



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** January 26, 2016

**From:** Brad Miller, Town Engineer **Item No:** 9  
Engineering Department

**Subject:** RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF RIGHT OF WAY, IDENTIFIED AS PORTIONS OF ASSESSOR PARCEL NOS. 0399-251-01, 0399-261-01 AND 0399-261-02, FOR A PEDESTRIAN AND BIKE TRAIL ALONG THE EASTERN LEVEE OF THE MOJAVE RIVER

**T.M. Approval:** \_\_\_\_\_ **Budgeted Item:**  Yes  No  N/A

### STAFF RECOMMENDATION:

This item is for the Council to:

1) Conduct a hearing to consider the adoption of a resolution of necessity for the acquisition of real property by eminent domain. The property at issue is described as portions of Assessor Parcel Nos. 0399-251-01, 0399-261-01 and 0399-261-02, located south of Bear Valley Road and west of Jess Ranch Parkway within the Mojave River floodway, in Apple Valley, California. The property is being considered for the construction of a pedestrian and bike trail to be constructed along the eastern levee of the Mojave River adjacent to the Jess Ranch Development (Project), which covers the area from Tussing Ranch Road to Bear Valley Road, in San Bernardino County, California; 2) further, allow the property owner and other parties interested in the affected property and their attorneys or representatives an opportunity to be heard; and 3) make the following findings as hereinafter described in this report:

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

Adopt Resolution No. 2016-04 for the acquisition in fee by eminent domain of portions of the property described as Assessor Parcel Nos. 0399-251-01, 0399-261-01 and 0399-261-02, located in the Town of Apple Valley, California, for the Mojave River Walk South Project.

### **BACKGROUND INFORMATION:**

The Town Council is being asked to consider the adoption of this Resolution to acquire property interests in the parcels listed below. This interest is required for construction of a pedestrian and bike trail along the eastern levee of the Mojave River, adjacent to the boundaries of the Jess Ranch Planned Unit Development (PUD).

In 1981, prior to the Town's incorporation, the Jess Ranch PUD was approved by the County of San Bernardino. The Jess Ranch PUD was subsequently amended by the Town, beginning in 1990. The master plan for the Jess Ranch PUD includes a public pedestrian and bike trail along the eastern bank of the Mojave River. This public pedestrian and bike trail has also been incorporated in the Town's circulation element as a Class 1 bike path, and therefore considered in environmental review for the Town's General Plan.

When The Pulte Group ("Pulte") purchased the Jess Ranch PUD and the underlying property, it was discovered that the south portion of this public pedestrian and bike trail/Class 1 bike path was included within the boundary of the purchased land. However, the center portion of the planned public trail was located adjacent to and just outside the tract boundaries, along the easterly bank of the Mojave River, on a large lot retained by the original owner of the Jess Ranch PUD.

In 2015, the Town of Apple Valley submitted an application for a State Active Transportation Program grant to design, purchase right-of-way and construct a concrete 12-foot wide Class 1 bike path on top of San Bernardino County Flood Control District's ("Flood Control") access road, from Tussing Ranch Road to Bear Valley Road. This is the same path and path alignment identified in the Town's circulation element (Town General Plan, 2009), and that was contemplated and as part of the Jess Ranch PUD entitlements for Tentative Tract Maps 17062 and 18917. In November 2014, the Town learned that it was successful in obtaining this grant in the amount of \$923,000.

Given the path's inclusion in the Town's circulation element, and its provision as a condition of approval of the Jess Ranch Planned Unit Development Jess Ranch PUD, the owner of the Jess Ranch PUD is required to construct this trail along the Mojave River. Pulte, the current owner of the Jess Ranch PUD, has been unable to purchase the right-of-way needed for this public pedestrian and bike trail. As a result Pulte has requested that the Town consider using its power of eminent domain to acquire this

right-of-way. If the Town decides to acquire the right-of-way by eminent domain, Pulte would be contractually obligated to pay all eminent domain costs.

Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been given to all persons whose property is to be acquired by eminent domain and whose name and addresses appear on the last San Bernardino County equalized assessment roll, all of who have been given reasonable notice to appear and be heard before the Town Council.

The power of eminent domain is used by the Town only as a last resort to obtain interests necessary for public works projects after: (1) negotiations have stalled; (2) the owner has requested that the Council proceed directly to eminent domain for tax or other advantages; or (3) the eminent domain process is necessary to clear the title to the property. In this case, an offer of just compensation was made to the owner for the full fair market value as determined by an appraisal conducted by a qualified appraiser. Town staff attempted to negotiate an amicable settlement in good faith throughout the process. Fair market value is defined by the State of California and is one of the most inclusive definitions in the United States. It requires the highest and best use of the property be considered. All of the Town's appraisals must meet the California definition of fair market value.

One of the requirements for acquiring property for improvement projects is that an offer of just compensation be made to the owners of the property. The Town makes these offers in person whenever possible. The amount of compensation is determined by appraisals prepared by an independent appraisal firm licensed by the Bureau of Real Estate Appraisers. The content of these appraisals, what elements are considered in them and the methodologies used in the preparation are all proscribed by various laws and the Uniform Standards of Appraisal Practice ("USPAP"), published by the Appraisal Foundation. The Federal Government recognizes the USPAP as generally accepted appraisal standards and requires USPAP compliance for appraisers in federally related transactions. Every appraisal calculates the market value of the acquisition as defined by the California Code of Civil Procedure, based on the highest and best use, as defined in USPAP, and includes consideration of severance damages and project benefits (also defined in the California Code of Civil Procedure). In every case, the owner is invited to accompany the appraiser during the site visit so that as much information as possible is considered in the appraisal. A review appraisal prepared by a different certified appraiser is then conducted to ensure all proper procedures have been followed. Additionally, in accordance with state law, every owner is offered up to \$5,000 reimbursement for the cost of acquiring their own appraisal.

California Eminent Domain Law provides that a public entity may not commence with eminent domain proceedings until its governing body has adopted a resolution of

necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property, or their representatives, a reasonable opportunity to appear and be heard on the following matters:

- 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.

Since an agreement has not been reached with the owner, it may be necessary to acquire necessary property interests by eminent domain. The initiation of the eminent domain process is accomplished by the Council's adoption of a resolution of necessity for the affected property.

The record owner must be afforded an opportunity to appear at the hearing and lodge objections. In this instance, notice of this hearing was sent by first class mail to the owner, and stated the Town's intent to consider the adoption of a resolution, the right of the property owner to appear and be heard on these issues and that failure to file a written request to appear may result in a waiver of the right to appear and be heard. The Town scheduled this hearing at which all persons who file a written request in compliance with applicable law may appear and be heard. An aerial view of the parcel subject to this staff report in relation to the Project is attached.

### **Finding 1: Public Interest and Necessity Require the Project**

At the present time, the property is primarily used by Flood Control. Because the location of the subject property is within a floodway/floodplain, the property owner granted an easement to Flood Control, reserving certain rights to the grantor, including agriculture, mine and export of sand, rock, gravel and other minerals and all water and water rights. The reservations, however, do not apply to the following three areas:

**Area A** is a strip of land 300 feet in width, 150 feet on each side of the centerline of the easement as shown on said parcel map number 8633;

**Area B** is a strip of land 100 feet in width measured at right angles, laying adjacent to and westerly of the easterly line of the San Bernardino County for control district easement as shown on said Parcel Map No. 8633. This is the area where the subject property acquisition is located; and,

**Area C** is a strip of land 100 feet in width measured at right angles, laying adjacent to and easterly of the westerly line of the San Bernardino County Flood Control District easement as shown on said Parcel Map No. 8633.

The grantor reserved the right to access and cross easement Areas A, B, and C for the purposes stated herein, providing that the grantor received prior written approval for the location and design of all access facilities to be obtained from this Chief Engineer of the grantee. According to Flood Control, the right has not been asserted by the property owner since the easement was granted 31 years ago.

The Mojave River Walk South Project is designed to provide a pedestrian trail along the Mojave River, intended for use by the public to enhanced recreational pursuits.

**Finding 2: The Project is Planned or Located in a Manner Most Compatible with Greatest Public Good and Least Private Injury**

A thorough analysis was conducted to find the single best location for the bike trail. Environmental analyses and findings indicate the chosen alignment uniquely satisfies engineering, public health and environmental issues, and is the most compatible with the greatest public good and least private injury.

As stated herein, the Jess Ranch PUD plan for a public trail has been incorporated in the Town's circulation element as a Class 1 bike path.

The impact of the project is minimal since the property is vacant and unoccupied.

In accordance with the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq. [CEQA]) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), this pedestrian and bike trail was previously considered in the environmental review documentation for the Jess Ranch PUD and the approval of that development's Tentative Tract Maps 17062 and 18917. Issuance of the entitlements and past approvals for those Jess Ranch PUD tracts relied on mitigated negative declarations adopted by the Town in 2008 (Tentative Tract Map No. 17062) and 2013 (Tentative Tract Map No. 18917). In addition, the environmental review for the Town's General Plan also applies, given that this path is identified in the General Plan's Circulation Element as a Class I bike path.

Under State CEQA Guidelines section 15162, when an EIR has been certified or a negative declaration adopted for a project, no subsequent environmental review is required unless the lead agency determines one or more of the following:

- Substantial changes are proposed in the project that would require major revision to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR or negative declaration due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance shows that the project would have one or more significant effects not discussed in the previous environmental review, or that significant effects previously examined would be substantially more severe, or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the Town has declined to adopt them, or mitigation measures or alternatives that are different from those included in the previous environmental review would substantially reduce one or more significant effects on the environment but the Town has declined to adopt them.

Given that none of the above circumstances apply here, no subsequent environmental review is required. In addition, in June 2015, the California Department of Fish and Wildlife (“CDFW”) provided the Town with documentation stating that the Project would not require materials or equipment entering the Mojave River, and that activities related to the Project would not encroach upon or alter the river bank. CDFW also determined that the Project would not substantially adversely affect an existing fish or wildlife resource.

Given the above substantial evidence, the Resolution of Necessity before the Council does not require any further environmental review.

### **Finding 3: The Real Property to be Acquired is Necessary for the Project**

The property interests sought below has been analyzed to determine if a feasible design alternative exists that would alleviate the need for the interest. As indicated above, the owner of the interest was invited to meet with project staff and provide input to address any concerns the owner may have with the design of the project in the manner proposed and the necessity of the acquisition. To the extent the owner raised such concerns, staff took those concerns into consideration and attempted to make design modifications as feasible as possible. In the end, staff recommends the following interests in real property are necessary for the project.

**RON 2016-04 —Owner: Jess Ranch Development Company, Inc.; APNs 0399-251-01, 0399-261-01 and 0399-261-02**

APNs 0399-251-01, 0399-261-01 and 0399-261-02 are owned in fee by *Jess Ranch Development Company, Inc.* and have a combined land area of approximately 295.399 acres. The property is located south of Bear Valley Road and west of Jess Ranch Parkway, within the Mojave River floodway/floodplain, in the Town of Apple Valley, San Bernardino County, California (“Larger Parcel”). The Larger Parcel has an irregular shape and mostly level topography in the river bottom, then upslopes to two 100-foot wide areas that border the river bottom to the east and west. There are no utilities that service the parcels. The zoning and land use designation is OS-C (Open Space Conservation). There are no street improvements. Access is provided by Bear Valley Road and gated areas within the Jess Ranch planned community.

The proposed fee acquisition of 8.848 acres is located on the east side of the Larger Parcel. It is a strip of land with an average width of roughly 57 feet and runs the length of the Jess Ranch planned community. The entire 8.848 acres are encumbered by an easement granted to Flood Control in 1984.

The Town is now seeking to acquire fee portions of the property. The net land area of the Larger Parcel (exclusive of the permanent easement) will be 236,551 acres. Other appurtenant land features of the remaining portion of the larger parcel, such as drainage, present use, topography, land shape and vehicular accessibility, as well as highest and best use, will remain effectively unchanged.

An offer of just compensation for the property was made to Jess Ranch Development Company, Inc. on November 12, 2015. Since no businesses or residences will be affected by the Project, the Town has not retained the services of a consulting firm to provide relocation assistance.

The legal description and depiction of the Larger Parcel and the parts to be acquired are attached as an exhibit to Resolution of Necessity No. 2016-04. An aerial view of the parcels and their relationship to the bike trail is also attached.

A Notice of Hearing to Jess Ranch Development Company, Inc. was mailed on December 22, 2015. The hearing was initially set for January 12, 2016. However, at the request of the property owner, the hearing was continued to January 26, 2016.

**Finding 4: Offers of Just Compensation Have Been Made to the Property Owners**

The Town has confirmed and identified the parties with an interest in the parcels affected by the Project. The Town then served the affected property owner and other interested parties with a notice of the Town’s decision to appraise the property.

The Town had the real property interests appraised by Robert S. Perdue, MAI to establish the fair market value of the property the Town is seeking to acquire from the parties identified herein.

An offer of just compensation was made to the property owner to purchase the property interests, based on the approved appraisal, as required by Section 7267.2 of the California Government Code. In this instance, the Town will acquire the interest necessary set forth above from the property owner to ensure the property will be available to meet the time frames associated with the construction of the Project.

**FISCAL IMPACT:**

There is no fiscal impact due to adoption of the Resolution of Necessity.

**ATTACHMENTS:**

1. Resolution No. 2016-04
2. Aerial View



**RESOLUTION NO. 2016-04**

**RESOLUTION OF NECESSITY OF THE TOWN OF APPLE VALLEY AUTHORIZING ACQUISITION BY EMINENT DOMAIN OF PORTIONS OF PROPERTY IDENTIFIED AS ASSESSOR PARCEL NOS. 0399-251-01, 0399-261-01 AND 0399-261-02, SITUATED IN THE TOWN OF APPLE VALLEY, FOR THE CONSTRUCTION OF A PEDESTRIAN AND BIKE TRAIL ALONG THE EASTERN LEVEE OF THE MOJAVE RIVER, AND WHICH COVERS THE AREA FROM TUSSING RANCH ROAD TO BEAR VALLEY ROAD, IN SAN BERNARDINO COUNTY, CALIFORNIA**

**WHEREAS**, by this Resolution of Necessity, the Town proposes to acquire portions of property identified as Assessor Parcel Nos. 0399-251-01, 0399-261-01 and 0399-261-02, as identified Exhibits "A" and "B", ("Property") for a public pedestrian and bike trail along the eastern levee of the Mojave River ("Project), pursuant to Sections 1240.010, 1240.050, 1240.110, 1240.120, 1240.125, 1240.610, *et seq.*, and 1240.650 of the California Code of Civil Procedure; Sections 37350.5 and 38730 of the California Government Code; and Article I, Section 19, Article X, Section 5, and Article XI, Section 9 of the Constitution of the State of California; and

**WHEREAS**, pursuant to Section 1245.235 of the California Code of Civil Procedure, the Town scheduled a public hearing on this proposed Resolution of Necessity for Tuesday, January 26, 2016, at 6:30 p.m. at the Town Council Chamber at Town Hall located at 14955 Dale Evans Parkway, in Apple Valley, California, and gave the property owner or its representative notice and an opportunity to appear and be heard at the hearing on the matters referred to in Section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by the Town Council and all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Town Council may now adopt a Resolution of Necessity pursuant to Section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Apple Valley as follows:

Section 1. Incorporation of Recitals and Staff Report. The Town Council finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the Town Council as if fully set forth herein.

Section 2. CEQA Compliance. In accordance with the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq. [CEQA]) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), this pedestrian and bike trail was previously considered in the environmental review documentation for the Jess Ranch Planned Unit Development (Jess Ranch PUD) and the approval of that development's Tentative Tract Maps 17062 and 18917. Issuance of the entitlements

and past approvals for those Jess Ranch PUD tracts relied on mitigated negative declarations adopted by the Town in 2008 (Tentative Tract Map No. 17062) and 2013 (Tentative Tract Map No. 18917). Furthermore, based on the whole record before the Council, including the Town's staff report and other documentation, none of the circumstances in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 necessitating additional subsequent environmental review of this Project apply. Thus, this Resolution of Necessity does not require any further environmental review.

Section 3. Compliance with California Code of Civil Procedure. The Town has complied with the requirements of Section 1245.235 of the California Code of Civil Procedure, regarding notice and the hearing.

Section 4. Public Use. The proposed Project, which covers the area from Tussing Ranch Road to Bear Valley Road, in San Bernardino County, California, constitutes a public use.

Section 5. Description of Property. Attached as Exhibit "A" are legal descriptions of the portions of Property to be acquired. Attached as Exhibit "B" are maps that depict the areas to be acquired.

Section 6. Findings. The Town Council hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The property defined, described and depicted in Exhibits "A" and "B" is necessary for the proposed Project; and,
- (d) The offer required by Section 7267.2 of the California Government Code was made.

Section 7. More Necessary Public Use. The Town Council further finds and determines that the Project is a more necessary public use within the meaning of California Code of Civil Procedure sections 1240.610 and 1240.650, than the existing use.

Section 8. Further Activities. The Town Attorney is hereby authorized to acquire the Property on behalf of the Town by eminent domain, and the Town Attorney is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. The Town Attorney is further authorized to take such steps as may be authorized and required by law, and to make such deposits as may be required

by order of court, to permit the Town to take possession of and use the Property as needed. The Town Attorney is further authorized to correct any errors or to make or agree to non-material changes in the description of the property interests to be acquired that are deemed necessary for the conduct of the condemnation action, or other proceedings or transactions required to acquire the Property. The Town Attorney is further authorized to reduce or modify the extent of the property or other interests to be acquired, if with the consent of the Court and/or the parties, so as to reduce the compensation payable in the action where such change would not substantially impair the operation of the proposed Project.

Section 9. Custodian of Records. The documents and materials that constitute the record of proceedings on which the Resolution is based are located at 14955 Dale Evans Parkway, Apple Valley, California 92307. The custodian for these records is the Town Clerk. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 10. Notice of Determination. Council hereby directs staff to prepare and file a Notice of Determination with the County Clerk's office within five (5) working days of approval of this Resolution.

Section 9. This Resolution shall take effect immediately upon adoption. The Mayor shall sign this Resolution and the Town Clerk shall attest and certify to the passage and adoption thereof.

**APPROVED** and **ADOPTED** by the Town Council of the Town of Apple Valley this 26th day of January, 2016.

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Barb Stanton, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PORTIONS TO BE ACQUIRED**

**APNs 0399-251-01, 0399-261-01 and 0399-261-02**

**EXHIBIT "A"  
LEGAL DESCRIPTION**

**FEE**

ALL THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12 TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN AND PARCELS 1, 4 AND 6 OF PARCEL MAP NO. 8833 IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PLAT RECORDED IN BOOK 88 OF PARCEL MAPS, PAGES 92 THROUGH 97 INCLUSIVE, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL "A" OF LLA NO. 2004-007 RECORDED IN DOCUMENT 2004-0370897, OFFICIAL RECORDS OF SAID COUNTY. SAID CORNER BEING ON THE EASTERLY LINE OF PARCEL "B" OF LLA NO. 2004-008 RECORDED IN DOCUMENT 2004-0370698, OFFICIAL RECORDS OF SAID COUNTY AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2975.00 FEET, FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 82°21'33" EAST;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 29°33'20", AN ARC DISTANCE OF 1534.63 FEET;

CONTINUING ALONG SAID EASTERLY LINE THE FOLLOWING 4 COURSES;

THENCE SOUTH 21°54'53" EAST, A DISTANCE OF 13.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 4177.74 FEET;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°08'43", AN ARC DISTANCE OF 1466.47 FEET;

THENCE SOUTH 42°01'36" EAST, A DISTANCE OF 1861.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5053.13 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°51'01", AN ARC DISTANCE OF 692.34 FEET TO THE SOUTHERLY LINE OF SAID PARCEL "B";

THENCE CONTINUING SOUTHEASTERLY ALONG SAID CURVE AND THE SOUTHEASTERLY LINE OF LOT "G" OF TRACT 15380 AS RECORDED IN BOOK 249 OF TRACT MAPS, PAGES 98 THROUGH 101 INCLUSIVE, RECORDS OF SAID COUNTY, THROUGH A CENTRAL ANGLE OF 2°25'43", AN ARC DISTANCE OF 214.19 FEET TO THE NORTHWESTERLY CORNER OF TRACT 17062 AS RECORDED IN BOOK 322 OF TRACT MAPS, PAGES 61 THROUGH 61 INCLUSIVE;

THENCE CONTINUING SOUTHEASTERLY AND SOUTHERLY ALONG THE WESTERLY LINE OF SAID TRACT 17062 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'35", AN ARC DISTANCE OF 913.67 FEET TO THE EASTERLY LINE OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN;

THENCE SOUTH 00°22'53" EAST ALONG SAID EASTERLY LINE OF SECTION 12, A DISTANCE OF 170.38 FEET, TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 4930.22 FEET, FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 70°35'07" WEST;

THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°29'48", AN ARC DISTANCE OF 989.27 FEET;

THENCE NORTH 30°54'41" WEST, A DISTANCE OF 21.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°26'42", AN ARC DISTANCE OF 128.02 FEET;

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EXHIBIT A, PAGE 1 OF 6

THENCE NORTH 33°21'23" WEST, A DISTANCE OF 62.88 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 4995.13 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°13'36", AN ARC DISTANCE OF 542.85 FEET;

THENCE NORTH 39°34'59" WEST, A DISTANCE OF 143.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°09'26", AN ARC DISTANCE OF 75.30 FEET;

THENCE NORTH 41°44'25" WEST, A DISTANCE OF 388.74 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°53'19", AN ARC DISTANCE OF 31.02 FEET;

THENCE NORTH 40°51'06" WEST, A DISTANCE OF 92.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°10'30", AN ARC DISTANCE OF 41.02 FEET;

THENCE NORTH 42°01'36" WEST, A DISTANCE OF 351.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'44", AN ARC DISTANCE OF 55.70 FEET;

THENCE NORTH 43°37'20" WEST, A DISTANCE OF 123.87 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'44", AN ARC DISTANCE OF 55.70 FEET;

THENCE NORTH 42°01'36" WEST, A DISTANCE OF 716.91 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 4232.74 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°40'34", AN ARC DISTANCE OF 882.58 FEET;

THENCE NORTH 30°21'02" WEST, A DISTANCE OF 149.51 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2000.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°49'51", AN ARC DISTANCE OF 133.72 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 4237.74 FEET;

THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°56'52", AN ARC DISTANCE OF 513.88 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1500.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°07'19", AN ARC DISTANCE OF 186.45 FEET;

THENCE NORTH 12°27'00" WEST, A DISTANCE OF 110.59 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2000.00 FEET;

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FEE

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°13'27", AN ARC DISTANCE OF 77.64 FEET;

THENCE NORTH 10°13'33" WEST, A DISTANCE OF 223.25 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2200.00 FEET;

THENCE NORTHERLY, AND NORTHEASTERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°34'56", AN ARC DISTANCE OF 521.52 FEET;

THENCE NORTH 03°21'23" EAST, A DISTANCE OF 58.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 3035.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5°04'37", AN ARC DISTANCE OF 268.93 FEET;

THENCE SOUTH 81°34'00" EAST, A DISTANCE OF 60.00 FEET, TO THE EASTERLY LINE OF SAID PARCEL "B" AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2975.00 FEET, FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 81°34'20" EAST;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°47'13", AN ARC DISTANCE OF 40.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.848 ACRES, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

LUDWIG ENGINEERING ASSOCIATES, INC.  
PREPARED BY ME OR UNDER MY SUPERVISION

 4-18-14  
Scott Sturm, PLS 8549 Date



v:\plans\tr. 18917 (pulte apple valley)\jess ranch\survey\parcels 1\_A\_6.doc

EXHIBIT A, PAGE 3 OF 6

**EXHIBIT B**

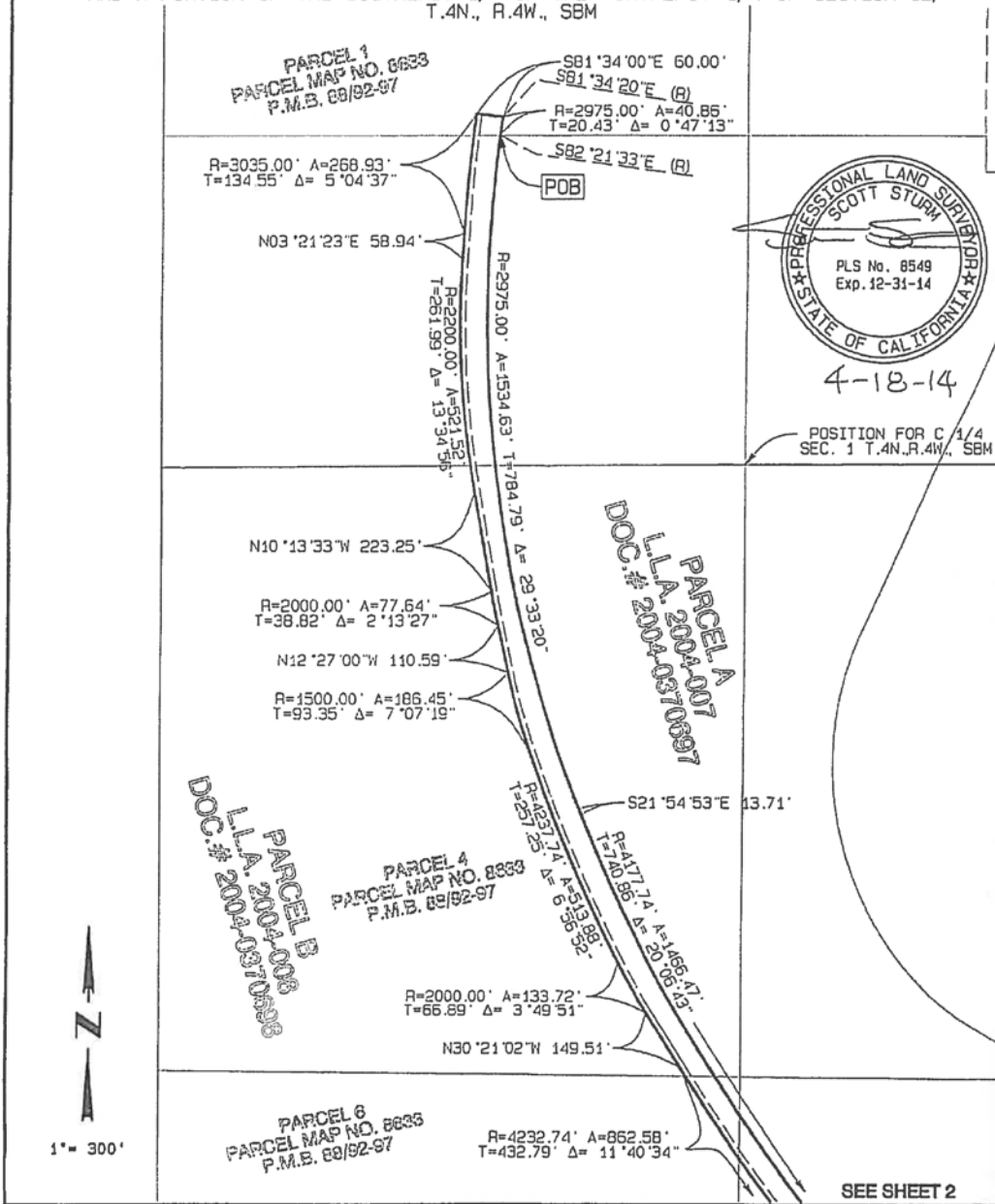
**MAPS OF THE PORTIONS TO BE ACQUIRED**

**APNs 0399-251-01, 0399-261-01 and 0399-261-02**



# EXHIBIT "B"

BEING A PORTION OF PARCELS 1, 4 & 6 OF PARCEL MAP NO. 8633, P.M.B. 88/92-97 AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, T.4N., R.4W., SBM



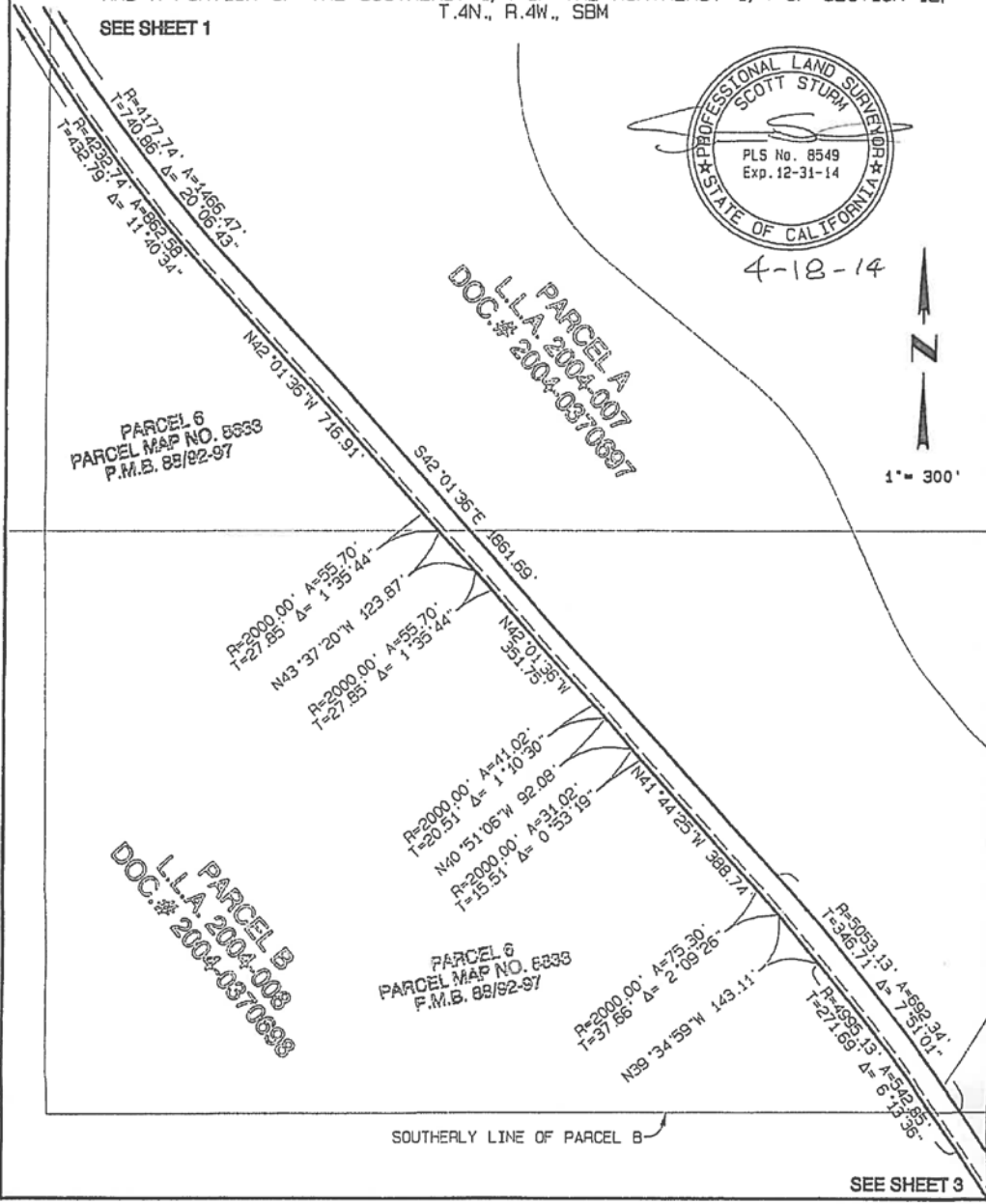
# EXHIBIT "B"

BEING A PORTION OF PARCELS 1, 4 & 6 OF PARCEL MAP NO. 8633, P.M.B. 88/92-97  
AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12,  
T.4N., R.4W., SBM

SEE SHEET 1



4-18-14



# EXHIBIT "B"

BEING A PORTION OF PARCELS 1, 4 & 6 OF PARCEL MAP NO. 8633, P.M.B. 88/92-97  
AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12,  
T.4N., R.4W., SBM

SEE SHEET 2

PARCEL B  
L.L.A. 2004-008  
DOC.# 2004-0370888

LOT 1G  
TRACT NO 15380  
M.B. 2-09/88-101



4-18-14

SOUTHERLY LINE OF PARCEL B

N33°21'23"W 62.88'  
R=3000.00' A=128.02'  
T=64.02' Δ= 2°25'42"  
N30°54'41"W 21.94'

R=5053.13' A=214.19'  
T=107.11' Δ= 2°25'43"

A PORTION OF THE SE 1/4  
OF THE NE 1/4 OF SEC. 12

EASTERLY LINE OF SECTION 12

R=4930.22' A=989.27' T=485.30' Δ= 11°29'46"  
R=5053.13' A=913.67'  
T=459.05' Δ= 10°21'35"  
S70°35'07"W (R)

S00°22'53"E 170.38'

TRACT NO. 17062  
M.B. 322/51-61



1" = 300'

