



Additional Support Material Agenda Item No. 12

Board of Directors Meeting

December 2, 2015

10:30 a.m.

Location:

San Bernardino Associated Governments

Santa Fe Depot – First Floor Lobby

1170 W. 3rd Street, San Bernardino, California 92410

Discussion Calendar

Project Delivery

12. Hearings to Consider Resolutions of Necessity for Parcels for the Interstate 215 (I-215) Barton Road Interchange Improvement Project in the City of Grand Terrace

That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

A. Conduct public hearings to consider condemnation of real property required for the I-215 Barton Road Interchange Improvement Project in the City of Grand Terrace; and

B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No.16-006 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Harold R. Clark and Melinda M. Clark and (Assessor's Parcel Number [APN] 0275-231-46; Caltrans Parcel Number [CPN] 23320). The Resolution must be approved by at least a two-thirds majority; and

C. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No.16-007 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Demetri Hadjiconstantis and Janine K. Hadjiconstantis (APN 0275-231-68; CPN 23323). The Resolution must be approved by at least a two-thirds majority.

Attached is additional material in form of a letter from legal counsel representing property owner subject of a Resolution of Necessity. Also, included are Power point slides which will be part of staff's presentation.

RECEIVED

OCT 28 2015

SAN BERNARDINO
ASSOCIATED GOVTS

DANIEL E. KATZ
DKATZ@RHLAW.COM

M. ELI UNDERWOOD
ELI@RHLAW.COM

LAW OFFICES OF
REID & HELLYER
A PROFESSIONAL CORPORATION
POST OFFICE BOX 1300
RIVERSIDE, CALIFORNIA 92502-1300
TELEPHONE (951) 682-1771
TELECOPIER (951) 686-2415
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OUR FILE NUMBER

October 26, 2015

C1561-001

Clerk of the Board
San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410

RE: December 2, 2015 Hearing on Resolution of Necessity
12012 La Crosse Avenue, Grand Terrace, California
The Harold R. Clark and Melinda M. Clark Revocable Living Trust

To Whom It May Concern:

This office represents the Harold R. Clark and Melinda M. Clark Revocable Living Trust dated April 2, 2010 (the Clarks). To that extent, please direct all further correspondence regarding the Clarks to this office and to attention of the attorneys listed above.

Accordingly, the Clarks hereby give notice to the San Bernardino Associated Governments (SANBAG) regarding their intent to speak and be heard on the Adoption of a Resolution of Necessity for the acquisition by eminent domain of the real property located at 12012 La Crosse Avenue, Grand Terrace, California, at SANBAG's December 2, 2015 meeting, or as soon thereafter as the matter may be heard.

The matters that the Clarks may address include, but is not limited to, (a) whether the public interest and necessity require the proposed Project; (b) whether the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed Project; (d) whether the offer required by Government Code section 7267.2, subdivisions (a), (b), and (c), together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to you and whether said offer and statements/ summary were

SANBAG Clerk of the Board Letter

October 26, 2015

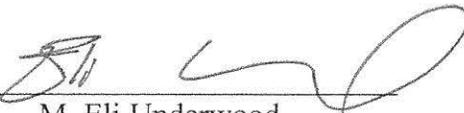
Page 2

in a form and contained all of the factual information required by Government Code section 7267.2, subdivisions (a), (b), and (c), and; (e) any and all matters related to acquisition of the Clarks' property by eminent domain.

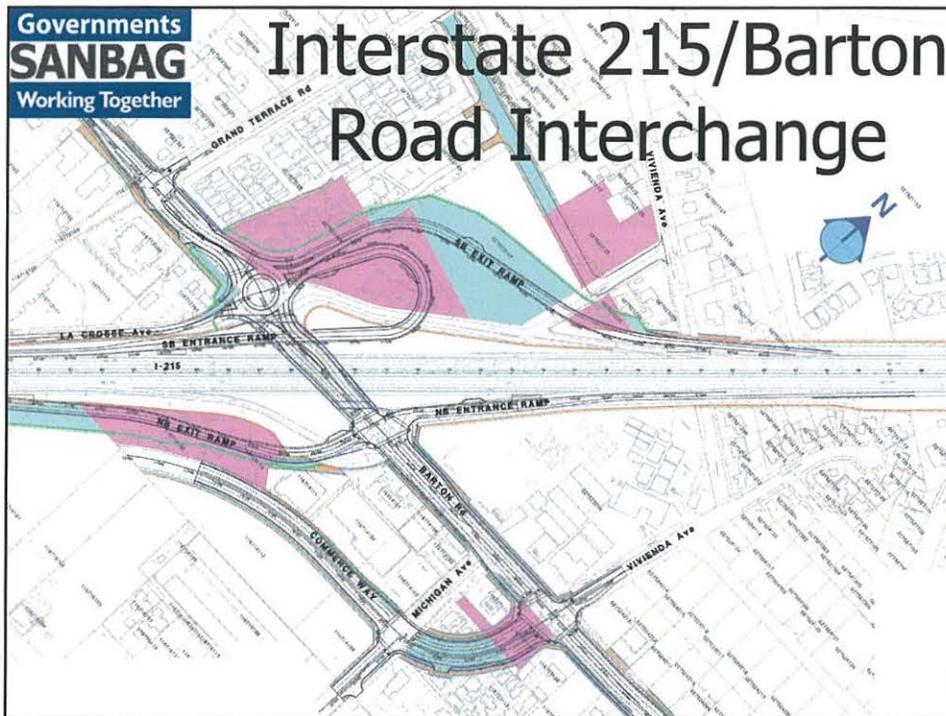
Respectfully,

Reid & Hellyer

By:

A handwritten signature in black ink, appearing to read 'M. Eli Underwood', written over a horizontal line.

M. Eli Underwood
ELI@RHLAW.COM



Governments SANBAG Working Together

Commission Request

THE COMMISSION IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project;
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The real property to be acquired is necessary for the project; and
4. The offer of just compensation has been made to the property owner.



PARCEL LIST

1. Harold R. Clark and Melinda M. Clark, Trustees of the Harold R. Clark and Melinda M. Clark Revocable Living Trust dated April 2, 2010.
2. Demetri Hadjiconstantis and Janine K. Hadjiconstantis



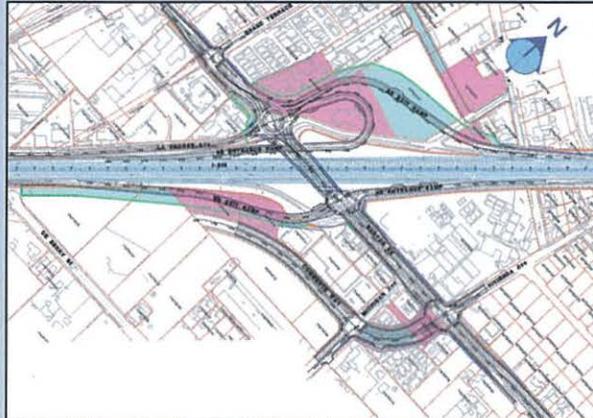
Commission Request

FINDINGS 1 and 2

1. The public interest and necessity require the proposed project;
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;

Project Improvements

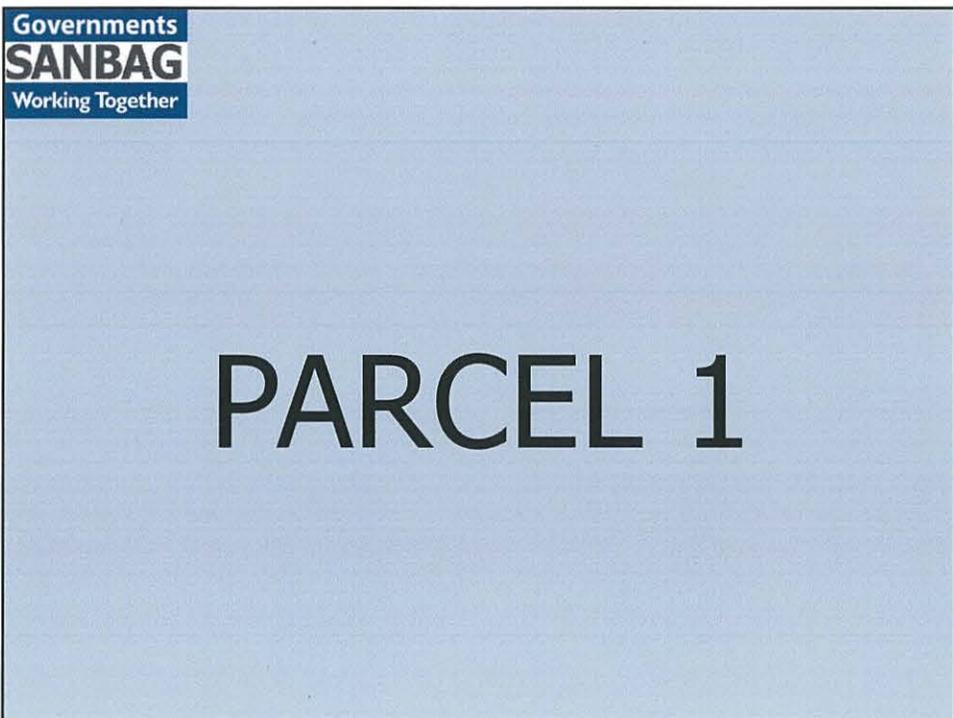
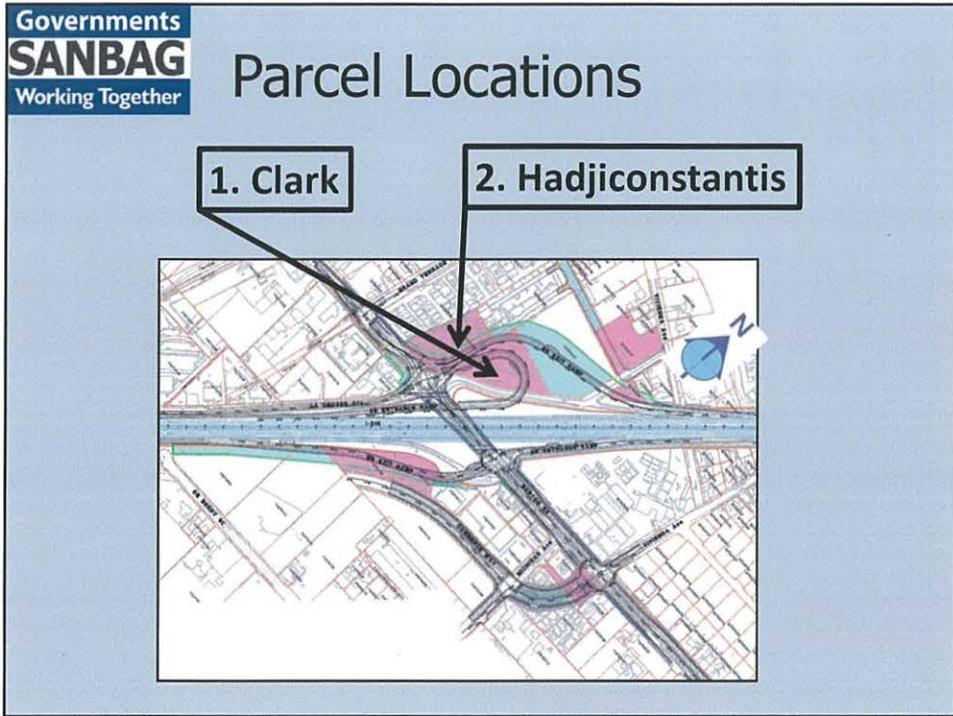
- A wider and longer bridge
- New ramps
- Realignment of local streets.

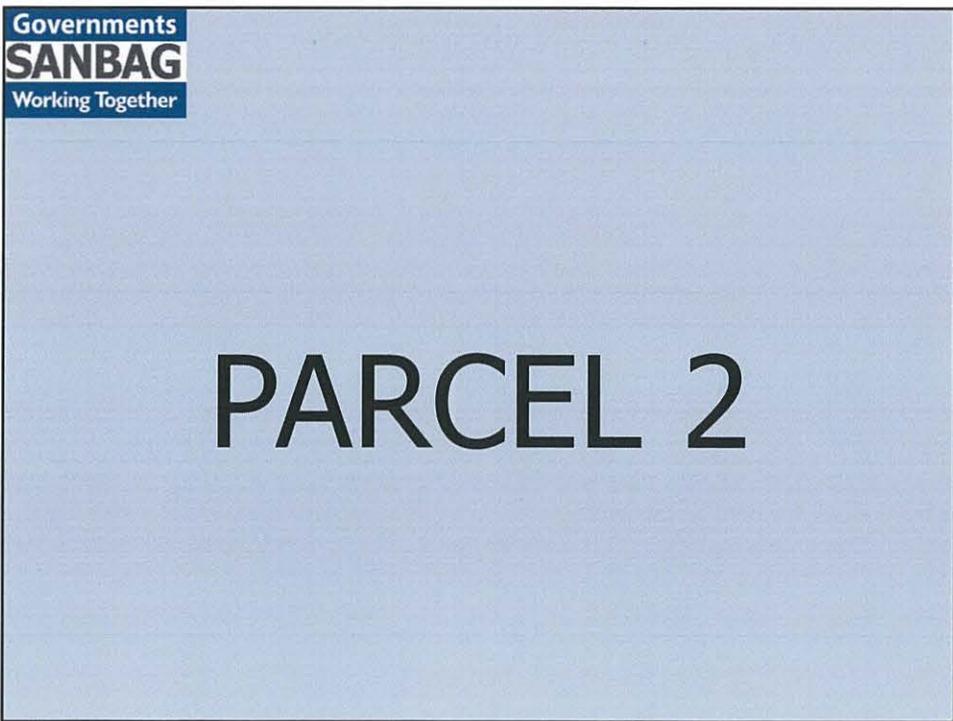


Commission Request

FINDING 3

3. The real property to be acquired is necessary for the project;







Governments
SANBAG
Working Together

Commission Request

FINDINGS 4

4. The offer of just compensation has been made to the property owner.

Governments SANBAG Working Together		
Offers of Just Compensation		
No.	Ownership	Offer Date
1	Clark Revocable Trust	February 5, 2015
2	Demetri and Janine Hadjiconstantis	June 1, 2015

Governments SANBAG Working Together						
CONTACT SUMMARY MATRIX						
No.	Ownership	In Person Meetings	Mailings	Phone Contacts	E-Mails	Total
1	Clark Revocable Trust	3	2	33	12	50
2	Demetri and Janine Hadjiconstantis	7	1	5	0	13

Staff Recommends:

THE COMMISSION ADOPT A RESOLUTION OF NECESSITY BASED ON THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project;
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The real property to be acquired is necessary for the project; and
4. The offer of just compensation has been made to the property owner.