Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

ADDITIONAL BACK UP MATERIAL FOR AGENDA ITEM 32

Board of Directors
March 6, 2013

Location:
San Bernardino Associated Governments
Santa Fe Depot – SANBAG Lobby 1st Floor
1170 W 3rd Street, San Bernardino, CA

DISCUSSION CALENDAR

32. Hearings to Consider Resolutions of Necessity to Acquire Property Needed for the Downtown San Bernardino Passenger Rail Project

1. Conduct public hearings to consider condemnation of real property required for the Downtown San Bernardino Passenger Rail Project (Project) in the City of San Bernardino; and

2 By at least a two-thirds majority vote of the entire Commission (i.e. at least 20 affirmative votes), adopt Resolutions of Necessity No. 13-047 through 13- 081, and authorize and direct legal counsel to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the Project as shown in Exhibit A.

Attached are resolutions with complete back-up for Agenda Item No. 32. Due to the size of the attachment it is sent under a separate cover.

BRD1303cc-maa

RESOLUTION NO. 13-047

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 1, which represents interests in portions of the property located at 936 West 3rd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-231-05, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit B are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the concrete paving currently existing within the permanent easement area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission 's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court

of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13047-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1: (APN 0138-231-05)

That portion of Lot 1, Block 16 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the North line of Third Street, as shown on said Map being 225.00 feet West of the Southeast corner of said Lot 1;
Thence North 130.00 feet to the South line of an alley;
Thence West 125.00 feet on said South line to the West line of said Lot;
Thence South on said West line 130.00 feet to the North line of said Third Street;
Thence East 125.00 feet on said North line to the Point of Beginning.

Together with the 20.00 foot vacated alley adjoining said land on the North.

EXHIBIT A

LEGAL DESCRIPTION

Robert & Judith Ann Harraka Family Trust

APN 0138-231-05

RIGHT OF WAY PARCEL SBPR-01-1 – Permanent Easement

A portion of Lot 1, Block 16 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of said Lot 1, said point also being on the North line of Third Street, 82.5 feet wide, dedicated per said Map; thence along said North line North 89°37'06" East 50.48 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 30°22'18" East; thence leaving said North line and Northwesterly along said curve through a central angle of 15°14'04", a distance of 12.76 feet; thence parallel with said North line South 89°37'06" West 38.78 feet to a point on the West line of said Lot 1; thence along said West line South 00°26'11" East 5.00 feet to the **Point of Beginning.**

Said parcel contains 227 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP (PERMANENT EASEMENT)

LEGEND

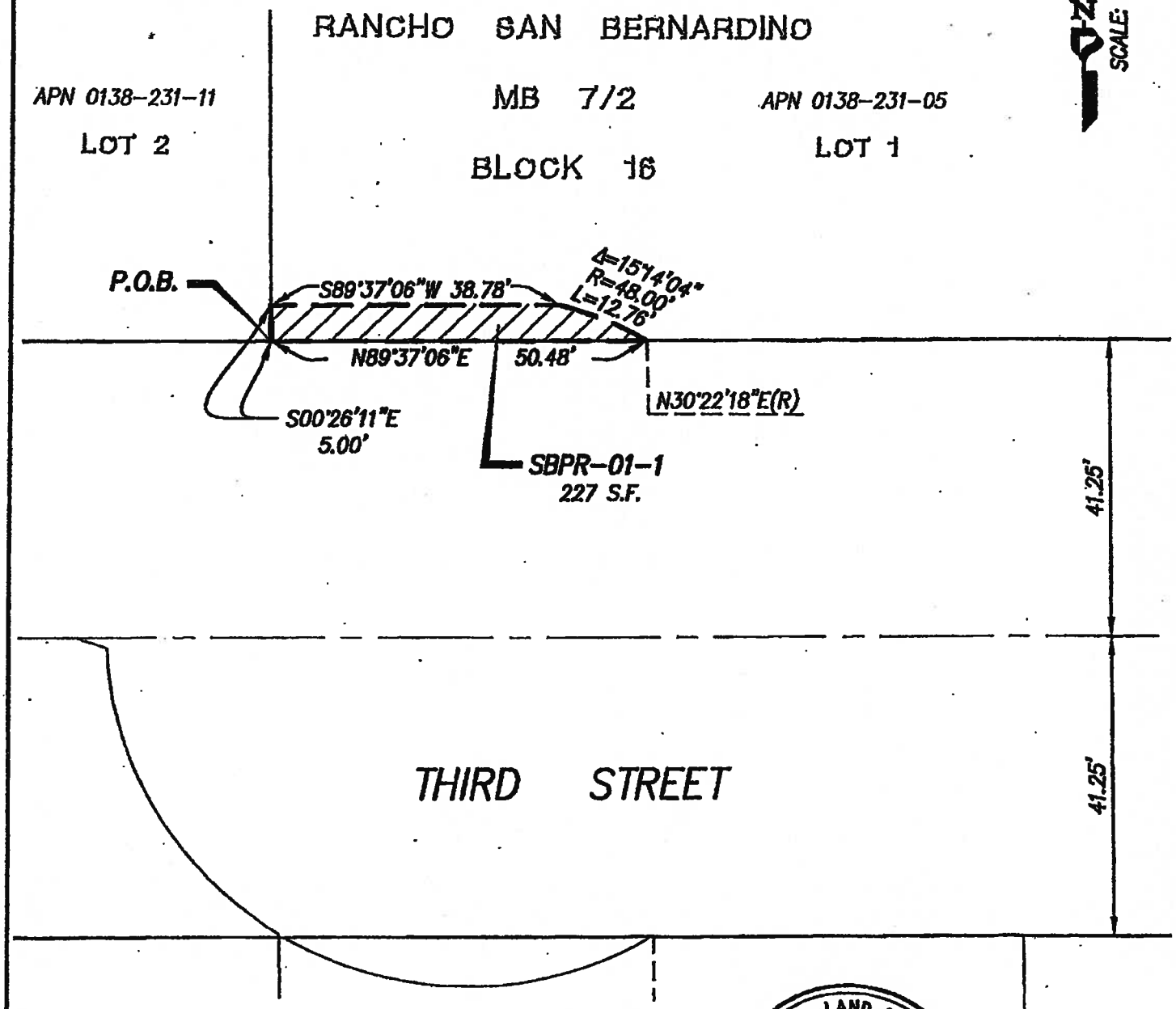
P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-01-1 Robert and Judith Ann Harraka Family Trust
APN 0138-231-05
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 7-19-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Robert & Judith Ann Harraka Family Trust

APN 0138-231-05

RIGHT OF WAY PARCEL SBPR-01-2 – Temporary Construction Easement

A portion of Lot 1, Block 16 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Lot 1, said point also being on the North line of Third Street, 82.5 feet wide, dedicated per said Map; thence along the West line of said Lot 1 North 00°26'11" West 5.00 feet to the **True Point of Beginning**; thence leaving said West line and parallel with said North line North 89°37'06" East 38.78 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Southwest, a radial line to said beginning bears North 15°08'14" East; thence Southeasterly along said curve through a central angle of 15°14'04" a distance of 12.76 feet to said North line; thence along said North line North 89°37'06" East 35.29 feet; thence leaving said North line North 00°12'09" West 10.51 feet; thence South 89°55'09" West 85.82 feet to a point on said West line; thence along said West line South 00°26'11" East 5.96 feet to the **True Point of Beginning.**

Said parcel contains 694 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT "B"

Map of Temporary Construction Easement Area
[APN 0138-231-05]

[attached behind this page]

EXHIBIT B

SHEET 1 OF 1

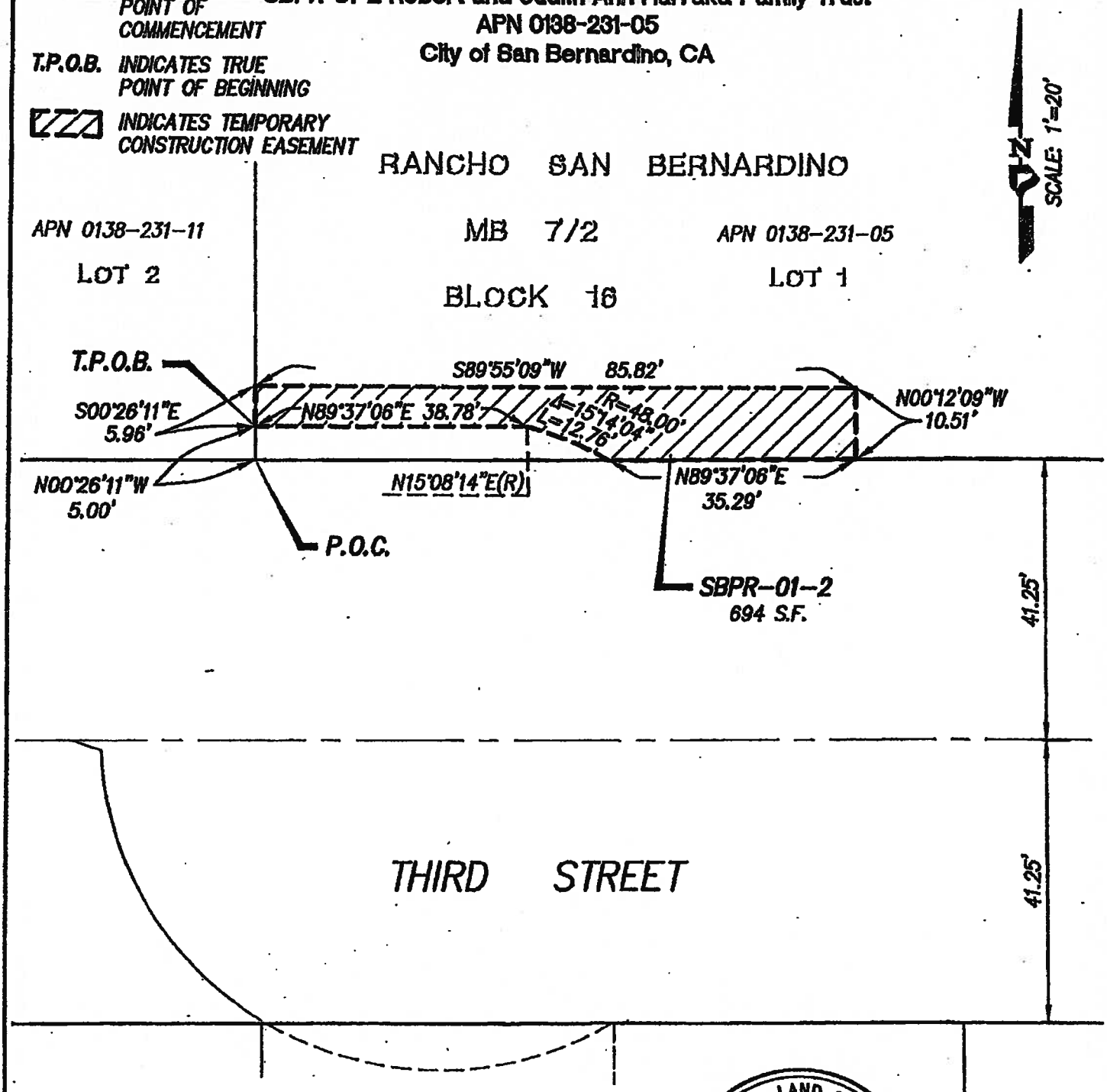
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SBPR-01-2 Robert and Judith Ann Harraka Family Trust
APN 0138-231-05
City of San Bernardino, CA



7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-048

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 3, 55, and 56, which represents interests in portions of the property located at 971 West 3rd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0138-273-01, 0138-273-02, 0138-273-03, 0138-273-04, 0138-273-05, 0138-273-06, 0138-273-07, and 0138-273-36, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in Assessor's Parcel Number 0138-273-36, as described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit D attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit E attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for

the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than six (6) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) six (6) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit G attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) eighteen (18) months from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit H attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 3"). TCE 3 shall be valid for a period of not more than six (6) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 3, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 3, (b) six (6) months from the commencement date of TCE 3, or (c) December 31, 2015.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit I attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 4"). TCE 4 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 4, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 4, (b) eighteen (18) months from the commencement date of TCE 4, or (c) December 31, 2015.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the

Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____
	Moved: *Second:*
	In Favor: *Opposed:* *Abstained:*
	Witnessed:

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13048-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 1, of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 79, records of said County, together with the South one-half of third Street and the North one-half of that certain unnamed alley now known as Broadway Street, lying adjacent to said lots, which would pass by operation of law upon abandonment.

Excepting therefrom a strip of land 30 feet in width included between lines 15 feet on each side of and parallel to center line of main track of the Atchison, Topeka and Santa Fe Railway Company.

Assessor's Parcel Number: **0138-273-01 thru 0138-273-07;**
0138-273-36-0-000;

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

LEGAL DESCRIPTION

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

CARTER SUB PTN LOT 6 BLK 1 LYING SLY OF RR R/W

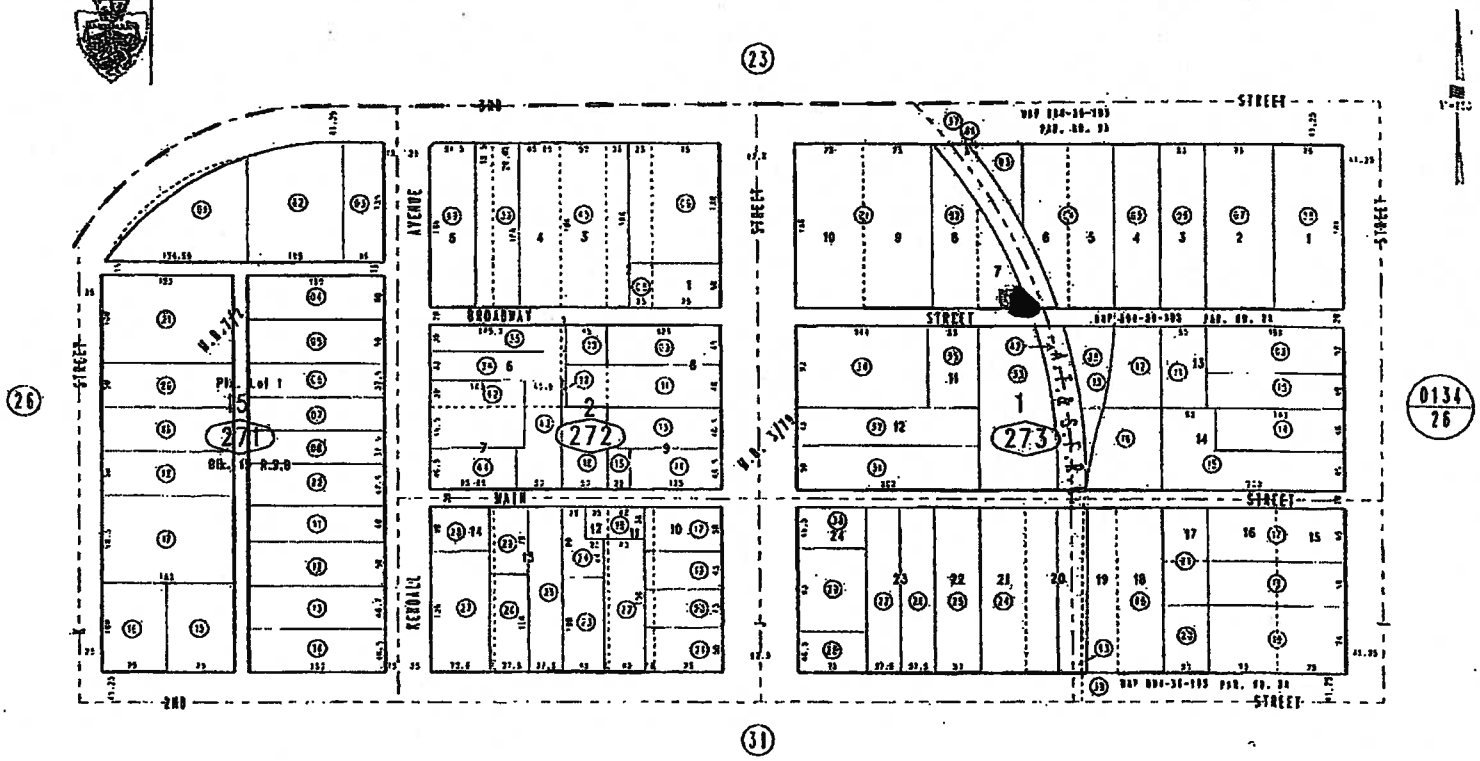
Said parcel contains 22 square feet, more or less

Assessor's Parcel Number: **0138-273-36**

SBPR 56

Ptn. Carters Subdivision, M.B. 3/79

City of San Bernardino 0138 - 27
Tax Rate Area
7160



August 2004

Ptn. Rancho San Bernardino, M.B. 7/2

Ptn. N.W. 1/4, Sec. 9
T.1S., R.4W.

Assessor's Map
Book 0138 Page 27
San Bernardino County

EXHIBIT C
LEGAL DESCRIPTION AND MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-01

RIGHT OF WAY PARCEL SBPR-03-2 – Fee

A portion of Lot 9, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of Lot 10, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lots 10 and 9 North 89°37'06" East 104.31 feet to the **True Point of Beginning**; thence continuing North 89°37'06" East 40.44 feet to the Southwest right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 503.51 foot radius curve concave to the Southwest, a radial bearing to said point bears North 48°06'31" East; thence leaving said North line and Southeasterly along said Southwest right-of-way and said curve through a central angle of 00°54'40" a distance of 8.01 feet to the East line of said Lot 9; thence along said East line South 00°21'30" East 35.29 feet to the beginning of a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 45°24'50" East; thence leaving said East line and Northwesterly along said curve through a central of 07°19'36" a distance of 61.64 feet to the **True Point of Beginning**.

Said parcel contains 888 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

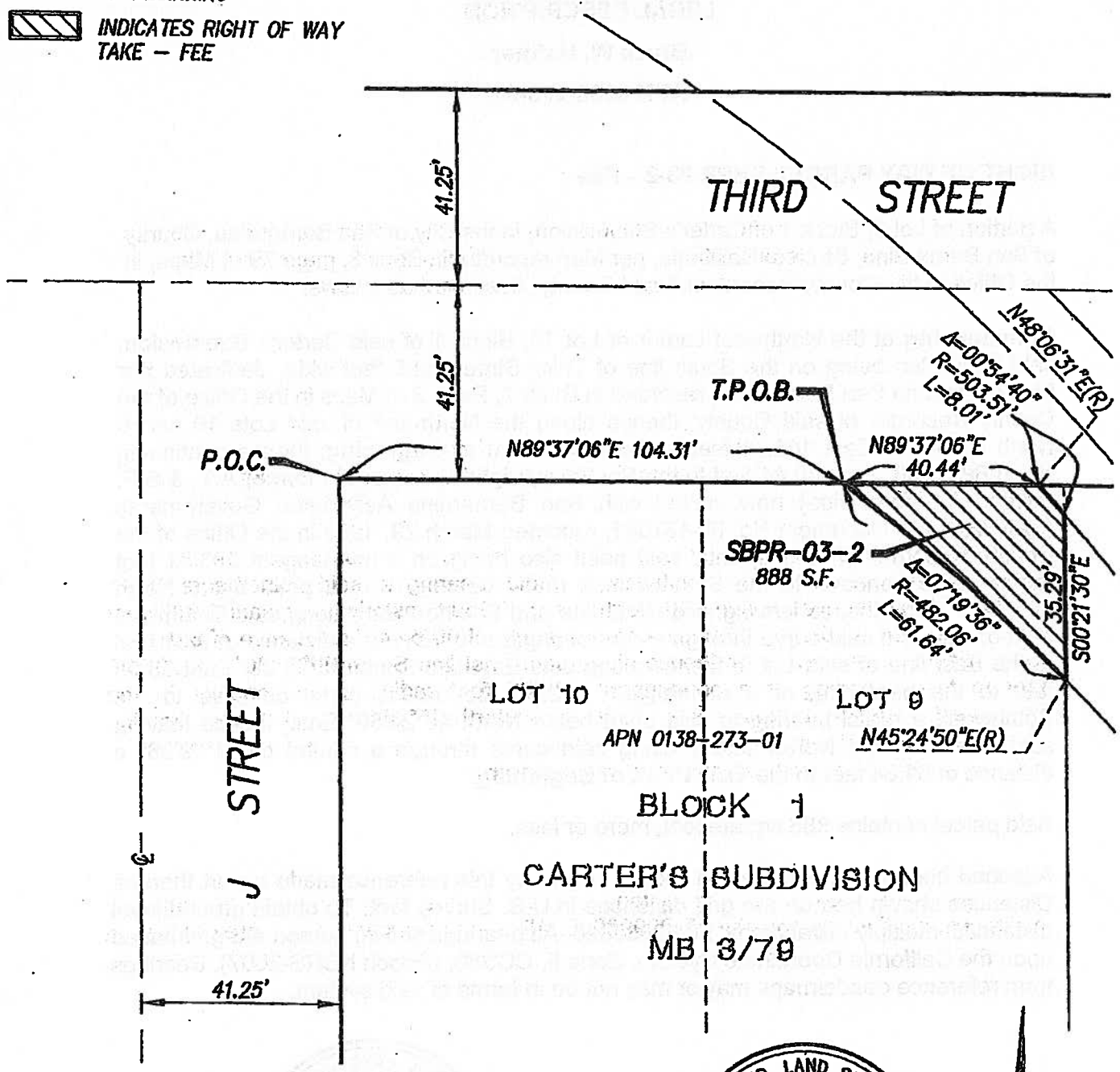
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-03-2 Bruce W. Heffner
APN 0138-273-01
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

SCALE: 1'=30'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0340 Fax

P:\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW – TAKES\SBPR-03\3833-SBPR-03-2.DWG

EXHIBIT D
LEGAL DESCRIPTION
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-02

RIGHT OF WAY PARCEL SBPR-55-1 – Fee

Portions of Lots 7 and 8, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of said Lot 8, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the West line of said Lot 8 South 00°21'30" East 6.04 feet to the **True Point of Beginning**, being on the Southwest right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, and a point on a non-tangent 503.51 foot radius curve concave to the Southwest, a radial bearing to said point bears North 49°01'11" East; thence leaving said West line and Southeasterly along said Southwest right-of-way and said curve through a central angle of 00°13'07" a distance of 1.92 feet to the beginning of a 557.96 foot radius compound curve concave to the Southwest; thence Southeasterly along said curve through a central angle of 20°12'41" a distance of 196.82 feet to a point on the East line of said Lot 7; thence leaving said Southwest right-of-way and along said East line South 00°21'53" East 9.45 feet to the Southeast corner of said Lot 7; thence leaving said East line and along the South line of said Lot 7 South 89°35'25" West 3.09 feet to the beginning of a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 66°13'39" East; thence leaving said South line and Northwesterly along said curve through a central of 20°48'49" a distance of 175.12 feet to a point on the West line of said Lot 8; thence along said West line North 00°21'30" West 35.29 feet to the **True Point of Beginning**.

Said parcel contains 2,704 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-14-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

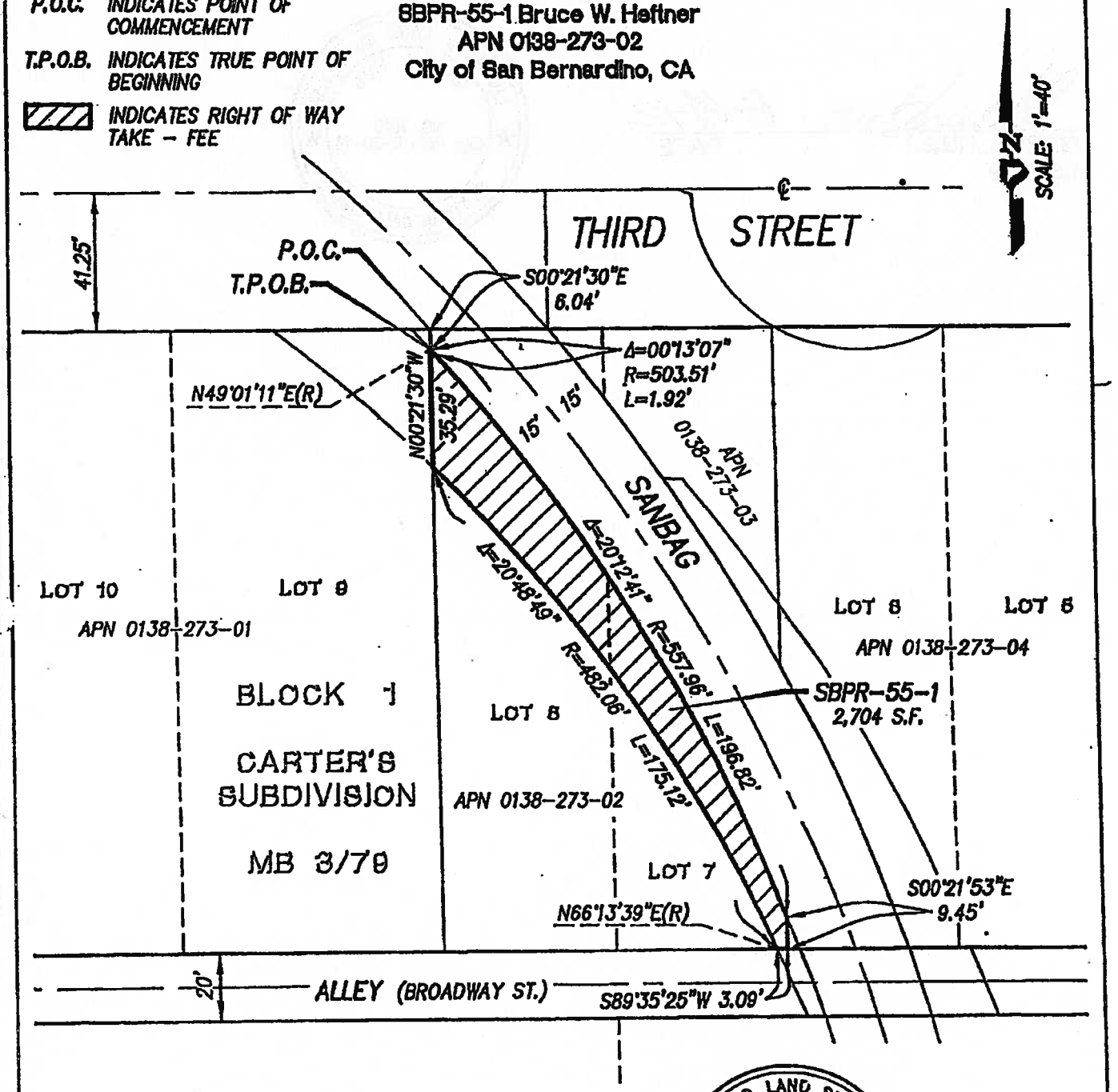
SBPR-55-1 Bruce W. Heffner
APN 0138-273-02
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE



GARY L. HUS, L.S. 7019

8-14-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT E

LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-01

RIGHT OF WAY PARCEL SBPR-03-1 – Permanent Easement

A portion of Lot 10, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of said Lot 10, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lot 10 North 89°37'06" East 5.37 feet; thence leaving said North line South 09°54'48" West 30.12 feet to the West line of said Lot 10, said point also being on the East line of J Street, 82.5 feet wide, dedicated per said Map of Rancho San Bernardino; thence along said West line North 00°20'56" West 29.63 feet to the **Point of Beginning.**

Said parcel contains 79 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

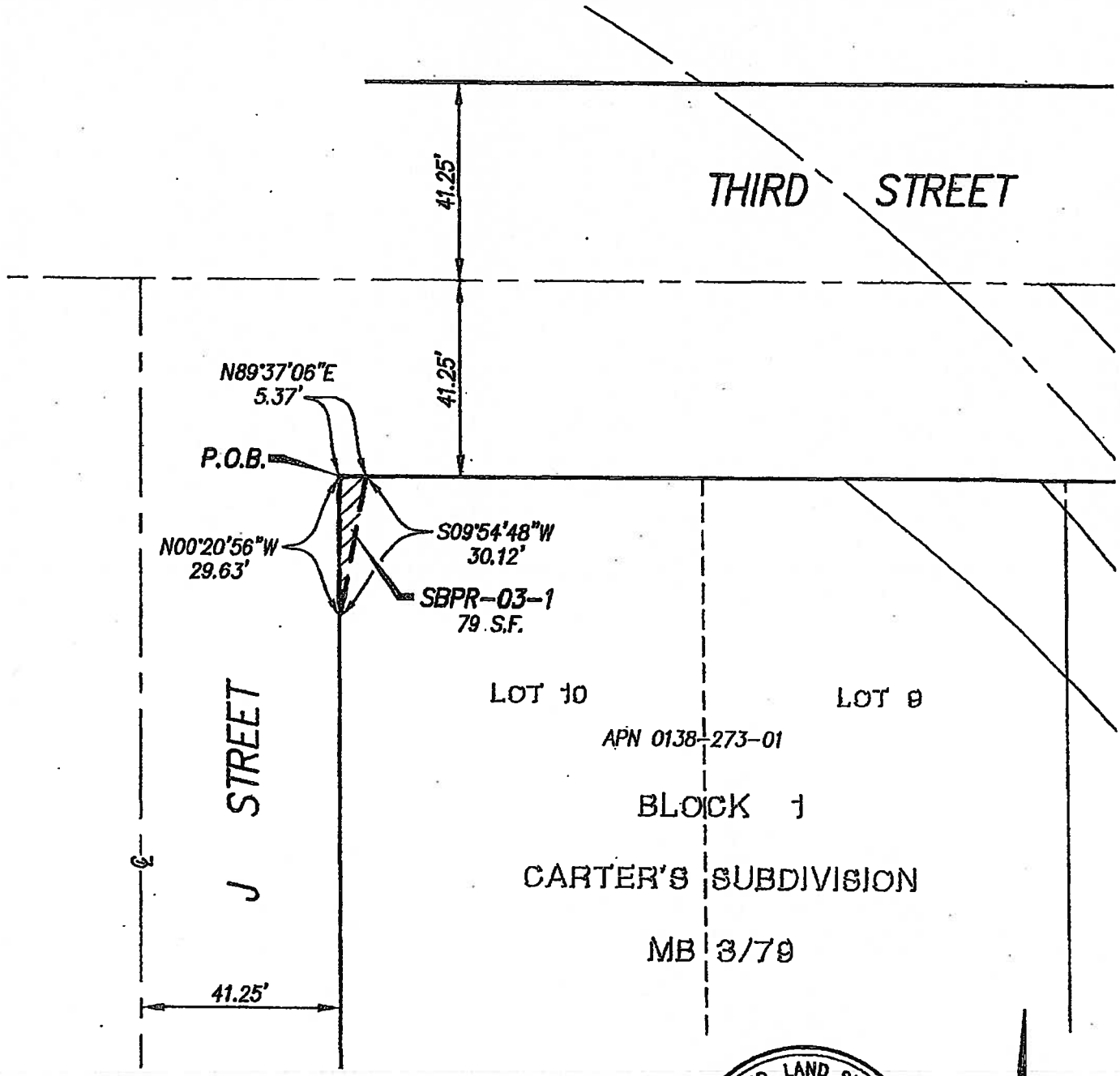
P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-03-1 Bruce W. Heffner
APN 0138-273-01
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

N
SCALE: 1"=30'

PROJECT DESIGN CONSULTANTS
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619.234.0349 Fax

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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-01

RIGHT OF WAY PARCEL SBPR-03-4 – Temporary Construction Easement

All that portion of Lot 9, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, lying westerly, southwesterly and southerly of the following described line:

Commencing at the Northwest corner of Lot 10, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lots 9 and 10 North 89°37'06" East 79.55 feet to the **True Point of Beginning**, being the beginning of a non-tangent 467.06 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 35°42'31" East; thence leaving said North line and Southeasterly along said curve through a central angle of 11°37'45" a distance of 94.80 feet to a point on the East line of said Lot 9 and the **Point of Terminus**.

Said parcel contains 11,886 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

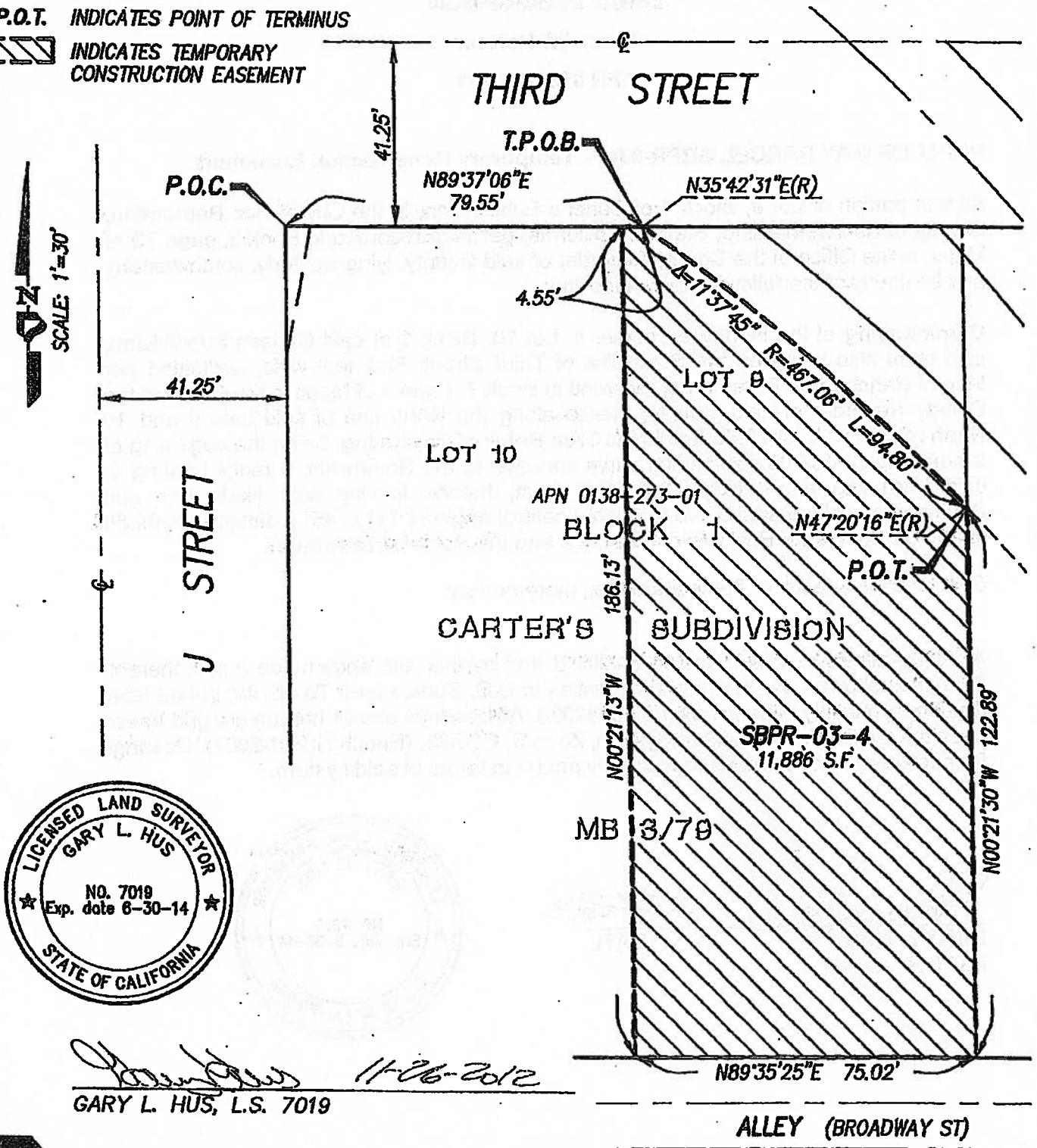
P.O.T. INDICATES POINT OF TERMINUS

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-03-4 Bruce W. Heffner
APN 0138-273-01
City of San Bernardino, CA

SHEET 1 OF 1



LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

11-26-2012

GARY L. HUS, L.S. 7019

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619.234.0349 Fax

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EXHIBIT G

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-01

RIGHT OF WAY PARCEL SBPR-03-3 – Temporary Construction Easement

A portion of Lot 9, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of Lot 10, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lots 9 and 10 North 89°37'06" East 79.55 feet to the **True Point of Beginning**; thence continuing North 89°37'06" East 24.76 feet to the beginning of a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 38°05'14" East; thence leaving said North line and Southeasterly along said curve through a central of 07°19'36" a distance of 61.64 feet to a point on the East line of said Lot 9; thence along said East line South 00°21'30" East 21.88 feet to the beginning of a non-tangent 467.06 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 47°20'16" East; thence leaving said East line and Northwesterly along said curve through a central angle of 11°37'45" a distance of 94.80 feet to the **True Point of Beginning**.

Said parcel contains 1,171 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

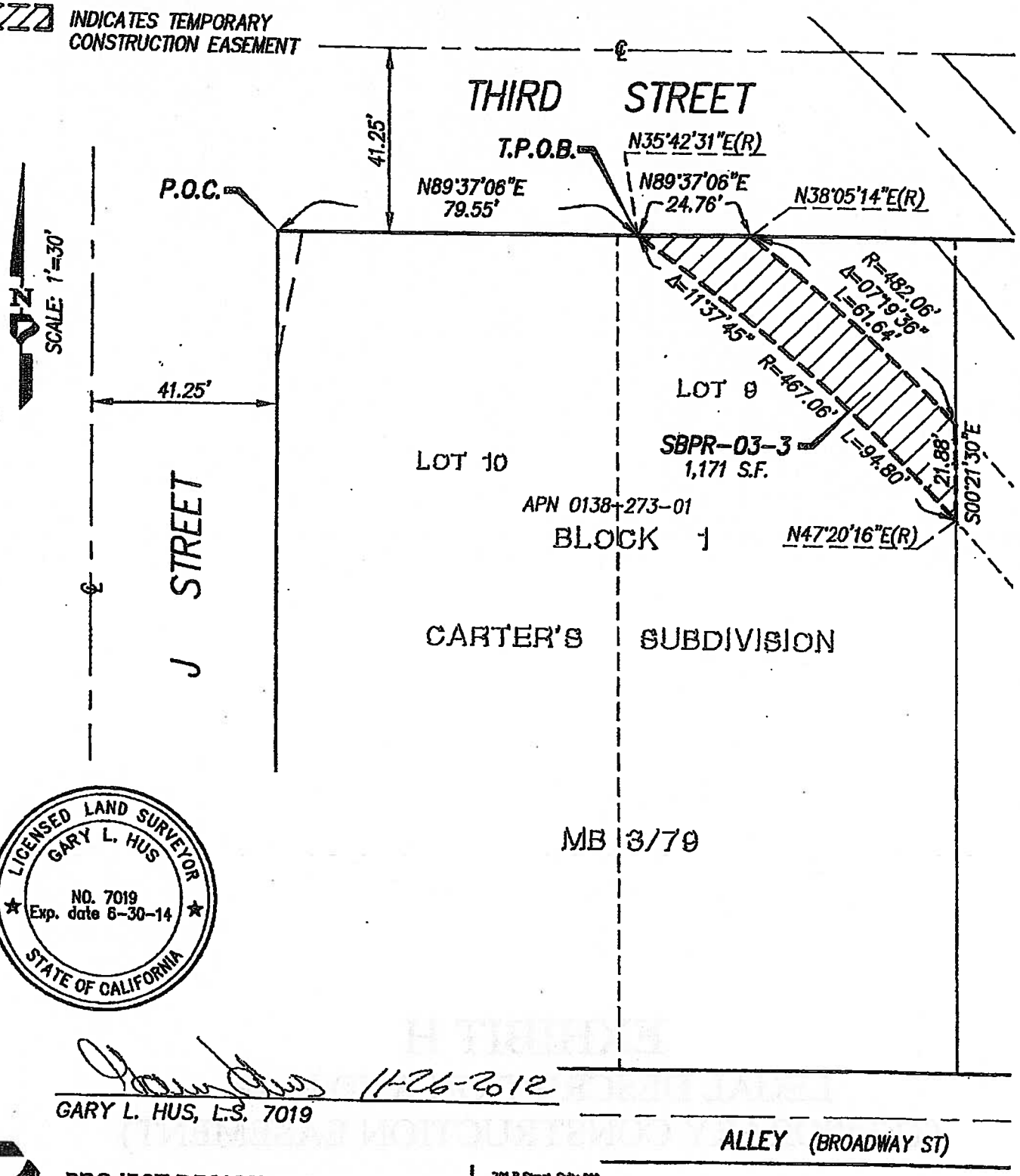
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-03-3 Bruce W. Heftner
APN 0138-273-01
City of San Bernardino, CA



PROJECT DESIGN CONSULTANTS
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619.234.0349 Fax

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EXHIBIT H

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-02

RIGHT OF WAY PARCEL SBPR-55-3 – Temporary Construction Easement

A portion of Lots 7 and 8, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, lying westerly, southwesterly and southerly of the following described line:

Commencing at the Northwest corner of Lot 8, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the West line of said Lot 8 South 00°21'30" East 63.20 feet to the **True Point of Beginning**, being on a non-tangent 467.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 47°20'16" East; thence leaving said West line and Southeasterly along said curve through a central angle of 18°05'33" a distance of 147.49 feet to a point on the South line of said Lot 7 which bears South 89°35'25" West 19.48 feet from the Southeast corner thereof, said point being the **Point of Terminus.**

Said parcel contains 5,519 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

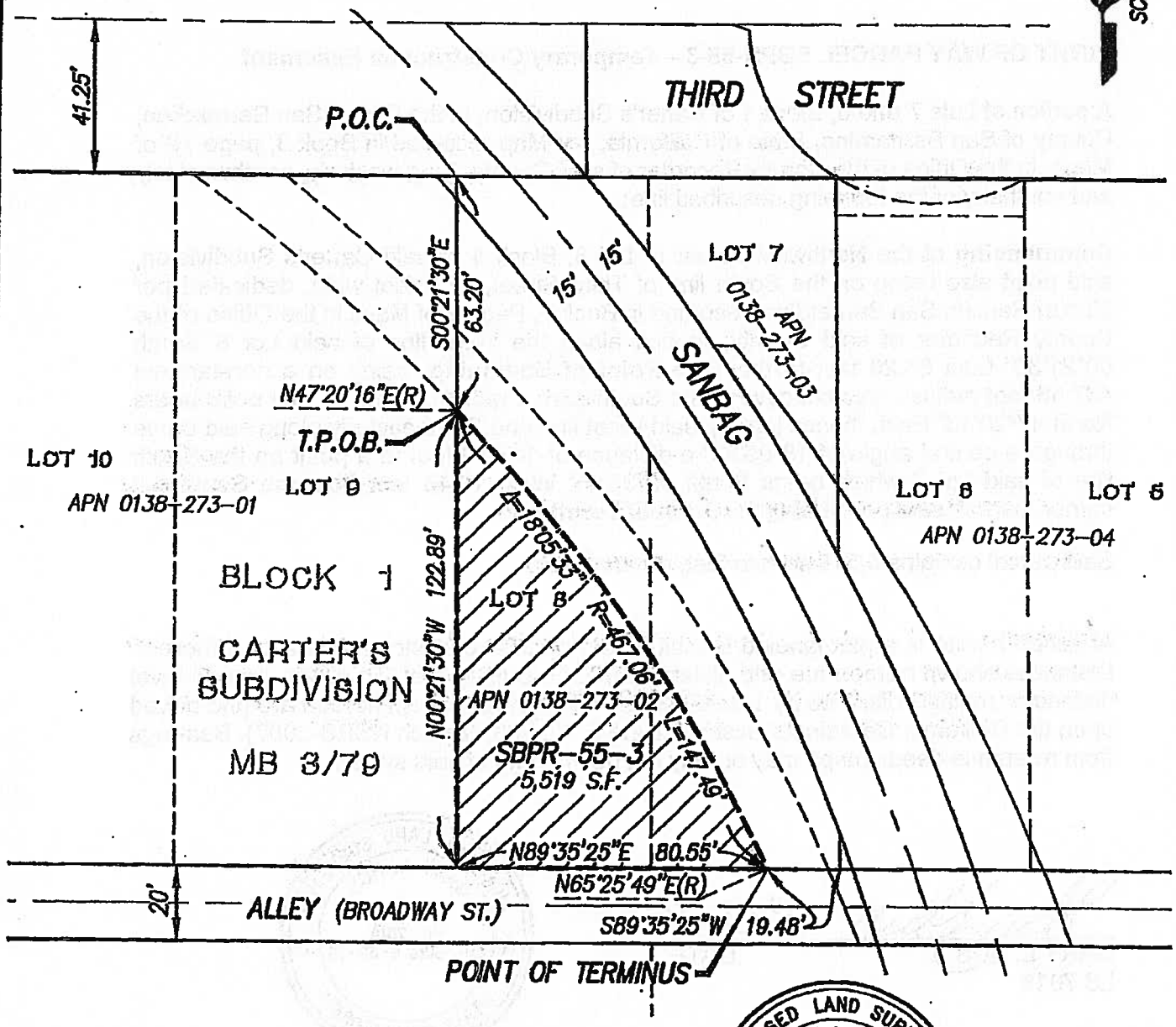
INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-55-3 Bruce W. Heffner
APN 0138-273-02
City of San Bernardino, CA

SHEET 1 OF 1

SCALE: 1'=40'



GARY L. HUS, L.S. 7019 — 8-13-12 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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619.236.0471 Tel
619.234.0349 Fax

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EXHIBIT I

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-02

RIGHT OF WAY PARCEL SBPR-55-2 – Temporary Construction Easement

A portion of Lots 7 and 8, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of Lot 8, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the West line of said Lot 8 South 00°21'30" East 41.32 feet to the **True Point of Beginning**, being on a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 45°24'50" East; thence leaving said West line and Southeasterly along said curve through a central angle of 20°48'49" a distance of 175.12 feet to a point on the South line of said Lot 7; thence along said South line South 89°35'25" West 16.39 feet to the beginning of a non-tangent 467.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 65°25'49" East; thence leaving said South line and Northwesterly along said curve through a central of 18°05'33" a distance of 147.49 feet to a point on the West line of said Lot 8; thence along said West line North 00°21'30" West 21.88 feet to the **True Point of Beginning.**

Said parcel contains 2,420 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-14-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

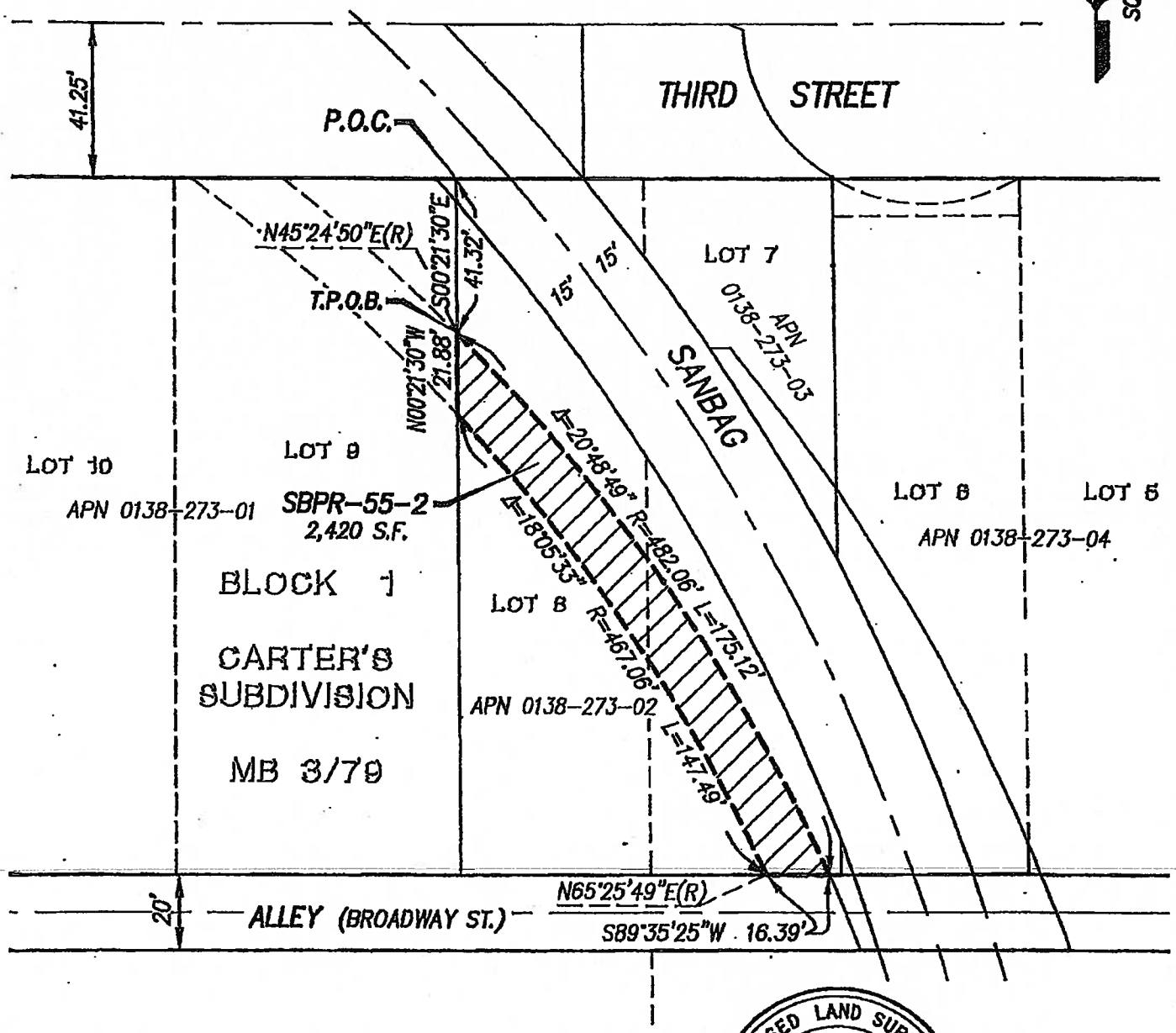
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-55-2 Bruce W. Heffner
APN 0138-273-02
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

8-14-12
DATE

LICENSED LAND SURVEYOR
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Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-049

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 4 and 7, which represents interests in portions of the property located at 981 West 3rd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0138-273-01, 0138-273-02, 0138-273-03, 0138-273-04, 0138-273-05, 0138-273-06, 0138-273-07, and 0138-273-36, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in a portion of Assessor's Parcel Number 0138-273-03, as described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in a portion of Assessor's Parcel Number 0138-273-04, as described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit D attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7)

days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015.

WHEREAS, the interests being acquired by the Commission are expressly limited as follows: The Commission and/or its agent shall take appropriate steps to ensure that, at all times during construction, the larger parcel retains access to the existing parking area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13049-a.pdf

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 1, of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 79, records of said County, together with the South one-half of third Street and the North one-half of that certain unnamed alley now known as Broadway Street, lying adjacent to said lots, which would pass by operation of law upon abandonment.

Excepting therefrom a strip of land 30 feet in width included between lines 15 feet on each side of and parallel to center line of main track of the Atchison, Topeka and Santa Fe Railway Company.

Assessor's Parcel Number: **0138-273-01 thru 0138-273-07;**
0138-273-36-0-000;

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-03

RIGHT OF WAY PARCEL SBPR-04-1 – Fee

A portion of Lot 7, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northeast corner of Lot 7, Block 1 of said Carter's Subdivision, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the East line of said Lot 7 South 00°21'53" East 82.99 feet to the **True Point of Beginning**; thence continuing South 00°21'53" East 18.84 feet to a point on the Northeast right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 587.96 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 62°35'43" East; thence leaving said East line and Northwesterly along said Northeast right-of-way and said curve through a central angle of 06°23'05" a distance of 65.52 feet; thence leaving said Northeast right-of-way North 89°18'17" East 5.55 feet to the beginning of a non-tangent 534.06 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 51°09'10" East; thence Southeasterly along said curve through a central angle of 05°00'32" a distance of 46.69 feet to the **True Point of Beginning.**

Said parcel contains 392 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

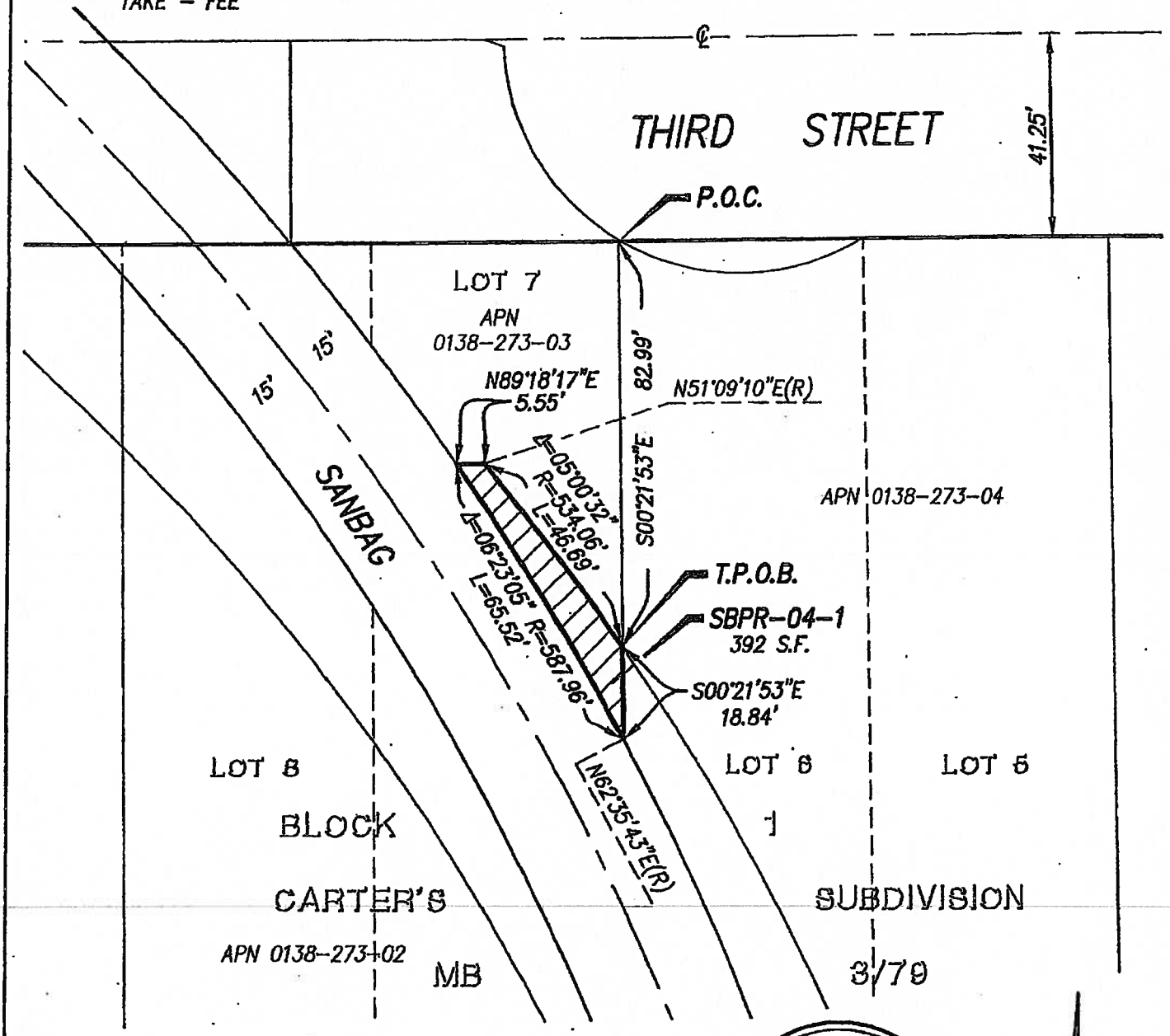
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

SHEET 1 OF 1

EXHIBIT B

SBPR-04-1 Bruce W. Heffner
APN 0138-273-03
City of San Bernardino, CA



GARY L. HUS, L.S. 7019

8-28-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

N

SCALE: 1"=30'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Heftner

APN 0138-273-04

RIGHT OF WAY PARCEL SBPR-07-1 – Fee

A portion of Lots 5 and 6, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of said Lot 6, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the West line of said Lot 6 South 00°21'53" East 82.99 feet to the **True Point of Beginning**; thence continuing South 00°21'53" East 18.84 feet to a point on the Northeast right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 587.96 foot radius curve concave to the Southwest, a radial bearing to said point bears North 62°35'43" East; thence leaving said West line and Southeasterly along said Northeast right-of-way and said curve through a central angle of 08°53'40" a distance of 91.27 feet to a point on the South line of said Lot 6, said point also being on the North line of the East/West alley (Broadway Street), 20 feet wide, as dedicated to the City of San Bernardino per said Carter's Subdivision; thence leaving said Northeast right-of-way and along said North line North 89°35'25" East 18.01 feet to the beginning of a non-tangent 534.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 68°37'00" East; thence leaving said North line and Northwesterly along said curve through a central of 12°27'18" a distance of 116.09 feet to the **True Point of Beginning**.

Said parcel contains 1,394 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

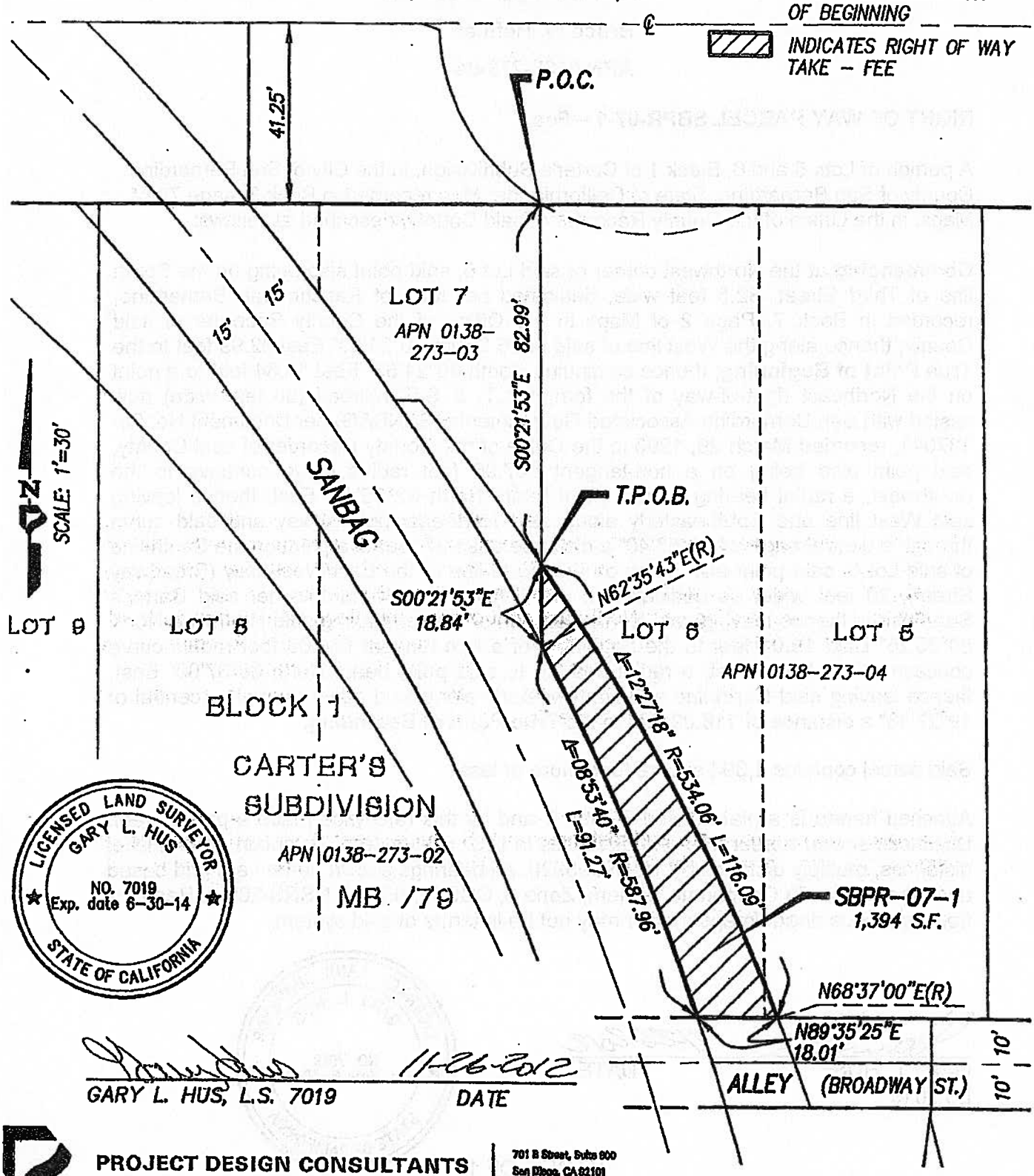
SBPR-07-1 Bruce W. Heffner
APN 0138-273-04
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE



LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

11-26-2012

GARY L. HUS, L.S. 7019 DATE

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT D

LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Hefftner

APN 0138-273-04

RIGHT OF WAY PARCEL SBPR-07-3 – Permanent Easement

A portion of Lot 6, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of said Lot 6, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lot 6, North 89°37'06" East, 0.64 feet to the **True Point of Beginning**; thence continuing North 89°37'06" East, 49.09 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Northwest, a radial bearing to said beginning bears South 31°08'07" East; thence leaving said North line and Southwesterly along the arc of said curve, through a central angle of 07°38'24", a distance of 6.40 feet; thence South 02°09'04" East, 6.12 feet to the beginning of a non-tangent 53.75 foot radius curve concave to the North, a radial bearing to said beginning bears South 21°07'07" East; thence Southwesterly, Westerly and Northwesterly along the arc of said curve, through a central angle of 42°19'31", a distance of 39.71 feet; thence North 02°14'20" East, 6.12 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Northeast, a radial bearing to said beginning bears South 23°35'00" West; thence Northwesterly along the arc of said curve, through a central angle of 06°47'18", a distance of 5.69 feet to the **True Point of Beginning**.

Said parcel contains 452 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-12-2013

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

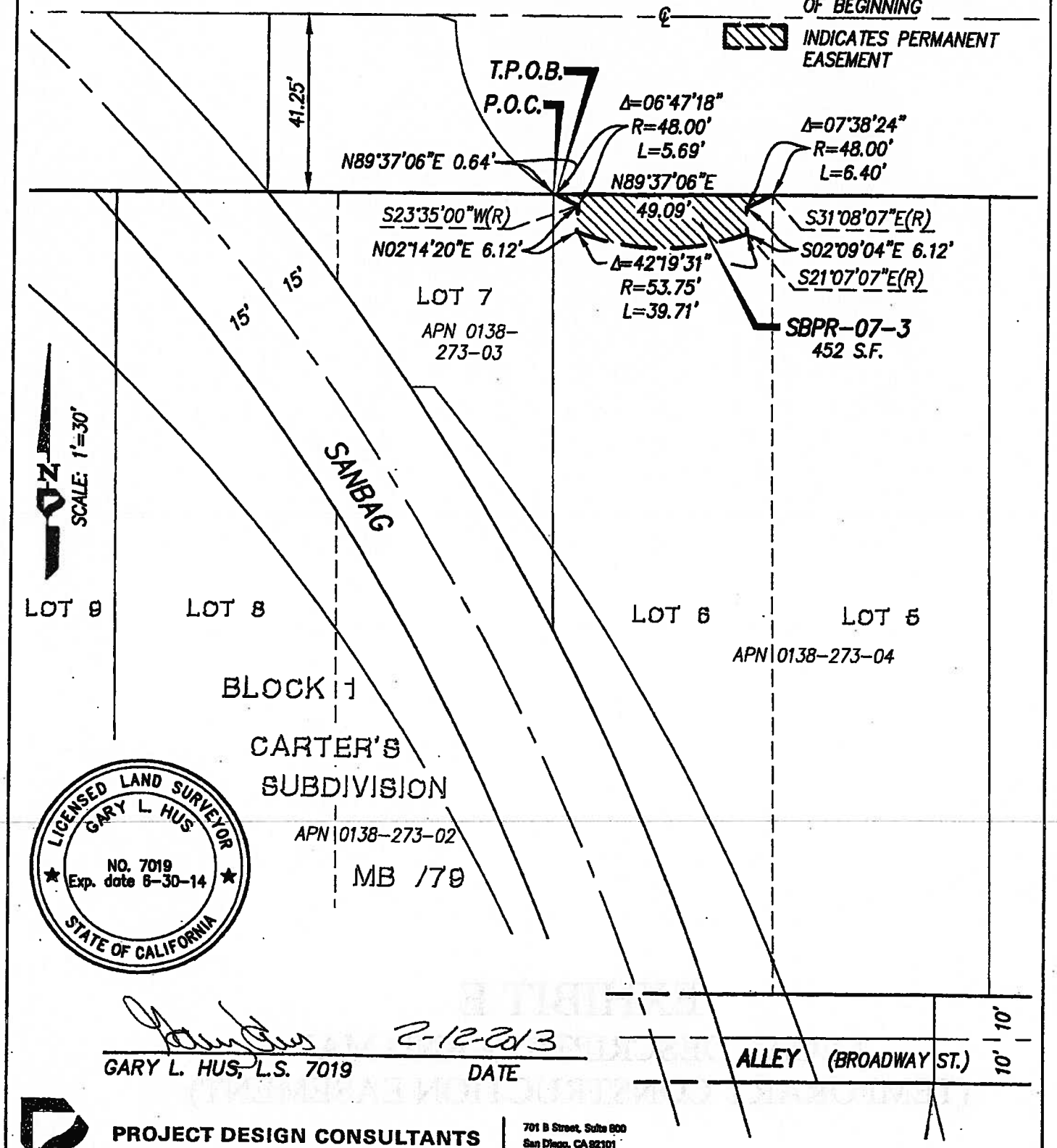
SBPR-07-3 Bruce W. Hefftner
APN 0138-273-04
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



2-12-2013

GARY L. HUS, L.S. 7019 DATE

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT E

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Bruce W. Hefftner

APN 0138-273-04

RIGHT OF WAY PARCEL SBPR-07-2 – Temporary Construction Easement

A portion of Lots 5 and 6, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 3, page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of said Lot 6, said point also being on the South line of Third Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the North line of said Lot 6, North 89°37'06" East, 0.64 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Northeast, a radial bearing to said beginning bears South 30°22'18" West; thence leaving said North line and Southeasterly along the arc of said curve, through a central angle of 06°47'18", a distance of 5.69 feet; thence South 02°14'20" West, 6.12 feet to the beginning of a non-tangent 53.75 foot radius curve concave to the North, a radial bearing to said beginning bears South 21°12'24" West; thence Southeasterly, Easterly and Northeasterly along the arc of said curve, through a central angle of 42°19'31", a distance of 39.71 feet; thence North 02°09'04" West, 6.12 feet to the beginning of a non-tangent 48.00 foot radius curve concave to the Northwest, a radial bearing to said beginning bears South 23°29'43" East; thence Northeasterly along the arc of said curve, through a central angle of 07°38'24", a distance of 6.40 feet to a point on said North line of Lot 6; thence along said North line and the North line of said Lot 5 North 89°37'06" East 50.28 feet to the Northeast corner of said Lot 5; thence leaving said North line and along the East line of said Lot 5 South 00°22'54" East 20.00 feet; thence leaving said East line and parallel with said North line South 89°37'06" West 100.01 feet to a point on the West line of said Lot 6; thence along said West line North 00°22'54" West 20.00 feet to the **Point of Beginning**.

Said parcel contains 1,548 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-12-2013

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

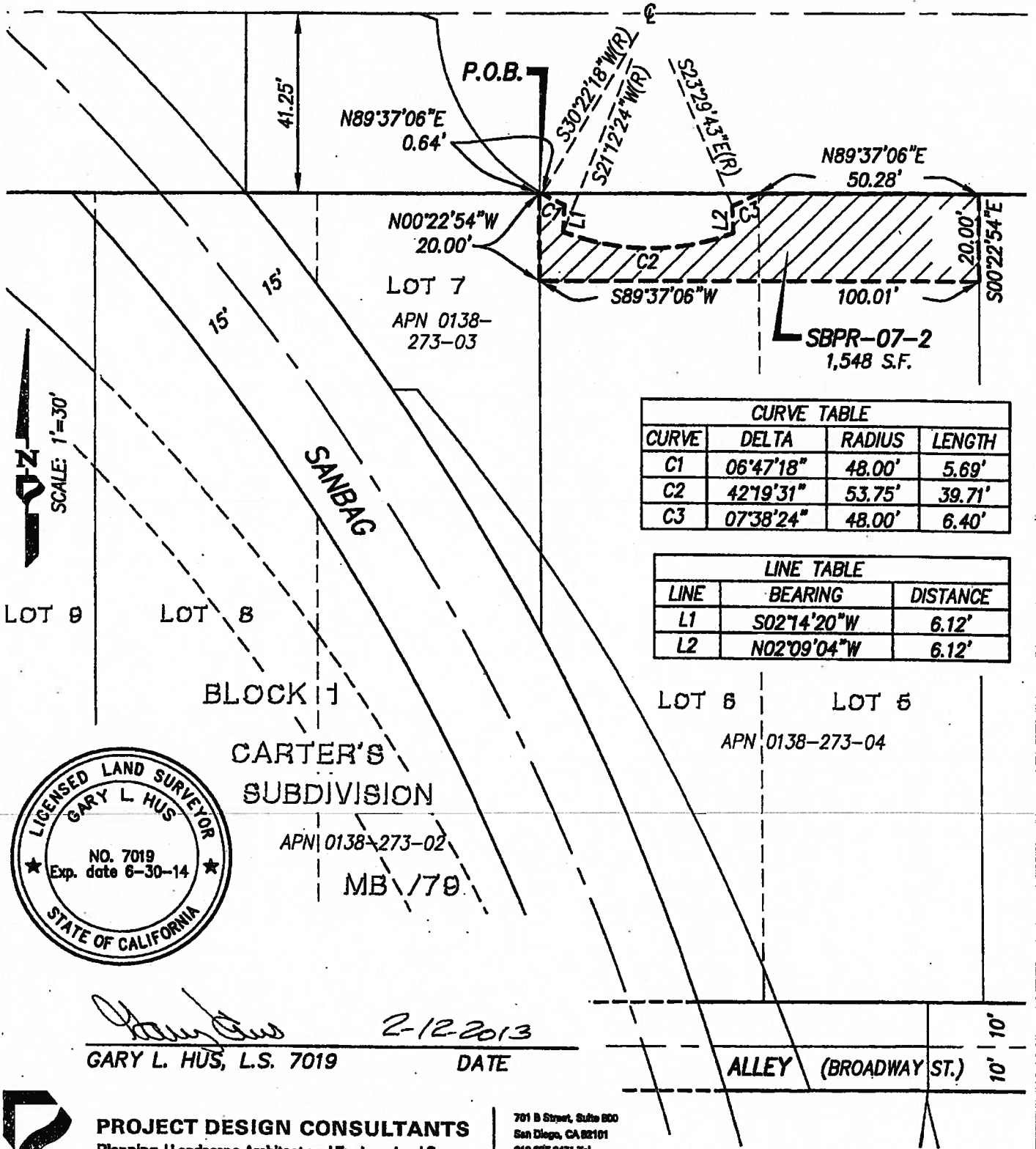
SHEET 1 OF 1

SBPR-07-2 Bruce W. Hefftner
APN 0138-273-04
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	06°47'18"	48.00'	5.69'
C2	42°19'31"	53.75'	39.71'
C3	07°38'24"	48.00'	6.40'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S02°14'20"W	6.12'
L2	N02°09'04"W	6.12'

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

2-12-2013

GARY L. HUS, L.S. 7019 DATE

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-050

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 10, 11, 13, and 14, which represents interests in portions of a property located at 254-260 North I St., San Bernardino, California, and which bear San Bernardino County Assessor's Parcel Numbers 0138-273-11, 0138-273-12, 0138-273-13, 0138-273-16, and 0138-273-33, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit D attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit E attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The

TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in

accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13050-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1:

That certain triangular parcel of land situated in the center lot of unnumbered portion of Block 1, Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Bounded on the North by a 20.00 foot alley now called Broadway Street, and being North boundary line of said unnumbered lot, on West by East line of Atchison, Topeka and Santa Fe Railway Company's Loop Tract Right of Way, on the East by Westerly line of said spur track and as same is described in certain Deed recorded in Book 793, Page 33 of Deeds, said parcel of land extends Southerly to conjunction of said spur track with said Atchison, Topeka and Santa Fe Railway Company's Loop Track.

Together with the South one-half of certain unnamed alley now known as Broadway street, lying adjacent to said Parcel 1, which would pass by operation of law upon abandonment.

Parcel 2:

All that portion of the unnumbered center part of Block 1, Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 3, Page 79 of Maps, records of said County, described as follows:

Beginning at the Southwest corner of Lot 14 of said Block 1; thence North 93.00 feet; thence at right angles West to the Easterly line of the spur track right of way, as the same now exists through said block, and as the same is described in a Deed recorded March 27, 1923 in Book 793, Page 33 of Deeds, records of said County; thence Southerly along said Easterly line of said spur track right of way to the South line of said unnumbered portion of said Block 1; thence East along said South line to the point of beginning.

Together with the North one-half of certain unnamed alley now known as Main Street, lying adjacent to said Parcel 2, which would pass by operation of law upon abandonment.

Parcel 3:

That portion of unnumbered lot in Block 1, Carter's Submission, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of said unnumbered lot with the Westerly line of the right of way of Santa Fe Railroad as same extends through said block; running thence West on the North line of Main Street, 85.00 feet, more or less, to the Southeast corner of Lot 12 of said Block; thence running North along Easterly line of Lots 11 and 12, 186.00 feet to the Northeast corner of said Lot 11; thence East on the South line of an alley 60.00 feet, more or less, to the Westerly line of said right of way; thence Southerly along Westerly line of said right of way to the point of beginning.

Together with the South one-half of certain unnamed alley now known as Broadway street and the North one-half of that certain unnamed alley now known as Main Street, lying adjacent to said Parcel 3, which would pass by operation of law upon abandonment.

(Continued)

Parcel 4:

That portion of Lot 13, Block 1, of Carter's Subdivision and that portion of the unnumbered center part of Block 1 of said Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 3, Page(s) 79, of Maps, records of said County, described as follows:

Beginning at a point on the North line of said Lot 13, 150.00 feet West of the Northeast corner thereof;
Thence West to the Easterly line of the spur tract right-of-way as the same now exists through said Block 1, and as the same is described in the Deed recorded March 27, 1923 in Book 793, Page(s) 33 of Deeds, records of said County;
Thence Southerly along the Easterly line of said spur tract right-of-way to a point which is 93.00 feet North of the South line of said unnumbered portion of said Block 1;
Thence East to a point 150.00 feet West of the East line of said Block 1;
Thence North 93.00 feet, more or less, to the point of beginning.

Together with the South one-half of certain unnamed alley now known as Broadway Street, lying adjacent to said Parcel 4, which would pass by operation of law upon abandonment.

APN: 0138-273-11; 0138-273-12; 0138-273-13; 0138-273-16; 0138-273-33

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Big Z Autoworks Inc.

APN 0138-273-12

RIGHT OF WAY PARCEL SBPR-13-1 – Fee

A portion of unnumbered Lot, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the South line of said unnumbered Lot, with the East right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said East right-of-way North 00°23'42" West 2.04 feet to the beginning of a 778.94 foot radius curve concave to the West; thence Northwesterly along said curve through a central angle 2°45'16" a distance of 37.45 feet; thence leaving said East right-of-way North 08°23'18" East 84.61 feet to the beginning of a non-tangent 534.06 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 77°54'01" East; thence Southeasterly along said curve through a central angle of 5°39'12" a distance of 52.70 feet; thence South 13°03'22" West 48.19 feet to the beginning of a non-tangent 375.57 foot radius curve concave to the East, a radial bearing to said beginning bears North 86°43'02" West; thence Southerly along said curve through a central angle of 3°41'31" a distance of 24.20 feet to a point on said South line; thence along said South line South 89°35'27" West 8.17 feet to the **Point of Beginning.**

Said parcel contains 1,292 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-8-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

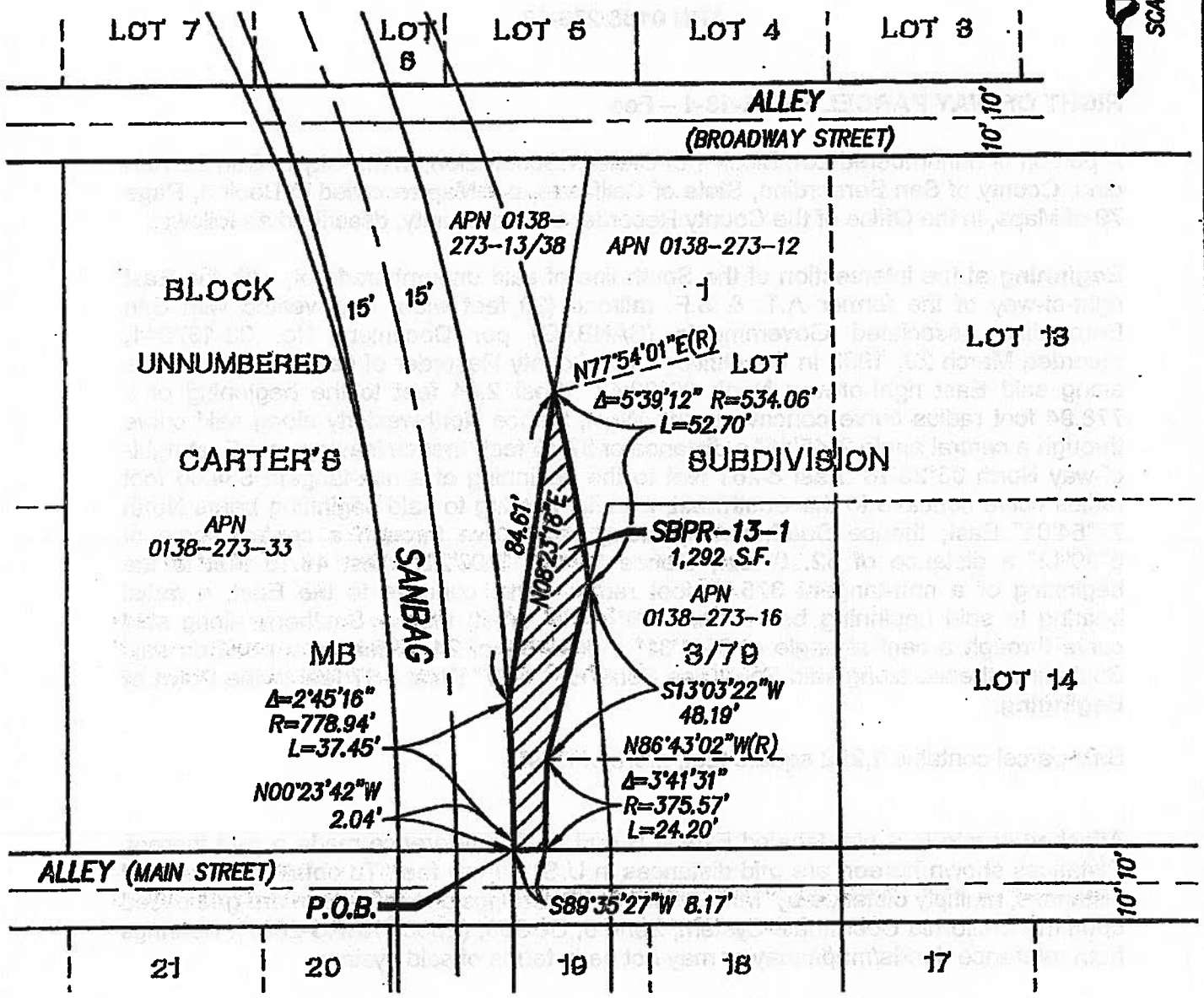
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-13-1 BIG Z AUTOWORKS INC.
APN 0138-273-12
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 8-8-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Big Z Autoworks Inc.

APN 0138-273-13/38

RIGHT OF WAY PARCEL SBPR-10-1 – Fee

A portion of unnumbered Lot in Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northeast corner of said unnumbered Lot, said point also being on the South line of the East/West alley (Broadway Street), 20 feet wide, dedicated per said Carter's Subdivision; thence along the North line of said unnumbered Lot South 89°35'25" East 89.77 feet to the **True Point of Beginning**, being the beginning of a non-tangent 534.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 70°53'52" East; thence leaving said North line and Southeasterly along said curve through a central angle of 07°00'09" a distance of 65.27 feet; thence South 08°23'18" West 84.61 feet to a point on the East right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 778.94 foot radius curve concave to the Southwest, a radial bearing to said point bears North 86°51'02" East; thence Northwesterly along said East right-of-way and said curve through a central angle of 03°36'44" a distance of 49.11 feet to a 587.96 foot radius compound curve concave to the Southwest; thence Northwesterly along said curve through a central angle of 09°42'35" a distance of 99.64 to a point on said North line; thence leaving said East right-of-way and along said North line North 89°35'25" East 19.08 feet to the **True Point of Beginning**.

Said parcel contains 2,128 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

E-8-12

GARY L. HUS DATE
LS 7019

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

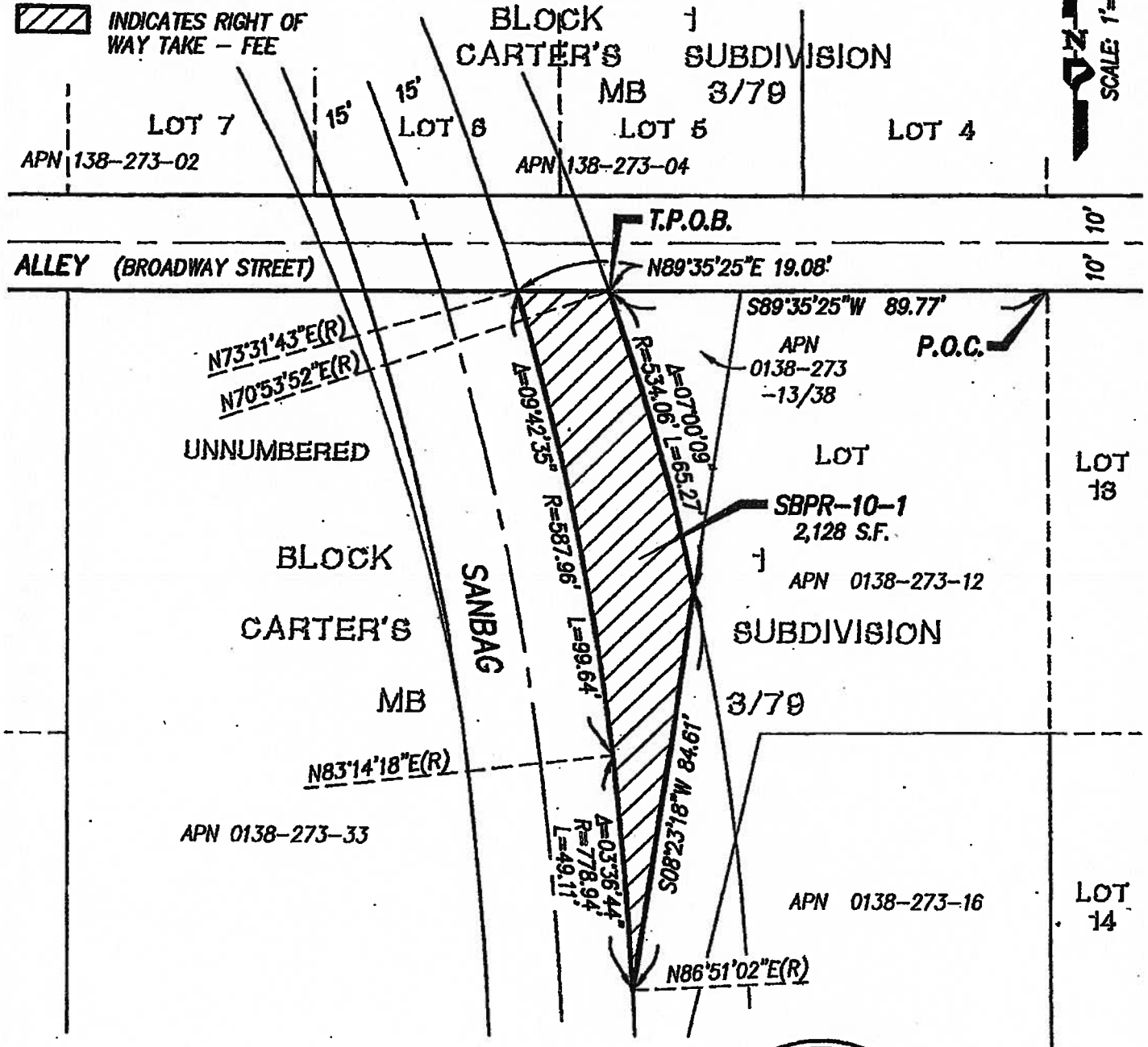
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-10-1 Big Z Autoworks Inc.
APN 0138-273-13/38
City of San Bernardino, CA



GARY L. HUS, L.S. 7019

8-8-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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EXHIBIT D
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Big Z Autoworks Inc.

APN 0138-273-16

RIGHT OF WAY PARCEL SBPR-11-1 – Fee

A portion of unnumbered Lot in Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of said unnumbered Lot, with the East right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said South line North 89°35'27" East 8.17 feet to the **True Point of Beginning**, being the beginning of a non-tangent 375.57 foot radius curve concave to the East, a radial bearing to said point bears South 89°35'27" West; thence leaving said South line and Northerly along said curve through a central angle of 3°41'31" a distance of 24.20 feet; thence North 13°03'22" East 48.19 feet to the beginning of a non-tangent 534.06 foot radius curve concave to the West, a radial bearing to said point bears North 83°33'12" East; thence South 03°50'43" East 46.98 feet to a point on said South line; thence along said South line South 89°35'27" West 16.82 feet to the **True Point of Beginning.**

Said parcel contains 733 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-8-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

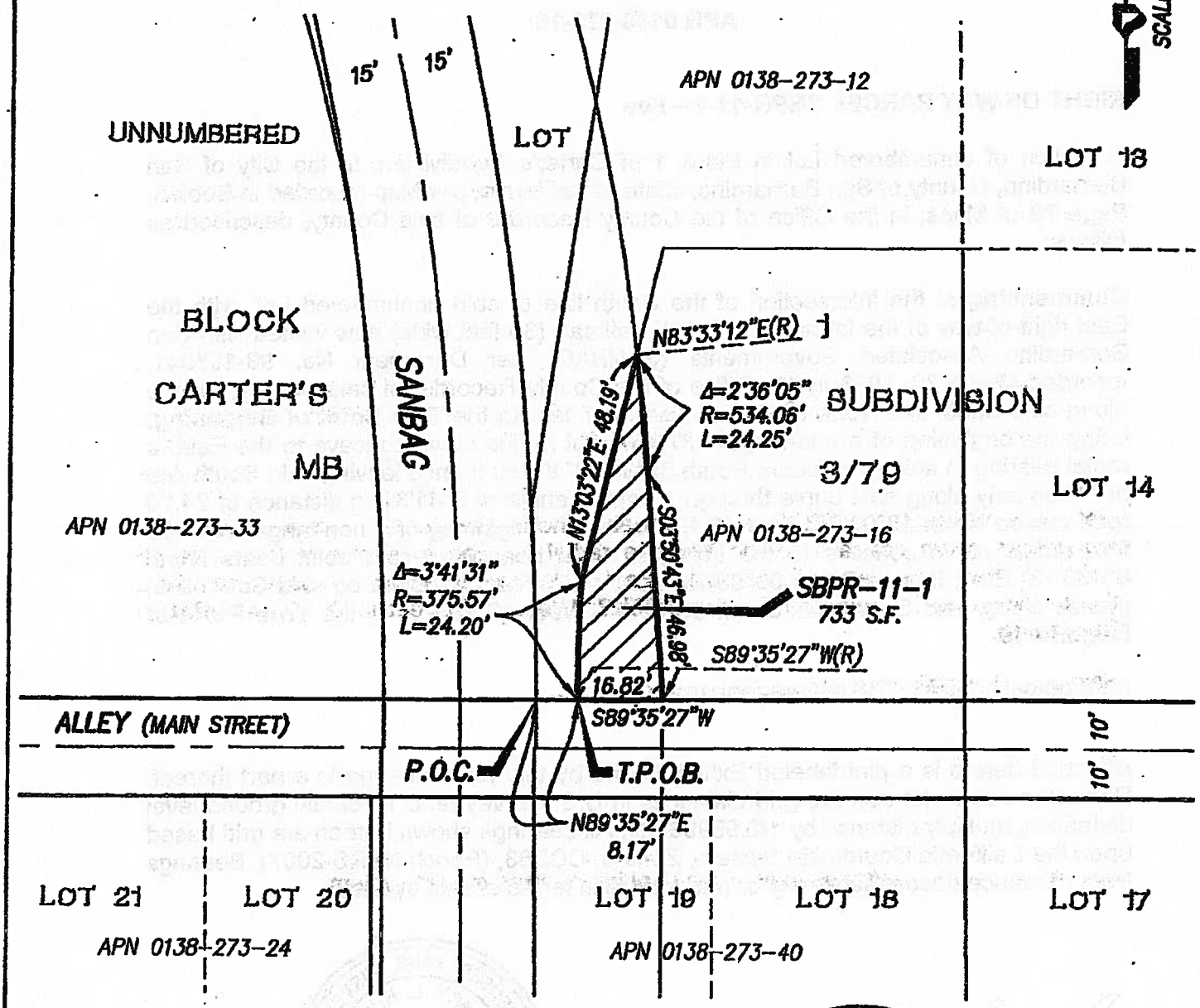
SBPR-11-1 Big Z Autoworks Inc.
APN 0138-273-16
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE



GARY L. HUS, L.S. 7019 — 8-8-12 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT E
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Big Z Autoworks Inc.

APN 0138-273-33

RIGHT OF WAY PARCEL SBPR-14-2 – Fee

A portion of unnumbered Lot, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the intersection of the North line of said unnumbered Lot, with the West right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line South 89°35'25" West 4.87 feet to a point on a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 68°47'35" East; thence leaving said North line and Southeasterly along said curve through a central angle of 10°35'06" a distance of 89.06 feet to a point on said West right-of-way, said point also being on a non-tangent 557.96 foot radius curve concave to the Southwest, a radial bearing to said point bears North 81°39'37" East; thence Northwesterly along said West right-of-way and said curve through a central angle of 9°01'14" a distance of 87.84 feet to the **Point of Beginning**.

Said parcel contains 188 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-28-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

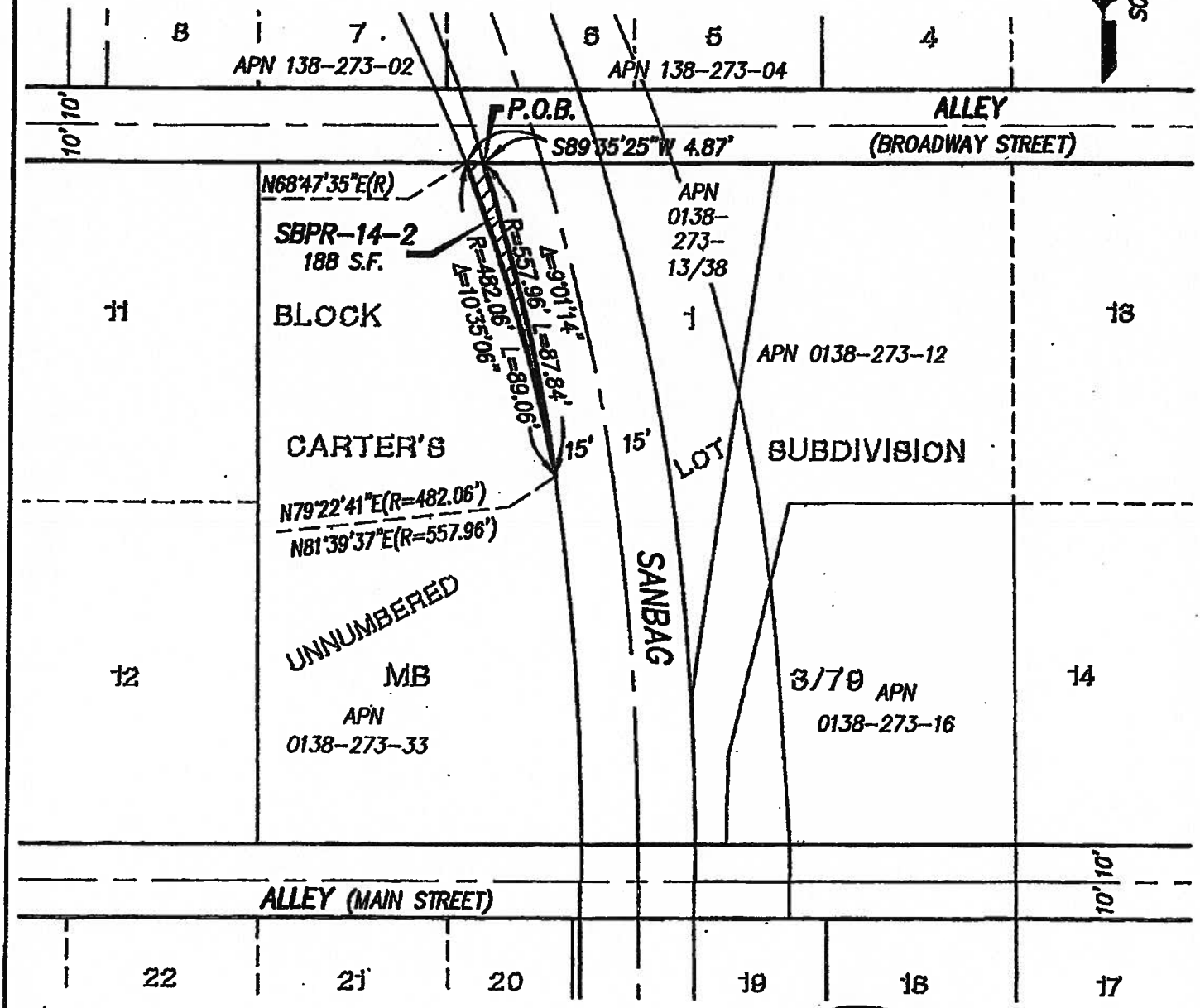
SHEET 1 OF 1

SBPR-14-2 BIG Z AUTOWORKS INC.
APN 0138-273-33
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE -- FEE



GARY L. HUS, L.S. 7019

8-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Big Z Autoworks Inc.

APN 0138-273-33

RIGHT OF WAY PARCEL SBPR-14-1 – Temporary Construction Easement

A portion of unnumbered Lot, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the intersection of the North line of said unnumbered Lot, with the West right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line South 89°35'25" West 4.87 feet to the **True Point of Beginning**, being a point on a non-tangent 482.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 68°47'35" East; thence leaving said North line and Southeasterly along said curve through a central angle of 10°35'06" a distance of 89.06 feet to the beginning of a non-tangent 557.96 foot radius curve concave to the Southwest, a radial bearing to said beginning bears North 81°39'37" East; thence Southeasterly along said curve through a central angle of 1°34'41" a distance of 15.37 feet to a point on said West right-of-way, said point also being on a 748.94 foot radius compound curve concave to the Southwest; thence Southeasterly along said West right-of-way and said curve through a central angle of 6°22'00" a distance of 83.22 feet; thence South 00°23'42" East 2.05 feet to a point on the South line of said unnumbered Lot; thence leaving said West right-of-way and along said South line South 89°35'27" West 15.00 feet to a point on a non-tangent 733.94 foot radius curve concave to the Southwest, a radial bearing to said point bears North 89°45'56" East; thence leaving said South line and Northwesterly along said curve through a central angle of 6°31'38" a distance of 83.61 feet to the beginning of a 542.96 foot radius compound curve concave to the Southwest; thence Northwesterly along said curve through a central angle of 1°32'47" a distance of 14.65 feet to the beginning of a non-tangent 467.06 foot radius curve concave to the Southwest, a radial bearing to said point bears North 79°20'29" East; thence Northwesterly along said curve through a central angle of 11°14'56" a distance of 91.70 feet to a point on said North line of unnumbered Lot; thence along said North line North 89°35'25" East 16.08 feet to the **True Point of Beginning.**

Said parcel contains 2,847 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-8-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

SBPR-14-1 BIG Z AUTOWORKS INC.
APN 0138-273-33
City of San Bernardino, CA

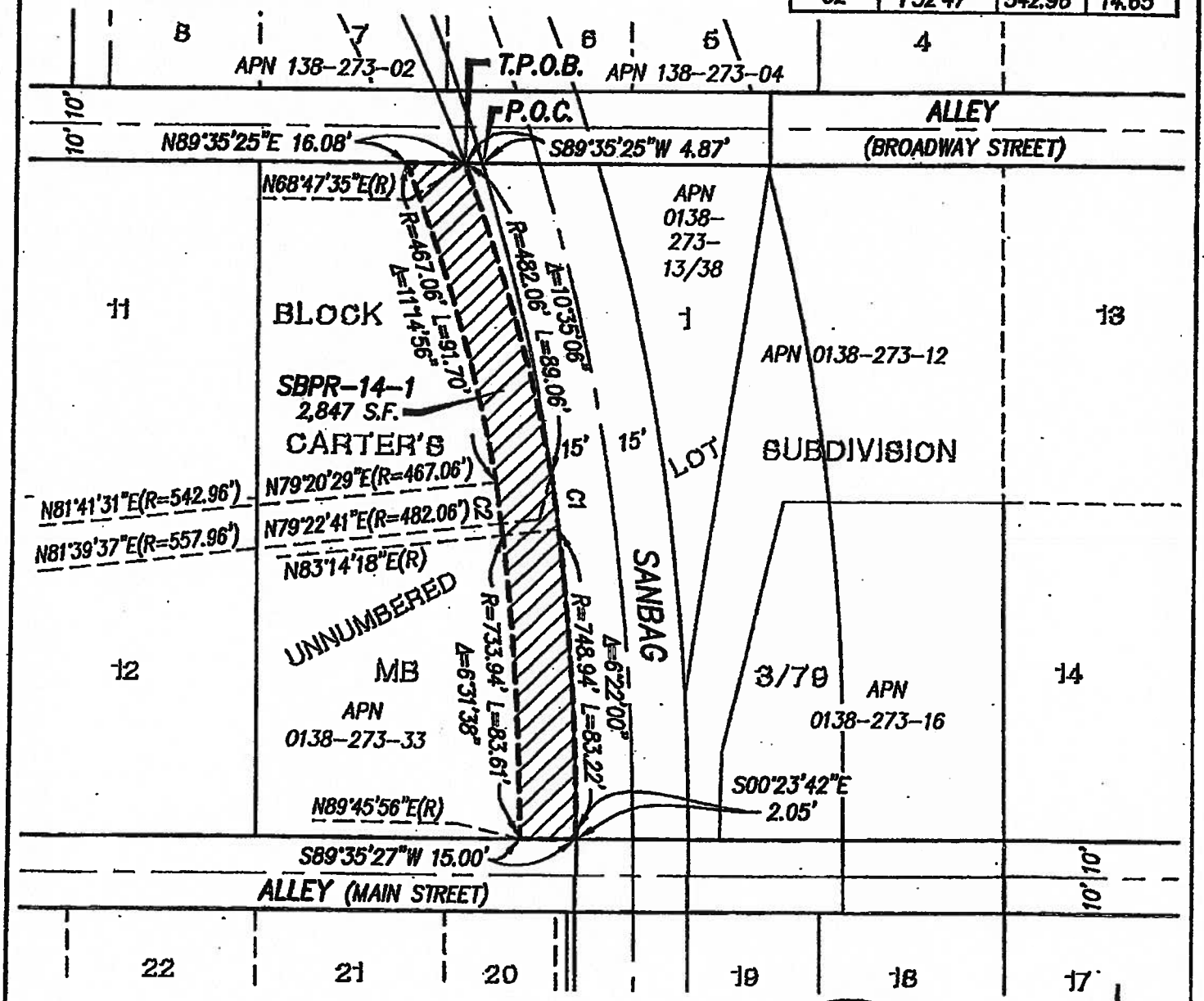
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	1°34'41"	557.96'	15.37'
C2	1°32'47"	542.96'	14.65'



GARY L. HUS, L.S. 7019

3-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

SCALE: 1'=40'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-051

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 15, which represents interests in portions of the property located at 950 W. 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-273-24, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement

over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) fourteen (14) days from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit C are expressly limited as follows: to the extent the following items are located within the TCE area, the Commission and/or its agents shall protect in place or, failing that, replace in kind, the currently existing chain link fencing, wrought iron fencing, asphalt paving, concrete paving, steel frame storage shed, marked automobile parking spaces, and landscaping prior to the expiration of the TCE.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

THE WEST 35 FEET OF LOT 20 AND ALL OF LOT 21, BLOCK 1, ACCORDING TO MAP OF CARTER'S SUBDIVISION OF LOTS 1,2,3, 16,17 AND 18, BLOCK 15, SAN BERNARDINO RANCHO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 79, RECORDS OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF MAIN STREET ADJOINING THE LAND ON THE NORTH VACATED BY VARIOUS RESOLUTIONS OF THE CITY OF SAN BERNARDINO AND DESCRIBED THEREIN, RECORDED FEBRUARY 19, 1999, AS INSTRUMENT NO. 19990069366, FEBRUARY 22, 1999 AS INSTRUMENT NO. 199900071497 AND SEPTEMBER 14, 1999 AS INSTRUMENT NO. 19990387294, ALL OF OFFICIAL RECORDS.

Assessor's Parcel Number: **0138-273-24**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

James E. and Barbara J. Ott

APN 0138-273-24

RIGHT OF WAY PARCEL SBPR-15-1 – Fee

A portion of Lot 20, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the intersection of the North line of Second Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County, with the West right-of-way of land granted to the California Central Railway Company per Book 59, Page 541 of Deeds, recorded August 24, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said California Central Railway Company land being described as the East 15 feet of said Lot 20; thence along said West right-of-way North 00°23'00" West 185.95 feet to a point on the North line of said Lot 20; thence leaving said West right-of-way and along said North line South 89°35'27" West 2.00 feet; thence leaving said North line and parallel with and 2.00 feet Westerly of said West right-of-way South 00°23'00" East 176.20 feet; thence South 89°36'47" West 3.35 feet; thence South 00°23'13" East 6.50 feet; thence South 44°36'47" West 4.60 feet to a point on said North line of Second Street; thence along said North line North 89°36'47" East 8.60 feet to the **Point of Beginning**.

Said parcel contains 410 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-17-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

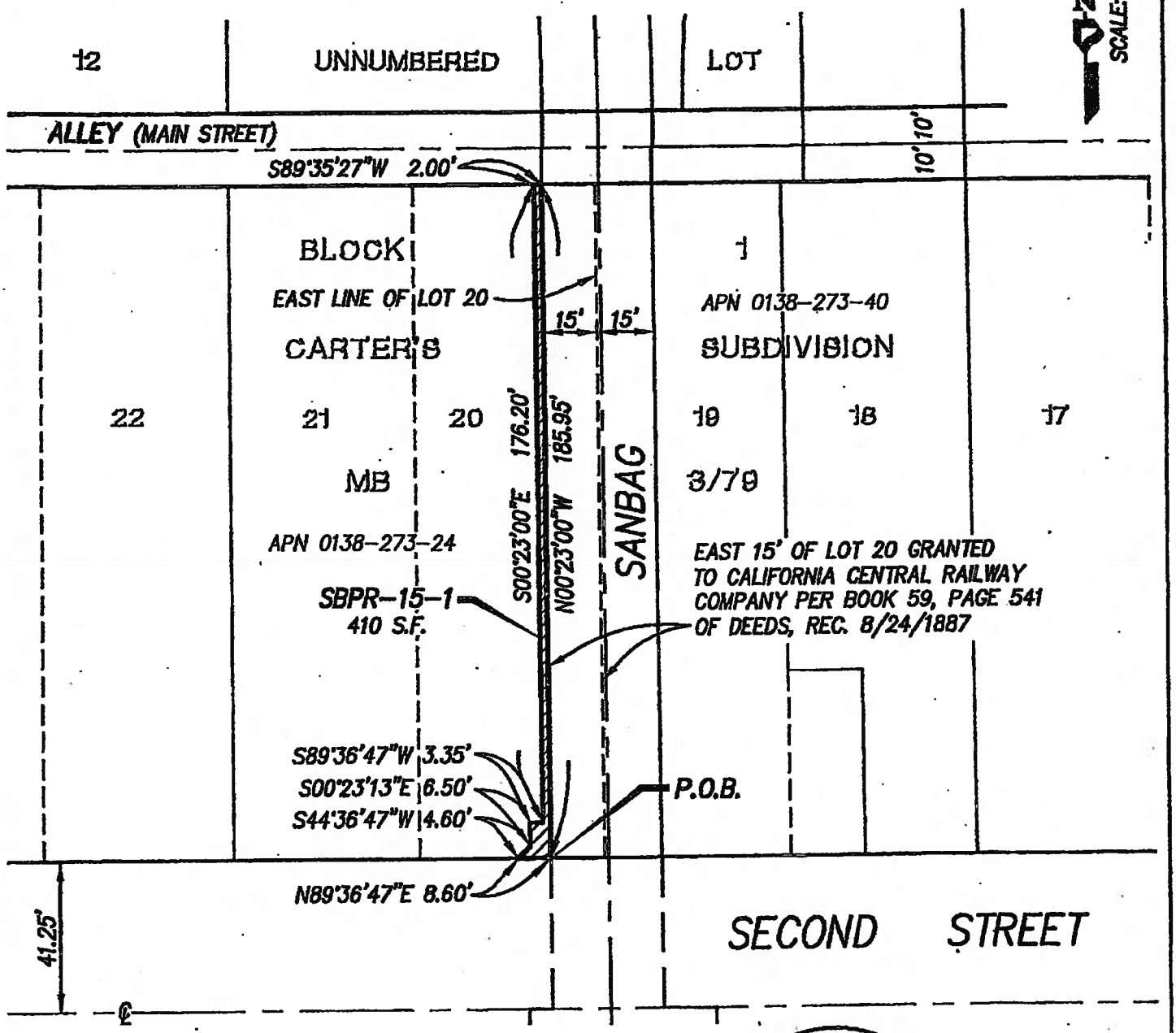
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-15-1 James E. and Barbara J. Ott
APN 0138-273-24
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 8-13-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 8-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James E. and Barbara J. Ott

APN 0138-273-24

RIGHT OF WAY PARCEL SBPR-15-2 – Temporary Construction Easement

A portion of Lot 20, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the intersection of the North line of Second Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County, with the West right-of-way of land granted to the California Central Railway Company per Book 59, Page 541 of Deeds, recorded August 24, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said California Central Railway Company land being described as the East 15 feet of said Lot 20; thence along said North line South 89°36'47" West 8.60 feet to the **True Point of Beginning**; thence continuing South 89°36'47" West 2.73 feet; thence leaving said North line North 00°21'47" West 5.00 feet; thence parallel with and 5.00 feet Northerly of said North line of Second Street North 89°36'47" East 2.98 feet; thence North 00°23'13" West 4.75 feet; thence North 44°36'47" East 4.74 feet; thence parallel with and 5.00 feet Westerly of said West right-of-way North 00°23'00" West 172.84 feet to a point on the North line of said Lot 20; thence along said North line North 89°35'27" East 3.00 feet; thence leaving said North line and parallel with and 2.00 feet Westerly of said West right-of-way South 00°23'00" East 176.20 feet; thence South 89°36'47" West 3.35 feet; thence South 00°23'13" East 6.50 feet; thence South 44°36'47" West 4.60 feet to the **True Point of Beginning.**

Said parcel contains 573 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

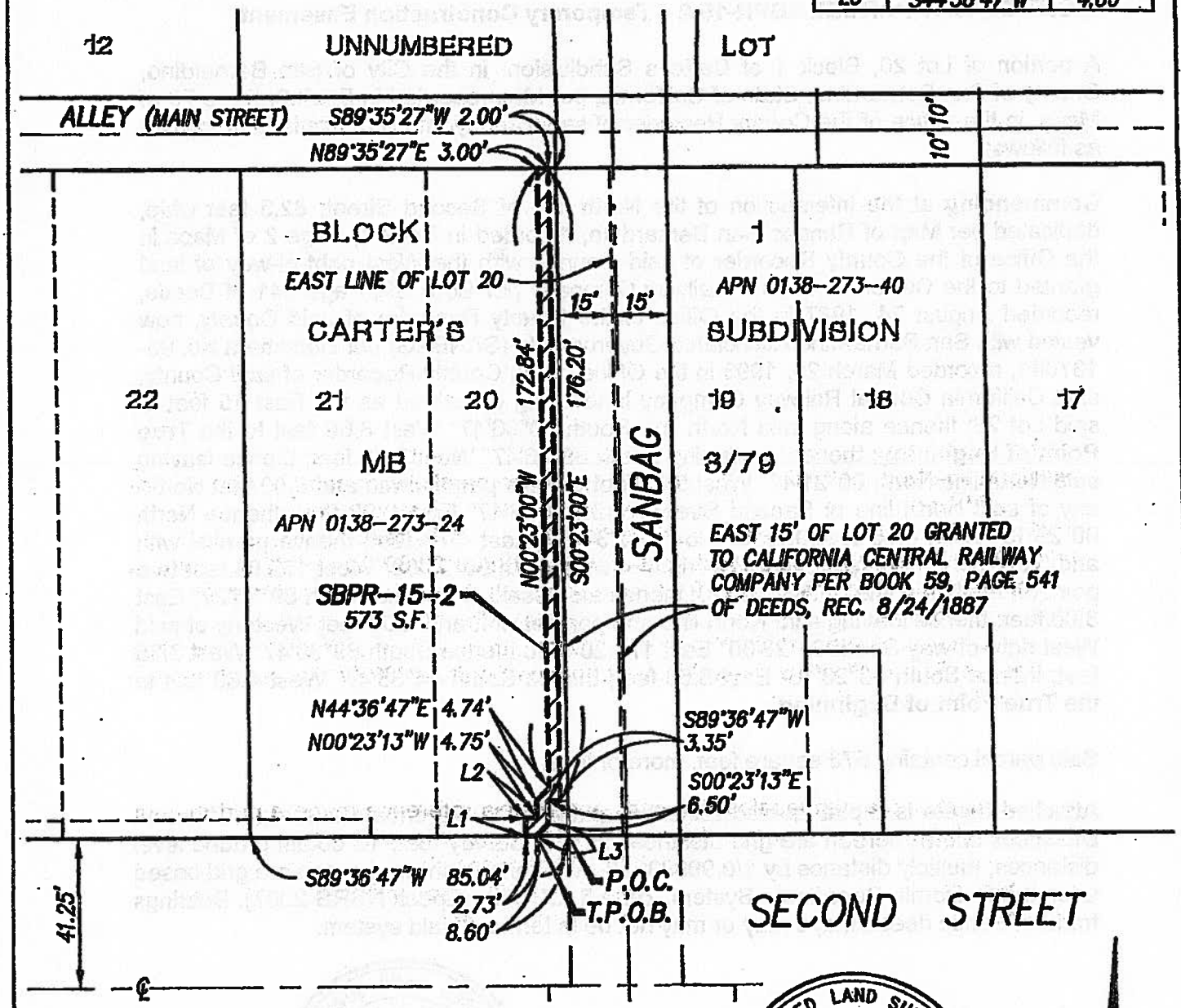
INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-15-2 James E. and Barbara J. Ott
APN 0138-273-24
City of San Bernardino, CA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°21'47"W	5.00'
L2	N89°36'47"E	2.98'
L3	S44°36'47"W	4.60'



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

SCALE: 1'=40'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James E. and Barbara J. Ott

APN 0138-273-24

RIGHT OF WAY PARCEL SBPR-15-4 – Temporary Construction Easement

A portion of Lot 20, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the intersection of the North line of Second Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County, with the West right-of-way of land granted to the California Central Railway Company per Book 59, Page 541 of Deeds, recorded August 24, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said California Central Railway Company land being described as the East 15 feet of said Lot 20; thence along said North line South 89°36'47" West 52.81 feet to the **True Point of Beginning**; thence continuing South 89°36'47" West 32.23 feet to the Southwest corner of said Lot 21; thence leaving said North line and along the West line of said Lot 21 North 00°22'54" West 5.00 feet; thence leaving said West line and parallel with and 5.00 feet Northerly of said North line of Second Street North 89°36'47" East 32.23 feet; thence South 00°21'47 East 5.00 feet to the **True Point of Beginning.**

Said parcel contains 161 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

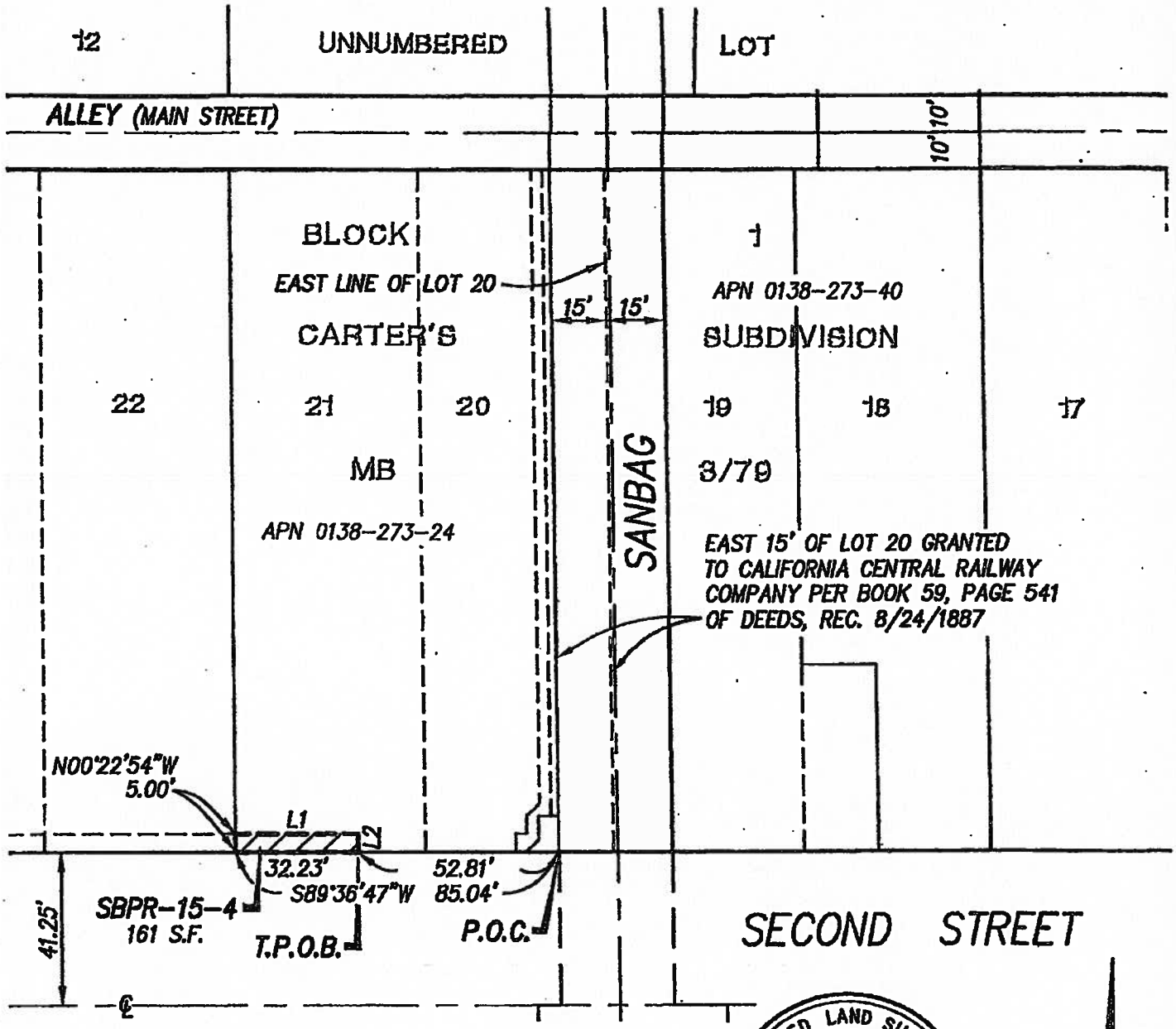
INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-15-4 James E. and Barbara J. Ott
APN 0138-273-24
City of San Bernardino, CA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°36'47"E	32.23'
L2	S00°21'47"E	5.00'



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

SCALE: 1"=40'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
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RESOLUTION NO. 13-052

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 16, which represents an interest in a portion of the property located at 968 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-273-25, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit B attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit B are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the currently existing concrete paving, asphalt paving, chain link fencing, in-ground irrigation system and ornamental landscaping improvements located within the TCE area

prior to the expiration of the TCE.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in

accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lot 22, Block 1, Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 79, in the Office of the Recorder of said County.

APN: 0138-273-25

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James E. and Barbara J. Ott 2010

APN 0138-273-25

RIGHT OF WAY PARCEL SBPR-16-1 – Temporary Construction Easement

The Southerly 5.00 feet of Lot 22, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County.

Said parcel contains 250 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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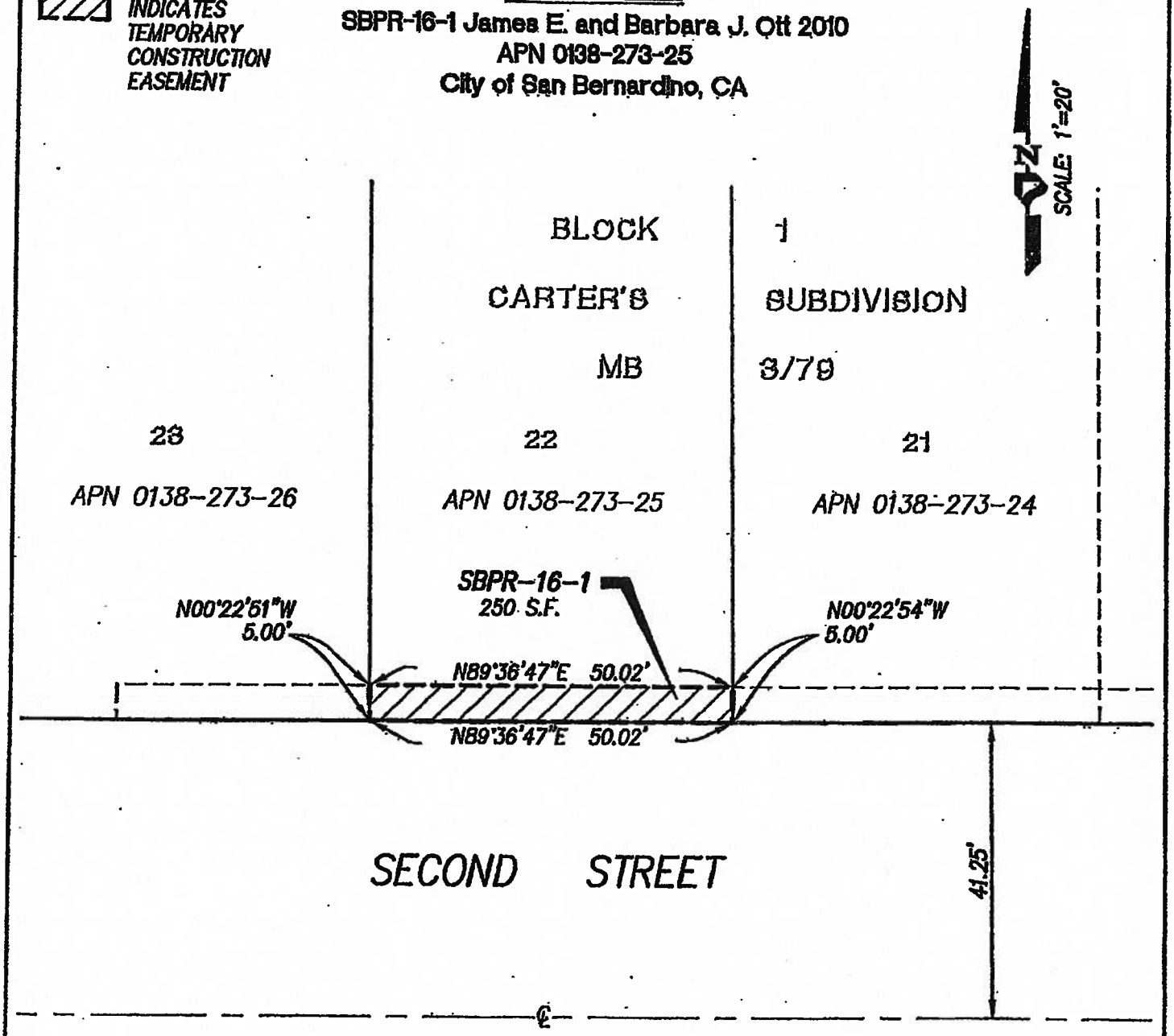
LEGEND

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-16-1 James E. and Barbara J. Ott 2010
APN 0138-273-25
City of San Bernardino, CA



GARY L. HUS, L.S. 7019

8-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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RESOLUTION NO. 13-053

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 17, which represents interests in a portion of the property located at 982 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0138-273-26 and 0138-273-27, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit B attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits B are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the currently existing asphalt paving, concrete paving, business sign, medium tree, and lawn area located within the TCE area prior to the expiration of the TCE. In addition, at

least one half of the driveway will remain accessible for ingress and egress at all times during construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized

and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lot 23, Block 1, according to map of Carter's Subdivision of Lots 1, 2, 3, 16, 17 and 18, Block 15, San Bernardino Rancho, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 79, Records of said County.

Assessor's Parcel Number: 0138-273-26; 0138-273-27

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Kristin Neville, Trustee for Trust No. 989-2zu/a/d/9/4/95

APN 0138-273-26

RIGHT OF WAY PARCEL SBPR-17-1 – Temporary Construction Easement

A portion of Lot 23, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County.

Beginning at the Southeast corner of said Lot 23, said point also being on the North line of Second Street, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence along the South line of said Lot 23 South 89°36'47" West 34.42 feet; thence leaving said South line North 00°23'13" West 5.00 feet; thence parallel with said South line North 89°36'47" East 34.43 feet to the East line of said Lot 23; thence along said East line South 00°22'51" East 5.00 feet to the **Point of Beginning.**

Said parcel contains 172 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

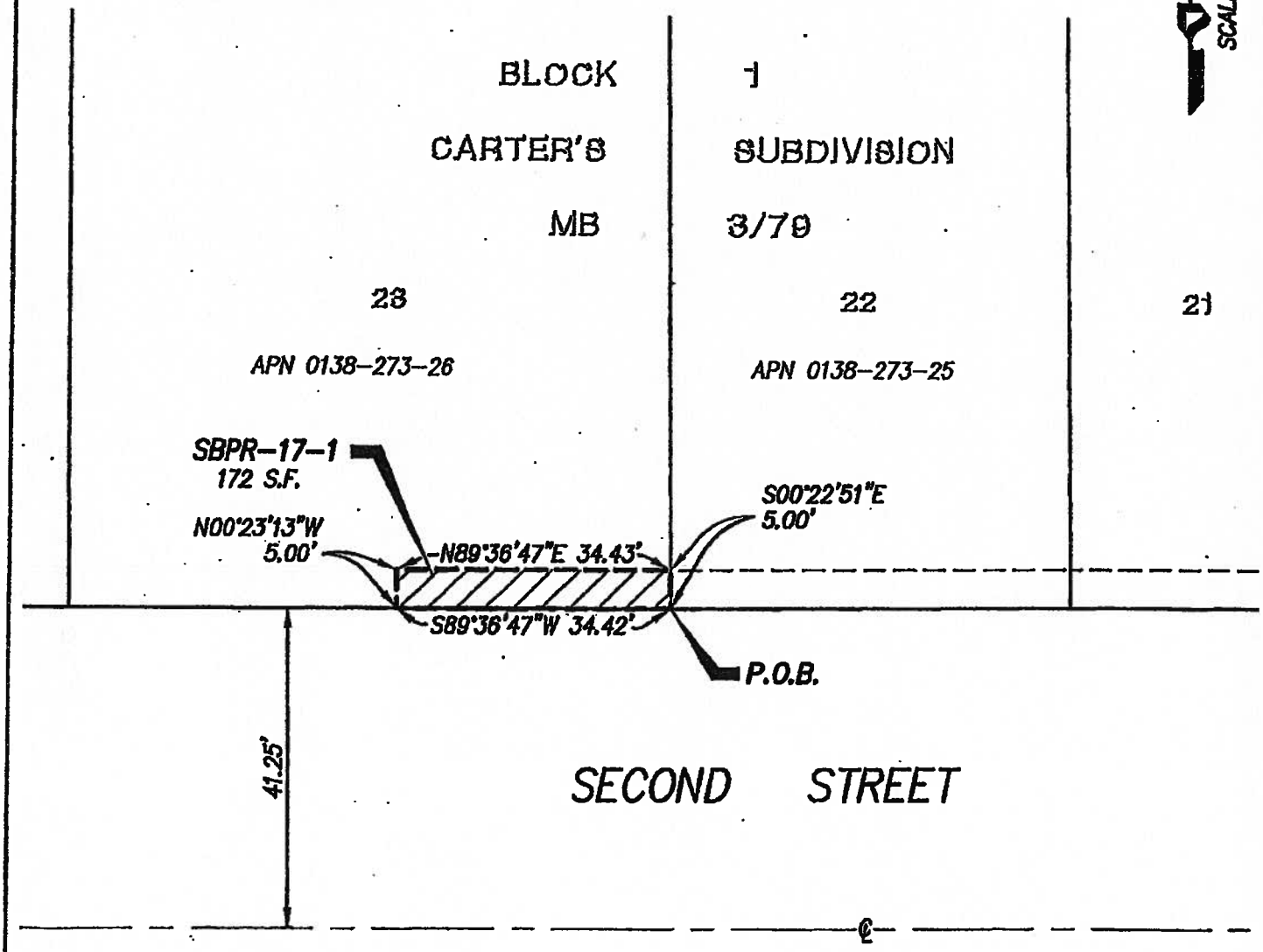
INDICATES TEMPORARY CONSTRUCTION EASEMENT

SBPR-17-1 Kristin Neville, Trustee for Trust No. 989-2zu/a/d/9/4/95

APN 0138-273-26

City of San Bernardino, CA

SCALE 1"=20'



GARY L. HUS, L.S. 7019

7-19-2012
DATE

LICENSED LAND SURVEYOR
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-054

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 18, which represents interests in a portion of property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-273-40, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3

or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13054-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lot 18 and the East 35 feet of Lot 19 in Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map on file in Book 3 of Maps, Page 79, records of said County, together with the North one-half of Second street and the South one-half of that certain unnamed alley now known as Main Street, lying adjacent to said land, which would pass by operation of law upon abandonment.

APN: 0138-273-40

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP (FEE)

EXHIBIT A

LEGAL DESCRIPTION

Riverside Cement Company

APN 0138-273-40

RIGHT OF WAY PARCEL SBPR-18-1 – Fee

A portion of Lot 19, Block 1 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the North line of said Lot 19, with the East right-of-way of land granted to the California Central Railway Company per Book 59, Page 548 of Deeds, recorded July 26, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said California Central Railway Company land being described as the West 15 feet of said Lot 19; thence along said East right-of-way South 00°23'00" East 185.96 feet to a point on the North line of Second Avenue, 82.5 feet wide, dedicated per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps in the Office of the County Recorder of said County; thence leaving said East right-of-way and along said North line North 89°36'47" East 32.49 feet; thence leaving said North line North 45°23'13" West 13.65 feet; thence North 00°22'54" East 176.33 feet to a point on the North line of said Lot 19; thence along said North line South 89°35'27" West 25.19 to the **Point of Beginning.**

Said parcel contains 4,501 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-27-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

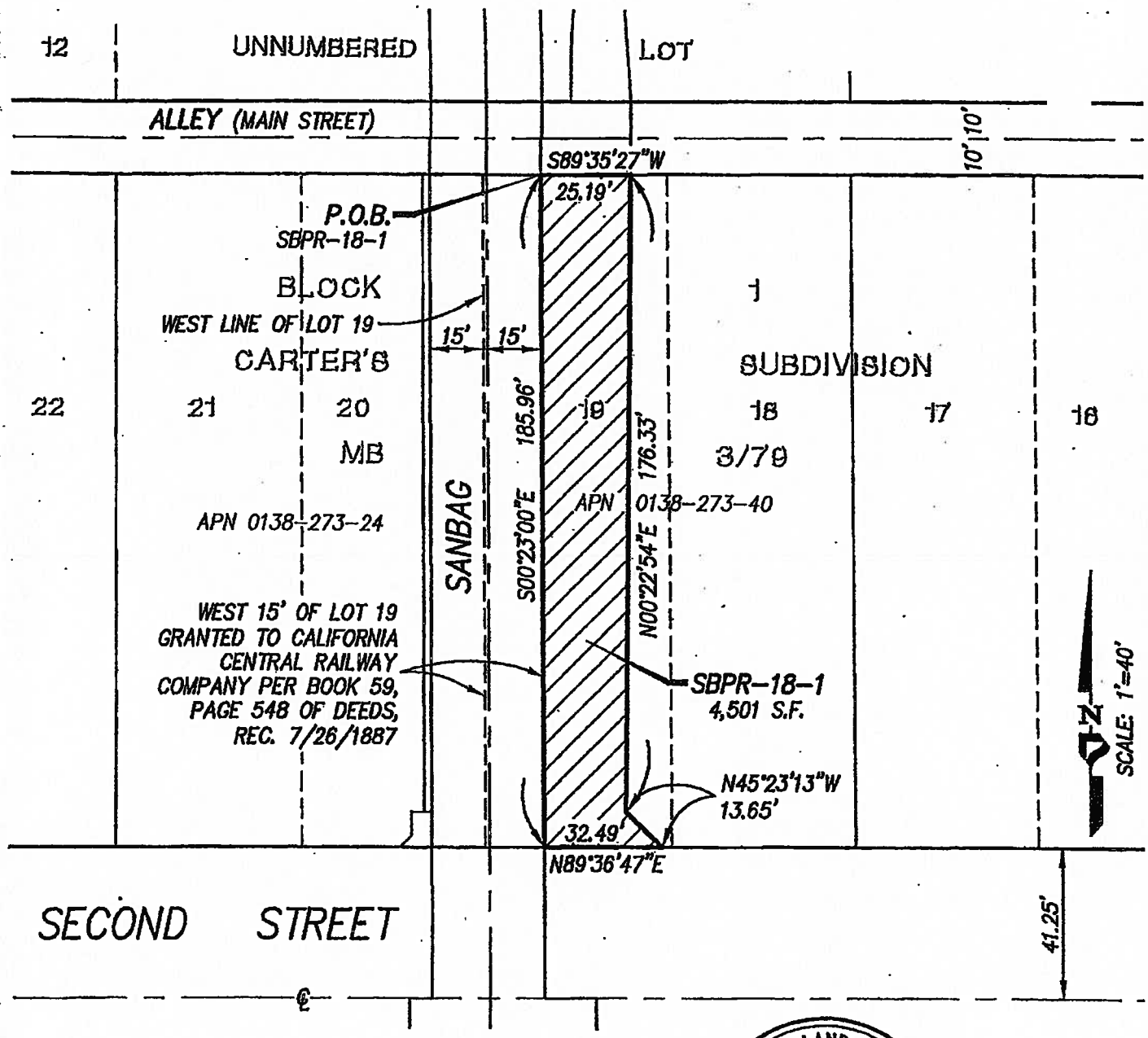
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-18-1 Riverside Cement Company
APN 0138-273-40
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 8-27-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-055

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 20, which represents a fee simple interest in the property located at 961 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-15, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

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

That portion of Elizabeth M. Wallace's Subdivision of Lots 1 and 2, Block 15, of the Five Acre Survey of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map on file in Book 3 Page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the South side of Second Street, 370 feet West of the West line of "I" Street; thence East along the South line of Second Street, 49 feet 3 inches; thence South 150 feet; thence West 49 feet 3 inches; thence North 150 feet to the point of beginning, known as a portion of Lot 2 of said Wallace's Subdivision.

Together with the North one-half of that certain unnamed alley lying adjacent to said land, which would pass by operation of law upon abandonment.

Assessor's Parcel Number 0138-312-15-0-000

RESOLUTION NO. 13-056

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 23 which represents interests in a portion of the property located at 939 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-53, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can

be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lots 4 and 5, according to Map of Elizabeth M. Wallace's Subdivision of Lots 1 and 2, Block 15 of 5 acre Survey of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 38, Records of said County, described as follows:

Commencing at a point on South side of Second Street 170 feet West of Southwest corner of "I" Street;
Thence South 150 feet;
Thence West 100 feet;
Thence North 150 feet;
Thence East 100 feet to the point of beginning.

APN: 0138-312-53

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Hoak Bros Plating

APN 0138-312-53

RIGHT OF WAY PARCEL SBPR-23-1 – Fee

A portion of Lot 4, of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of said Lot 4; thence along the North line thereof North 89°36'47" East 17.37 feet; thence leaving said North line South 44°36'47" West 14.50 feet; thence parallel with said North line South 89°36'47" West 7.11 feet to a point on the West line of said Lot 4; thence along said West line North 00°24'57" West 10.25 feet to the **Point of Beginning.**

Said parcel contains 125 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

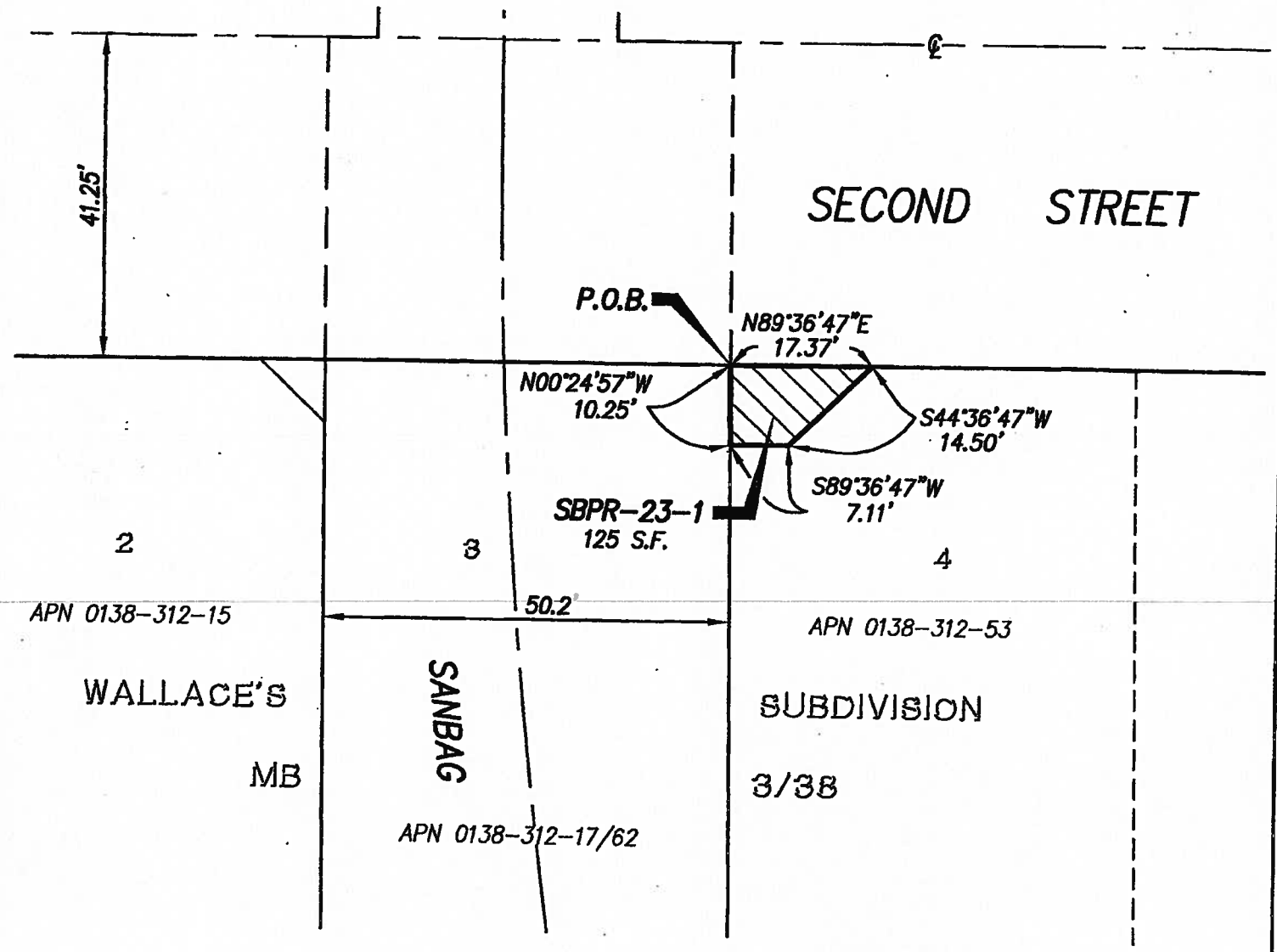
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SBPR-23-1 Hoak Bros Plating
APN 0138-312-53
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

8-13-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW – TAKES\SBPR-23\3833-SBPR-23-1-SHT1.DWG

RESOLUTION NO. 13-057

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 24, which represents interests in portions of the property located at 963 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-14, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public sidewalk and pedestrian purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit B are expressly limited as follows: the Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the permanent easement area, including concrete paving and wrought iron fencing.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to

take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Elizabeth N. Wallace's Subdivision of Lots 1 and 2, Block 15, of the five acre survey of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 of Maps, Page 38, Records of San Bernardino County, State of California described as follows:

Commencing at a point on the South line of Second Street, 420 feet West of the West line of "I" Street,
Thence East 50 feet;
Thence South 150 feet;
Thence West 49 ½ feet;
Thence North 150 feet to the South line of Second Street to the point of beginning, known as Lot 1 of Wallace's Subdivision and which said parcel is situated in the City of San Bernardino, County of San Bernardino, State of California.

APN: 0138-312-14

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Tiger Cunhu Yang and Sally Yang Zuo

APN 0138-312-14

RIGHT OF WAY PARCEL SBPR-24-2 – Permanent Easement

A portion of Lot 1 of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of said Lot 1; thence along the North line thereof North 89°36'47" East 8.98 feet; thence leaving said North line South 45°00'00" West 4.64 feet; thence South 89°38'26" West 5.68 feet to a point on the West line of said Lot 1; thence along said West line North 00°25'04" West 3.25 feet to the **Point of Beginning.**

Said parcel contains 24 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

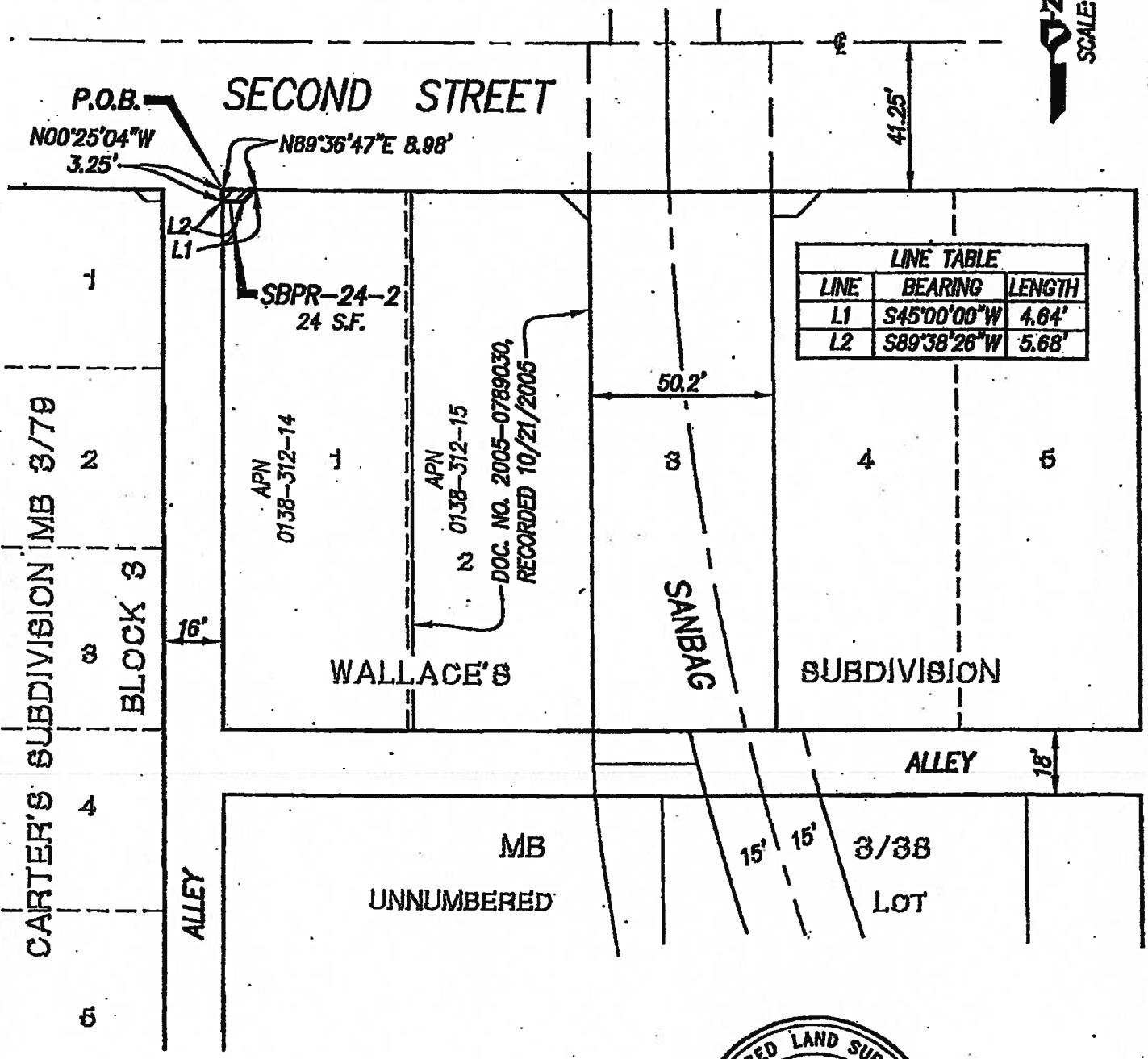
P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-24-2 Tiger Cunhu Yang and Sally Yang Zuo
APN 0138-312-14
City of San Bernardino, CA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°00'00"W	4.64'
L2	S89°38'26"W	5.68'

7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 900
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

P:\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW - TAKES\SBPR-24\3833-SBPR-24-2-SHT1.DWG

EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Tiger Cunhu Yang and Sally Yang Zuo

APN 0138-312-14

RIGHT OF WAY PARCEL SBPR-24-1 – Temporary Construction Easement

A portion of Lots 1 and 2, of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northwest corner of said Lot 1; thence along the North line thereof North 89°36'47" East 8.98 feet to the **True Point Of Beginning**; thence continuing North 89°36'47" East 42.61 feet to the Northwest corner of land granted to James and Kathryn McHenry per Document No. 2005-0789030, recorded October 21, 2005 in the Office of the County Recorder of said County; thence along the West line thereof South 00°25'01" East 5.00 feet; thence leaving said West line and parallel with the North Line of said Lot 1 South 89°36'47" West 51.59 feet to a point on the West line of said Lot 1; thence along said West line North 00°25'04" West 1.75 feet; thence leaving said West line North 89°38'26" East 5.68 feet; thence North 45°00'00" East 4.64 feet to the **True Point of Beginning.**

Said parcel contains 234 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS
LS 7019

DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

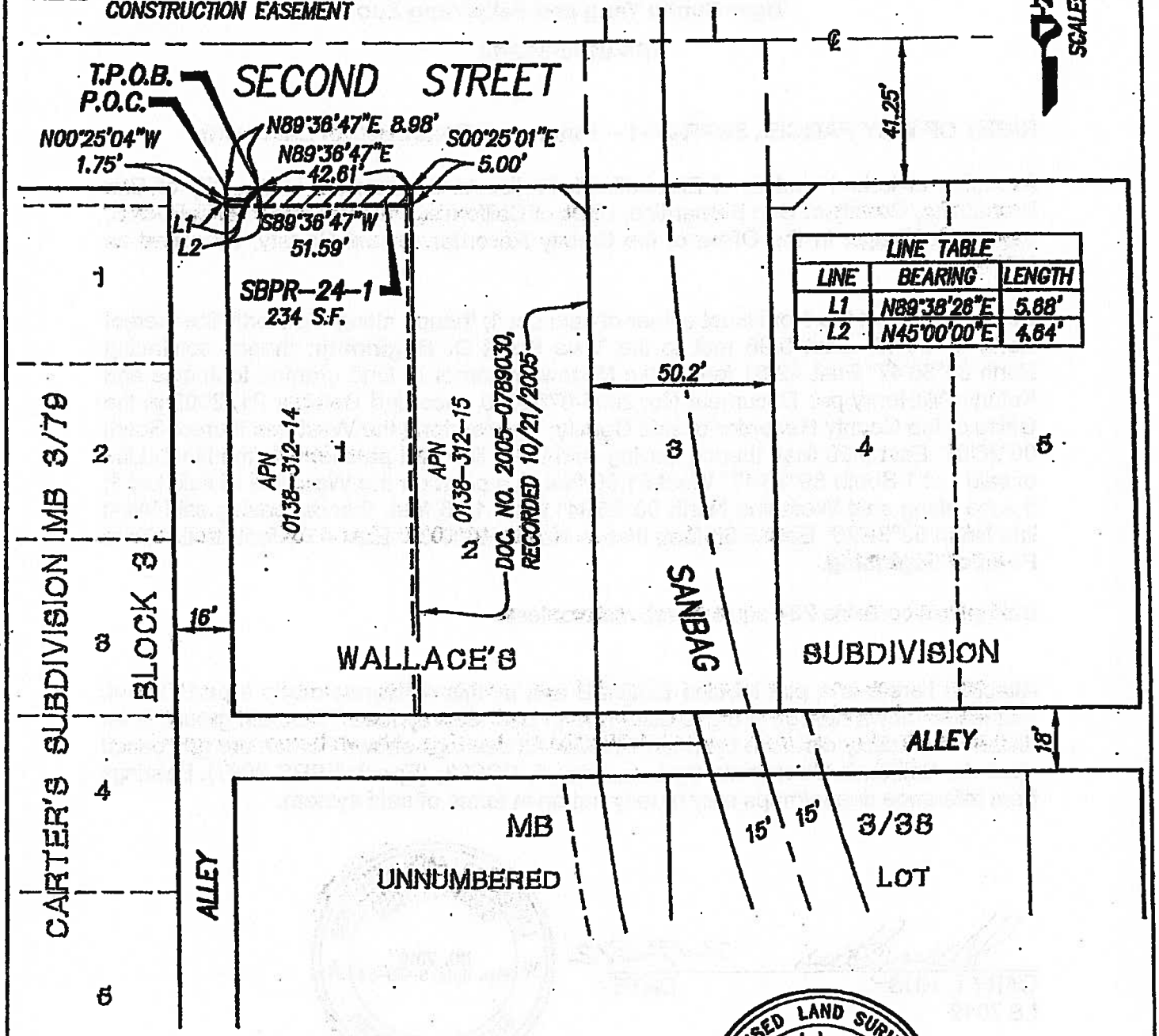
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SBPR-24-1 Tiger Cunhu Yang and Sally Yang Zuo
APN 0138-312-14
City of San Bernardino, CA



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°38'26"E	5.68'
L2	N45°00'00"E	4.64'

GARY L. HUS, L.S. 7019 — DATE 7-19-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-058

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 25, which represents interests in portions of the property located at 979-995 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-55, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public sidewalk and pedestrian purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit B are expressly limited as follows: The Commission and/or its agents shall relocate or, failing that, replace in kind the current wrought iron fencing located within the permanent easement area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court

of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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 3, of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 3, Page(s) 79, of Maps, in the Office of the County Recorder of said County.

Excepting therefrom the South 35 feet of Lot 3.

Assessor's Parcel Number: **0138-312-55**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Ashadi Investment LLC

APN 0138-312-55

RIGHT OF WAY PARCEL SBPR-25-2 – Permanent Easement

A portion of Lot 1, Block 3 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County.

Beginning at the Northeast corner of said Lot 1; thence along the East line thereof South 00°25'04" East 3.27 feet; thence leaving said East line South 89°38'26" West 4.23 feet; thence North 46°51'16" West 4.75 feet to a point on the North line of said Lot 1; thence along said North line North 89°36'47" East 7.67 feet to the **Point of Beginning**.

Said parcel contains 19 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

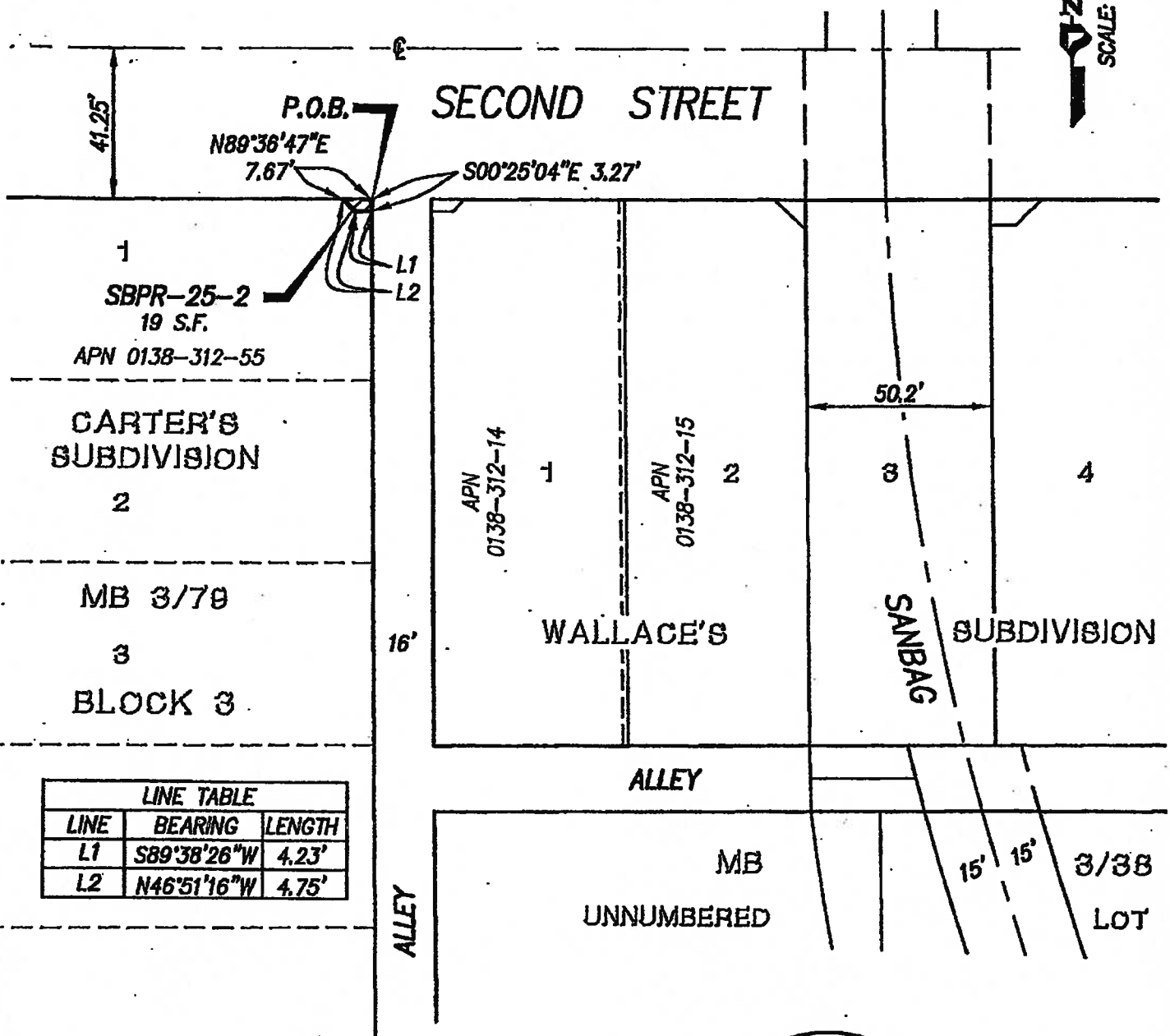
P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SBPR-25-2 Ashadi Investment LLC
APN 0138-312-55
City of San Bernardino, CA

SHEET 1 OF 1



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°38'26"W	4.23'
L2	N46°51'16"W	4.75'

GARY L. HUS, L.S. 7019 — 7-19-2012 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0348 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Ashadi Investment LLC

APN 0138-312-55

RIGHT OF WAY PARCEL SBPR-25-1 – Temporary Construction Easement

A portion of Lot 1, Block 3 of Carter's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, Page 79 of Maps, in the Office of the County Recorder of said County.

Commencing at the Northeast corner of said Lot 1; thence along the East line thereof South 00°25'04" East 3.27 feet to the **True Point of Beginning**; thence continuing South 00°25'04" East 1.73 feet; thence leaving said East line and parallel with the North line of said Lot 1 South 89°36'47" West 47.03 feet; thence North 00°23'13" West 5.00 feet to a point on said North line; thence along said North line North 89°36'47" East 39.36 feet; thence leaving said North line South 46°51'16" East 4.75 feet; thence North 89°38'26" East 4.23 feet to the **True Point of Beginning.**

Said parcel contains 216 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

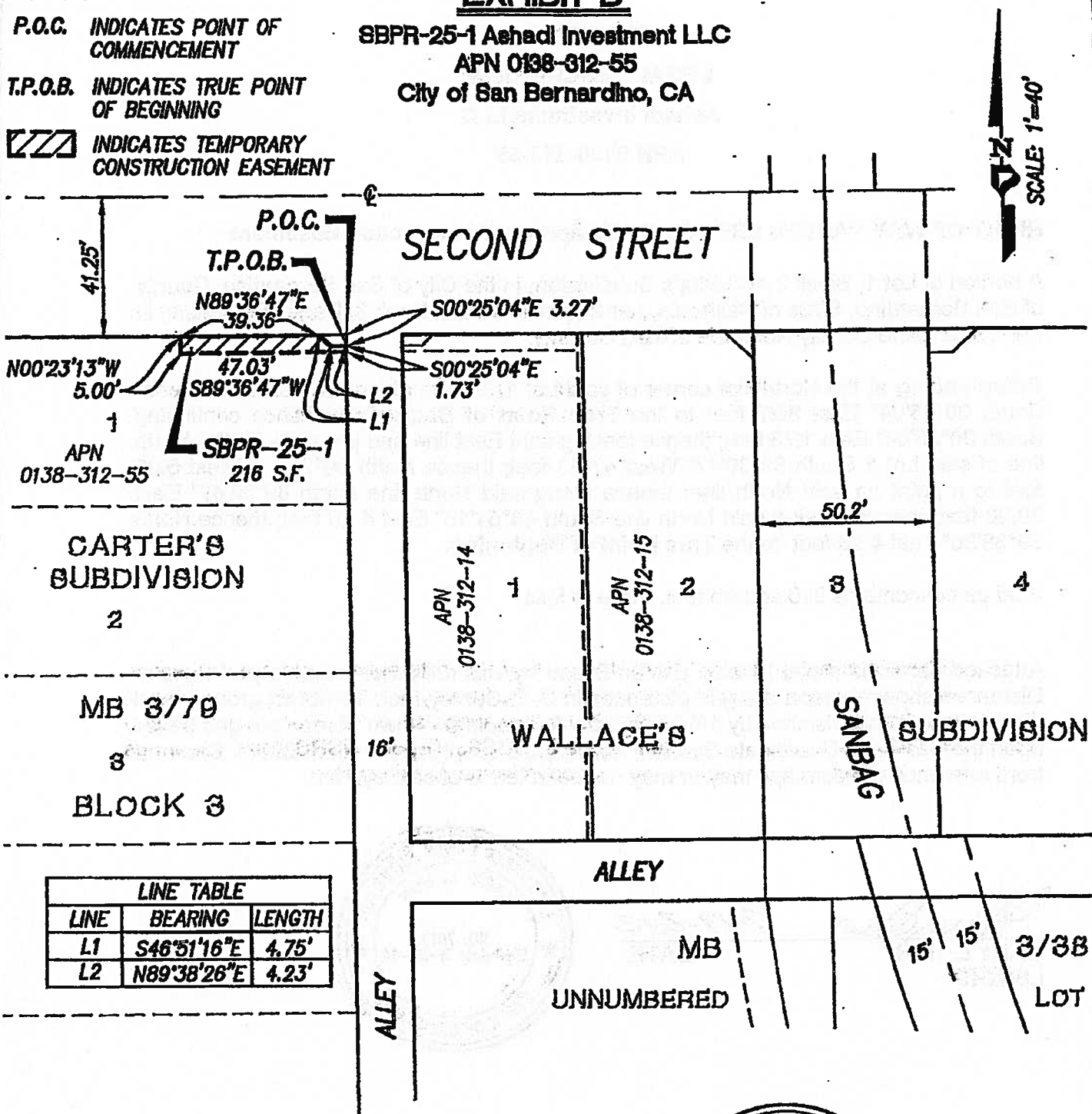
SBPR-25-1 Ashadi Investment LLC
APN 0138-312-55
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



LINE TABLE		
LINE	BEARING	LENGTH
L1	S46°51'16"E	4.75'
L2	N89°38'26"E	4.23'

GARY L. HUS, L.S. 7019 — 7-19-2012 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-059

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 26 & 27, which represents interests in portions of the properties located at 958 West Rialto Avenue and 163 Randall Avenue, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0138-312-16 and 0138-312-57, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) eighteen (18) months from the commencement date of TCE 2, or (c) December 31, 2015.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 3"). TCE 3 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 3, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 3, (b) fourteen (14) days from the commencement date of TCE 3, or (c) December 31, 2015.

WHEREAS, the property interests described above and encompassed by Exhibits D, E, and F are expressly limited as follows: At the expiration of the TCEs, the Commission or its agents shall restore the TCE areas to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1:

That portion of unnumbered parcel shown on map of Elizabeth M. Wallace Subdivision, Rancho San Bernardino, in the County of San Bernardino, State of California, as per plat recorded in Book 3 Page 38 of Maps, records of said County, described as follows:

Beginning at the intersection of the North line of said unnumbered parcel and the West line of the right of way of the Atchison, Topeka and Santa Fe Railroad; thence West 12 feet; thence South parallel with the West line of said unnumbered parcel 119.5 feet to a point 307 feet North of the South line of said unnumbered parcel; thence West to the West line of said unnumbered parcel; thence South along said West line of unnumbered parcel 150 feet to a point 157 feet North of the South line of said unnumbered parcel; thence East 64.5 feet; thence South 157 feet to the South line of said unnumbered parcel; thence East along said South line 60 feet; thence North 157 feet; thence East to the West right of way line of the Atchison, Topeka and Santa Fe Railroad; thence Northwesterly along the West line of said right of way to the point of beginning.

Together with the South one-half of that certain unnamed alley lying adjacent to the North line of said land, which would pass by operation of law upon abandonment.

Parcel 2:

That portion of the unnumbered Lot of Elizabeth M. Wallace's Subdivision of a portion of Lots 1 and 2, Block 15, Rancho San Bernardino, City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 Page 38 of Maps, records of said County, described as follows:

Commencing at the intersection of the North line of Rialto Avenue (formerly First Street) with the West line of the alley running North and South through said subdivision, the alley being between Lot 17 and the said unnumbered portion of said subdivision; running thence Westerly along the Northerly line of First Street, 40-1/3 feet; thence North 157 feet; thence East 40-1/3 feet to the right of way of the Southern California Railway Company; thence Southerly along said right of way and the Westerly line of said alley to the place of beginning.

Together with the West one-half of that certain unnamed alley lying adjacent to the East line of said land, which would pass by operation of law upon abandonment.

Parcel 3:

That portion of the unnumbered Lot of Elizabeth M. Wallace's Subdivision of a portion of Lots 1 and 2, Block 15, Rancho San Bernardino, City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 Page 38 of Maps, records of said County, described as follows:

Commencing at a point on the North line of Rialto Avenue (formerly First Street), 124-1/2 feet East of the Southwest corner of said unnumbered Lot; thence North 157 feet; thence East 85-1/6 feet, more or less, to a point 40-1/3 feet West of the West line of the alley running North and South through said subdivision; thence South 157 feet; thence West 85-1/6 feet, more or less, to the point of beginning.

Parcel 4:

That portion of the unnumbered Parcel shown on Map of Elizabeth M. Wallace Subdivision, Rancho San Bernardino, City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 3 Page 38 of Maps, records of said County, described as follows:

Beginning at the intersection of the North line of said unnumbered parcel and the West line of the right of way of the Atchison, Topeka and Santa Fe Railroad; thence West 12 feet for the true point of beginning; thence South parallel with the West line of said unnumbered parcel, 119.5 feet to a point 307 feet North of the South line of said unnumbered parcel; thence West parallel with the North line of said unnumbered parcel to the West line of said Subdivision; thence North along said West line to the Northwest corner of said unnumbered parcel; thence East to the point of beginning.

Assessor's Parcel Number 0138-312-57-0-000; 0138-312-16-0-000

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP (FEE)

EXHIBIT A

LEGAL DESCRIPTION

James L. Clark

APN 0138-312-16

RIGHT OF WAY PARCEL SBPR-26-1 – Fee

A portion of unnumbered Lot, as shown on Elizabeth M. Wallace's Subdivision, per Map recorded in Book 3, page 38 of Maps, as described in Parcel 4 of Grant Deed to Tue Le and Nikie Nguyen per Document No. 2004-0820562, recorded November 10, 2004, in the City of San Bernardino, County of San Bernardino, State of California, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northeast corner of said Parcel 4; thence along the East line thereof South 00°25'04" East 98.24 feet to a point on a non-tangent 613.19 foot radius curve concave to the Northeast, a radial bearing to said point bears South 74°12'26" West; thence leaving said East line and Northwesterly along said curve through a central angle of 09°21'10" a distance of 100.10 feet to the North line of said Unnumbered Lot; thence along said North line North 89°36'24" East 18.56 feet to the **Point of Beginning.**

Said parcel contains 1,048 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-4-2013

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

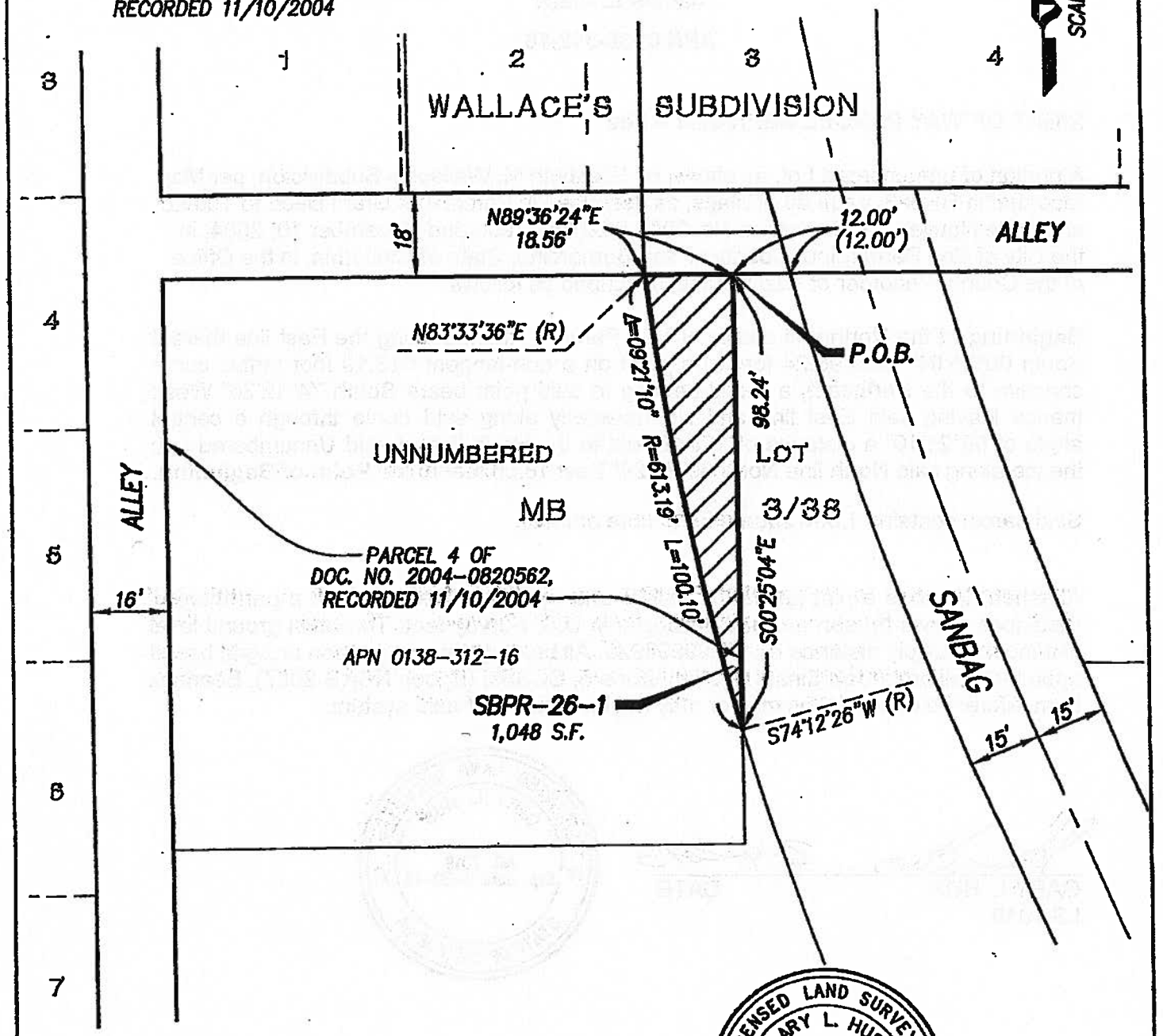
SBPR-26-1 James L. Clark
APN 0138-312-16
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

( ) INDICATES RECORD VALUE PER DOC. NO. 2004-0820562, RECORDED 11/10/2004



2-4-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP (FEE)

EXHIBIT A

LEGAL DESCRIPTION

James L. Clark

APN 0138-312-57

RIGHT OF WAY PARCEL SBPR-27-1 – Fee

A portion of unnumbered Lot, as shown on Elizabeth M. Wallace's Subdivision per Map recorded in Book 3, page 38 of Maps, as described in Parcels 1, 2 and 3 of Grant Deed to Tue Le and Nikie Nguyen per Document No. 2004-0820562, recorded November 10, 2004, in the City of San Bernardino, County of San Bernardino, State of California, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Southwest right-of-way of the former A.T.& S.F. Railroad (30 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the South line of the 18 foot East-West alley per said Map, thence along said South line South 89°36'24" West 12.00 feet to the Northeast corner of Parcel 4 as described in said Grant Deed; thence leaving said South line and along the East line of said Parcel 4 South 00°25'04" East 98.24 feet to the beginning of a non-tangent 613.19 foot radius curve concave to the Northeast, a radial bearing to said beginning bears South 74°12'26" West; thence leaving said East line and Southeasterly along said curve through a central angle of 20°51'17" a distance of 223.19 feet; thence South 36°38'51" East 59.33 feet to a point on the East line of said unnumbered Lot; thence along said East line North 00°24'52" West 69.71 feet to a point on said Southwest right-of-way, said point being on a non-tangent 1447.40 foot radius curve concave to the Northeast, a radial bearing to said beginning bears South 59°28'27" West; thence leaving said East line and Northwesterly along said Southwest right-of-way and said curve through a central angle of 07°30'51" a distance of 189.82 feet to the beginning of a 778.94 foot radius compound curve concave to the Northeast, thence Northwesterly along said curve through a central angle of 08°14'43" a distance of 112.10 feet to the **Point of Beginning**.

Said parcel contains 13,408 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-04-2013

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

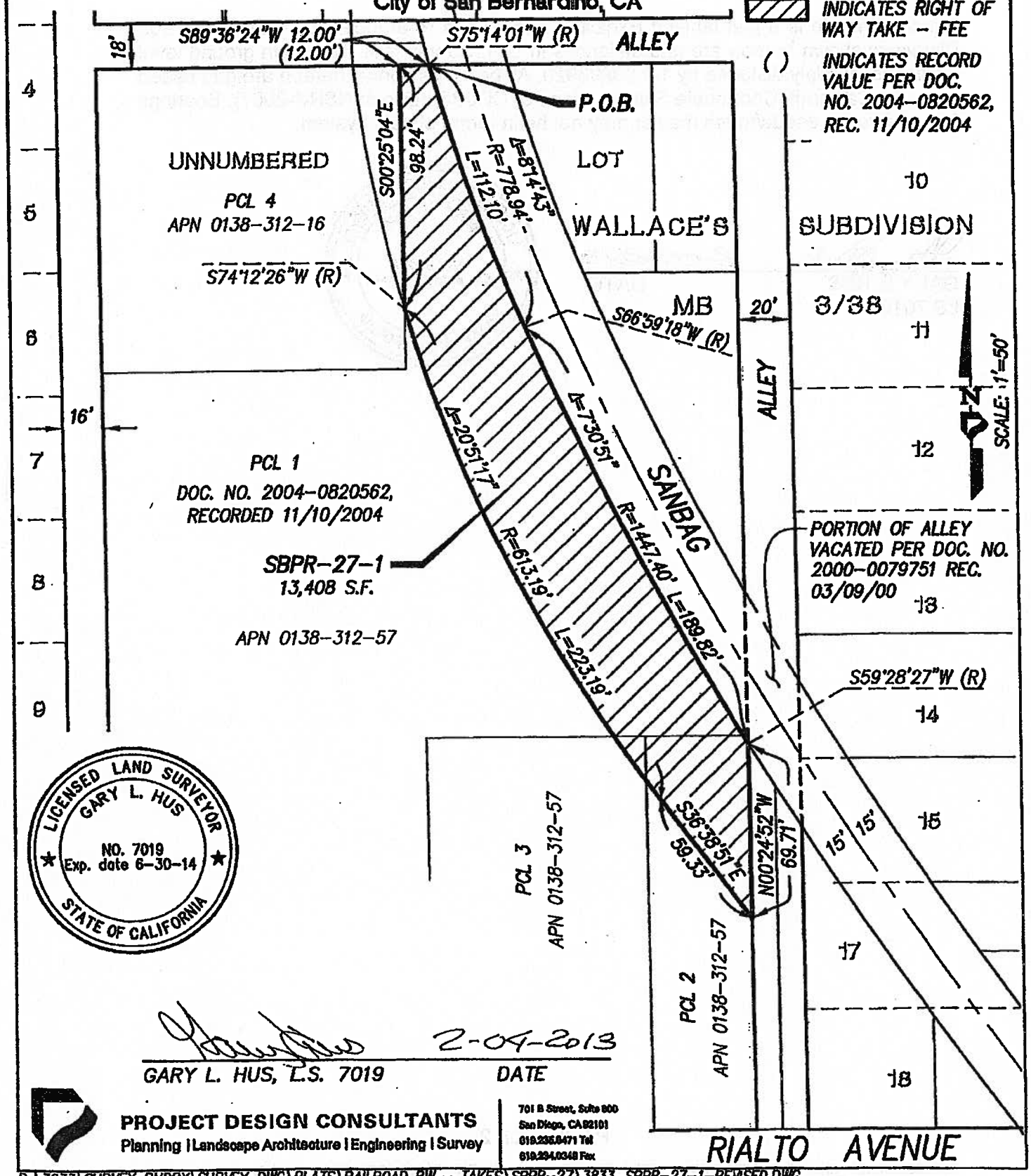
SBPR-27-1 James L. Clark
APN 0138-312-57
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

( ) INDICATES RECORD VALUE PER DOC. NO. 2004-0820562, REC. 11/10/2004



LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

2-04-2013

GARY L. HUS, L.S. 7019 DATE

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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James L. Clark

APN 0138-312-16

RIGHT OF WAY PARCEL SBPR-26-2 – Temporary Construction Easement

A strip of land within a portion of unnumbered Lot, as shown on Elizabeth M. Wallace's Subdivision per Map recorded in Book 3, page 38 of Maps, as described in Parcel 4 of Grant Deed to Tue Le and Nikie Nguyen per Document No. 2004-0820562, recorded November 10, 2004, in the City of San Bernardino, County of San Bernardino, State of California, in the Office of the County Recorder of said County, lying 13 feet Westerly and Southwesterly measured at right angles from the following described line:

Commencing at the Northeast corner of said Parcel 4; thence along the East line thereof South 00°25'04" East 98.24 feet to the **True Point of Beginning**, being on a non-tangent 613.19 foot radius curve concave to the Northeast, a radial bearing to said point bears South 74°12'26" West; thence leaving said East line and Northwesterly along said curve through a central angle of 09°21'10" a distance of 100.10 feet to the **Point of Terminus**; said point being on the North line of said Unnumbered Lot and bearing South 89°36'24" West 18.56 feet from the **Point of Commencement**.

The sidelines of the above-described strip of land shall be prolonged or shortened so as to terminate in a Northerly direction at the North line of said unnumbered Lot and in a southerly direction at the South and West lines of said Parcel 4.

Said parcel contains 1,546 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-04-2013

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

SBPR-26-2 James L. Clark
APN 0138-312-16
City of San Bernardino, CA

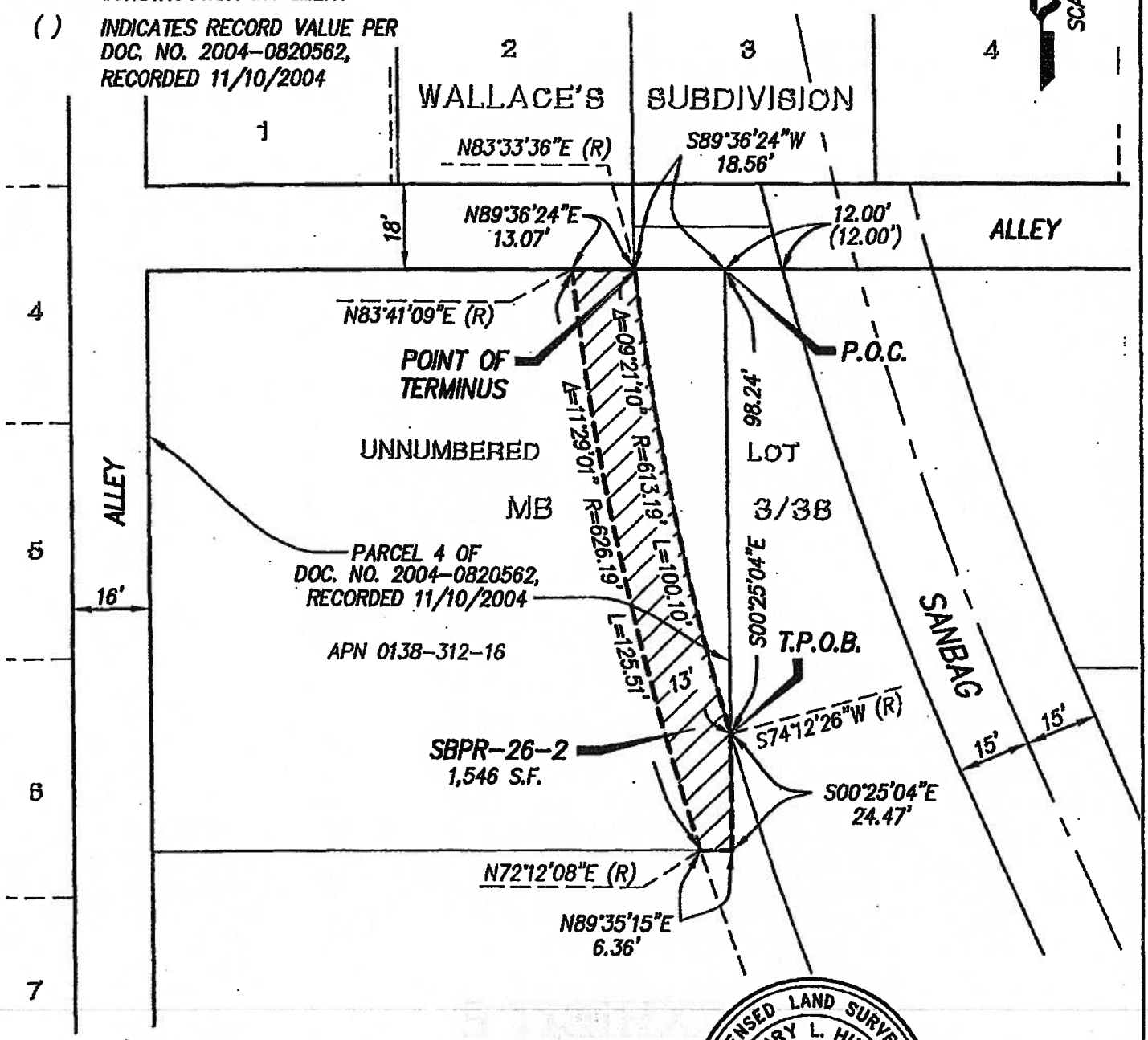
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

( ) INDICATES RECORD VALUE PER DOC. NO. 2004-0820562, RECORDED 11/10/2004



2-04-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT E

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James L. Clark

APN 0138-312-57

RIGHT OF WAY PARCEL SBPR-27-2 – Temporary Construction Easement

A strip of land within a portion of unnumbered Lot, as shown on Elizabeth M. Wallace's Subdivision per Map recorded in Book 3, page 38 of Maps, as described in Parcels 1, 2 and 3 of Grant Deed to Tue Le and Nikie Nguyen per Document No. 2004-0820562, recorded November 10, 2004, in the City of San Bernardino, County of San Bernardino, State of California, in the Office of the County Recorder of said County, lying 13 feet Westerly and Southwesterly measured at right angles from the following described line:

Commencing at the intersection of the Westerly right-of-way of the former A.T.& S.F. Railroad (30 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the South line of the 18 foot East-West alley per said Map, thence along said South line South 89°36'24" West 12.00 feet to the Northeast corner of Parcel 4 as described in said Grant Deed; thence leaving said South line and along the East line of said Parcel 4 South 00°25'04" East 98.24 feet to the **True Point of Beginning,** being a point on a 613.19 foot radius curve concave to the East, a radial bearing to said point bears South 74°12'26" West; thence leaving said East line and Southeasterly along said curve through a central angle of 20°51'17" a distance of 223.19 feet; thence South 36°38'51" East 59.33 feet to a point on the East line of said unnumbered Lot, said point being the **Point of Terminus.**

The sidelines of the above-described strip of land shall be prolonged or shortened so as to terminate in a Northerly direction at the East and South lines of said Parcel 4 and in a southerly direction at the East line of said unnumbered Lot.

Said parcel contains 3,597 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 8-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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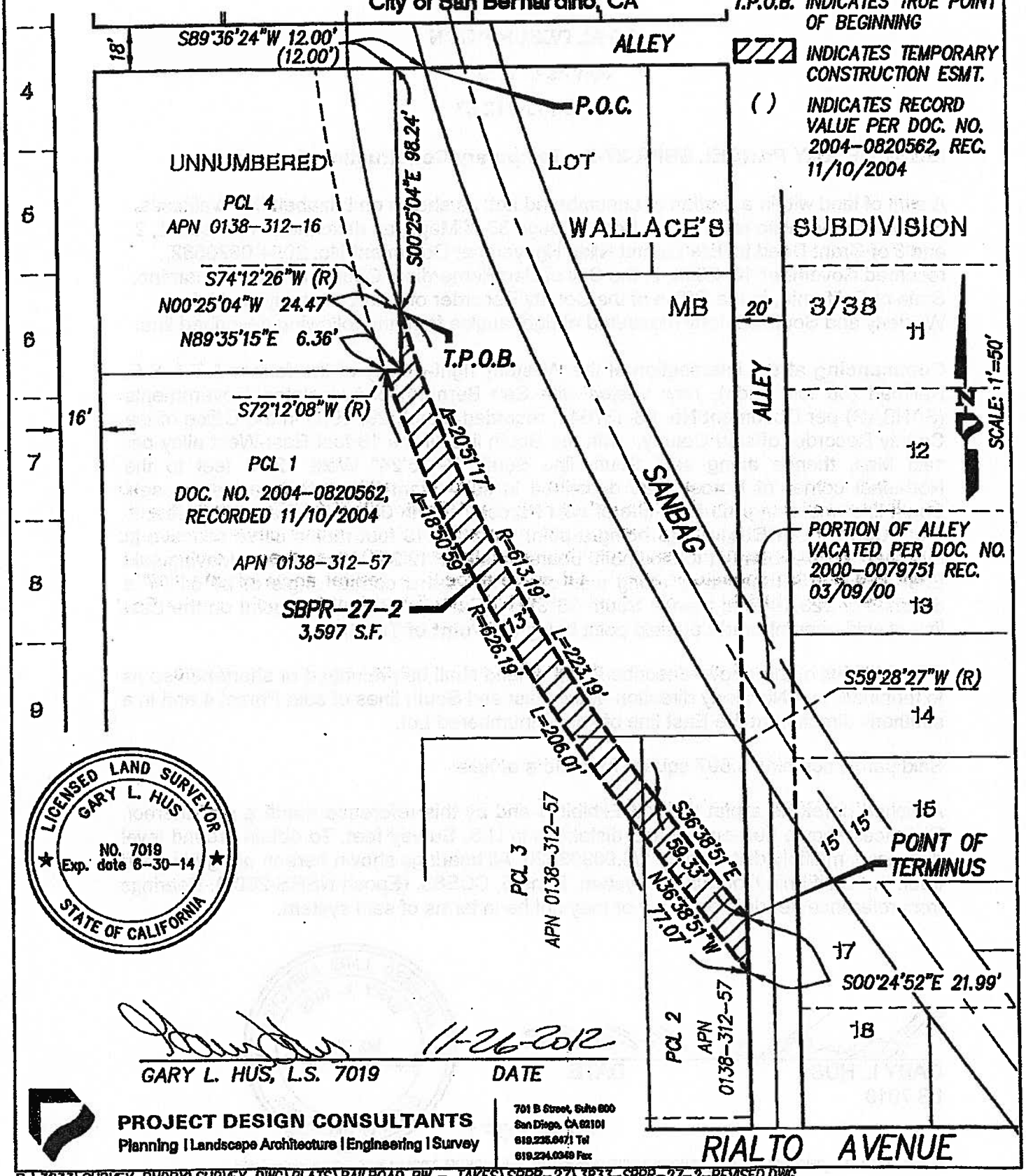
EXHIBIT B

SHEET 1 OF 1

SBPR-27-2 James L. Clark
APN 0138-312-57
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019 DATE

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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619.234.0349 Fax

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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James L. Clark

APN 0138-312-57

RIGHT OF WAY PARCEL SBPR-27-3 – Temporary Construction Easement

A portion of unnumbered Lot, as shown on Elizabeth M. Wallace's Subdivision per Map recorded in Book 3, page 38 of Maps, as described in Parcels 2 and 3 of Grant Deed to Tue Le and Nikie Nguyen per Document No. 2004-0820562, recorded November 10, 2004, in the City of San Bernardino, County of San Bernardino, State of California, in the Office of the County Recorder of said County, described as follows;

Beginning at the Southeast corner of said unnumbered Lot; thence along the South line thereof South 89°35'15" West 81.92 feet; thence leaving said South line North 00°24'45" West 4.50 feet; thence parallel with said South line North 89°35'15" East 81.92 feet to a point on the East line of said unnumbered Lot; thence along said East line South 00°24'52" East 4.50 feet to the **Point of Beginning**.

Said parcel contains 369 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR GARY L. HUS NO. 7019 Exp. date 6-30-14 STATE OF CALIFORNIA

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EXHIBIT B

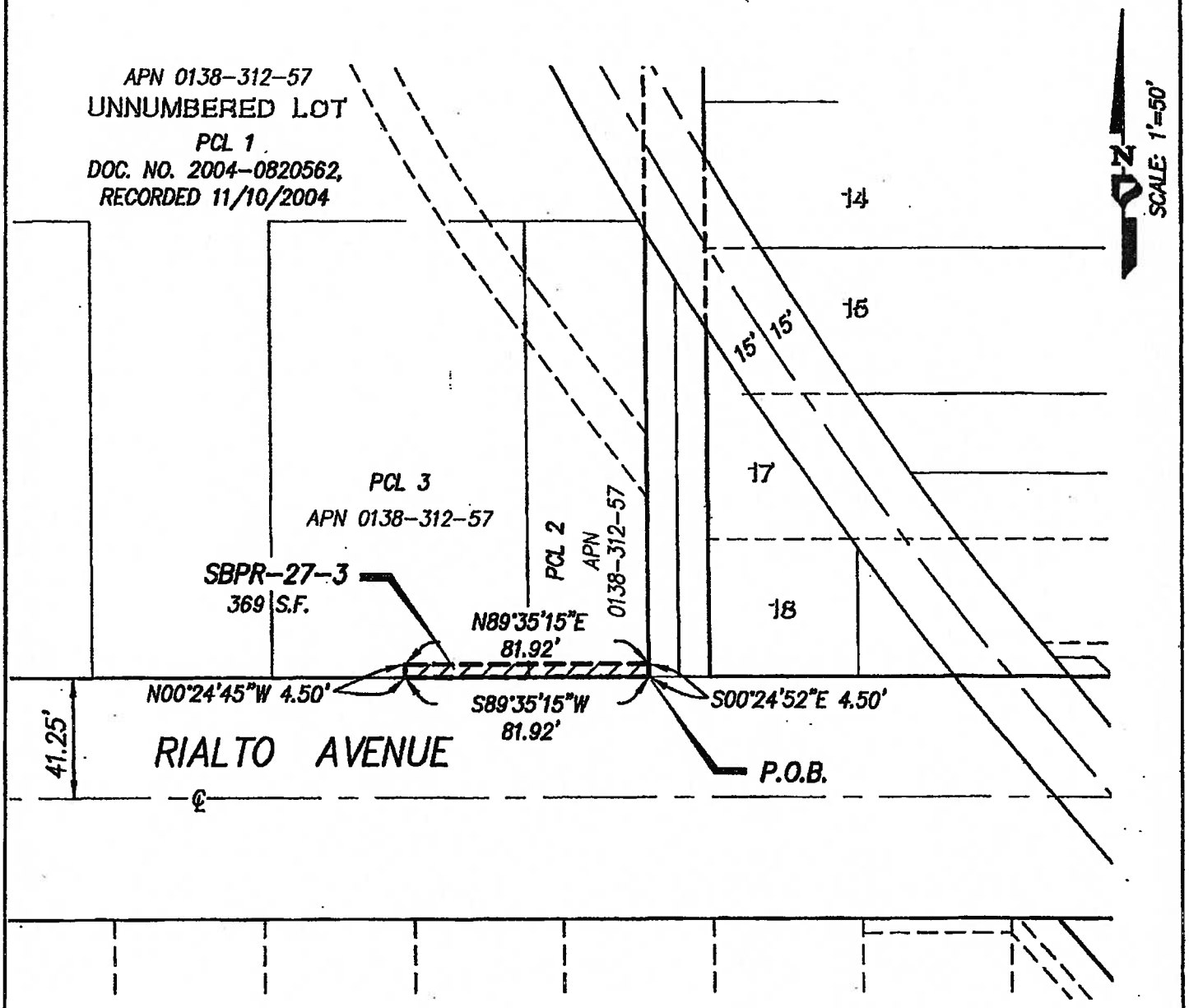
SBPR-27-3 James L. Clark
APN 0138-312-57
City of San Bernardino, CA

SHEET 1 OF 1

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION ESMT.



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-060

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 30, which represents a fee simple interest in a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-39, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

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

A portion of Lots 15, 16 and 17 of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 3, Page(s) 38, of Maps, lying West of the right-of-way of the Southern California Railway, described as follows:

Commencing at the Southwest corner of said Lot 17;
Thence East along the South line of said Lot 17 to its intersection with the West line of right-of-way of the Southern California Railway;
Thence Northwesterly along the Westerly line of said right-of-way to its intersection with the West line of said Lot 15;
Thence South along the West line of said Lots 15, 16 and 17 to the point of beginning.

Except that triangular shaped piece of land being a portion of Lot 17 of said Subdivision described as follows:

Beginning at a point in the South line of said Lot 17 a distance of 50 feet Easterly from the Southwest corner of said Lot;
Thence North 0° 6′ West along a line 50 feet Easterly of and parallel to the Westerly line of said Lot a distance of 42.72 feet, more or less, to an intersection with the Southwesterly line of the Atchison, Topeka and Santa Fe Railway Company's 30 foot right-of-way;
Thence Southeasterly along the said Southwesterly line of said right-of-way having a radius of 1447.47 feet a distance of 53.02 feet more or less to a point in the South line of said Lot 17;
Thence South 89° 47′ West along said South line of Lot 17 a distance of 31.46 feet to the point of beginning.

Together with the East one-half of that certain unnamed alley lying adjacent to the West line of said land, which would pass by operation of law upon abandonment.

Assessor's Parcel Number: 0138-312-39-0-000

RESOLUTION NO. 13-061

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 31, which represents a fee simple interest in a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-51, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

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

All that real property being portion of Lot 17, Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per plat thereof recorded in Book 2 Page 38 of Maps, records of said County, as conveyed by deed dated May 25, 1915, from the Brooklings Timber and Lumber Company to the Pacific Electric Railway Company, recorded June 10, 1915 in Book 573 Page 191 of Deeds, and being more particularly described as follows:

Beginning at a point in the South line of said Lot 17, distant 50 feet Easterly from the Southwest corner of said Lot; thence North 0° 08' West along a line 50 feet Easterly of, and parallel to the Westerly line of said Lot, a distance of 42.71 feet, more or less, to an intersection with the Southwesterly line of the Atchison, Topeka and Santa Fe Railway Company's 30 foot right of way; thence Southeasterly along said Southwesterly line of said right of way, having a radius of 1447.47 feet, a distance of 53.02 feet, more or less, to a point in the South line of said Lot 17; thence South 89° 47' West along the said South line of Lot 17, a distance of 31.46 feet to the point of beginning.

Assessor's Parcel Number 0138-312-51-0-000

RESOLUTION NO. 13-062

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 32, which represents interests in portions of the property located at 106 North "T" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-312-37, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit C attached hereto for public sidewalk purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to

the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibit D are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the TCE area prior to the expiration of the TCE.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lots 16 and 17 of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 3, Page 38, of Maps, Records of said County, described as follows:

Parcel 1:

Commencing at the Southeast corner of said Lot 17;
Thence North along the Westerly line of "I" Street, fifty feet;
Thence West parallel with the South line of Lot 17 to the Easterly line of the right-of-way of the Southern California Railway Company;
Thence Southeasterly along the Easterly line of said right-of-way to the South line of Lot 17;
Thence East on the South line of said Lot 17 to the point of beginning.

Parcel 2:

Commencing at a point in the East line of said Lot 16, distant fifty feet North of the Southeast corner of Lot 17 of said Subdivision;
Thence North along the East line of said Lot 16, twenty feet;
Thence West parallel with the South line of said Lot 16 to the Easterly line of the right-of-way of the Southern California Railway;
Thence Southeasterly along said right-of-way to a point distant fifty feet North of the South line of said Lot 17, when measured at right angles thereof;
Thence East parallel with the South line of said Lot 16, to the point of beginning.

APN: 0138-312-37-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

James W. Seifert

APN 0138-312-37

RIGHT OF WAY PARCEL SBPR-32-1 – Fee

A portion of Lot 17, of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southeast corner of said Lot 17; thence along the South line thereof South 89°35'15" West 17.76 feet to the **True Point of Beginning**; thence along the South line of said Lot 17 South 89°35'15" West 12.16 feet to a point on the Northeast right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 1417.40 foot radius curve concave to the Northeast, a radial bearing to said point bears South 51°13'31" West; thence leaving said South line and Northwesterly along said Northeast right-of-way and said curve through a central angle of 0°21'36" a distance of 8.91 feet; thence leaving said Northeast right-of-way and parallel with said South line North 89°35'15" East 17.66 feet; thence South 00°24'45" East 7.00 feet to the **True Point of Beginning**.

Said parcel contains 104 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

SBPR-32-1 James W. Seifert
APN 0138-312-37
City of San Bernardino, CA

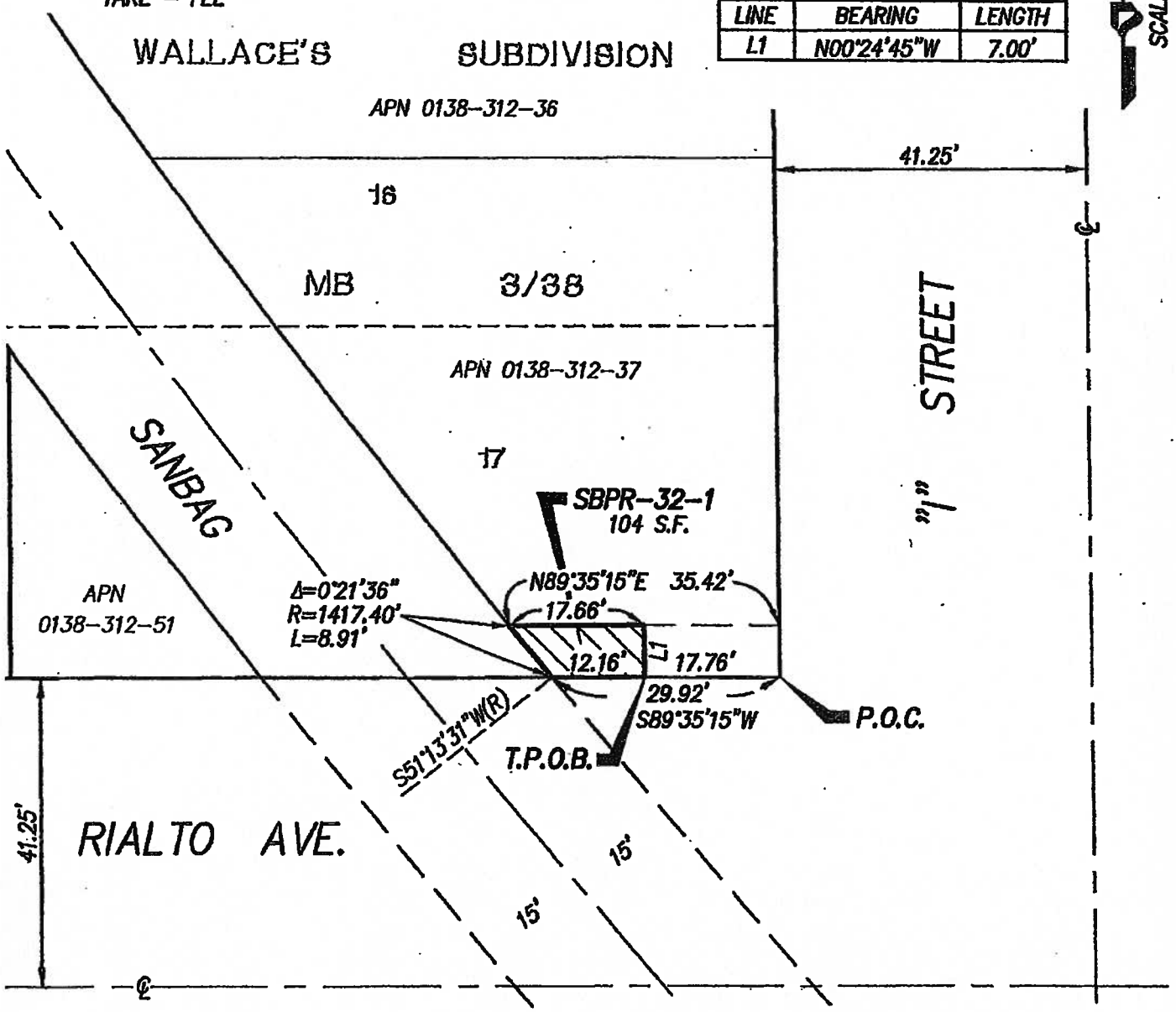
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°24'45"W	7.00'



GARY L. HUS, L.S. 7019 — DATE 11-26-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James W. Seifert

APN 0138-312-37

RIGHT OF WAY PARCEL SBPR-32-2 – Permanent Easement

A portion of Lot 17, of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southeast corner of said Lot 17; thence along the South line thereof South 89°35'15" West 17.76 feet to a point herein referred to as **Point 'A'**; thence leaving said South line North 00°24'45" West 7.00 feet; thence parallel with said South line North 89°35'15" East 17.76 feet to a point on the East line of said Lot 17; thence along said East line South 00°24'45" East 7.00 feet to the **Point of Beginning**.

Said parcel contains 124 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

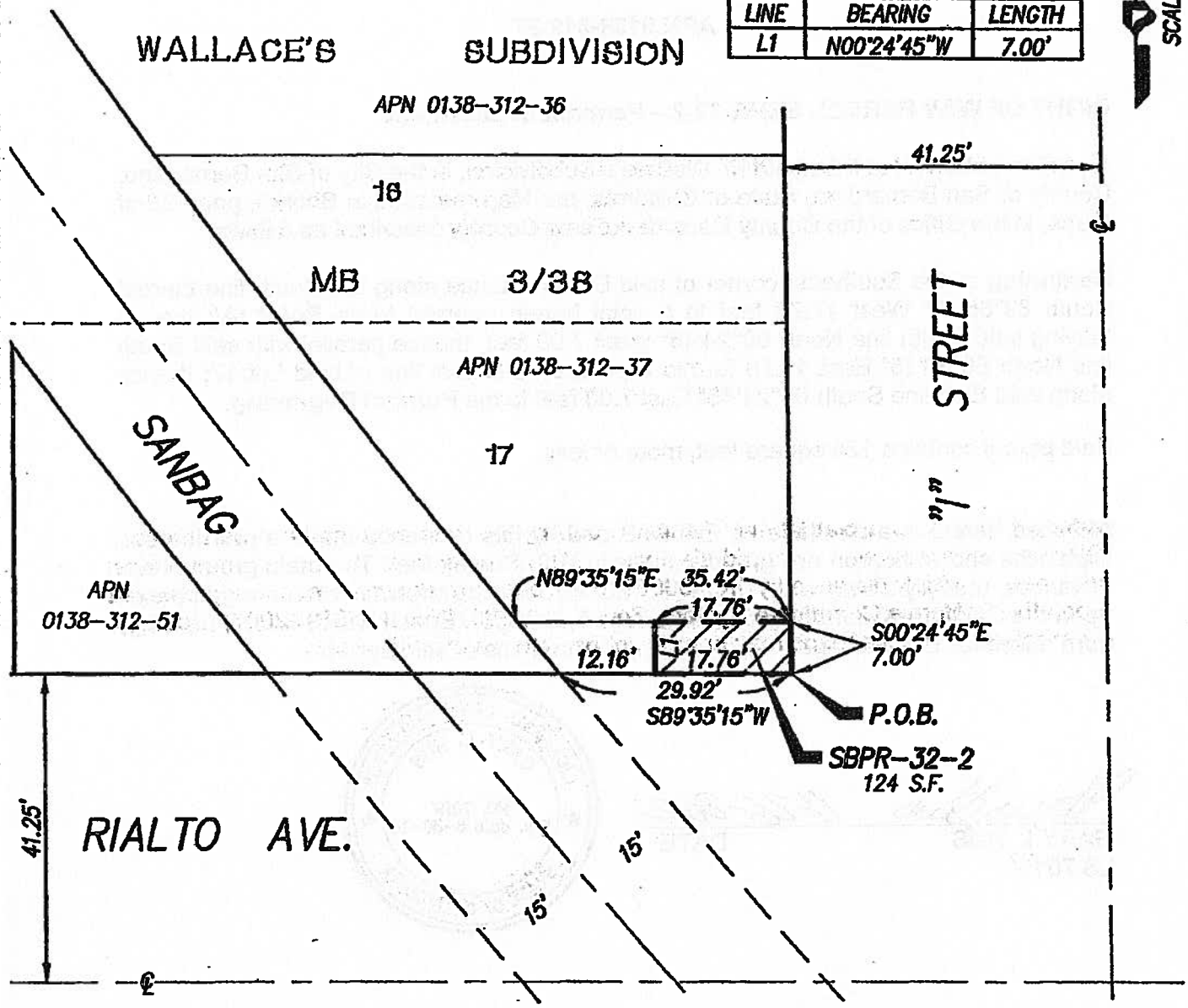
SBPR-32-2 James W. Seifert
APN 0138-312-37
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°24'45"W	7.00'



GARY L. HUS, L.S. 7019 — DATE 11-26-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

James W. Seifert

APN 0138-312-37

RIGHT OF WAY PARCEL SBPR-32-3 – Temporary Construction Easement

A portion of Lots 16 and 17, of Elizabeth M. Wallace's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 3, page 38 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southeast corner of said Lot 17; thence along the East line thereof North 00°24'45" West 7.00 feet to the **True Point of Beginning**; thence leaving said East line and parallel with the South line of said Lot 17 South 89°35'15" West 35.42 feet to a point on the Northeast right-of-way of the former A.T. & S.F. railroad (30 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 1417.40 foot radius curve concave to the Northeast, a radial bearing to said point bears South 51°35'07" West; thence Northwesterly along said Northeast right-of-way and said curve through a central angle of 0°13'44" a distance of 5.66 feet; thence leaving said Northeast right-of-way and parallel with said South line North 89°35'15" East 33.90 feet to a point perpendicular to and 5.00 feet Westerly of the East line of said Lot 17; thence parallel with the East line of said Lots 16 and 17 North 00°24'45" West 58.53 feet to a point perpendicular to and 70.00 feet Northerly of the South line of said Lot 17; thence parallel with said South line North 89°35'15" East 5.00 feet to a point on the East line of said Lot 16; thence along the East line of said Lots 16 and 17 South 00°24'45" East 63.00 feet to the **True Point of Beginning**.

Said parcel contains 459 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 8-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

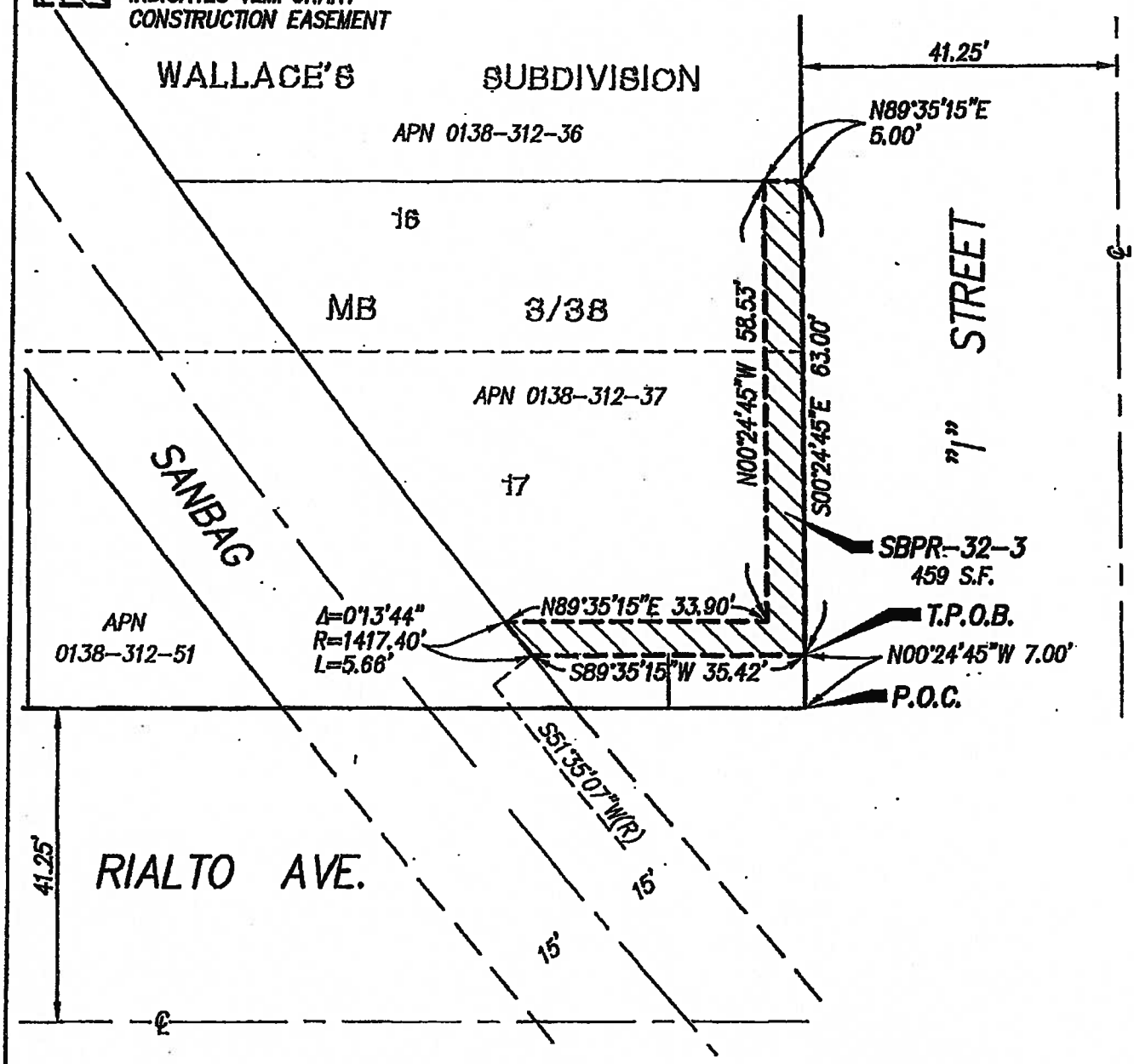
SBPR-32-3 James W. Seifert
APN 0138-312-37
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



GARY L. HUS, L.S. 7019 — DATE 8-13-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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RESOLUTION NO. 13-063

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 33, which represents interests in portions of the property located at 101 South "I" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0134-331-24, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public sidewalk and pedestrian purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits B and C are expressly limited as follows: (1) the Commission and/or its agents shall relocate or, failing that, replace in kind the wrought iron fencing and gate currently existing within the permanent easement area; and (2) the Commission and/or its agents shall, prior to the expiration of the TCE, protect in place or, failing that, replace in kind the wrought iron fencing, asphalt paving, and landscape items currently existing within the TCE area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Lot 2, Block 8, City of San Bernardino, in the County of San Bernardino, State of California, as per Map recorded in Book 7, Page 1, of Maps, in the Office of the County Recorder of said County.

Said property is shown as "School Lot" on the Map of J. W. Waters Subdivision of Blocks 7, 8, 9, and 10, of the Town of San Bernardino, in the County of San Bernardino, State of California, as per Map recorded in Book 6, Page 47, of Maps, records of said County, described as follows:

Excepting therefrom that portion conveyed to the State of California, by Deed recorded October 3, 1956, in Book 4054, Page 142 of Official Records.

APN: 0134-331-24-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

KLR Property, LLC

APN 0134-331-24

RIGHT OF WAY PARCEL SBPR-33-1 – Permanent Easement

A portion of Lot 2, Block 8 of Water's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 6, page 47 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Lot 2, said corner also being on the North line of Rialto Avenue as dedicated to the City of San Bernardino per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps; thence along the South line of said Lot 2 North 89°29'18" East 34.64 feet to the **True Point of Beginning**; thence continuing North 89°29'18" East 36.37 feet; thence leaving said South line North 00°30'42" West 2.00 feet; thence parallel with said South line South 89°29'18" West 36.37 feet; thence South 00°30'42" East 2.00 feet to the **True Point of Beginning**.

Said parcel contains 73 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

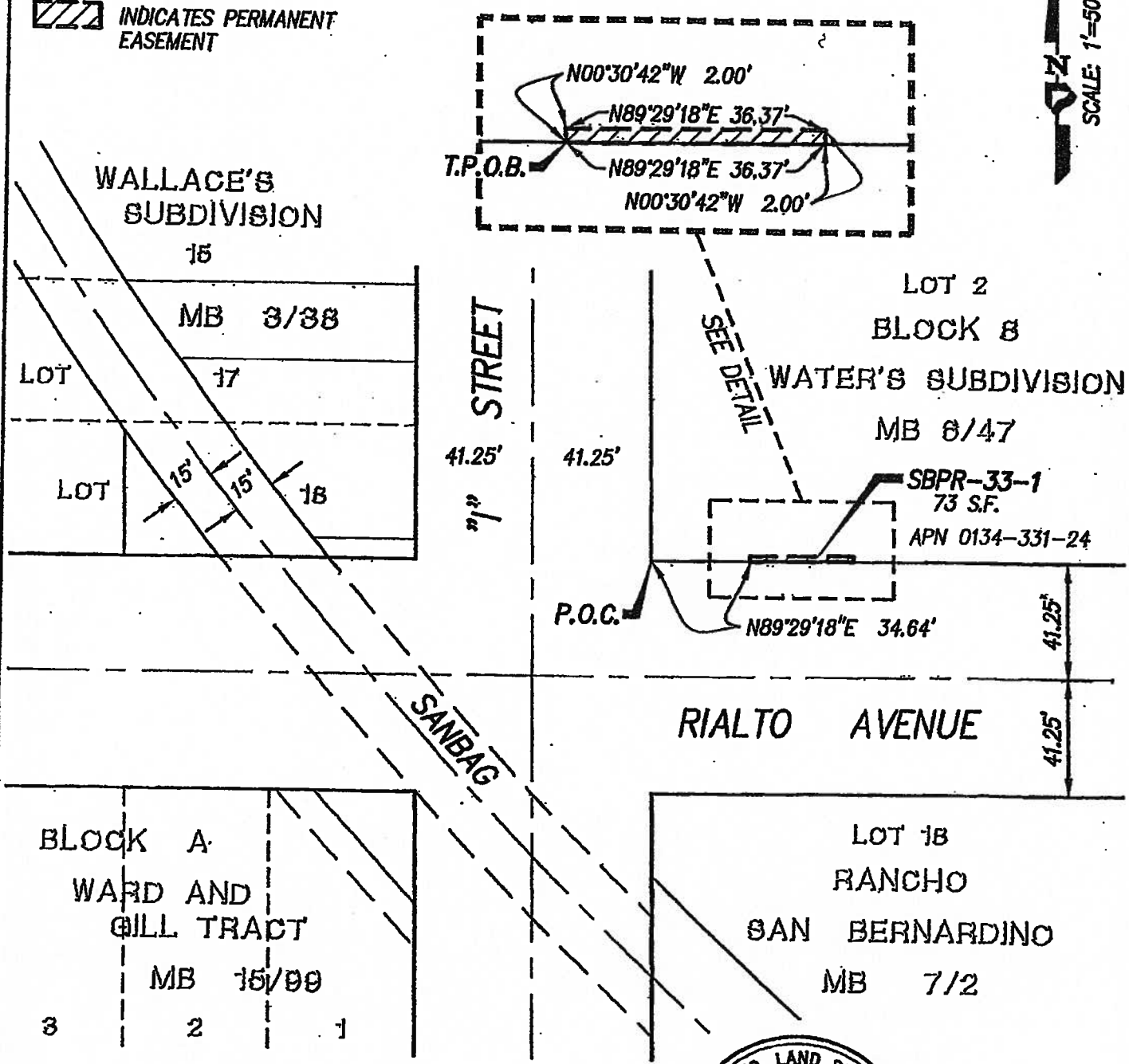
SBPR-33-1 KLR Property, LLC
APN 0134-331-24
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



8-08-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

KLR Property, LLC

APN 0134-331-24

RIGHT OF WAY PARCEL SBPR-33-2 – Temporary Construction Easement

A portion of Lot 2, Block 8 of Water's Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 6, page 47 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Lot 2, said corner also being on the North line of Rialto Avenue as dedicated to the City of San Bernardino per Map of Rancho San Bernardino, recorded in Book 7, Page 2 of Maps; thence along the South line of said Lot 2 North 89°29'18" East 34.64 feet to the **True Point of Beginning;** thence retracing South 89°29'18" West 5.00 feet; thence leaving said South line North 00°30'42" West 7.00 feet; thence parallel with said South line North 89°29'18" East 46.37 feet; thence South 00°30'42" East 7.00 feet to a point on said South line; thence along said South line South 89°29'18" West 5.00 feet; thence leaving said South line North 00°30'42" West 2.00 feet; thence parallel with said South line South 89°29'18" West 36.37 feet; thence South 00°30'42" East 2.00 feet to the **True Point of Beginning.**

Said parcel contains 252 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

03-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

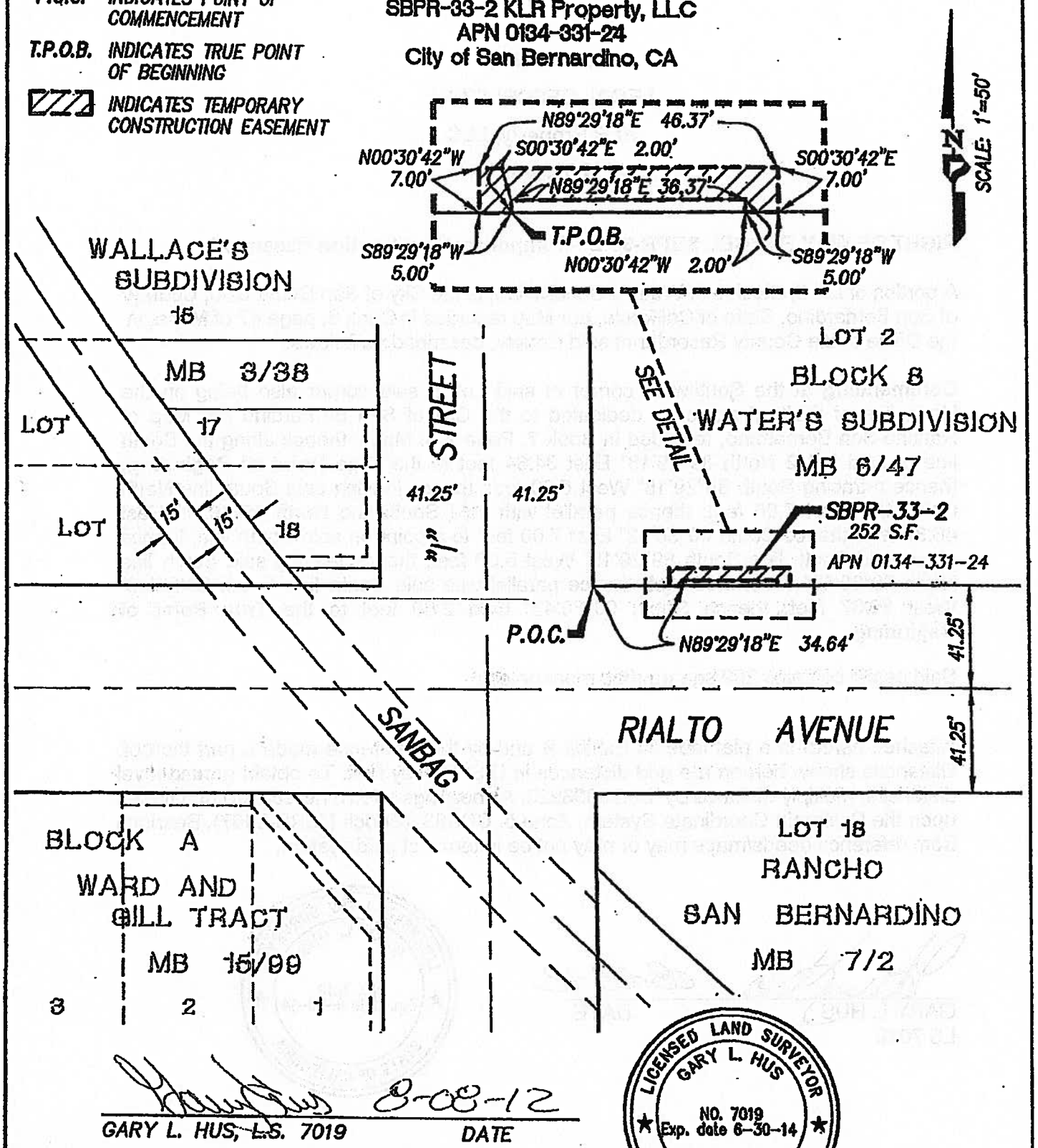
SBPR-33-2 KLR Property, LLC
APN 0134-331-24
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



8-08-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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619.234.0349 Fax

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RESOLUTION NO. 13-064

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 34 and 35, which represent interests in portions of the property located at 907-921 West Rialto Ave., San Bernardino, California, which bears San Bernardino County Assessor's Parcel Number 0137-043-11, and portions of other property located in San Bernardino, California which bears San Bernardino County Assessor's Parcel Numbers 0137-043-26 and 0137-043-11, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit C attached hereto for emergency access.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December

31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) fourteen (14) days from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits B and C are expressly limited as follows: the Commission and/or its agents shall relocate, at the Commission's sole expense, the chain link fencing, gate, and mailbox improvements located within the areas encompassed by Exhibits B and C.

WHEREAS, the property interests described above and encompassed by Exhibits D and E are expressly limited as follows: the Commission and/or its agents shall protect in place or, failing that, replace in kind, the currently existing chain link fencing, concrete paving, landscaping, and flag pole improvements located within the TCE areas.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1:

Lot 1 and the East ½ of Lot 2, Block A, Ward and Gill Subdivision, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 15 Page 99 of Maps, records of said County.

Parcel 2:

Lot 3 and the West ½ of Lot 2, Block A, of the Ward and Gill Tract, in the City of San Bernardino, State of California, as per plat recorded in Book 15, Page(s) 99, of Maps, records of said County.

Assessor's Parcel Number: **0137-043-26-0-000; 0137-043-11-0-000;**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Varp Inc.

APN 0137-043-26

RIGHT OF WAY PARCEL SBPR-34-1 – Fee

A portion of Lot 1, Block A of Ward and Gill Tract, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 15, Page 99 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Northeast corner of said Lot 1; thence along the North line thereof South 89°35'15" West 34.75 feet; thence leaving said North line South 41°45'38" East 52.57 feet to a point on the East line of said Lot 1; thence along said East line North 00°22'28" West 39.46 feet to the **Point of Beginning**.

Said parcel contains 686 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

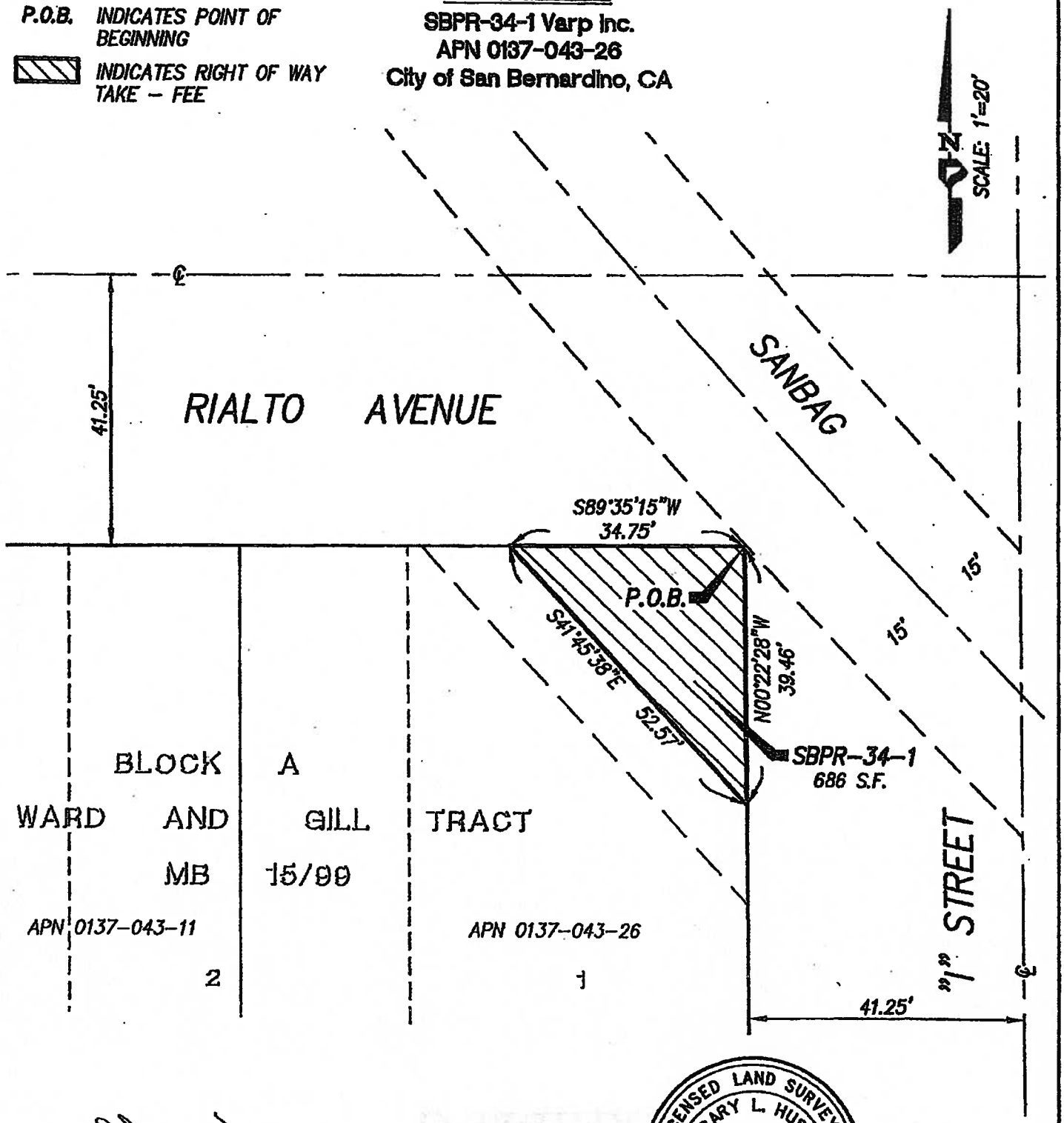
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SBPR-34-1 Varp Inc.
APN 0137-043-26
City of San Bernardino, CA

SHEET 1 OF 1



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Varp Inc.

APN 0137-043-26

RIGHT OF WAY PARCEL SBPR-34-2 – Emergency Vehicle Access Easement

A portion of Lot 1, Block A of Ward and Gill Tract, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 15, Page 99 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northeast corner of said Lot 1; thence along the North line thereof South 89°35'15" West 34.75 feet to the **True Point of Beginning**; thence leaving the North line of said Lot 1 South 41°45'38" East 52.57 feet to a point on the East line of said Lot 1; thence along said East line South 00°22'28" East 15.17 feet; thence leaving said East line North 41°41'08" West 72.69 feet to a point on said North line; thence along said North line North 89°35'15" East 13.23 feet to the **True Point of Beginning**.

Said parcel contains 625 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

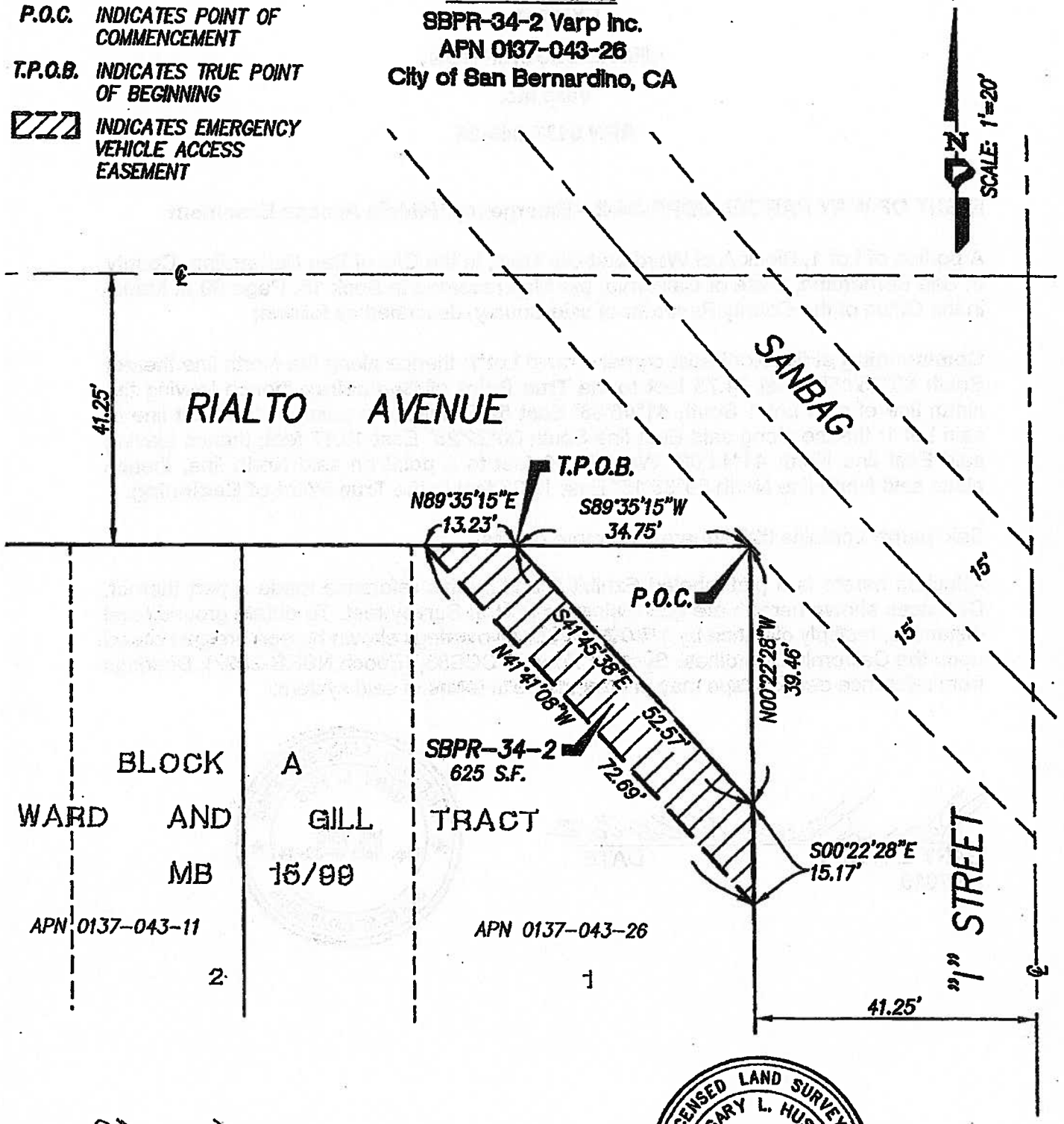
SBPR-34-2 Varp Inc.
APN 0137-043-26
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES EMERGENCY VEHICLE ACCESS EASEMENT



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Varp Inc.

APN 0137-043-26

RIGHT OF WAY PARCEL SBPR-34-3 – Temporary Construction Easement

A portion of Lots 1 and 2, Block A of Ward and Gill Tract, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 15, Page 99 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Northeast corner of said Lot 1; thence along the North line thereof South 89°35'15" West 47.98 feet to the **True Point of Beginning**; thence leaving said North line South 41°41'08" East 72.69 feet to a point on the East line of said Lot 1, said point bears South 00°22'28" East 54.63 feet from said Northeast corner; thence along said East line South 00°22'28" East 91.91 feet to the Southeast corner of said Lot 1; thence leaving said East line along the South line of said Lot 1 South 89°35'11" West 5.00 feet; thence leaving said South line parallel with said East line North 00°22'28" West 90.03 feet; thence North 41°41'08" West 68.54 feet; thence parallel with said North line South 89°35'15" West 24.77 feet to a point on the West line of the East half of said Lot 2; thence along said West line North 0°22'40" West 5.00 feet to a point on the North line of said Lot 2; thence along the North line of said Lots 1 and 2 North 89°35'15" East 27.03 feet to the **True Point of Beginning.**

Said parcel contains 937 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SBPR-34-3 Varp Inc.
APN 0137-043-26
City of San Bernardino, CA

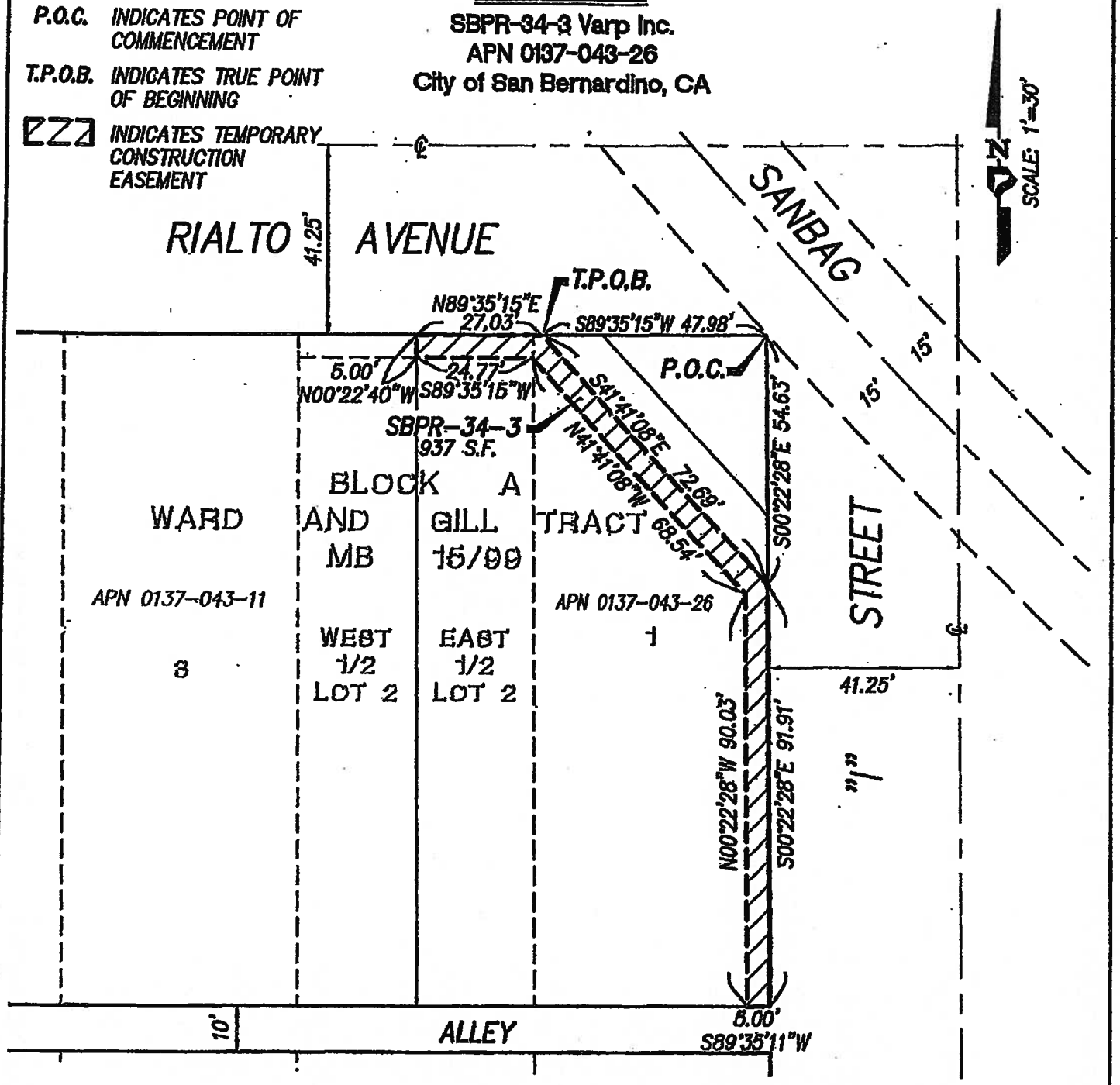
SHEET 1 OF 1

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



8-08-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT E

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Varp Inc.

APN 0138-043-11

RIGHT OF WAY PARCEL SBPR-35-2 – Temporary Construction Easement

The Northerly 5.00 feet of the West half of Lot 2, Block A of Ward and Gill Tract, in the City of San Bernardino, County of San Bernardino, State of California, per Map recorded in Book 15, Page 99 of Maps, in the Office of the County Recorder of said County, described as follows:

Said parcel contains 125 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-28-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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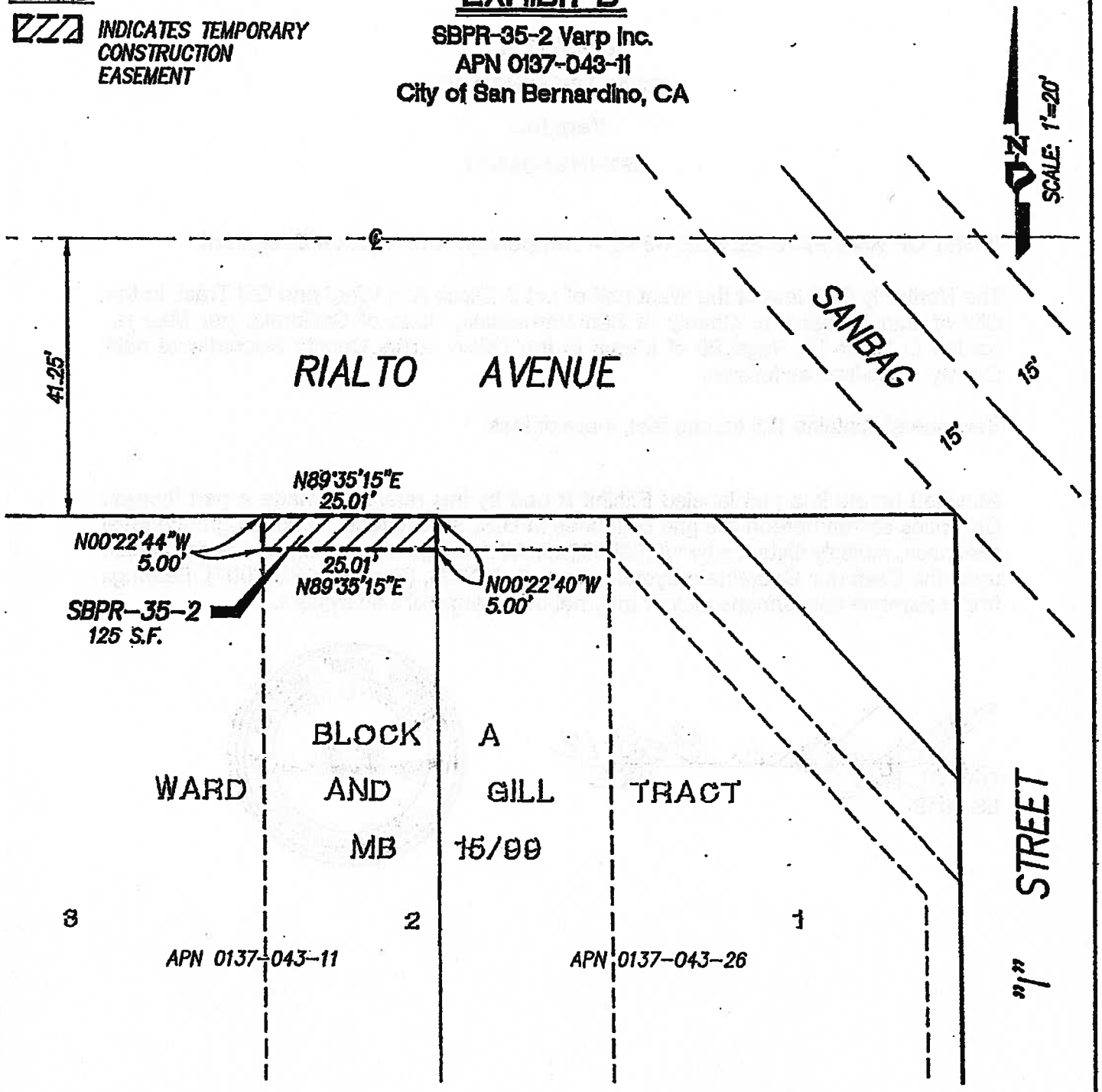
LEGEND

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-35-2 Varp Inc.
APN 0137-043-11
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

8-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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619.235.9471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-065

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 36, which represents a fee simple interest in the property located at 111 South "T" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-011-04, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

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

That portion of Lot 18, Block 12 of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 7 Page 2 of Maps, records of said County, described as follows:

Beginning at a point on the West line of said Lot, 107 feet South of the Northwest corner thereof; thence South along the West side of said Lot, 100 feet; thence East 150 feet to the Westerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company as the same now exists through said Lot, but not further East than 150 feet; thence North and West along said right of way line to the point of beginning.

Assessor's Parcel Number 0136-011-04-0-000

RESOLUTION NO. 13-066

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 37 and 38, which represents interests in portions of the property located at 131 South "T" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0136-011-03 and 0136-011-38, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit D attached hereto for public street purposes.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit E attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days

from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit G attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) eighteen (18) months from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits F and G are expressly limited as follows: the Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the TCE areas prior to the expiration of the TCEs, except that the Commission and/or its agents are repaving portions of the parking lot within the TCE 2 area for the benefit of the property's owner. Other than during a few brief periods when the Commission and/or its agents are performing work within the TCE 2 area, the Commission shall ensure the property's owner possesses reasonable access to and use of the TCE 2 area for parking. In addition, prior to the termination of the TCEs, the Commission shall restore the parking lot areas of the larger parcel to a paved, striped parking lot.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

(b) The Project is planned or located in the manner which will be most compatible

with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13066-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lots 17 and 18 of Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7 Page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning 207 feet South of the Northwest corner of Lot 18, said point being the Northwest corner of the property conveyed to Pabst Brewing Company in the deed recorded March 1, 1965 in Book 6340 Page 371 of Official Records;
Thence continuing along the West line of Lots 18 and 17, Block 12, 382.5 feet to the Northwest corner of Lot 1 of Walkinshaw Subdivision, recorded in Book 24 Page 04, of Maps, records of said County;
Thence East along the North line of said Lot 1, a distance of 150 feet to an angle point in the West line of Lot 3 of said Walkinshaw Subdivision;
Thence North along the West line of said Lot 3 to the Northwest corner thereof;
Thence East along the North line of said Walkinshaw Subdivision to a point 406.20 feet West of the East line of Lot 17, Block 12;
Thence North 4° 27'29" West 220.85 feet more or less, to a point in the Southerly line of the right of way of the California Central Railway Company, as conveyed in the deed recorded July 13, 1887 in Book 63 Page 140 of Deeds;
Thence Northwesterly along the Southerly line of said right of way to the Northeast corner of the property conveyed in the deed recorded March 1, 1965 in Book 6340 Page 371 of Official Records;
Thence West to the point of beginning.

Also excepting therefrom that portion conveyed to the State of California by Grant Deed recorded May 28, 1998 as Instrument No. 98-203870 of Official Records.

Also excepting therefrom all oil, gas, petroleum and other mineral or hydrocarbon substances in and under or which may be produced from the lands hereinabove described, together with the right to use those portions only of said lands which underlie a plane parallel to and 500 feet below the present surface of said lands, for the purpose of prospecting for, developing and/or extracting said oil, gas, petroleum and other mineral or hydrocarbon substances from said lands, by means of wells, drilled in to said subsurface of said lands from drill sites as reserved in the deed recorded April 12, 1957 in Book 4204 Page 399 of Official Records.

Assessor's Parcel Number: **0136-011-03; 0136-011-38;**

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP (FEE)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-03

RIGHT OF WAY PARCEL SBPR-37-1 – Fee

A portion of Lot 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence leaving said West line South 89°37'39" East 83.27 feet to the **True Point of Beginning**; thence South 89°37'39" East 48.13 feet to a point on the Southwest right-of-way of the California Central Railway Company per Book 63, Page 140 of Deeds, recorded July 13, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 1457.40 foot radius curve concave to the Northeast, a radial bearing to said point bears South 36°07'45" West; thence Southeasterly along said right-of-way and said curve through a central angle of 0°03'21" a distance of 1.42 feet; thence leaving said Southwest right-of-way North 89°37'39" West 49.28 feet; thence North 00°00'00" East 0.83 feet to the **True Point of Beginning.**

Said parcel contains 40 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

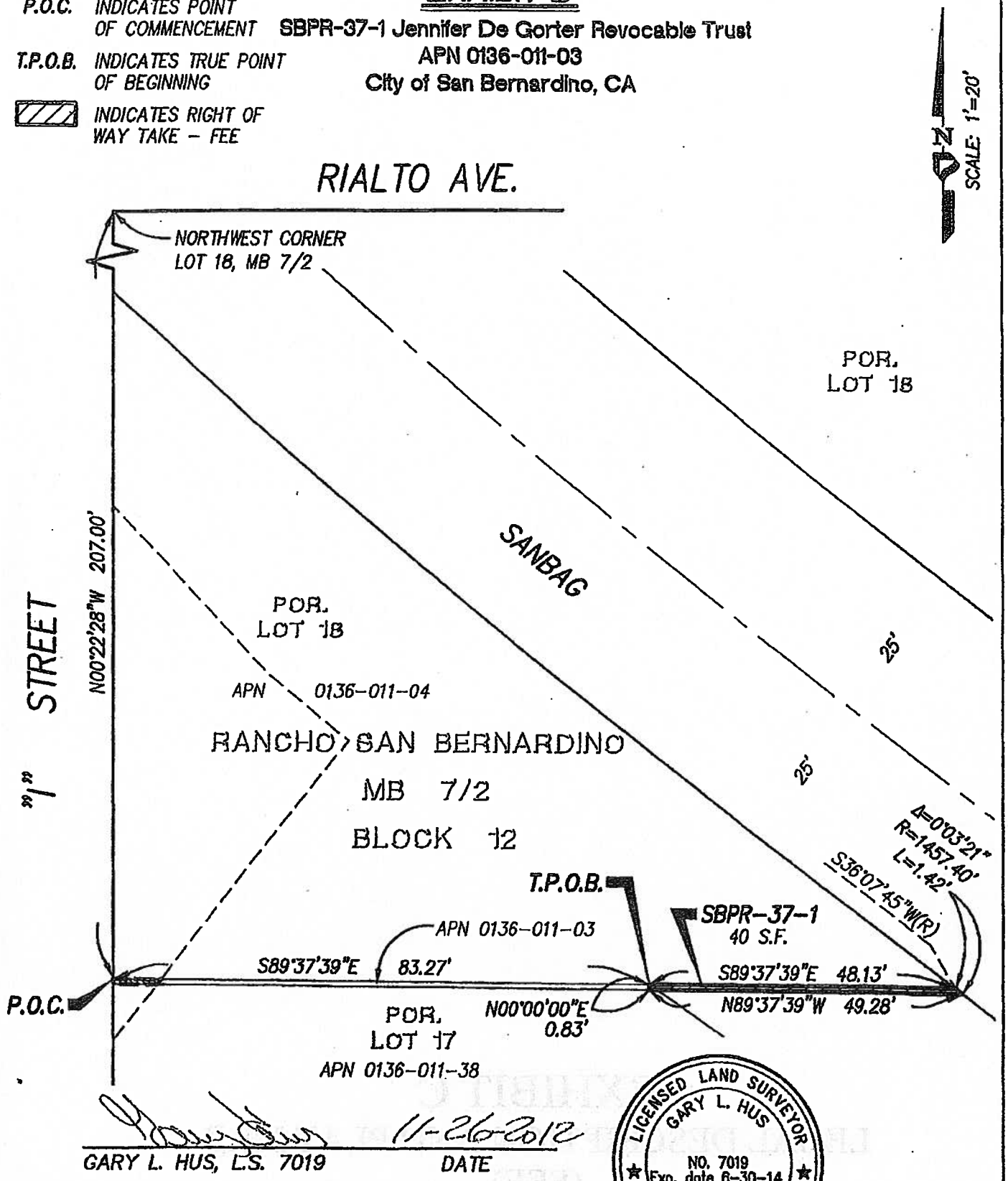
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-37-1 Jennifer De Gorter Revocable Trust
APN 0136-011-03
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP (FEE)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-38

RIGHT OF WAY PARCEL SBPR-38-1 – Fee

A portion of Lots 17 and 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence along said West line South 00°22'28" East 0.83 feet to the **True Point of Beginning**; thence leaving said West line South 89°37'39" East 84.46 feet to the **True Point of Beginning**; thence South 89°37'39" East 48.09 feet to a point on the Southwest right-of-way of the California Central Railway Company per Book 63, Page 140 of Deeds, recorded July 13, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point also being on a non-tangent 1457.40 foot radius curve concave to the Northeast, a radial bearing to said point bears South 36°04'24" West; thence Southeasterly along said right-of-way and said curve through a central angle of 1°38'06" a distance of 41.59 feet to the beginning of a 788.94 foot radius compound curve concave to the Northeast; thence continuing Southeasterly along said right-of-way and along said curve through a central angle of 2°51'47" a distance of 39.42 feet to a point on the West line of Interstate 215, per final order of condemnation per Document No. 2000-0195763, recorded June 1, 2000 in the Office of the County Recorder of said County and shown on California Department of Transportation Drawing No. 403596-2 dated January 13, 2003; thence leaving said Southwest right-of-way and along the West line of said Interstate 215 South 03°34'23" East 21.37 feet to the beginning of a non-tangent 758.26 foot radius curve concave to the Northeast, a radial bearing to said point bears South 24°52'46" West; thence leaving said West line and Northwesterly along said curve through a central angle of 10°10'05" a distance of 134.57 feet to the **True Point of Beginning.**

Said parcel contains 2,505 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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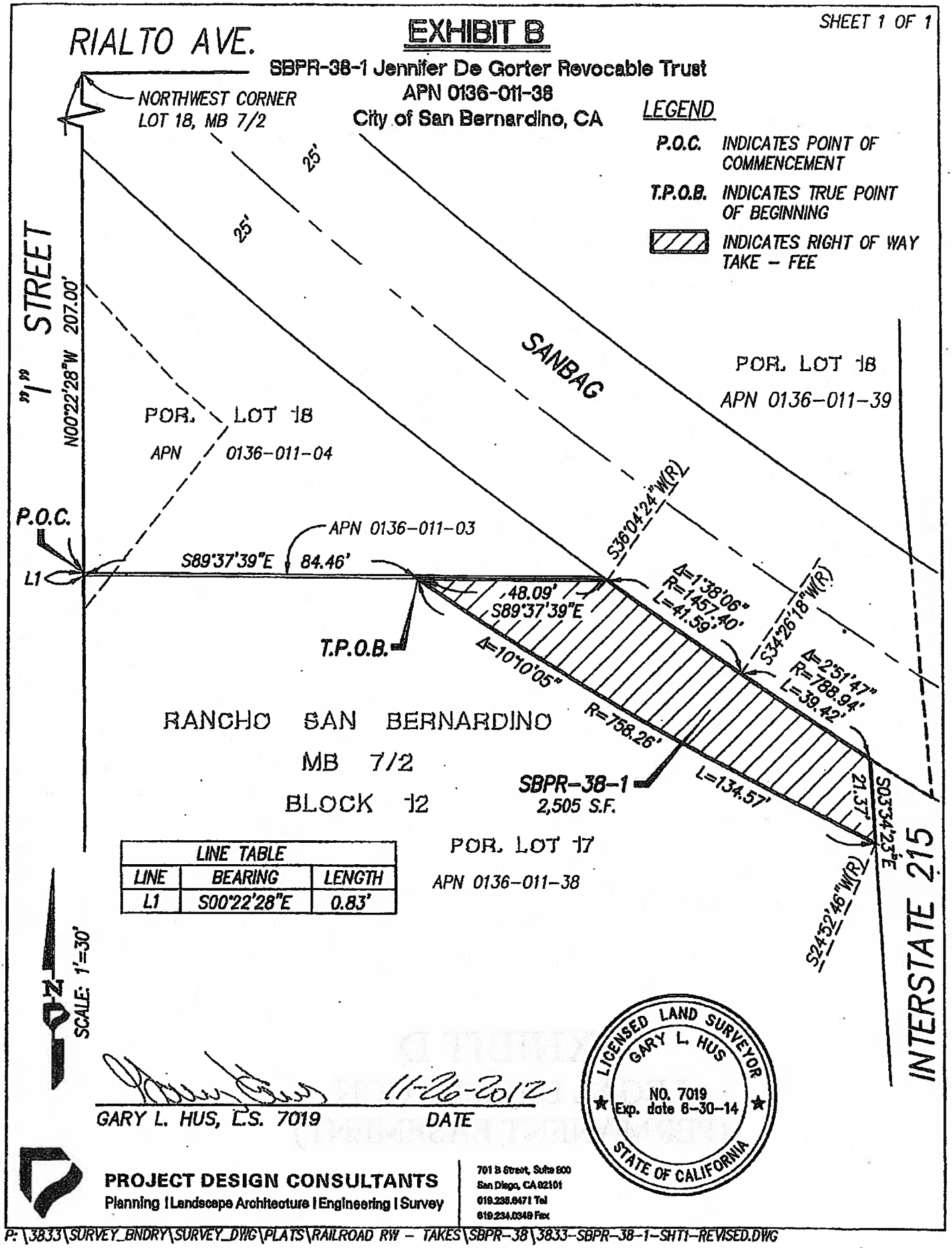
EXHIBIT B

SBPR-38-1 Jennifer De Gorter Revocable Trust
APN 0136-011-38
City of San Bernardino, CA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°22'28"E	0.83'

11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D
LEGAL DESCRIPTION
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-03

RIGHT OF WAY PARCEL SBPR-37-3 – Permanent Easement

A portion of Lot 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence leaving said West line South 89°37'39" East 7.38 feet; thence South 38°02'10" West 1.05 feet; thence North 89°37'39" West 6.73 feet to a point on said West line; thence along said West line North 00°22'28" West 0.83 feet to the **Point of Beginning**.

Said parcel contains 6 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.B. INDICATES POINT OF BEGINNING

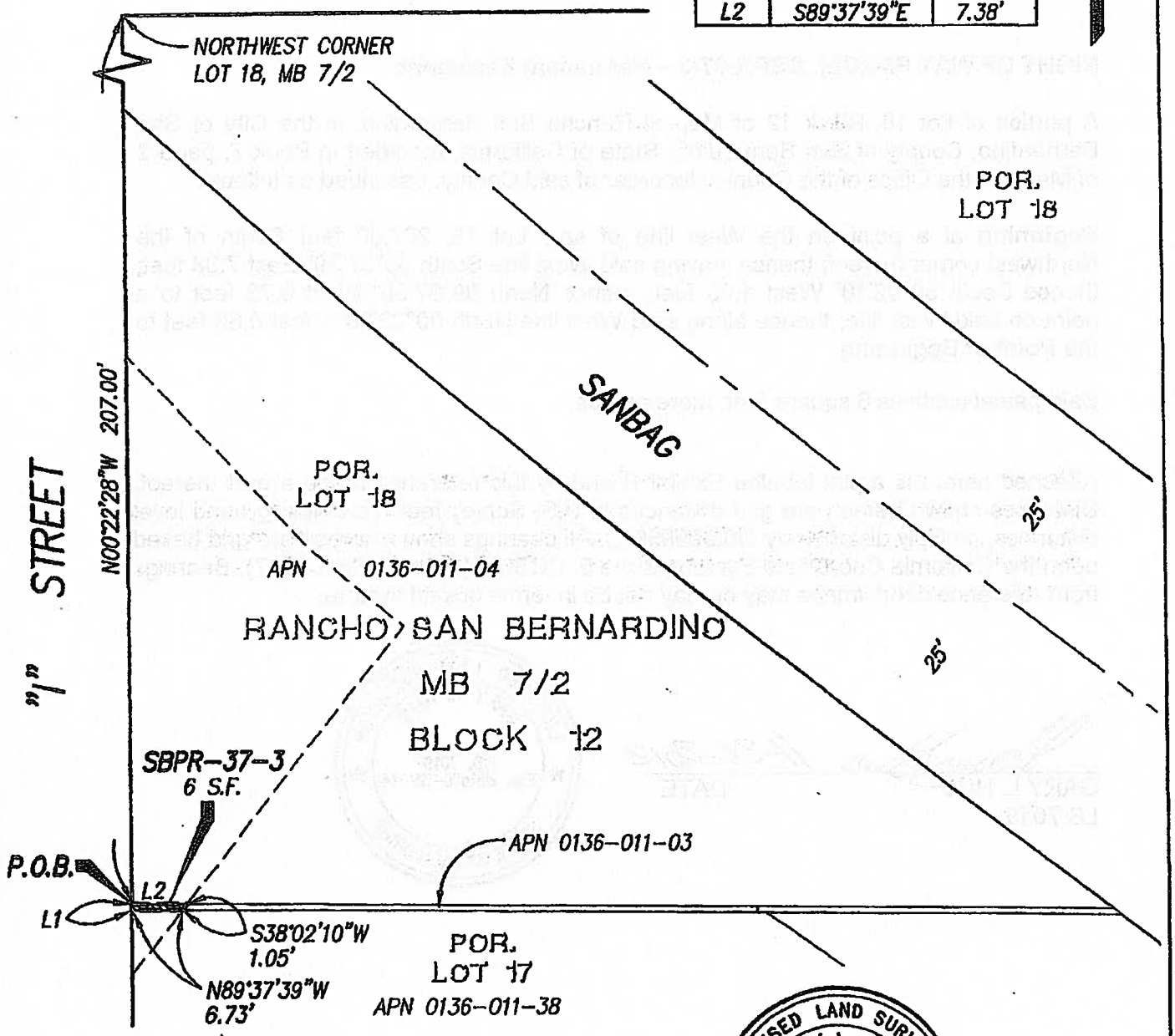
INDICATES PERMANENT EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-37-3 Jennifer De Gorter Revocable Trust
APN 0136-011-03
City of San Bernardino, CA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°22'28"W	0.83'
L2	S89°37'39"E	7.38'



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT E

LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-38

RIGHT OF WAY PARCEL SBPR-38-3 – Permanent Easement

A portion of Lots 17 and 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence along said West line South 00°22'28" East 0.83 feet to the **True Point of Beginning**; thence leaving said West line South 89°37'39" East 6.73 feet; thence South 38°02'10" West 10.83 feet to a point on the West line of said Lot 17; thence along the West line of said Lots 17 and 18 North 00°22'28" West 8.57 feet to the **True Point of Beginning.**

Said parcel contains 29 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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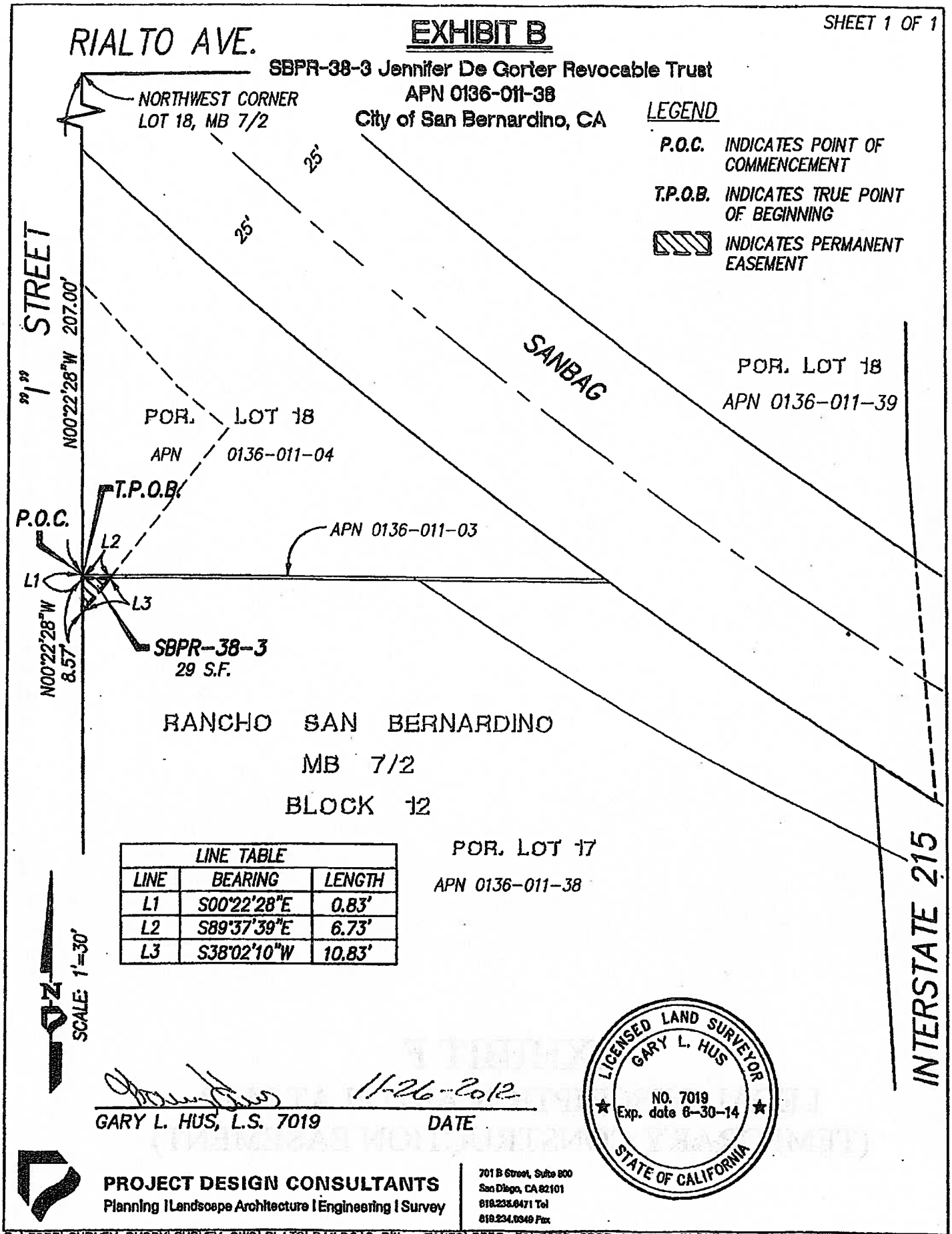
EXHIBIT B

SBPR-38-3 Jennifer De Gorter Revocable Trust
APN 0136-011-38
City of San Bernardino, CA



LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°22'28"E	0.83'
L2	S89°37'39"E	6.73'
L3	S38°02'10"W	10.83'

11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-03

RIGHT OF WAY PARCEL SBPR-37-2 – Temporary Construction Easement

A portion of Lot 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence leaving said West line South 89°37'39" East 7.38 feet to the **True Point of Beginning**; thence South 89°37'39" East 75.89 feet; thence South 0.83 feet; thence North 89°37'39" West 76.54 feet; thence North 38°02'10" East 1.05 feet to the **True Point of Beginning**.

Said parcel contains 63 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-17-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

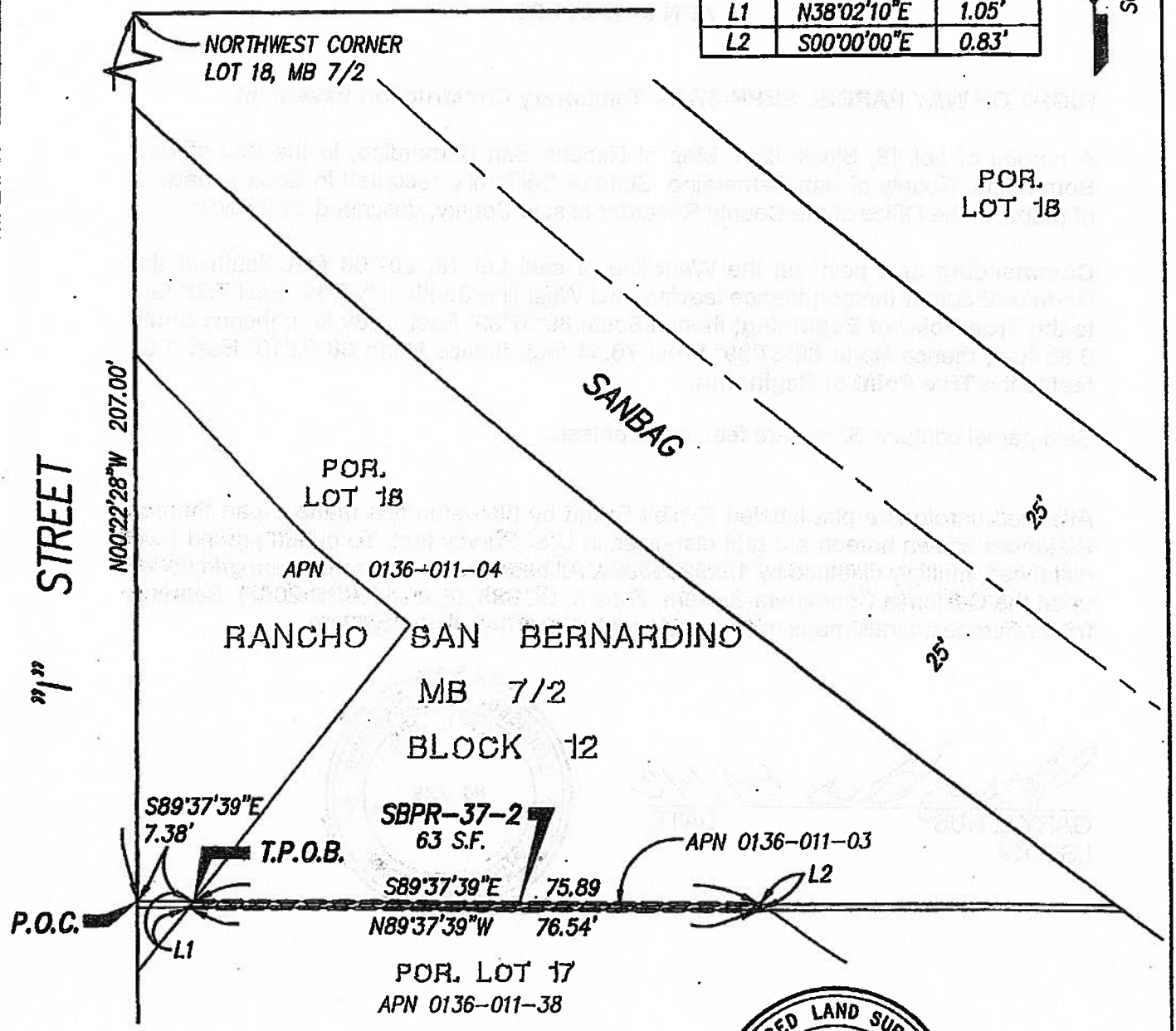
EXHIBIT B

SHEET 1 OF 1

SBPR-37-2 Jennifer De Gorter Revocable Trust
APN 0136-011-03
City of San Bernardino, CA

SCALE: 1"=20'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°02'10"E	1.05'
L2	S00°00'00"E	0.83'



7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT G

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Jennifer De Gorter Revocable Trust

APN 0136-011-38

RIGHT OF WAY PARCEL SBPR-38-2 – Temporary Construction Easement

A portion of Lots 17 and 18, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the West line of said Lot 18, 207.00 feet South of the Northwest corner thereof; thence along said West line South 00°22'28" East 9.40 feet to the **True Point of Beginning**; thence continuing along said West line South 00°22'28" East 115.82 feet; thence leaving said West line North 89°47'51" East 65.13 feet; thence South 00°12'09" East 16.55 feet; thence North 89°47'51" East 41.39 feet; thence South 00°12'09" East 18.69 feet; thence North 89°48'03" East 71.78 feet; thence North 00°16'06" West 102.03 feet to a point on a non-tangent 758.26 foot radius curve concave to the Northeast, a radial bearing to said point bears South 26°44'09" West; thence Northwesterly along said curve through a central angle of 8°18'42" a distance of 110.00 feet; thence North 89°37'39" West 77.73 feet; thence South 38°02'10" West 10.83 feet to the **True Point of Beginning.**

Said parcel contains 22,444 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-17-12

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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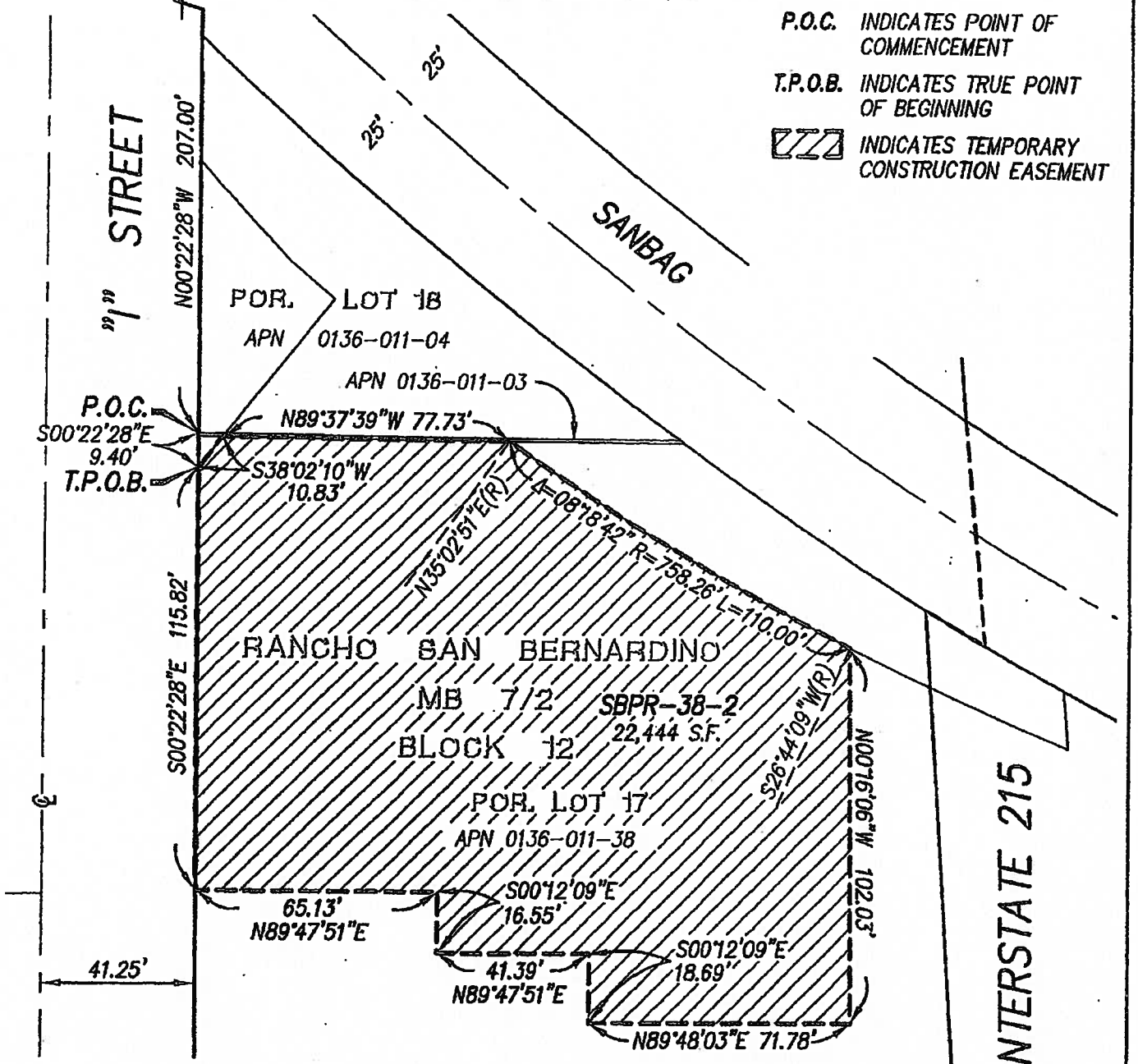
RIALTO AVE. EXHIBIT B

SBPR-38-2 Jennifer De Gorter Revocable Trust
APN 0136-011-38
City of San Bernardino, CA



LEGEND

- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
- INDICATES TEMPORARY CONSTRUCTION EASEMENT

GARY L. HUS, L.S. 7019 — DATE 7-19-2012

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-067

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 39 and 44, which represents interests in portions of the property located at 144 South "G" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0136-011-31 and 0136-091-11, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) fourteen (14) days from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the

commencement of construction, except that the northerly driveway to the larger parcel will be eliminated as part of the Project's construction.

WHEREAS, the property interests described above and encompassed by Exhibit D are expressly limited as follows: The Commission and/or its agents shall perform its work in a manner that ensures that at least one of the two driveways within the TCE area remains open and operational at all times during construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of

Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel A:

That portion of Lot 2, Block 12 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page(s) 2 and 2A, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the West line of "G" Street which is North 314.14 feet from the intersection of the West line of "G" Street and the North line of Congress Street;
Thence continuing North along the West line of "G" Street 167 feet, more or less, to the South line of that certain parcel of land conveyed to the San Bernardino Valley Railway Company, as recorded in Book 57, Page(s) 494, of Deeds, Records of said County;
Thence South 89° 54' 45" West along said South line 638.38 feet, more or less, to the West line of said Lot 2;
Thence South 0° 01' 25" East along the West line of said Lot 2 a distance of 164.54 feet, more or less, to a point 314.14 feet North of the North line of Congress Street;
Thence South 89° 50' 00" East a distance of 638.25 feet, more or less, to a point of beginning.

Parcel B:

All that portion of Lot 17 of Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, Pages 2 and 2a, of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a 2-inch pipe marking the Southeast corner of that certain parcel of land conveyed to the State of California, by deed recorded June 13, 1957, in Book 4255, Page 210, Official Records;
Thence along the Southerly line of said State of California land, South 89° 27' 14" West, 174.93 feet;
Thence Course "A", North 2° 25' 12" East to the Southerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company Right of Way;
Thence Easterly along said Railway Company right of way to its intersection with the Easterly line of said Lot 17;
Thence Southerly along said Easterly line to the Point of Beginning.

Excepting therefrom that portion described as follows:

Beginning at a 2-inch pipe marking the Southeast corner of that certain parcel of land conveyed to the State of California, by deed recorded June 13, 1957, in Book 4255, Page 210, Official Records;
Thence along the Southerly line of said State of California land, South 89 27' 14" West, 174.93 feet;
Thence Course "A", North 2° 25' 12" East 104.42 feet to the Northeasterly line of said State of California parcel of land;
Thence along said Northeasterly line, South 64° 41' 14" East 86.68 feet;
Thence along a tangent curve concave Southwesterly with a radius of 586.80 feet through an angle of 7° 08' 40" a distance of 73.17 feet;
Thence South 57° 32' 34" East 8.29 feet;
Thence along a tangent curve concave Southwesterly with a radius of 353.78 feet;
Through an angle of 4° 08' 23", a distance of 25.56 feet to a 2-inch iron pipe marking the Northeast corner of said State of California land;
Thence along the Easterly line of said State of California land, South 0° 34' 02" 11.35 feet to the Point of Beginning.

Also except therefrom that portion of said land conveyed to the State of California, more particularly described in that certain document recorded October 30, 2009 as Instrument No. 2009-0475072 of Official Records.

Assessor's Parcel Number: **0136-091-11-0-000** **0136-011-31-0-000**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Jong Uk and Bok Soon Byun

APN 0136-011-31

RIGHT OF WAY PARCEL SBPR-39-1 – Fee

A portion of Lot 17, Block 12 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Southwest right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the East line of said Lot 17; thence along said East line South 00°22'30" East 41.78 feet; thence leaving said East line North 81°25'56" West 140.79 feet; thence North 64°38'58" West 17.73 feet to a point on the East line of Interstate 215 as shown on California Department of Transportation Drawing No. 403596-2 dated January 13, 2003; thence along said East line North 00°49'39" East 23.63 feet to said Southwest right-of-way of the former A.T. & S.F. Railroad, said point also being on a 788.94 foot radius curve concave to the North, a radial bearing to said point bears South 09°23'27" West; thence Southeasterly along said Southwest right-of-way and said curve through a central angle of 9°46'56" a distance of 134.70 feet; thence continuing along said right-of-way North 89°36'31" East 20.51 feet to the **True Point of Beginning.**

Said parcel contains 5,053 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

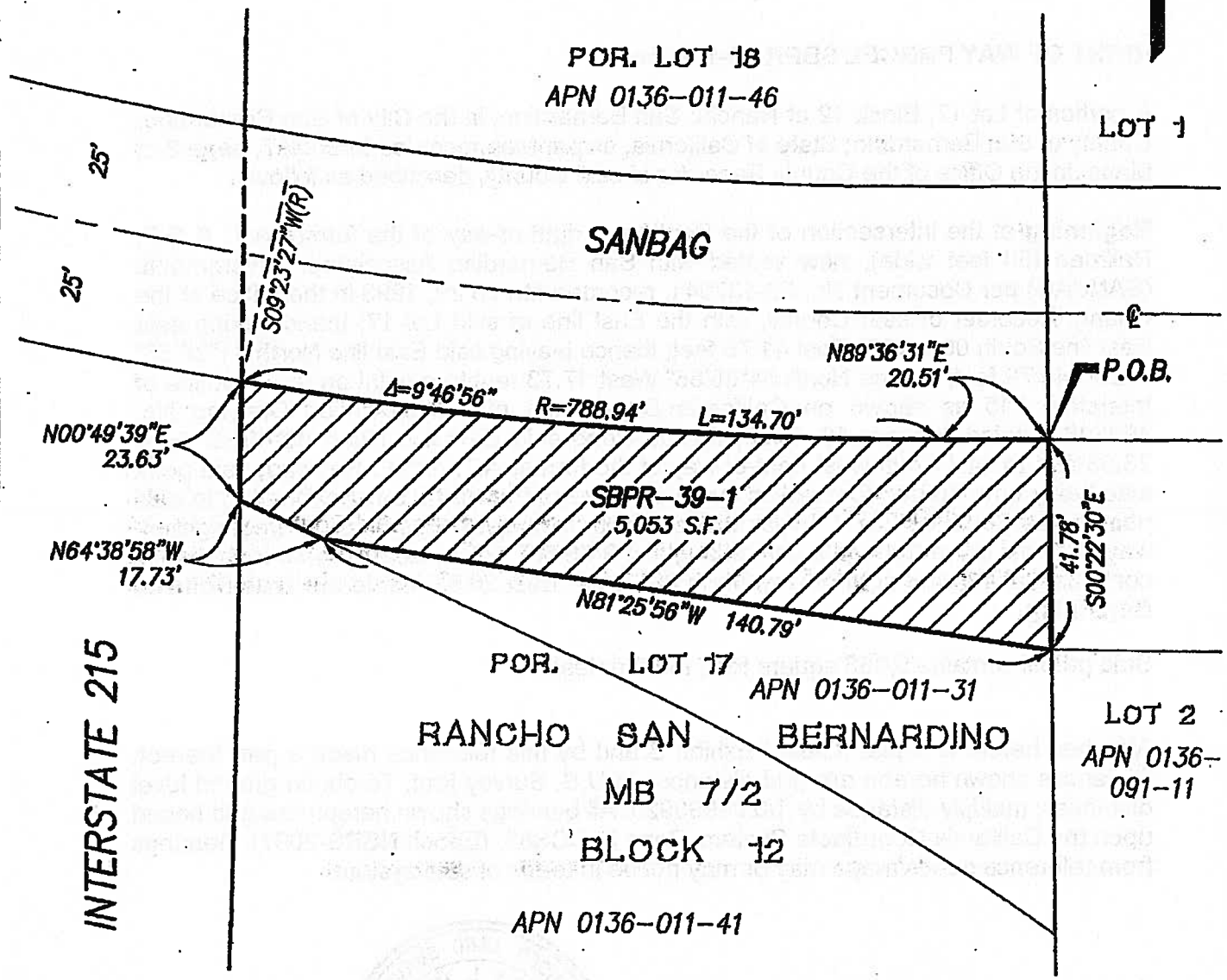
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-39-1 Jong Uk and Bok Soon Byun
APN 0136-011-31
City of San Bernardino, CA



7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Jong Uk and Bok Soon Byun

APN 0136-091-11

RIGHT OF WAY PARCEL SBPR-44-1 – Fee

A portion of Lot 2, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the East line of said Lot 2, with the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said East line South 00°21'08" East 24.64 feet; thence leaving said East line North 86°23'13" West 106.38 feet; thence South 88°36'47" West 299.36 feet; thence South 86°35'01" West 137.27 feet; thence South 68°24'31" West 34.69 feet; thence North 90°00'00" West 63.97 feet to a point on the West line of said Lot 1; thence along said West line North 00°22'30" West 41.76 feet to a point on said South right-of-way; thence leaving said West line and along said South right-of-way North 89°36'31" East 638.83 feet to the **Point of Beginning.**

Said parcel contains 15,565 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

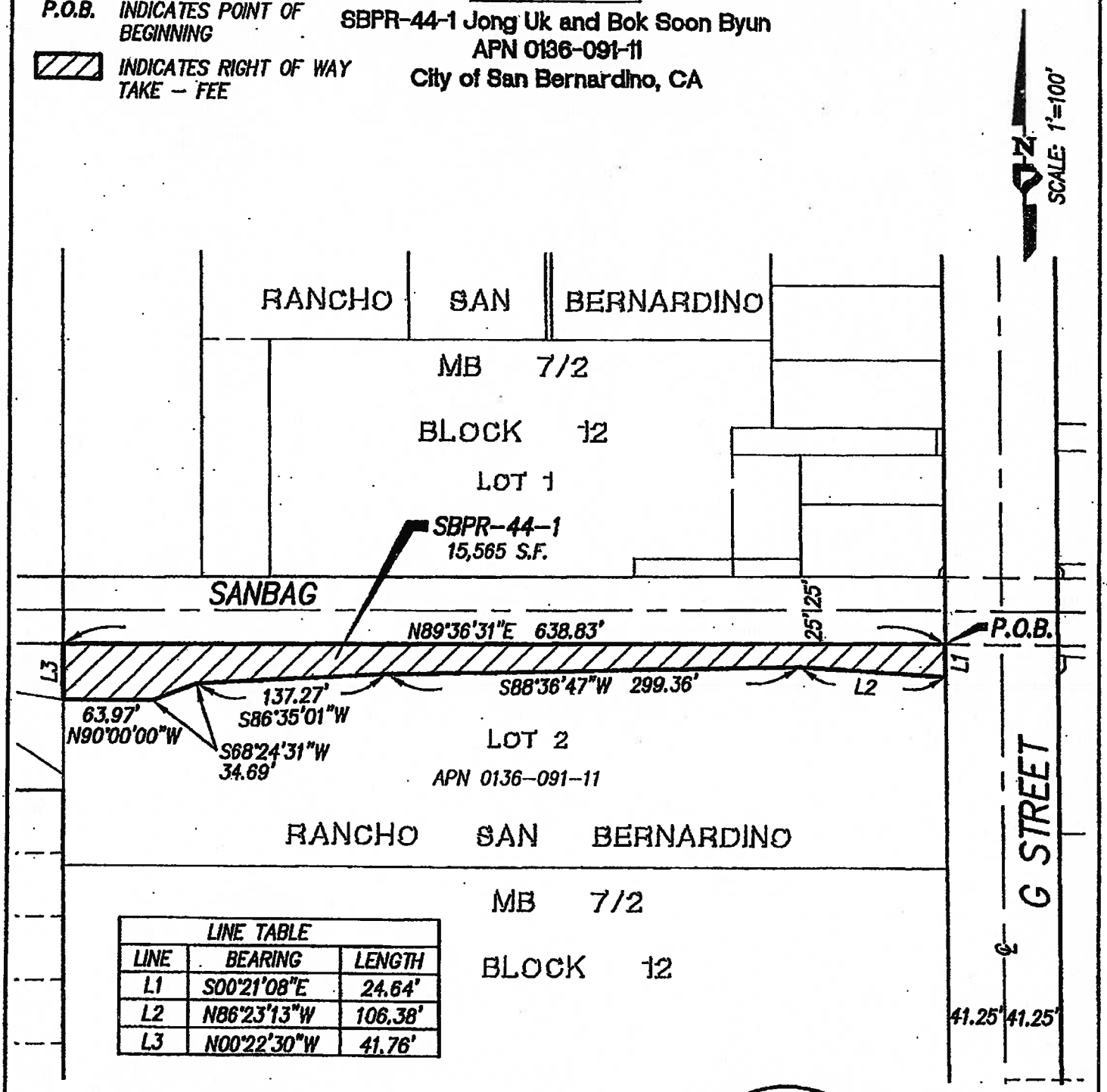
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-44-1 Jong Uk and Bok Soon Byun
APN 0136-091-11
City of San Bernardino, CA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°21'08"E	24.64'
L2	N86°23'13"W	106.38'
L3	N00°22'30"W	41.76'

GARY L. HUS, L.S. 7019 — DATE 8-13-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Jong Uk and Bok Soon Byun

APN 0136-091-11

RIGHT OF WAY PARCEL SBPR-44-3 – Temporary Construction Easement

A portion of Lot 2, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 2, with the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said East line South 00°21'08" East 24.64 feet to the **True Point of Beginning**; thence continuing along said East line South 00°21'08" East 142.34 feet; thence leaving said East line South 89°49'33" West 5.00 feet; thence parallel with said East line North 00°21'08" West 142.67 feet; thence South 86°23'13" East 5.01 to the **True Point of Beginning.**

Said parcel contains 713 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

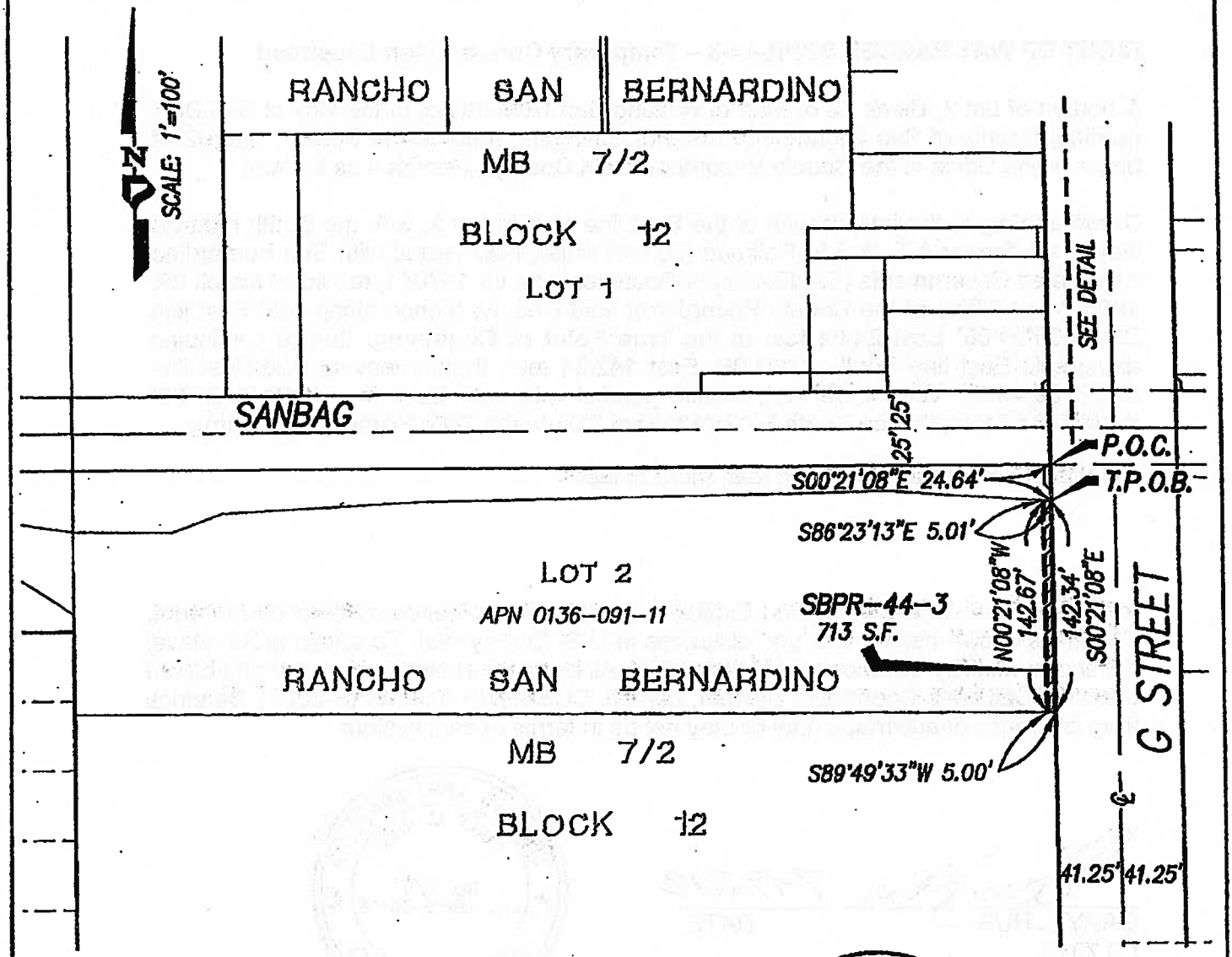
SBPR-44-3 Jong Uk and Bok Soon Byun
APN 0136-091-11
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



7-19-2012

GARY L. HUS, L.S. 7019 — DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
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San Diego, CA 92101
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619.234.0349 Fax

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RESOLUTION NO. 13-068

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 40, 41, 42, and 43, which represents interests in portions of the property located at 114-124 S. "G" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0136-011-22, 0136-011-26, 0136-011-27, and 0136-011-28, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit D attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the

earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) fourteen (14) days from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit G attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 3"). TCE 3 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 3, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 3, (b) fourteen (14) days from the commencement date of TCE 3, or (c) December 31, 2015. At the expiration of TCE 3, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit H attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 4"). TCE 4 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 4, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 4, (b) eighteen (18) months from the commencement date of TCE 4, or (c) December 31, 2015. At the expiration of TCE 4, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits E, F, G, and H the Commission are expressly limited as follows: the Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the TCE areas prior to the expiration of the TCEs.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13068-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel A:

All that portion of Lot 1, Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, Page(s) 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the North boundary line of right-of-way of Southern California Railroad Company, now Atchison, Topeka and Santa Fe Railway and the West line of "G" Street, in the East line of said Lot;
Thence North 90 feet;
Thence West 105 feet;
Thence South 90 feet, more or less, to the North boundary line of right-of-way of Southern California Railway Company;
Thence East 105 feet along the North line of right-of-way of Southern California Railway Company, to the point of beginning.

Parcel B:

All that portion of Lot 1, Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, Page(s) 2 of Maps, in the office of the County recorder of said County, described as follows:

Commencing at a point on the North line of the right of way of The AT&SF Railroad which is 105 feet West of the West line of "G" Street;
Thence North 90 feet;
Thence West 50 feet;
Thence South 90 feet to the North line of said right of way;
Thence East along the North line of said right of way 50 feet to the point of beginning.

Parcel C:

All that portion of Lot 1, Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, Page(s) 2 of Maps, in the office of the County recorder of said County, described as follows:

Beginning at a point on the North boundary line of the right of way of the Southern California Railway Co., now AT&SF Railroad, North of The Southeast corner of said Lot; Thence North 110 feet, more or less, to the South fence line of the Tract of Land occupied by a brick dwelling house (said course being 135 feet North of the Southeast corner of said Lot 1;
Thence West 125 feet;
Thence North to a point 150 feet South of the North boundary line of said Lot 1;
Thence West to the West boundary line of said Lot 1;
Thence South to the right of way of said Railroad;
Thence East to the point of beginning.

Saving and excepting therefrom those portions thereof described as follows:

Beginning 150 feet South of the Northwest corner of said Lot 1;
Thence South to the railroad right of way;
Thence East along said right of way, 100 feet;
Thence North to a point 150 feet South of the North line of said Lot 1;
Thence West to the point of beginning.

Beginning at a point 164 feet South and 100 feet East of the Northwest corner of said Lot 1;
Thence East 50 feet;
Thence South 161 feet, more or less, to the North line of the right-of-way of said railroad;
Thence West 50 feet;
Thence North 161 feet to the point of beginning.

Beginning at a point on the North boundary line of the right of way of the Southern California Railway Co. (now AT&SF Railroad) North of the Southeast corner of said Lot;
Thence North 110 feet to the South fence line of the tract of land occupied by a brick dwelling house, said course being 135 feet North of the Southeast corner of said Lot 1;
Thence West 155 feet;
Thence South 110 feet to the North boundary line of the right of way of Southern California Railway Co.;
Thence East along the railroad right of way to the point of beginning.

Beginning at a point 100 feet East and 150 feet South of the Northwest corner of said Lot 1;
Thence East 50 feet;
Thence South 14 feet;
Thence West 50 feet;
Thence North 14 feet to the point of beginning.

Together with a right of way as granted by Mary Jane Goodsell to Adolph Johnson by deed dated April 21, 1903 and recorded in Book 334, Page 48 of Deeds, records of San Bernardino County, described as follows:

Beginning at a point 125 feet West of the Northeast corner of said Lot 1;
Thence South 150 feet;
Thence West 14 feet;
Thence North 150 feet;
Thence East to the place of beginning.

Parcel D:

That portion of Lot 1, Block 12, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page(s) 2 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point in the East line of said Lot, 110 feet North of the North line of the right way of the Santa Fe Railroad;
Thence North 50 feet;
Thence West 125 feet;
Thence South 50 feet;
Thence East 125 feet to the point of beginning.

APN: 0136-011-22; 0136-011-26; 0136-011-27; 0136-011-28

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-22

RIGHT OF WAY PARCEL SBPR-40-1 – Fee

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 155.00 feet to the **True Point Of Beginning**; thence continuing along said North right-of-way South 89°36'31" West 71.41 feet; thence leaving said North right-of-way North 00°22'41" West 13.40 feet; thence parallel with said North right-of-way North 89°36'31" East 71.42 feet; thence South 00°21'08" East 13.40 feet to the **True Point of Beginning**.

Said parcel contains 957 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

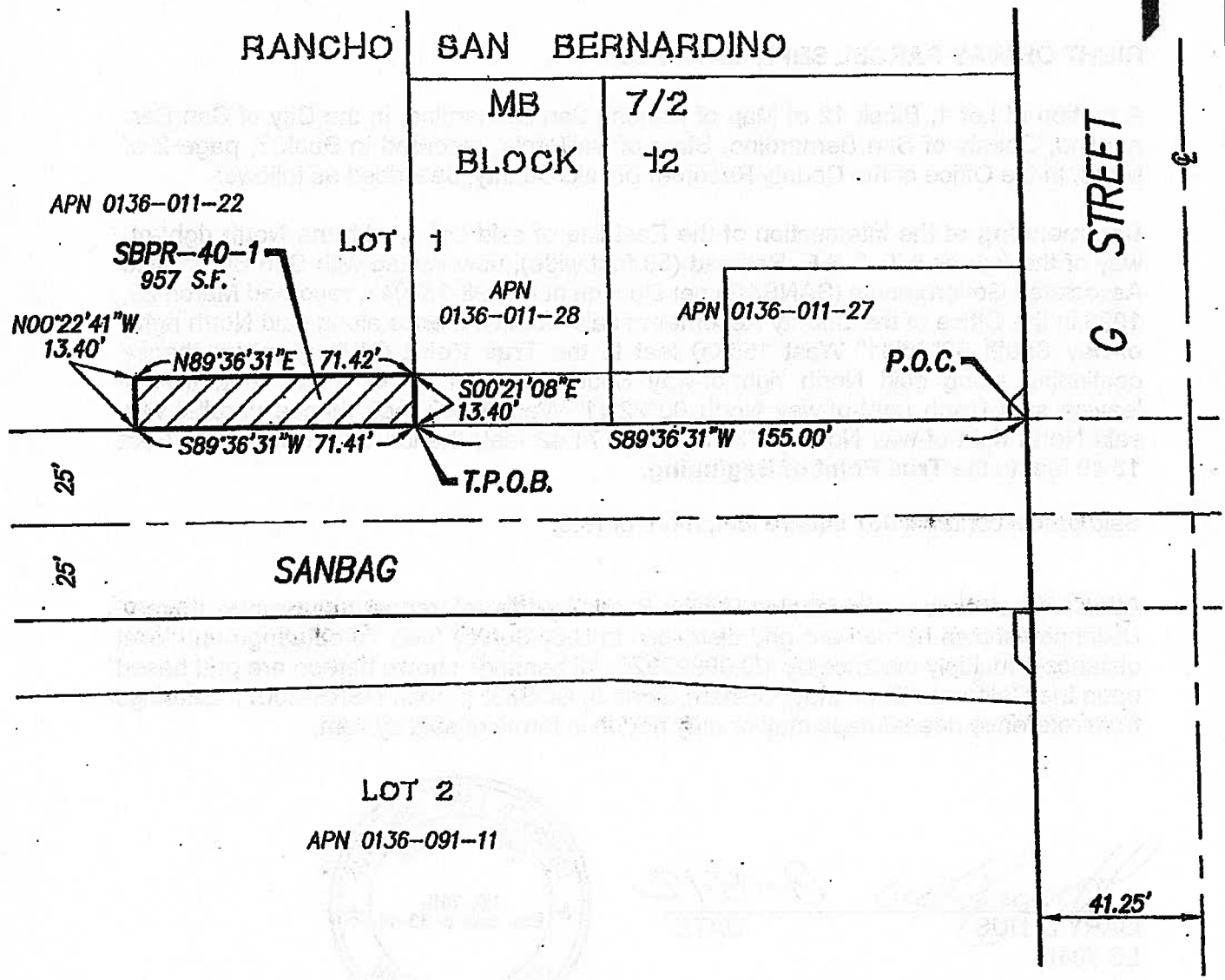
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SBPR-40-1 Fletcher Trust
APN 0136-011-22
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019 — DATE 8-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT C
LEGAL DESCRIPTION AND MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-27

RIGHT OF WAY PARCEL SBPR-42-1 – Fee

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said right-of-way South 89°36'31" West 105.00 feet; thence leaving said right-of-way and parallel with said East line North 00°21'08" West 13.40 feet; thence parallel with said right-of-way North 89°36'31" East 29.64 feet; thence North 00°03'07" West 26.95 feet; thence North 89°56'53" East 75.22 feet to a point on the East line of said Lot 1; thence along said East line South 00°21'08" East 39.91 feet to the **Point of Beginning.**

Said parcel contains 3,419 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

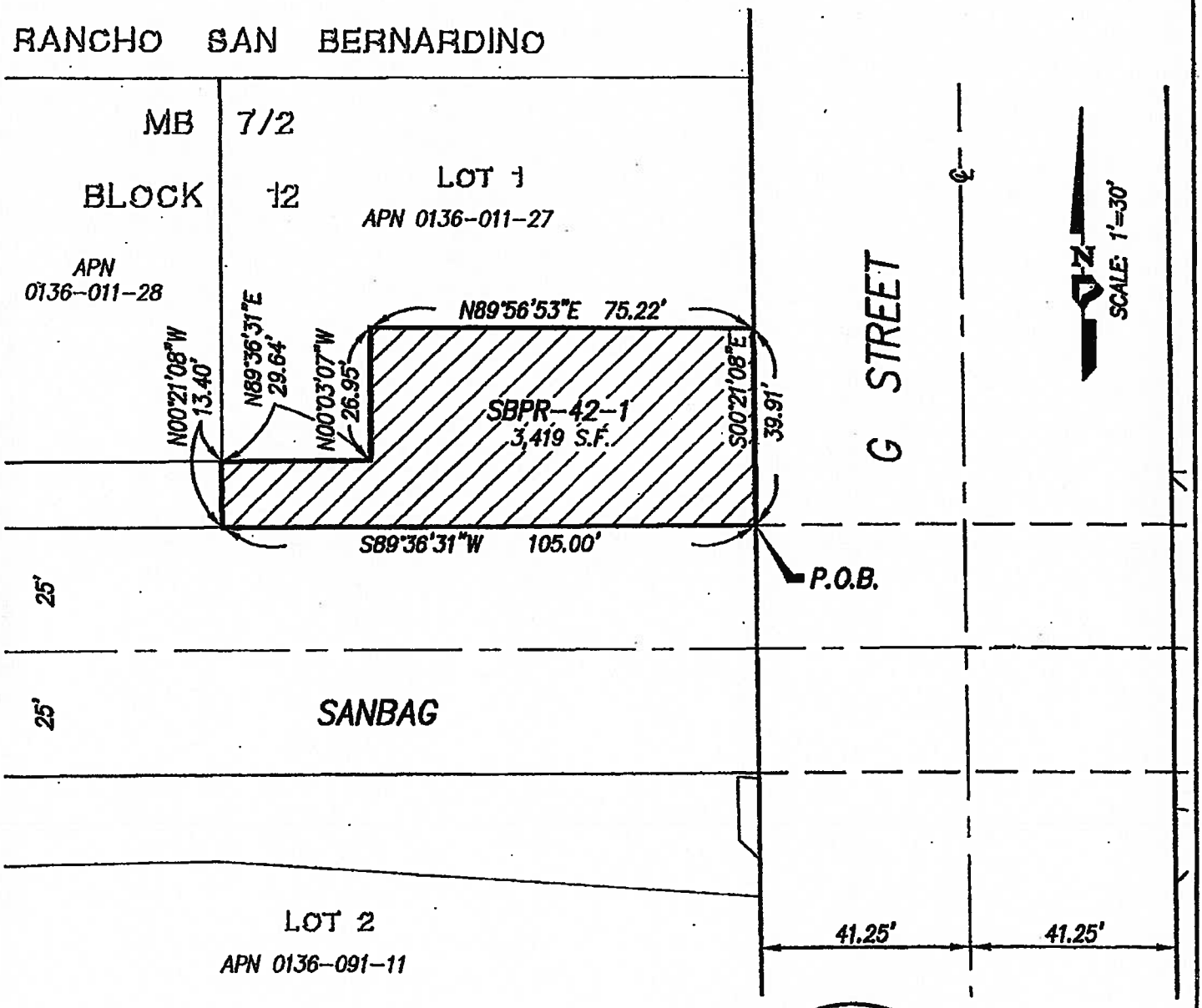
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SBPR-42-1 Fletcher Trust
APN 0136-011-27
City of San Bernardino, CA

SHEET 1 OF 1



8-13-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D
LEGAL DESCRIPTION
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-28

RIGHT OF WAY PARCEL SBPR-41-1 – Fee

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 105.00 feet to the **True Point Of Beginning**; thence continuing along said North right-of-way South 89°36'31" West 50.00 feet; thence leaving said North right-of-way North 00°21'08" West 13.40 feet; thence parallel with said North right-of-way North 89°36'31" East 50.00 feet; thence South 00°21'08" East 13.40 feet to the **True Point of Beginning**.

Said parcel contains 670 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

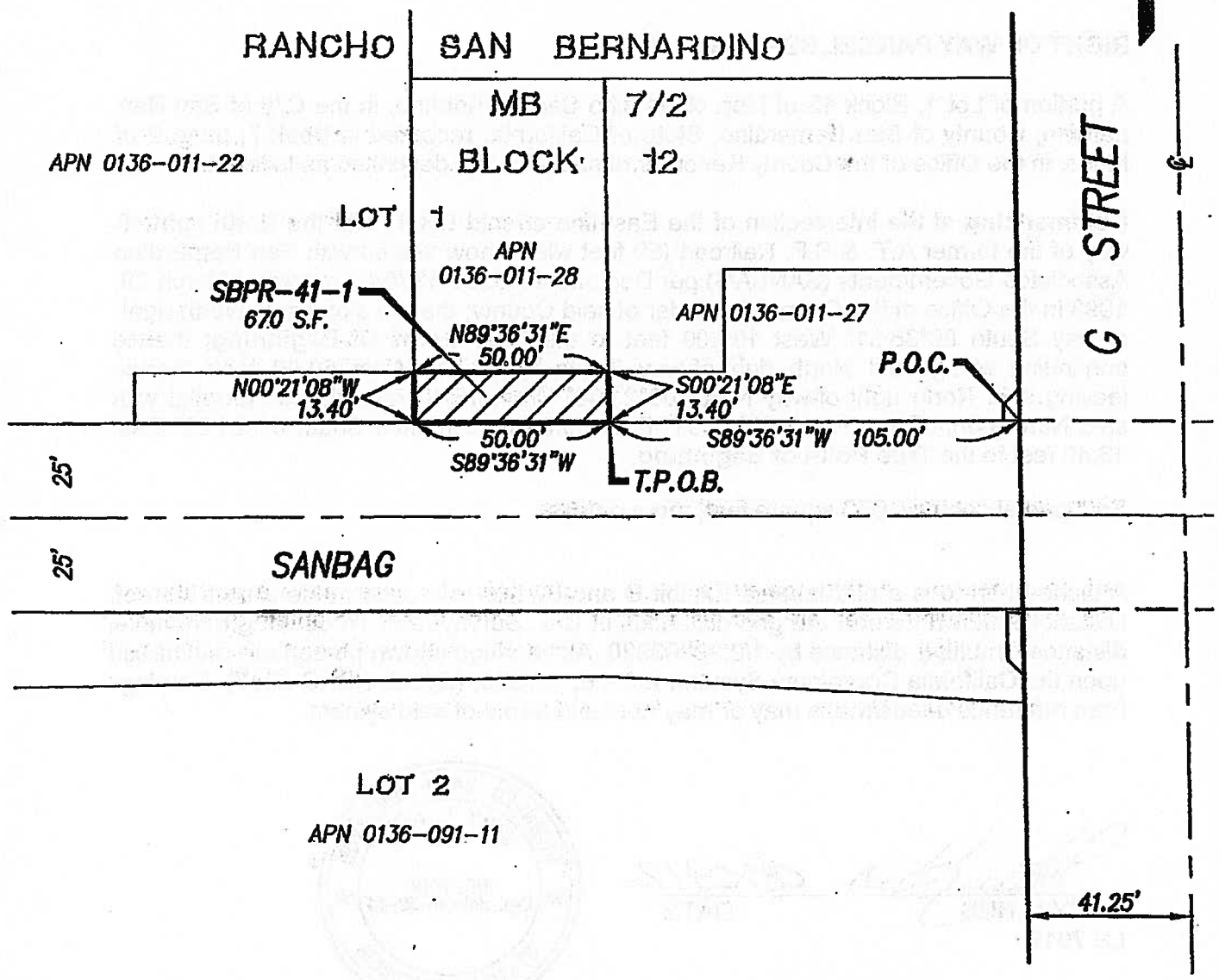
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SBPR-41-1 Fletcher Trust
APN 0136-011-28
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

08-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT E

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-22

RIGHT OF WAY PARCEL SBPR-40-2 – Temporary Construction Easement

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 155.00 feet; thence leaving said North right-of-way North 00°21'08" West 13.40 feet to the **True Point Of Beginning**; thence parallel with said North right-of-way South 89°36'31" West 71.42 feet; thence North 00°27'50" West 5.00 feet; thence parallel with said North right-of-way North 89°36'31" East 71.43 feet; thence South 00°21'08" East 5.00 feet to the **True Point of Beginning.**

Said parcel contains 357 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

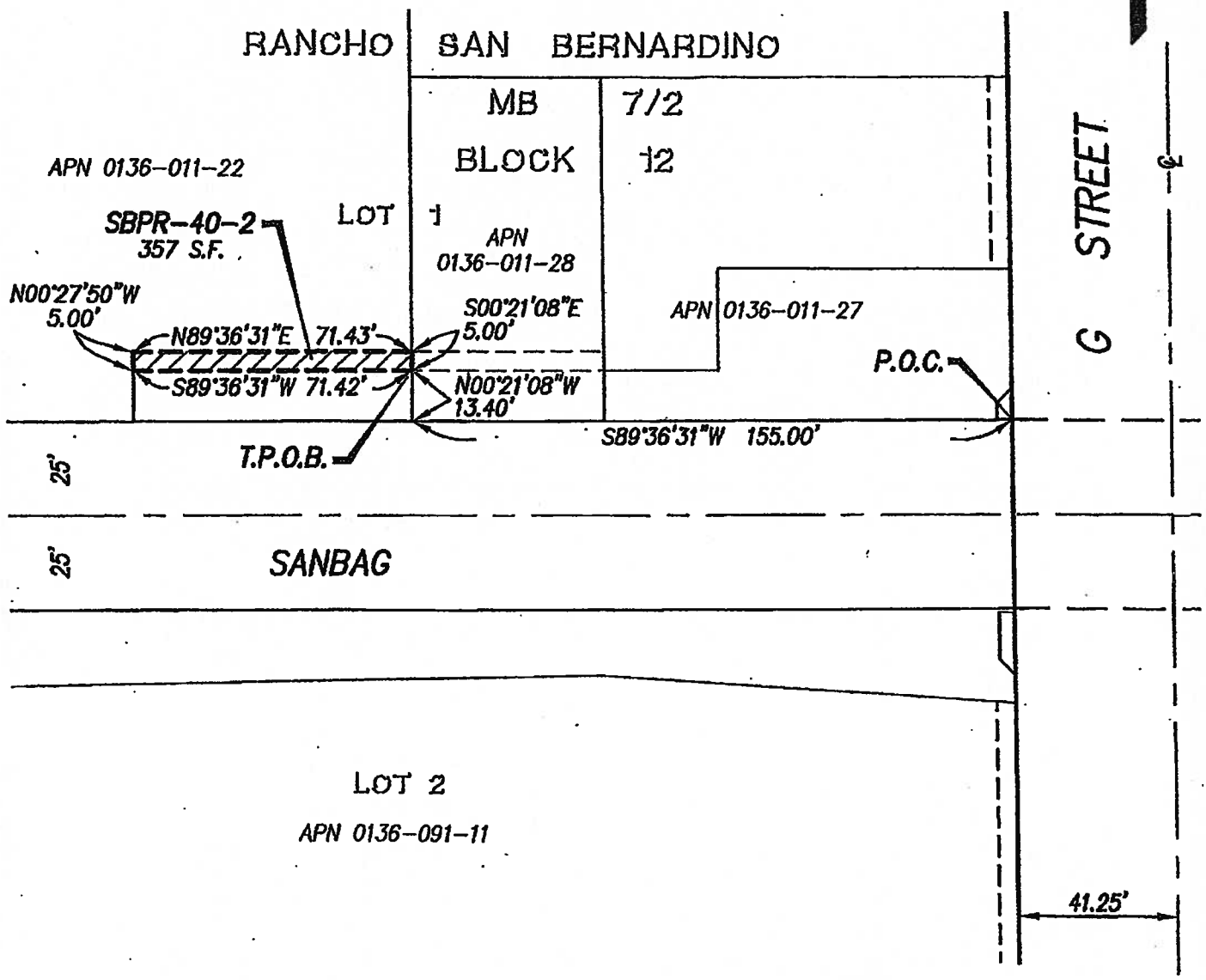
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-40-2 Fletcher Trust
APN 0136-011-22
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019 — DATE 8-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-26

RIGHT OF WAY PARCEL SBPR-43-1 – Temporary Construction Easement

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said East line North 00°21'08" West 110.33 feet to the **True Point of Beginning**; thence leaving said East line South 89°42'50" West 5.00 feet; thence parallel with said East line North 00°21'08" West 14.56 feet; thence North 90°00'00" East 5.00 feet to a point on said East line; thence along said East line South 00°21'08" East 14.53 feet to the **True Point of Beginning**.

Said parcel contains 73 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

GARY L. HUS — DATE 08-08-12

LS 7019

LICENSED LAND SURVEYOR — GARY L. HUS — NO. 7019 — Exp. date 6-30-14 — STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

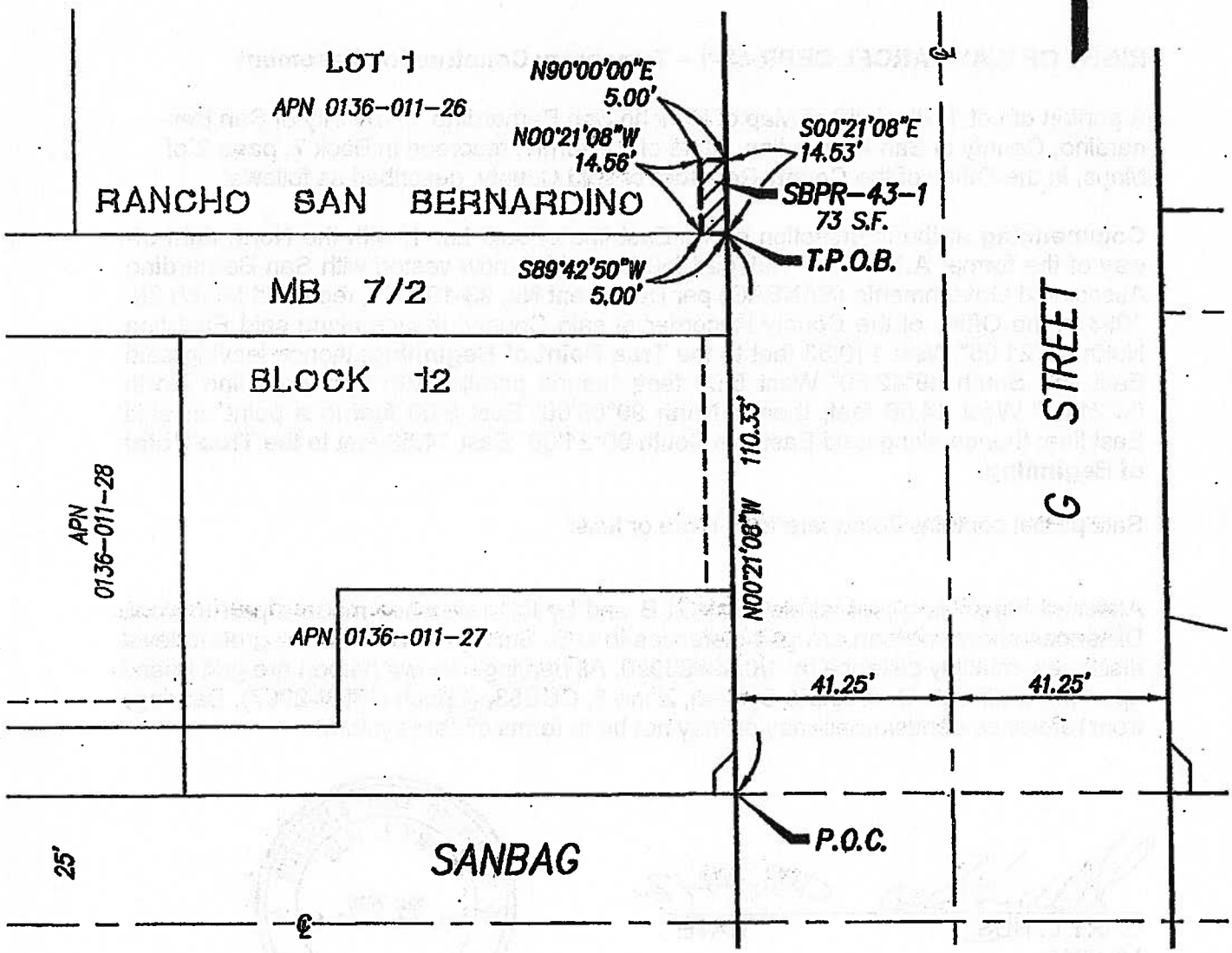
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMOPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-43-1 Fletcher Trust
APN 0136-011-26
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

08-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
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Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT G

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-27

RIGHT OF WAY PARCEL SBPR-42-2 – Temporary Construction Easement

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said East line North 00°21'08" West 39.91 feet to the **True Point Of Beginning**; thence leaving said East line South 89°56'53" West 5.00 feet; thence parallel with said East line North 00°21'08" West 50.41 feet; thence North 89°42'50" East 5.00 feet to a point on said East line; thence along said East line South 00°21'08" East 50.43 feet to the **True Point of Beginning**.

Said parcel contains 252 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

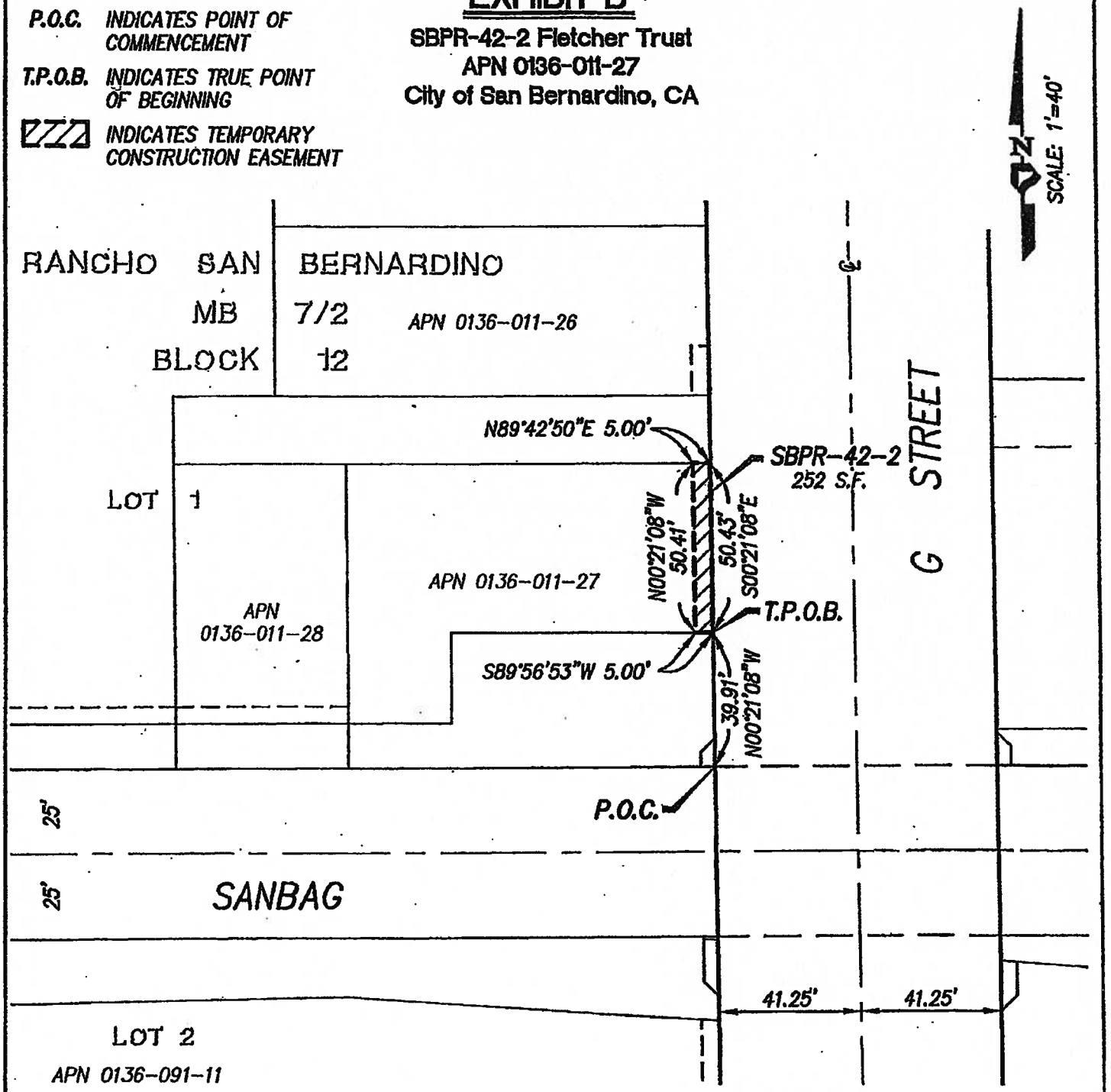
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-42-2 Fletcher Trust
APN 0136-011-27
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

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EXHIBIT H

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Fletcher Trust

APN 0136-011-28

RIGHT OF WAY PARCEL SBPR-41-2 – Temporary Construction Easement

A portion of Lot 1, Block 12 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 1, with the North right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 105.00 feet; thence leaving said North right-of-way North 00°21'08" West 13.40 feet to the **True Point Of Beginning**; thence parallel with said North right-of-way South 89°36'31" West 50.00 feet; thence North 00°21'08" West 5.00 feet; thence parallel with said North right-of-way North 89°36'31" East 50.00 feet; thence South 00°21'08" East 5.00 feet to the **True Point of Beginning**.

Said parcel contains 250 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

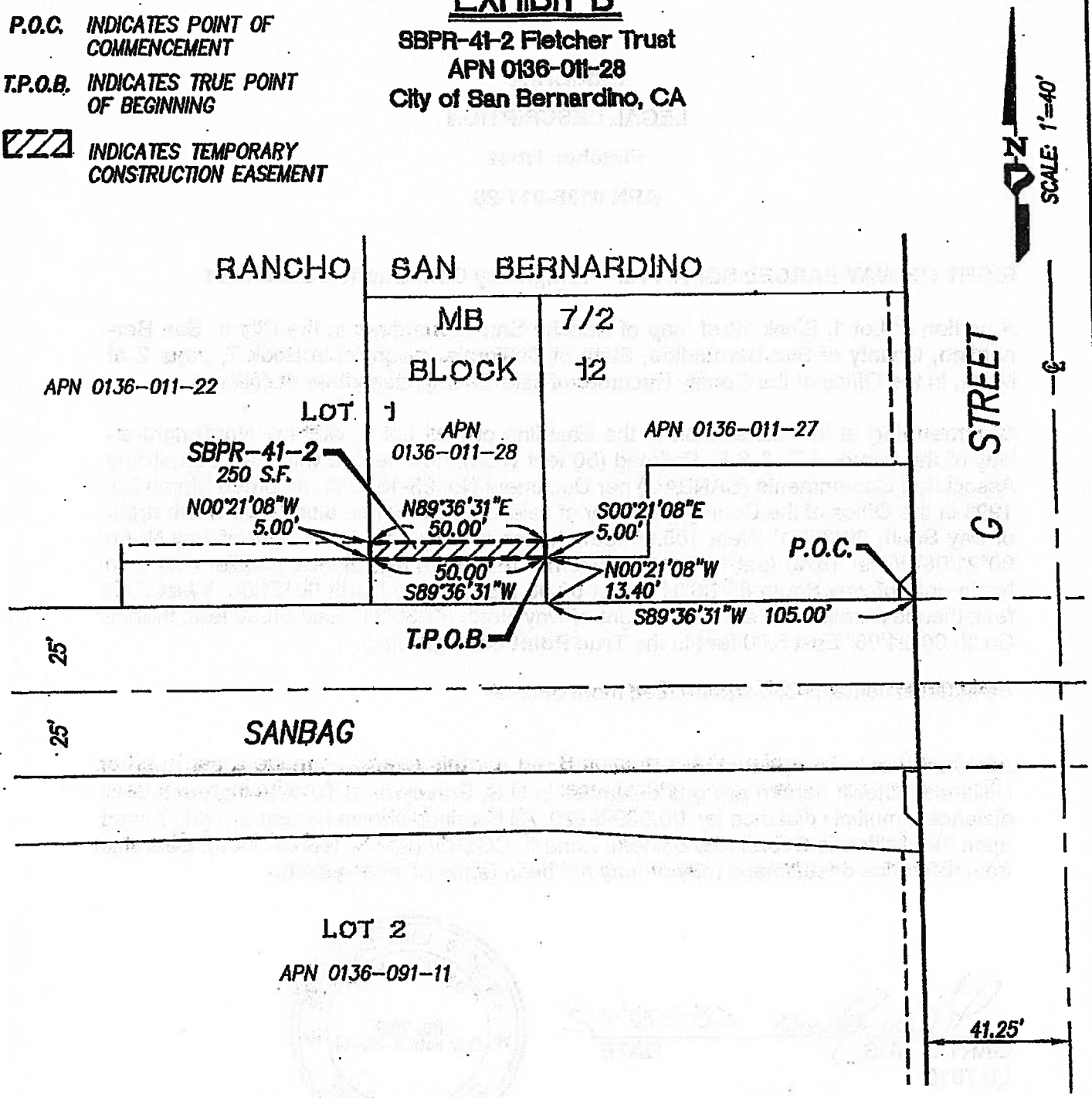
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-41-2 Fletcher Trust
APN 0136-011-28
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

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RESOLUTION NO. 13-069

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 45, 46, and 47, which represents a fee simple interest in the property located at 123 South "G" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0136-021-16, 0136-021-17, and 0136-021-18, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

LEGAL DESCRIPTION

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

Parcel No. 1:

The West 180 feet of the North 115 feet of the South 140 feet of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 7, Page(s) 2, of Maps, Records of said County.

Excepting therefrom any portion lying with the Railroad right-of-way.

Parcel No. 2:

The East 260.00 feet of the West 440.00 feet of the North 115.00 feet of the South 140.00 feet of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 7, Page(s) 2, of Maps, Records of said County. Excepting therefrom any portion lying within the Railroad right-of-way.

Assessor's Parcel Number: **0136-021-16-0-000 0136-021-17-0-000**
0136-021-18-0-000

EXHIBIT A
LEGAL DESCRIPTION

RESOLUTION NO. 13-070

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 48, which represents interests in portions of the property located at 655 W. Rialto Avenue, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-021-28, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than six (6) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) six (6) months from the commencement date of the TCE, or (c) December 31, 2015.

WHEREAS the property interests described above and encompassed by Exhibit C are expressly limited as follows: The Commission understands that the TCE area encompasses portions of a parking lot area used by the larger parcel. In performing its work in the TCE area, the

Commission shall take appropriate steps to ensure that, at all times during construction, the larger parcel retains the use of at least an equal number of parking spaces as exist on the property in its current configuration, whether through (1) the Commission's providing temporary parking spaces, (2) the addition of new, permanent parking spaces to be added to the property, and/or (3) phasing of work within the TCE to limit the number of parking spaces impacted at any one time. In addition, prior to the termination of the TCE, the Commission shall restore the TCE area to a paved, striped parking lot possessing at least an equal number of parking spaces as exist on the property in its current configuration.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in

accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel No. 1:

That portion of Lot 18, Block 11, Five Acre Survey of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Commencing at the Northeast corner of said Lot; thence West 16 feet; thence South 80 feet; thence West 105 feet; thence South 50 feet; thence West 76 feet; thence South to the North line of the South 2 acres of said Lot; thence along the North line of said South 2 acres of said Lot to a point 440 feet East from the West line of said Lot; thence South 115 feet, more or less, to a point 25 feet North from the South line of said Lot, said point being on the North line of the right-of-way conveyed to the California Central Railway Co., by Deed recorded August 5, 1887, in Book 62, Page 294, of Deeds; thence East along the North line of said right-of-way, 200 feet, more or less, to the East line of said Lot; thence North to the Northeast corner of said Lot to the Point of Beginning.

Parcel No. 2:

That portion of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Commencing on the South line of First Street, 16 feet West of the Northeast corner of said Lot 18; thence South 80 feet; thence West 105 feet; thence North 80 feet to the South line of First Street; thence East 105 feet to the Point of Beginning.

Parcel No. 3:

That portion of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Beginning at a point on the North line of said Lot, 198 feet West of the Northeast corner thereof; thence South 210.30 feet, but not South of the North line of the South 2 acres of said Lot 18; thence West 316.5 feet, more or less, to a point 125 feet East of the West line of said Lot 18;

thence North 60 feet, more or less, to a point on the South line of the property conveyed to Golden State Club of San Bernardino, a Corporation, by Deed recorded September 14, 1938, in Book 1302, Page 85, Official Records; thence East along said South line, 74.3 feet to the Southeast corner of said Golden State Club Property; thence Northerly along the Easterly line of said Golden State Club Property, 150.6 feet, more or less, to the North line of said Lot, being 204.6 feet East of the Northwest corner of said Lot; thence East along the North line of said Lot, 236.19 feet, more or less, to the Point of Beginning.

Parcel No. 4:

That portion of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Beginning at the Northwest corner of the South 2 acres of said Lot 18; thence East along the North line of said South 2 acres, 125 feet; thence North 60 feet; thence West 125 feet to the East line of "G" Street; thence South along the East line of "G" Street, 60 feet to the Point of Beginning.

Parcel No. 5:

All that portion of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Beginning at a point that is 60 feet North and 71 feet East of the Northwest corner of the South 2 acres of said Lot 18 for the True Point of Beginning; thence North 0°17' East, 25.5 feet; thence West 2.10 feet; thence North 0°17' East, 125 feet to the South line of Rialto Avenue; thence East along the South line of Rialto Avenue, 135.40 feet to a point that is 204.6 feet East of the Northwest corner of said Lot 18; thence South 150.6 feet to a point that is 128.3 feet East of the Point of Beginning; Thence West 128.3 feet to the True Point of Beginning.

Parcel No. 6:

The West 77 feet of that portion of Lot 18, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 7, Page 2 of Maps Records of said County, described as follows:

Beginning at a point on the South line of First Street, 16 feet West of the Northeast corner of said Lot 18; thence South 80 feet; thence West 105 feet; thence South 50 feet; thence West 77 feet; thence North 130 feet

to the South line of First Street; thence East 182 feet to the Point of Beginning.

Assessor's Parcel Number 0136-021-28-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Affaitati LLC

APN 0136-021-28

RIGHT OF WAY PARCEL SBPR-48-1 – Fee

A portion of Lot 18, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the East line of said Lot 18, with the North right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 200.32 feet; thence leaving said North right-of-way North 00°21'08" West 25.00 feet; thence parallel with said North right-of-way North 89°36'31" East 135.31 feet; thence parallel with said East line North 00°23'38" West, 301.09 feet to the South line of Rialto Avenue, 81.5 feet wide, dedicated per said Map, thence along said South line North 89°31'54" East 65.00 feet to said East line; thence leaving said South line and along said East line South 00°23'38" East, 326.17 feet to the **Point of Beginning.**

Said parcel contains 24,581 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

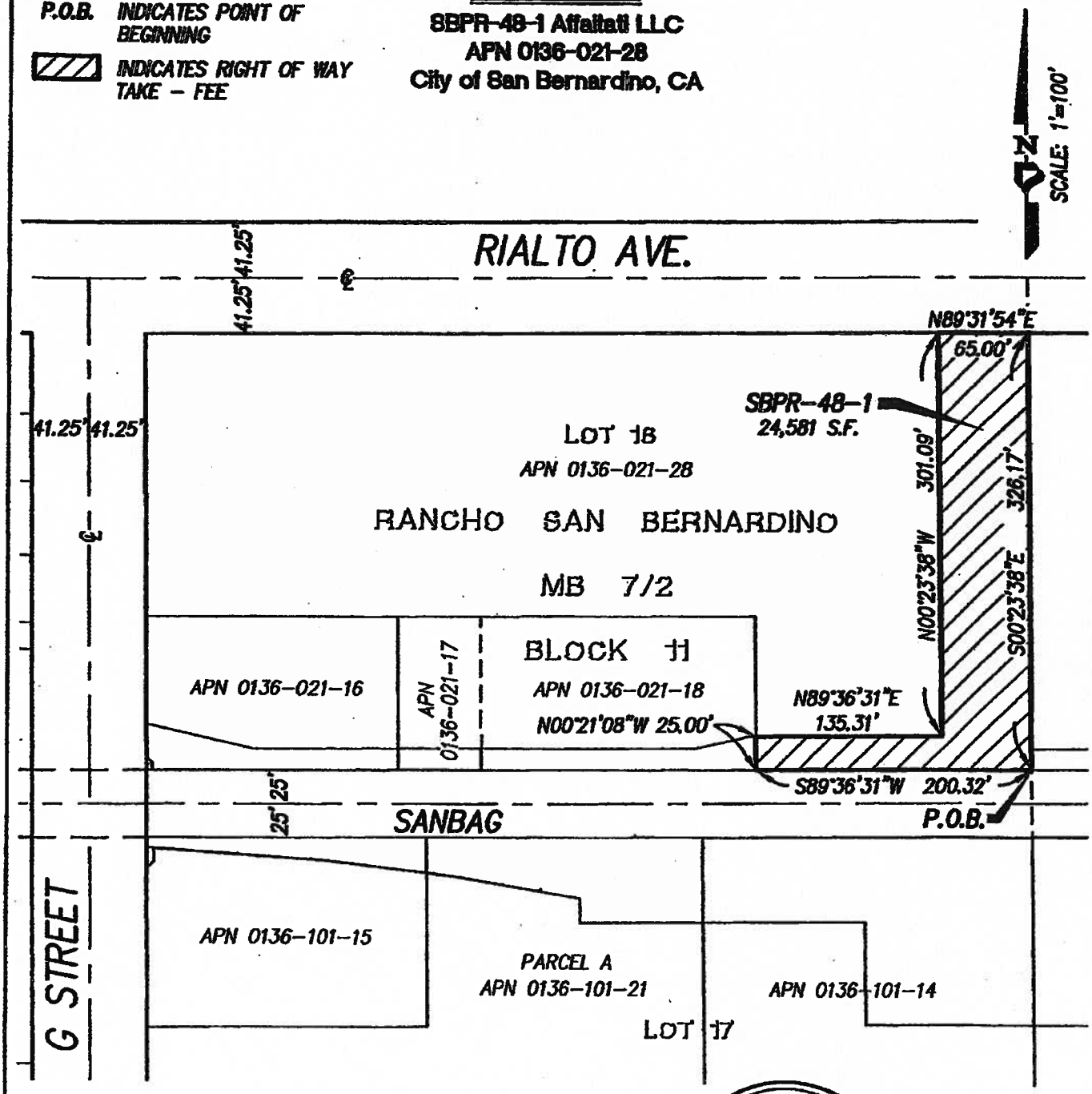
SBPR-48-1 Affaitati LLC
APN 0136-021-28
City of San Bernardino, CA

SHEET 1 OF 1

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE



GARY L. HUS, L.S. 7019

8-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

P:\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW – TAKES\SBPR-48\3833-SBPR-48-1.DWG

EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Affaitati LLC

APN 0136-021-28

RIGHT OF WAY PARCEL SBPR-48-2 – Temporary Construction Easement

A portion of Lot 18, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 18, with the North right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North right-of-way South 89°36'31" West 200.32 feet; thence leaving said North right-of-way North 00°21'08" West 25.00 feet to the **True Point of Beginning**; thence North 00°21'08" West 89.70 feet; thence South 89°37'15" West 440.00 feet to a point on the East line of G Street, 81.5 feet wide, dedicated per said Map; thence along said East line North 00°21'08" West 60.00 feet; thence leaving said East line North 89°37'15" East 72.40 feet; thence North 00°26'44" West 12.67 feet; thence North 89°34'56" East 362.34 feet; thence North 00°00'00" East 87.47 feet; thence North 90°00'00" East 18.09 feet; thence North 00°08'27" West 50.97 feet to a point on the South line of Rialto Avenue, 81.5 feet wide, dedicated per said Map, thence along said South line North 89°31'54" East 121.55 feet; thence leaving said South line and parallel with said East line of Lot 18 South 00°23'38" East, 301.09 feet; thence parallel with said North right-of-way South 89°36'31" West 135.31 feet to the **True Point of Beginning**.

Said parcel contains 71,552 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-8-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

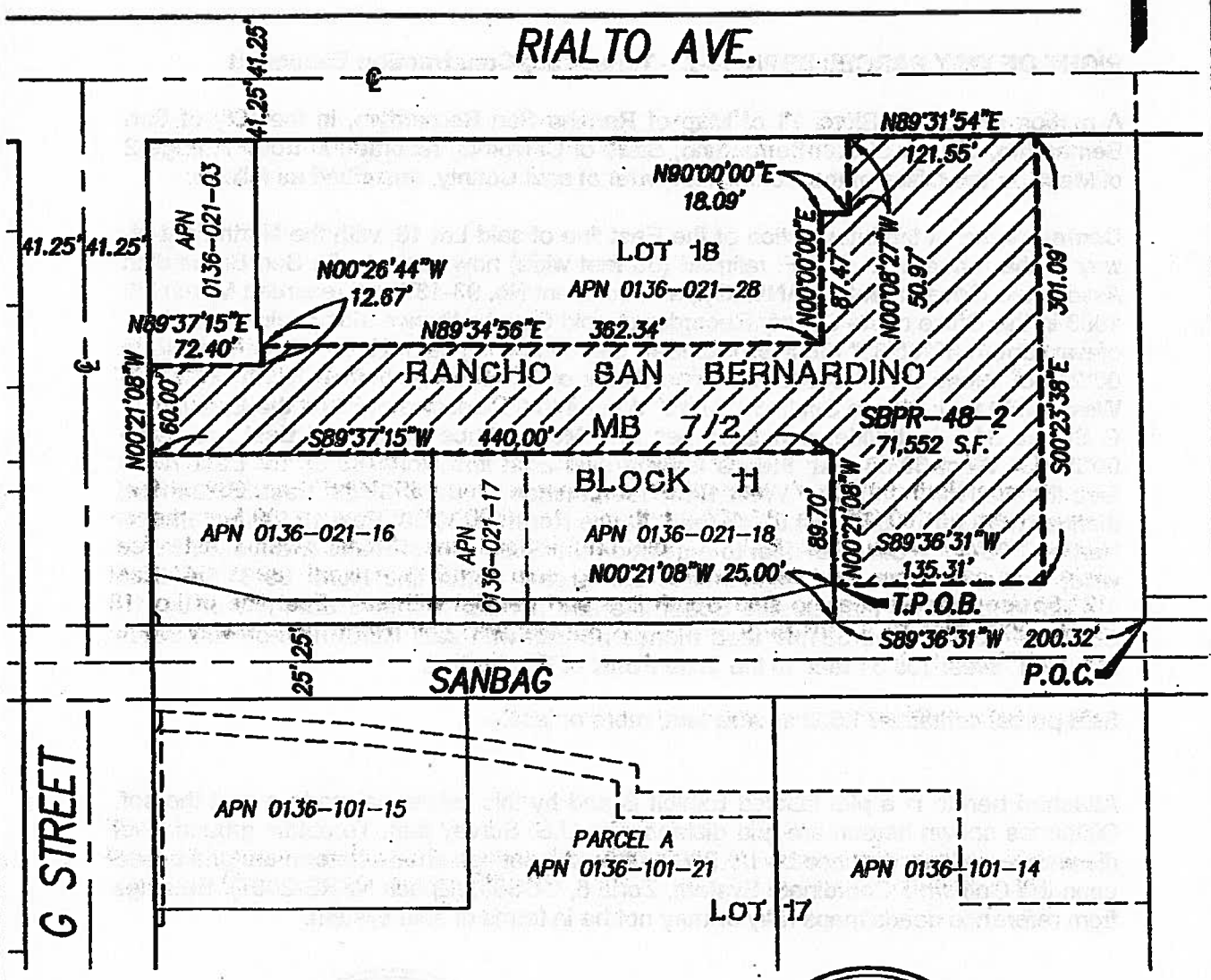
INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-48-2 Affaitati LLC
APN 0136-021-28
City of San Bernardino, CA

SHEET 1 OF 1

SCALE: 1"=100'



GARY L. HUS, L.S. 7019

8-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
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P:\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW - TAKES\SBPR-48\3833-SBPR-48-2.DWG

RESOLUTION NO. 13-071

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as the Commission Parcels SBPR 51, 52, and 53, which represents interests in portions of the property located at 124-137 South "G" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0136-101-14, 0136-101-15, and 0136-101-21, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the area described in Exhibit D attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than six (6) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer

needs TCE 1, (b) six (6) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) eighteen (18) months from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit G attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 3"). TCE 3 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 3, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 3, (b) fourteen (14) days from the commencement date of TCE 3, or (c) December 31, 2015. At the expiration of TCE 3, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit H attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 4"). TCE 4 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 4, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 4, (b) eighteen (18) months from the commencement date of TCE 4, or (c) December 31, 2015. At the expiration of TCE 4, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit I attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 5"). TCE 5 shall be valid for a period of not more than fourteen (14) days. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 5, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer

needs TCE 5, (b) fourteen (14) days from the commencement date of TCE 5, or (c) December 31, 2015. At the expiration of TCE 5, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit J attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 6"). TCE 6 shall be valid for a period of not more than six (6) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 6, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 6, (b) six (6) months from the commencement date of TCE 6, or (c) December 31, 2015. At the expiration of TCE 6, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above are expressly limited as follows: the Commission understands that the TCE areas encompass portions of a parking lot area used by the larger parcel. In performing its work in the TCE areas, the Commission shall take appropriate steps to ensure that, at all times during construction, the larger parcel retains reasonable access and parking.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13071-a.pdf

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

Exhibit "A"

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

Parcel A:

That portion of Lot 17, lying South of the Atchison, Topeka and Santa Fe Railroad Right of Way, in Block 11, of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 7, Page 2, of Maps, records of said County, described as follows:

Beginning at a point on the West line of said Lot 17, adjoining the South line of the Atchison, Topeka and Santa Fe Railway Right of Way;
Thence South along the West line of said Lot, 140 feet;
Thence East 200 feet;
Thence North 140 feet;
Thence East 200 feet to the point of beginning.

Parcel B:

That portion of Lots 16 and 17, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown on a map recorded in Book 7, Page(s) 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the West line of said Lot 17, where said West line intersects the South line of Atchison, Topeka and Santa Fe Railway Co. right-of-way;
Thence South along the West line of said Lot 17, a distance of 140 feet to the True Point of Beginning;
Thence East parallel with the South line of the Atchison, Topeka and Santa Fe Railway Co. right-of-way, a distance of 200 feet;
Thence North parallel with the West line of said Lot 17, a distance of 140 feet to a point in the South line of Atchison, Topeka and Santa Fe Railway Co. right-of-way;
Thence East along the South line of said right-of-way, a distance of 200 feet;
Thence South parallel with the West line of said Lots 17 and 16, a distance of 350 feet;
Thence West parallel with the South line of Atchison, Topeka and Santa Fe Railway Co. right-of-way a distance of 400 feet to a point in the West line of Lot 16;
Thence North along the West line of Lots 16 and 17, said West line being also the East line of "G" Street, a distance of 210 feet to the point of beginning.

Parcel C:

That portion of Lots 16 and 17, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown on a map recorded in Book 7, Page(s) 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 17 with the South line of the Atchison, Topeka and Santa Fe Railway right-of-way;

EXHIBIT "A" Continued

Thence along the East line of said Lot, South 220 feet to the True Point of Beginning; said point being the Southeast corner of that parcel of land conveyed to the Continental Assurance Company by deed recorded in November 16, 1948, in Book 2321, Page(s) 258 of Official Records;
Thence West and along the South line of that said parcel of land conveyed to the Continental Assurance Company 240.54 feet to a point on the East line of the land conveyed to the Southern California Gas Company by deed recorded July 26, 1938 in Book 1290, Page(s) 101, of Official Records;
Thence South along the East line of said property so conveyed to said Southern California Gas Company 130 feet;
Thence continuing in a straight line South 125 feet to the Southeast corner of the property described in deed to Signal Oil Company, a Corporation, recorded January 19, 1946, in Book 1861, Page(s) 231, of Official Records;
Thence East and parallel with the South line of the Atchison, Topeka and Santa Fe Railway right-of-way 240.7 feet more or less to the East line of said Lot 16;
Thence North along the East line of said Lots 16 and 17, 255 feet more or less to the point of beginning.

Assessor's Parcel Number: 0136-101-15-0-000, 0136-101-14-0-000 and 0136-101-21-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-14

RIGHT OF WAY PARCEL SBPR-51-1 – Fee

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the East line of said Lot 17 with the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said South right-of-way South 89°36'31" West 240.36 feet; thence leaving said South right-of-way South 00°21'08" East 62.97 feet; thence North 89°36'40" East 118.49 feet; thence South 00°23'20" East, 75.92 feet; thence North 89°36'40" East 121.93 feet to said East line; thence along said East line North 00°23'38" West 138.90 feet to the **Point of Beginning.**

Said parcel contains 24,395 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

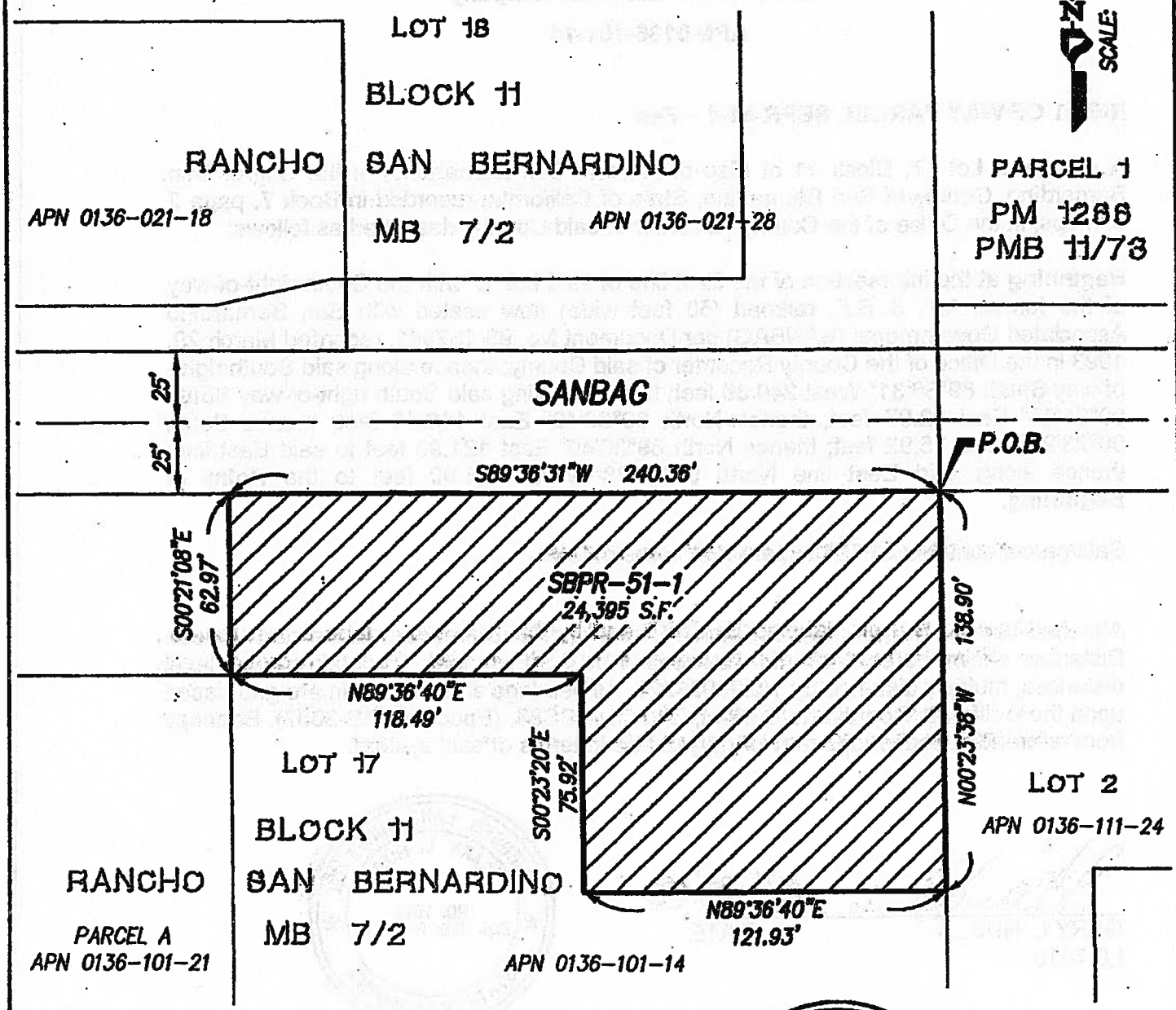
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE-FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-51-1 Southern California Gas Company
APN 0136-101-14
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 08-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-15

RIGHT OF WAY PARCEL SBPR-52-1 – Fee

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the East line of "G" Street, 82.5 feet wide, dedicated per said Map of Rancho San Bernardino; thence along said South right-of-way North 89°36'31" East 200.00 feet; thence leaving said South right-of-way South 00°21'08" East 26.34 feet; thence North 83°09'39" West 73.69 feet; thence North 86°01'23" West 122.24 feet; thence South 00°21'08" East 10.09 feet; thence South 44°38'52" West 7.07 feet to a point on said East line of "G" Street; thence along said East line North 00°21'08" West 22.84 feet to the **Point of Beginning.**

Said parcel contains 3,201 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.B. INDICATES POINT OF BEGINNING

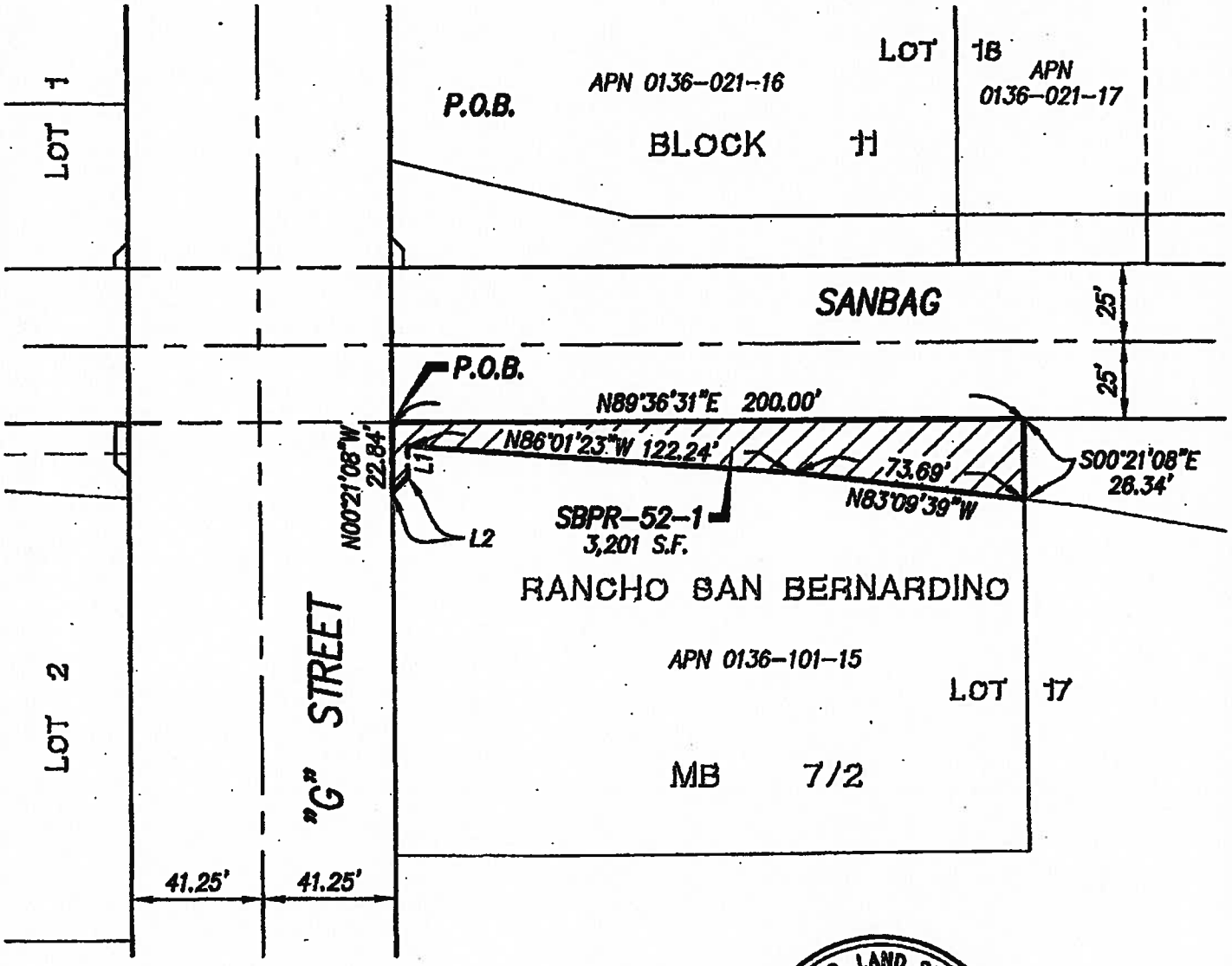
INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-52-1 Southern California Gas Company
APN 0136-101-15
City of San Bernardino, CA

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°21'08"E	10.09'
L2	S44°38'52"W	7.07'



GARY L. HUS, L.S. 7019

8-13-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D
LEGAL DESCRIPTION AND MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-21

RIGHT OF WAY PARCEL SBPR-53-1 – Fee

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point bears South 89°36'31" West 240.36 feet from the intersection of the East line of said Lot 17; thence continuing along said South right-of-way South 89°36'31" West 200.00 feet, said point bears North 89°36'31" East 200.00 feet from the East line of "G" Street, 82.5 feet wide, dedicated per said Map Book 7, Page 2; thence leaving said South right-of-way South 00°21'08" East 26.34 feet; thence South 83°09'39" East 19.37 feet; thence South 80°17'54" East 92.68 feet; thence South 00°23'20" East 17.95 feet; thence North 85°36'40" East 89.51 feet; thence North 00°21'08" West 62.97 to the **Point of Beginning**.

Said parcel contains 9,534 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

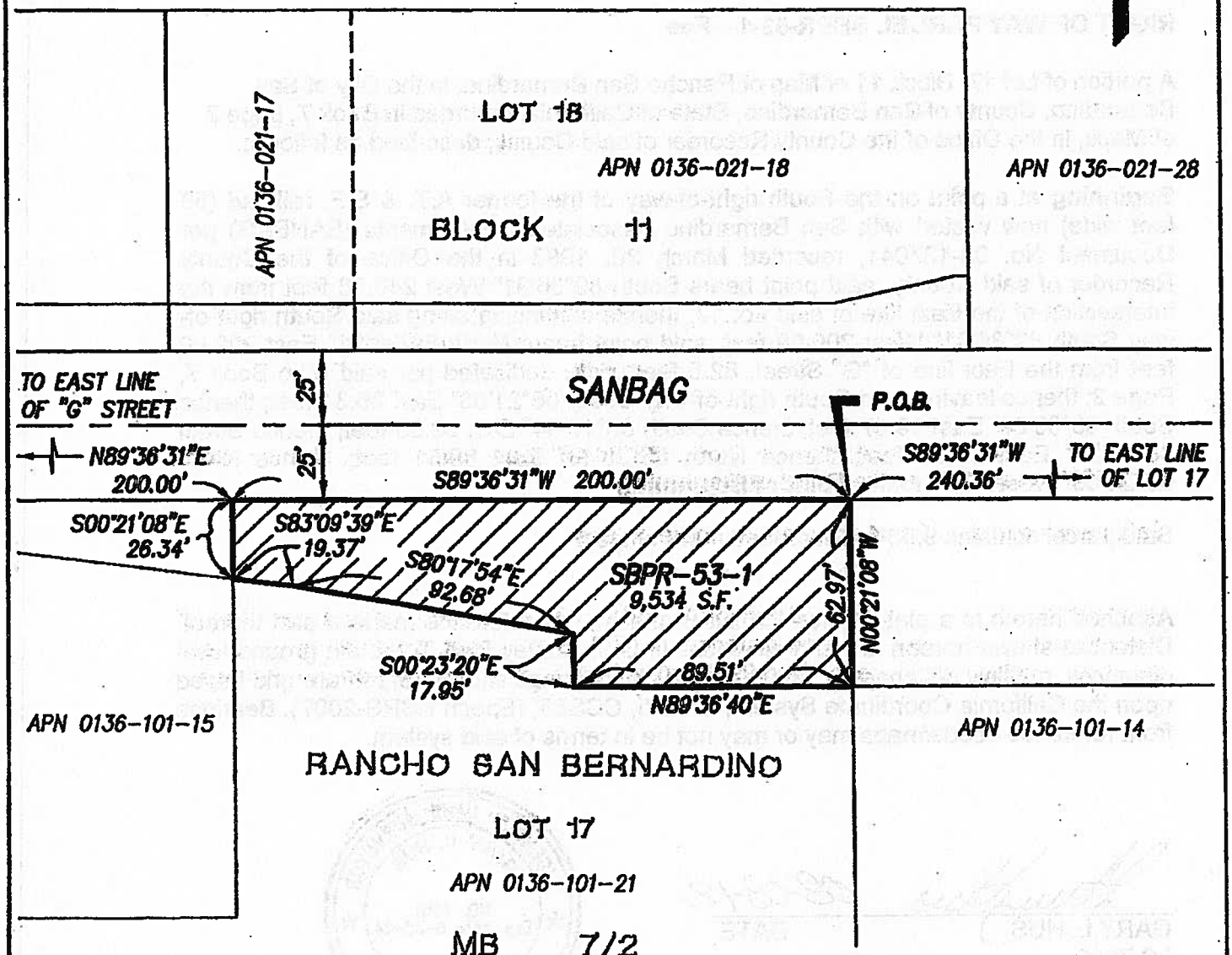
P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE -- FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-53-1 Southern California Gas company
APN 0136-101-21
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 03-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT E

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-14

RIGHT OF WAY PARCEL SBPR-51-2 – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the East line of said Lot 17 with the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said South right-of-way South 89°36'31" West 240.36 feet; thence leaving said South right-of-way South 00°21'08" East 62.97 feet to the **True Point of Beginning**; thence North 89°36'40" East 118.49 feet; thence South 00°23'20" East, 75.92 feet; thence North 89°36'40" East 121.93 feet to said East line; thence along said East line South 00°23'38" East 81.10 feet; thence leaving said East line South 89°36'31" West 240.52 feet; thence North 00°21'08" West 157.03 feet to the **True Point of Beginning.**

Said parcel contains 28,501 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

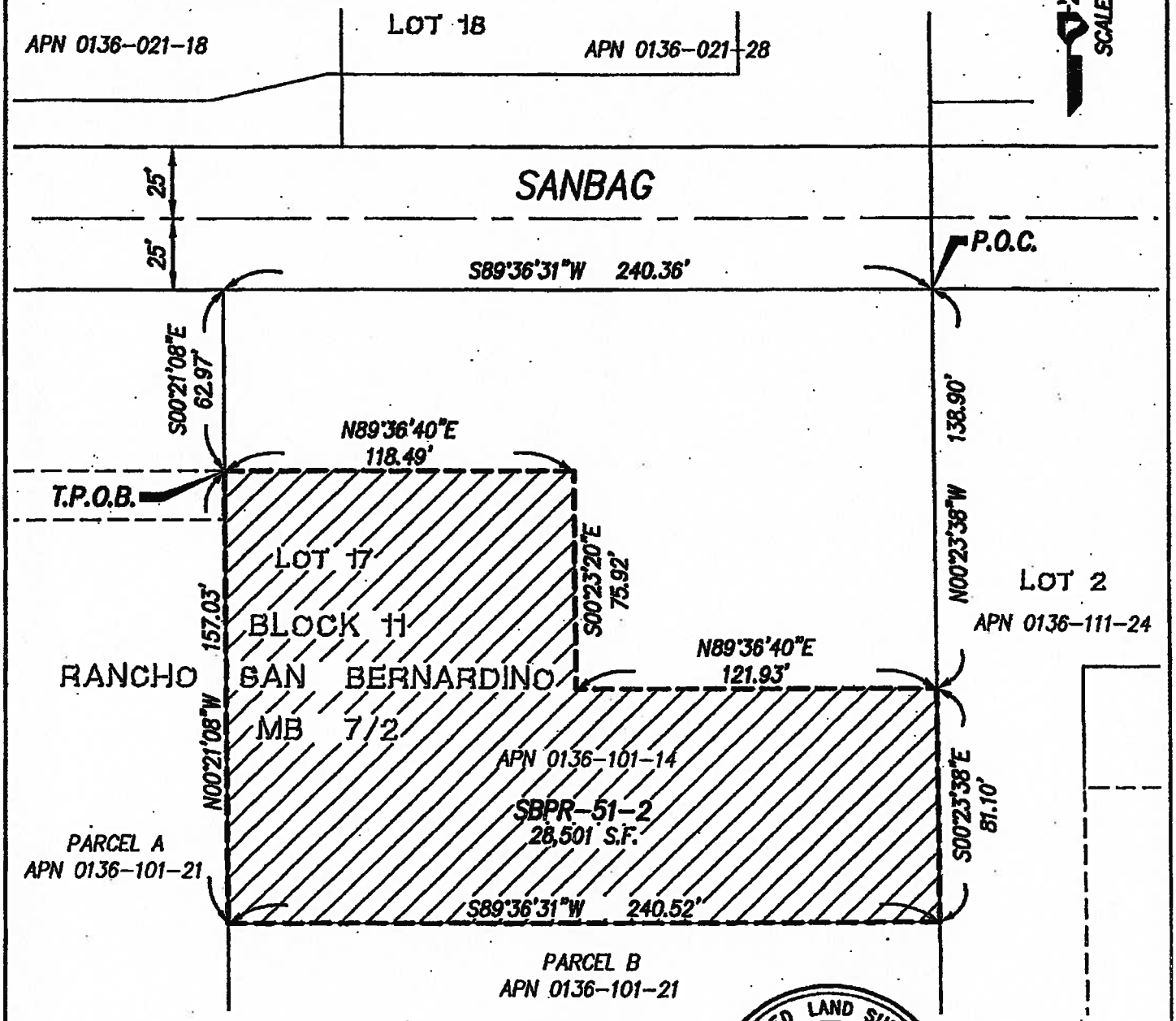
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SHEET 1 OF 1

SBPR-51-2 Southern California Gas Company
APN 0136-101-14
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 08-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-15

RIGHT OF WAY PARCEL SBPR-52-2A – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the East line of "G" Street, 82.5 feet wide, dedicated per said Map of Rancho San Bernardino; thence along said East line South 00°21'08" East 22.84 feet; thence leaving said East line North 44°38'52" East 3.20 feet to the **True Point of Beginning**; thence North 44°38'52" East 3.88 feet; thence North 00°21'08" West 10.09 feet; thence South 86°01'23" East 122.24 feet; thence South 83°09'39" East 73.69 feet; thence South 00°21'08" East 13.10 feet; thence North 83°09'39" West 75.00 feet; thence North 86°01'23" West 123.68 feet to the **True Point of Beginning.**

Said parcel contains 2,551 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

SBPR-52-2A Southern California Gas Company
APN 0136-101-15
City of San Bernardino, CA

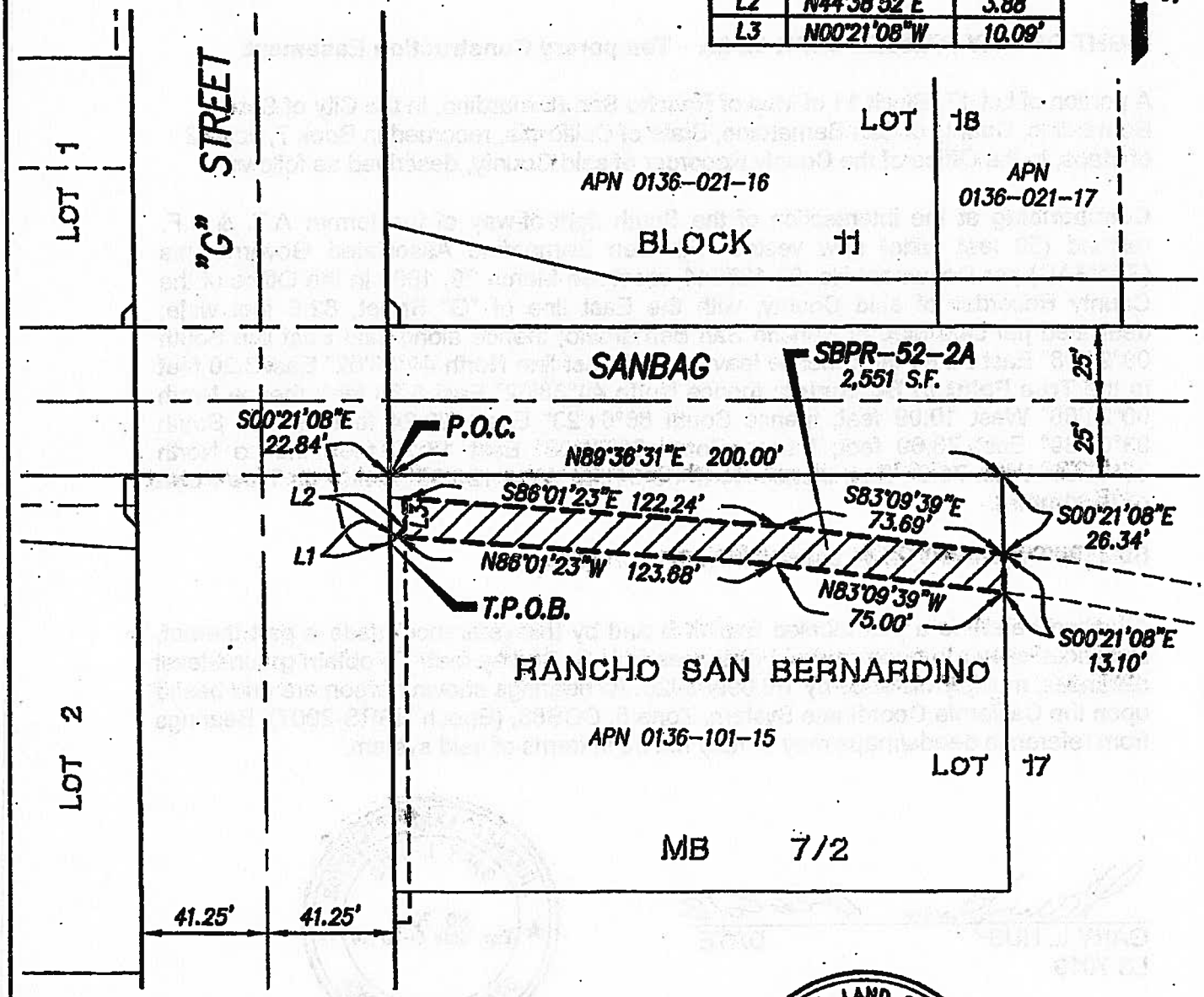
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°38'52"E	3.20'
L2	N44°38'52"E	3.88'
L3	N00°21'08"W	10.09'



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT G

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-15

RIGHT OF WAY PARCEL SBPR-52-2B – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the East line of "G" Street, 82.5 feet wide, dedicated per said Map of Rancho San Bernardino; thence along said East line South 00°21'08" East 22.84 feet to the **True Point of Beginning**; thence leaving said East line North 44°38'52" East 3.20 feet; thence South 86°01'23" East 2.75 feet; thence parallel with said East line South 00°21'08" East 119.21 feet; thence South 89°36'31" West 5.00 feet to a point on said East line; thence along said East line North 00°21'08" West 117.16 feet to the **True Point of Beginning.**

Said parcel contains 594 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

SBPR-52-2B Southern California Gas Company
APN 0136-101-15
City of San Bernardino, CA

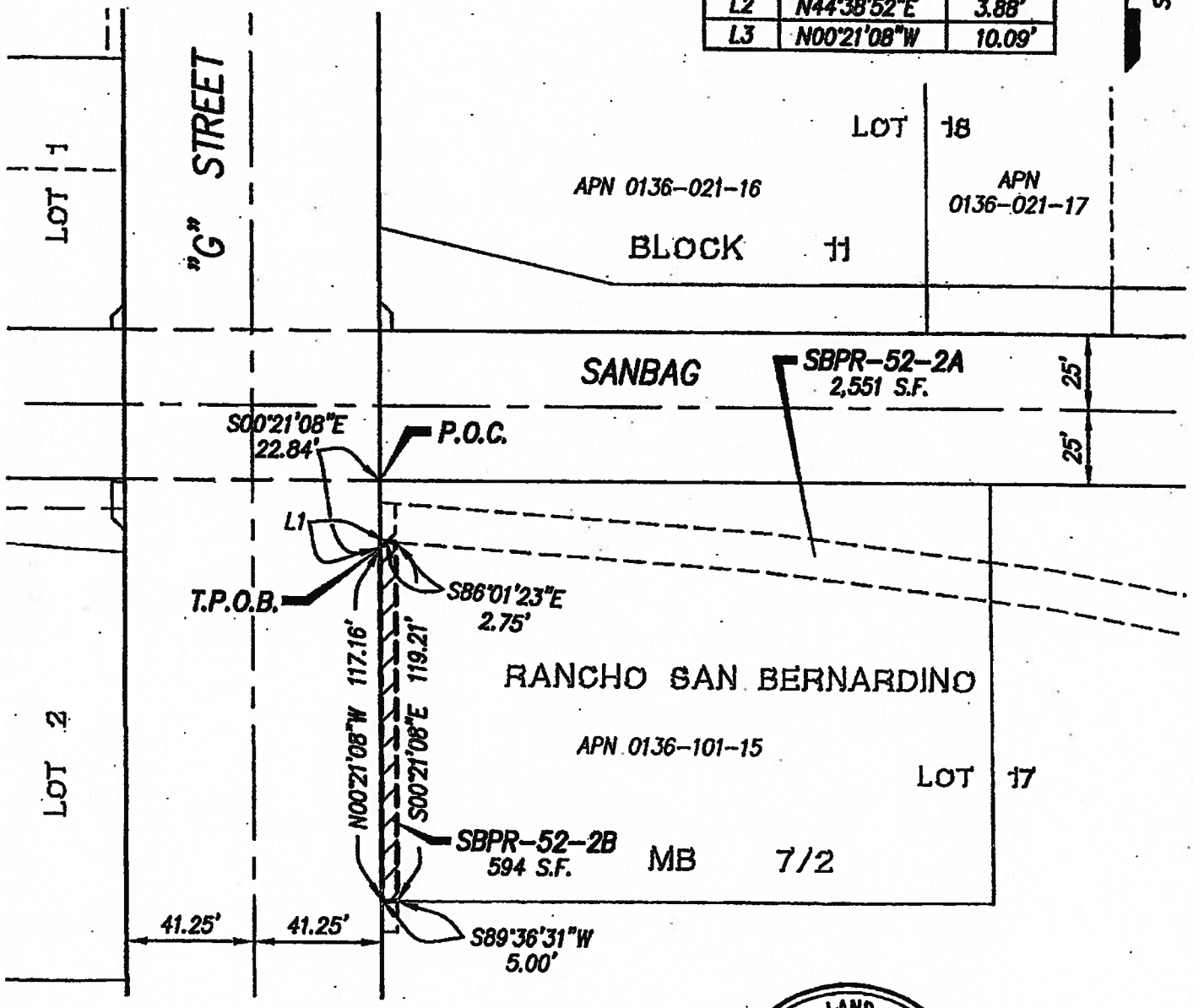
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°38'52"E	3.20'
L2	N44°38'52"E	3.88'
L3	N00°21'08"W	10.09'



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT H

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-21

RIGHT OF WAY PARCEL SBPR-53-2A – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point bears South 89°36'31" West 240.36 feet from the intersection with the East line of said Lot 17; thence along said South right-of-way South 89°36'31" West 200.00 feet, said point bears North 89°36'31" East 200.00 feet from the East line of "G" Street, 82.5 feet wide, dedicated per said Map Book 7, Page 2; thence leaving said South right-of-way South 00°21'08" East 26.34 feet to the **True Point of Beginning**; thence South 83°09'39" East 19.37 feet; thence South 80°17'54" East 92.68 feet; thence South 00°23'20" East 17.95 feet; thence North 89°36'40" East 89.51 feet; thence South 00°21'08" East 17.00 feet; thence South 89°36'40" West 102.50 feet; thence North 00°23'20" West 24.06 feet; thence North 80°17'54" West 81.47 feet; thence North 83°09'39" West 17.40 feet; thence North 00°21'08" West 13.10 feet to the **True Point of Beginning.**

Said parcel contains 3,276 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

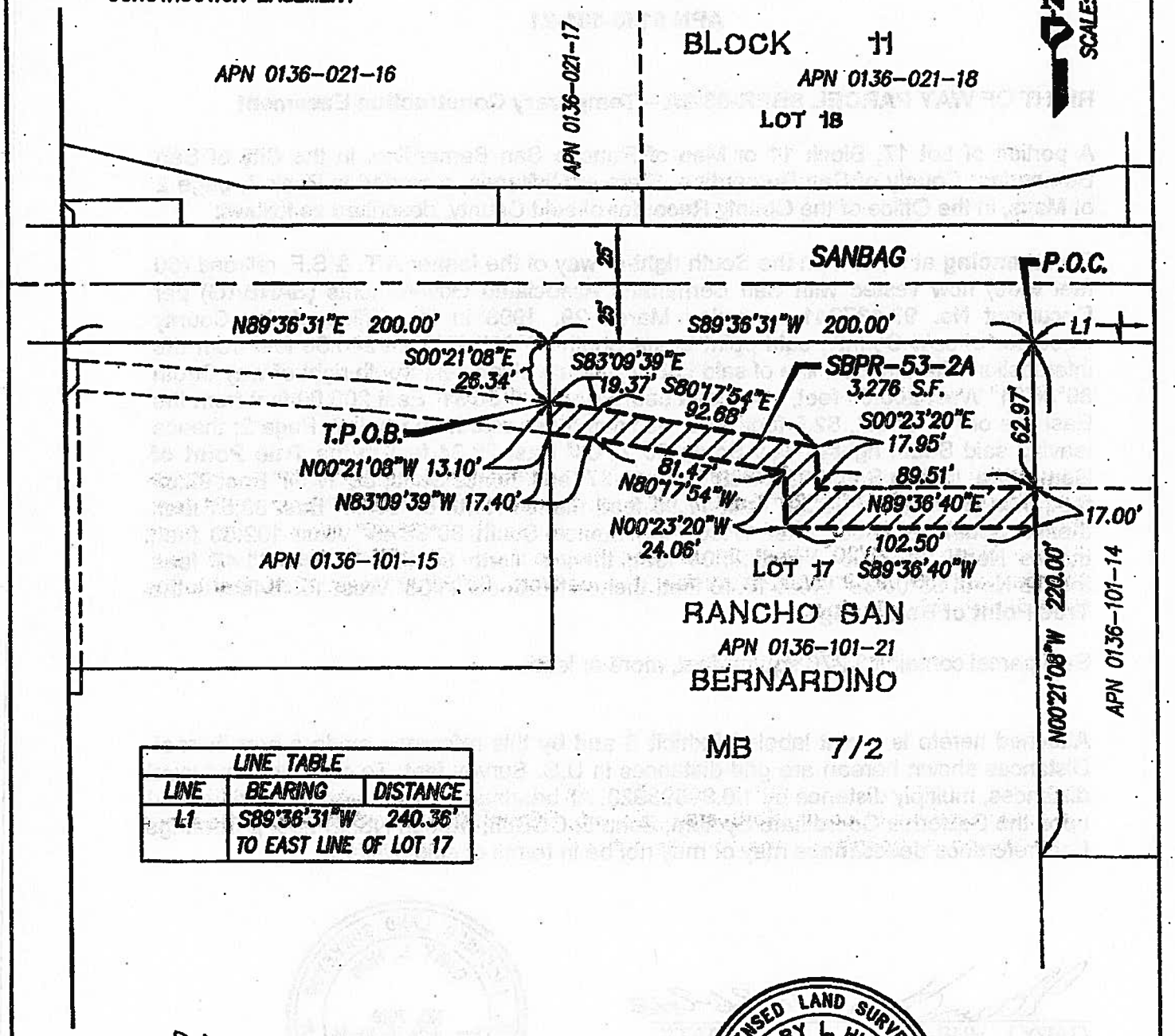
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SBPR-53-2A Southern California Gas company
APN 0136-101-21
City of San Bernardino, CA



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°36'31"W TO EAST LINE OF LOT 17	240.36'

11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT I

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-21

RIGHT OF WAY PARCEL SBPR-53-2B – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the East line of "G" Street, 82.5 feet wide, dedicated per said Map of Rancho San Bernardino; thence along said East line South 00°21'08" East 140.00 feet to the **True Point of Beginning**; thence continuing South 00°21'08" East 10.40 feet; thence leaving said East line North 89°38'52" East 5.00 feet; thence parallel with said East line North 00°21'08" West 10.40 feet; thence South 89°36'31" West 5.00 feet to the **True Point of Beginning.**

Said parcel contains 52 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

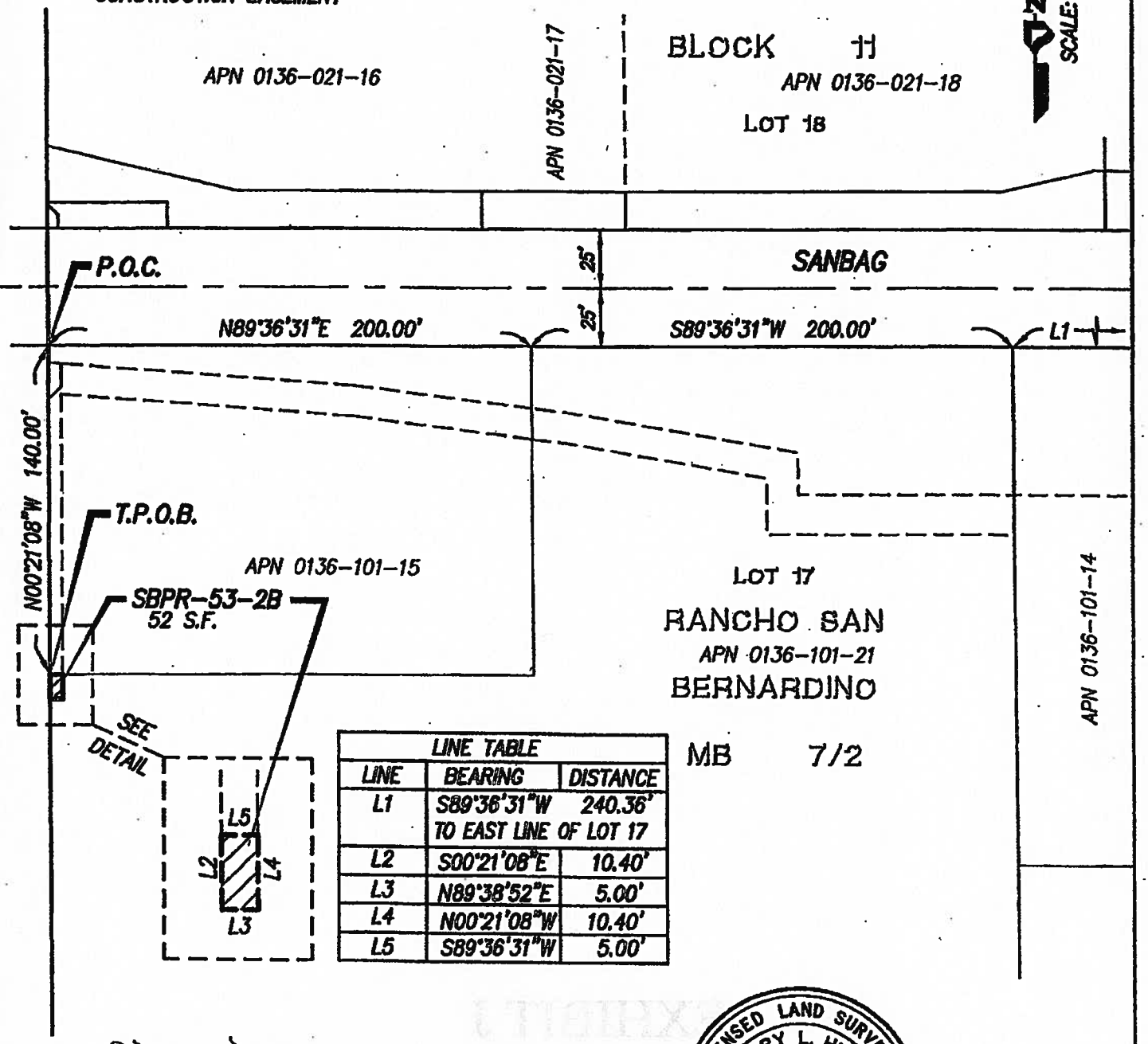
SBPR-53-2B Southern California Gas company
APN 0136-101-21
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°36'31"W TO EAST LINE OF LOT 17	240.36'
L2	S00°21'08"E	10.40'
L3	N89°38'52"E	5.00'
L4	N00°21'08"W	10.40'
L5	S89°36'31"W	5.00'

11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT J

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Southern California Gas Company

APN 0136-101-21

RIGHT OF WAY PARCEL SBPR-53-3 – Temporary Construction Easement

A portion of Lot 17, Block 11 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at a point on the South right-of-way of the former A.T. & S.F. railroad (50 feet wide) now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, said point bears South 89°36'31" West 240.36 feet from the intersection of the East line of said Lot 17; thence South 00°21'08" East 220.00 feet to the **True Point of Beginning**; thence continuing South 00°21'08" East 255.00 feet; thence North 89°36'31" East 240.70 feet to a point on said East line; thence along said East line North 00°23'38" West 255.00 feet; thence leaving said East line South 89°36'31" West 240.52 feet to the **True Point of Beginning**.

Said parcel contains 61,356 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

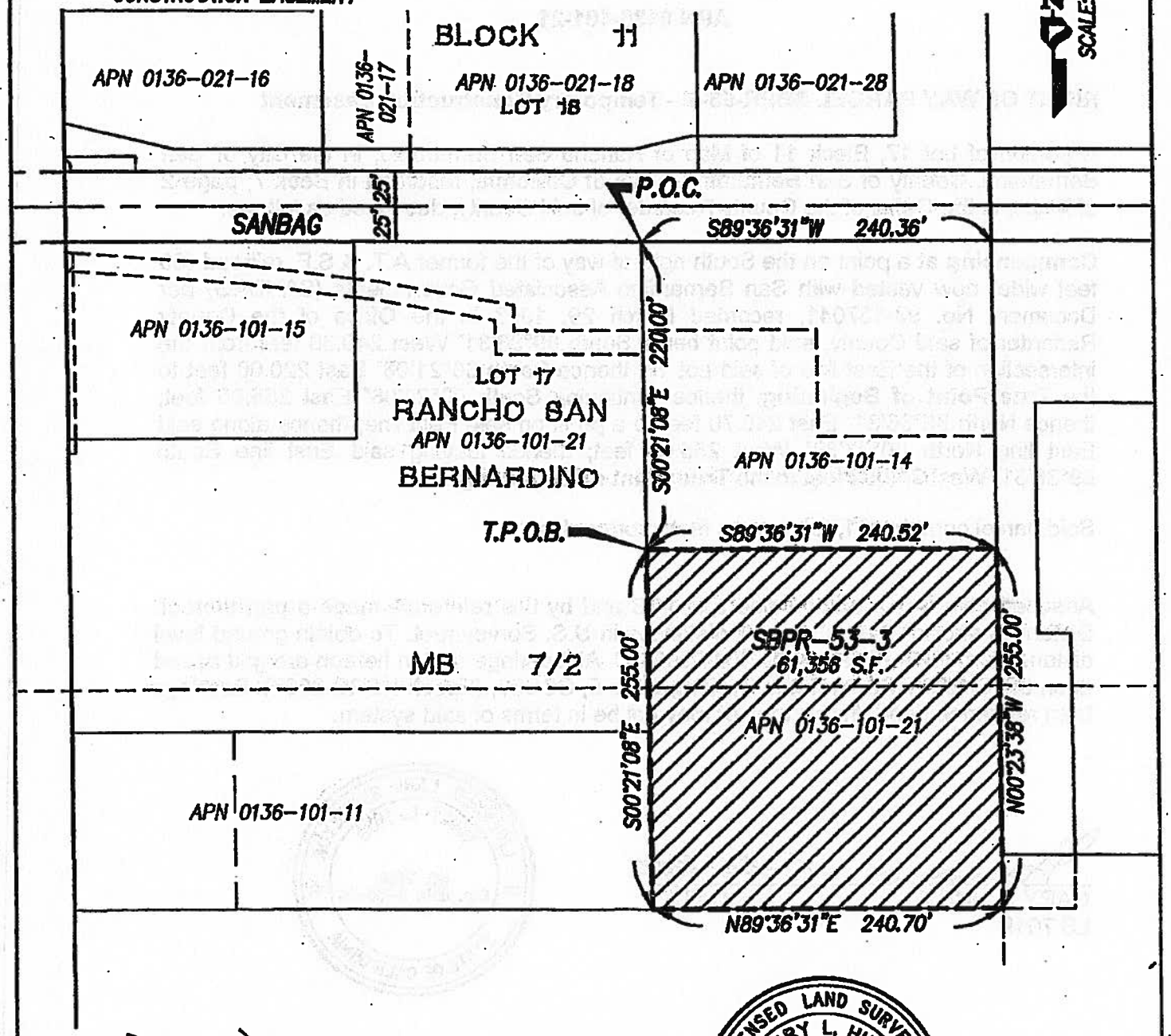
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SBPR-53-3 Southern California Gas company
APN 0136-101-21
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
619.235.6471 Tel
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RESOLUTION NO. 13-077

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 65, which represents interests in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-20, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lot 15, Block 15, according to Map of the San Bernardino Rancho, as per Plat recorded in Book 7, Page(s) 2, of Maps, records of said County, described as follows:

Beginning at a point in the present East of line of "E" Street, in the City of San Bernardino, County of San Bernardino, State of California, 250 feet South of the North line of said Lot 15;
Thence East 150 feet;
Thence South 50 feet;
Thence West 150 feet to the East line of "E" Street;
Thence North along said East line 50 feet to the point of beginning.

Assessor's Parcel Number: **0138-271-20-0-000**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Micell Syliva Family

APN 0138-271-20

RIGHT OF WAY PARCEL SBPR-65-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along said East line South 00°14'07" East 250.00 feet to the **True Point of Beginning;** thence leaving said East line North 89°48'47" East 25.25 feet; thence parallel with said East line South 00°14'07" East 50.00 feet; thence South 89°48'47" West 25.25 feet to a point on said East line; thence along said East line North 00°14'07" West 50.00 to the **True Point of Beginning.**

Said parcel contains 1,263 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SBPR-65-1 Micell Sylva Family
APN 0138-271-20
City of San Bernardino, CA

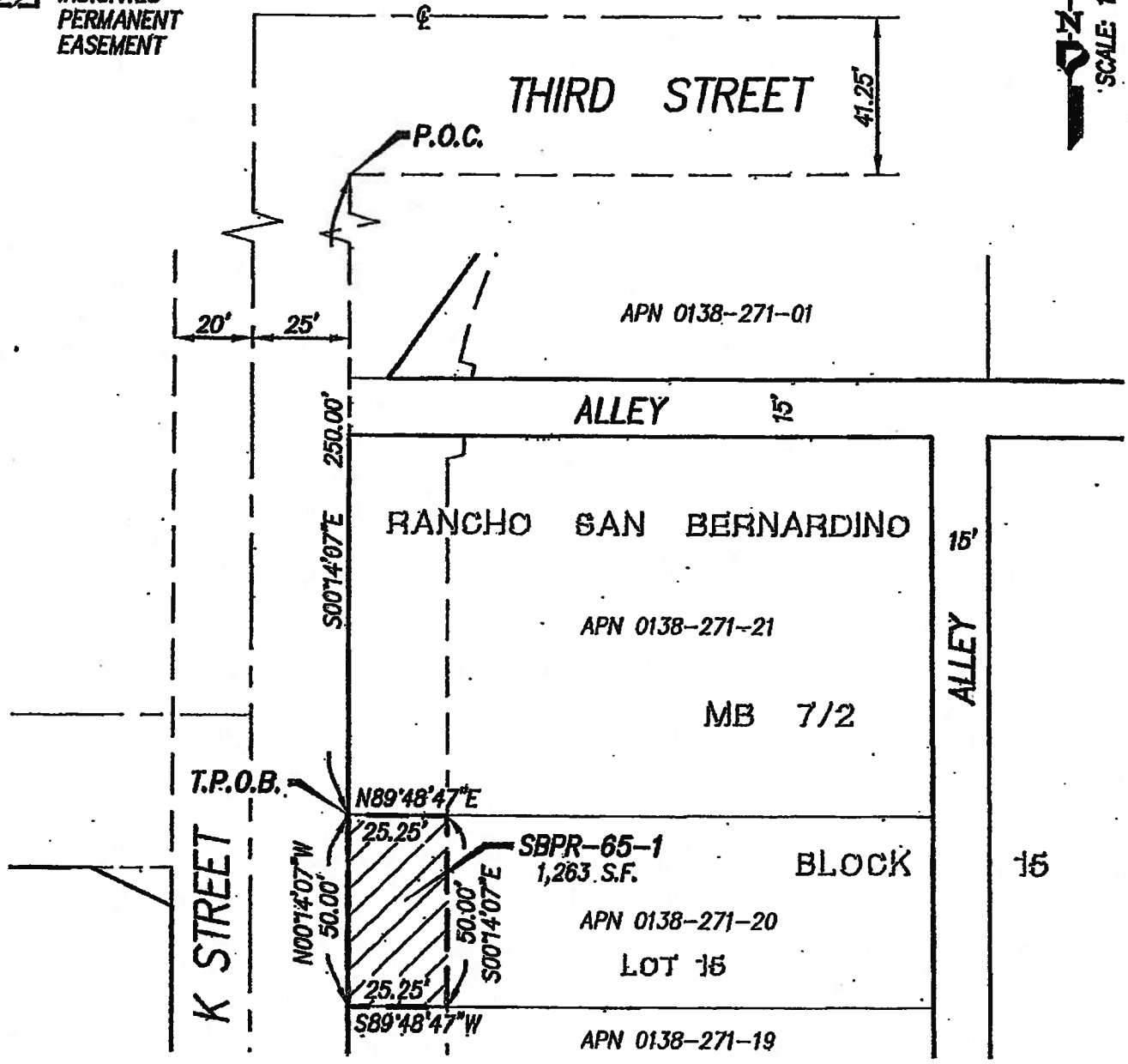
SHEET 1 OF 1

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



SCALE 1"=40'

GARY L. HUS, L.S. 7019

8-03-2012
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Micell Syliva Family

APN 0138-271-20

RIGHT OF WAY PARCEL SBPR-65-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along said East line South 00°14'07" East 250.00 feet; thence leaving said East line North 89°48'47" East 25.25 feet to the **True Point of Beginning**; thence continuing North 89°48'47" East 10.00 feet; thence parallel with said East line South 00°14'07" East 50.00; thence South 89°48'47" West 10.00 feet; thence parallel with said East line North 00°14'07" West 50.00 feet to the **True Point of Beginning.**

Said parcel contains 500 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

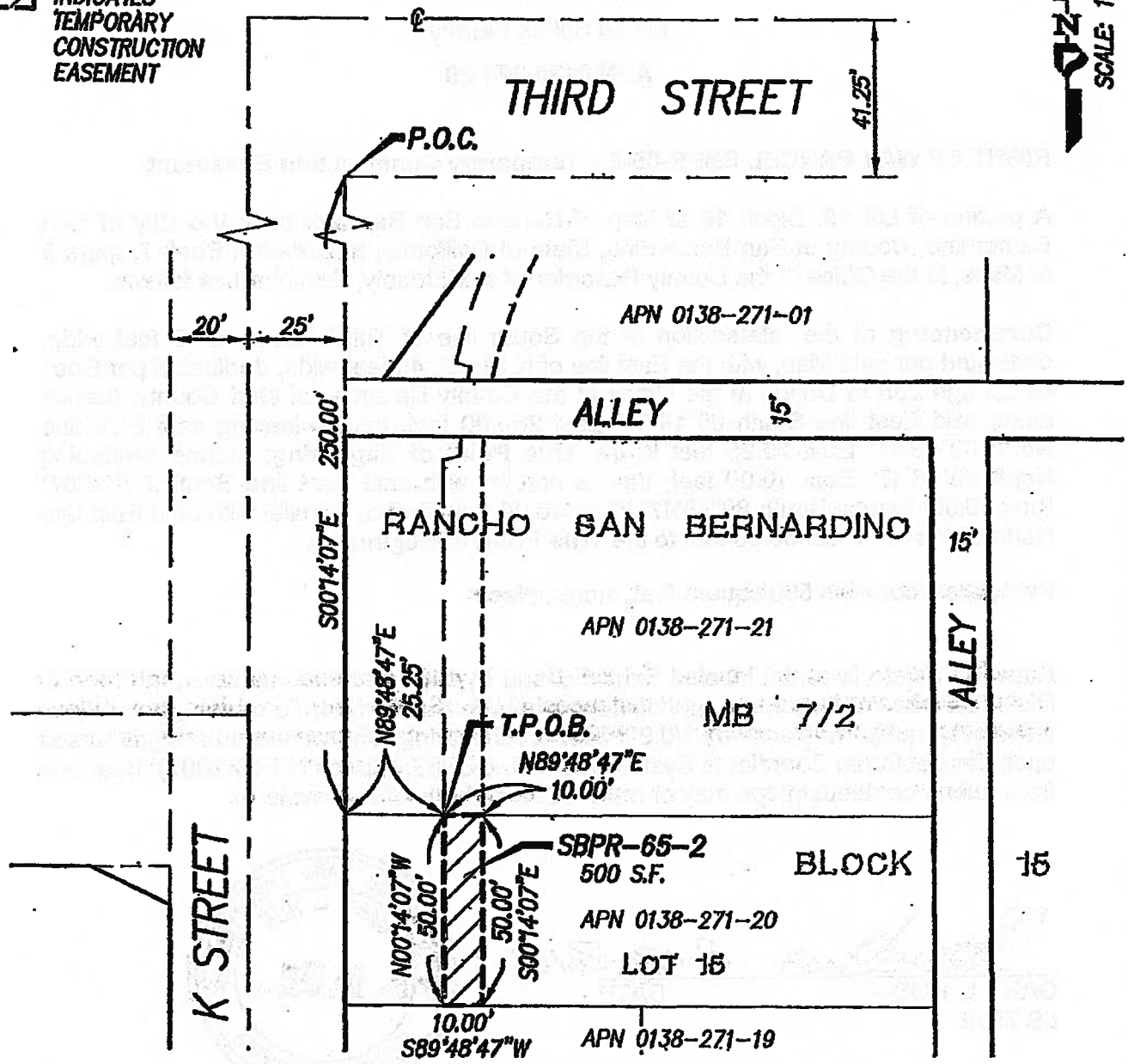
SBPR-65-2 Micell Sylva Family
APN 0138-271-20
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



GARY L. HUS, L.S. 7019

8-03-2012
DATE

LICENSED LAND SURVEYOR
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PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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RESOLUTION NO. 13-078

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 66, which represents interests in portions of the property located at 271 North "K" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-21, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes and public utilities.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits B and C are expressly limited as follows: (1) To the extent the existing chain link fencing within the permanent easement area depicted in Exhibit B must be relocated, the Commission and/or its agents will relocate that chain link fencing on the larger parcel, but outside the permanent easement area, at the Commission's sole expense; and (2) the Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the TCE area prior to the expiration of the TCE.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of

Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lot 15, Block 15, of the San Bernardino Rancho, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7 of Maps, Page 2, in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the East line of "K" Street which is 150 feet South and 25 feet East of the Northwest corner of said Lot 15; thence South 100 feet; thence East 150 feet; thence North 100 feet; thence West 150 feet to the point of beginning.

Assessor's Parcel Number 0138-271-21

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Edward L Holly

APN 0138-271-21

RIGHT OF WAY PARCEL SBPR-66-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the South line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 150.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the South line of said East/West alley North 89°48'47" East 29.62 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 86°01'12" West; thence leaving said South line and Southwesterly along said curve through a central angle of 02°08'03" a distance of 5.07 feet; thence South 75°03'07" West 4.23 feet; thence parallel with said East line South 00°14'07" East 93.87 feet; thence parallel with the South line of said East/West alley South 89°48'47" West 25.25 feet to a point on said East line; thence along said East line North 00°14'07" West 100.00 feet to the **Point of Beginning.**

Said parcel contains 2,549 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

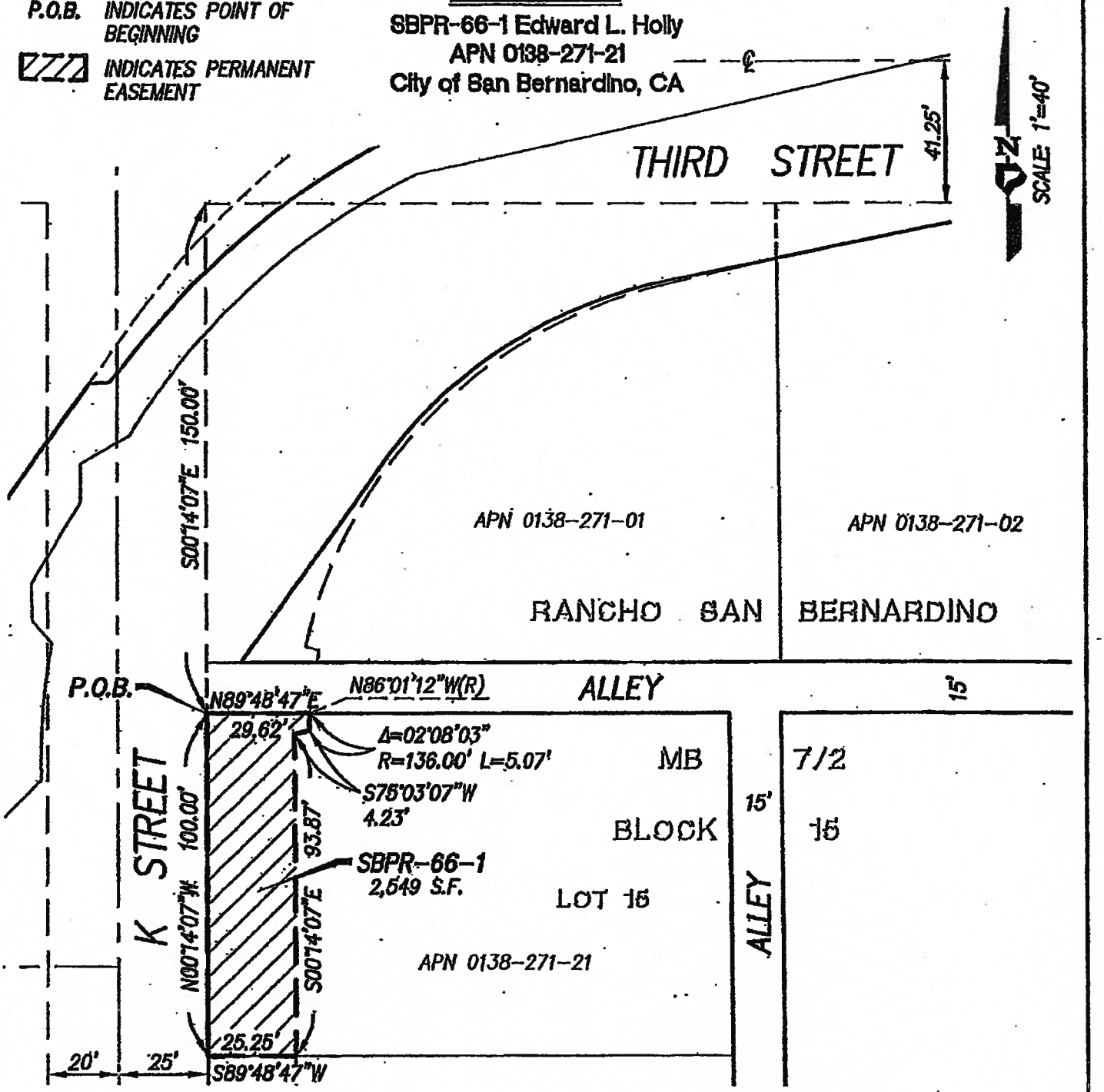
SHEET 1 OF 1

SBPR-66-1 Edward L. Holly
APN 0138-271-21
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



8-03-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Edward L Holly

APN 0138-271-21

RIGHT OF WAY PARCEL SBPR-66-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 150.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the South line of said East/West alley North 89°48'47" East 29.62 feet to the **True Point of Beginning**, thence continuing North 89°48'47" East 6.02 feet to the beginning of a non-tangent 130.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 85°49'39" West; thence leaving said South line and Southwesterly along said curve through a central angle of 04°24'28" a distance of 10.00 feet; thence parallel with said East line South 00°14'07" East 90.01 feet; thence parallel with the South line of said East/West alley South 89°48'47" West 10.00 feet; thence parallel with said East line North 00°14'07" West 93.87 feet; thence North 75°03'07" East 4.23 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 88°09'15" West; thence Northeasterly along said curve through a central angle of 02°08'03" a distance of 5.07 feet to the **True Point of Beginning.**

Said parcel contains 978 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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SHEET 1 OF 1

EXHIBIT B

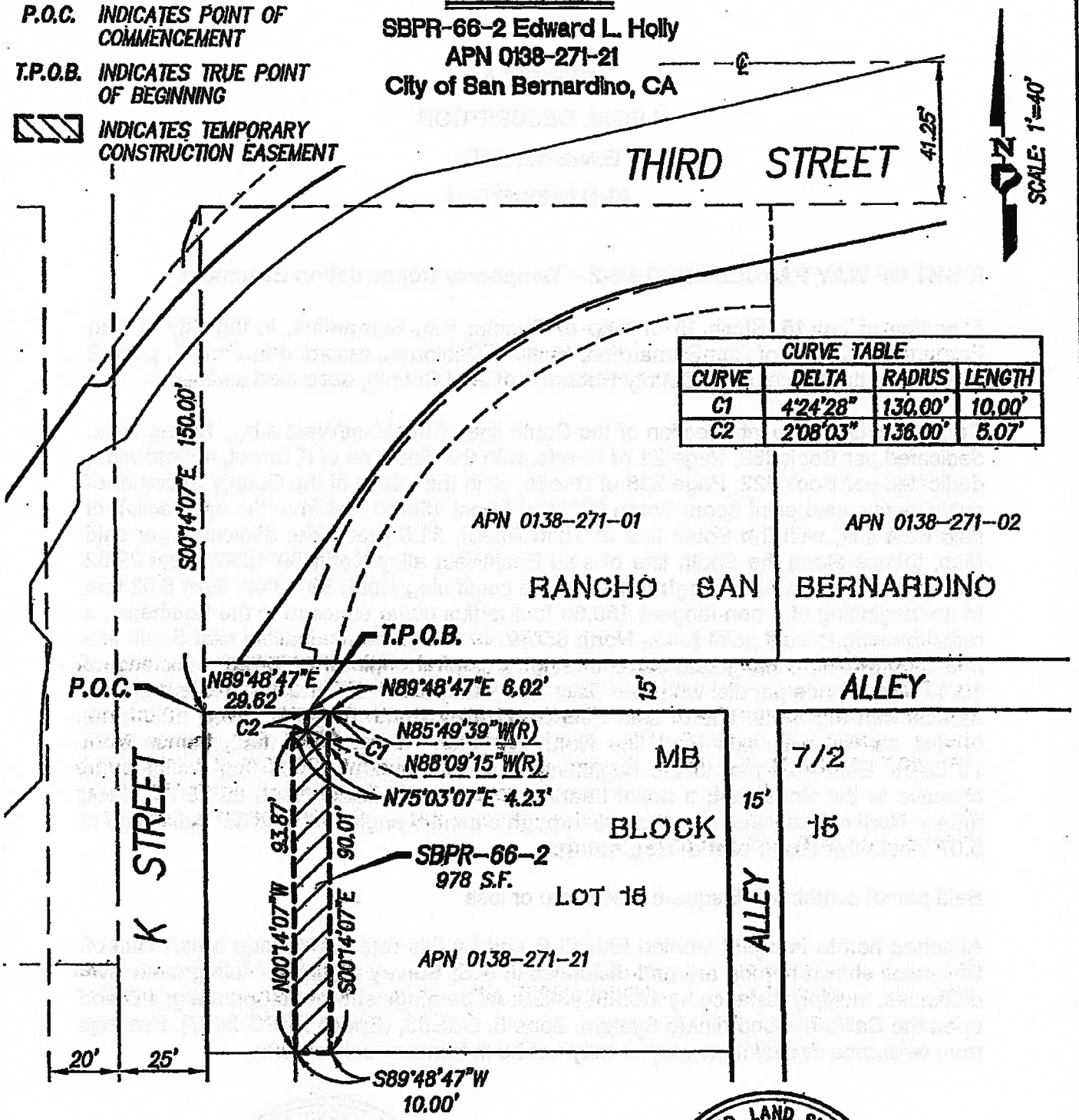
SBPR-66-2 Edward L. Holly
APN 0138-271-21
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	4°24'28"	130.00'	10.00'
C2	2°08'03"	136.00'	5.07'

GARY L. HUS, L.S. 7019 — DATE 8-03-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-079

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 67, which represents interests in portions of the property located at 1065-1073 West 3rd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-01, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1:

That portion of Lot 15, in Block 15 of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, page(s) 2, of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point 16.23 feet South from a point in the original South line of Third Street, distant 165 feet East along said South line from the original East line of "K" Street, said distance of 16.23 feet being measured parallel with said line of "K" Street; thence from said point of beginning South parallel with said line of "K" Street 118.77 feet to a point in the North line of said alley; thence parallel with said line of Third Street, 154.56 feet; thence Northeasterly in a direct line 70.49 feet, said direct line making an angle of 55° 02-1/2' with said alley line; thence Northeasterly on a tangent curve of 133.75 feet radius, concave to the Southeast 101.24 feet along the arc of said curve; thence on a tangent Northeasterly 32.57 feet to the point of beginning, said tangent making and angle of 78° 11' 21' with the first course above described.

Except that portion conveyed to the City of San Bernardino by deed recorded July 20, 1959 in Book 4870, page 508 of Official Records.

Assessor's Parcel Number 0138-271-01,

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP (PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Leonardo and Elizabeth Hernandez

APN 0138-271-01

RIGHT OF WAY PARCEL SBPR-67-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 135.00 feet from the intersection of said East line with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the North line of said East/West alley North 89°48'47" East 9.82 feet to the **True Point of Beginning**, being on the Southeast line of Third Street, dedicated per Book 622, Page 157 of Deeds in the Office of the County Recorder of said County; thence leaving said North line and along said Southeast line North 34°46'29" East 70.57 feet to the beginning of a non-tangent 133.57 foot radius curve concave to the Southeast, a radial bearing to said point bears North 55°14'26" West; thence continuing Northeasterly along said Southeast line and said curve through a central angle of 43°28'57" a distance of 101.37 feet; thence continuing along said Southeast line North 78°05'53" East 32.89 feet; thence leaving said Southeast line South 76°38'59" West a distance of 31.04 feet to the beginning of a non-tangent 140.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 12°42'10" West; thence Southwesterly along said curve through a central angle of 65°19'04" a distance of 159.60 feet; thence South 74°25'27" East a distance of 4.01 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 78°07'35" West; thence Southwesterly along said curve through a central angle of 01°31'07" a distance of 3.60 feet to the North line of said East/West alley; thence along said North line South 89°48'47" West 21.75 feet to the **True Point of Beginning.**

Said parcel contains 612 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

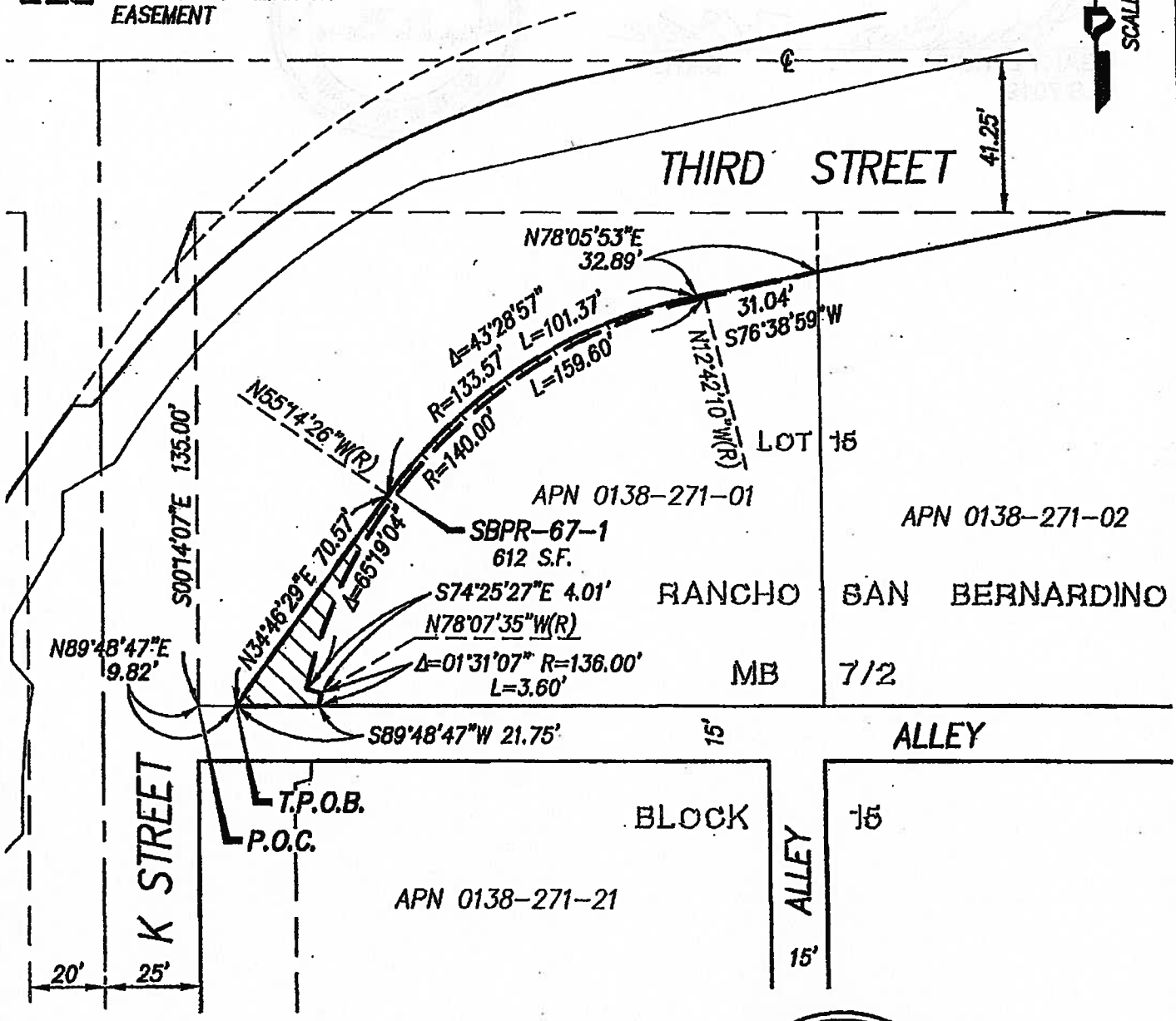
SBPR-67-1 Leonardo and Elizabeth Hernandez
APN 0138-271-01
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



GARY L. HUS, L.S. 7019 — DATE 7-19-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
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619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Leonardo and Elizabeth Hernandez

APN 0138-271-01

RIGHT OF WAY PARCEL SBPR-67-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 135.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the North line of said East/West alley North 89°48'47" East 31.57 feet to the **True Point of Beginning**, said point also the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 79°38'42" West; thence leaving said North line and Northeasterly along said curve through a central angle of 01°31'07" a distance of 3.60 feet; thence North 74°25'27" West a distance of 4.01 feet to the beginning of a non-tangent 140.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 78°01'14" West; thence Northeasterly along said curve through a central angle of 65°19'04" a distance of 159.60 feet; thence North 76°38'59" East a distance of 31.04 feet; thence South 00°14'07" East a distance of 13.74 feet to the beginning of a non-tangent 130.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 00°13'57" West; thence Southwesterly along said curve through a central angle of 78°55'12" a distance of 179.06 feet to a point on the North line of said East/West alley; thence along said North line South 89°48'47" West 6.11 feet to the **True Point of Beginning.**

Said parcel contains 1892 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

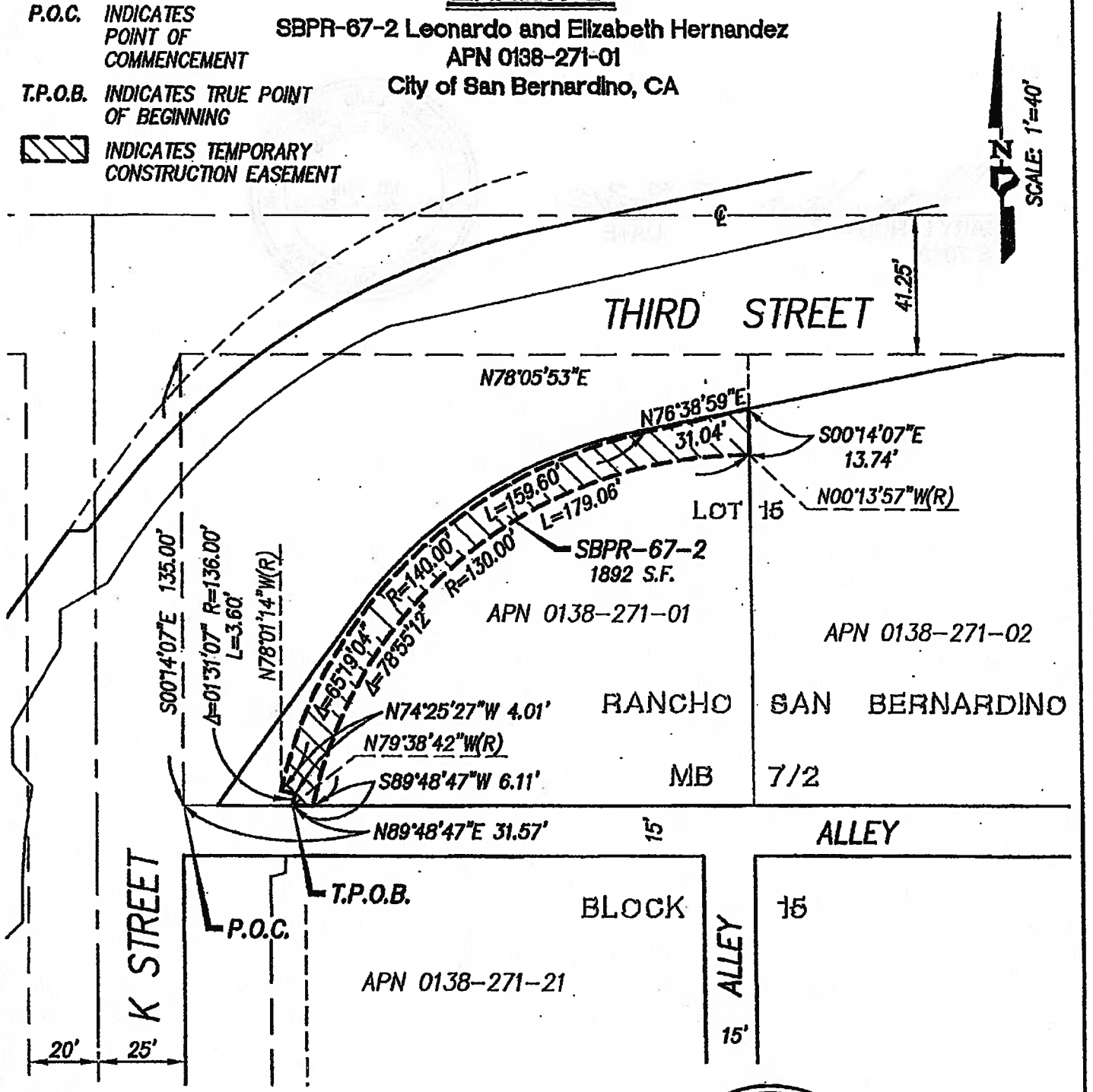
SBPR-67-2 Leonardo and Elizabeth Hernandez
APN 0138-271-01
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



7-19-2012

GARY L. HUS, L.S. 7019 DATE

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RESOLUTION NO. 13-080

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission is a joint powers authority organized and existing pursuant to Chapter 5 of Division 7 of Title 1 of the California Government Code (commencing with Section 6500), and as a Transportation Commission, was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 69, which represents interests in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-171-42, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a non-exclusive permanent easement over, on, under, in, across, along, and through the area described in Exhibit C attached hereto for ingress and egress, including, but not limited to, the right to maintain the existing roadway within the easement area.

WHEREAS, the property interests described above and encompassed by Exhibit C are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the permanent easement area, including asphalt paving, wrought iron fencing, and concrete gutters and curbing.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel A of Certificate of Compliance, Lot Line Adjustment #LLA-04-07 recorded July 13, 2005 as Instrument No. 502959 of Official Records described as follows:

Portions of Lots 7, 8 and 9 of Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown per Map recorded in Book 7, Page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of said Lot 9 as shown on said map;
Thence North 00° 01′ 16″ West along the West lines of said Lots 9, 8 and 7, 989.75 feet to a line, parallel with and 1,031.00 feet North of the centerline of Mill Street;
Thence North 89° 58′ 23″ East, along said parallel line, 360.36 feet to the East line of the Southern Pacific Railroad Right of Way, as shown per Map recorded in Book 16, Page 31 of Maps, records of said County;
Thence South 00° 02′ 40″ East along said East line, 989.75 feet to the South line of said Lot 9;
Thence South 89° 58′ 23″ West along said South line, 360.76 feet to the Southwest corner of said Lot 9 and the point of beginning.

Excepting therefrom all minerals and mineral rights, interests, and royalties, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith, as reserved in the Deed recorded October 4, 1995 as Instrument No. 1995-0344395 of Official Records.

Assessor's Parcel Number: **0136-171-42-0-000**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Arrowhead Central Credit Union

APN 0136-171-42

RIGHT OF WAY PARCEL SBPR-69-1 – Fee

A portion of Parcel A of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Parcel A; thence along the West line thereof North 00°22'23" West 435.75 feet to the **True Point of Beginning**; thence continuing along said West line North 00°22'23" West 554.00 feet to the Northwest corner of said Parcel A; thence leaving said West line and along the North line of said Parcel A North 89°36'43" East 360.36 feet to the Northeast corner of said Parcel A; thence leaving said North line and along the East line of said Parcel A South 00°23'46" East 554.00 feet; thence leaving said East line South 89°36'43" West 360.58 feet to the **True Point of Beginning**.

Said parcel contains 199,701 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

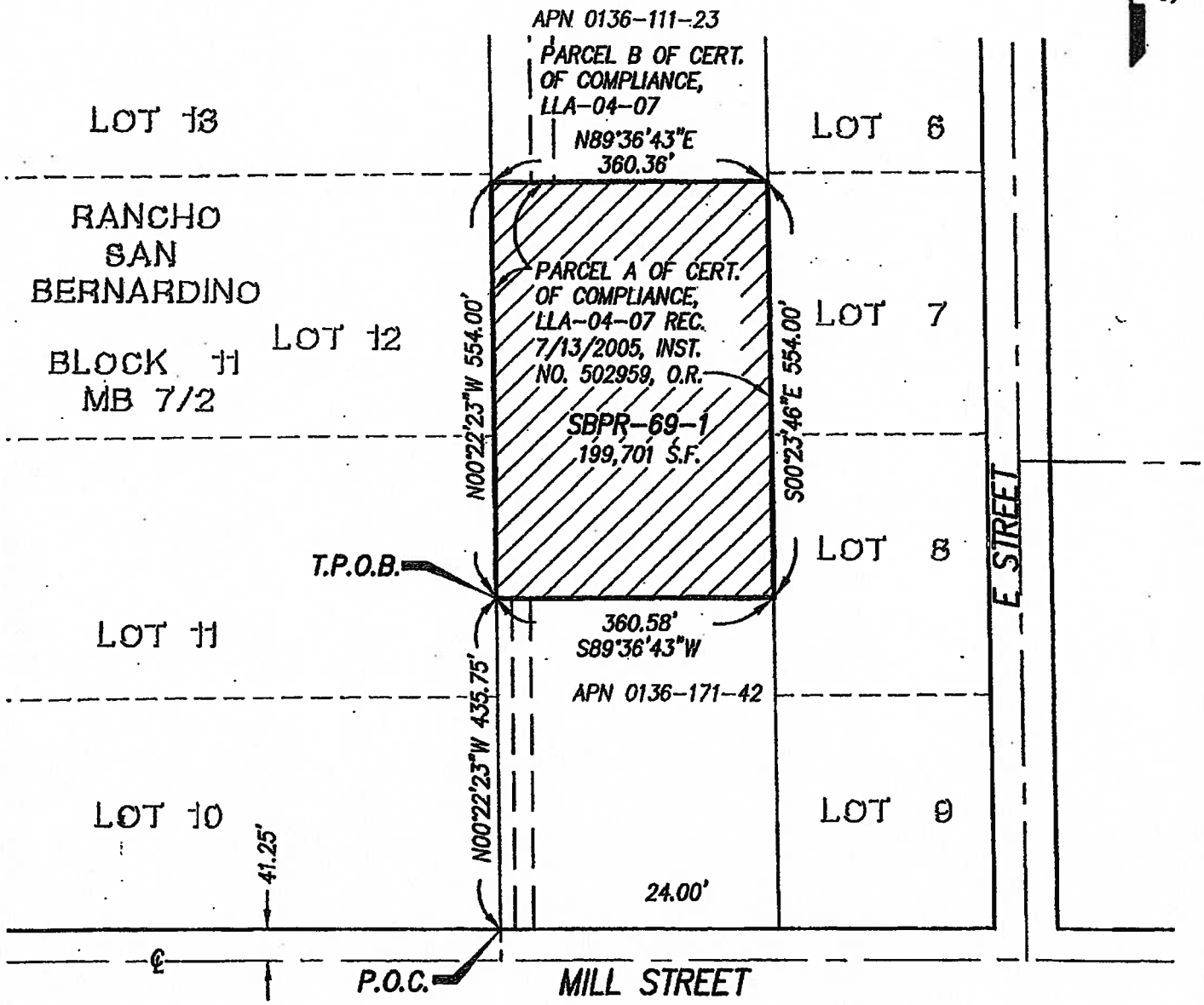
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

SBPR-69-1 Arrowhead Central Credit Union
APN 0136-171-42
City of San Bernardino, CA



11-26-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 900
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Arrowhead Central Credit Union

APN 0136-171-42

RIGHT OF WAY PARCEL SBPR-69-2 – Permanent Easement

A portion of Parcel A of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Parcel A; thence along the West line thereof North 00°22'23" West 435.75 feet; thence leaving said West line North 89°36'43" East 20.08 feet to **True Point of Beginning**; thence continuing North 89°36'43" East 24.00 feet; thence South 00°15'57" East 435.75 feet to a point on the South line of said Parcel A; thence along said South line South 89°36'43" West 24.00 feet; thence leaving said South line North 00°15'57" West 435.75 feet to the **True Point of Beginning**.

Said parcel contains 10,458 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

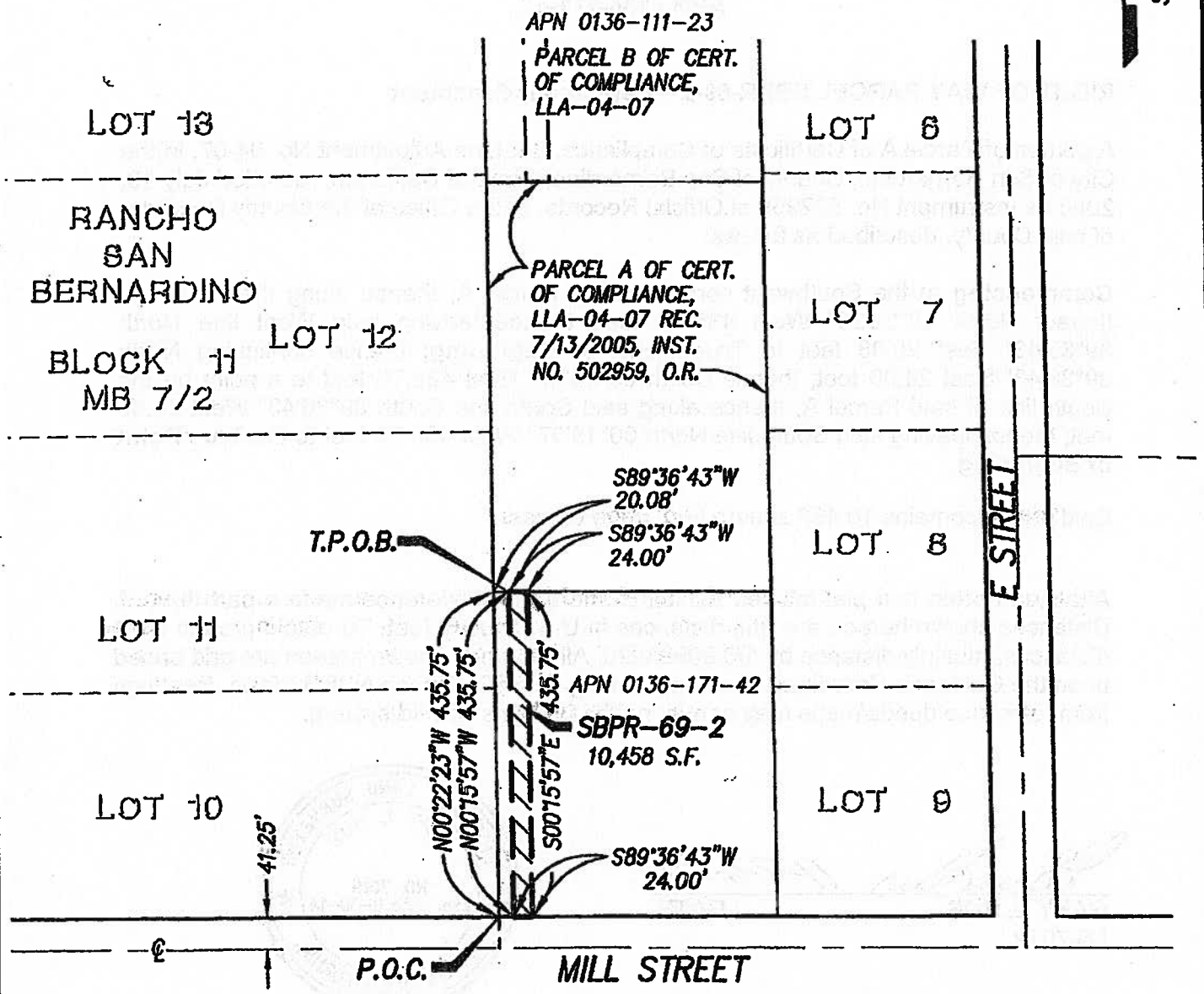
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

SBPR-69-2 Arrowhead Central Credit Union
APN 0136-171-42
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 1-26-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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RESOLUTION NO. 13-081

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 72, which represents a permanent slope easement over, on, under, in, across, along, and through a portion of a property located in San Bernardino, California, which lies East of San Bernardino County Assessor's Parcel Number 0136-011-38, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

(b) The Project is planned or located in the manner which will be most compatible

with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13081-a.pdf

EXHIBIT A

LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

State of California

Portion of Interstate 215

RIGHT OF WAY PARCEL SBPR-72-1 – Permanent Easement

A portion of Interstate 215, per final order of condemnation per Document No. 2000-0195763, recorded June 1, 2000 in the Office of the County Recorder of said County and shown on California Department of Transportation Drawing No. 403596-2 dated January 13, 2003 in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the Southwest right-of-way of the California Central Railway Company per Book 63, Page 140 of Deeds, recorded July 13, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the West line of said Interstate 215, said point being on a 788.94 foot radius curve concave to the Northeast; thence continuing Southeasterly along said Southwest right-of-way and said curve through a central angle of 03°10'03" a distance of 43.62 feet; thence leaving said Southwest right-of-way South 04°42'17" East 15.86 feet to the beginning of a non-tangent 758.26 foot radius curve concave to the Northeast, a radial bearing to said point bears South 21°46'25" West; thence Northwesterly along said curve through a central angle of 3°06'21" a distance of 41.10 feet to a point on said West line of Interstate 215; thence along said West line North 03°34'23" West 21.37 feet to the **Point of Beginning.**

Said parcel contains 675 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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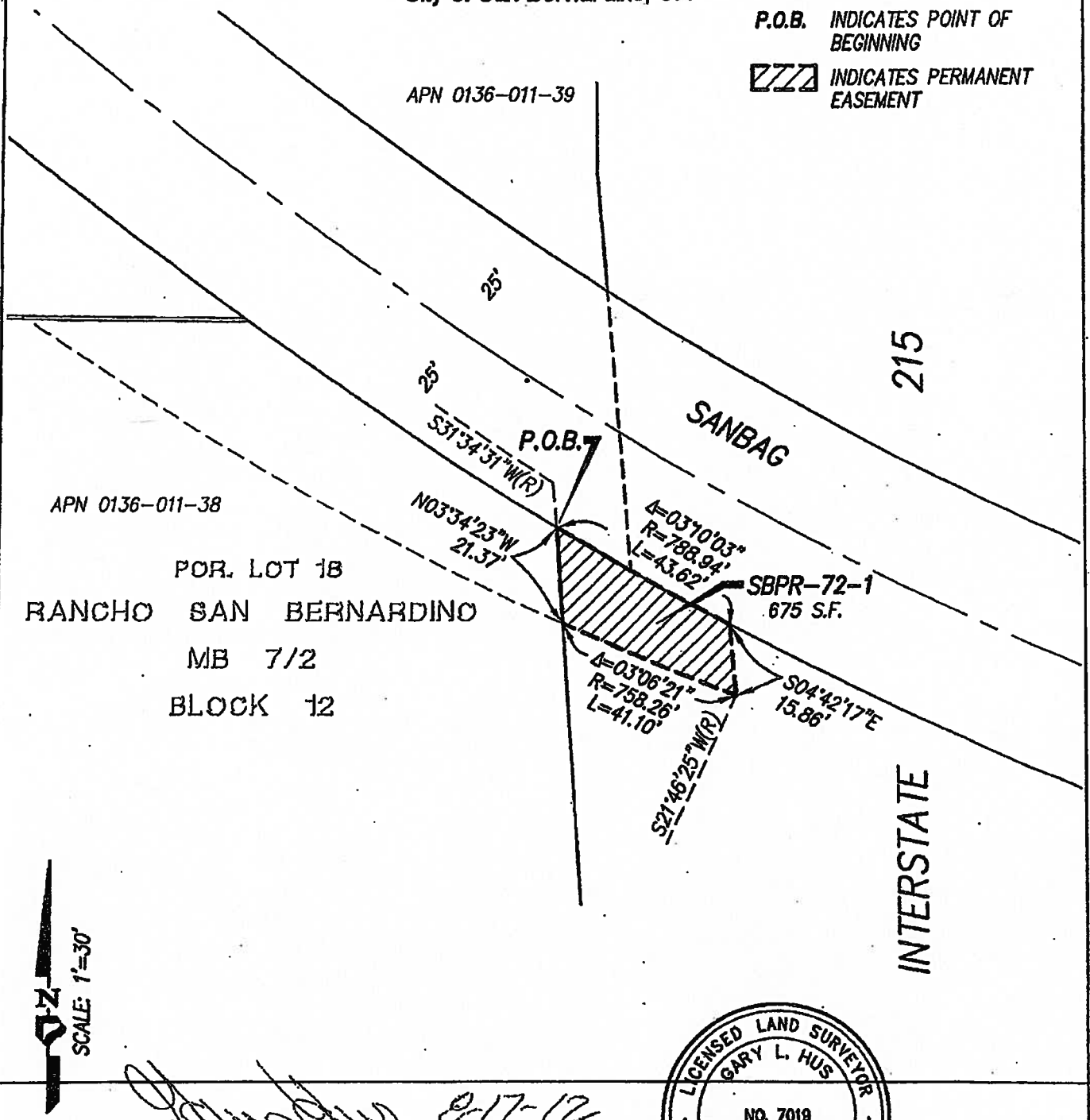
SHEET 1 OF 1

EXHIBIT B

SBPR-72-1 State of California
Portion of Interstate 215
City of San Bernardino, CA



8-17-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
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619.234.0349 Fax

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RESOLUTION NO. 13-072

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 54, which represents a fee simple interest in the property located at 134 South "E" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-111-01, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

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

Portion of Lot 2, Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7 Page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at intersection of South lien of Atchison, Topeka Santa Fe Railroad right of way, and East line of Lot 2; thence South along the West line of "E" Street, 115 feet; thence West 282 feet, more or less, to Southern Pacific Railroad right of way; thence North, 115 feet; thence East to the point of beginning.

Assessor's Parcel Number: **0136-111-01**

RESOLUTION NO. 13-073

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 57, 58, 68, 74, and 75, which represents interests in portions of property located in San Bernardino, California, which bears San Bernardino County Assessor's Parcel Numbers 0136-111-14, 0136-111-15, 0136-111-23, and 0136-111-24, and which is described more specifically below and in the exhibits attached hereto, which are incorporated herein by this reference ("Property").

WHEREAS the Property consists of a fee simple interest in a commercial lot west of "E" Street in San Bernardino, California, which is designated as Commission Parcel SBPR 57, which bears San Bernardino County Assessor's Parcel Number 0136-111-24, and which is described in Exhibit A attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the property located at 174 South "E" Street, San Bernardino, California, which is designated as Commission Parcel SBPR 75, which bears San Bernardino County Assessor's Parcel Number 0136-111-15, and which is described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee simple interest in the property located at 170 South "E" Street, San Bernardino, California, which is designated as Commission Parcel SBPR 74, which bears San Bernardino County Assessor's Parcel Number 0136-111-14, and which is described in Exhibit C attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a fee interest, a permanent easement, and a temporary construction easement in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-111-23. The legal description for the larger parcel of which these interests are a part is attached hereto as Exhibit D.

WHEREAS the fee interest in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 58, described in Exhibit E attached hereto, and being acquired for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the permanent easement in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 68-1 and consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit F attached hereto for underground utilities and related purposes.

WHEREAS the temporary construction easement in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 68-2 and consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit G attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the permanent easement in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 68-3 and consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit H attached hereto for underground utilities and related purposes.

WHEREAS the permanent easement in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 68-4 and consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit I attached hereto for underground utilities and related purposes.

WHEREAS the permanent easement in the larger parcel described in Exhibit D is designated as Commission Parcel SBPR 68-5 and consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit J attached hereto for sidewalk and driveway maintenance related purposes.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is

authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION AND MAP
(FEE)

LEGAL DESCRIPTION

All that certain real property situated in the County of San Bernardino, State of California, described as follows:
Parcel C of that certain Certificate of Compliance for Lot Line Adjustment No. Lot Line Adjustment-04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 2005-0502959 of Official Records, more particularly described as follows:

Portions of Lots 2 and 3 of Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown per Map recorded in Book 7, Page(s) 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the East line of the Southern Pacific Railroad Right-of-Way, as described by deed recorded July 14, 1903, in Book 335, Page(s) 98, of Deeds, of said County and the South line of that parcel described by deed to the San Bernardino Valley Railway, recorded in Book 59, Page(s) 443, of Deeds of said County;

Thence South 00° 02' 58" East along said East line, 437.25 feet to a line parallel with and 437.25 feet South of the South line of said parcel described by deed to the San Bernardino Valley Railway;
Thence North 89° 53' 09" West along said parallel line, 360.00 feet to the West line of said Lot 3;
Thence North 00° 02' 14" West along the West lines of said Lots 3 and 2, 437.25 feet to the South line of said parcel described by deed to the San Bernardino Valley Railway;
Thence South 89° 53' 09" East, 359.90 feet to the point of beginning.

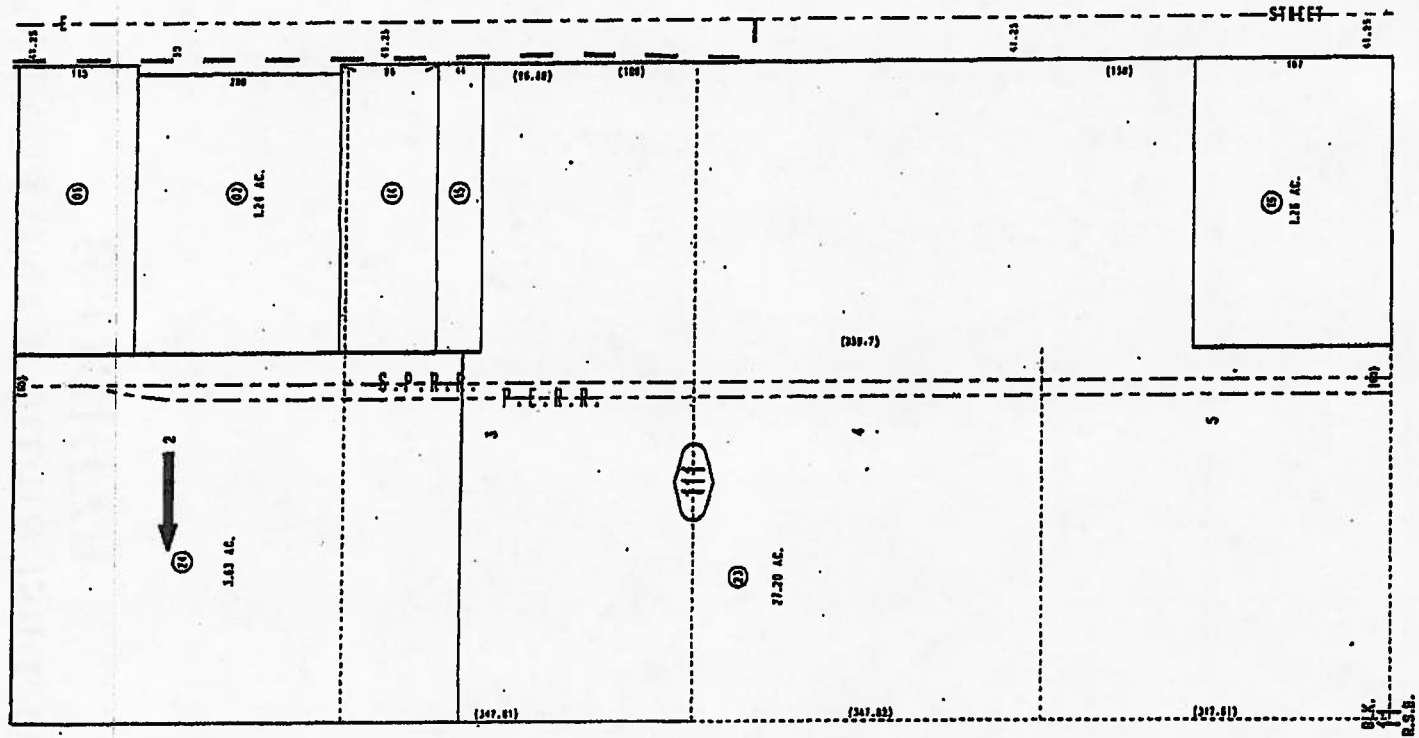
Excepting therefrom all minerals and mineral rights, interests, and royalties, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under the property; however, Grantor or its successors and assigns, shall not have the right for any purposes whatsoever to enter upon, into or through the surface of the property in connection therewith, as excepted in the deed from Southern Pacific Transportation Company, recorded October 4, 1995 as Instrument No. 19950344395 of Official Records.

Assessor's Parcel Number: 0136-111-24-0-000

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

Ptn. Rancho San Bernardino
M.B. 7/2

City of San Bernardino 0136 - 11
Tax Rate Area
7067



JUN 09 2009

REVISED
04/28/09 RD

March 2005

Ptn. S.W. 1/4, Sec. 10
T.1S., R.4W.

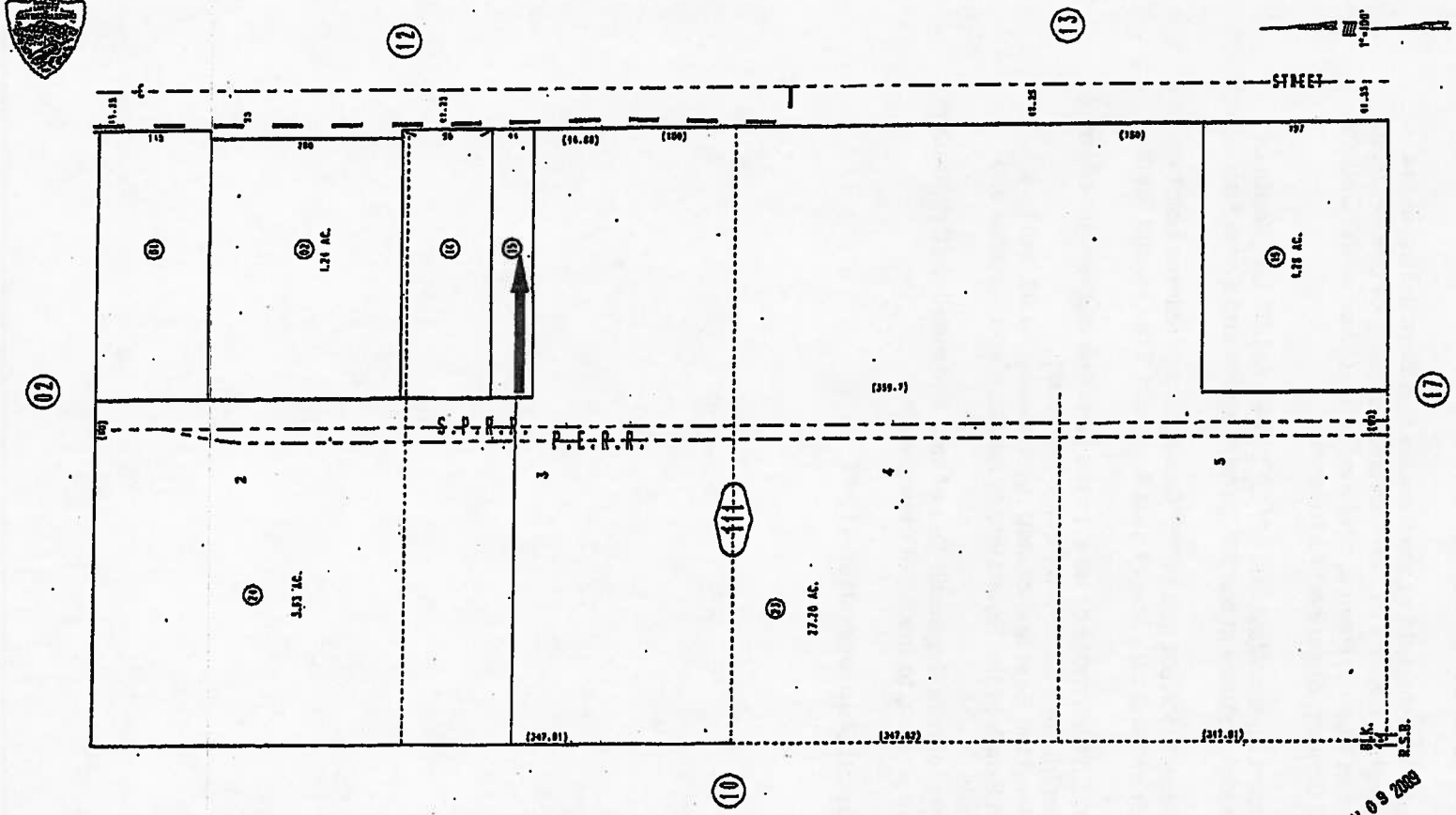
Assessor's Map
Book 0136 Page 11
San Bernardino County

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

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

Ptn. Rancho San Bernardino
M.B. 7/2

City of San Bernardino 0136 - 11
Tax Rate Area
7067



JUN 09 2009

REVISED 04/26/09 RU

March 2005

Ptn. S.W. 1/4, Sec. 10
T.1S., R.4W.

Assessor's Map
Book 0136 Page 11
San Bernardino County

LEGAL DESCRIPTION

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

That portion of Lot 3 in Block 11 of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page 2, of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the West line of "E" Street, 411.00 feet South of South line of the right-of-way at the Atchison, Topeka and Santa Fe Railroad;
Thence South along the West line of "E" Street, 44.00 feet to a point 455.00 feet South of the South line of said Atchison, Topeka and Santa Fe Railroad;
Thence West 282.00 feet, more or less, to the East line of the right-ofway of the Pacific Electric and Southern Pacific Railroad;
Thence North along the East line of said right-of-way, 44.00 feet to a point 411.00 feet South of the South line of the Atchison, Topeka and Santa Fe Railroad;
Thence East, parallel with the South line of said last mentioned right-ofway, 282.00 feet, more or less, to the point of beginning.

Assessor's Parcel Number: 0136-111-15

EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

LEGAL DESCRIPTION

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

That portion of Lots 2 and 3, in Block 11 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page(s) 2, of Maps, in the Office of the County Recorder of said County, described as follows:

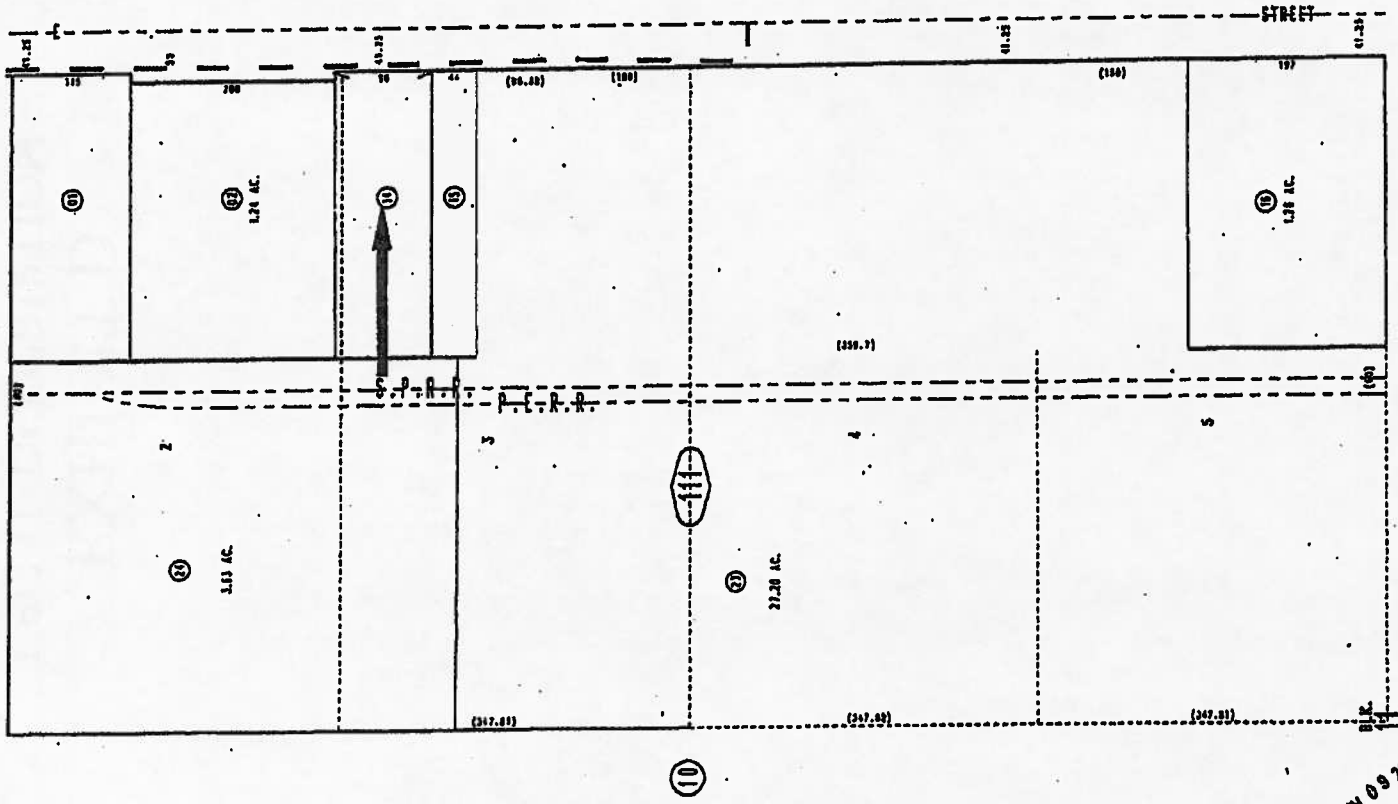
Beginning at a point on the West line of "E" Street, 315 feet South of the South line of the right-of-way at the Atchison, Topeka and Santa Fe Railroad;
Thence South along the West line of "E" Street, 96.00 feet to a point 411.00 feet South of the South line of said Atchison, Topeka and Santa Fe Railroad;
Thence West 282.00 feet, more or less, to the East line of the right-ofway of the Pacific Electric and Southern Pacific Railroad;
Thence North along the East line of its successors and/or assigns rightof-way, 96.00 feet to a point 315 feet South of the South line of the Atchison, Topeka and Santa Fe Railroad;
Thence East parallel with the South line of said last mentioned right-ofway 282.00 feet, more or less, to the point of beginning.

Assessor's Parcel Number: 0136-111-14

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

Ptn. Rancho San Bernardino
M.B. 7/2

City of San Bernardino 0136 - 11
Tax Rate Area
7067



JUN 0 9 2009

REVISED
06/28/09 RV

March 2005

Ptn. S.W. 1/4, Sec. 10
T.1S., R.4W.

Assessor's Map
Book 0136 Page 11
San Bernardino County

EXHIBIT D
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Those portions of Lots 3, 4, 5, 6, 7, 14, 15 and 16 of Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown on a map recorded in Book 7, Page 2 of Maps, in the office of the County Recorder of said county, described as follows:

Parcel B of that certain Certificate of Compliance for Lot Line Adjustment No. LLA 04-07 recorded July 13, 2005 as Instrument No. 2005-0502959 of Official Records.

Except therefrom any and all oil, gas, minerals, and other hydrocarbon substances as more particularly set forth and provided in various documents of record.

Assessor's Parcel Number: 0136-111-23-0-000

EXHIBIT E
LEGAL DESCRIPTION AND MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-58-1 – Fee

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of Parcel C of said Certificate of Compliance, also being on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line North 89°36'31" East 50.00 feet; thence leaving said North line South 00°23'38" East 37.75 feet; thence parallel with said North line South 89°36'31" West 50.00 feet to the Southerly extension of the West line of said Parcel C; thence along said Southerly extension North 00°23'38" West 37.75 feet to the **True Point of Beginning.**

Said parcel contains 1,888 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-06-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

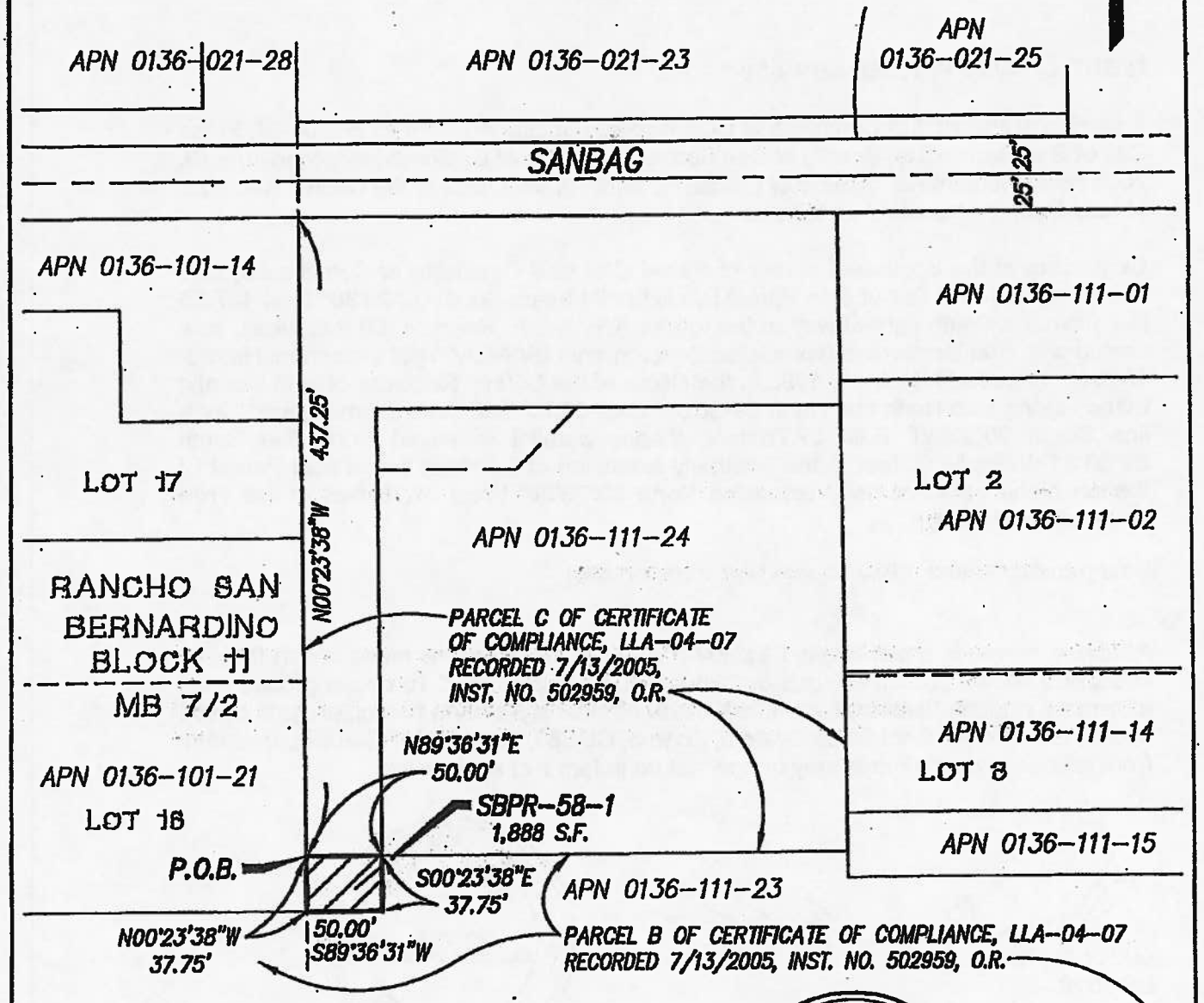
SHEET 1 OF 1

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES RIGHT OF WAY TAKE – FEE

SBPR-58-1 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 11-06-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT F
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-68-1 – Permanent Easement

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of Parcel C of said Certificate of Compliance, also being on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line North 89°36'31" East 66.25 feet to the **True Point of Beginning**; thence continuing North 89°36'31" East 75.23 feet; thence leaving said North line South 44°36'22" West 70.83 feet; thence South 49°34'39" West 198.45 feet; thence South 00°25'21" East 484.14 feet; thence South 50°25'21" East 185.49 feet; thence South 00°24'46" East 498.58 feet to a point on the South line of said Parcel B; thence along said South line South 89°36'43" West 30.00 feet; thence leaving said South line North 00°24'46" West 484.58 feet; thence North 50°25'21" West 185.48 feet; thence North 00°25'21" West 512.12 feet; thence North 49°34'39" East 204.80 feet; thence North 00°23'38" West 32.03 feet to the **True Point of Beginning**.

Said parcel contains 43,591 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-18-2013

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

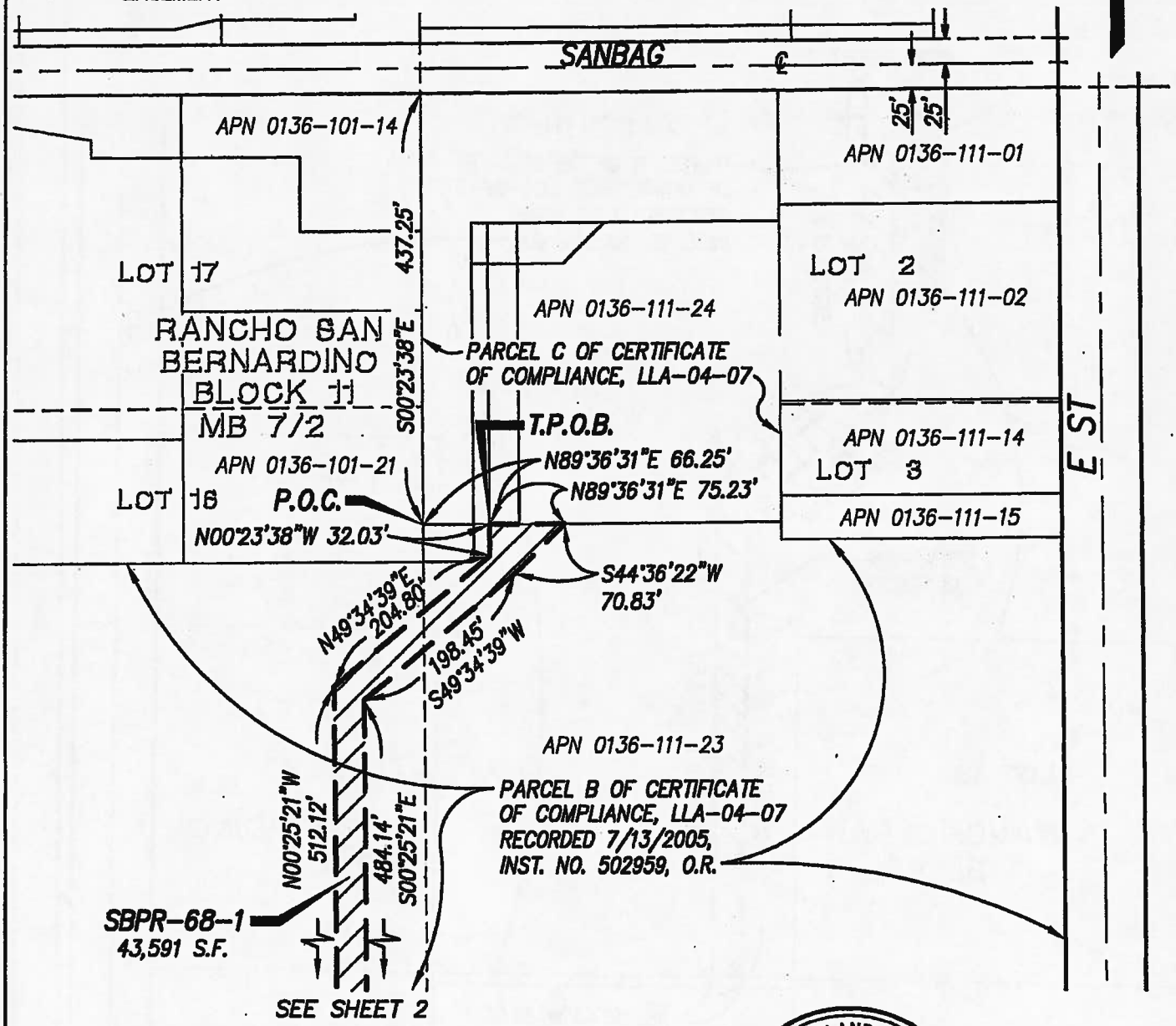
SBPR-68-1 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



2-12-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
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619.234.0349 Fax

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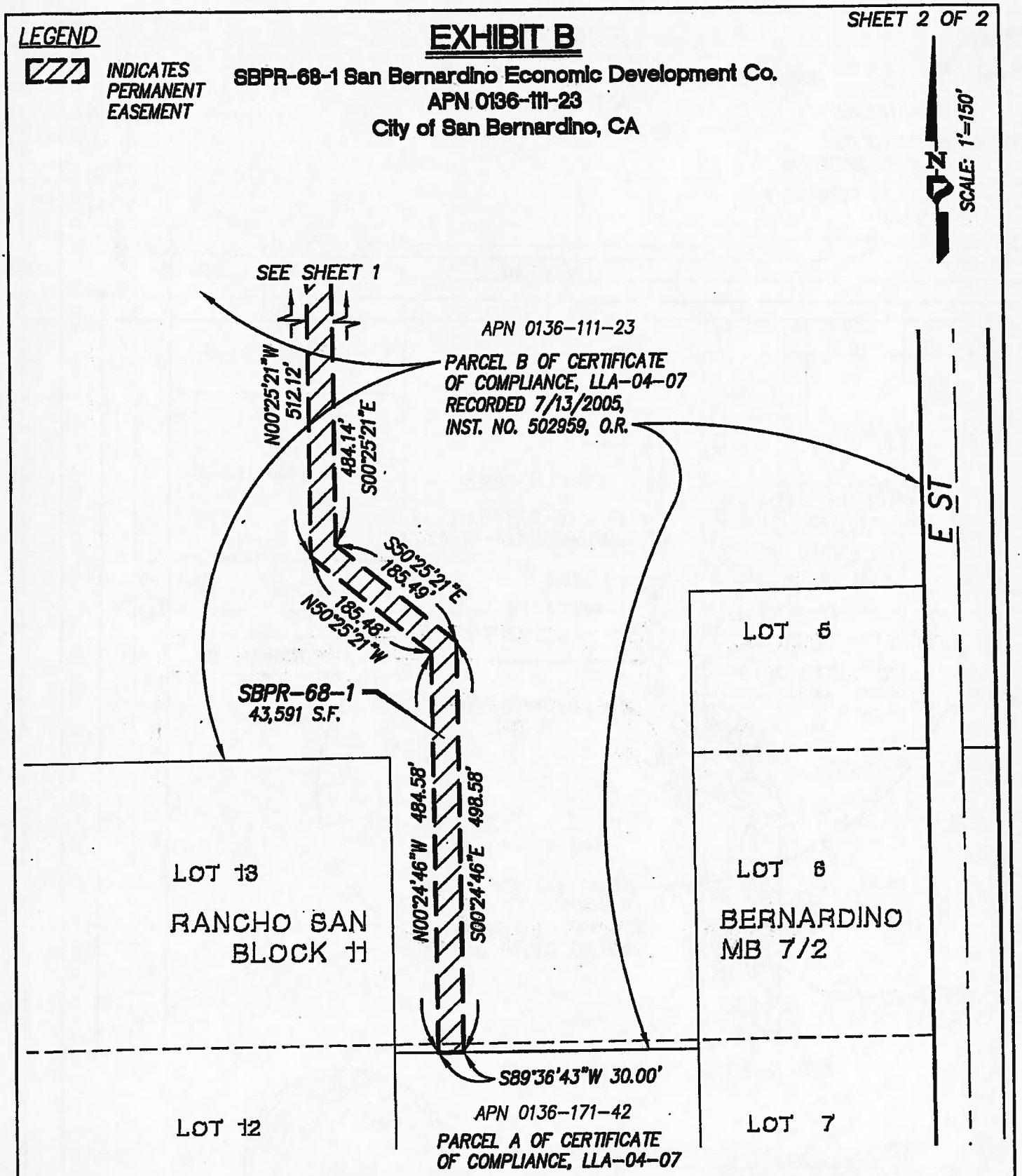
EXHIBIT B

SBPR-68-1 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

INDICATES PERMANENT EASEMENT



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
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619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT G

LEGAL DESCRIPTION AND MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-68-2 – Temporary Construction Easement

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of Parcel C of said Certificate of Compliance, also being on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line North 89°36'31" East 50.00 feet to the **True Point of Beginning**; thence continuing North 89°36'31" East 16.25 feet to a point herein referred to as **Point "A"**; thence continuing North 89°36'31" East 75.23 feet; thence continuing North 89°36'31" East 60.53 feet; thence leaving said North line South 70°36'03" West 30.70 feet; thence South 00°23'38" East 68.20 feet; thence South 68°16'40" West 83.49 feet; thence South 14°17'18" West 39.62 feet; thence South 89°30'57" West 78.07 feet; thence South 49°34'39" West 62.22 feet; thence South 00°25'21" East 465.49 feet; thence South 50°25'21" East 211.59 feet; thence South 00°24'46" East 491.15 feet to a point on the South line of said Parcel B; thence along said South line South 89°36'43" West 90.00 feet; thence leaving said South line North 00°24'46" West 475.24 feet; thence North 50°25'21" West 211.59 feet; thence North 00°25'21" West 497.21 feet; thence North 49°34'39" East 101.85 feet; thence North 00°23'38" West 67.97 feet to a point on the Northerly line of said Parcel B; thence along said Northerly line and the Easterly extension thereof North 89°36'31" East 102.58 feet; thence leaving said Easterly extension North 00°23'38" West 37.75 feet to the **True Point of Beginning**.

Excepting therefrom that portion of said Parcel B, described as follows:

Beginning at the above-mentioned **Point "A"**; thence along said North line of Parcel B North 89°36'31" East 75.23 feet; thence leaving said North line South 44°36'22" West 70.83 feet; thence South 49°34'39" West 198.45 feet; thence South 00°25'21" East 484.14 feet; thence South 50°25'21" East 185.49 feet; thence South 00°24'46" East 498.58 feet to a point on the South line of said Parcel B; thence along said South line South 89°36'43" West 30.00 feet; thence leaving said South line North 00°24'46" West 484.58 feet; thence North 50°25'21" West 185.48 feet; thence North 00°25'21" West 512.12 feet; thence North 49°34'39" East 204.80 feet; thence North 00°23'38" West

32.03 feet to the **Point of Beginning**..

Said parcel contains 87,605 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-18-2013

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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SHEET 1 OF 2

EXHIBIT B

SBPR-68-2 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

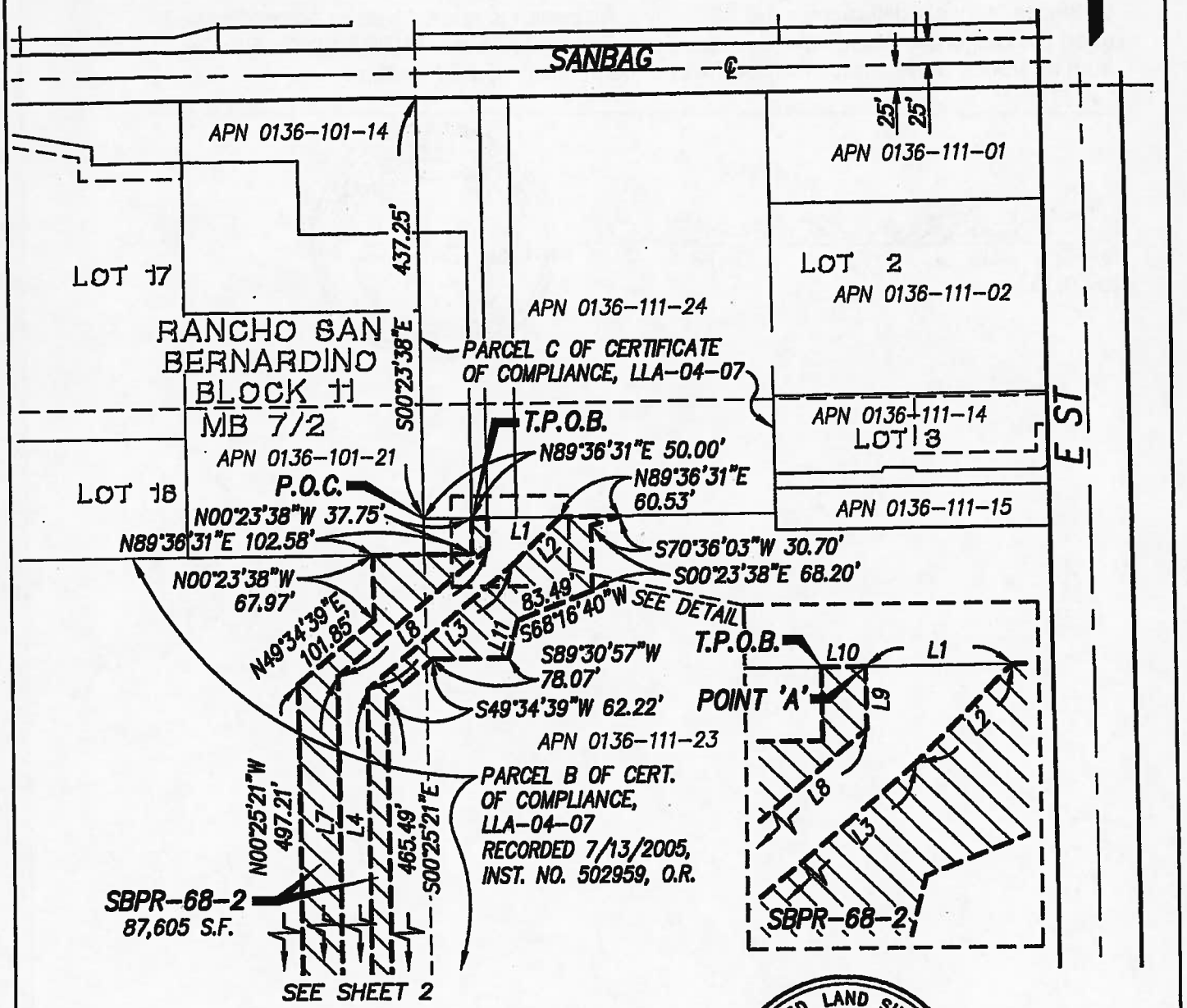
P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SEE TABULATED DATA ON SHEET 2.

SCALE: 1'=150'



2-18-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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LEGEND

INDICATES TEMPORARY CONSTRUCTION EASEMENT

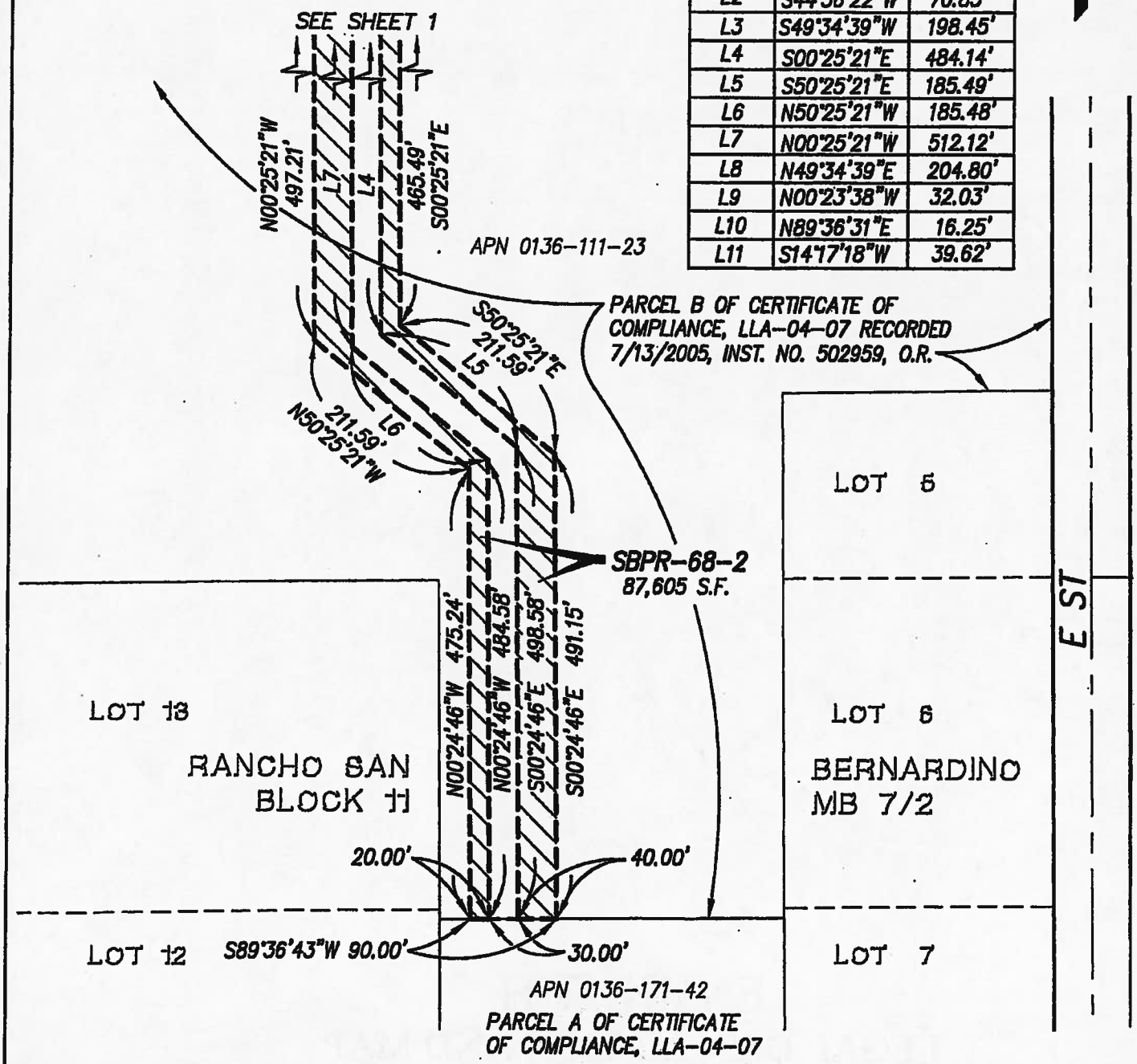
EXHIBIT B

SHEET 2 OF 2

SBPR-68-2 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

SCALE: 1"=150'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°36'31"E	75.23'
L2	S44°36'22"W	70.83'
L3	S49°34'39"W	198.45'
L4	S00°25'21"E	484.14'
L5	S50°25'21"E	185.49'
L6	N50°25'21"W	185.48'
L7	N00°25'21"W	512.12'
L8	N49°34'39"E	204.80'
L9	N00°23'38"W	32.03'
L10	N89°36'31"E	16.25'
L11	S14°17'18"W	39.62'



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT H

LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-68-3 – Permanent Easement

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of Parcel C of said Certificate of Compliance, also being on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line North 89°36'31" East 111.83 feet to the **True Point of Beginning**; thence continuing North 89°36'31" East 10.00 feet; thence leaving said North line South 00°23'20" East 25.98 feet; thence South 44°55'14" West 43.13 feet; thence North 89°36'39" West 58.18 feet; thence North 00°23'38" West 10.00 feet; thence South 89°36'39" East 54.12 feet; thence North 44°55'14" East 34.76 feet; thence North 00°23'20" West 21.81 feet to the **True Point of Beginning.**

Said parcel contains 1,190 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-18-2013

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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SHEET 1 OF 1

EXHIBIT B

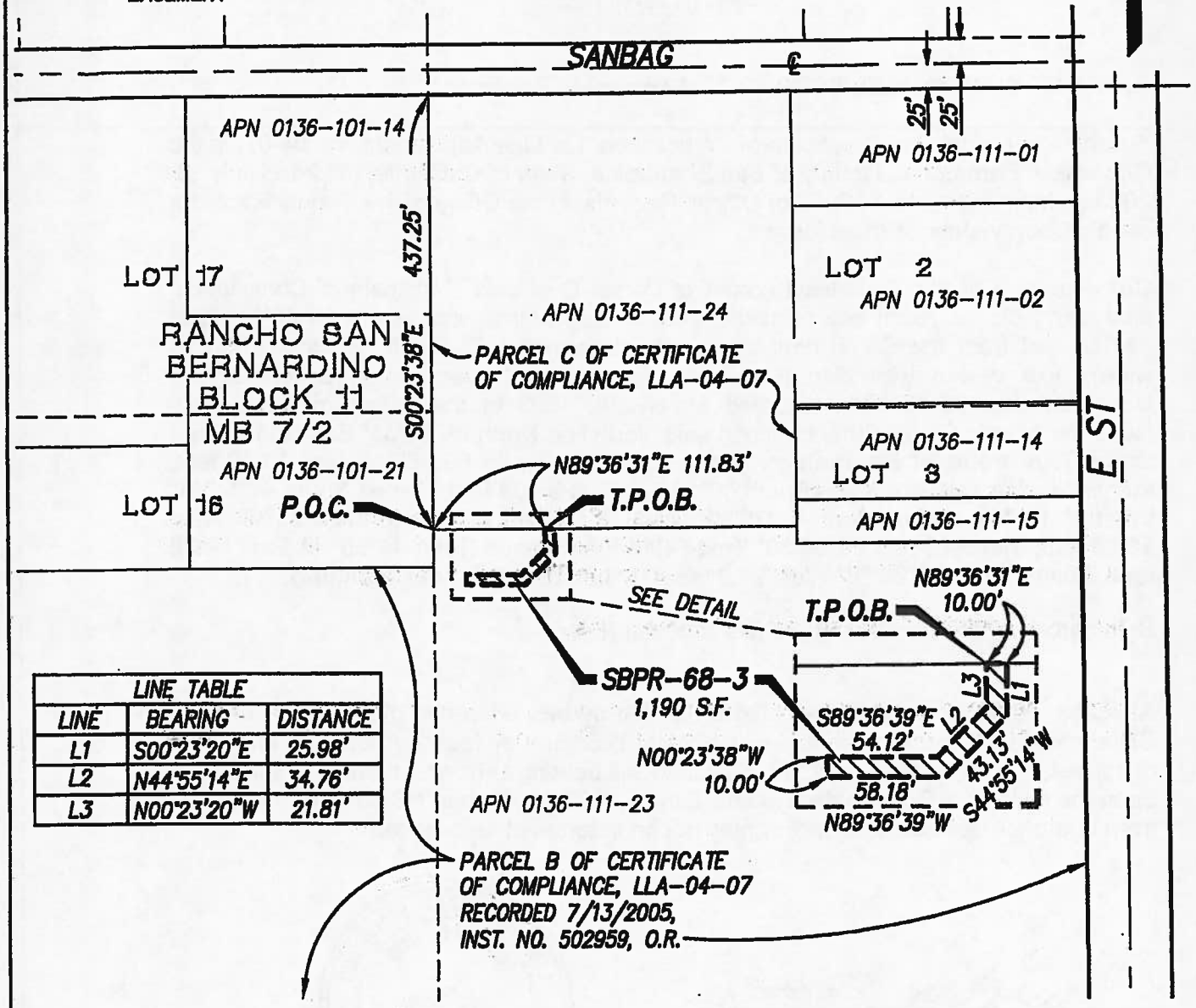
SBPR-68-3 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°23'20"E	25.98'
L2	N44°55'14"E	34.76'
L3	N00°23'20"W	21.81'

2-12-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
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619.234.0349 Fax

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EXHIBIT I
LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-68-4 – Permanent Easement

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of Parcel C of said Certificate of Compliance, also being an angle point on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence Southerly along said North line of Parcel B South 00°23'38" East 37.75 feet to an angle point on said North line; thence leaving said North line and along the Easterly extension of a portion thereof North 89°36'31" East 28.42 feet to the **True Point of Beginning**; thence continuing North 89°36'31" East 10.45 feet; thence leaving said Easterly extension South 16°25'17" West 66.67 feet; thence North 73°34'43" West 10.00 feet; thence North 16°25'17" East 63.65 feet to the **True Point of Beginning**.

Said parcel contains 652 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-12-2013

GARY L. HUS DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SHEET 1 OF 1

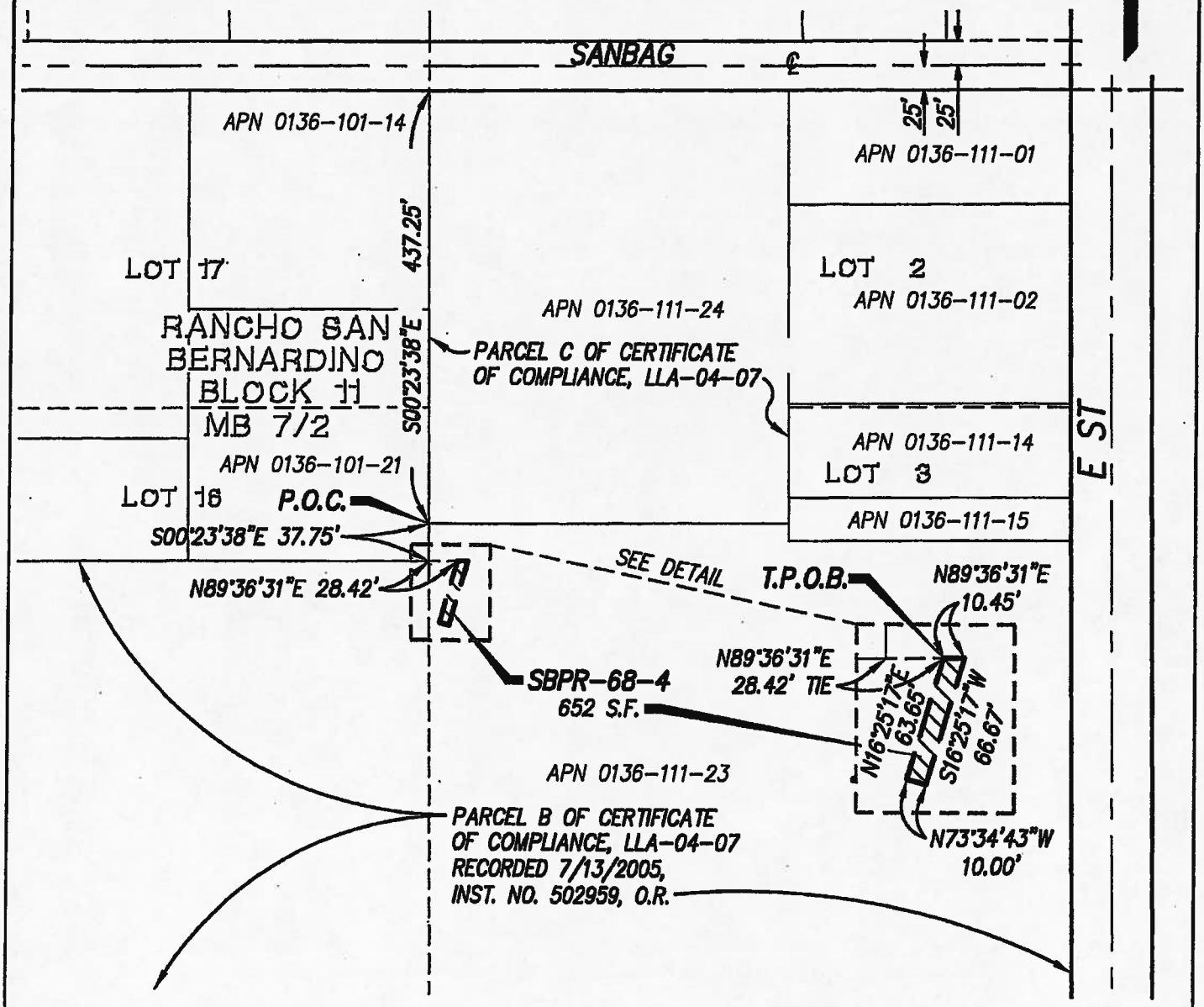
SBPR-68-4 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



2-18-2013

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT J
LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

San Bernardino Economic Development Co.

APN 0136-111-23

RIGHT OF WAY PARCEL SBPR-68-5 – Permanent Easement

A portion of Parcel B of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of Parcel C of said Certificate of Compliance, also being on the North line of said Parcel B, said point bears South 00°23'38" East 437.25 feet from the South right-of-way of the former A.T. & S.F. Railroad (50 feet wide), now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County; thence along said North line North 89°36'31" East 50.00 feet to the **True Point of Beginning**; thence continuing North 89°36'31" East 95.68 feet to the beginning of a non-tangent 85.00 foot radius curve concave to the Northwest; thence leaving said North line and Southwesterly along the arc of said curve, through a central angle of 78°02'14" a distance of 115.77 feet; thence South 00°13'47" West 11.58 feet; thence North 89°46'13" West 31.69 feet; thence South 38°29'18" West 25.04 feet; thence South 89°36'22" West 14.96 feet; thence North 00°23'31" East 71.94 feet; thence North 89°36'31" East, 38.09 feet; thence North 00°23'38' West 37.75 feet to the **True Point of Beginning.**

Said parcel contains 8,814 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

2-18-2013

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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SHEET 1 OF 1

EXHIBIT B

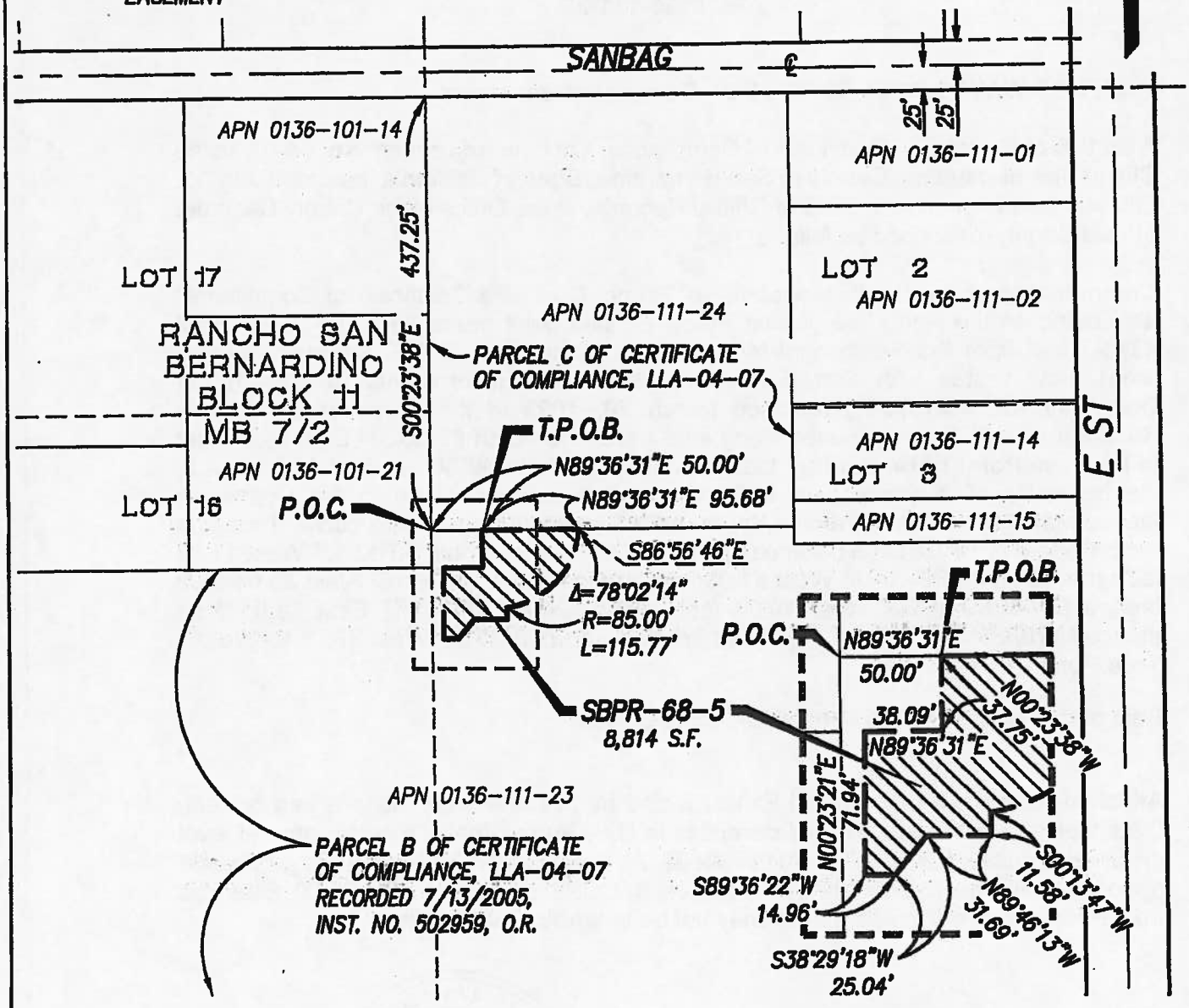
SBPR-68-5 San Bernardino Economic Development Co.
APN 0136-111-23
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



GARY L. HUS, L.S. 7019 — DATE 2-18-2013

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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RESOLUTION NO. 13-074

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcels SBPR 60, 61, and 62, which represents interests in portions of the property located at 203-229 North "K" Street and 1056-1068 West 2nd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Numbers 0138-271-15, 0138-271-16, and 0138-271-17, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit C attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the

earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit E attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) eighteen (18) months from the commencement date of TCE 2, or (c) December 31, 2015.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit F attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 3"). TCE 3 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 3, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 3, (b) eighteen (18) months from the commencement date of TCE 3, or (c) December 31, 2015.

WHEREAS, the property interests described above are expressly limited as follows: (1) the Commission and/or its agents shall only have the right to engage in demolition activities within the TCE 2 and TCE 3 areas during the first three months of those TCE periods; and (2) the Commission and/or its agent shall (a) reconstruct the retaining wall structure along 2nd Street and approximately 20 feet of "K" Street, north of the new corner cutoff, and (b) rework the front yard landscaping improvements (including re-installing and/or reconnecting irrigation lines) as a means of conforming the property with surrounding residential properties in the general area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the

acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

	Approved *Board of Directors* *Date:* _____ *Moved:* *Second:* *In Favor:* *Opposed:* *Abstained:* *Witnessed:* _____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lot 15 in Block 15 of San Bernardino Rancho, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, page(s) 2, of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the North line of 2nd Street as described in the deed to the City of San Bernardino, recorded December 8, 1915 in Book 581, page 254 of Deeds, in said office of the County Recorder, with the East line of K Street as described in the deed to the City of San Bernardino, recorded May 25, 1909 in Book 422, page 238 of said Deeds;

Thence North along said K Street a distance of 198 feet to a point that is distant 400 feet South and 25 feet East of the Northwest corner of said Lot 15;

Thence East 150 feet to the West line of the alley as described in Parcel Two of the deed to the City of San Bernardino, recorded May 26, 1920 in Book 689, page 21 of said Deeds;

Thence South 198 feet along said alley to said North line of 2nd Street;

Thence West 150 feet along said 2nd Street to the point of beginning.

APN: 0138-271-15-0-0000, 0138-271-16-0-000, 0138-271-17-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Antonio Martinez

APN 0138-271-16

RIGHT OF WAY PARCEL SBPR-61-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 100.00 feet; thence leaving said East line North 89°37'10" East 25.25 feet; thence parallel with said East line South 00°14'07" East 64.16 feet; thence South 45°18'20" East 50.63 feet to the North line of said Second Street; thence along said North line South 89°37'11" West 61.09 feet to the **Point of Beginning.**

Said parcel contains 3,167 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

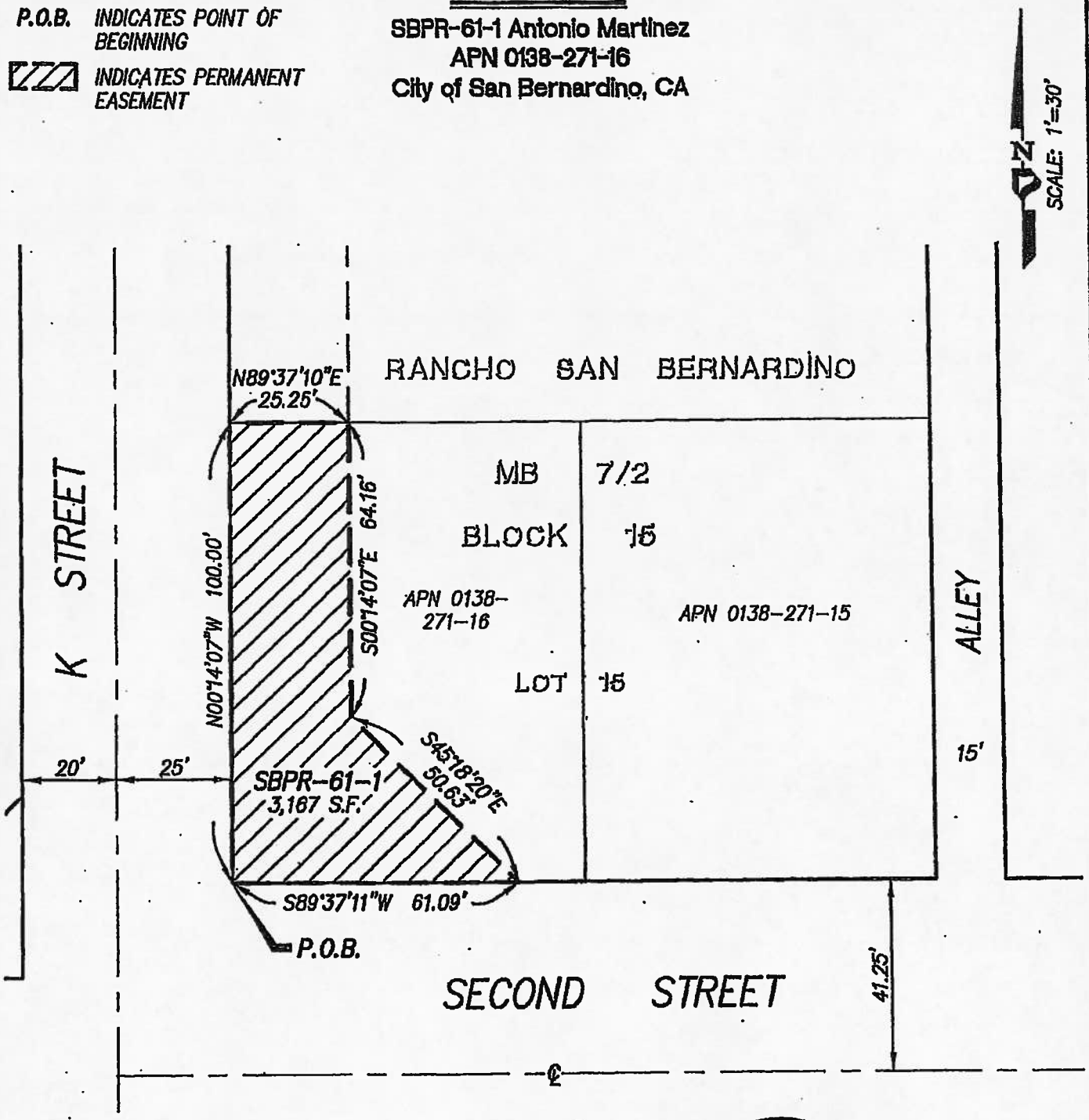
P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SBPR-61-1 Antonio Martinez
APN 0138-271-16
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019 — DATE 08-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Antonio Martinez

APN 0138-271-17

RIGHT OF WAY PARCEL SBPR-62-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 100.00 feet to the **True Point of Beginning**; thence continuing along said East line North 00°14'07" West 99.16 feet; thence leaving said East line North 89°48'47" East 25.25 feet; thence parallel with said East line South 00°14'07" East 99.08 feet; thence South 89°37'10" West 25.25 feet to the **True Point of Beginning.**

Said parcel contains 2,503 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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SHEET 1 OF 1

EXHIBIT B

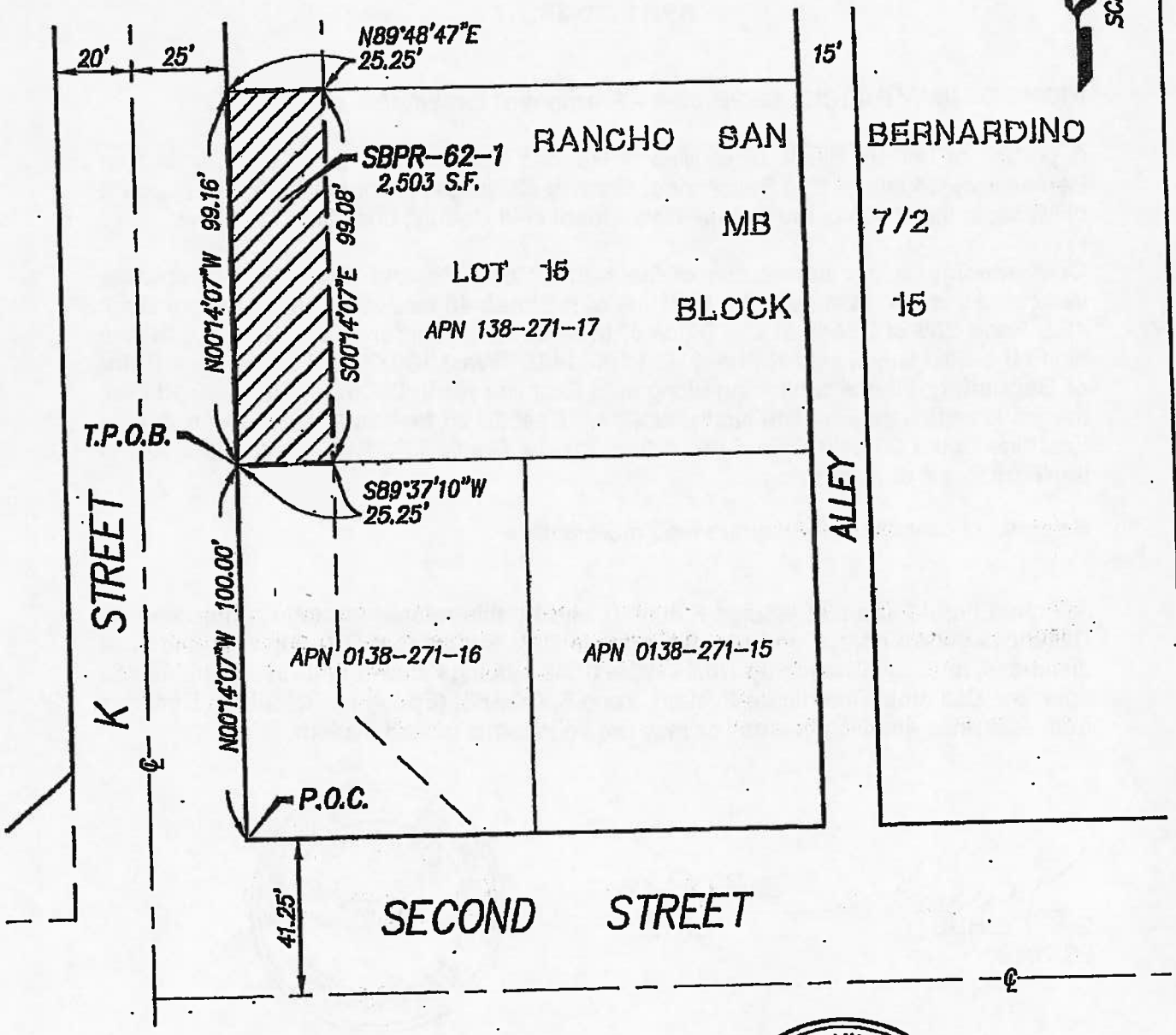
SBPR-62-1 Antonio Martinez
APN 0138-271-17
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



GARY L. HUS, L.S. 7019

08-08-12
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Antonio Martinez

APN 0138-271-15

RIGHT OF WAY PARCEL SBPR-60-1 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the North line of said Second Street North 89°37'11" East 75.25 feet to the **True Point of Beginning**; thence leaving said North line North 00°15'11" West 10.00 feet; thence parallel with said North line North 89°37'11" East 75.25 feet to the West line of the North/South alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds in the Office of the County Recorder of said County; thence along said West line South 00°16'15" East 10.00 feet to the North line of said Second Street; thence along said North line South 89°37'11" West 75.25 feet to the **True Point of Beginning.**

Said parcel contains 752 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

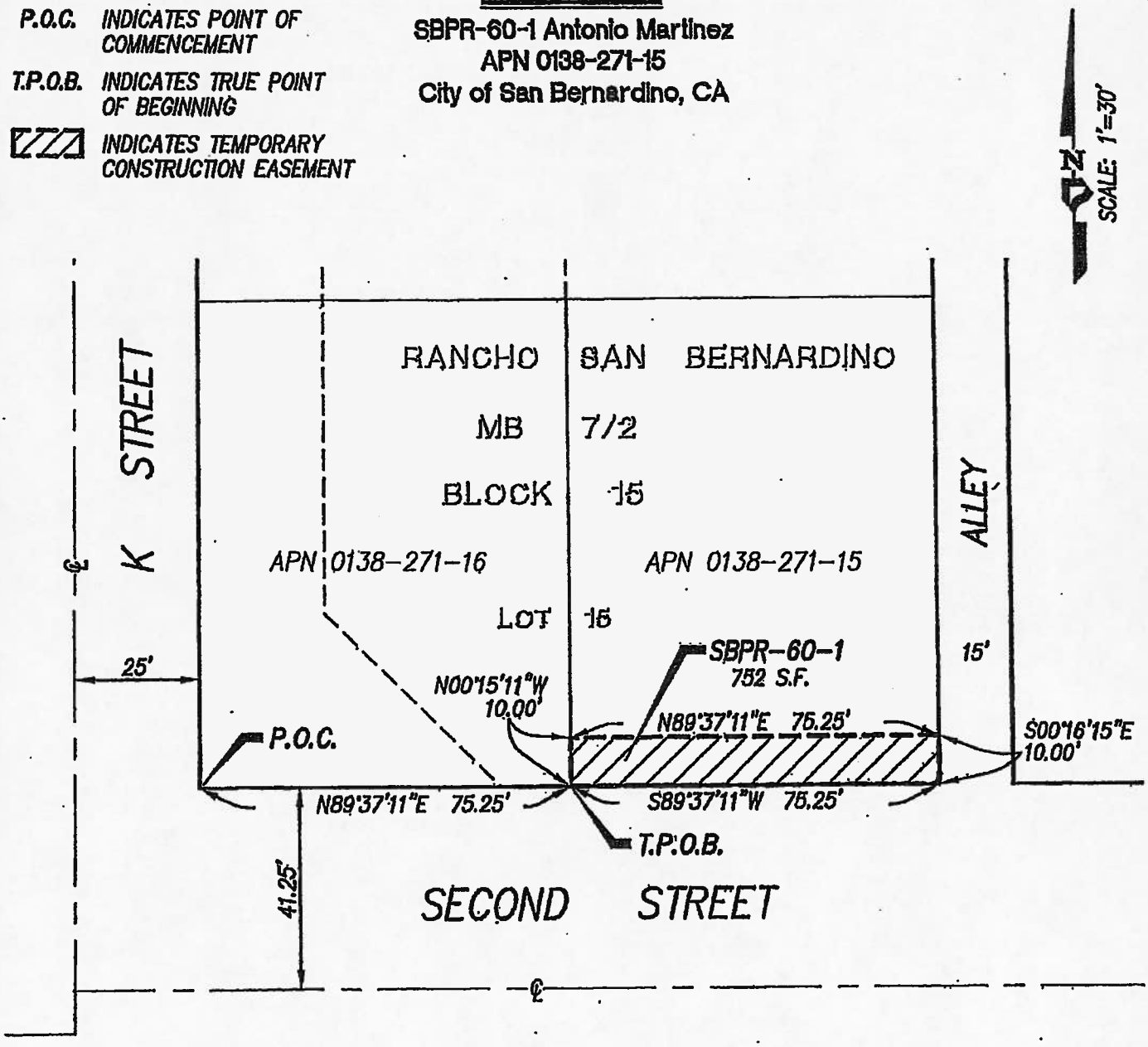
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-60-1 Antonio Martinez
APN 0138-271-15
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019 — DATE 08-08-12

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EXHIBIT E

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Antonio Martinez

APN 0138-271-16

RIGHT OF WAY PARCEL SBPR-61-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the North line of said Second Street North 89°37'11" East 61.09 feet to the **True Point of Beginning**; thence leaving said North line North 45°18'20" West 50.63 feet; thence North 00°14'07" West 64.16 feet; thence North 89°37'10" East 49.97 feet; thence South 00°15'11" East 100.00 feet to the North line of said Second Street; thence along said North line South 89°37'11" West 14.16 feet to the **True Point of Beginning**.

Said parcel contains 4,356 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

08-09-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

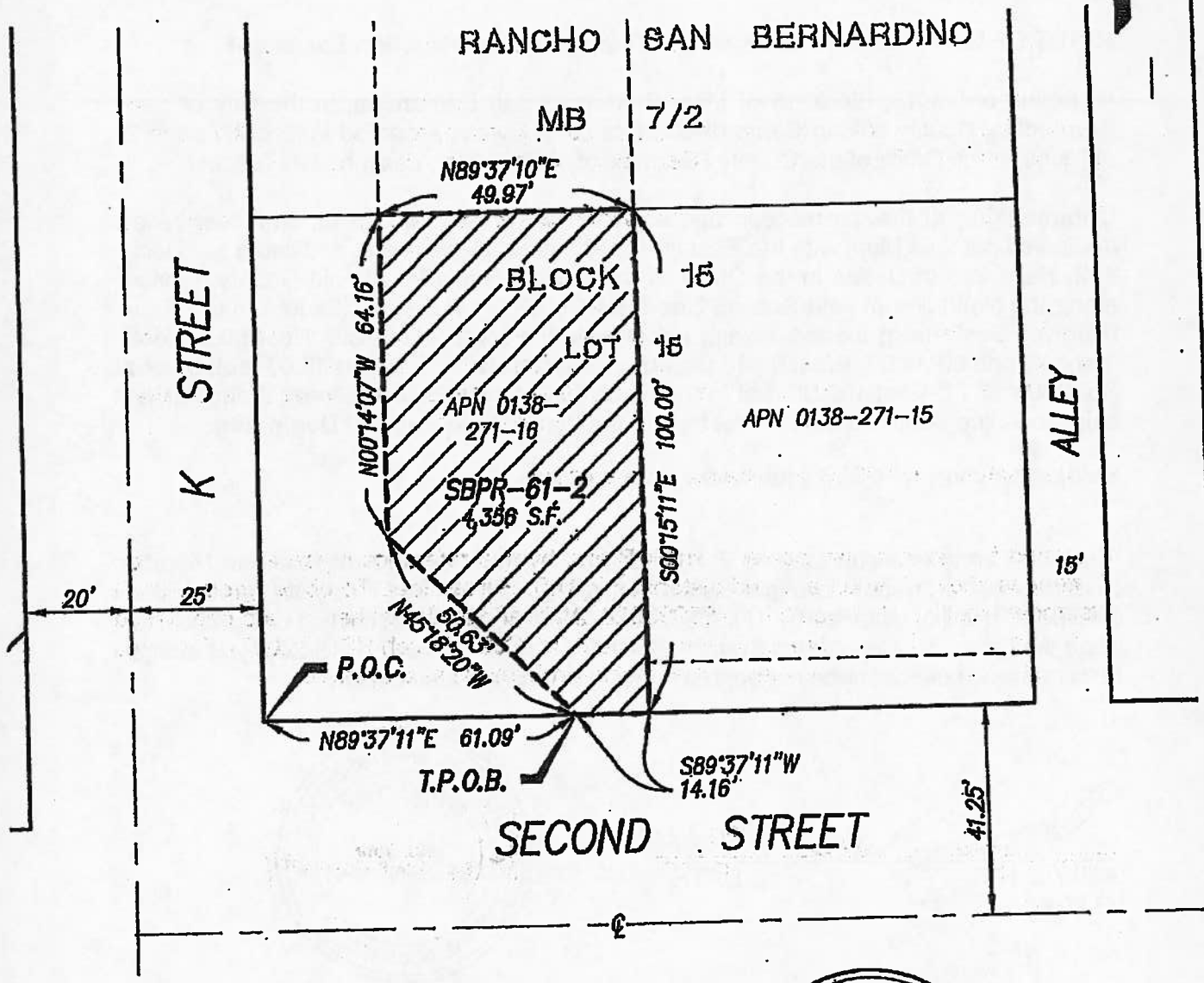
SBPR-61-2 Antonio Martinez
APN 0138-271-16
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



08-08-12

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

P:\3833\SURVEY_BNDRY\SURVEY_DWG\PLATS\RAILROAD RW - TAKES\SBPR-61\3833-SBPR-61-2-SHT1.DWG

EXHIBIT F

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Antonio Martinez

APN 0138-271-17

RIGHT OF WAY PARCEL SBPR-62-2 –Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 100.00 feet; thence leaving said East line North 89°37'10" East 25.25 feet to the **True Point of Beginning**; thence parallel with said East line North 00°14'07" West 99.08 feet; thence North 89°48'47" East 49.94 feet; thence South 00°15'11" East 98.91 feet; thence South 89°37'10" West 49.97 feet to the **True Point of Beginning.**

Said parcel contains 4,945 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

02-08-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

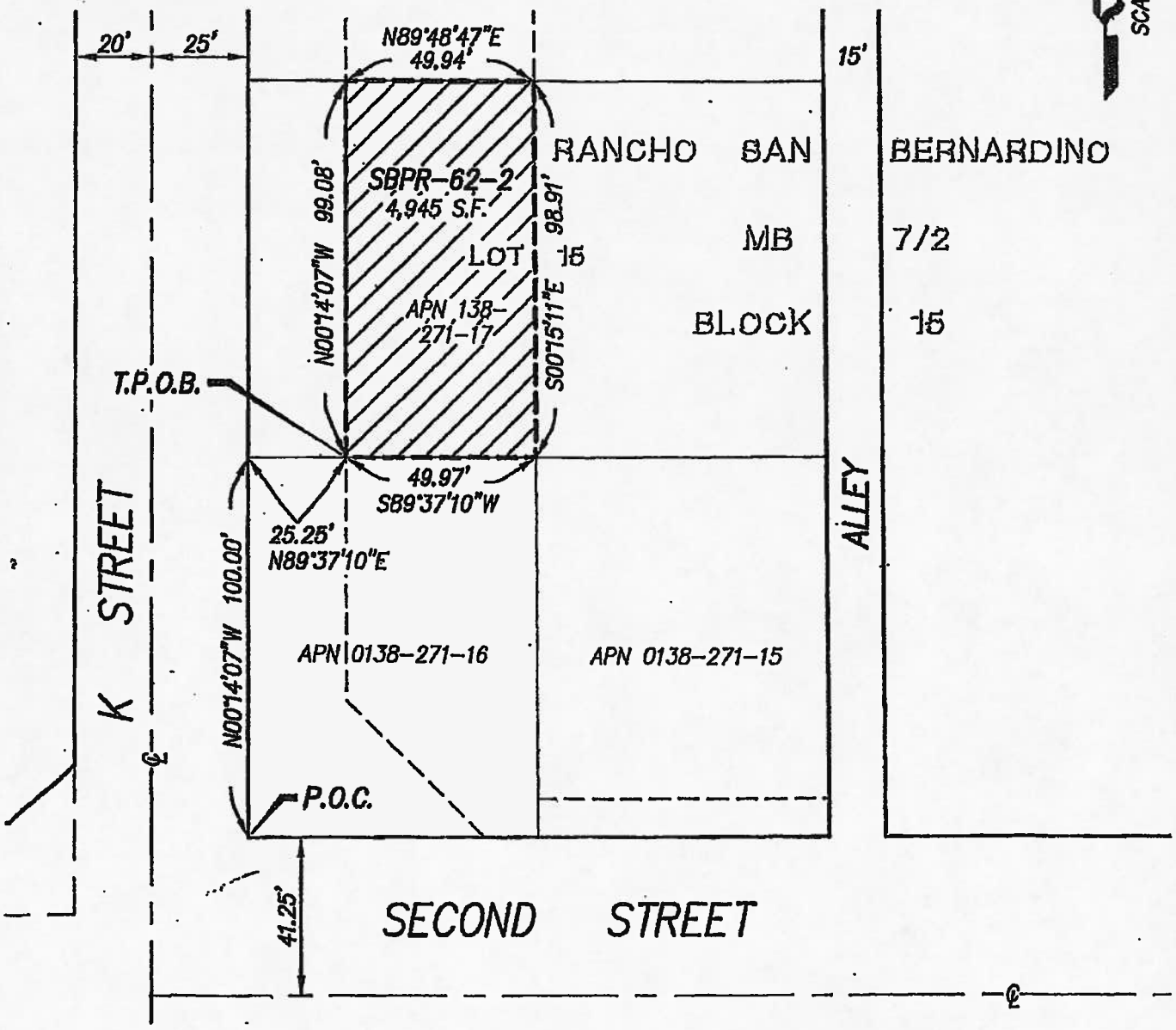
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-62-2 Antonio Martinez
APN 0138-271-17
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019 — DATE 08-08-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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RESOLUTION NO. 13-075

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 63, which represents interests in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-18, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 1"). TCE 1 shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 1, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 1, (b) eighteen (18) months from the commencement date of TCE 1, or (c) December 31, 2015. At the expiration of TCE 1, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property consists of a temporary, non-exclusive construction easement

over, on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE 2"). TCE 2 shall be valid for a period of not more than three (3) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing TCE 2, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs TCE 2, (b) three (3) months from the commencement date of TCE 2, or (c) December 31, 2015. At the expiration of TCE 2, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Portion of Lot 15, Block 15, in the City of San Bernardino, County of San Bernardino, State of California, according to Map of the San Bernardino Rancho, recorded in Book 7, Page 2 of Maps, records of said County, described as follows:

Beginning at a point on the present East line of K Street in the City of San Bernardino, 350 feet South and 25 feet East of the Northwest corner of said Lot 15;
Thence East 150 feet;
Thence South parallel with the East line of K Street, 50 feet;
Thence West 150 feet to the East line of K Street;
Thence North along the East line 50 feet to beginning.

APN: 0138-271-18-0-000

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Anciria Vasquez

APN 0138-271-18

RIGHT OF WAY PARCEL SBPR-63-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows;

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 199.16 feet to the **True Point of Beginning**; thence continuing along said East line North 00°14'07" West 50.00 feet; thence leaving said East line North 89°48'47" East 25.25 feet; thence parallel with said East line South 00°14'07" East 50.00 feet; thence South 89°48'47" West 25.25 feet to the **True Point of Beginning.**

Said parcel contains 1,262 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

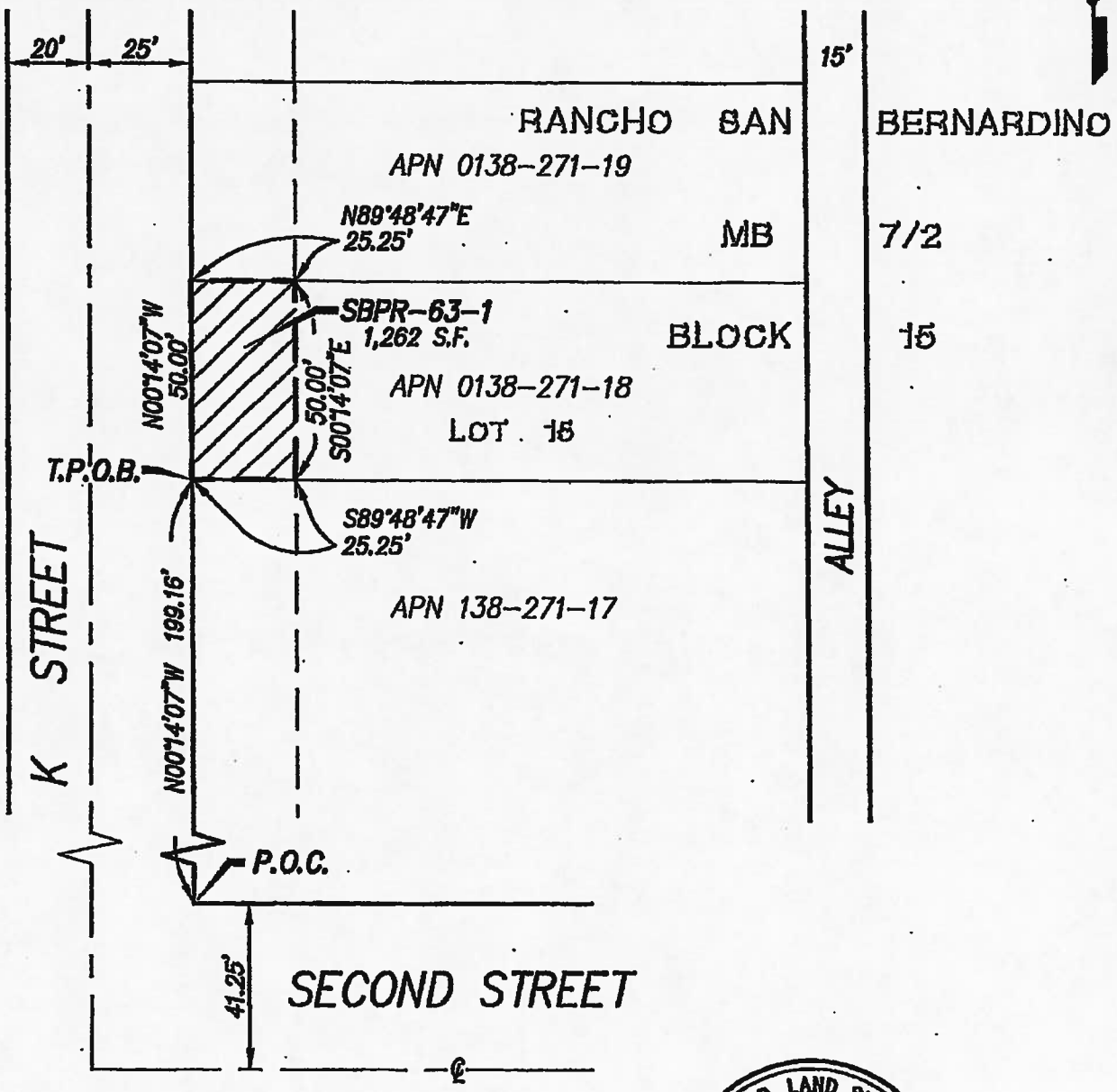
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

EXHIBIT B

SBPR-63-1 Anciria Vasquez
APN 0138-271-18
City of San Bernardino, CA

SHEET 1 OF 1



7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Anciria Vasquez

APN 0138-271-18

RIGHT OF WAY PARCEL SBPR-63-2 –Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 199.16 feet; thence leaving said East line North 89°48'47" East 25.25 feet to the **True Point of Beginning**; thence parallel with said East line North 00°14'07" West 50.00 feet; thence North 89°48'47" East 49.92 feet; thence South 00°15'11" East 50.00 feet; thence South 89°48'47" West 49.94 feet to the **True Point of Beginning**.

Said parcel contains 2,497 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

SBPR-63-2 Anciria Vasquez
APN 0138-271-18
City of San Bernardino, CA

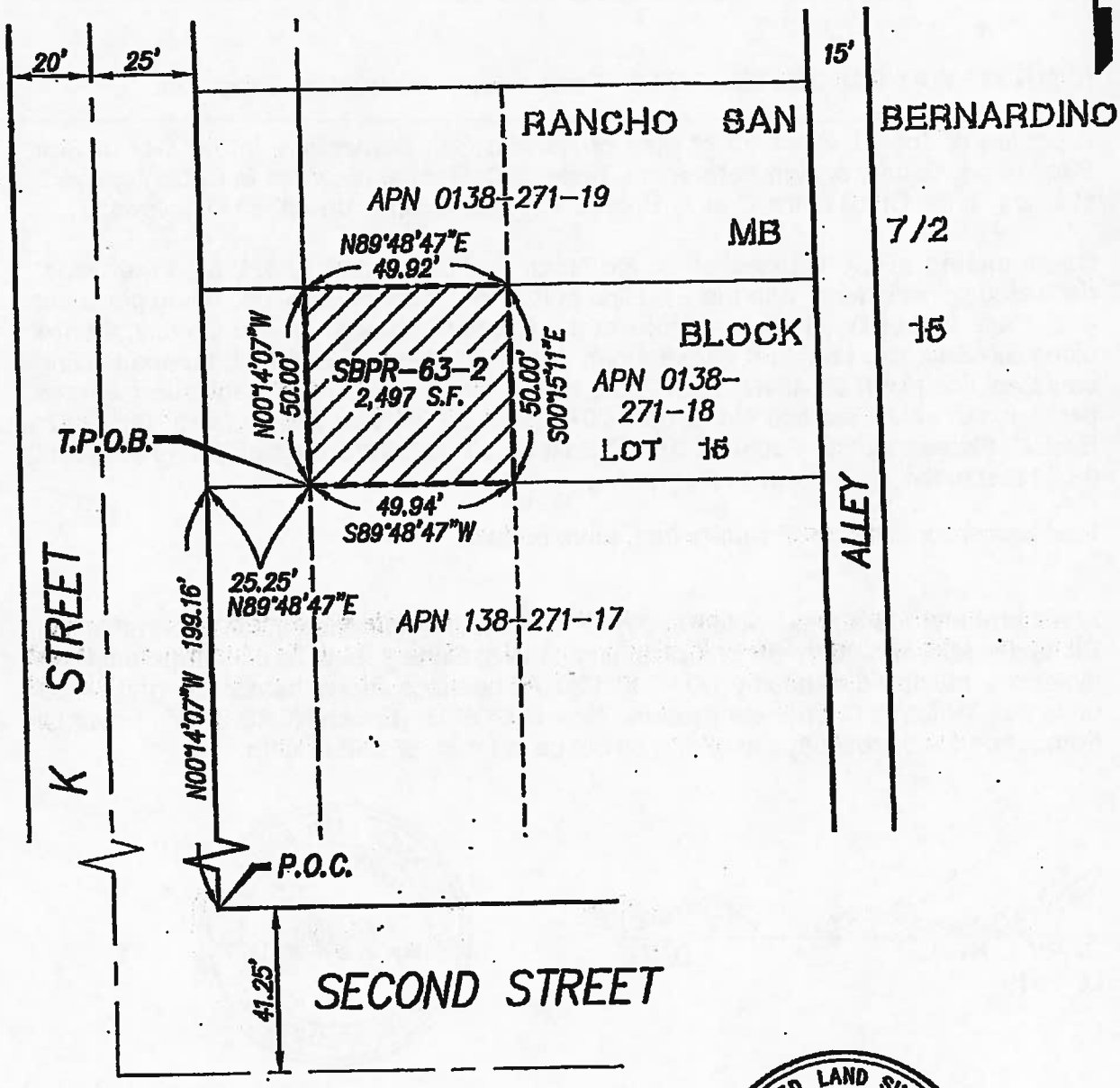
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

SCALE: 1"=40'



7-19-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Anciria Vasquez

APN 0138-271-18

RIGHT OF WAY PARCEL SBPR-63-3 –Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of Second Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street North 00°14'07" West 199.16 feet; thence leaving said East line North 89°48'47" East 75.19 feet to the **True Point of Beginning**; thence North 00°15'11" West 50.00 feet; thence South 89°48'47" West 75.17 feet to a point on the West line of the North/South alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds in the Office of the County Recorder of said County; thence along said West line South 00°16'15" East 50.00 feet; thence leaving said West line North 89°48'47" East 75.19 feet to the **True Point of Beginning**.

Said parcel contains 3,759 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-13-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

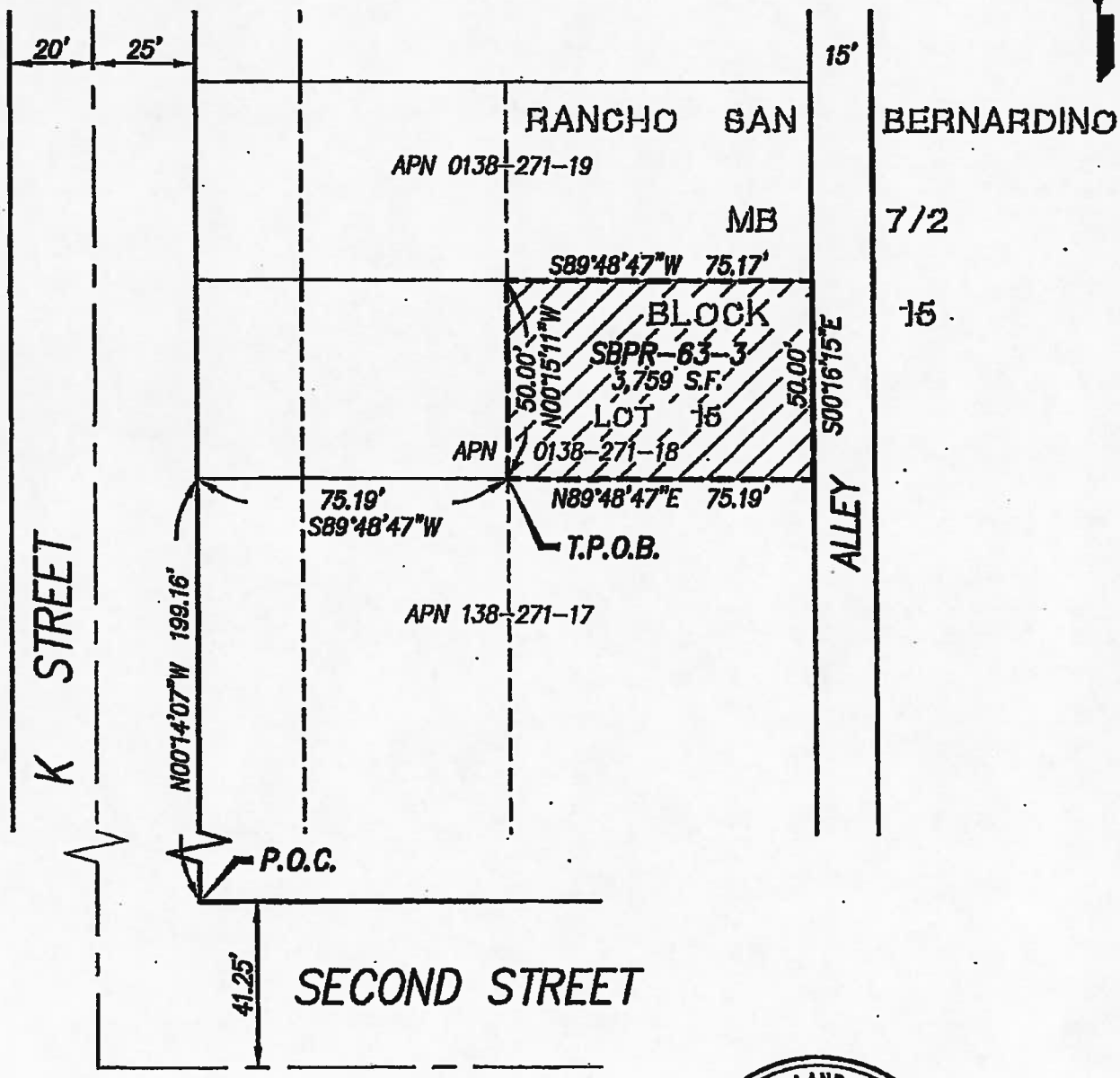
INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-63-3 Anciria Vasquez
APN 0138-271-18
City of San Bernardino, CA

SHEET 1 OF 1

SCALE: 1'=40'



GARY L. HUS, L.S. 7019 — DATE 8-13-12

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
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619.234.0349 Fax

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RESOLUTION NO. 13-076

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 64, which represents interests in portions of the property located at 261-265 North "K" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-19, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015.

WHEREAS, the property interests described above and encompassed by Exhibit C are expressly limited as follows: (1) the Commission and/or its agents shall only have the right to engage in demolition activities within the TCE area during the first three months of the TCE period;

and (2) the Commission and/or its agents shall rework the front yard landscaping improvements (including re-installing and/or reconnecting irrigation lines) as a means of conforming the property with surrounding residential properties in the general area.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court

of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

All of portion of Lot 15, Block 15, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 7, Page(s) 2, of maps, in the Office of the County Recorder of said County, described as follows:

Beginning 300 feet South and 25 feet East of the Northwest corner of Lot 15;
Thence South 100 feet;
Thence East 150 feet;
Thence North 100 feet;
Thence West 150 feet to the point of beginning.

Except therefrom that portion described as follows:

Beginning at a point on the present East line of K Street in the City of San Bernardino, 350 feet South and 25 feet East of the Northwest corner of said Lot 15;
Thence East 150 feet;
Thence South parallel with the East line of K Street, 50 feet;
Thence West 150 feet to the East line of K Street;
Thence North along the East line 50 feet to beginning.

Assessor's Parcel Number: **0138-271-19**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Melvon Investments LLC

APN 0138-271-19

RIGHT OF WAY PARCEL SBPR-64-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 82.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street South 00°14'07" East 300.00 feet to the **True Point of Beginning**; thence leaving said East line North 89°48'47" East 25.25 feet; thence parallel with said East line South 00°14'07" East 50.00 feet; thence South 89°48'47" West 25.25 feet to the East line of said K Street; thence along said East line North 00°14'07" West 50.00 feet to the **True Point of Beginning**.

Said parcel contains 1,262 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-17-12

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

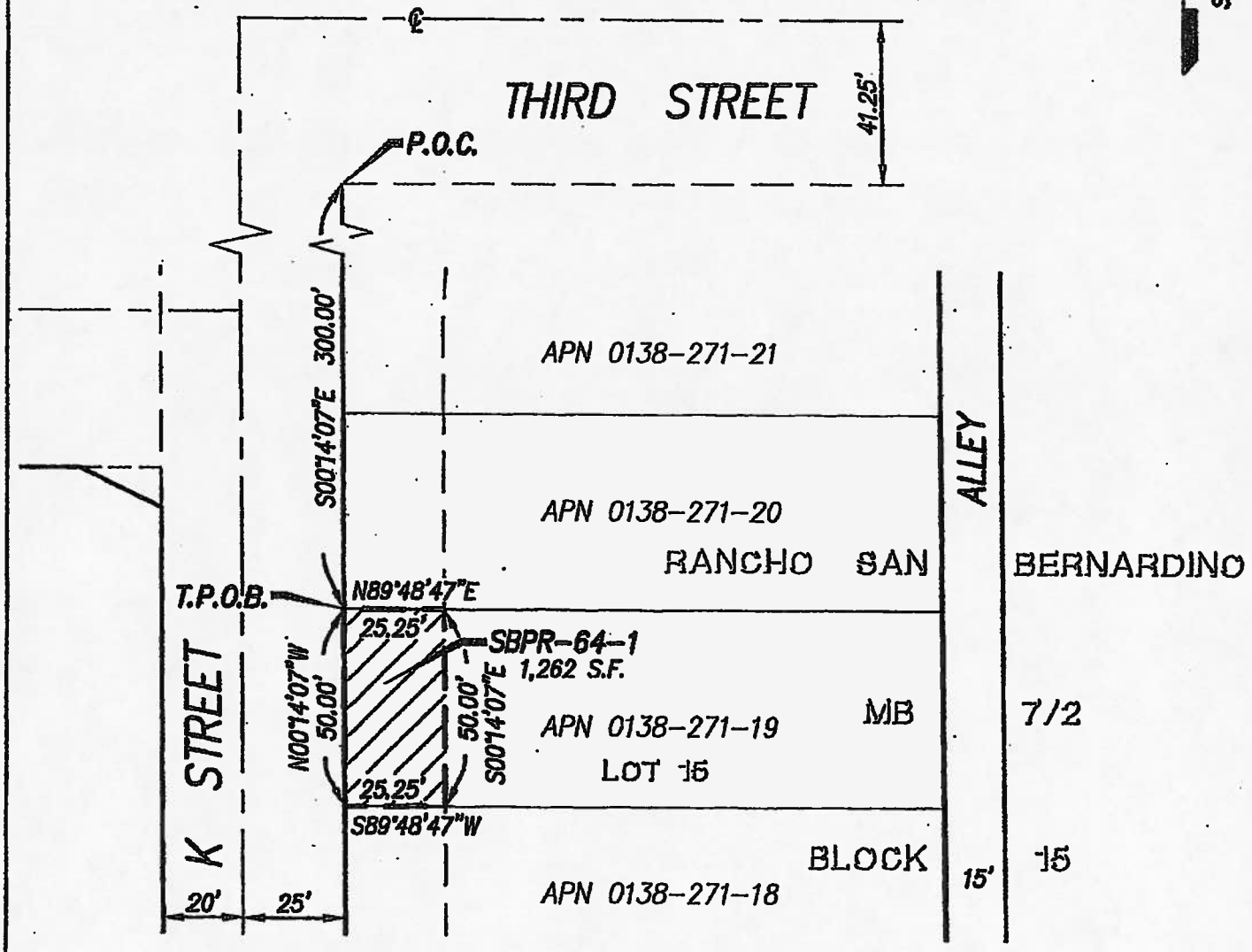
INDICATES PERMANENT EASEMENT

EXHIBIT B

SBPR-64-1 Melvon Investments LLC
APN 0138-271-19
City of San Bernardino, CA

SHEET 1 OF 1

SCALE: 1'=40'



GARY L. HUS, L.S. 7019

7-19-2012
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Melvon Investments LLC

APN 0138-271-19

RIGHT OF WAY PARCEL SBPR-64-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along the East line of said K Street South 00°14'07" East 300.00 feet; thence leaving said East line North 89°48'47" East 25.25 feet to the **True Point of Beginning**; thence continuing North 89°48'47" East 49.91 feet; thence South 00°15'11" East 50.00 feet; thence South 89°48'47" West 49.92 feet; thence parallel with the East line of said K Street North 00°14'07" West 50.00 feet to the **True Point of Beginning.**

Said parcel contains 2,496 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

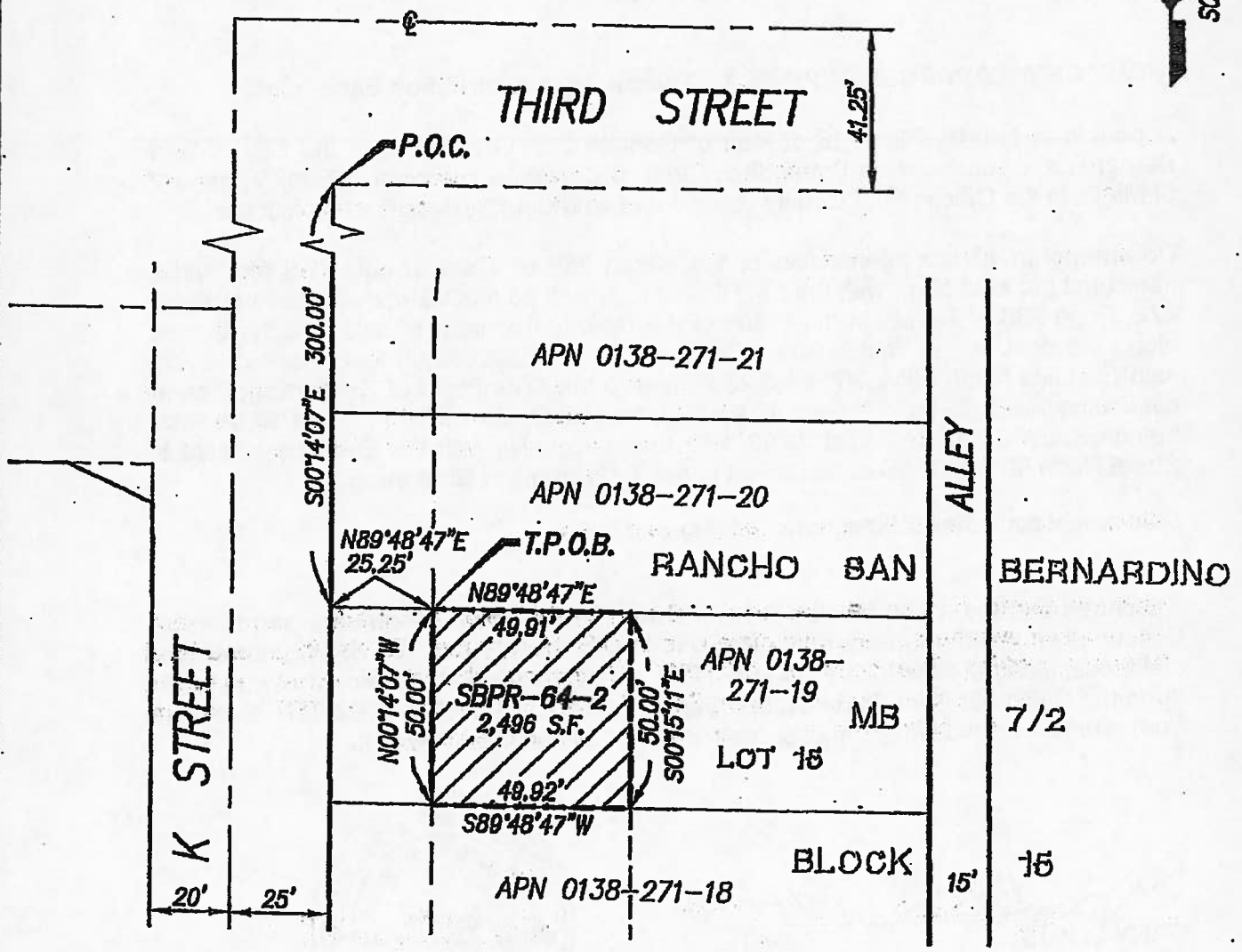
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

SBPR-64-2 Melvon Investments LLC
APN 0138-271-19
City of San Bernardino, CA

SHEET 1 OF 1



GARY L. HUS, L.S. 7019

7-19-2012
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
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RESOLUTION NO. 13-077

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 65, which represents interests in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-20, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lot 15, Block 15, according to Map of the San Bernardino Rancho, as per Plat recorded in Book 7, Page(s) 2, of Maps, records of said County, described as follows:

Beginning at a point in the present East of line of "E" Street, in the City of San Bernardino, County of San Bernardino, State of California, 250 feet South of the North line of said Lot 15;
Thence East 150 feet;
Thence South 50 feet;
Thence West 150 feet to the East line of "E" Street;
Thence North along said East line 50 feet to the point of beginning.

Assessor's Parcel Number: **0138-271-20-0-000**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Micell Syliva Family

APN 0138-271-20

RIGHT OF WAY PARCEL SBPR-65-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along said East line South 00°14'07" East 250.00 feet to the **True Point of Beginning;** thence leaving said East line North 89°48'47" East 25.25 feet; thence parallel with said East line South 00°14'07" East 50.00 feet; thence South 89°48'47" West 25.25 feet to a point on said East line; thence along said East line North 00°14'07" West 50.00 to the **True Point of Beginning.**

Said parcel contains 1,263 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

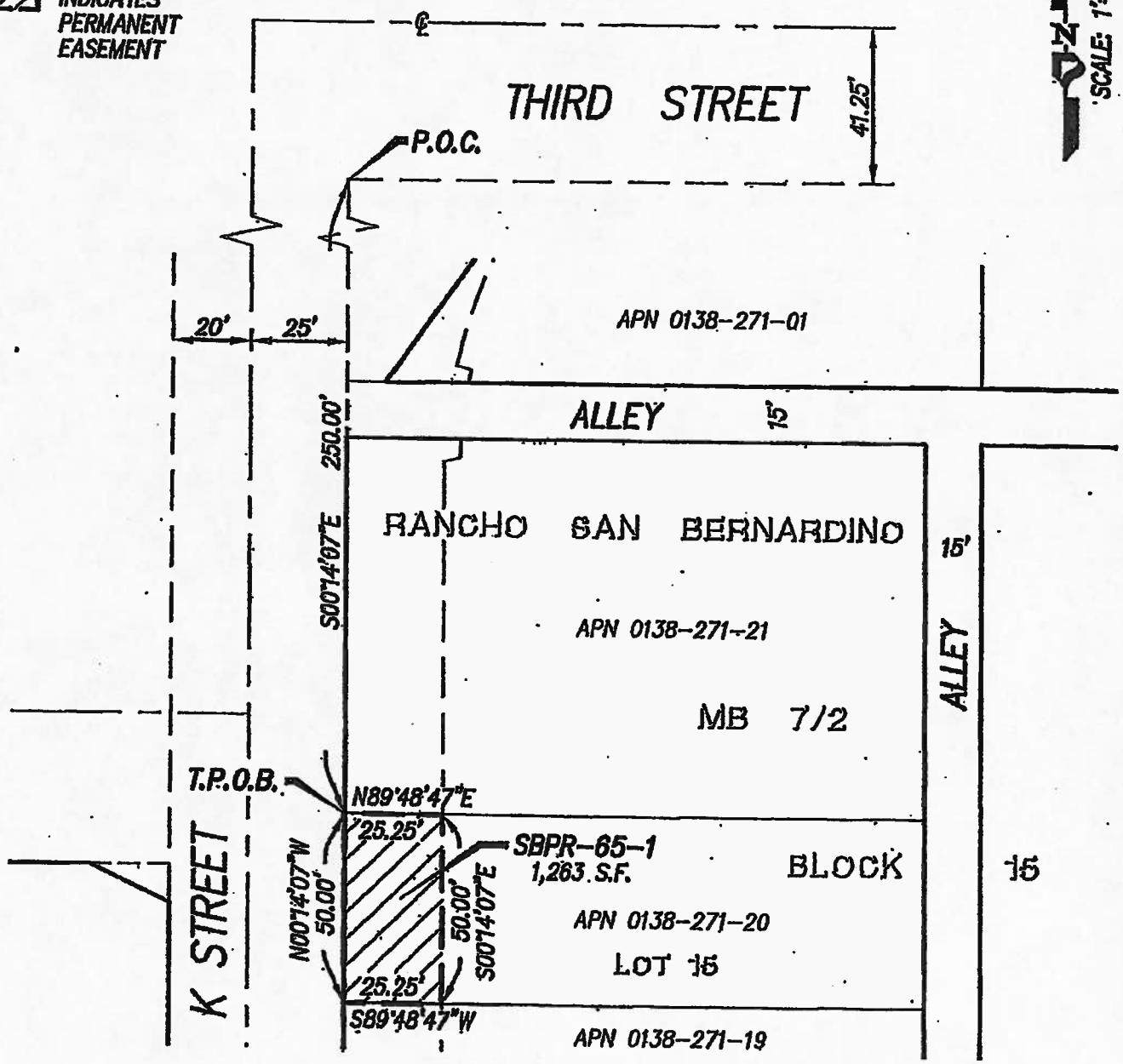
SBPR-65-1 Micell Sylva Family
APN 0138-271-20
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



GARY L. HUS, L.S. 7019

8-03-2012
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Miceli Syliva Family

APN 0138-271-20

RIGHT OF WAY PARCEL SBPR-65-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of Third Street, 81.5 feet wide, dedicated per said Map, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds in the Office of the County Recorder of said County; thence along said East line South 00°14'07" East 250.00 feet; thence leaving said East line North 89°48'47" East 25.25 feet to the **True Point of Beginning**; thence continuing North 89°48'47" East 10.00 feet; thence parallel with said East line South 00°14'07" East 50.00; thence South 89°48'47" West 10.00 feet; thence parallel with said East line North 00°14'07" West 50.00 feet to the **True Point of Beginning.**

Said parcel contains 500 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 8-30-14
STATE OF CALIFORNIA

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SHEET 1 OF 1

EXHIBIT B

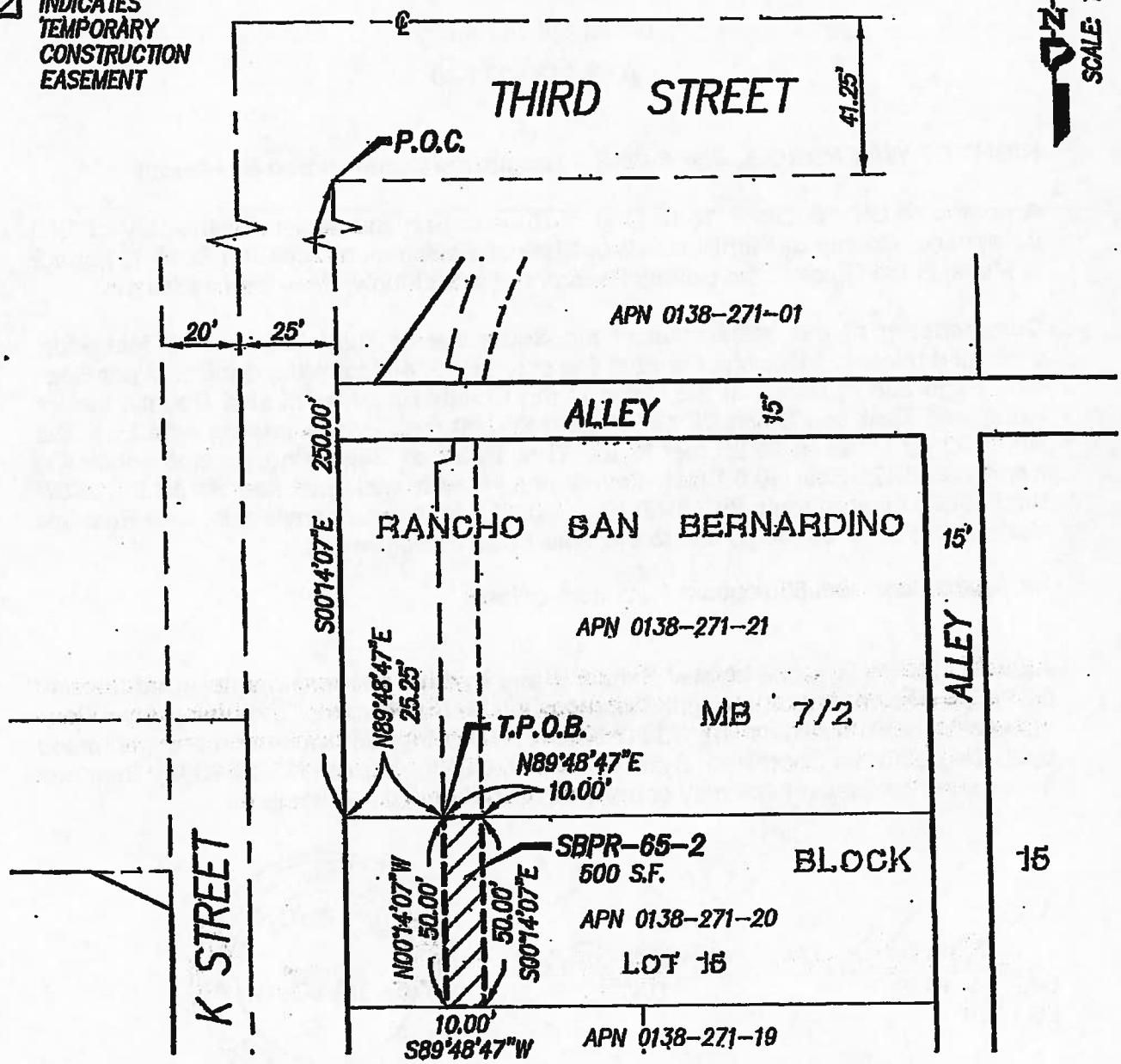
SBPR-65-2 Micell Sylva Family
APN 0138-271-20
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



GARY L. HUS, L.S. 7019 — DATE 8-03-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 8-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
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RESOLUTION NO. 13-078

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 66, which represents interests in portions of the property located at 271 North "K" Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-21, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes and public utilities.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS, the property interests described above and encompassed by Exhibits B and C are expressly limited as follows: (1) To the extent the existing chain link fencing within the permanent easement area depicted in Exhibit B must be relocated, the Commission and/or its agents will relocate that chain link fencing on the larger parcel, but outside the permanent easement area, at the Commission's sole expense; and (2) the Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the TCE area prior to the expiration of the TCE.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of

Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

That portion of Lot 15, Block 15, of the San Bernardino Rancho, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7 of Maps, Page 2, in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the East line of "K" Street which is 150 feet South and 25 feet East of the Northwest corner of said Lot 15; thence South 100 feet; thence East 150 feet; thence North 100 feet; thence West 150 feet to the point of beginning.

Assessor's Parcel Number 0138-271-21

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Edward L Holly

APN 0138-271-21

RIGHT OF WAY PARCEL SBPR-66-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows;

Beginning at the intersection of the South line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 150.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the South line of said East/West alley North 89°48'47" East 29.62 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 86°01'12" West; thence leaving said South line and Southwesterly along said curve through a central angle of 02°08'03" a distance of 5.07 feet; thence South 75°03'07" West 4.23 feet; thence parallel with said East line South 00°14'07" East 93.87 feet; thence parallel with the South line of said East/West alley South 89°48'47" West 25.25 feet to a point on said East line; thence along said East line North 00°14'07" West 100.00 feet to the **Point of Beginning.**

Said parcel contains 2,549 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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EXHIBIT B

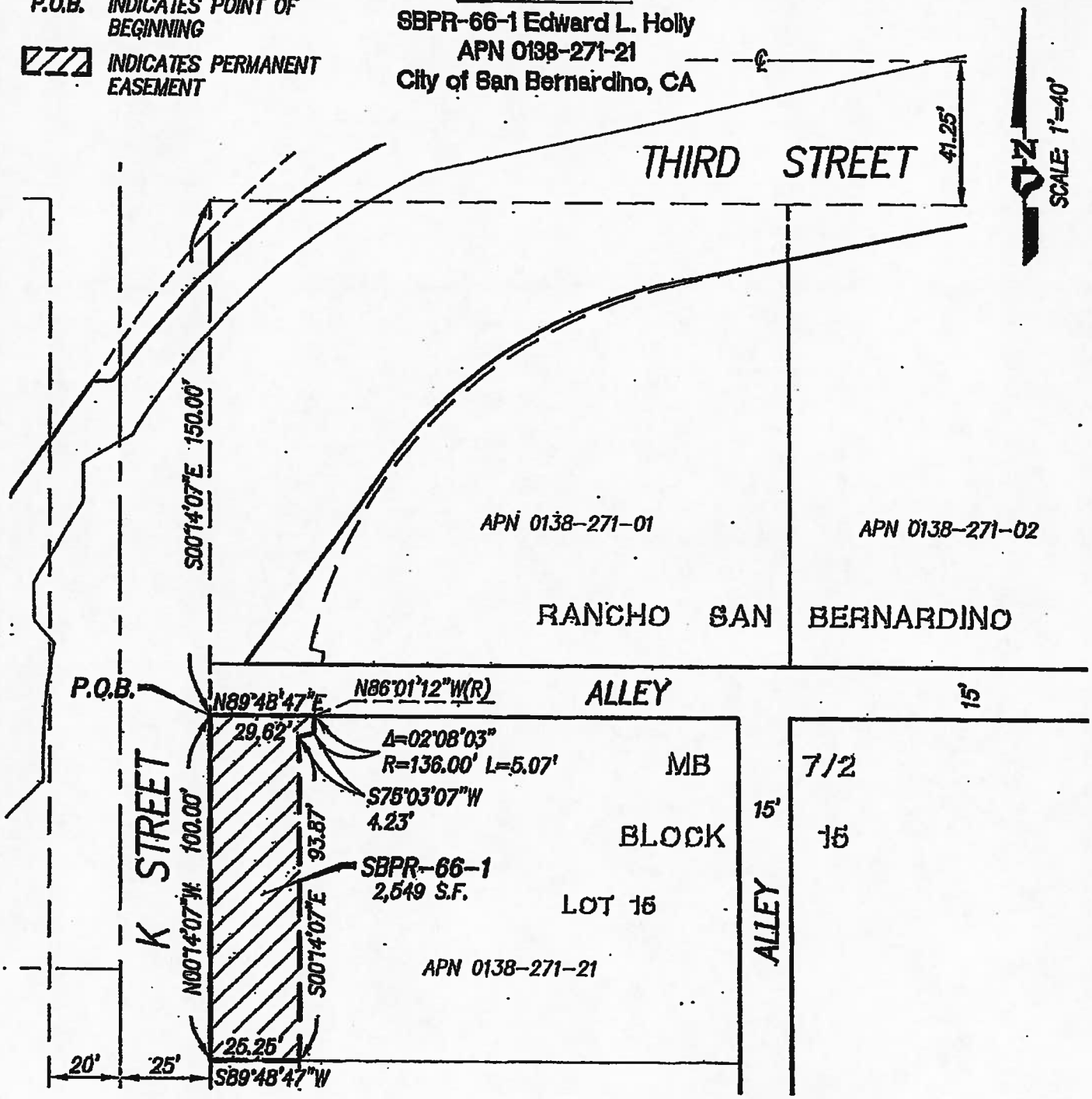
SHEET 1 OF 1

SBPR-66-1 Edward L. Holly
APN 0138-271-21
City of San Bernardino, CA

LEGEND

P.O.B. INDICATES POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



8-03-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Edward L Holly

APN 0138-271-21

RIGHT OF WAY PARCEL SBPR-66-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the South line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 150.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the South line of said East/West alley North 89°48'47" East 29.62 feet to the **True Point of Beginning**, thence continuing North 89°48'47" East 6.02 feet to the beginning of a non-tangent 130.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 85°49'39" West; thence leaving said South line and Southwesterly along said curve through a central angle of 04°24'28" a distance of 10.00 feet; thence parallel with said East line South 00°14'07" East 90.01 feet; thence parallel with the South line of said East/West alley South 89°48'47" West 10.00 feet; thence parallel with said East line North 00°14'07" West 93.87 feet; thence North 75°03'07" East 4.23 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 88°09'15" West; thence Northeasterly along said curve through a central angle of 02°08'03" a distance of 5.07 feet to the **True Point of Beginning.**

Said parcel contains 978 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

8-03-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PAGE 1 OF 1

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SHEET 1 OF 1

EXHIBIT B

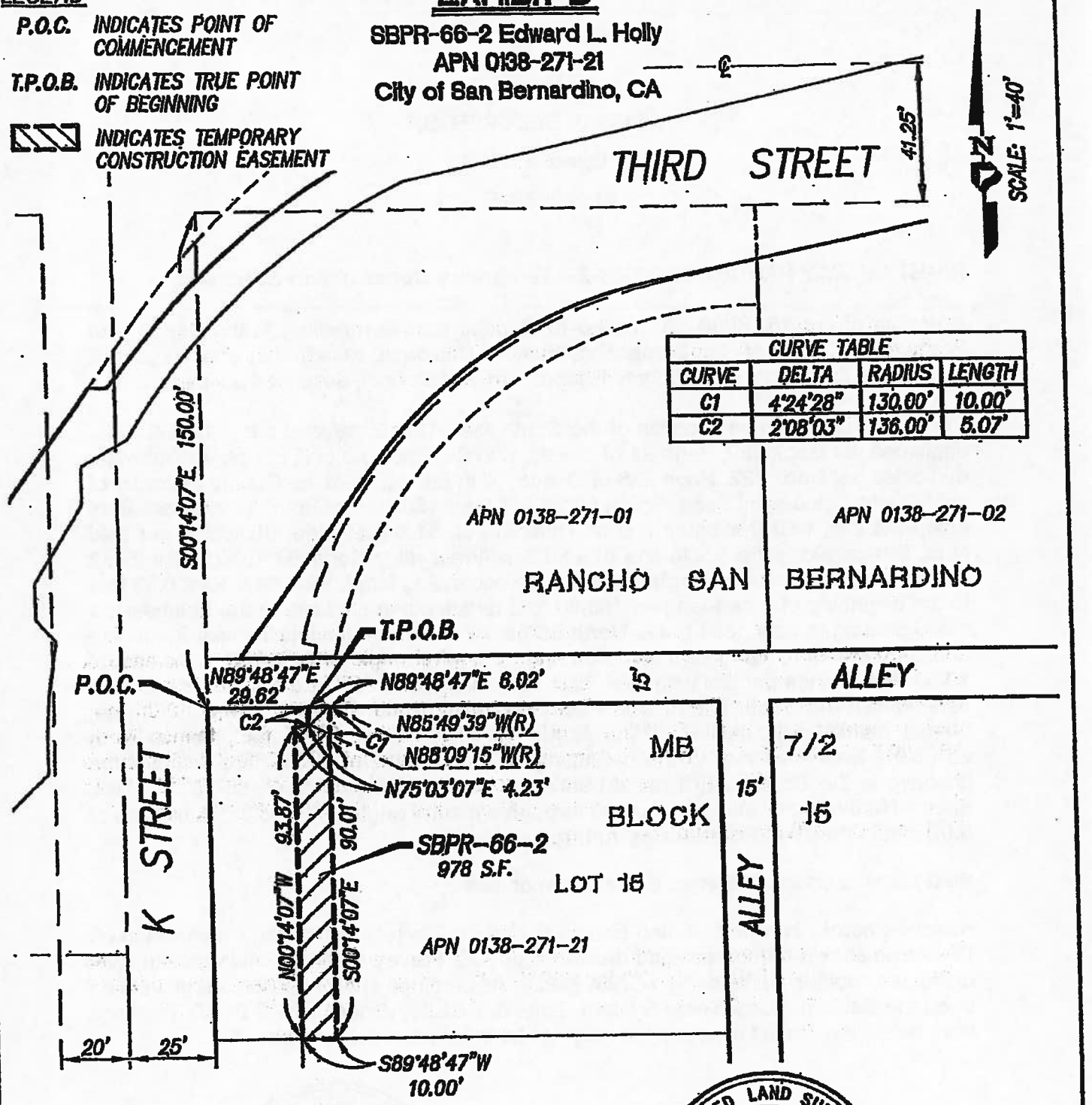
SBPR-66-2 Edward L. Holly
APN 0138-271-21
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



8-03-2012

GARY L. HUS, L.S. 7019 DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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619.234.0349 Fax

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RESOLUTION NO. 13-079

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 67, which represents interests in portions of the property located at 1065-1073 West 3rd Street, San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0138-271-01, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street purposes.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than eighteen (18) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) eighteen (18) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel 1:

That portion of Lot 15, in Block 15 of the Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 7, page(s) 2, of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point 16.23 feet South from a point in the original South line of Third Street, distant 165 feet East along said South line from the original East line of "K" Street, said distance of 16.23 feet being measured parallel with said line of "K" Street; thence from said point of beginning South parallel with said line of "K" Street 118.77 feet to a point in the North line of said alley; thence parallel with said line of Third Street, 154.56 feet; thence Northeasterly in a direct line 70.49 feet, said direct line making an angle of 55° 02-1/2' with said alley line; thence Northeasterly on a tangent curve of 133.75 feet radius, concave to the Southeast 101.24 feet along the arc of said curve; thence on a tangent Northeasterly 32.57 feet to the point of beginning, said tangent making and angle of 78° 11' 21' with the first course above described.

Except that portion conveyed to the City of San Bernardino by deed recorded July 20, 1959 in Book 4870, page 508 of Official Records.

Assessor's Parcel Number 0138-271-01,

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Leonardo and Elizabeth Hernandez

APN 0138-271-01

RIGHT OF WAY PARCEL SBPR-67-1 – Permanent Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 135.00 feet from the intersection of said East line with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the North line of said East/West alley North 89°48'47" East 9.82 feet to the **True Point of Beginning**, being on the Southeast line of Third Street, dedicated per Book 622, Page 157 of Deeds in the Office of the County Recorder of said County; thence leaving said North line and along said Southeast line North 34°46'29" East 70.57 feet to the beginning of a non-tangent 133.57 foot radius curve concave to the Southeast, a radial bearing to said point bears North 55°14'26" West; thence continuing Northeasterly along said Southeast line and said curve through a central angle of 43°28'57" a distance of 101.37 feet; thence continuing along said Southeast line North 78°05'53" East 32.89 feet; thence leaving said Southeast line South 76°38'59" West a distance of 31.04 feet to the beginning of a non-tangent 140.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 12°42'10" West; thence Southwesterly along said curve through a central angle of 65°19'04" a distance of 159.60 feet; thence South 74°25'27" East a distance of 4.01 feet to the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 78°07'35" West; thence Southwesterly along said curve through a central angle of 01°31'07" a distance of 3.60 feet to the North line of said East/West alley; thence along said North line South 89°48'47" West 21.75 feet to the **True Point of Beginning.**

Said parcel contains 612 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS
LS 7019

DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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SHEET 1 OF 1

EXHIBIT B

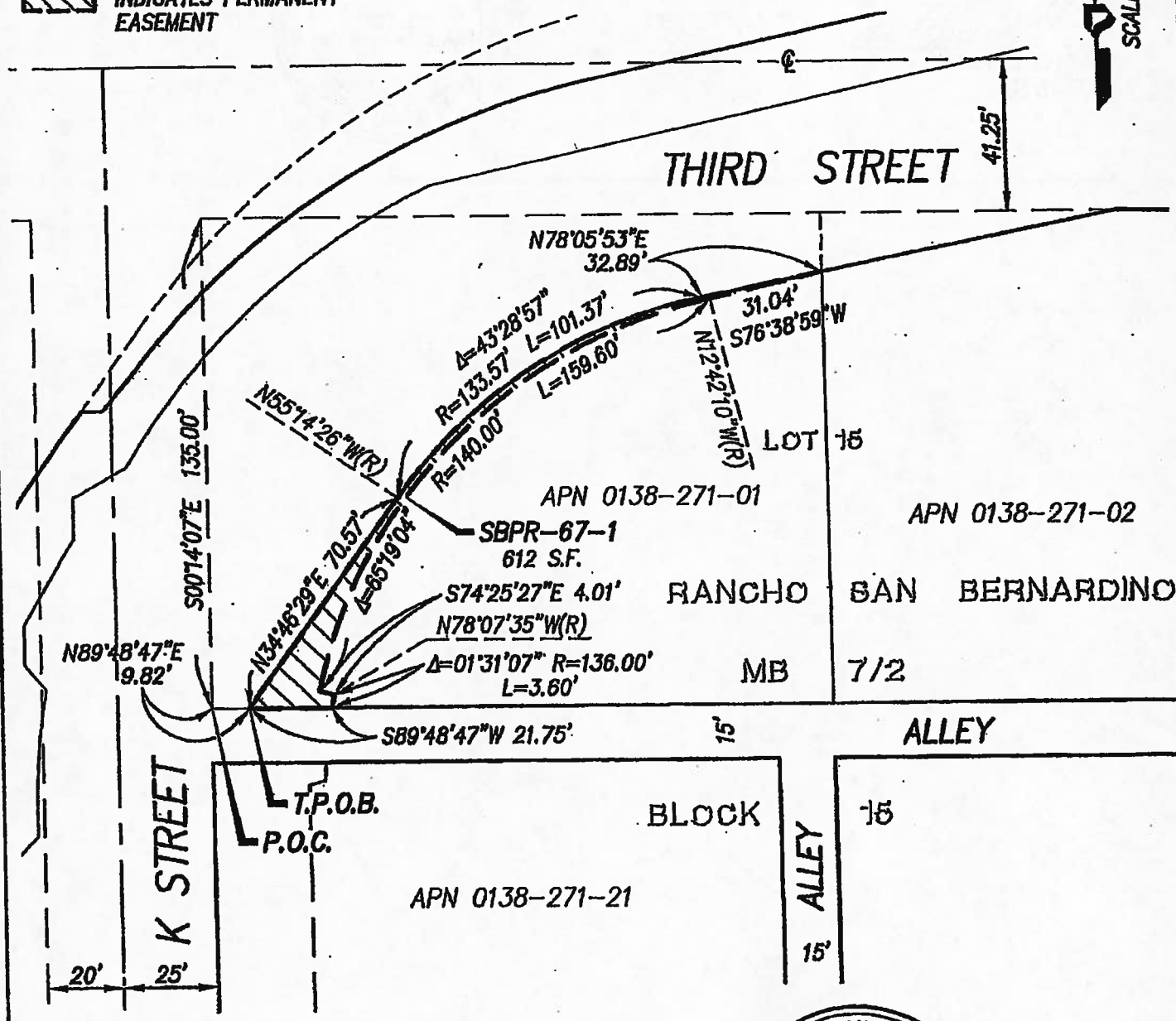
SBPR-67-1 Leonardo and Elizabeth Hernandez
APN 0138-271-01
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT



GARY L. HUS, L.S. 7019 — DATE 7-19-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
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619.234.0349 Fax

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EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP (TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Leonardo and Elizabeth Hernandez

APN 0138-271-01

RIGHT OF WAY PARCEL SBPR-67-2 – Temporary Construction Easement

A portion of Lot 15, Block 15 of Map of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, recorded in Book 7, page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the North line of the East/West alley, 15 feet wide, dedicated per Book 689, Page 21 of Deeds, with the East line of K Street, 45 feet wide, dedicated per Book 422, Page 238 of Deeds, all in the Office of the County Recorder of said County, said point bears South 00°14'07" East 135.00 feet from the intersection of said East line, with the South line of Third Street, 81.5 feet wide, dedicated per said Map; thence along the North line of said East/West alley North 89°48'47" East 31.57 feet to the **True Point of Beginning**, said point also the beginning of a non-tangent 136.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 79°38'42" West; thence leaving said North line and Northeasterly along said curve through a central angle of 01°31'07" a distance of 3.60 feet; thence North 74°25'27" West a distance of 4.01 feet to the beginning of a non-tangent 140.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 78°01'14" West; thence Northeasterly along said curve through a central angle of 65°19'04" a distance of 159.60 feet; thence North 76°38'59" East a distance of 31.04 feet; thence South 00°14'07" East a distance of 13.74 feet to the beginning of a non-tangent 130.00 foot radius curve concave to the Southeast, a radial bearing to said point bears North 00°13'57" West; thence Southwesterly along said curve through a central angle of 78°55'12" a distance of 179.06 feet to a point on the North line of said East/West alley; thence along said North line South 89°48'47" West 6.11 feet to the **True Point of Beginning.**

Said parcel contains 1892 square feet, more or less

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

7-19-2012

GARY L. HUS
LS 7019

DATE

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

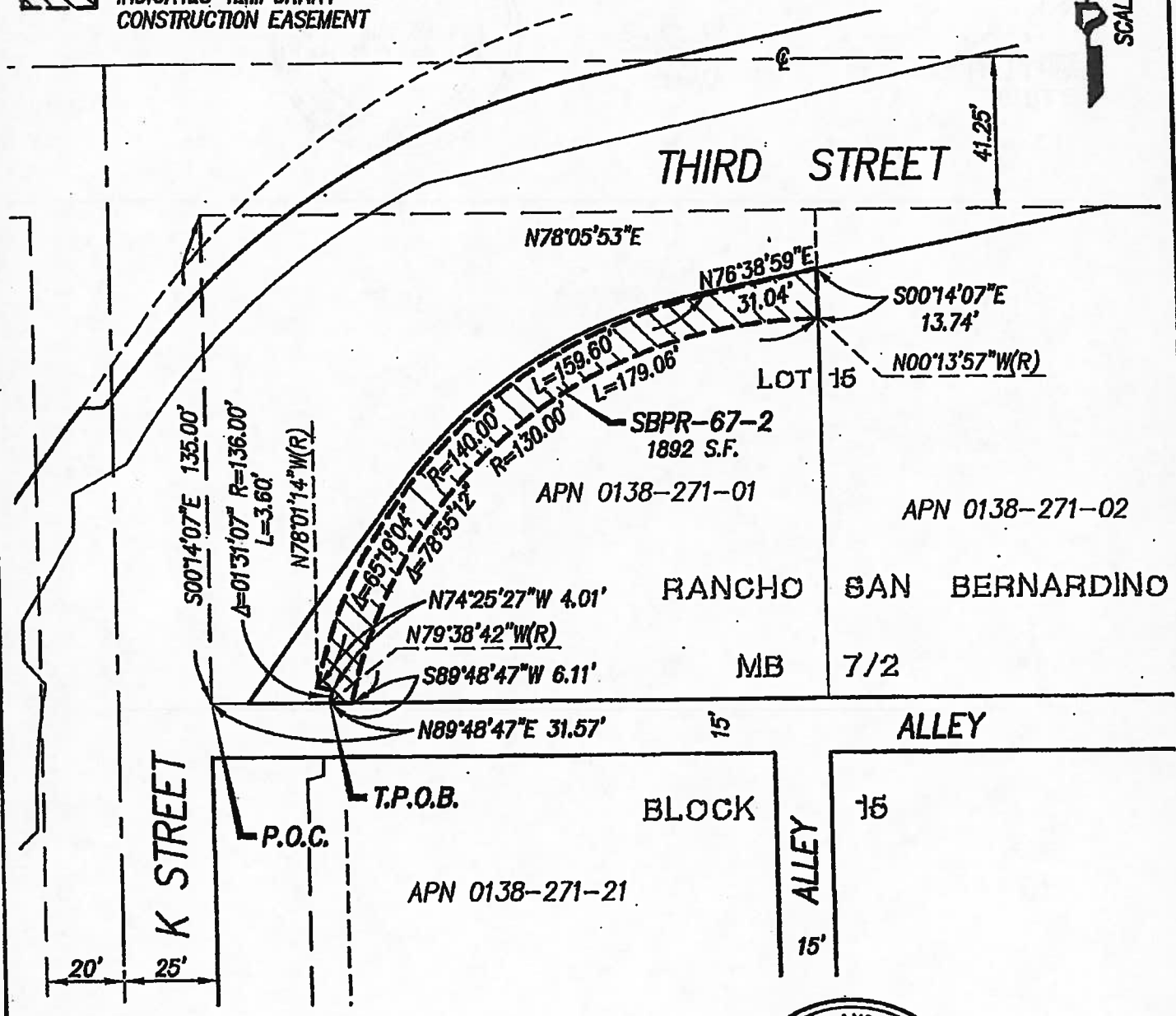
SBPR-67-2 Leonardo and Elizabeth Hernandez
APN 0138-271-01
City of San Bernardino, CA

LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES TEMPORARY CONSTRUCTION EASEMENT



GARY L. HUS, L.S. 7019 — DATE 7-19-2012

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
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RESOLUTION NO. 13-080

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission is a joint powers authority organized and existing pursuant to Chapter 5 of Division 7 of Title 1 of the California Government Code (commencing with Section 6500), and as a Transportation Commission, was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 69, which represents interests in portions of a property located in San Bernardino, California, and which bears San Bernardino County Assessor's Parcel Number 0136-171-42, as described more specifically in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a fee simple interest in the area described in Exhibit B attached hereto for the purposes of constructing, maintaining, and operating the Project.

WHEREAS the Property also consists of a non-exclusive permanent easement over, on, under, in, across, along, and through the area described in Exhibit C attached hereto for ingress and egress, including, but not limited to, the right to maintain the existing roadway within the easement area.

WHEREAS, the property interests described above and encompassed by Exhibit C are expressly limited as follows: The Commission and/or its agents shall protect in place or, failing that, replace in kind, the current improvements located within the permanent easement area, including asphalt paving, wrought iron fencing, and concrete gutters and curbing.

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

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

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel

may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

EXHIBIT A
LEGAL DESCRIPTION
(LARGER PARCEL)

LEGAL DESCRIPTION

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

Parcel A of Certificate of Compliance, Lot Line Adjustment #LLA-04-07 recorded July 13, 2005 as Instrument No. 502959 of Official Records described as follows:

Portions of Lots 7, 8 and 9 of Block 11, Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown per Map recorded in Book 7, Page 2 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of said Lot 9 as shown on said map;
Thence North 00° 01' 16" West along the West lines of said Lots 9, 8 and 7, 989.75 feet to a line, parallel with and 1,031.00 feet North of the centerline of Mill Street;
Thence North 89° 58' 23" East, along said parallel line, 360.36 feet to the East line of the Southern Pacific Railroad Right of Way, as shown per Map recorded in Book 16, Page 31 of Maps, records of said County;
Thence South 00° 02' 40" East along said East line, 989.75 feet to the South line of said Lot 9;
Thence South 89° 58' 23" West along said South line, 360.76 feet to the Southwest corner of said Lot 9 and the point of beginning.

Excepting therefrom all minerals and mineral rights, interests, and royalties, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith, as reserved in the Deed recorded October 4, 1995 as Instrument No. 1995-0344395 of Official Records.

Assessor's Parcel Number: **0136-171-42-0-000**

EXHIBIT B
LEGAL DESCRIPTION AND PLAT MAP
(FEE)

EXHIBIT A

LEGAL DESCRIPTION

Arrowhead Central Credit Union

APN 0136-171-42

RIGHT OF WAY PARCEL SBPR-69-1 – Fee

A portion of Parcel A of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Parcel A; thence along the West line thereof North 00°22'23" West 435.75 feet to the **True Point of Beginning**; thence continuing along said West line North 00°22'23" West 554.00 feet to the Northwest corner of said Parcel A; thence leaving said West line and along the North line of said Parcel A North 89°36'43" East 360.36 feet to the Northeast corner of said Parcel A; thence leaving said North line and along the East line of said Parcel A South 00°23'46" East 554.00 feet; thence leaving said East line South 89°36'43" West 360.58 feet to the **True Point of Beginning**.

Said parcel contains 199,701 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS — DATE

LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

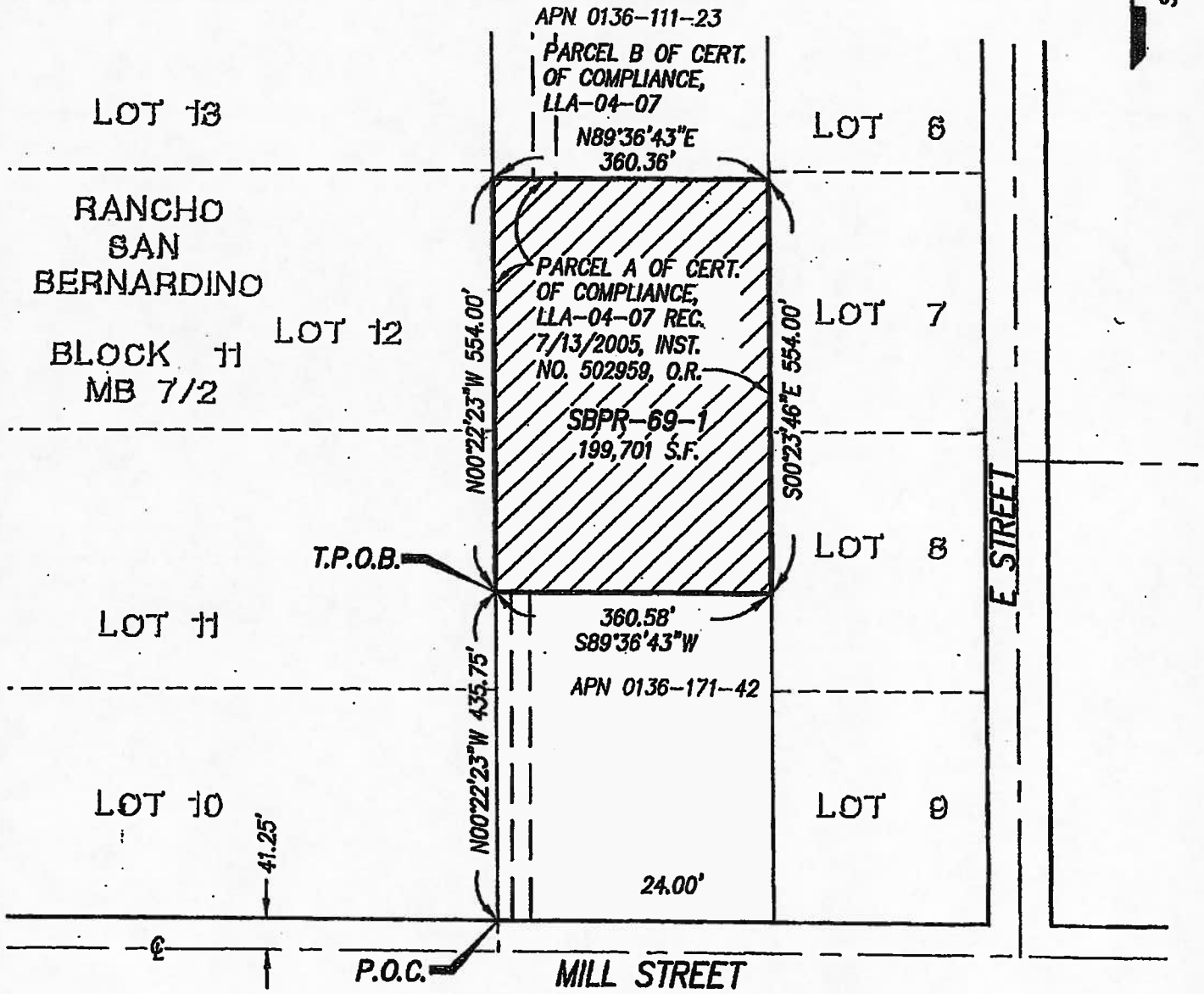
INDICATES RIGHT OF WAY TAKE – FEE

EXHIBIT B

SHEET 1 OF 1

SBPR-69-1 Arrowhead Central Credit Union
APN 0136-171-42
City of San Bernardino, CA

SCALE: 1"=200'



GARY L. HUS, L.S. 7019

11-26-2012
DATE

LICENSED LAND SURVEYOR
GARY L. HUS
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STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
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619.235.6471 Tel
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EXHIBIT C
LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

Arrowhead Central Credit Union

APN 0136-171-42

RIGHT OF WAY PARCEL SBPR-69-2 – Permanent Easement

A portion of Parcel A of Certificate of Compliance, Lot Line Adjustment No. 04-07, in the City of San Bernardino, County of San Bernardino, State of California, recorded July 13, 2005 as Instrument No. 502959 of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Parcel A; thence along the West line thereof North 00°22'23" West 435.75 feet; thence leaving said West line North 89°36'43" East 20.08 feet to **True Point of Beginning**; thence continuing North 89°36'43" East 24.00 feet; thence South 00°15'57" East 435.75 feet to a point on the South line of said Parcel A; thence along said South line South 89°36'43" West 24.00 feet; thence leaving said South line North 00°15'57" West 435.75 feet to the **True Point of Beginning.**

Said parcel contains 10,458 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

11-26-2012

GARY L. HUS DATE
LS 7019

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

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EXHIBIT B

SHEET 1 OF 1

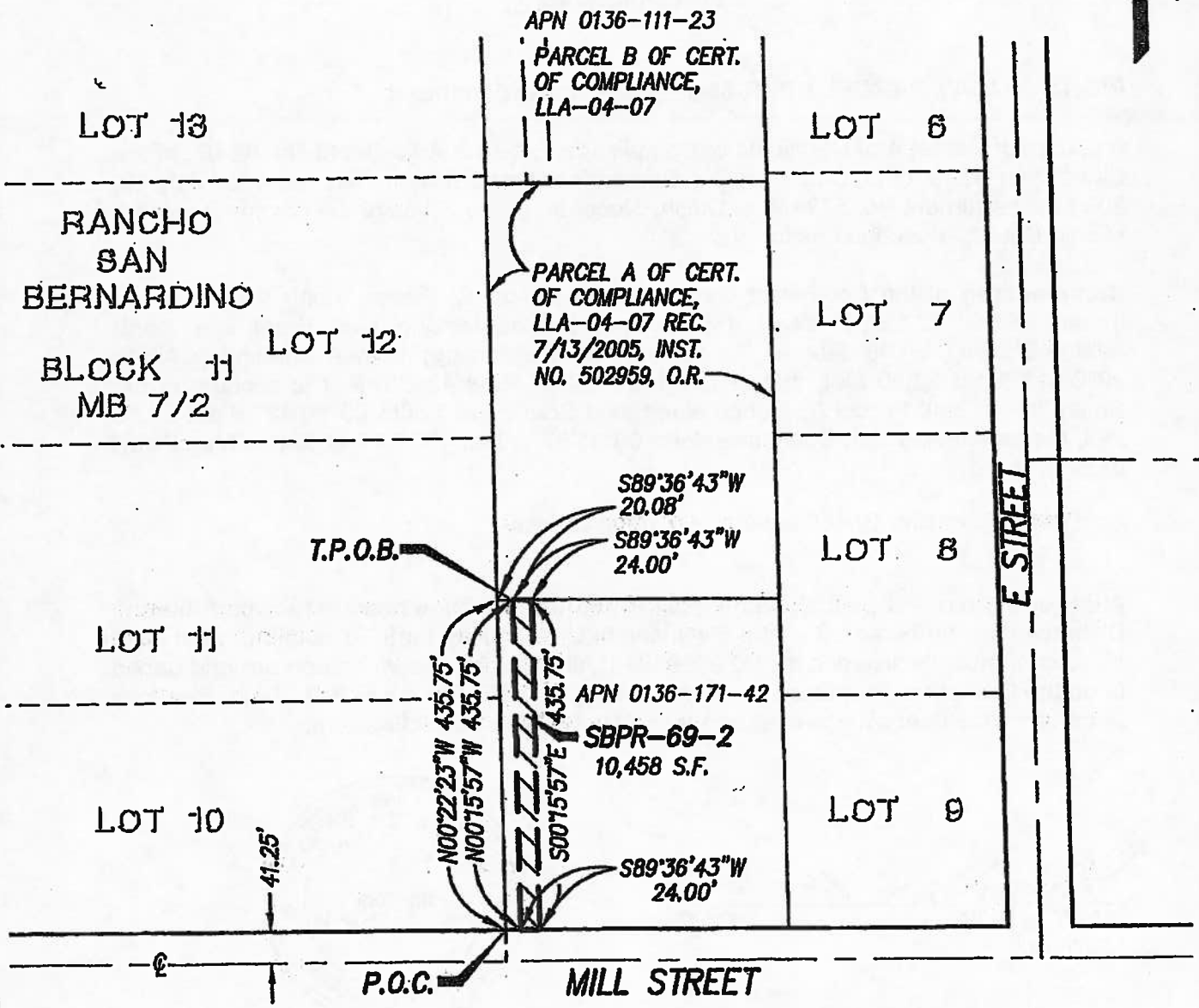
LEGEND

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

INDICATES PERMANENT EASEMENT

SBPR-69-2 Arrowhead Central Credit Union
APN 0136-171-42
City of San Bernardino, CA



GARY L. HUS, L.S. 7019 — DATE 11-26-2012

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PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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RESOLUTION NO. 13-081

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

The San Bernardino County Transportation Commission ("Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the Downtown San Bernardino Passenger Rail Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBPR 72, which represents a permanent slope easement over, on, under, in, across, along, and through a portion of a property located in San Bernardino, California, which lies East of San Bernardino County Assessor's Parcel Number 0136-011-38, as described more specifically in Exhibit A attached hereto, which is incorporated herein by this reference ("Property").

WHEREAS by a vote of 2/3 or more of its members the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members the Commission found and determined each of the following:

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

(b) The Project is planned or located in the manner which will be most compatible

with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 Property is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/reso13081-a.pdf

EXHIBIT A
LEGAL DESCRIPTION AND MAP
(PERMANENT EASEMENT)

EXHIBIT A

LEGAL DESCRIPTION

State of California

Portion of Interstate 215

RIGHT OF WAY PARCEL SBPR-72-1 – Permanent Easement

A portion of Interstate 215, per final order of condemnation per Document No. 2000-0195763, recorded June 1, 2000 in the Office of the County Recorder of said County and shown on California Department of Transportation Drawing No. 403596-2 dated January 13, 2003 in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the Southwest right-of-way of the California Central Railway Company per Book 63, Page 140 of Deeds, recorded July 13, 1887 in the Office of the County Recorder of said County, now vested with San Bernardino Associated Governments (SANBAG) per Document No. 93-137041, recorded March 29, 1993 in the Office of the County Recorder of said County, with the West line of said Interstate 215, said point being on a 788.94 foot radius curve concave to the Northeast; thence continuing Southeasterly along said Southwest right-of-way and said curve through a central angle of 03°10'03" a distance of 43.62 feet; thence leaving said Southwest right-of-way South 04°42'17" East 15.86 feet to the beginning of a non-tangent 758.26 foot radius curve concave to the Northeast, a radial bearing to said point bears South 21°46'25" West; thence Northwesterly along said curve through a central angle of 3°06'21" a distance of 41.10 feet to a point on said West line of Interstate 215; thence along said West line North 03°34'23" West 21.37 feet to the **Point of Beginning.**

Said parcel contains 675 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

LICENSED LAND SURVEYOR
GARY L. HUS
NO. 7019
Exp. date 6-30-14
STATE OF CALIFORNIA

8-13-12

GARY L. HUS DATE
LS 7019

PAGE 1 OF 1

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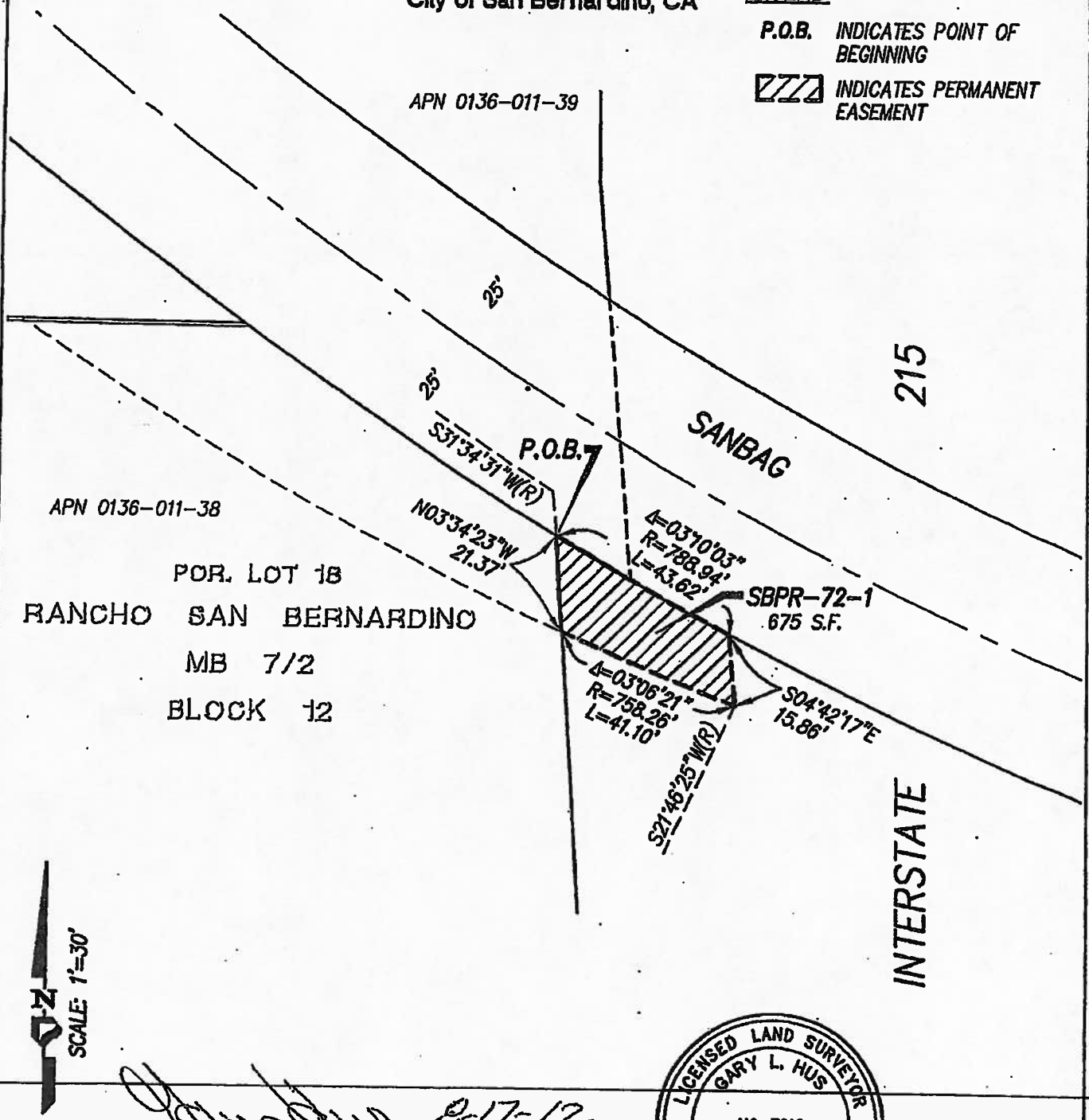
EXHIBIT B

SHEET 1 OF 1

SBPR-72-1 State of California
Portion of Interstate 215
City of San Bernardino, CA



8-17-12

GARY L. HUS, L.S. 7019 DATE

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Exp. date 6-30-14
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PROJECT DESIGN CONSULTANTS
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