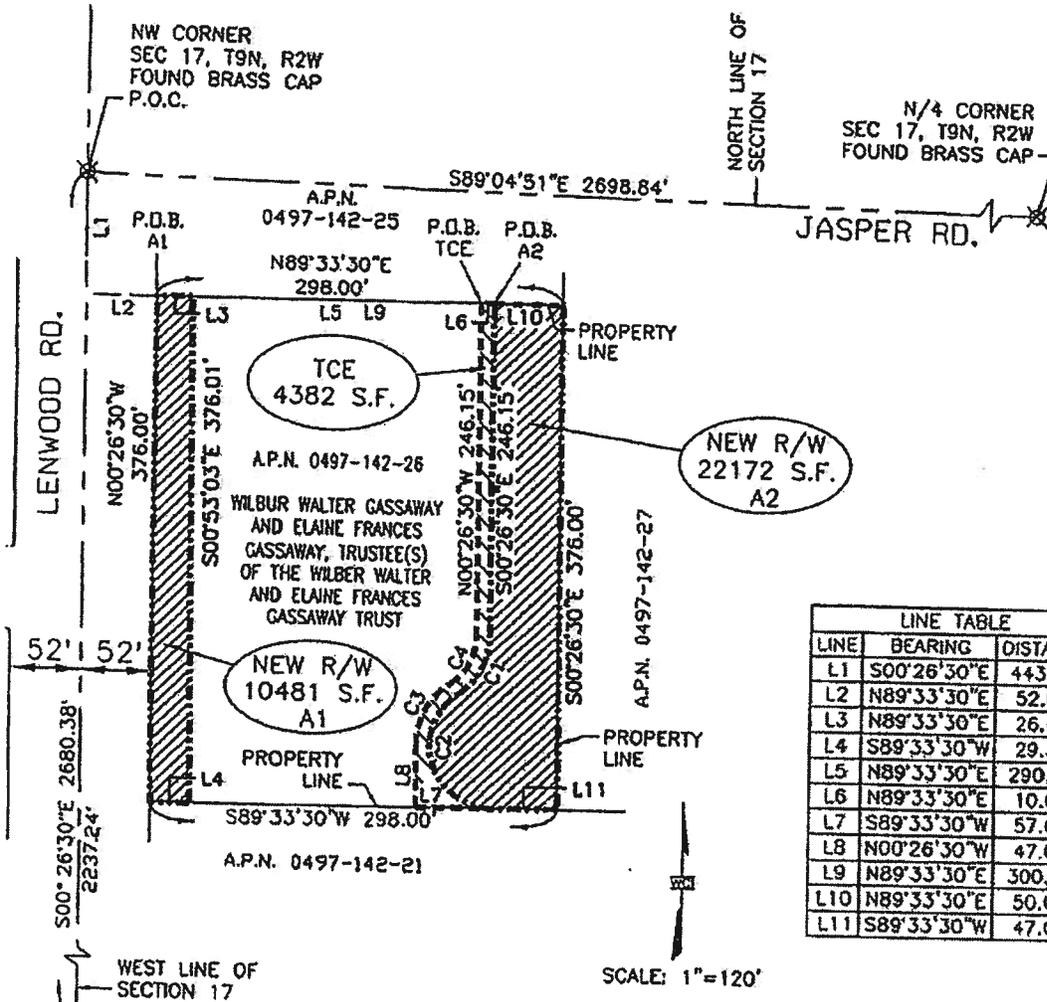
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “B”

PORTION PARCEL 1, P.M. 4889 M.B. 47/26
SECTION 17, T. 9N., R. 2W., S.B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	443.14'
L2	N89°33'30"E	52.00'
L3	N89°33'30"E	26.42'
L4	S89°33'30"W	29.33'
L5	N89°33'30"E	290.00'
L6	N89°33'30"E	10.00'
L7	S89°33'30"W	57.00'
L8	N00°26'30"W	47.00'
L9	N89°33'30"E	300.00'
L10	N89°33'30"E	50.00'
L11	S89°33'30"W	47.00'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	53.00'	51.75'	49.72'	S27°31'47"W
C2	47.00'	119.72'	89.88'	S17°28'10"E
C3	57.00'	55.66'	53.47'	N27°31'50"E
C4	43.00'	41.99'	40.34'	N27°31'47"E

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0497-142-26	W.O. NO.	
ROAD NO.		SCALE	1" = 150'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF WILBUR WALTER GASSAWAY AND ELAINE FRANCES GASSAWAY, TRUSTEE(S) OF THE WILBUR WALTER AND ELAINE FRANCES GASSAWAY TRUST

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-26**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Blaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "TCE"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;

Thence N 89°33'30" E, a distance of 290.00 feet to the POINT of BEGINNING,

Thence continuing N 89°33'30" E, a distance of 10.00 feet;

Thence S 00°26'30" E, a distance of 246.15 feet to a point of curvature;

Thence along said curve that has a radius of 53.00 feet, a central angle of 55°56'40", a 49.72 feet chord which bears S 27°31'47" W, a distance of 51.75 feet to a point of reverse curve;

Thence along said curve that has a radius of 47.00 feet, a central angle of 145°56'39", and a 89.88 feet chord which bears S 17°28'10" E, a distance of 119.72 feet;

Thence S 89°33'30" W, a distance of 57.00 feet,

Thence N 0°26'30" W, a distance of 47.00 feet, to a point of non tangent curve;

Thence along said curve that has a radius of 57.00 feet, a central angle of 55°56'40", a 53.47 feet chord which bears N 27°31'50" E, a distance of 55.66 feet to a point of reverse curve;

Thence along said curve that has a radius of 43.00 feet, a central angle of 55°56'40", and a 40.34 feet chord which bears N 27°31'47" E, a distance of 41.99 feet;

Thence N 00°26'30" W, a distance of 246.15 to the POINT of BEGINNING.

Tract contains 4,382 square feet, 0.10 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: *B. M. Aragon*

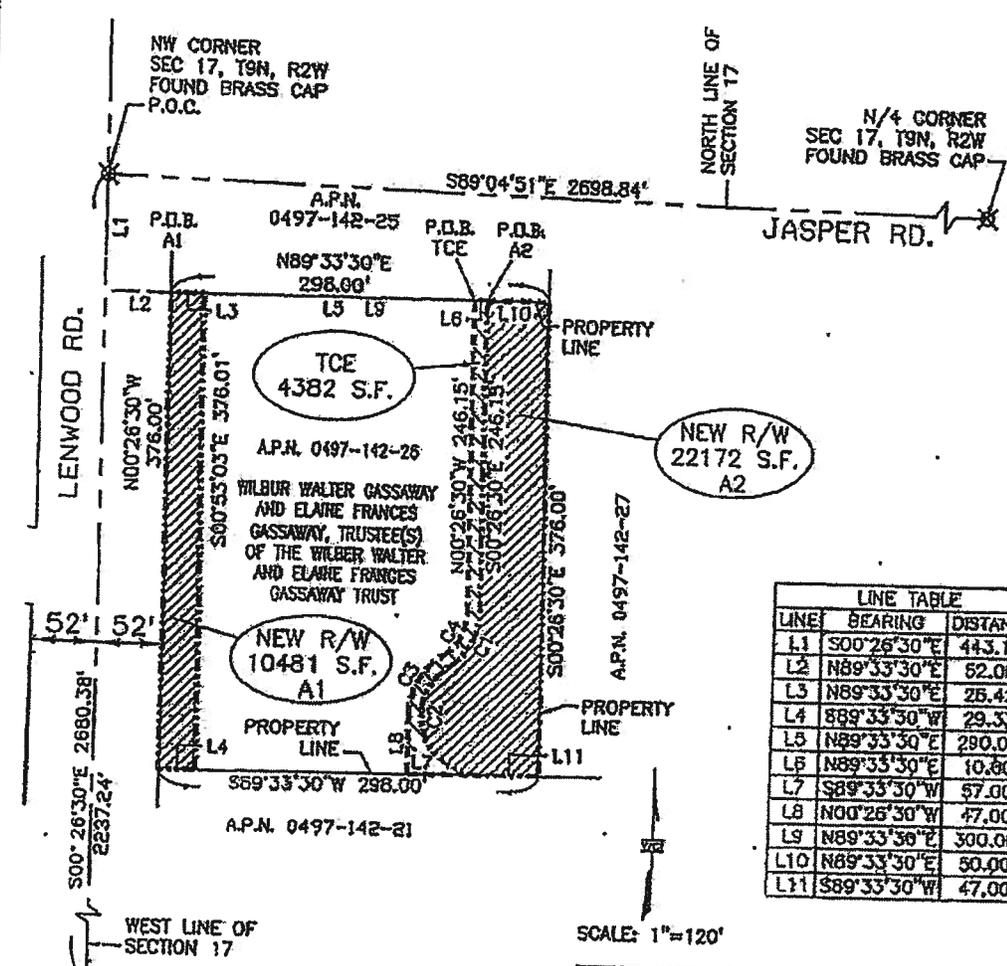
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/9/11 PLS 8016



EXHIBIT “D”

PORTION PARCEL 1, P.M. 4889 M.B. 47/26
SECTION 17, T. 9N., R. 2W., S.B.M.



LINE	BEARING	DISTANCE
L1	S00°26'30"E	443.14'
L2	N89°33'30"E	52.00'
L3	N89°33'30"E	26.42'
L4	S89°33'30"W	29.33'
L5	N89°33'30"E	290.00'
L6	N89°33'30"E	10.60'
L7	S89°33'30"W	57.00'
L8	N00°26'30"W	47.00'
L9	N89°33'30"E	300.00'
L10	N89°33'30"E	50.00'
L11	S89°33'30"W	47.00'

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	53.00'	51.75'	49.72'	S27°31'47"W
C2	47.00'	119.72'	89.88'	S17°28'10"E
C3	57.00'	55.66'	53.47'	N27°31'50"E
C4	43.00'	41.99'	40.34'	N27°31'47"E

WEST LINE OF SECTION 17
 CALCULATED POSITION OF W/4 CORNER SEC 17, T9N, R2W

P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSRUCT

PARCEL NO.	0497-142-26	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

RESOLUTION NO. 13-008

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF APN NO. 0497-131-59

WHEREAS, the San Bernardino County Transportation Commission (the "Commission") is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain portions of the property located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" and located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in real property described and depicted in Exhibits "A" through "D" herein. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last

equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012 at 10:00 a.m. at Santa Fe Depot---SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D", are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the

use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-59**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-59

Owner: Carroll Fulmer Management Co., Inc.

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26 '30" E, along the East line of said Section 18, a distance of 689.75 feet;

Thence S 89°24 '09" W, a distance of 52.00 feet to a point on the existing Westerly right of way line of Lenwood Road, said point being the POINT of BEGINNING;

Thence S 00°26 '30" E, along said right of way line, a distance of 300.26 feet;

Thence S 89°24 '09" W, a distance of 50.50 feet, to a point of non tangent curvature;

Thence along said non tangent curve that has a radius of 47.00 feet, a central angle of 145°46 '06", and a 89.84 feet chord which bears N 17°49 '26" W, a distance of 119.57 feet to a point of reverse curve;

Thence along said curve that has a radius of 53.00 feet, a central angle of 55°44 '39", and a 49.56 feet chord which bears N 27°11 '16" E, a distance of 51.57 feet;

Thence N 00°53 '03" W, a distance of 170.61 feet, to a point on the Southerly right of way line of Coyote Road;

Thence N 89°24 '09" E, along said Southerly line, a distance of 55.67 feet to the POINT of BEGINNING.

Tract contains 19,741 square feet, 0.45 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: Benjamin M. Aragon

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/7/11 PLS 8016



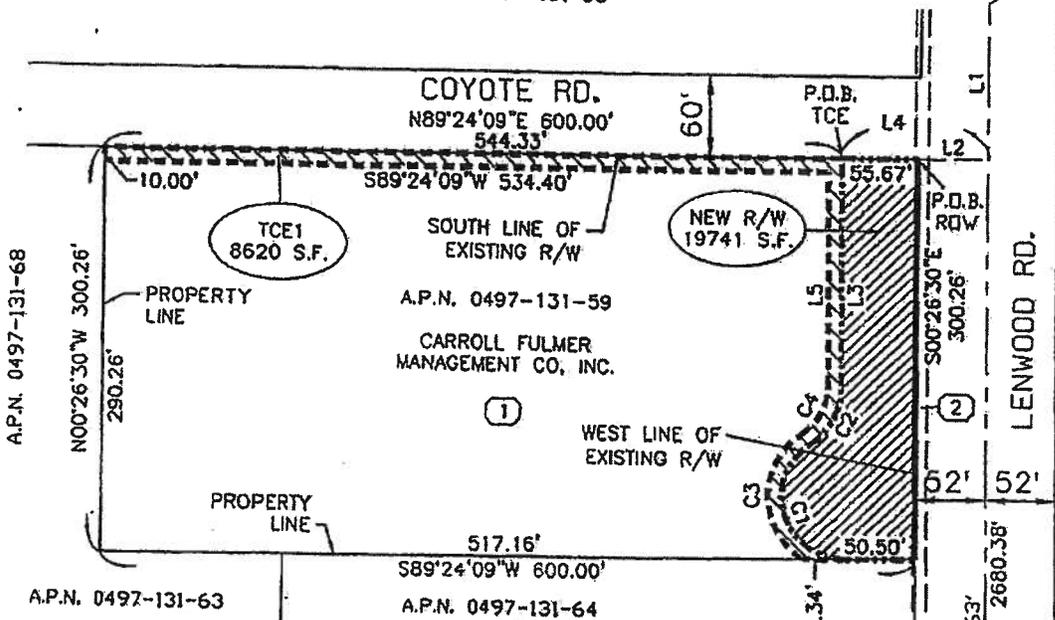
EXHIBIT “B”

PORTION PARCEL 2, P.M. 6622 M.B. 63/85
SECTION 18, T. 9N., R. 2W., S. B. M.

N/4 CORNER SEC 18, T9N, R2W FOUND BRASS CAP
NORTH LINE OF SECTION 18
NE CORNER SEC 18, T9N, R2W FOUND BRASS CAP P.O.C.

S89°24'09"W 2645.91'

A.P.N. 0497-131-65



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	689.75'
L2	S89°24'09"W	52.00'
L3	N00°53'03"W	170.61'
L4	S89°24'09"W	107.67'
L5	N00°53'03"W	160.66'

① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	47.00'	119.57'	89.84'	N17°49'26"W
C2	53.00'	51.57'	49.56'	N27°11'18"E
C3	57.00'	110.63'	94.06'	N00°32'26"W
C4	43.00'	41.80'	40.17'	N27°12'40"E

EXHIBIT "B1"

PARCEL NO.	0497-131-59	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF CARROLL FULMER MANAGEMENT CO., INC.

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-59**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-59

Owner: Carroll Fulmer Management Co., Inc.

To: City of Barstow

EXHIBIT "TCE1"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 689.75 feet;

Thence S 89°24'09" W, along the Southerly right of way line of Coyote Road, a distance of 107.67 feet to the POINT of BEGINNING;

Thence S 00°53'03" E, a distance of 170.61 feet, to a point of curvature;

Thence along said curve to the right that has a radius of 53.00 feet, a central angle of 55°44'39", a 49.56 feet chord which bears S 27°11'16" W, a distance of 51.57 feet, to a point of reverse curve;

Thence along said curve to the left that has a radius of 47.00 feet, a central angle of 145°46'06", a 89.84 feet chord which bears S 17°49'26" E, a distance of 119.57 feet, to a point the Southerly property line of Parcel 2;

Thence S 89°24'09" W, along said Southerly line, a distance of 32.34 feet to a point of curvature;

Thence along said curve to the right that has a radius of 57.00 feet, a central angle of 111°12'05", and a 94.06 feet chord which bears N 00°32'26" W, a distance of 110.63 feet to a point of reverse curve;

Thence along said curve to the left that has a radius of 43.00 feet, a central angle of 55°41'51", and a 40.17 feet chord which bears N 27°12'40" E, a distance of 41.80;

Thence N 00°53'03" W, a distance of 160.66 feet;

Thence S 89°24'09" W, a distance of 534.40 feet, to a point the Westerly property line of Parcel 2;

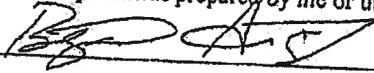
Thence N 00°26'30" W, along said Westerly line, a distance of 10.00 feet, to a point on the Southerly right of way line of Coyote Road;

Thence N 89°24 '09" E, along said Southerly line, a distance of 544.33 feet to the POINT of BEGINNING.

Tract contains 8,620 square feet, 0.20 acres, more or less.

(End Exhibit "TCE1")

This legal description was prepared by me or under my direction.

By: 

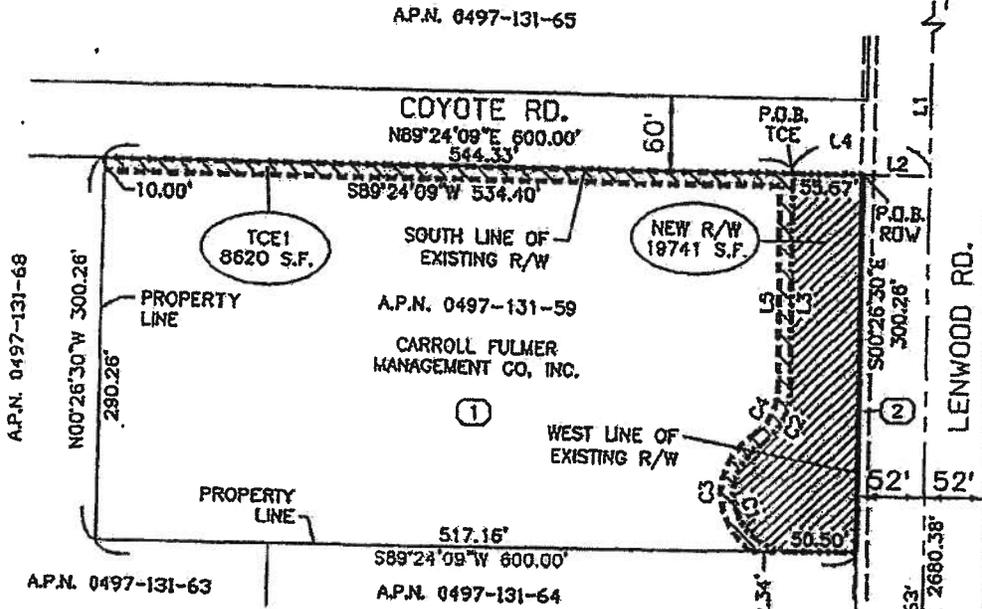
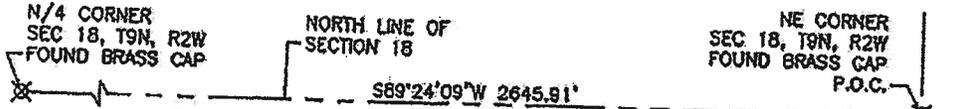
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “D”

PORTION PARCEL 2, P.M. 6622 M.B. 63/85
SECTION 18, T. 9N., R. 2W., S.B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30\"/>	
L2	S89°24'09\"/>	
L3	N00°53'03\"/>	
L4	S89°24'09\"/>	
L5	N00°53'03\"/>	

① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	47.00'	119.57'	89.84'	N17°49'26\"/>
C2	83.00'	51.57'	49.58'	N27°11'16\"/>
C3	57.00'	110.63'	94.06'	N00°32'26\"/>
C4	43.00'	41.80'	40.17'	N27°12'40\"/>

SCALE: 1"=120'

 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

PARCEL NO.	0497-131-59	W.O. NO.	
ROAD NO.		SCALE	1"=120'

RESOLUTION NO. 13-009

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0421-172-12

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located on the South Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located on the South Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California ("Property"); and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow and County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0421-172-12**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-172-12

Owner: Clayton A. Carnean, Janice J. Carnean, Albert H. Vogler

Rita K. Vogler; as tenants in common

To: City of Barstow

EXHIBIT "TCE"

Legal Description

A portion of the Northeast Quarter of the Southeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Trx Deed Document #2010-0253045 Recorded in Official Records County of San Bernardino, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence N 0°33'24" W, along the East line of said Section 18, a distance of 2300.61 feet to the POINT of BEGINNING;

Thence along a curve to the left that has a radius of 275.00 feet, a central angle of 31°56'33", a 151.34 feet chord which bears N 74°32'45" W, a distance of 153.31 feet;

Thence S 89°28'58" W, a distance of 168.91 feet to a point of curvature;

Thence along said curve to the right that has a radius of 325.00 feet, a central angle of 47°20'57", a 261.00 feet chord which bears N 66°50'33" W, a distance of 268.58 feet;

Thence N 43°10'05" W, a distance of 113.07 feet;

Thence N 88°08'37" W, a distance of 53.83 feet to a point on the Southerly right of way line of Main Street;

Thence N 46°54'16" E, along said Southerly right of way line, a distance of 126.07 feet;

Thence S 1°50'57" W, a distance of 53.76 feet;

Thence S 43°10'05" E, a distance of 112.99 feet to a point of curvature;

Thence along said curve to the left that has a radius of 275.00 feet, a central angle of 47°20'57", a 220.85 feet chord which bears S 66°50'33" E, a distance of 227.26 feet;

Thence N 89°28'58" E, a distance of 168.91 feet to a point of curvature;

Thence along said curve to the right that has a radius of 325.00 feet, a central angle of 24°19'07", a 136.91 feet chord which bears S 78°21'28" E, a distance of 137.94 feet;

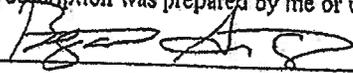
Thence N 44°16'14" E, a distance of 16.47 feet to a point on the Easterly line of said Section 18;

Thence S 0°33'24" E, a distance of 74.49 feet to the POINT of BEGINNING.

Tract contains 37,539 square feet, 0.86 acres, more or less.

(End Exhibit "TCB")

This legal description was prepared by me or under my direction.

By: 

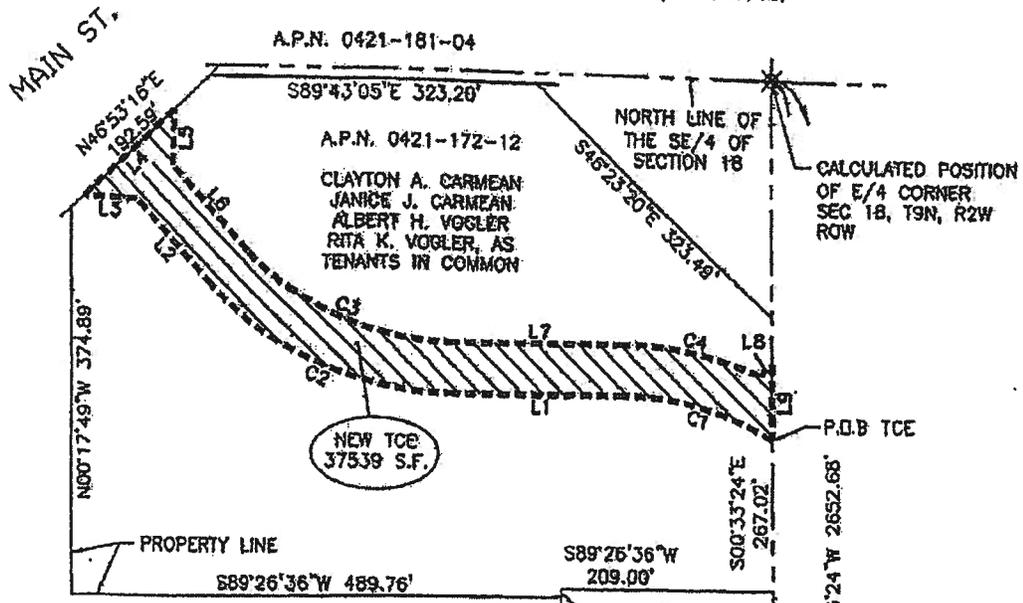
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “B”

PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTERS
SECTION 18, T. 9N., R. 2W., S. B. M.



CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	275.00'	153.31'	151.34'	N74°32'45"W
C2	325.00'	268.58'	261.00'	N56°50'33"W
C3	275.00'	227.26'	220.85'	S66°50'33"E
C4	325.00'	137.84'	136.81'	S78°21'25"E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°28'58"W	168.91'
L2	N43°10'05"W	113.07'
L3	N88°08'37"W	53.83'
L4	N46°54'16"E	126.07'
L5	S01°50'57"W	53.78'
L6	S43°10'05"E	112.89'
L7	N89°28'58"E	168.91'
L8	N44°16'14"E	18.47'
L9	S00°33'24"E	74.49'



P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0421-172-12	W.G. NO.	
ROAD NO.		SCALE	1"=150'

FLAT SHOWING LOCATION OF TCE
WITHIN THE LANDS OF
CLAYTON A. CARMEAN, JANICE J. CARMEAN,
ALBERT H. VOGLER, RITA K. VOGLER, AS
TENANTS IN COMMON

RESOLUTION NO. 13-013

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0497-142-25

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located at the Southeast corner of Lenwood Road and Jasper Road, Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes two roadway easements as legally described in Exhibits "A1" and "A2" and depicted in Exhibit "B", located on property at Southeast corner of Lenwood Road and Jasper Road, Barstow, California ("Property"); and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", located on property at Southeast corner of Lenwood Road and Jasper Road, Barstow, California ("Property"); and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on October 11, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the real property described and depicted in Exhibits "A" through "D". The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county

assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of two roadway easements as legally described in Exhibits "A1" and "A2" and depicted in Exhibit "B" and a temporary construction easement as legally described and depicted in Exhibits "C" and "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D" are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire two roadway easements and a temporary construction easement as legally described and depicted in Exhibits "A" through "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

A YES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A1”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-25**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-25

Owner: Richard D. Bowers, Trustee of the

Richard D. Bowers 1996 Trust dated 7/8/96

To: City of Barstow

EXHIBIT "A1"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the West line of said Section 17, a distance of 61.73 feet;

Thence N 89°33'30" E, a distance of 52.00 feet to a point on the existing Easterly right of way line of Lenwood Road, said point being the POINT of BEGINNING,

Thence along a curve to the right that has a radius of 20.00 feet, a central angle of 91°21'39", a 28.62 foot chord which bears N 45°14'19" E, a distance of 31.89 feet to a point on the Southerly right of way line of Jasper Road;

Thence S 89°04'51" E, along said Southerly right of way line, a distance of 2.85 feet;

Thence S 00°53'03" E, a distance of 401.35 feet;

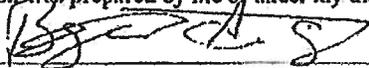
Thence S 89°33'30" W, a distance of 26.42 feet, to a point on the Easterly right of way line of Lenwood Road;

Thence N 00°26'30" W, along said Easterly right of way line, a distance of 381.41 feet to the POINT of BEGINNING.

Tract contains 9,899 square feet, 0.23 acres, more or less.

(End Exhibit "A1")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “A2”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-25**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-25

Owner: Richard D. Bowers, Trustee of the

Richard D. Bowers 1996 Trust dated 7/8/96

To: City of Barstow

EXHIBIT "A2"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 40.01 feet;

Thence S 89°04'51" E, along the Southerly right of way line of Jasper Road, a distance of 300.08 feet the POINT of BEGINNING;

Thence continuing S 89°04'51" E, along said Southerly right of way line, a distance of 50.01 feet;

Thence S 0°26'30" E, a distance of 394.81 feet;

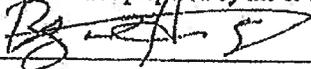
Thence S 89°33'30" W, a distance of 50.00 feet;

Thence N 0°26'30" W, a distance of 396.00 feet to the POINT of BEGINNING.

Tract contains 19,770 square feet, 0.45 acres, more or less.

(End Exhibit "A2")

This legal description was prepared by me or under my direction.

By: 

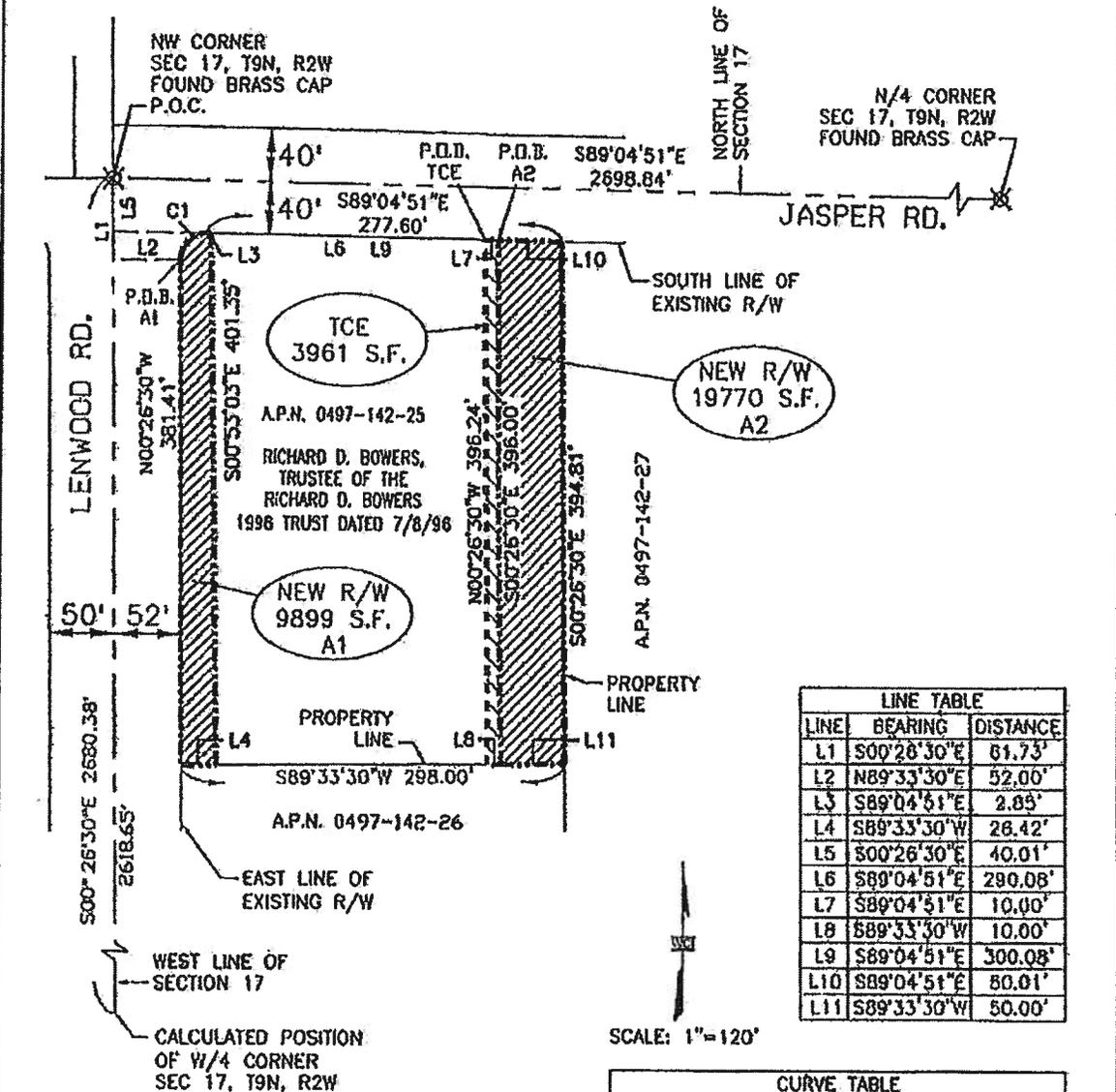
Benjamin M. Aragon, Professional Land Surveyor

Date: 10, 4, 11 PLS 8016



EXHIBIT “B”

PORTION PARCEL 1, P.M. 4889 M.B. 47/26
SECTION 17, T. 9N., R. 2W., S.B.M.



LINE	BEARING	DISTANCE
L1	S00°26'30"E	81.73'
L2	N89°33'30"E	52.00'
L3	S89°04'51"E	2.89'
L4	S89°33'30"W	26.42'
L5	S00°26'30"E	40.01'
L6	S89°04'51"E	290.08'
L7	S89°04'51"E	10.00'
L8	S89°33'30"W	10.00'
L9	S89°04'51"E	300.08'
L10	S89°04'51"E	80.01'
L11	S89°33'30"W	50.00'

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	20.00'	31.89'	28.62'	N45°14'19"E

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0497-142-25	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF RICHARD D. BOWERS, TRUSTEE OF THE RICHARD D. BOWERS 1996 TRUST

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-142-25**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-25

Owner: Richard D. Bowers, Trustee of the

Richard D. Bowers 1996 Trust dated 7/8/96

To: City of Barstow

EXHIBIT "C"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26 '30" E, along the West line of said Section 17, a distance of 40.01 feet;

Thence S 89°04 '51" E, along the Southerly right of way line of Jasper Road, a distance of 290.08 feet the POINT of BEGINNING;

Thence continuing S 89°04 '51" E, along said Southerly right of way line, a distance of 10.00 feet;

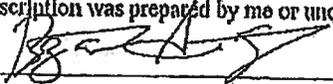
Thence S 0°26 '30" E, a distance of 396.00 feet;

Thence S 89°33 '30" W, a distance of 10.00 feet;

Thence N 0°26 '30" W, a distance of 396.24 feet to the POINT of BEGINNING.

Tract contains 3,961 square feet, 0.09 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

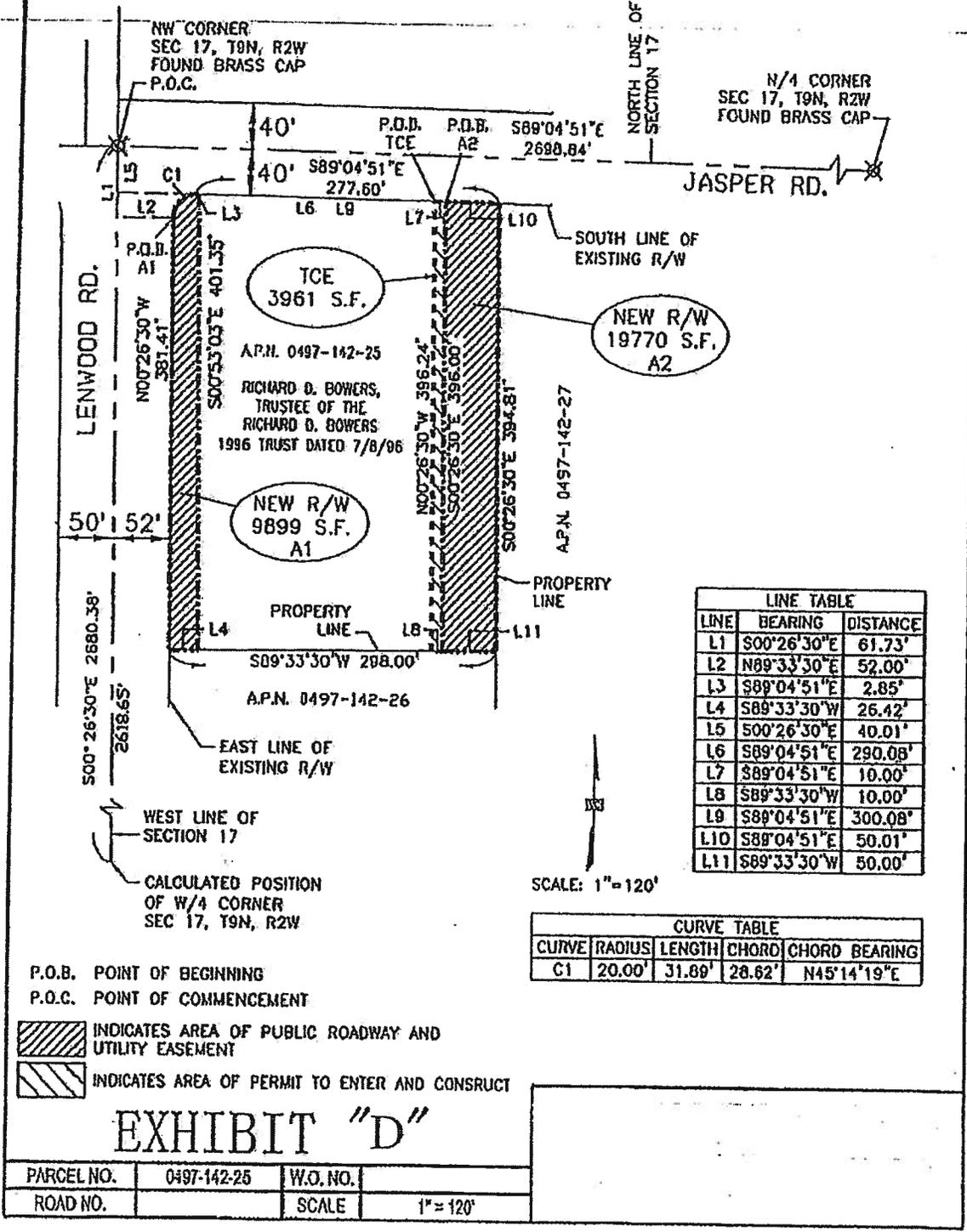
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “D”

PORTION PARCEL 1, P. M. 4889 M. B. 47/26
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	61.73'
L2	N89°33'30"E	52.00'
L3	S89°04'51"E	2.85'
L4	S89°33'30"W	26.42'
L5	S00°26'30"E	40.01'
L6	S89°04'51"E	290.08'
L7	S89°04'51"E	10.00'
L8	S89°33'30"W	10.00'
L9	S89°04'51"E	300.08'
L10	S89°04'51"E	50.01'
L11	S89°33'30"W	50.00'

SCALE: 1"=120'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	20.00'	31.89'	28.62'	N45°14'19"E

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "D"

PARCEL NO.	0497-142-25	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

RESOLUTION NO. 13-014

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0497-131-52

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain interests in the property located at 3890 Lenwood Road, Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property interests required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B", located on property at 3890 Lenwood Road, Barstow, California; and

WHEREAS, the interests in real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", located on property at 3890 Lenwood Road, Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in real property described and depicted in Exhibits "A" through "D". The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county

assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the a roadway easement as legally described and depicted in Exhibits "A" and "B" and the temporary construction easement as legally described and depicted in Exhibits "C" and "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D" are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the

use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement and a temporary construction easement as legally described and depicted in Exhibits "A" through "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-52**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-52

Owner: Warren Opie Wallis

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of Parcel 1 of Parcel Map No. 3453, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 32, page 61 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 60.19 feet;

Thence S 89°33'30" W, a distance of 50.00 feet to a point on the existing Westerly right of way line of Lenwood Road, said point being the POINT of BEGINNING,

Thence S 00°26'30" E, along said right of way line, a distance of 269.95 feet, to the Southeast corner of said Parcel 1;

Thence S 89°24'09" W, along the Southerly line of said Parcel 1, a distance of 22.45 feet;

Thence N 00°53'03" W, a distance of 290.00 feet, to a point on the Southerly right of way line of Jasper Road;

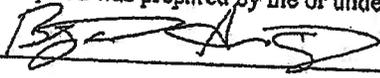
Thence N 89°24'09" E, along said Southerly right of way line, a distance of 4.64 feet, to a point of curvature;

Thence along said curve to the right having a radius of 20.00 feet, a central angle of 90°09'20", a chord of 28.32 feet which bears S 45°31'11" E, a distance of 31.47 feet to the POINT of BEGINNING.

Tract contains 6,749 square feet, 0.16 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: 
Benjamin M. Aragon, Professional Land Surveyor

Date: 10, 9, 11 PLS 8016

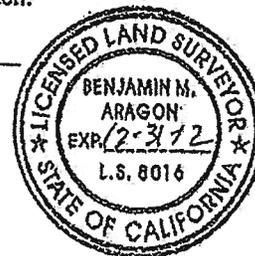
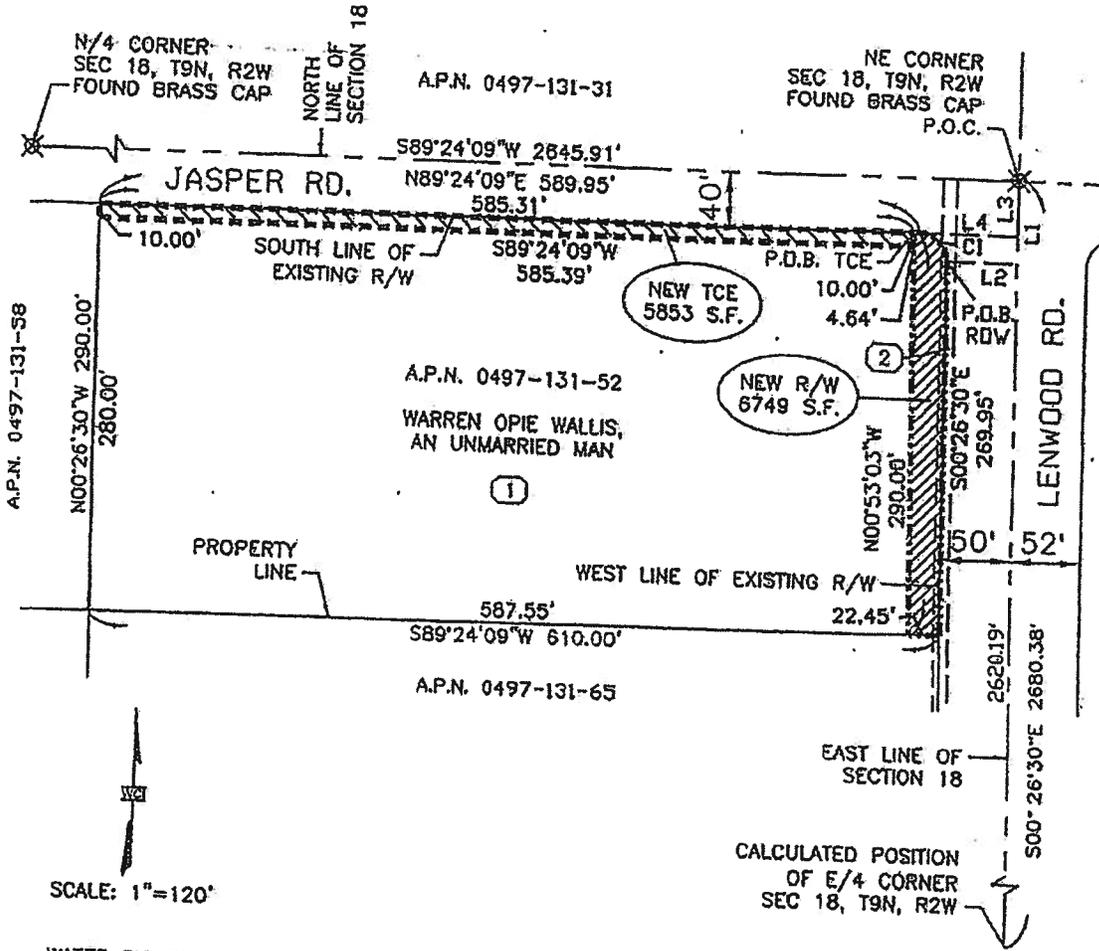


EXHIBIT “B”

PORTION PARCEL 1, P.M. 3453, BOOK 32, PAGE 61
SECTION 18, T. 9N., R. 2W., S.B.M.



SCALE: 1"=120'

① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

 INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0497-131-52	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	60.19'
L2	S89°33'30"W	50.00'
L3	S00°26'30"E	40.00'
L4	S89°24'09"W	74.69'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	20.00'	31.47'	28.32'	S45°31'11"E

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF WARREN OPIE WALLIS

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-52**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-52

Owner: Warren Opie Wallis

To: City of Barstow

EXHIBIT "C"

Legal Description

A portion of Parcel 1 of Parcel Map No. 3453, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 32, page 61 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 40.00 feet;

Thence S 89°24'09" W, a distance of 74.69 feet to a point on the existing Southerly right of way line of Jasper Road, said point being the POINT of BEGINNING,

Thence S 00°53'03" E, a distance of 10.00 feet;

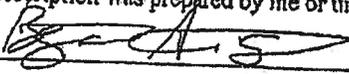
Thence S 89°24'09" W, a distance of 585.39 feet;

Thence N 00°26'30" W, a distance of 10.00 feet to a point on the existing Southerly right of way line of Jasper Road;

Thence N 89°24'09" E, along the said right of way line, a distance of 585.31 feet, to the POINT of BEGINNING.

Tract contains 5,853 square feet, 0.13 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

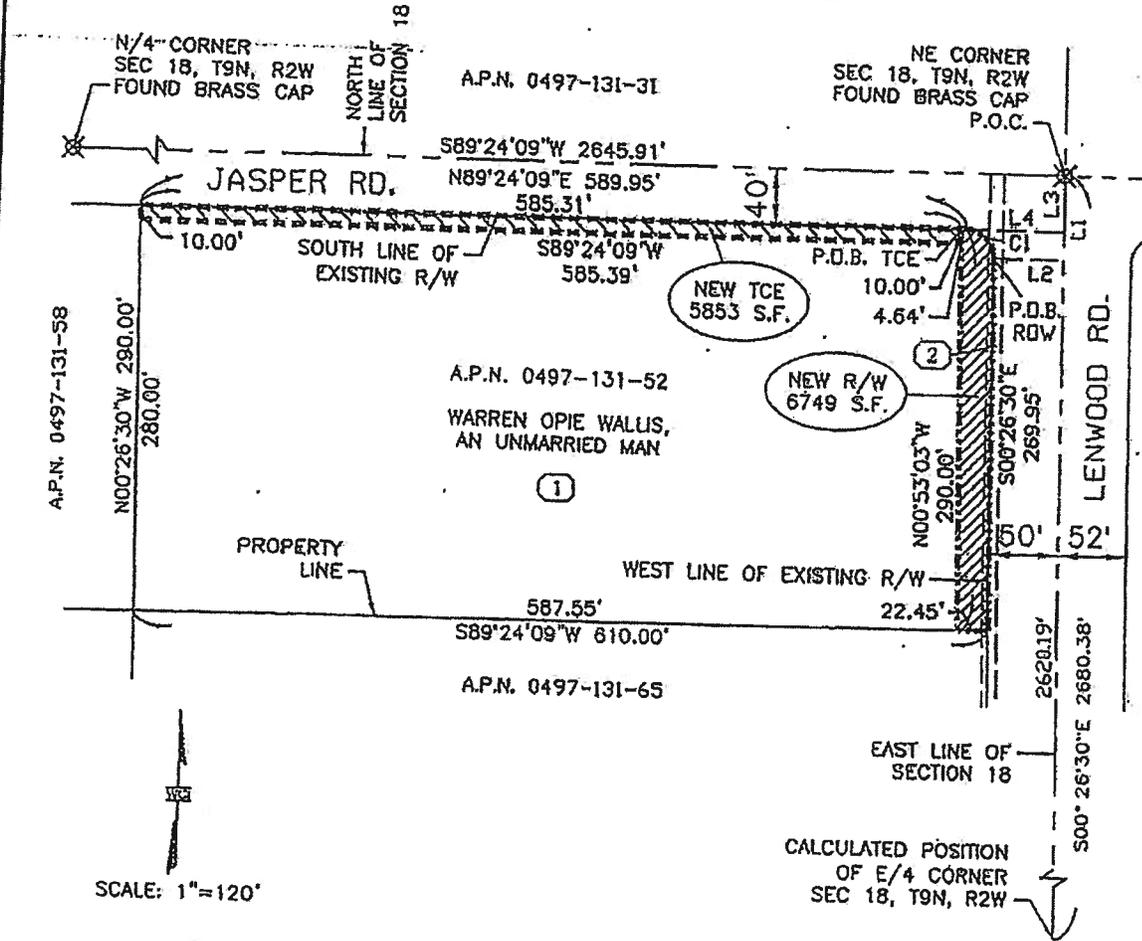
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/7/11 PLS 8016



EXHIBIT “D”

PORTION PARCEL 1, P.M. 3453, BOOK 32, PAGE 61
SECTION 18, T. 9N., R. 2W., S. B. M.



SCALE: 1"=120'

- ① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS
- ② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

-  INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
-  INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "D"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	60.19'
L2	S89°33'30"W	50.00'
L3	S00°26'30"E	40.00'
L4	S89°24'09"W	74.69'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	20.00'	31.47'	28.32'	S45°31'11"E

PARCEL NO.	0497-131-52	W.O. NO.	
ROAD NO.		SCALE	1" = 120'

RESOLUTION NO. 13-015

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN 0422-042-12

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located at 24933 West Main Street, Lenwood (unincorporated) County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire property for public use by condemnation; and

WHEREAS, the real property required for the Project is as legally described in Exhibit "A" and depicted in Exhibit "B", located at 24933 West Main Street, Lenwood (unincorporated), County of San Bernardino, California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property as legally described and depicted in Exhibits "A" and "B" attached to this Resolution of Necessity.

Section 5. Description of Property. The property to be acquired is more particularly described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property, as described and depicted in Exhibits "A" and "B" is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the Property as legally described and depicted in Exhibits "A" and "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and

prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

File No: 09303306

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

That portion of Lot 1 and the Northwesterly Half of Lot 2, Block 36, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in Book 23, Page(s) 25 through 27, of Maps, Official Records, and that portion of Lot 1, Block 35, Lenwood Association, in the County of San Bernardino, State of California, as per Plat recorded in Book 24, Page(s) 35 and 36, Official Records, which lies Northeast of the Northerly prolongation of the Easterly boundary of Lot 4, Block 36, and that portion of Blackford Street vacated by Resolution of Board of Supervisors of San Bernardino County, recorded Southeast 5, 1963 in Book 5983, Page 7, Official Records, which lies Northeast of the Northerly prolongation of the Easterly boundary of said Lot 4, Block 36.

Excepting therefrom any portion lying within the State Highway.

Assessor's Parcel Number: 0422-042-12-0-000

EXHIBIT “B”

RESOLUTION NO. 13-016

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN 0422-041-07

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located at 24917 West Main Street, Lenwood (unincorporated) County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire this property for public use by condemnation; and

WHEREAS, the real property required for the Project is as legally described in Exhibit "A" and depicted in Exhibit "B", located at 24917 West Main Street, Lenwood (unincorporated), County of San Bernardino, California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the

rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property as legally described and depicted in Exhibits "A" and "B" attached to this Resolution of Necessity.

Section 5. Description of Property. The property to be acquired is more particularly described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property, as described and depicted in Exhibits "A" and "B" is necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the Property as legally described and depicted in Exhibits "A" and "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to

correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

File No: 09303307

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

That portion of Lot 1, Block 35, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in Book 24, Page(s) 35 and 36, of Maps, Official Records, and that portion of Lot 3, Block 36, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in Book 23, Page(s) 25, 26, and 27, Official Records, which lies West of the prolongation of the Easterly boundary of Lot 4, Block 36, and that portion of Blackford Street vacated by Resolution of the Board of Supervisors of San Bernardino County, recorded September 5, 1963 in Book 5983, Page 7, Official Records, which lies West of the Northerly prolongation of the Easterly boundary of said Lot 4, Block 36.

Excepting therefrom that portion conveyed to the County of San Bernardino recorded August 7, 1992 as Instrument No. 92-329319 of Official Records.

Assessor's Parcel Number: **0422-041-07-0-000**

EXHIBIT “B”

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.

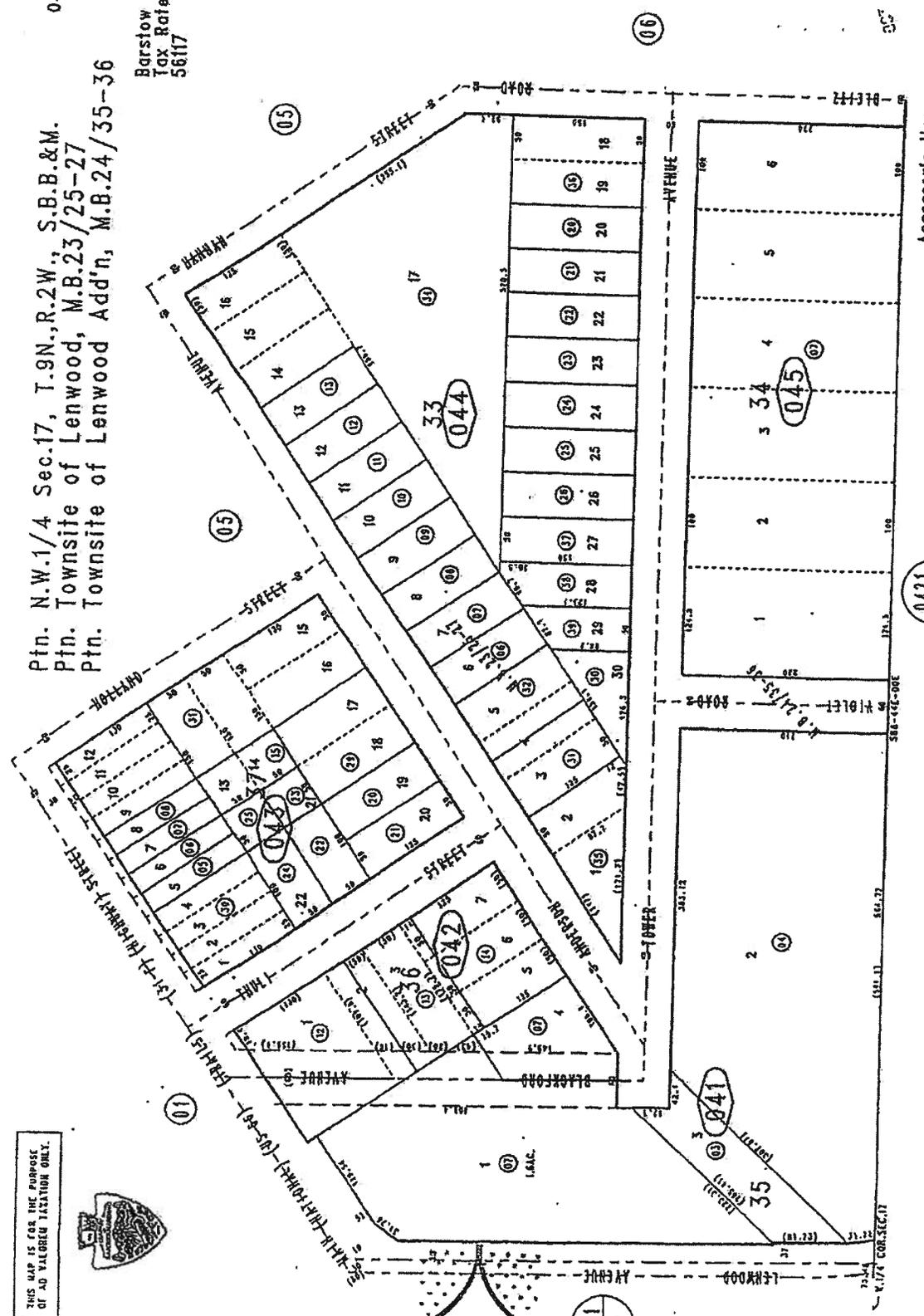


0422-04
Pt. N.W. 1/4 Sec. 17, T. 9N., R. 2W., S.B.B. & M.
Pt. Townsite of Lenwood, M.B. 23/25-27
Pt. Townsite of Lenwood Add'n, M.B. 24/35-36

Barstow Unified
Tax Rate Area
56117



Exhibit "B"



REVISED
04/12/06 BY
07/13/06 CL

Assessor's Map
Book 0422 Page 04
San Bernardino County

0421
13

0421
18

October 2003

RESOLUTION NO. 13-017

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN 0422-011-04

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located at 24940 West Main Street, Lenwood (unincorporated) County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire this property for public use by condemnation; and

WHEREAS, the real property required for the Project is as legally described in Exhibit "A" and depicted in Exhibit "B", located at 24940 West Main Street, Lenwood (unincorporated), County of San Bernardino, California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property as legally described and depicted in Exhibits "A" and "B" attached to this Resolution of Necessity.

Section 5. Description of Property. The property to be acquired is more particularly described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property, as described and depicted in Exhibits "A" and "B" is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the Property as legally described and depicted in Exhibits "A" and "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and

prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

File No: 09303303

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Lot 4, Block 38, Townsite of Lenwood, in the City of Barstow, County of San Bernardino, State of California, as per Map recorded in Book 23, Page(s) 25 to 27, inclusive, of Maps, records of said County.

Together with the Westerly 20 feet of Blackford Avenue, vacated, by Resolution recorded March 15, 1947 in Book 2031, Page 224, Official Records, adjoining said property on the East, which would pass by operation of law with a conveyance of said land.

Excepting therefrom that portion conveyed to County of San Bernardino, by deed recorded April 28, 1964 in Book 6137, Page 333 of Official Records.

Excepting therefrom such oil, gas, minerals and hydrocarbon substances as may have been previously reserved, if any.

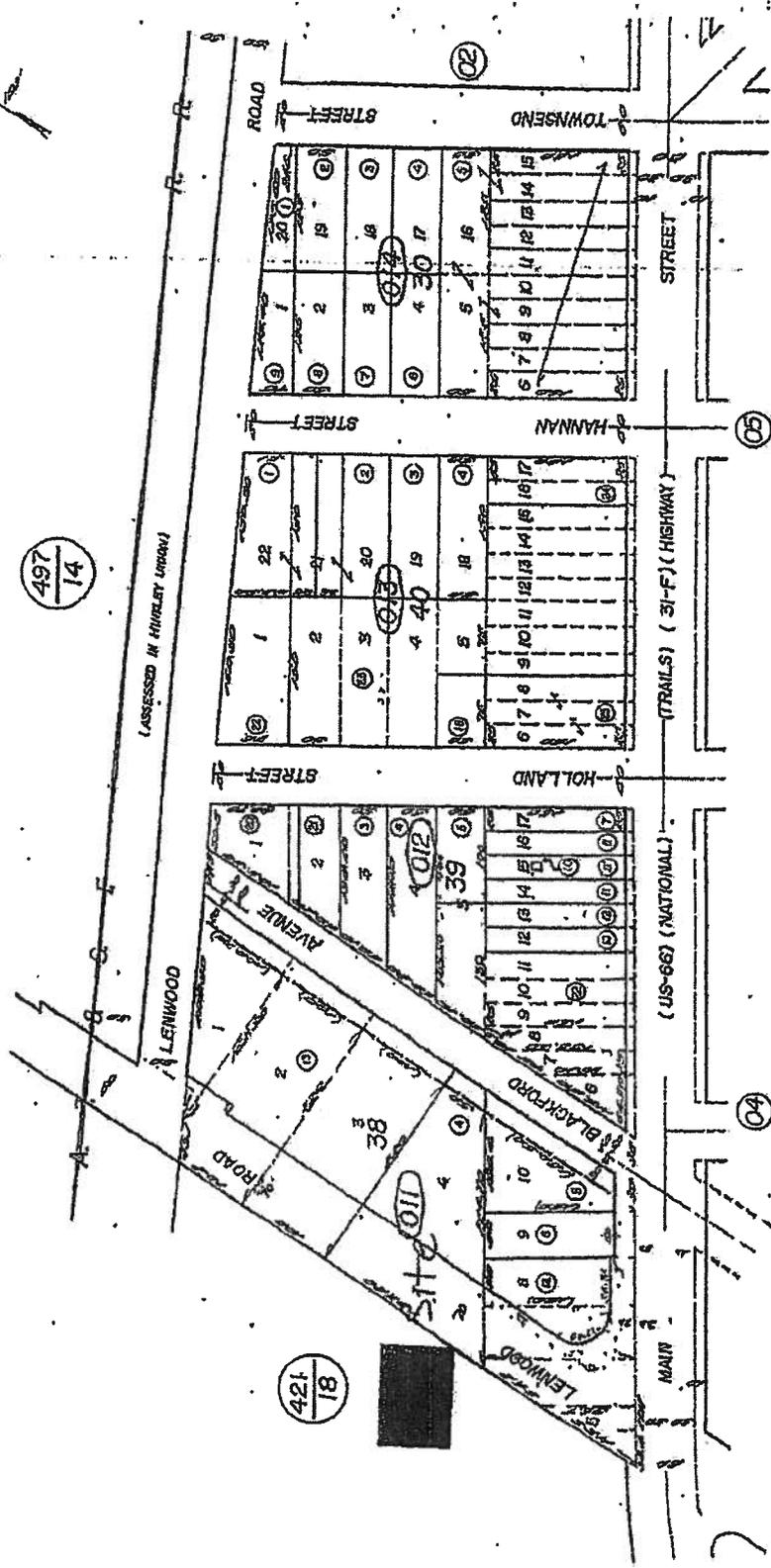
Assessor's Parcel Number: **0422-011-04-0-000**

EXHIBIT “B”

Par. NW 1/4 Sec. 17, T.9N.R.2 W., S.E.B. & M.
 Par. Townsite of Lenwood, M.B. 23/25-27

Birstow Unified
 Tax Rate Area
 56117

422-01



421
18

497
14

REVISED
 1/7/55
 2/15/55
 3/15/55
 4/15/55
 5/15/55
 6/15/55
 7/15/55
 8/15/55
 9/15/55
 10/15/55
 11/15/55
 12/15/55

Assessor's Map
 Book 422 Page 01
 San Bernardino County

JUN 1955

EXHIBIT "B"

RESOLUTION NO. 13-018

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0421-181-11

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located at 34120 Lenwood Road, Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a roadway utility easement as legally described in Exhibit "A" and depicted in Exhibit "B", located on property at 34120 Lenwood Road, Barstow, California ("Property"); and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", located on property at 34120 Lenwood Road, Barstow, California ("Property"); and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the temporary construction easement as legally described and depicted in Exhibits "A" and "B" and the road and utility easement as legally described and depicted in Exhibits "C" and "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D" are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a temporary construction easement as legally described and depicted in Exhibits "A" through "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0421-181-11**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-181-11

Owner: Chong Nam Yim and Young Ja Yim, husband and wife

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of the East Half of the Northeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Official Plat thereof, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the East line of said Section 18, a distance of 2487.66 feet;

Thence S 89°33'30" W, a distance of 7.60 feet to the POINT of BEGINNING;

Thence S 7°40'56" E, a distance of 60.34 feet;

Thence S 0°26'28" E, a distance of 132.86 feet;

Thence N 89°43'05" W, a distance of 25.89 feet;

Thence N 7°40'29" W, a distance of 44.47 feet;

Thence N 1°51'18" W, a distance of 148.67 feet;

Thence S 89°43'05" E, a distance of 27.55 feet to the POINT of BEGINNING.

Tract contains 5,986 square feet, 0.14 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: *Benjamin M. Aragon*

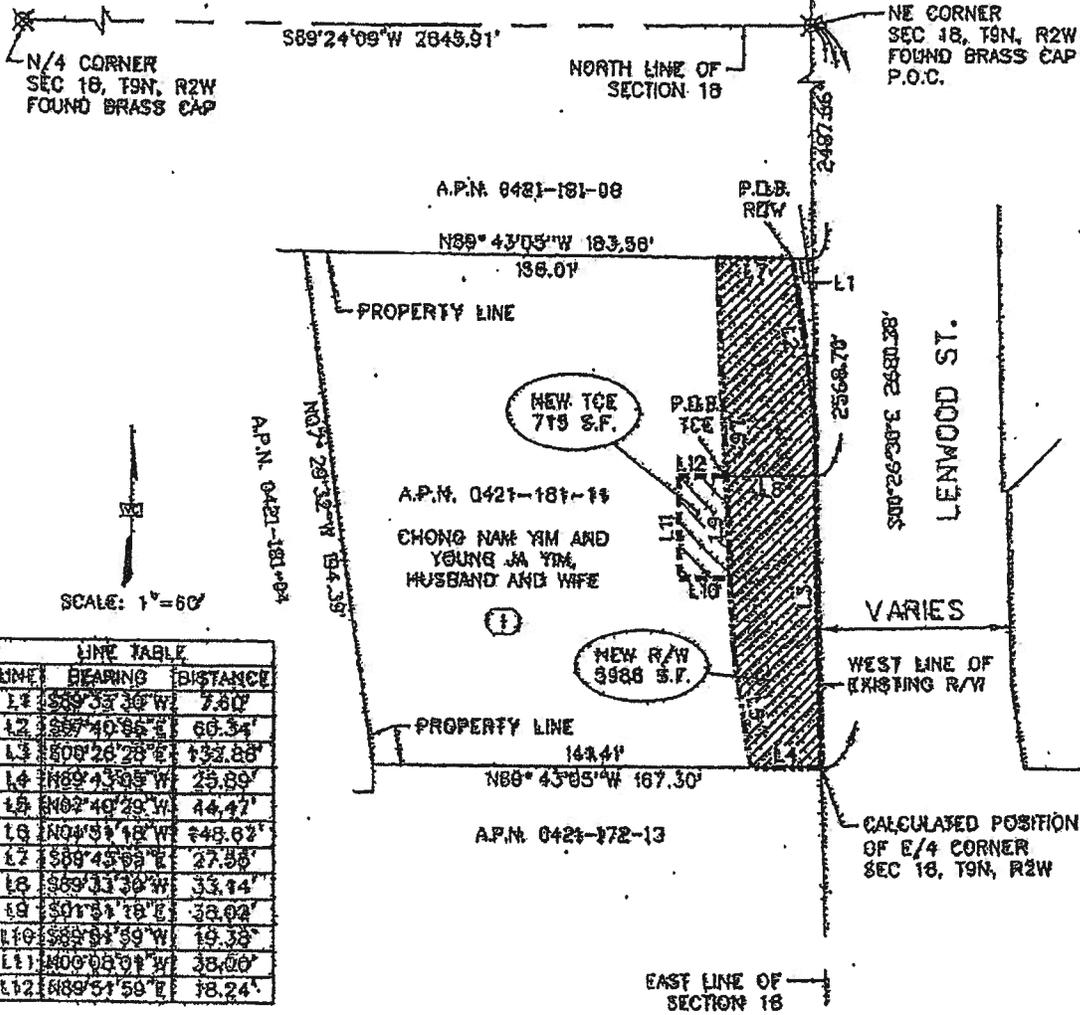
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “B”

PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF
SECTION 18, T. 9N., R. 2W., S. B. M.



LINE	BEARING	DISTANCE
L1	S89°33'30" W	7.60'
L2	S87°40'55" E	66.34'
L3	S00°26'28" E	152.88'
L4	N89°43'05" W	25.89'
L5	N02°40'29" W	44.47'
L6	N04°51'15" W	248.67'
L7	S88°45'59" E	27.58'
L8	S89°31'30" W	33.14'
L9	S01°51'18" E	38.02'
L10	S88°51'59" W	19.38'
L11	N00°08'01" W	35.00'
L12	N89°51'58" E	18.24'

① WATER RIGHTS
APRIL 30, 1923
BOOK "K" PAGE 235,
OF PATENTS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0421-181-11	W.C. NO.	
ROAD NO.		SCALE	1" = 60'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF CHONG NAM YIM AND YOUNG JA YIM, HUSBAND AND WIFE

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

APN: 0421-181-11

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-181-11

Owner: Chong Nam Yim and Young Ja Yim, husband and wife

To: City of Barstow

EXHIBIT "C"

Legal Description

A portion of the East Half of the Northeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Official Plat thereof, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the East line of said Section 18, a distance of 2568.70 feet;

Thence S 89°33'30" W, a distance of 33.14 feet to the POINT of BEGINNING;

Thence S 1°51'18" E, a distance of 38.02 feet;

Thence S 89°51'59" W, a distance of 19.38 feet;

Thence N 0°08'01" W, a distance of 38.00 feet;

Thence N 89°51'59" E, a distance of 18.24 feet to the POINT of BEGINNING.

Traot contains 715 square feet, 0.02 acres, more or less.

This legal description was prepared by me or under my direction.

By: *Benjamin M. Aragon*

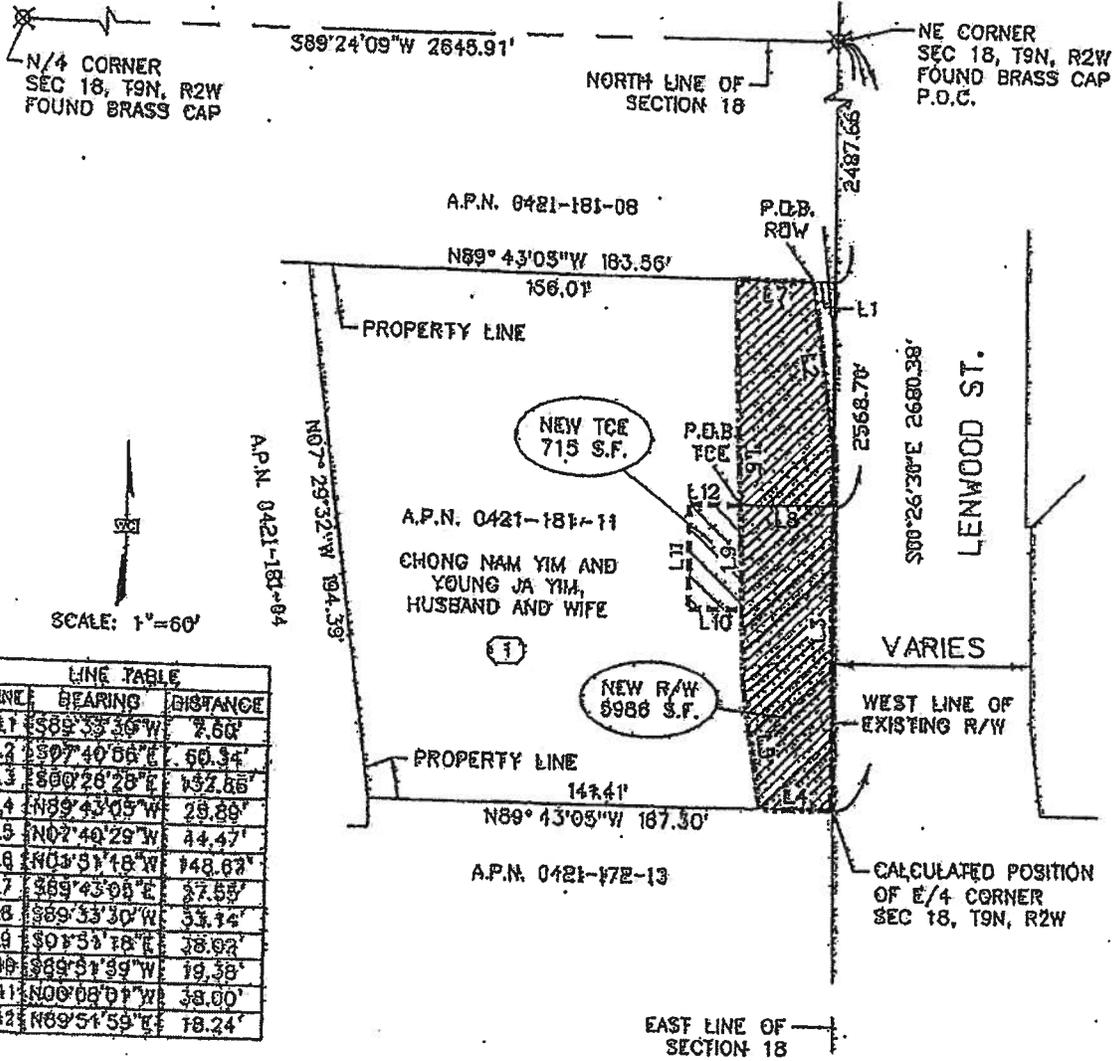
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “D”

PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°33'36"W	7.60'
L2	S07°40'06"E	60.94'
L3	S00°26'28"E	132.85'
L4	N89°43'05"W	28.89'
L5	N07°40'29"W	44.47'
L6	N03°31'18"W	148.02'
L7	S89°43'08"E	37.55'
L8	S89°33'30"W	53.14'
L9	S07°31'18"E	38.02'
L10	S89°31'39"W	19.38'
L11	N00°08'01"W	38.00'
L12	N89°51'59"E	18.24'

① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "D"

PARCEL NO.	0421-181-11	W.O. NO.	
ROAD NO.		SCALE	1"=60'

RESOLUTION NO. 13-019

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN 0422-011-13

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located east of Lenwood Road and north of Main Street, Lenwood (unincorporated) County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire this property for public use by condemnation; and

WHEREAS, the real property required for the Project is as legally described in Exhibit "A" and depicted in Exhibit "B", located east of Lenwood Road and north of Main Street, Lenwood (unincorporated), County of San Bernardino, California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property as legally described and depicted in Exhibits "A" and "B" attached to this Resolution of Necessity.

Section 5. Description of Property. The property to be acquired is more particularly described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property, as described and depicted in Exhibits "A" and "B" is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the Property as legally described and depicted in Exhibits "A" and "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and

prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

File No: 09303305

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Lots 1, 2, and 3, in Block 38 of Townsite of Lenwood, in the County of San Bernardino, State of California, as per map recorded in Book 23, Page(s) 25 to 27, inclusive, of Maps, in the Office of the County Recorder of said County, together with the Westerly 20 feet of Blackford Avenue adjacent to said Lots 1, 2, and 3, vacated and abandoned by that certain Resolution recorded March 15, 1947 in Book 2031, Page 224, of Official Records, which would pass by operation of law.

Except therefrom the West 70 feet thereof as conveyed to the County of San Bernardino, more particularly described in that certain document recorded April 28, 1964 in Book 6137, Page 333 of Official Records.

Also except therefrom those portions of said Lots 1 and 2 conveyed to the County of San Bernardino, more particularly described in that certain document recorded November 25, 1985 as Instrument No. 85-296548 of Official Records.

Assessor's Parcel Number: 0422-011-13

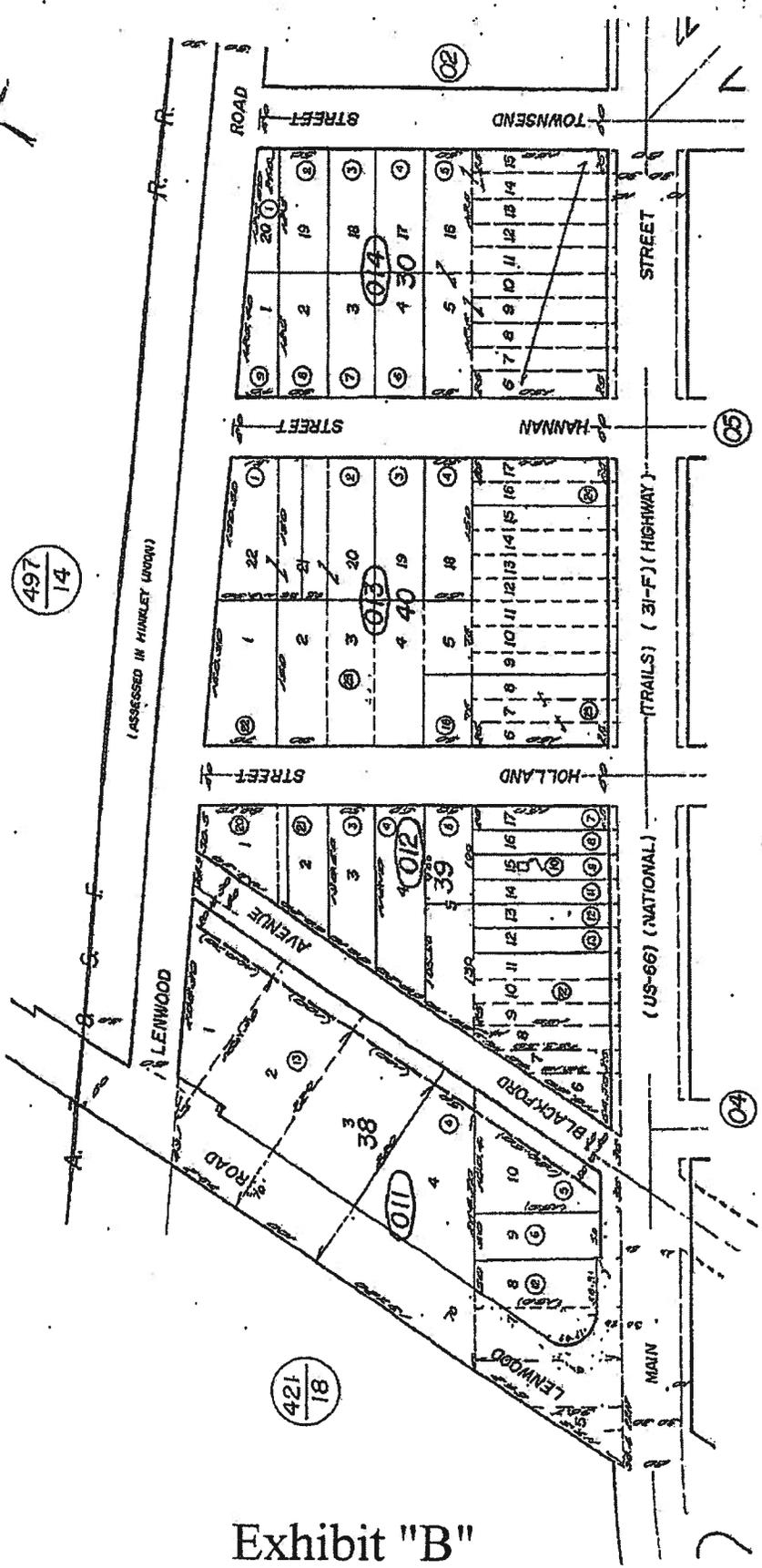
EXHIBIT “B”

Barstow Unified
Tax Rate Area
56117

Por. NW 1/4 Sec. 17, T.9 N. R. 2 W., S.B.B. & M.
Por. Townsite of Lenwood, M.B. 23/25-27



422-01



497
14

421
18

REVISED
4/7/55 CC
9/15/55 RM
9-9-55 KAP
1/15/56 ARS
2/5/56 MP

Assessor's Map
Book 422 Page 01
San Bernardino County

Exhibit "B"

July 1955

RESOLUTION NO. 13-020

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NOS. 0422-012-09, 0422-012-11, 0422-012-22

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the properties located at 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "E" and depicted Exhibit in "F", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "G" and depicted in Exhibit "H", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "I" and depicted in Exhibit "J", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "K" and depicted in Exhibit "L", located on property commonly referred to as 24954 and 24974 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the real property described and depicted in Exhibits "A" through "L". The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "L" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--

SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the temporary construction easements and roadway easements as legally described and depicted in Exhibits "A" through "L" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "L", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interests, as described and depicted in Exhibits "A" through "L" are necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the temporary construction easements and roadway easements as legally described and depicted in Exhibits "A" through "L", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-09**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-012-09

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "A"

Legal Description

A portion of Lot 15, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 598.26 feet to a point on existing Northerly right of way line of Main Street, said point being the Southwest corner of said Lot 15;

Thence N 34°18'09" W, a distance of 11.95 feet to the POINT of BEGINNING,

Thence continuing N 34°18'09" W, a distance of 10.00 feet;

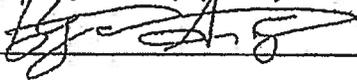
Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

Thence S 55°42'13" W, a distance of 25.00 feet to the POINT of BEGINNING.

Tract contains 250 square feet, 0.01 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

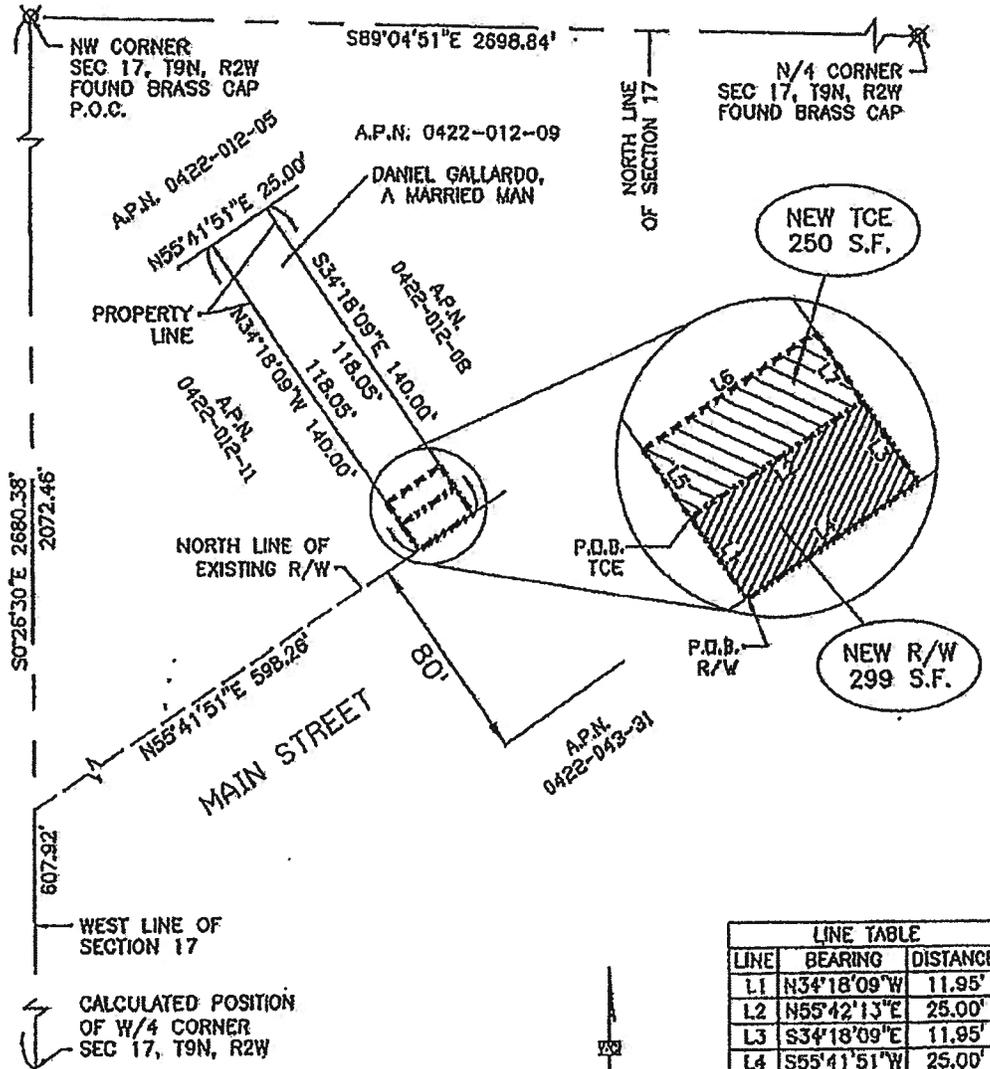
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “B”

PORTION OF LOT 15, BLOCK 39, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N34°18'09"W	11.95'
L2	N55°42'13"E	25.00'
L3	S34°18'09"E	11.95'
L4	S55°41'51"W	25.00'
L5	N34°18'09"W	10.00'
L6	N55°42'13"E	25.00'
L7	S34°18'09"E	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0422-012-09	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-11**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-012-11

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "C"

Legal Description

A portion of Lot 14, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 573.26 feet to a point on existing Northerly right of way line of Main Street, said point being the Southwesterly corner of said Lot 14;

Thence N 34°18'09" W, a distance of 11.95 feet to the POINT of BEGINNING,

Thence continuing N 34°18'09" W, a distance of 10.00 feet;

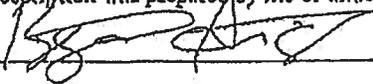
Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

Thence S 55°42'13" W, a distance of 25.00 feet to the POINT of BEGINNING.

Tract contains 250 square feet, 0.01 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

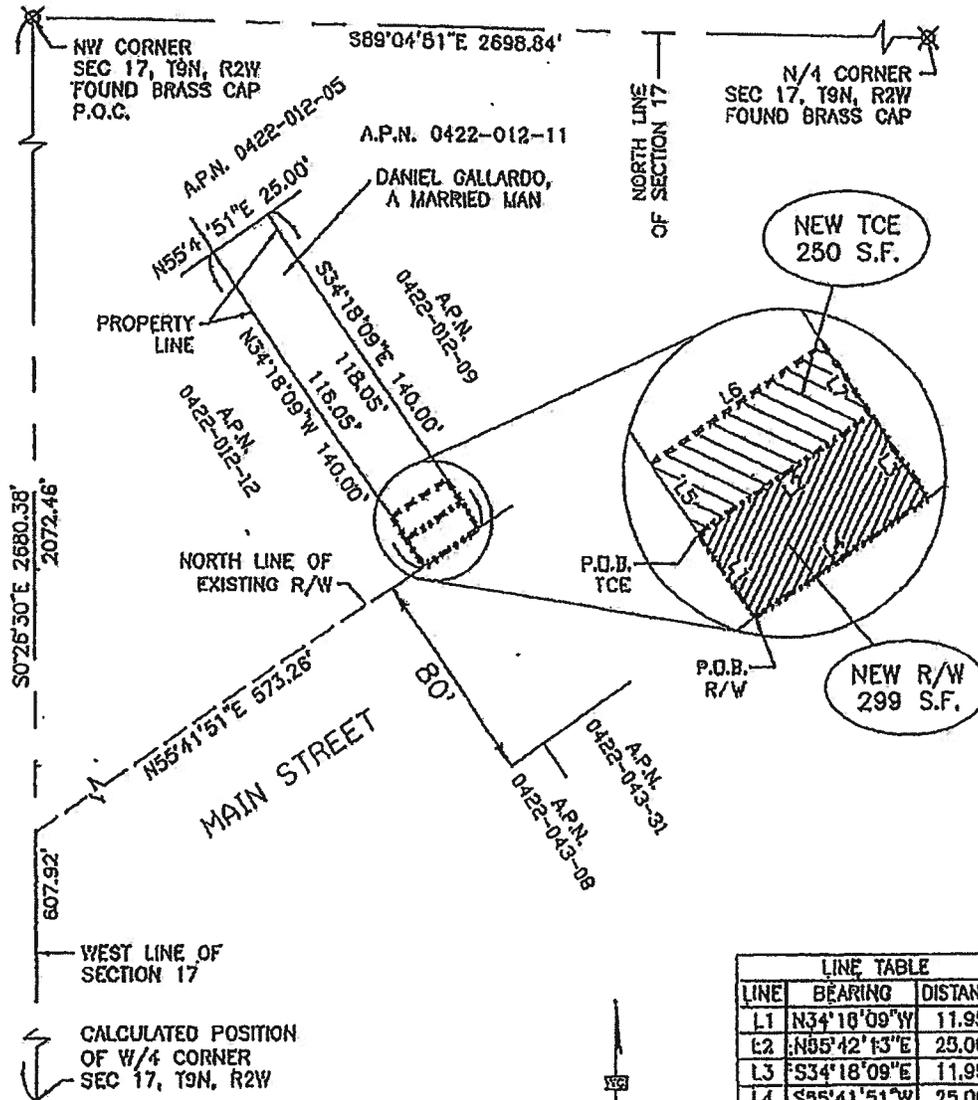
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “D”

PORTION OF LOT 14, BLOCK 39, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N34°18'09"W	11.95'
L2	N55°42'13"E	25.00'
L3	S34°18'09"E	11.95'
L4	S55°41'51"W	25.00'
L5	N34°18'09"W	10.00'
L6	N55°42'13"E	25.00'
L7	S34°18'09"E	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "D"

PARCEL NO.	0422-012-11	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “E”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-22**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.F.N. 422-012-22

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "E"

Legal Description

A portion of Lots 6 through 10 inclusive, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 340.60 feet to a point on the existing Easterly right of way line of Blackford Street and the existing Northerly right of way line of Main Street;

Thence N 00°43'05" W, along said Easterly right of way line of Blackford Street, a distance of 14.38 feet, to the POINT of BEGINNING;

Thence continuing N 00°43'05" W, along said Easterly right of way line of Blackford Street, a distance of 82.70 feet;

Thence N 89°16'55" E, a distance of 9.33 feet;

Thence S 0°32'01" E, a distance of 64.64 feet;

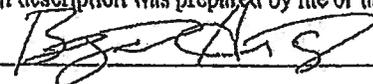
Thence N 55°42'13" E, a distance of 157.11 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

Thence S 55°42'13" W, a distance of 174.71 to the POINT of BEGINNING.

Tract contains 2,338 square feet, 0.05 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

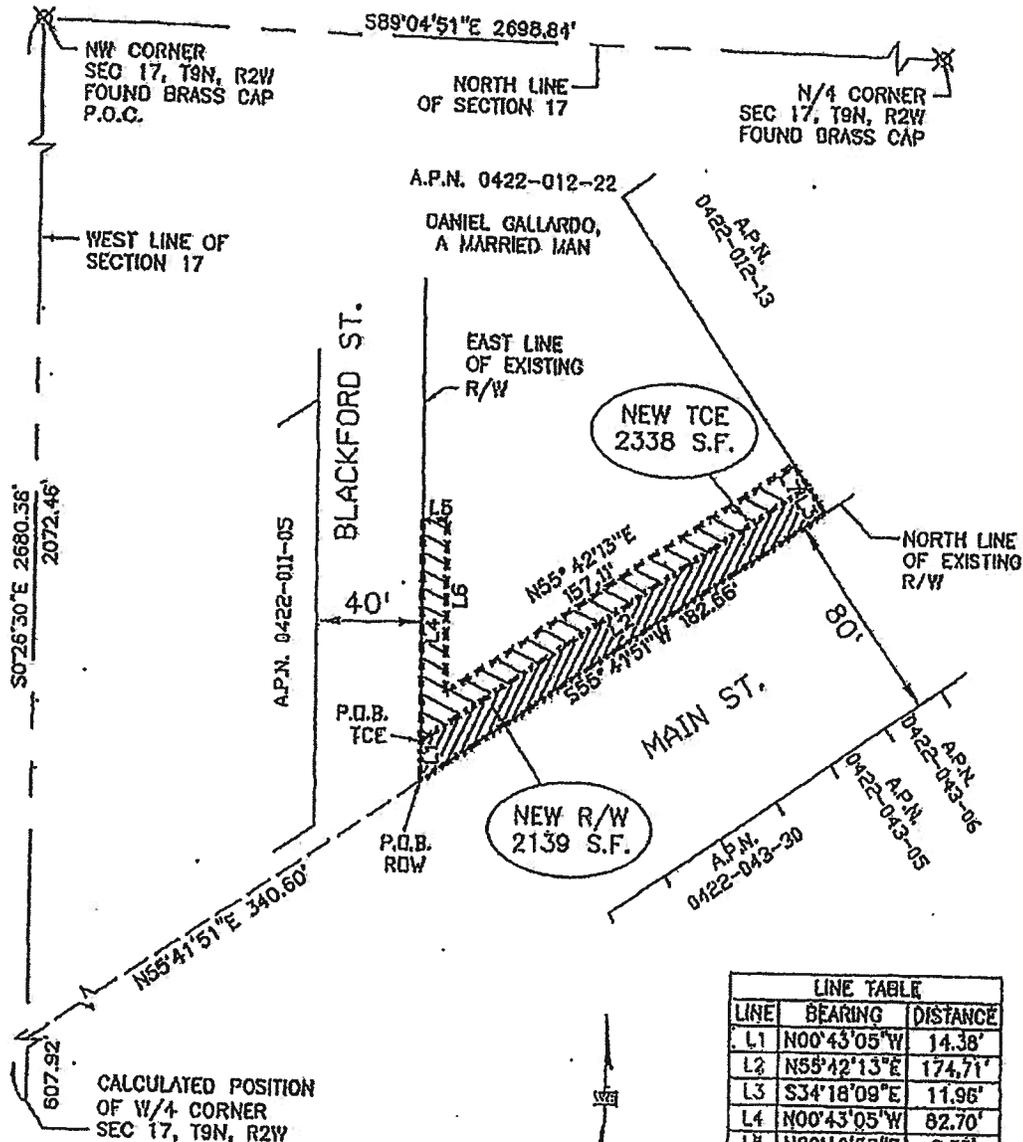
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “F”

PORTION OF LOTS 6 THROUGH 10, BLOCK 39, TOWNSITE OF LENWOOD M. B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°43'05"W	14.38'
L2	N55°42'13"E	174.71'
L3	S34°18'09"E	11.96'
L4	N00°43'05"W	82.70'
L5	N89°16'59"E	9.33'
L6	S00°32'01"E	64.64'
L7	S34°18'09"E	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "F"

PARCEL NO.	0422-012-22	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “G”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-09**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-012-09

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "G"

Legal Description

A portion of Lot 15, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 598.26 feet to a point on existing Northerly right of way line of Main Street, said point being the Southwesterly corner of said Lot 15 and the POINT of BEGINNING,

Thence N 34°18'09" W, a distance of 11.95 feet;

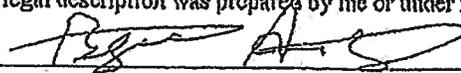
Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 11.95 feet, to a point on the Northerly right of way line of Main Street;

Thence S 55°41'51" W, along said Northerly right of way line, a distance of 25.00 feet to the POINT of BEGINNING.

Tract contains 299 square feet, 0.01 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “H”

PORTION OF LOT 15, BLOCK 39, TOWNSITE OF LENWOOD M. B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.

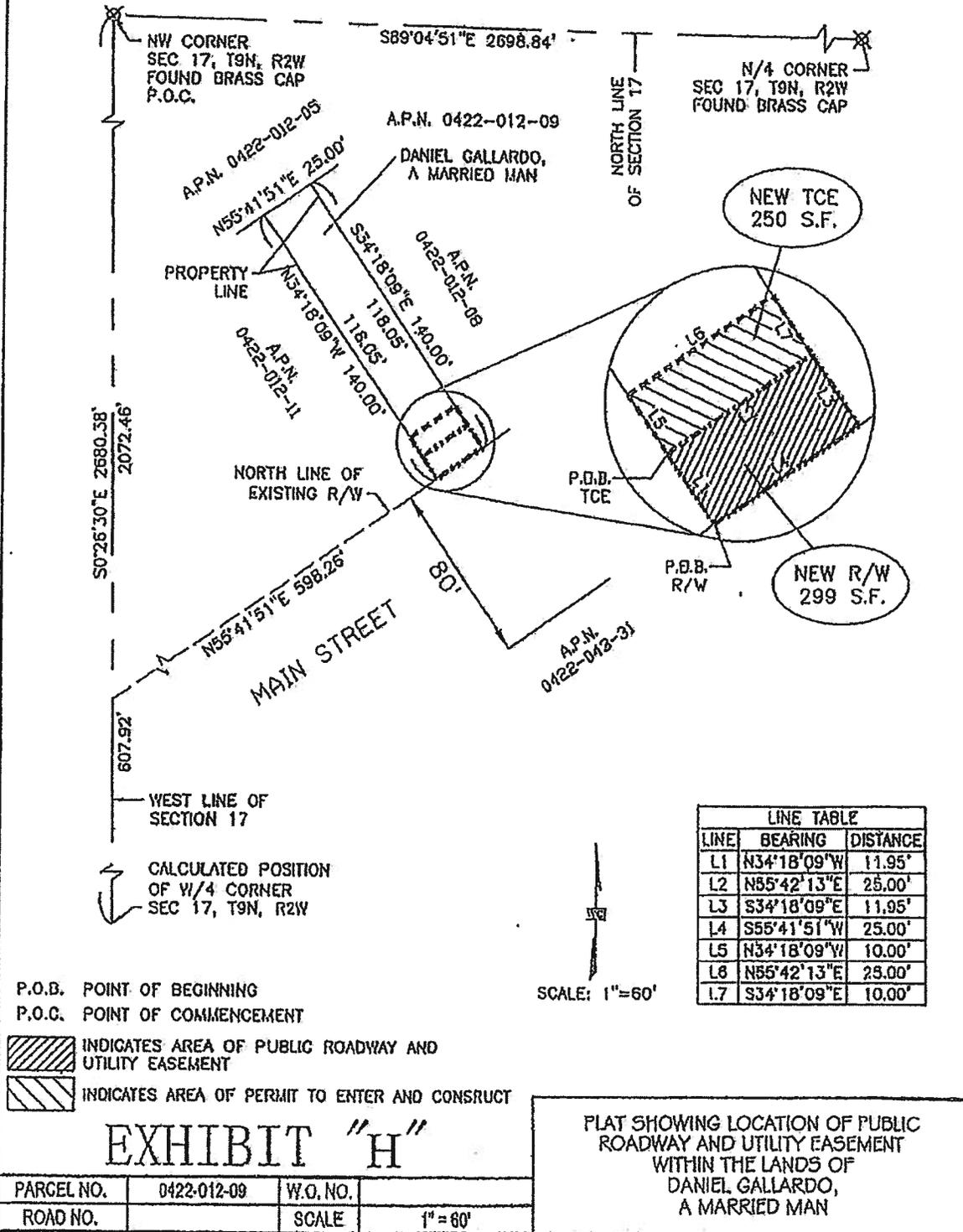


EXHIBIT “I”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-11**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-012-11

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "I"

Legal Description

A portion of Lot 14, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 573.26 feet to a point on existing Northerly right of way line of Main Street, said point being the Southwesterly corner of said Lot 14 and the POINT OF BEGINNING,

Thence N 34°18'09" W, a distance of 11.95 feet;

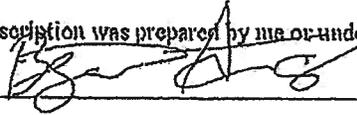
Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 11.95 feet, to a point on the Northerly right of way line of Main Street;

Thence S 55°41'51" W, along said Northerly right of way line, a distance of 25.00 feet to the POINT OF BEGINNING.

Tract contains 299 square feet, 0.01 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

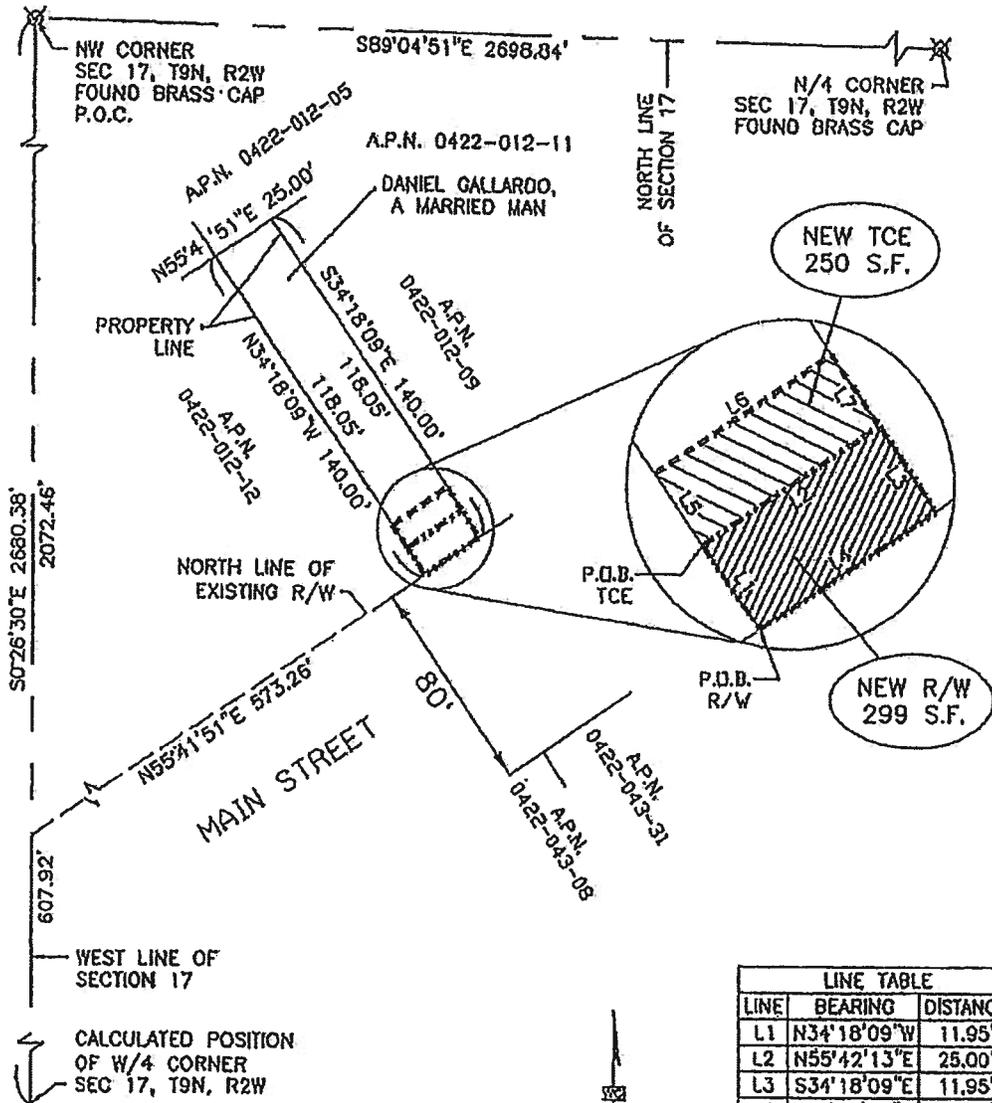
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/9/11 PLS 8016



EXHIBIT “J”

PORTION OF LOT 14, BLOCK 39, TOWNSITE OF LENWOOD M. B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N34°18'09"W	11.95'
L2	N55°42'13"E	25.00'
L3	S34°18'09"E	11.95'
L4	S55°41'51"W	25.00'
L5	N34°18'09"W	10.00'
L6	N55°42'13"E	25.00'
L7	S34°18'09"E	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "J"

PARCEL NO.	0422-012-11	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF DANIEL GALLARDO, A MARRIED MAN

EXHIBIT “K”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-012-22**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-012-22

Owner: Daniel Gallardo, a married man

To: County of San Bernardino

EXHIBIT "K"

Legal Description

A portion of Lots 6 through 10 inclusive, Block 39, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2072.46 feet;

Thence N 55°41'51" E, a distance of 340.60 feet to a point on the existing Easterly right of way line of Blackford Street and the existing Northerly right of way line of Main Street, said point being the POINT of BEGINNING,

Thence N 00°43'05" W, along said Easterly right of way line of Blackford Street, a distance of 14.38 feet;

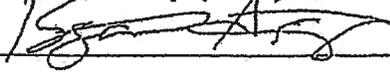
Thence N 55°42'13" E, a distance of 174.71 feet;

Thence S 34°18'09" E, a distance of 11.96 feet, to a point on the Northerly right of way line of Main Street;

Thence S 55°41'51" W, along said Northerly right of way line, a distance of 182.66 feet to the POINT of BEGINNING.

Tract contains 2,139 square feet, 0.05 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016

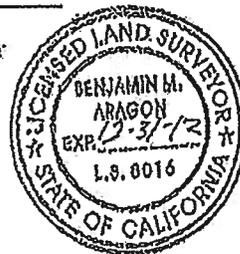
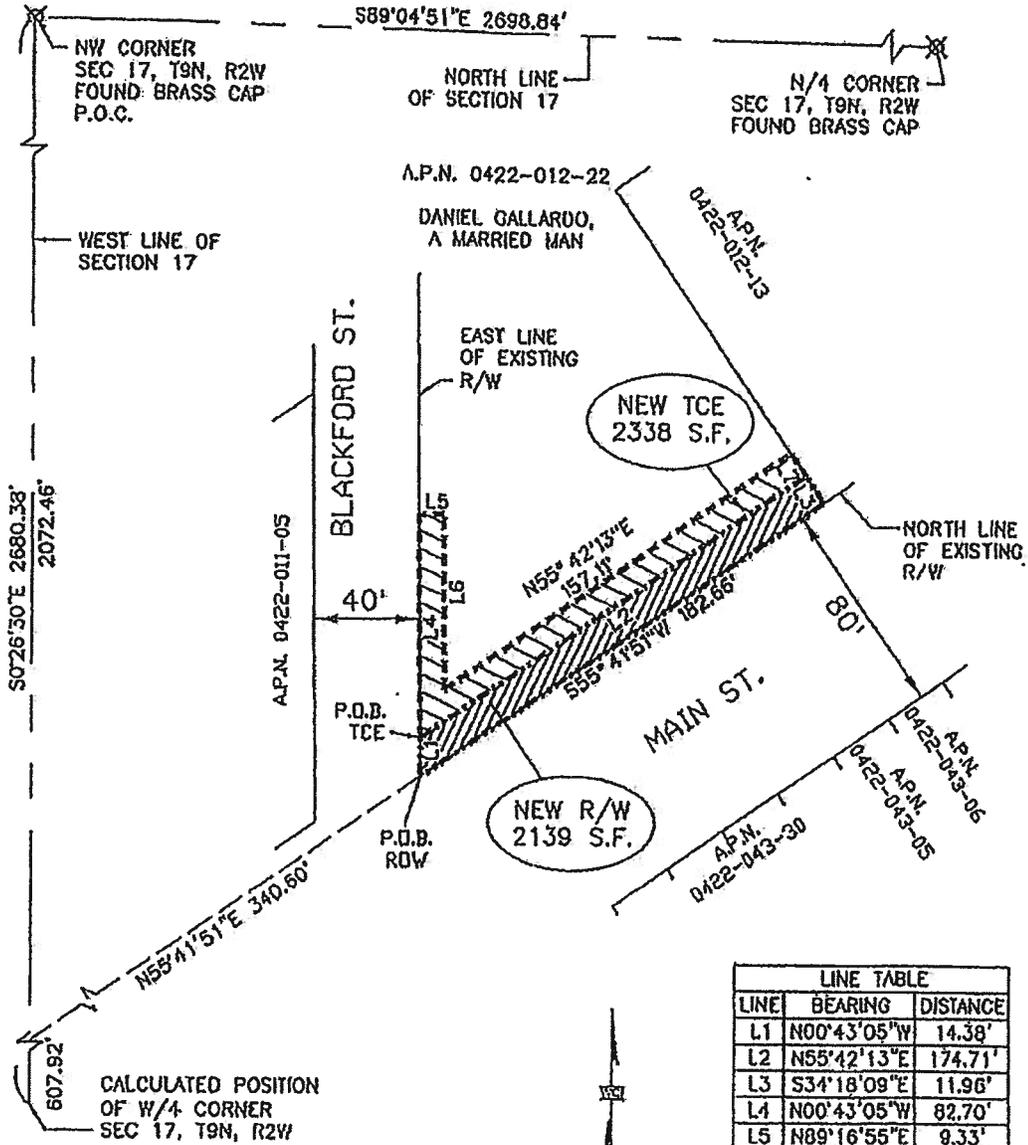


EXHIBIT “L”

PORTION OF LOTS 6 THROUGH 10, BLOCK 39, TOWNSITE OF LENWOOD M. B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°43'05"W	14.38'
L2	N55°42'13"E	174.71'
L3	S34°18'09"E	11.96'
L4	N00°43'05"W	82.70'
L5	N89°16'55"E	9.33'
L6	S00°32'01"E	64.64'
L7	S34°18'09"E	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "L"

PARCEL NO.	0422-012-22	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF DANIEL GALLARDO, A MARRIED MAN

RESOLUTION NO. 13-021

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN 0421-181-08

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain property located at 24879 Main Street, Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire this property for public use by condemnation; and

WHEREAS, the real property required for the Project is as legally described in Exhibit "A" and depicted in Exhibit "B", in property commonly referred to as 24879 Main Street, Barstow, California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property as legally described and depicted in Exhibits "A" and "B" attached to this Resolution of Necessity.

Section 5. Description of Property. The property to be acquired is more particularly described and depicted in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property, as described and depicted in Exhibits "A" and "B" is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the property as legally described and depicted in Exhibits "A" and "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and

prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

That portion of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 18, Township 9 North, Range 2 West, San Bernardino Base and Meridian, lying South of the State Highway, in the County of San Bernardino, State of California, according to the United States Government Township Plat thereof, bounded and described as follows:

Beginning at a point 191.41 feet North of the $\frac{1}{4}$ Section corner in the line between Sections 17 and 18;
Thence North $89^{\circ} 32'$ West, 342.10 feet, more or less, to the intersection of the South boundary of the highway right-of-way;
Thence in a Northeasterly direction along the South boundary of the Highway right-of-way 465 feet, more or less, to the intersection of said South right-of-way line with the line between Sections 17 and 18;
Thence in a Southerly direction along the line between Sections 17 and 18, 316 feet, more or less, to the point of beginning.

Except therefrom the well, pumping plant, tank, motor and other well and pumping plant equipment located on that portion of that certain well site 10 feet by 20 feet as described in the pumping plant agreement between G. L. King and Sallie B. King, his wife, Eli S. McColl and Edna C. McColl, his wife, parties of the first part and Pearl B. Mansbridge, party of the second part, dated July 8, 1935 and recorded July 24, 1935, in Book 1080, Page 136, Official Records, which is included in the above described property.

Also except therefrom that portion of said land conveyed to the County of San Bernardino, more particularly described in that certain document recorded March 17, 1994 as Instrument No. 94130501 of Official Records.

NOTE: The said Southerly right-of-way line of National Trails Highway, also being along a tangent curve concave Southeasterly having a radius of 960.00 feet.

Assessor's Parcel Number: 0421-181-08-0-000

EXHIBIT “B”

RESOLUTION NO. 13-022

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0497-131-65

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located at 3880 Lenwood Road, Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B", located on property at 3880 Lenwood Road, Barstow, California; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in "D", located on property at 3880 Lenwood Road, Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on September 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in real property described and depicted in Exhibits "A" through "D". The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized

county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, on October 11, 2012 there was mailed a Notice of Continuance of Hearing on the Intent of the Authority to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in the Property. The Notice of Continuance of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow of the continued hearing as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the roadway easement as legally described and depicted in Exhibits "A" and "B" and the temporary construction easement as legally described and depicted in Exhibits "C" and "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D" are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the

use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement and a temporary construction easement as legally described and depicted in Exhibits "A" through "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT "A"

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-65**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-65

Owner: Laurence K. Brown as Trustee

of the Nancy Brown Supplemental Trust

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 629.75 feet;

Thence S 89°24'09" W, a distance of 50.00 feet to a point on the existing Northerly right of way line of Coyote Road, said point being the POINT of BEGINNING,

Thence continuing S 89°24'09" W, along said right of way line, a distance of 20.14 feet;

Thence N 00°53'03" W, a distance of 299.75 feet to a point on the Northerly line of said Parcel 2;

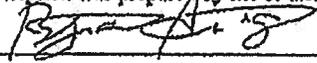
Thence N 89°24'09" E, along said Northerly line, a distance of 22.45 feet to a point on the existing Westerly right of way line of Fenwood Road;

Thence S 00°26'30" E, along said Westerly right of way line, a distance of 299.75 feet to the POINT of BEGINNING.

Tract contains 6,383 square feet, 0.15 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: 

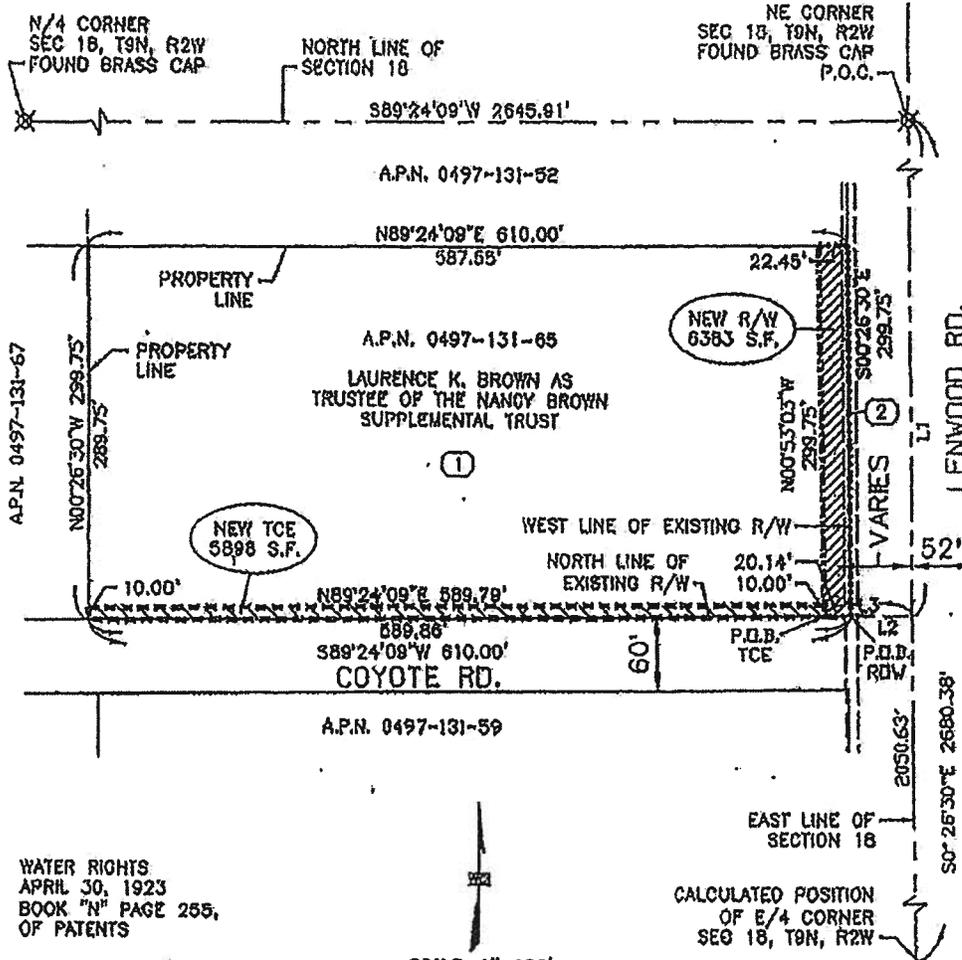
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/9/11 PLS 8016



EXHIBIT “B”

PORTION PARCEL 2, P. M. 6622 M. B 63/85
SECTION 18, T. 9N., R. 2W., S. B. M.



① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

 INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

SCALE: 1"=120'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°28'30"E	629.75'
L2	S89°24'09"W	50.00'
L3	S89°24'09"W	70.14'

EXHIBIT "B"

PARCEL NO.	0497-131-65	W.O. NO.	
ROAD NO.		SCALE	1"=120'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF LAURENCE K. BROWN AS TRUSTEE OF THE NANCY BROWN SUPPLEMENTAL TRUST

EXHIBIT “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0497-131-65**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-65

Owner: Laurence K. Brown as Trustee

of the Nancy Brown Supplemental Trust

To: City of Enstow

EXHIBIT "C"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 629.75 feet to a point on the Northerly right of way line of Coyote Road extended;

Thence S 89°24'09" W, along said Northerly right of way line a distance of 70.14 feet to the POINT of BEGINNING;

Thence continuing S 89°24'09" W, along said Northerly right of way line, a distance of 589.86 feet, to a point on the Westerly property line of Parcel 2;

Thence N 00°26'30" W along said Westerly property line, a distance of 10.00 feet;

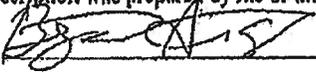
Thence N 89°24'09" E, a distance of 589.79 feet;

Thence S 00°53'03" E, a distance of 10.00 feet to the POINT of BEGINNING.

Tract contains 5,898 square feet, 0.14 acres, more or less.

(End Exhibit "C")

This legal description was prepared by me or under my direction.

By: 

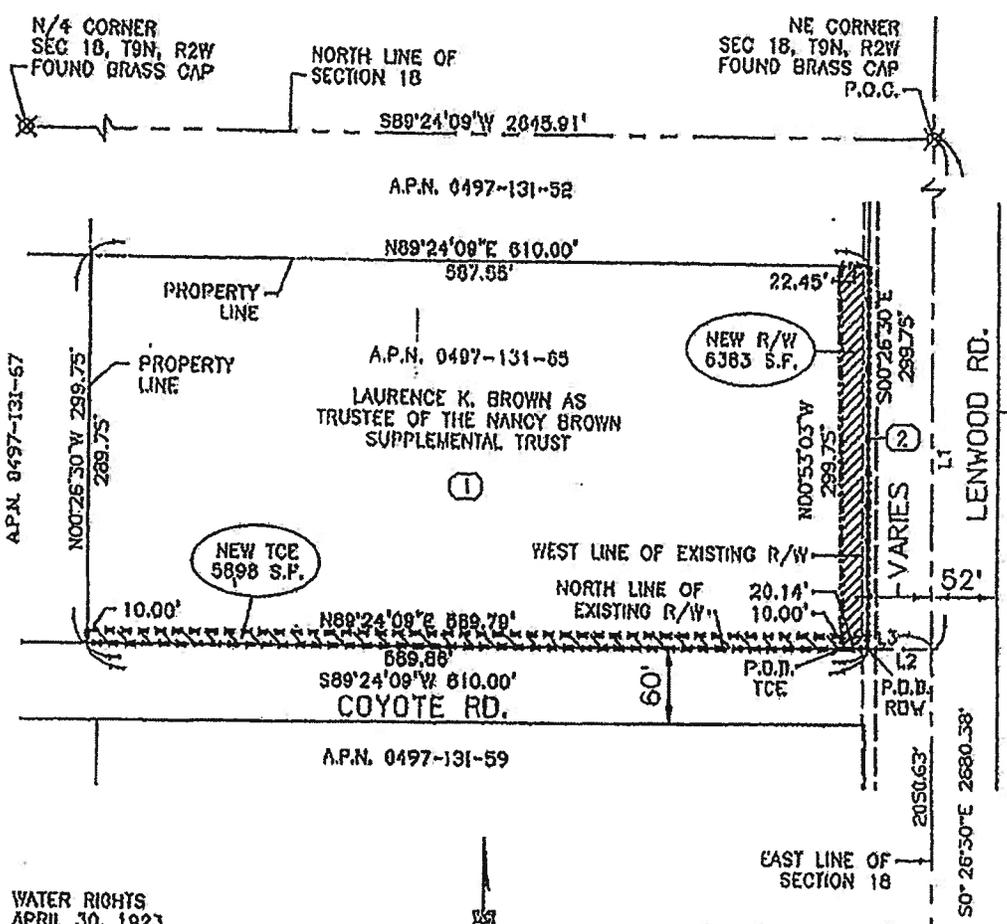
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/9/11 PLS 8016



EXHIBIT “D”

PORTION PARCEL 2, P. M. 6622 M. B 63/85
SECTION 18, T. 9N., R. 2W., S. B. M.



① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 205,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

-  INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
-  INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

SCALE: 1"=120'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	629.75'
L2	S89°24'09"W	50.00'
L3	S89°24'09"W	70.14'

EXHIBIT "D"

PARCEL NO.	0497-131-65	W.O. NO.	
ROAD NO.		SCALE	1"=120'

RESOLUTION NO. 13-036

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NOS. 0422-043-05, 0422-043-06, 0422-043-07 AND 0422-043-08

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain interests in portions of the property located at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property interests required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property interests required for the Project includes a roadway easement as legally described in Exhibit "C" and depicted in Exhibit "D", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property interests required for the Project includes a roadway easement as legally described in Exhibit "E" and depicted in Exhibit "F", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the real property interests required for the Project includes a roadway easement as legally described in Exhibit "G" and depicted in Exhibit "H", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the interests in real property required for the Project includes a temporary construction easement as legally described in Exhibit "I" and depicted in Exhibit "J", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the interests in real property required for the Project includes a temporary construction easement as legally described in Exhibit "K" and depicted in Exhibit "L", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the interests in real property required for the Project includes a temporary construction easement as legally described in Exhibit "M" and depicted in Exhibit "N", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, the interests in real property required for the Project includes a temporary construction easement as legally described in Exhibit "O" and depicted in Exhibit "P", located on property at 24961 West Main Street, Lenwood (unincorporated), County of San Bernardino, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on October 11, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in real property described and depicted in Exhibits "A" through "P". The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "P" (collectively the "Property"); and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the roadway easements as legally described and depicted in Exhibits "A" through "H" and temporary construction easements as legally described and depicted in Exhibits "I" through "P" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "P", attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interests, as described and depicted in Exhibits "A" through "P" are necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire the roadway easements and temporary construction easements as legally described and depicted in Exhibits "A" through "P", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT “A”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-05**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-05

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "A"

Legal Description

A portion of Lot 5, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 526.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 5 and the POINT of BEGINNING,

Thence continuing N 55°41'51" E, along said right of way line, a distance of 25.00 feet to the Northeasterly corner of said Lot 5;

Thence S 34°18'09" E, a distance of 12.04 feet;

Thence S 55°42'13" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 12.03 feet, to the POINT of BEGINNING.

Tract contains 301 square feet, 0.01 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: _____

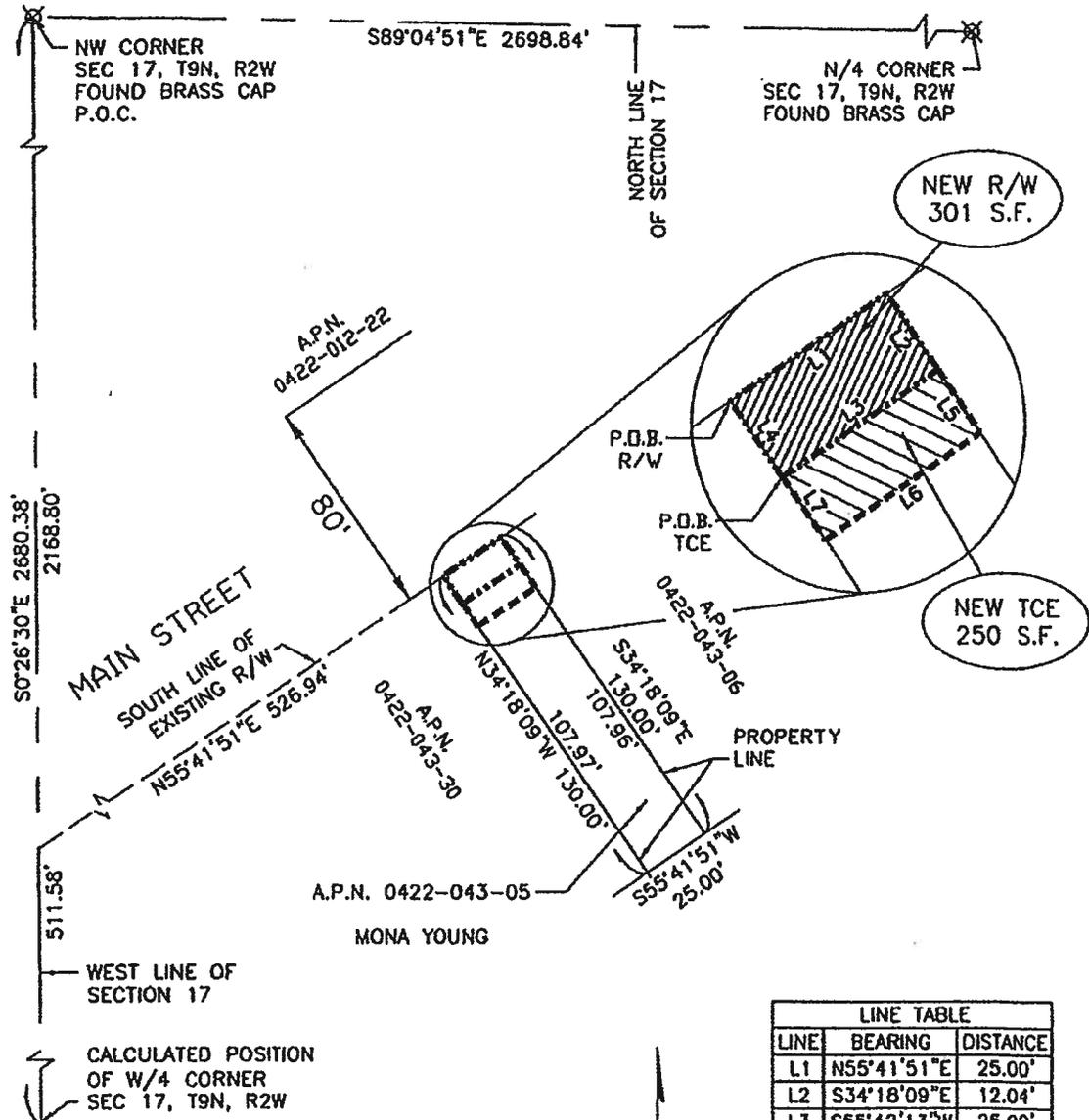
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “B”

PORTION OF LOT 5, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N55°41'51"E	25.00'
L2	S34°18'09"E	12.04'
L3	S55°42'13"W	25.00'
L4	N34°18'09"W	12.03'
L5	S34°18'09"E	10.00'
L6	S55°42'13"W	25.00'
L7	N34°18'09"W	10.00'

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

SCALE: 1"=60'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF MONA YOUNG

PARCEL NO.	0422-043-05	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “C”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-06**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-06

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "A"

Legal Description

A portion of Lot 6, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26 '30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41 '51" E, a distance of 551.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 6 and the POINT of BEGINNING,

Thence continuing N 55°41 '51" E, along said right of way line, a distance of 25.00 feet to the Northeasterly corner of said Lot 6;

Thence S 34°18 '09" E, a distance of 11.98 feet;

Thence S 55°33 '31" W, a distance of 25.00 feet;

Thence N 34°18 '09" W, a distance of 12.04 feet, to the POINT of BEGINNING.

Tract contains 300 square feet, 0.01 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: _____

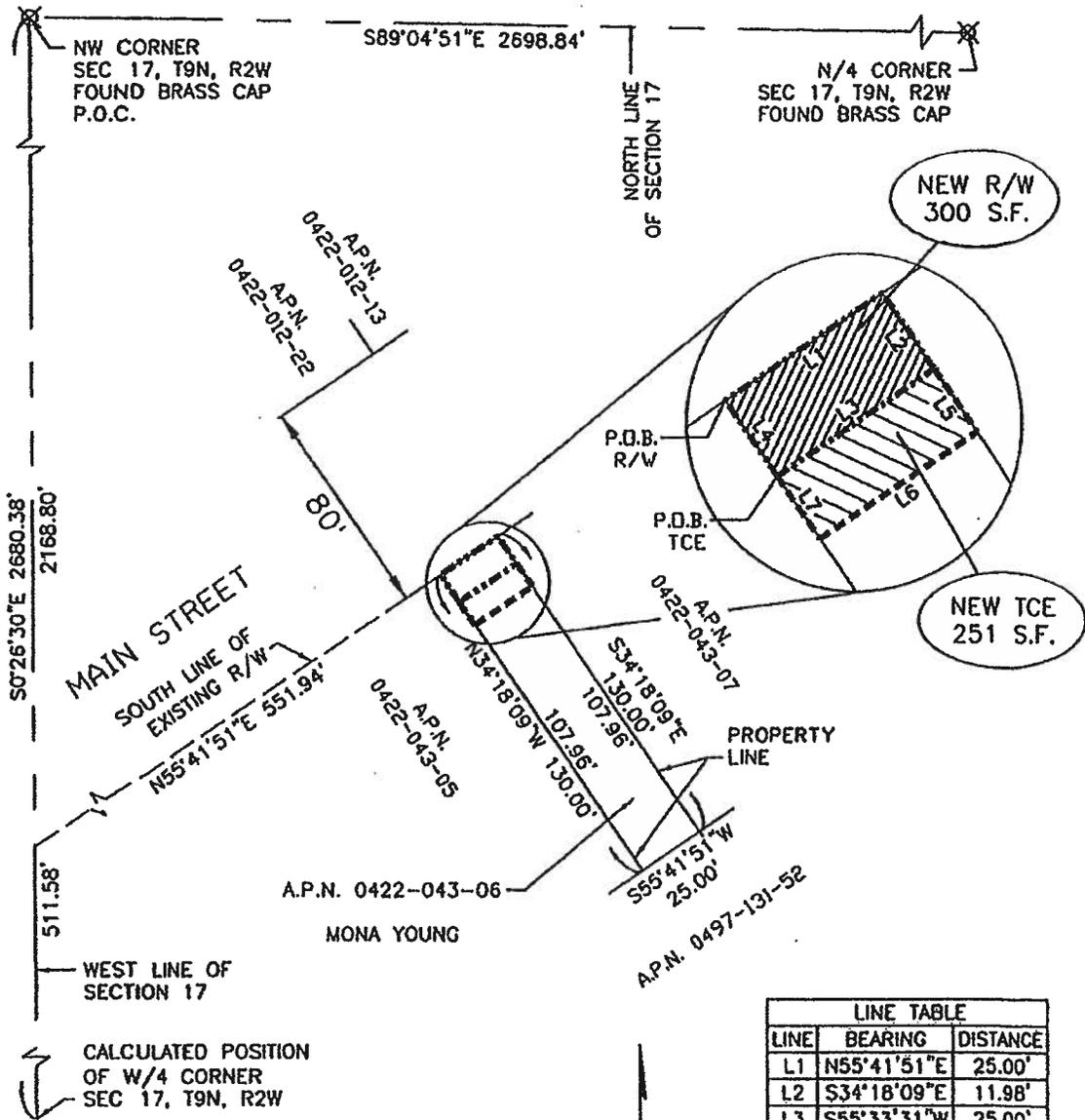
Benjamin M. Aragon, Professional Land Surveyor

Date: 10, 4, 11 PLS 8016



EXHIBIT “D”

PORTION OF LOT 6, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

-  INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
-  INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF MONA YOUNG

PARCEL NO.	0422-043-06	W.O. NO.	
ROAD NO.		SCALE	1"=60'

EXHIBIT “E”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-07**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-07

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "A"

Legal Description

A portion of Lot 7, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 576.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 7 and the POINT of BEGINNING,

Thence continuing N 55°41'51" E, along said right of way line, a distance of 25.00 feet to the Northeasterly corner of said Lot 7;

Thence S 34°18'09" E, a distance of 12.04 feet;

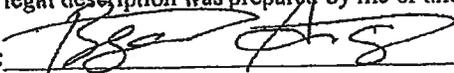
Thence S 55°50'55" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 11.98 feet, to the POINT of BEGINNING.

Tract contains 300 square feet, 0.01 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016

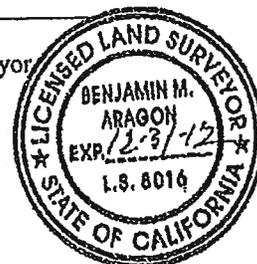
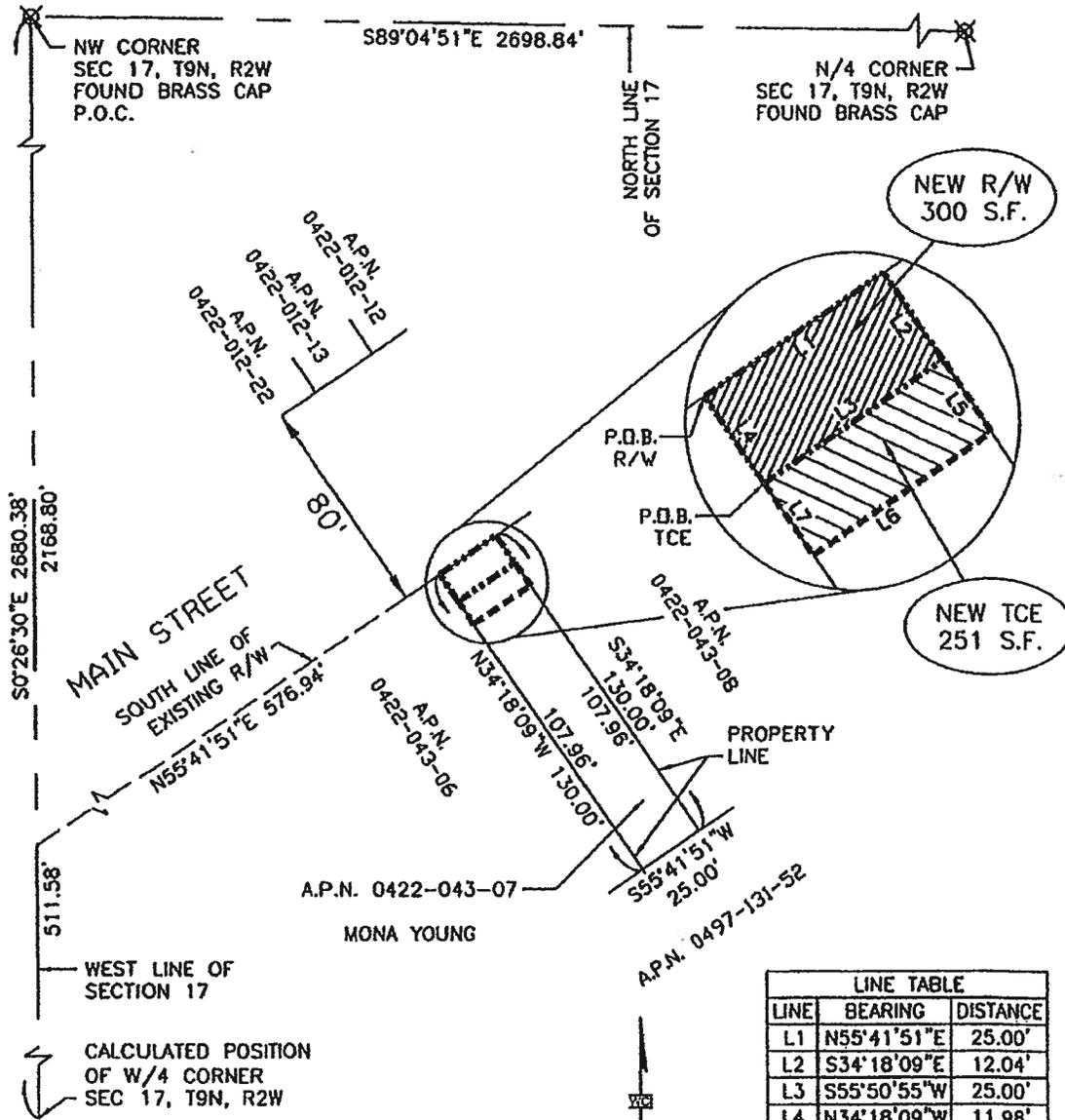


EXHIBIT “F”

PORTION OF LOT 7, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF MONA YOUNG

PARCEL NO.	0422-043-07	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “G”

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-08**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-08

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "A"

Legal Description

A portion of Lot 8, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26 '30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41 '51" E, a distance of 601.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 8 and the POINT of BEGINNING,

Thence continuing N 55°41 '51" E, along said right of way line, a distance of 25.00 feet to the Northeasterly corner of said Lot 8;

Thence S 34°18 '09" E, a distance of 12.05 feet;

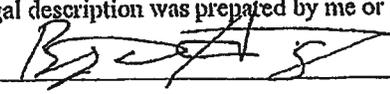
Thence S 55°42 '13" W, a distance of 25.00 feet;

Thence N 34°18 '09" W, a distance of 12.04 feet, to the POINT of BEGINNING.

Tract contains 301 square feet, 0.01 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “H”

EXHIBIT “I”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-05**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-05

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "TCE"

Legal Description

A portion of Lot 5, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 526.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 5;

Thence S 34°18'09" E, a distance of 12.03 feet to the POINT of BEGINNING,

Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

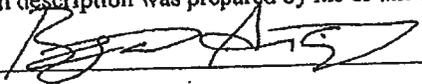
Thence S 55°42'13" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 10.00 feet to the POINT of BEGINNING.

Tract contains 250 square feet, 0.01 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: 

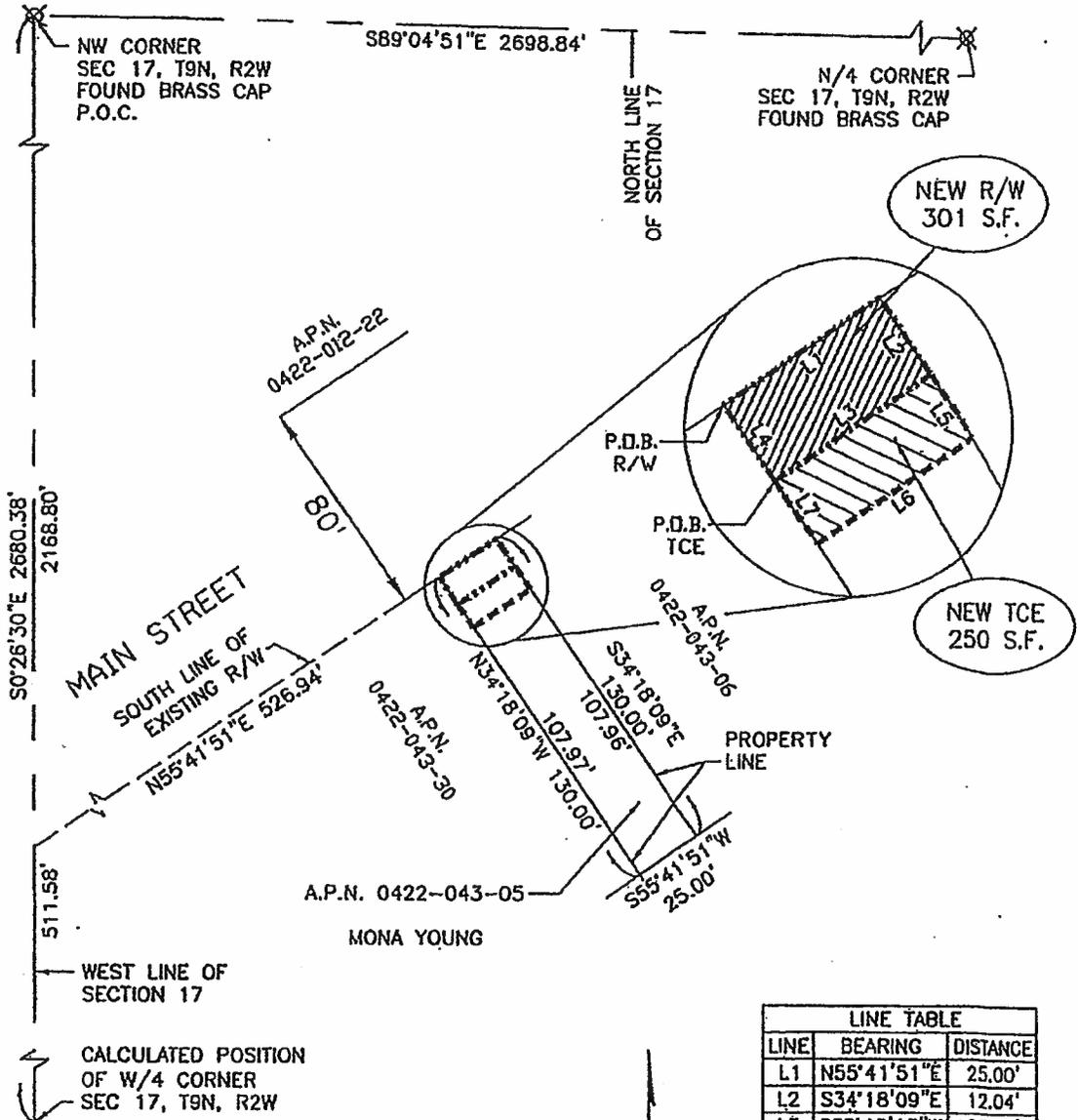
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “J”

PORTION OF LOT 5, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T.9N., R.2W., S.B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	$N55^{\circ}41'51''E$	25.00'
L2	$S34^{\circ}18'09''E$	12.04'
L3	$S55^{\circ}42'13''W$	25.00'
L4	$N34^{\circ}18'09''W$	12.03'
L5	$S34^{\circ}18'09''E$	10.00'
L6	$S55^{\circ}42'13''W$	25.00'
L7	$N34^{\circ}18'09''W$	10.00'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0422-043-05	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “K”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-06**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-06

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "TCE"

Legal Description

A portion of Lot 6, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 551.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 6;

Thence S 34°18'09" E, a distance of 12.04 feet to the POINT of BEGINNING,

Thence N 55°33'31" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.06 feet;

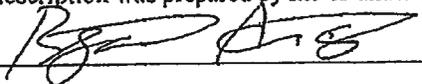
Thence S 55°42'13" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 10.00 feet to the POINT of BEGINNING.

Tract contains 251 square feet, 0.01 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: 

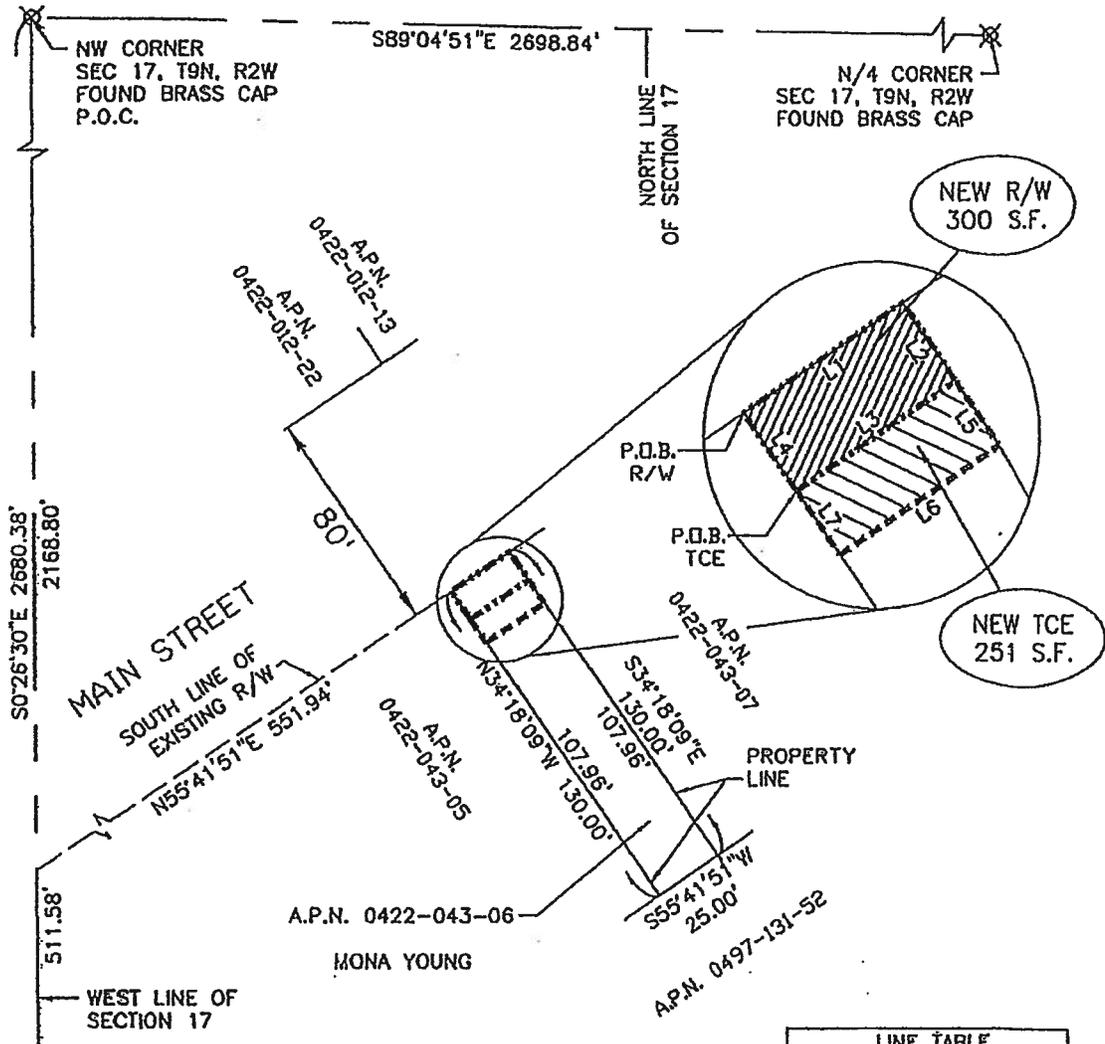
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/7/11 PLS 8016



EXHIBIT “L”

PORTION OF LOT 6, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N55°41'51"E	25.00'
L2	S34°18'09"E	11.98'
L3	S55°33'31"W	25.00'
L4	N34°18'09"W	12.04'
L5	S34°18'09"E	10.06'
L6	S55°42'13"W	25.00'
L7	N34°18'09"W	10.00'

↙ CALCULATED POSITION OF W/4 CORNER SEC 17, T9N, R2W

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
 INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

SCALE: 1"=60'

EXHIBIT "B"

PARCEL NO.	0422-043-06	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “M”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-07**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-07

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "TCE"

Legal Description

A portion of Lot 7, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 576.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 7;

Thence S 34°18'09" E, a distance of 11.98 feet to the POINT of BEGINNING,

Thence N 55°50'55" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

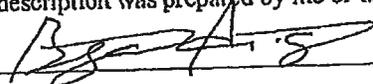
Thence S 55°42'13" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 10.06 feet to the POINT of BEGINNING.

Tract contains 251 square feet, 0.01 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: 

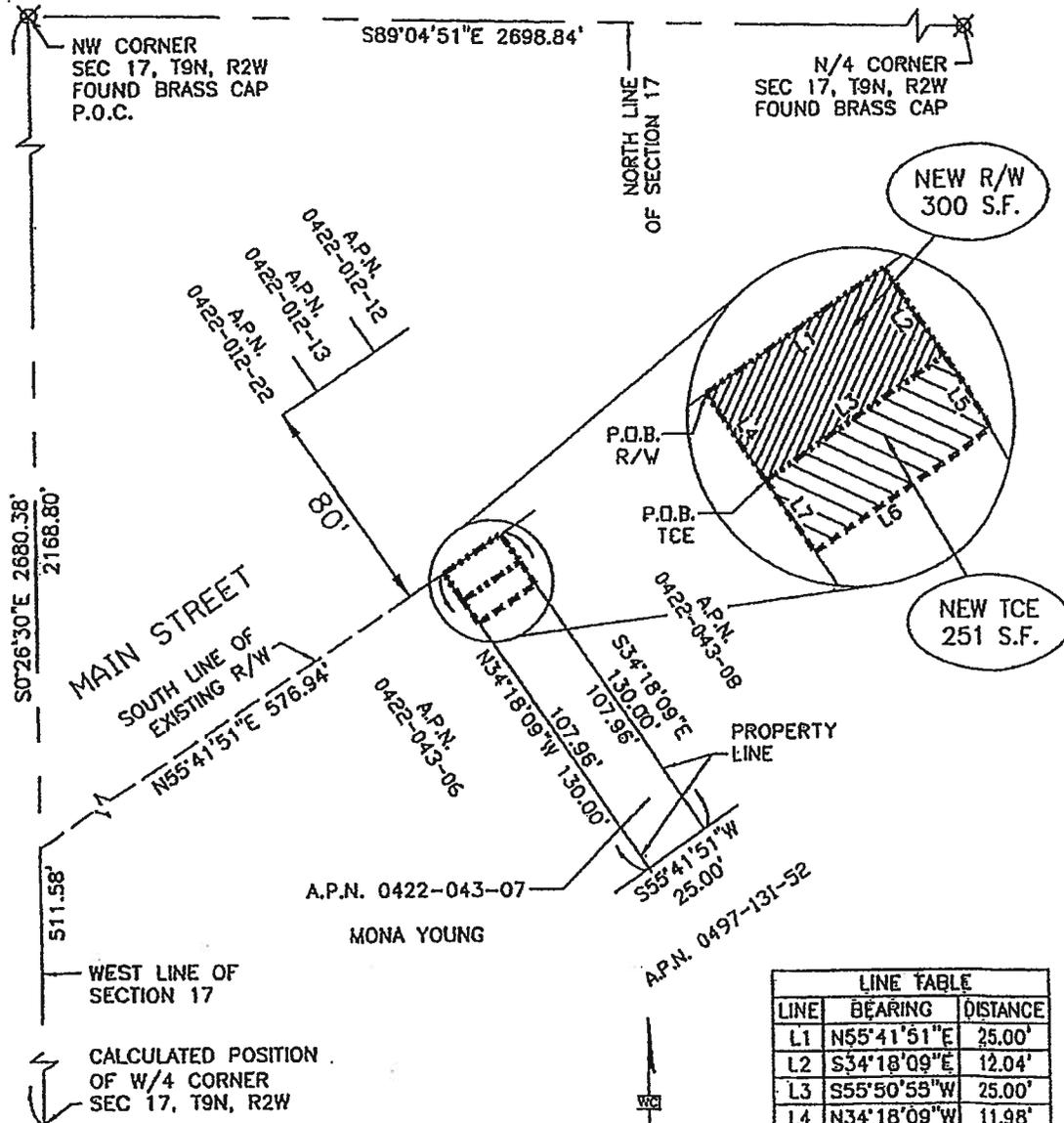
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “N”

PORTION OF LOT 7, BLOCK 37, TOWNSITE OF LENWOOD M.B. 23/25-27
SECTION 17, T. 9N., R. 2W., S.B.M.



P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0422-043-07	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

EXHIBIT “O”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0422-043-08**

The parcel of land in the attached legal description and map is to be used for temporary construction purposes in connection with the construction of the Lenwood Road Grade Separation Project. The right of usage acquired for the temporary construction easement parcel described in the attached legal description and depicted in the attached map shall be for a period of twenty-four (24) months.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 17, S.B.M.

A.P.N. 422-043-08

Owner: Mona Young

To: County of San Bernardino

EXHIBIT "TCE"

Legal Description

A portion of Lot 8, Block 37, Townsite of Lenwood, in the County of San Bernardino, State of California, as per Plat recorded in book 23, page 25, 26, and 27 of maps, in the office of the county recorder of said county, described as follows:

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Thence S 0°26'30" E, along the West line of said Section 17, a distance of 2168.80 feet;

Thence N 55°41'51" E, a distance of 601.94 feet to a point on existing Southerly right of way line of Main Street, said point being the Northwesterly corner of said Lot 8;

Thence S 34°18'09" E, a distance of 12.04 feet to the POINT of BEGINNING,

Thence N 55°42'13" E, a distance of 25.00 feet;

Thence S 34°18'09" E, a distance of 10.00 feet;

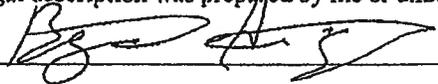
Thence S 55°42'13" W, a distance of 25.00 feet;

Thence N 34°18'09" W, a distance of 10.00 feet to the POINT of BEGINNING.

Tract contains 250 square feet, 0.01 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: 

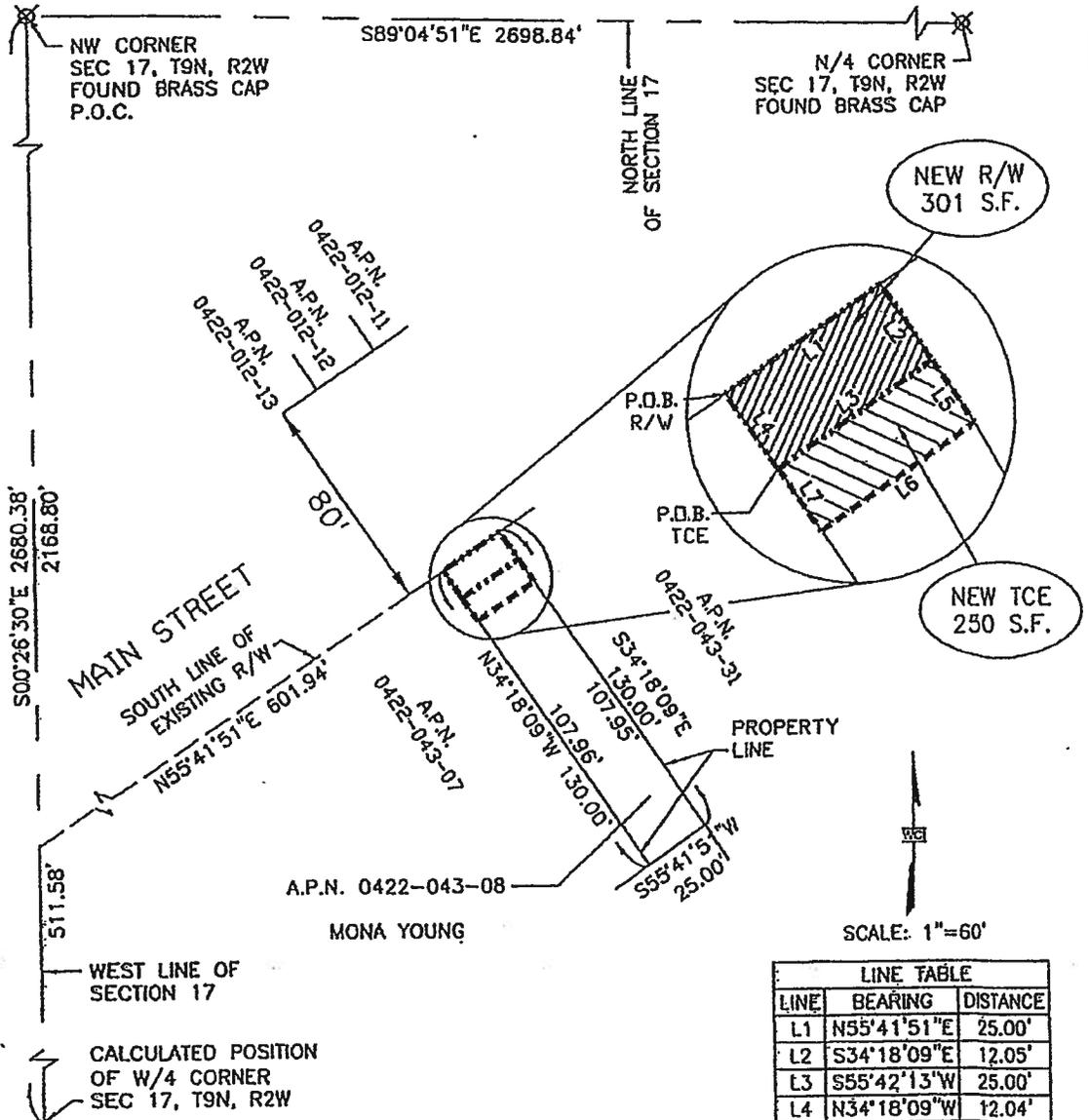
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



EXHIBIT “P”

PORTION OF LOT 8, BLOCK 37, TOWNSITE OF LENWOOD M. B. 23/25-27
SECTION 17, T. 9N., R. 2W., S. B. M.



SCALE: 1"=60'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N55°41'51"E	25.00'
L2	S34°18'09"E	12.05'
L3	S55°42'13"W	25.00'
L4	N34°18'09"W	12.04'
L5	S34°18'09"E	10.00'
L6	S55°42'13"W	25.00'
L7	N34°18'09"W	10.00'

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT
- INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PARCEL NO.	0422-043-08	W.O. NO.	
ROAD NO.		SCALE	1" = 60'

RESOLUTION NO. 13-037

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0421-181-04

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located at 24829 West Main Street, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located at 24829 West Main Street, Lenwood (unincorporated), California ("Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on October 11, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the

times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for November 7, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. **Incorporation of Findings and Recitals.** The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. **Compliance with California Code of Civil Procedure.** The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. **Public Use.** The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. **Necessity.**

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interest in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on November 7, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

ATTEST:

Vicki Watson,
Clerk of the Commission

EXHIBIT "A"

**ROADWAY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
APN: 0421-181-04**

The property identified in the attached legal description and map shall be for right of way purposes to facilitate the construction and use of the Lenwood Road Grade Separation Project.

Reasonable pedestrian and vehicular access to the remainder property will be maintained during construction.

The San Bernardino County Transportation Commission is expressly granted the right to convey, transfer or assign the right of way.

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-181-04

Owner: Gregory W. Hudson and Brenda B. Hudson, Trustees, or
the Successor Trustee of The Hudson Family Trust, udt 9-30-97

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of the East One-Half of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Dependant Resurvey of said Township accepted by the General Land Office, March 31, 1932, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the East line of said Section 18, a distance of 2171.88 feet;

Thence S 46°54'16" W, a distance of 459.89 feet to a point on existing Southerly right of way line of Main Street, said point being the POINT of BEGINNING,

Thence S 89°43'05" E, a distance of 26.15 feet;

Thence S 50°52'05" W, a distance of 115.17 feet;

Thence S 57°44'43" W, a distance of 53.17 feet, to a point on existing Southerly right of way line of Main Street;

Thence N 46°54'16" E, along said right of way line, a distance of 148.10 feet, to the POINT of BEGINNING.

Tract contains 1,697 square feet, 0.04 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: *Benjamin M. Aragon*

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016

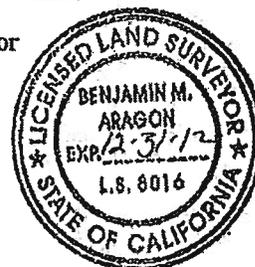
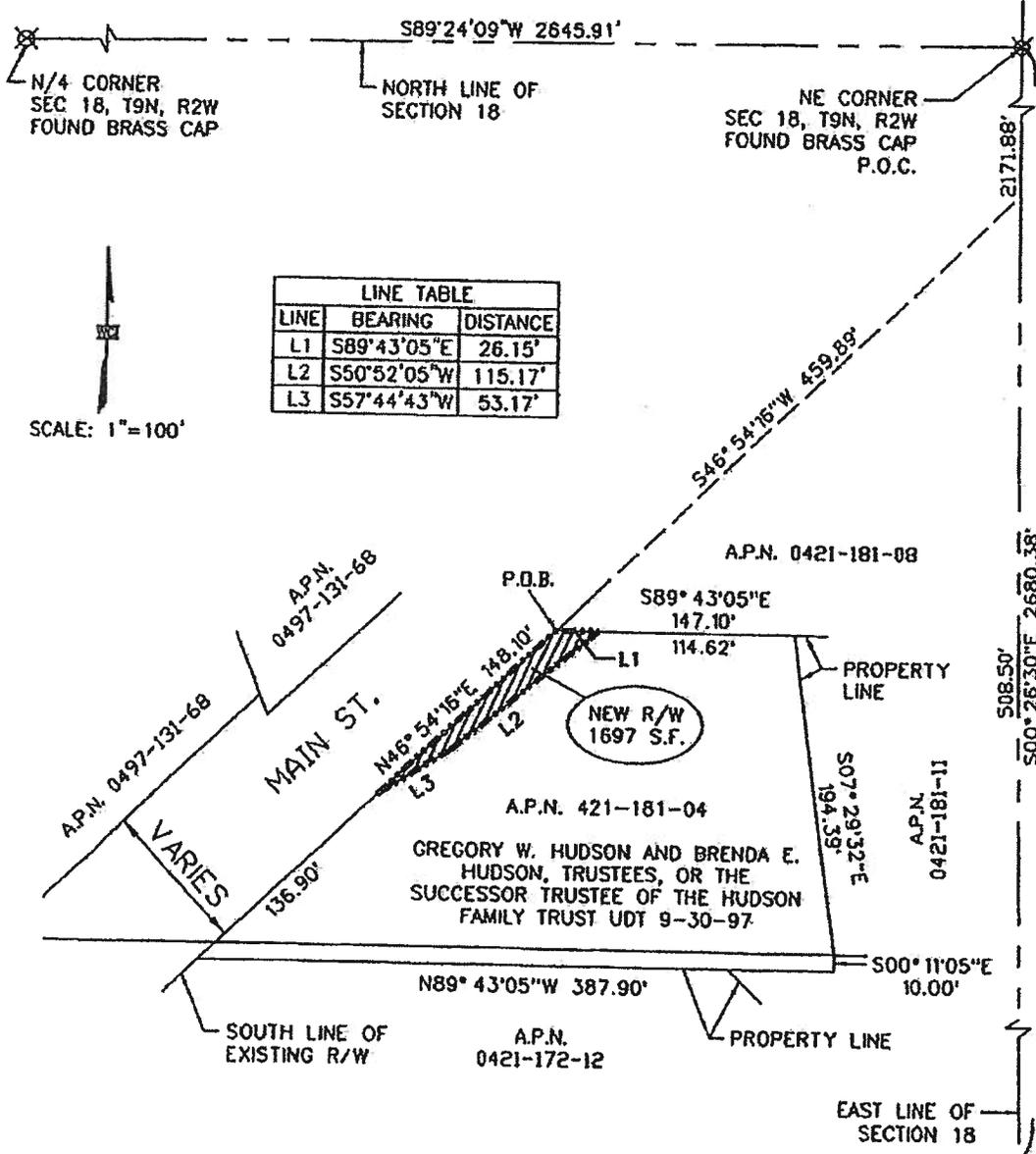


EXHIBIT “B”

PORTION OF THE EAST HALF OF
SECTION 18, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°43'05"E	26.15'
L2	S50°52'05"W	115.17'
L3	S57°44'43"W	53.17'

SCALE: 1" = 100'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

 INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

CALCULATED POSITION OF E/4 CORNER SEC 18, T9N, R2W

EXHIBIT "B"

PARCEL NO.	421-181-04	W.O. NO.	
ROAD NO.		SCALE	1" = 100'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF GREGORY W. HUDSON AND BRENDA E. HUDSON, TRUSTEES, OR THE SUCCESSOR TRUSTEE OF THE HUDSON FAMILY TRUST UDT 9-30-97



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: October 19, 2012

Subject: Change to Mountain/Desert Committee Meeting Start Time

Recommendation:* That the Committee recommend the Board approve a change in the start time for the Mountain/Desert Committee.

Background: At the September 21, 2012 meeting of the Mountain/Desert Committee, a request was made that the matter of the Committee's start time be brought back for discussion for a possible change. Currently the Mountain/Desert Committee meets at 9:00 a.m. on the third Friday of the month.

It was requested that the Committee consider changing its start time to 10:00 a.m. to make it more convenient for Board Members that have to travel a large distance to attend the meetings. Some Board Members liked this suggestion, but others expressed concern with a later starting time conflicting with their schedules.

Financial Impact: This item will have no financial impact.

Reviewed By: This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

Responsible Staff: Duane A. Baker, Director of Management Services

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Approved
Mountain/Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.
 MDC1210a-dab

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IIEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996