

## RESOLUTION NO. 2021-71

### **A RESOLUTION OF NECESSITY BY THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE SEVEN PERMANENT RIGHT OF WAY AND DRAINAGE EASEMENTS TO CONSTRUCT IMPROVEMENTS ALONG SNOWDROP ROAD, AND IN ITS VICINITY, LOCATED IN UNINCORPORATED SAN BERNARDINO COUNTY AND THE CITY OF RANCHO CUCAMONGA**

On Tuesday, June 8, 2021, on motion of Supervisor Baca, duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the Board of Supervisors has considered the staff report, staff presentation, discussion, oral testimony, and evidence presented at its meeting of June 8, 2021, relating to the Snowdrop Road Improvement Project;

NOW, THEREFORE, the Board of Supervisors of San Bernardino County hereby finds, determines, declares, and resolves as follows:

#### SECTION 1. The Board of Supervisors finds that:

(a) The public interest, convenience, and necessity require the proposed project; to wit, the construction and installation of road improvements and drainage improvements to Snowdrop Road, and all uses appurtenant thereto ("Project"), located in the unincorporated area of San Bernardino County and in the City of Rancho Cucamonga, which Project will provide (i) enhanced public access to Snowdrop Road, (ii) increased public safety by adding paving to the length of Snowdrop Road, and (iii) reduced erosion by improving drainage and runoff of water flows; and

(b) The interests in real property to be acquired are right-of-way and drainage easements on, over, and across parcels described generally as Assessor Parcel Numbers 0201-043-26, 0201-281-13, 0201-043-08, 0201-043-35 and 0201-281-14 which are described and depicted with particularity on Exhibits A through Q attached hereto and incorporated herein by this reference ("Easement Interests"). The Easement Interests are located within the County of San Bernardino, State of California; and

(c) The Easement Interests are needed in order to secure the rights to allow the County to complete the road improvements, to provide legal access to the road for nearby residents, and to allow for engineered drainage to be installed in order to protect the road from erosion. The Easement Interests described herein are thus necessary for the County to acquire before the Project can proceed

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

(e) The taking of the Easement Interests is necessary for the proposed Project and such taking is authorized by Section 19, Article I of the California Constitution, Section 25350.5 of the California Government Code, Section 1230.010 et seq. of the California Code of Civil Procedure, and other applicable law; and

(f) The offer to purchase required by California Government Code Section 7267.2 was made to the owners of the property over which the Easement Interests are sought; and

(g) The legally required notice of hearing on this Resolution has been given, as required

by Code of Civil Procedure section 1245.235; and

(g) The County has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Easement Interests described herein.

SECTION 2. The Board of Supervisors hereby authorizes the County to acquire the Easement Interests by donation, purchase, or by condemnation, and declares that it is its intention to acquire the Easement Interests in the name of County Service Area 70 in accordance with the provisions of the laws of the State of California governing condemnation procedures.

SECTION 3. The Board of Supervisors further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by San Bernardino County as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future, pursuant to Code of Civil Procedure section 1240.510.

SECTION 4. The County Counsel of the County of San Bernardino is authorized and directed to prepare, institute and prosecute in the name of the County of San Bernardino such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Easement Interests, including the filing of a motion for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Clerk of the Board of Supervisors shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe  
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA )  
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COUNTY OF SAN BERNARDINO ) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 8, 2021. Item #110 JLL

LYNNA MONELL  
Clerk of the Board of Supervisors

By  Deputy

