

BY FAX ORIGINAL

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CITY OF ADELANTO

*Exempt from fees pursuant
to Government Code § 6103*

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 22 2023

BY Jennifer Medina
JENIFER MEDINA, DEPUTY

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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

11
12 CITY OF ADELANTO,

13 Plaintiff,

14 vs.

15 PRIME INVESTMENT INTERNATIONAL,
INC, a California corporation; XINGYU LIU,
16 an individual; SOUTHERN CALIFORNIA
EDISON COMPANY, a corporation; SHARON
17 A. BARRERA, an individual; DOES 1 through
100 inclusive; and all persons unknown
18 claiming any title or interest in or to the
property sought to be condemned herein,

19 Defendants.

Case No. CIVSB2222702

Assigned for All Purposes to:
Honorable Gilbert Ochoa
Dept. S24


~~PROPOSED~~ ORDER FOR SERVICE BY
PUBLICATION ON DEFENDANT XINGYU
LIU

Date Action Filed: October 6, 2022
Trial Date: None

Ex Parte Hearing:
Date: May 22, 2023
Time: 9:00 am
Dept.: S24

1 **IT IS SO ORDERED** that the Summons, Complaint in Eminent Domain, related court-
2 issued documents, and this ORDER shall be published in Global Legal Notices, a legal notice
3 publication of general circulation in China, for a period of four (4) successive weeks and that Proof
4 of Publication be filed with this Court no later than thirty (30) days after completion of the
5 publication.

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7 Dated: **MAY 22 2023**


Honorable Gilbert Ochoa
Judge of the Superior Court of the State of
California

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Exhibit A

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Adelanto
11600 Air Expressway
Adelanto, CA 92301
Attention: City Clerk

Portion of APN: 0459-132-30

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV& TAX CODE §11922

GRANT OF EASEMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged by **Prime Investment International, Inc. and Xingyu Liu ("Grantor")**, Grantor does hereby GRANT and CONVEY to the **City of Adelanto ("Grantee")**, and its successors and assigns, a permanent easement ("**Easement**") over, above, on, under, in, across, along and through that certain real property located in the City of Adelanto, County of San Bernardino, State of California, more fully described in EXHIBIT "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "**Easement Area**"), for the construction, placement, operation, and maintenance of utilities, appurtenant structures, and any other associated improvements, including but not limited to above-ground electricity, generation-tie ("gen-tie") transmission and/or communication lines, pipelines, and other above-ground improvements associated with the transmission of utilities or electricity, specifically including but not limited to overhead power poles and wires, as well as any subsurface or otherwise below ground appurtenances, structures, improvements or other utilities (collectively, the "**Facilities**").

The Easement includes the perpetual right to construct, repair, replace, remove, maintain, modify and/or adjust, as applicable, the Facilities, and any other utilities constructed or placed within the Easement Area, and appurtenances thereto, drainage structures, and appurtenances thereto, and such other related purposes, authorized by statute or deemed by common law to be compatible and consistent with the purpose(s) of the Easement, including without limitation the perpetual right of ingress/egress and the right of maintenance. The Easement includes and is granted together with the right of Grantee to remove obstructions, structures and/or other improvements, as well as to trim and remove trees and other vegetation, over, above, on, under, in, across, along and through the Easement Area.

This instrument, including, without limitation, the grants and other terms and provisions set forth herein, shall inure to the benefit of, and be binding upon, Grantor and Grantee and their respective heirs, successors and assigns, including, without limitation, any involuntary successor(s)-in-interest. Grantee may assign its rights and remedies in, to and/or under this instrument and may do so without obtaining the consent of or providing notice to Grantee.

Subject to the terms of this instrument, the covenants contained in this instrument shall run with the land.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this day of _____, 2022.

GRANTOR: PRIME INVESTMENT INTERNATIONAL, INC.
a California Corporation

Dated: _____

By: _____

Print Name: _____

Its: _____

Xingyu Liu,
an individual

By: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of San Bernardino)

On _____, 2022, before me, _____, Notary Public, personally appeared, _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

This is to certify that the interest in real property conveyed by this Easement Deed to the City of Adelanto ("City"), a California municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to the authority granted to it under Resolution _____, adopted on _____, and the Grantee consents to the recordation thereof by its duly authorized officer.

CITY OF ADELANTO
a Municipal Corporation

By: _____ (or designee)
Jessie Flores, City Manager

EXHIBIT "A"
LEGAL DESCRIPTION
APN: PORTION OF 0459-132-30

THE SOUTH 53.00 FEET OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER SECTION 29, TOWNSHIP 6 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

CONTAINING 0.80 ACRES MORE OR LESS.

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

as stated below:

Prime Investment International, Inc. Defendant
c/o James Wang, Agent for Service of Process
365 W. Garvey Avenue
Suite 101
Monterey Park, CA 91754-7407

(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Nationwide Legal, Inc.

MAJID FALAHI

(Type or print name)



(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed by the law office of Rutan & Tucker, LLP in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18575 Jamboree Road, 9th Floor, Irvine, CA 92612.

On April 28, 2023, I served on the interested parties in said action the within:

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

as stated below:

Xingyu Liu Defendant
17700 Castleton Street #469
City of Industry, CA 91748

(BY CERTIFIED MAIL) pursuant to CCP §1255.450(d), by placing a true copy thereof in sealed envelope(s) addressed as shown above.

In the course of my employment with Rutan & Tucker, LLP, I have, through first-hand personal observation, become readily familiar with Rutan & Tucker, LLP's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, I deposited such envelope(s) in an out-box for collection by other personnel of Rutan & Tucker, LLP, and for ultimate posting and placement with the U.S. Postal Service on that same day in the ordinary course of business. If the customary business practices of Rutan & Tucker, LLP with regard to collection and processing of correspondence and mailing were followed, and I am confident that they were, such envelope(s) were posted and placed in the United States mail at Irvine, California, that same date. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 28, 2023, at Irvine, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lauren Ramey
(Type or print name)



(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

as stated below:

Southern California Edison Company
c/o Cristina Limon, Agent for Service of Process
2244 Walnut Grove Avenue
Rosemead, CA 91770-3714

Defendant

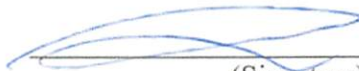
(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Nationwide Legal, Inc.

MAJID FALLAHI
(Type or print name)


(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

as stated below:

Sharon A. Barrera
1360 W. 37th Street
San Pedro, CA 90731-6013

Defendant

(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Juan Guerra
(Type or print name)

Nationwide Legal, Inc.
[Signature]
(Signature)

1 OLIVAREZ MADRUGA LAW ORGANIZATION LLP
Lloyd Pilchen (State Bar No. 223546)
2 lpilchen@omlowlaw.com
Marc Tran (State Bar No. 306274)
3 mtran@omlowlaw.com
Tina Steck (State Bar No. 181633)
4 tsteck@omlowlaw.com
500 S. Grand Ave. 12th Floor
5 Los Angeles, CA 90071
Telephone: 213-744-0099
6 Facsimile: 213-744-0093

*Exempt from fees pursuant
to Government Code § 6103*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 06 2022

BY MELISSA PEREZ
MELISSA PEREZ, DEPUTY

7 Attorneys for Plaintiff
CITY OF ADELANTO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

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12 CITY OF ADELANTO, a California Charter
City,
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14 Plaintiff,
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16 vs.
17 PRIME INVESTMENT INTERNATIONAL,
18 INC, a California corporation; XINGYU LIU,
an individual; SOUTHERN CALIFORNIA
19 EDISON COMPANY, a corporation; SHARON
A. BARRERA, an individual; DOES 1 through
100 inclusive; and all persons unknown
claiming any title or interest in or to the
property sought to be condemned herein,
20
21 Defendants.

Case No. **CIV SB 2222702**
Assigned for All Purposes to:
Dept.
COMPLAINT IN EMINENT DOMAIN
[APN 0459-132-30]

22 Plaintiff City of Adelanto ("City") alleges as follows:

23 **The City and Power of Eminent Domain**

- 24 1. The City is, and at all times mentioned herein was, a public entity and charter city
25 organized under the laws of California.
- 26 2. As a public entity, the City is authorized to exercise the power of eminent domain
27 and acquire real property for public use under California Constitution Article I, section 19;
28 California Constitution Article XI, section 3; California Code of Civil Procedure sections 1230.010

1 through 1273.050, and California Government Code sections 37350.5 and 40404; and City Charter
2 Article IV, sections 400 through 403.

3 **Description of the Property to be Acquired and Defendants' Property Interests**

4 3. The City seeks a permanent easement necessary for the furtherance of a critical
5 renewable energy project, which in turn will provide much needed infrastructure and utility
6 improvements that are consistent with state and local goals.

7 4. The subject real property which the City seeks to acquire for the Project, as that term
8 is defined herein, is located at the northwest corner of Bartlett Avenue and Verbena Road in the
9 City, designated as San Bernardino County Assessor's Parcel Number (APN) 0459-132-30 (the
10 "Larger Parcel"). The portion of the Larger Parcel being acquired consists of a permanent easement
11 interest over a 53 foot wide and 658 foot long strip of the Larger Parcel adjacent to the City's existing
12 right-of-way (Bartlett Avenue), totaling 34,874 square feet (hereinafter referred to as the
13 "Property"). The legal description of the Property, as well as the proposed Grant of Easement
14 describing the easement interests to be acquired by the City (the "Baldy Mesa Easement"), are more
15 particularly described in Exhibit "1" to the Resolution of Necessity, which Resolution and Exhibits
16 are incorporated by this reference and attached hereto as Exhibit "A."

17 5. The City is informed and believes and alleges thereon that the Larger Parcel and
18 Property to be acquired, as those terms are defined herein, are owned in fee by Defendant Prime
19 Investment International Inc. ("Defendant Prime Investment") and Defendant Xingyu Liu
20 ("Defendant Liu") as tenants in common, each with an undivided 50% interest in the Property.

21 6. The City is informed, and on that basis alleges, that Defendant Prime Investment
22 acquired its interest in the Property on or about December 11, 2012 through a deed recorded with
23 the San Bernardino County Recorder's office as Document Number 2013-0026158, and Defendant
24 Liu acquired her interest in the Property on or about September 29, 2017 through a deed recorded
25 with the San Bernardino County Recorder's office as Document Number 2017-0425697.

26 7. The City is informed and believes and alleges thereon that Defendant Liu resides
27 outside of the State of California and the United States, in mainland China.

28 8. The City is informed and believes and alleges thereon that all of the following entities

1 may have a property interest in the Larger Parcel, and potentially the Property:

| <u>DEFENDANT</u> | <u>POSSIBLE INTEREST</u> |
|---|---|
| Prime Investment International Inc. | Fee owner of Record, 50% Interest as Tenant in Common |
| Xingyu Liu | Fee owner of Record, 50% Interest as Tenant in Common |
| Southern California Edison Company, a corporation | Easement for underground and above-ground Electrical Supply Systems and Communication Systems |
| Sharon A. Barrera | Deed of Trust |

9
10 9. Defendant Southern California Edison (“SCE”) is named in an abundance of caution
11 because it holds a utility easement, as described above, over the Larger Parcel. The City is informed
12 and believes and alleges thereon that the Easement and the Project will not interfere with the existing
13 SCE easement.

14 10. Defendant Sharon A. Barrera (“Defendant Barrera”) is named in an abundance of
15 caution because she is the beneficiary on a 2004 deed of trust recorded with the San Bernardino
16 County Recorder’s office as Document Number 2004-0934034, although this loan, which was made
17 to a previous owner of the Larger Parcel, may already be paid off.

18 11. Defendants SCE and Barrera, while potentially having an interest in the Property, are
19 not record owners were not required to receive notice of the adoption of the Resolution Necessity
20 pursuant to California Code of Civil Procedure section 1245.235.

21 12. Defendants Does 1 through 100, inclusive, have or claim to have an interest in the
22 Property, the exact nature of which is unknown to the City. The true names or capacities, whether
23 individual, corporate, associate, or otherwise of defendants Does 1 through 100, inclusive, are
24 unknown to the City, who therefore sues such defendants by fictitious names, and will ask leave to
25 amend this complaint to show their true names and capacities and state of incorporation when they
26 have been ascertained.

27 **Baldy Mesa Solar Project**

28 13. On November 10, 2020, the City Council of the City approved the Baldy Mesa Solar

1 Project (“Project”), through its adoption of City Council Resolutions 20-64 and 20-65, Ordinance
2 618, and Ordinance 620. The City Council’s approval of the Project followed a positive
3 recommendation by the City’s Planning Commission, which considered the Project at its October
4 21, 2020 public hearing.

5 14. The Project consists of construction and operation of a 200-megawatt (MWAC)
6 maximum AC power capacity solar generating and energy storage facility on approximately 1,066
7 acres in the City, including the construction and maintenance of above-ground generation-tie (“gen-
8 tie”) transmission and communication lines in the public right-of-way and over private property to
9 be acquired by the City, when required. The Baldy Mesa Easement over the Property at issue in
10 this case is necessary to construct and maintain these gen-tie and communication lines that are
11 required for Project operation.

12 15. The Project serves an important public purpose of generating renewable electricity,
13 consistent with mandates enacted by the California legislature requiring that 50% of all electricity
14 in the state be generated from renewable sources by 2030, 90% by 2035, and 95% by 2040. The
15 Project would have a generating capacity of up to 200 MWAC and a battery electrical storage system
16 that would store approximately 75 MWAC.

17 16. All of the Project’s potential impacts on the environment – including the acquisition
18 of property for gen-tie transmission and communication lines, such as the Baldy Mesa Easement
19 over the Property here, were analyzed in a Mitigated Negative Declaration (“MND”) (State
20 Clearinghouse No. 2020090176), which was circulated for public review and ultimately approved,
21 along with the Project entitlements, by the City Council of the City on November 10, 2020, through
22 its approval of Resolution 20-64.

23 17. The public interest and necessity require the construction of the Project, including
24 the acquisition of the Baldy Mesa Easement over the Property as part of the Project, because the
25 Project will generate necessary renewable electricity, consistent with mandates enacted by the
26 California legislature alleged hereinabove. Aside from being necessary to comply with state law
27 mandates to generate electricity from renewable sources, the Project provides an important public
28 benefit and serves the public interest by generating electricity from a clean, renewable source, and

1 then storing and providing that electricity to end user(s), lessening the demand for “dirty” sources
2 of electricity that, if the Project was not approved, may need to be built in or nearby the City, and
3 would contribute to pollution in the area.

4 18. The Baldy Mesa Easement over the Property is the last portion of property needed to
5 install the gen-tie and communication lines serving the Project, as all other required right-of-way
6 from the Project’s solar generating facility to the substation where the power is to be delivered have
7 already been secured. Thus, this 53 foot wide and 658 foot long strip of land is the sole “missing
8 link” to allow the Project to be successfully constructed and put into operation.

9 19. The Property has remained vacant and entirely unimproved since Defendants
10 acquired their interests in the Property.

11 20. The Baldy Mesa Easement consists only of a 53-foot strip of land adjacent to the
12 existing public right-of-way, and the proposed condemnation and Project does not materially impact
13 the Defendants’ ability to develop the Property in the future, if desired.

14 21. The Project’s concrete public benefits to the City and its constituents clearly
15 outweigh any potential hardship on Defendants.

16 **Resolution of Necessity**

17 22. On or about April 4, 2022, the City obtained an appraisal for the Baldy Mesa
18 Easement. The appraiser determined that the Baldy Mesa Easement had an appraisal value of
19 \$40,100.

20 23. The City attempted to reach a voluntary agreement to purchase the Baldy Mesa
21 Easement from Defendants throughout 2022, which included an agreement in principle that
22 ultimately has not yet been fully consummated and continued negotiations up until and following
23 the adoption of the Resolution of Necessity, as alleged herein.

24 24. On July 12, 2022, the City sent Defendant Prime Investment and Defendant Liu, the
25 owners of record of the Property, offer letters regarding the Baldy Mesa Easement over the Property
26 pursuant to California Government Code sections 7267.1 and 7267.2, offering to purchase the Baldy
27 Mesa Easement for its \$40,100 appraised value.

28 25. As explained in the offer letters, the City provide Defendant Prime Investment and

1 Defendant Liu with 30 days – until August 11, 2022 – to respond.

2 26. On August 11, 2022, Defendant Prime Investment and Defendant Liu’s timeframe to
3 respond to the City’s offer letters lapsed.

4 27. On August 25, 2022, the City sent correspondence to Defendant Prime Investment
5 and Defendant Liu providing them with notice under Code of Civil Procedure section 1245.235 of
6 the City Council’s intent to adopt a resolution of necessity to acquire the Baldy Mesa Easement for
7 the Baldy Mesa Project. The correspondence dated August 25, 2022 is Exhibit “2” to the Resolution
8 of Necessity, attached hereto as Exhibit “A”.

9 28. On September 28, 2022, the City Council convened for its regular meeting on
10 September 28, 2022, following a continuance of the originally scheduled September 14, 2022
11 hearing on the Resolution of Necessity, which was prior to the commencement of this action and a
12 noticed hearing in compliance with Code of Civil Procedure section 1245.235.

13 29. Also on September 28, 2022, the City Council, pursuant to Code of Civil Procedure
14 sections 1245.210 through 1245.240, adopted a Resolution of Necessity (“Resolution”) by more
15 than the required two-thirds vote (4-0, with one Councilmember recused), declaring that public
16 interest and necessity require the City to acquire the Baldy Mesa Easement for the purposes of
17 developing and constructing the Project.

18 30. Defendant Prime Investment and Defendant Liu, the owners of record of the
19 Property, were provided with notice of the City’s intent to adopt the Resolution in compliance with
20 applicable law, with over 15 days advance notice.

21 31. The City is informed and believes and alleges thereon that representatives of these
22 Defendants confirmed receipt of the above-described notice and advised they would not attend the
23 hearing.

24 32. Defendant Prime Investment and Defendant Liu did not request to be heard within
25 the time frame specified in the City’s notice of intent to adopt the Resolution, and ultimately did not
26 object to its adoption or submit any written or oral comments on the same.

27 33. At its September 28, 2022 hearing, the City found and determined, and in the
28 Resolution declared that:

- 1 a. The public interest and necessity require the Project.
- 2 b. The Project is planned and located in the manner that will be most compatible
3 with the greatest public good and the least private injury.
- 4 c. The property to be acquired is necessary for the proposed Project.
- 5 d. The offer required by Government Code section 7267.2 had been made to the
6 owner(s) of record or that offer has not been made because the owner(s) cannot be located with
7 reasonable diligence.
- 8 e. To the extent that any portions of the property to be acquired are presently
9 appropriated to a public use, the purpose for which the acquisition is sought – namely for
10 construction and operation of the Project – either (i) will not unreasonably interfere with or impair
11 the continuance of the public use as it exists or may reasonably be expected to exist in the future, in
12 accordance with Code of Civil Procedure section 1240.510, and/or (ii) qualifies as a more necessary
13 public use, in accordance with Code of Civil Procedure section 1240.610.

14 **Compatible / More Necessary Public Use**

15 34. To the extent the Property is already devoted to a public use, such as the utility
16 easement held by SCE or any other purpose, the City alleges in the alternative: (a) that the use for
17 which the City is acquiring the Property is a compatible use under Code of Civil Procedure
18 section 1240.510; and/or (b) that the City's use of the Property is a more necessary public use under
19 Code of Civil Procedure section 1240.610.

20 **Prayer**

21 **WHEREFORE**, the City prays that:

- 22 1. The Property be condemned to the City for the purposes set forth in the Resolution;
- 23 2. Compensation be ascertained and assessed and the amount of the award for the
24 Property first be determined between the City and all defendants claiming an interest in the
25 Property;
- 26 3. A Judgment in Condemnation be entered in favor of the City;
- 27 4. All liens and encumbrances against the Property be extinguished and the amounts
28 owing therefore be deducted from the judgment;

1 5. Upon making a deposit of probable compensation, the City have an order for
2 prejudgment possession of the Property;

3 6. Upon paying just compensation for the Property, a Final Order of Condemnation be
4 entered in favor of City, and

5 7. That the Court allow such other and further relief as may be deemed just and
6 proper.

7 Dated: October 5, 2022

OLIVAREZ MADRUGA LAW
ORGANIZATION, LLP

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By: 

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Lloyd Pilchen
Attorneys for Plaintiff
CITY OF ADELANTO

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Exhibit A

RESOLUTION NO. 22-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF A PORTION OF CERTAIN VACANT REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF BARTLETT AVENUE AND VERBENA ROAD (APN 0459-132-30) FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING ELECTRICITY TRANSMISSION LINES FOR A SOLAR FACILITY

WHEREAS, the City of Adelanto (“City”) has been investigating the potential acquisition of an easement (“Easement”) over a portion of certain unimproved, vacant real property located at the northwest corner of Bartlett Avenue and Verbena Road in the City (APN 0459-132-30) (“Property”), for the purposes of installing and maintaining above ground transmission lines (also referred to as a “gen-tie” lines), potentially including overhead power poles and wires, necessary for the operation of the Baldy Mesa Solar Project (the “Project”) because they connect the Project to a substation; and

WHEREAS, on November 10, 2020, the City Council approved the Project by approving/adopting City Council Resolution 20-64, Resolution 20-65, Ordinance 618, and Ordinance 620, authorizing the construction and operation of a 200-megawatt (MWAC) maximum AC power capacity solar generating and energy storage facility on approximately 1,066 acres in the City, including the construction and maintenance of gen-tie and communication lines in the public right-of-way and potentially over additional private property to be acquired by the City; and

WHEREAS, the Project serves an important public purpose of generating renewable electricity, consistent with mandates enacted by the California legislature requiring that 50% of all electricity in the state be generated from renewable sources by 2030. The Project would have a generating capacity of up to 200 MWAC and a battery electrical storage system that would store approximately 75 MWAC; and

WHEREAS, the proposed Easement consist of a 53-foot-wide public easement over approximately 0.8 acres (34,874 square feet) of the Property, as described in more detail in the proposed Grant of Easement to the City, attached as Exhibit “1”, which contains a legal description of the Easement area attached thereto as Exhibit “A”; and

WHEREAS, pursuant to California Government Code section 7267.2, the City has obtained an appraisal of the Property to be acquired and has made a written offer to the owner for the full amount set forth in the appraisal; and

WHEREAS, the City has been negotiating with the owner in an attempt to reach a negotiated acquisition of the public right-of-way easements proposed, but to date, those negotiations have not proven successful; and

WHEREAS, the City has given written Notice of Intent to Adopt a Resolution of Necessity For Acquisition of Certain Real Property Located at Northwest Corner of Bartlett Avenue & Verbena Road, Adelanto, CA by first class mail at least fifteen (15) days prior to the date of this resolution to the owner whose property is to be acquired by eminent domain (a copy of which is attached hereto as Exhibit “2”); and

WHEREAS, the City’s notice to those persons sets forth the intent of the City to adopt a Resolution of Necessity for acquisition by eminent domain of the Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the City’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure section 1245.235; and

WHEREAS, the City Council of the City of Adelanto held a hearing on September 14, 2022, for the purposes of allowing the record owner of the Property reasonable opportunity to appear and be heard regarding the City’s condemnation of the Easement, identification of the “Project,” and on the following matters:

- A. Whether the public interest and necessity require the proposed condemnation and the Project;
- B. Whether the proposed condemnation and the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Property proposed to be acquired is necessary for the Project;
- D. Whether the offer required by Government Code section 7267.2 had been given to the owners of record;
- E. Whether the City has met all other procedural requirements for the exercise of eminent domain; and
- F. Whether the City had properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Property, including review under the California Environmental Quality Act (“CEQA”); and

WHEREAS, all of the Project’s potential impacts on the environment, for which the Easement over the Property must be acquired, were analyzed in a Mitigated Negative Declaration (“MND”) (State Clearinghouse No. 2020090176), which was circulated for public review and ultimately approved along with the Project entitlements by the City Council of the City of Adelanto on November 10, 2020, through its approval of Resolution 20-64, and

WHEREAS, all the potential impacts on the environment by the adoption of this Resolution and the condemnation of the Easement on the Property were fully analyzed in the MND, and thus no further CEQA review is required, pursuant to CEQA Guidelines section 15162 and Public Resources Code section 21166; and

WHEREAS, the City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 et seq., Government Code sections 37350.5 and 40404, the Constitution of California, and California Eminent Domain Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Adelanto, California, that the City Council does hereby find, determine, and declare upon evidence presented to the City Council as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The public interest and necessity require the Project, and the acquisition of the Easement over the Property for the Project, because the Project will generate necessary renewable electricity, consistent with mandates enacted by the California legislature requiring that 50% of all electricity in the state be generated from renewable sources by 2030. In particular, the Project would have a generating capacity of up to 200 MWAC, and a battery electrical storage system that would store up to approximately 100 MWAC. Aside from being necessary to comply with state law mandates to generate electricity from renewable sources, the Project provides an important public benefit, and is in the public interest, by generating electricity from a clean, renewable source, and then storing and providing that electricity to the citizens of the City and beyond, lessening the demand for “dirty” sources of electricity that, if the Project was not approved, may need to be built in or nearby the City, and would contribute to pollution in the area. These benefits clearly outweigh any hardship on the owner of the Property, which is vacant and entirely unimproved, and the Easement consists only of a 53-foot strip of land adjacent to the existing public right-of-way, and the proposed condemnation and Project does not materially impact the Property owner’s ability to develop the Property in the future, if desired.

SECTION 3. The City is authorized to acquire the Property, including the improvements thereon for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq. and pursuant to Government Code sections 37350.5 and 40404.

SECTION 4. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury, in that the Property is completely vacant and unoccupied, and the Easement consists only of a 53-foot strip of land adjacent to the existing public right-of-way, and the proposed condemnation and Project does not materially impact the Property owner’s ability to develop the Property in the future, if desired, and the acquisition of the Easement makes the Project and its above-referenced public benefits possible.

SECTION 5. The Property is necessary for the Project because the Project cannot effectively operate without a gen-tie line and communication lines to deliver the power generated by the Project to electricity providers and customers. Without such lines and the Easement over the Property to construct and maintain the same, the Project would have no purpose, as the renewable solar electricity generated thereby could not be effectively delivered to end users/customers.

SECTION 6. If and to the extent any portion of the Property is already devoted to a public use, the Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 et seq.

SECTION 7. The written offer required by Government Code section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code section 7267.2(a).

SECTION 8. The environmental impacts associated with the Project and the proposed acquisition of the Easement have been adequately reviewed under CEQA, because all of the potential impacts on the environment caused by the Project were analyzed in the MND (State Clearinghouse No. 2020090176) approved by the City Council of the City of Adelanto on November 10, 2020, including all potential impacts on the environment relating to the condemnation and acquisition of the Easement and proposed construction and operation of the gen-tie lines thereon. (*See*, City Council Resolution 20-64.) Pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162, no further environmental review is required or authorized by law.

SECTION 9. The City is hereby authorized and empowered, and hereby declares its intent, to acquire an Easement over, above, through, and under the Property by eminent domain for the Project in accordance with the applicable provisions of the Code of Civil Procedure, Government Code sections 37350.5 and 40404, and the Constitution of California relating to eminent domain, consistent with the proposed Grant of Easement attached hereto as Exhibit "1."

SECTION 10. On October 21, 2020, in connection with recommending approval of the Project, the Planning Commission of the City of Adelanto determined that the Project resulting in the required acquisition of the Property is consistent with the City's General Plan, as amended as to location, for the purpose and extent necessary to facilitate the implementation of the General Plan pursuant to Government Code section 65402, as confirmed by the City Council via Resolution on November 10, 2020.

SECTION 11. The law firm of Olivarez Madruga Law Organization, LLP, as the City's Counsel, is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

PASSED, APPROVED AND ADOPTED this 28th day of September, 2022.



Gabriel Reyes, Mayor



Brenda Lopez, City Clerk

THE FOREGOING RESOLUTION WAS CONSIDERED, PASSED, AND APPROVED
this 28th day of September, 2022, by the following vote:

AYES: Council Members Jeannette, Jones, Mayor Pro Tem Ramos and Mayor Reyes

NOES: None

ABSTAIN: Council Members Evans

ABSENT: None

Brenda Lopez

Brenda Lopez, City Clerk

EXHIBIT 1
Grant of Easement with Legal Description of the Subject Property

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Adelanto
11600 Air Expressway
Adelanto, CA 92301
Attention: City Clerk

Portion of APN: 0459-132-30

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV& TAX CODE §11922

GRANT OF EASEMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged by **Prime Investment International, Inc. and Xingyu Liu ("Grantor")**, Grantor does hereby GRANT and CONVEY to the **City of Adelanto ("Grantee")**, and its successors and assigns, a permanent easement ("**Easement**") over, above, on, under, in, across, along and through that certain real property located in the City of Adelanto, County of San Bernardino, State of California, more fully described in EXHIBIT "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "**Easement Area**"), for the construction, placement, operation, and maintenance of utilities, appurtenant structures, and any other associated improvements, including but not limited to above-ground electricity, generation-tie ("gen-tie") transmission and/or communication lines, pipelines, and other above-ground improvements associated with the transmission of utilities or electricity, specifically including but not limited to overhead power poles and wires, as well as any subsurface or otherwise below ground appurtenances, structures, improvements or other utilities (collectively, the "**Facilities**").

The Easement includes the perpetual right to construct, repair, replace, remove, maintain, modify and/or adjust, as applicable, the Facilities, and any other utilities constructed or placed within the Easement Area, and appurtenances thereto, drainage structures, and appurtenances thereto, and such other related purposes, authorized by statute or deemed by common law to be compatible and consistent with the purpose(s) of the Easement, including without limitation the perpetual right of ingress/egress and the right of maintenance. The Easement includes and is granted together with the right of Grantee to remove obstructions, structures and/or other improvements, as well as to trim and remove trees and other vegetation, over, above, on, under, in, across, along and through the Easement Area.

This instrument, including, without limitation, the grants and other terms and provisions set forth herein, shall inure to the benefit of, and be binding upon, Grantor and Grantee and their respective heirs, successors and assigns, including, without limitation, any involuntary successor(s)-in-interest. Grantee may assign its rights and remedies in, to and/or under this instrument and may do so without obtaining the consent of or providing notice to Grantee.

Subject to the terms of this instrument, the covenants contained in this instrument shall run with the land.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this day of _____, 2022.

GRANTOR: PRIME INVESTMENT INTERNATIONAL, INC.
a California Corporation

Dated: _____

By: _____

Print Name: _____

Its: _____

Xingyu Liu,
an individual

By: _____

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

This is to certify that the interest in real property conveyed by this Easement Deed to the City of Adelanto ("City"), a California municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to the authority granted to it under Resolution _____, adopted on _____, and the Grantee consents to the recordation thereof by its duly authorized officer.

CITY OF ADELANTO
a Municipal Corporation

By: _____ (or designee)
Jessie Flores, City Manager

EXHIBIT "A"
LEGAL DESCRIPTION
APN: PORTION OF 0459-132-30

THE SOUTH 53.00 FEET OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER SECTION 29, TOWNSHIP 6 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

CONTAINING 0.80 ACRES MORE OR LESS.

EXHIBIT 2

**Notice of Intent to Adopt a Resolution of Necessity For Acquisition of Certain Real Property
Located at Northwest Corner of Bartlett Avenue & Verbena Road, Adelanto, CA**



Gabriel Reyes
Mayor

Daniel Ramos
Mayor Pro Tem

Joy Jeannette
Council Member

Stevevonna Evans
Council Member

Keron Jones
Council Member

Jessie Flores
City Manager

August 25, 2022

VIA FIRST CLASS MAIL

Xingyu Liu
Prime Investment International Inc.
6280 Mission Blvd. #204
Jurupa Valley, CA 92509

Hua Guo
Prime Investment International, Inc.
6280 Mission Blvd. #204
Jurupa Valley, CA 92509

Re: APN: 0459-132-30
NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY FOR
ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT NORTHWEST
CORNER OF BARLETT AVENUE & VERBENA ROAD,
ADELANTO, CA

Dear Property Owner(s):

This notice is sent to you under the requirements of California Code of Civil Procedure Section 1245.235. This notice concerns the property located on the northwest corner of Bartlett Avenue and Verbena Road in the City of Adelanto (“City”), San Bernardino County Assessor Parcel Number (“APN”) 0459-132-30 (the “Larger Parcel”). As stated in the City’s July 12, 2022 offer letter to you, the City has been investigating acquiring an easement over a portion of the Larger Parcel (your property) to allow the installation and maintenance of above-ground transmission lines (also referred to as a “gen-tie”), potentially including overhead power poles and wires, necessary for the City-approved solar power production and storage project, known as the Baldy Mesa Solar Project (the “Project”). The proposed Project serves an important public purpose of generating renewable electricity, consistent with mandates enacted by the California legislature requiring that 50% of all

electricity in the state be generated from renewable sources by 2030. The Project would have a generating capacity of up to 200 megawatts of AC power (“MWAC”) and a battery electrical storage system that would store up to approximately 100 MWAC.

This notice is sent to advise you that on September 14, 2022, the City Council of the City of Adelanto will be asked to consider passage of a resolution of necessity, declaring the public interest and necessity requiring acquisition of an easement over a portion of the Larger Parcel, (APN 0459-132-30) more specifically described in **Exhibit A** hereto, and depicted in **Exhibit B** hereto (an excerpt from the appraisal report that was previously provided to you) as the larger of two potential easements, *i.e.*, the 53-foot wide easement.

California Code of Civil Procedure Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed public project if the following conditions are established:

- A. The public interest and necessity require the project.
- B. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- C. The property sought to be acquired is necessary for the project.

This notice is sent to inform you that at its regularly scheduled public meeting on September 14, 2022, the City Council of the City of Adelanto will be asked to decide if the above conditions have been met concerning the City’s acquisition of the above-referenced property, and whether the City has complied with all other procedural requirements for utilizing the power of eminent domain to acquire the property. If these conditions are met, the City Council will be asked to adopt a resolution of necessity, which is a prerequisite for the City’s initiation of eminent domain proceedings to acquire property. In particular, this meeting at which the proposed resolution of necessity will be considered will be held at or about 7:00 p.m. in the City Council Chambers located at City Hall, at 11600 Air Expressway, Adelanto, California 92301.

At this public meeting, the City Council will also be asked to make a finding that the environmental impacts associated with the resolution of necessity have been adequately reviewed under the California Environmental Quality Act (“CEQA”). The City Council will be asked to find that all of the potential impacts on the environment of the proposed condemnation have been fully analyzed in, and are covered by, the Mitigated Negative Declaration (SCH #2020090176) previously approved along with all the Project entitlements on November 10, 2020.

Please be advised that you are entitled to appear and be heard on any of the matters encompassed within the resolution, including the above-described proposed CEQA findings and any of the above-described matters set forth in Code of Civil Procedure section 1240.030, and whether the City has met all legal prerequisites to the exercise of eminent domain to acquire the property interests proposed. You may appear in person or remotely via Zoom, as described in the instructions that will be posted on the agenda for the September 14, 2022 meeting on the City's website at <https://www.ci.adelanto.ca.us/325/City-Council-Meetings>. Please take notice that if you wish to legally challenge any action taken by the adoption of the resolution of necessity, or any of the matters listed herein, you may be limited in court to raising only those issues raised at the resolution of necessity hearing, or in written correspondence delivered to the City at, or prior to, the hearing on the matter. Please take further notice that pursuant to Code of Civil Procedure section 1245.235(b)(3), **failure to file a written request to appear and be heard within 15 days after this notice was mailed will result in waiver of the right to appear and be heard on certain matters, i.e.,** the matters set forth in Code of Civil Procedure section 1240.030 and may result in the waiver of objections in any later legal proceeding which may follow. You may address the request to appear as follows: City Clerk, City of Adelanto, 11600 Air Expressway, Adelanto, CA 92301, or blopez@ci.adelanto.ca.us.

The City Council must adopt a resolution of necessity before an eminent domain proceeding can commence. Within six months after the adoption of the resolution of necessity, the City may commence eminent domain proceedings in the San Bernardino County Superior Court, and will likely do so sooner. In any such proceeding, the court will be asked to determine the amount of just compensation to which you may be entitled in the event the property is taken in eminent domain. The City may also move for prejudgment possession within 60 days of the filing of its eminent domain proceedings.

Neither the pendency of the City Council's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of your property, and the City will be most willing to continue such negotiations.

If you have any questions, please do not hesitate to contact the City at (760) 246-2300, ext. 11184, or email me at jflores@ci.adelanto.ca.us. Thank you for your consideration of this matter.

Sincerely,



Jessie Flores
City Manager
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301
442-249-1124

Enclosures: Exhibit A – Legal Description
Exhibit B – Depiction of Proposed Easement Area

EXHIBIT "A"
LEGAL DESCRIPTION
APN: PORTION OF 0459-132-30

THE SOUTH 53.00 FEET OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER SECTION 29, TOWNSHIP 6 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

CONTAINING 0.80 ACRES MORE OR LESS.

This conveyance represents a partial acquisition. There are two proposed or possible easements that are being considered. Both easements are overhead easements located on the southern border of the property and both running East to West. One is approximately an 8-foot by 658-foot-wide channel, and the other is a 53-foot by 658-foot-wide channel.

No development or improvements can be placed in the easement area; however, the easement area would not affect development potential as the majority of area (50-feet) would be dedicated if developed and setbacks would be similar from the pole as the existing right-of-way. It should also be noted that the property is not entitled and considered raw land.

The poles shown below are for illustrative purposes only. The poles will be approximately 82 feet high with 60-foot clearance and approximately 12-foot wide.

There are no buildings or improvements located in the existing easement area. Any disturbance of the area installing any utilities will be replaced in kind. A map of the proposed easement is found below.



1 OLIVAREZ MADRUGA LAW ORGANIZATION LLP
Lloyd Pilchen (State Bar No. 223546)
2 lpilchen@omlowlaw.com
Tina Steck (State Bar No. 181633)
3 tsteck@omlowlaw.com
500 S. Grand Ave. 12th Floor
4 Los Angeles, CA 92656
Telephone: 213-744-0099
5 Facsimile: 213-744-0093

6 Attorneys for Plaintiff
CITY OF ADELANTO -

*Exempt from fees pursuant
to Government Code § 6103*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 01 2023

BY: 
Brianna Johnson, Deputy

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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

11
12 CITY OF ADELANTO, a California Charter
City,

13 Plaintiff,

14 vs.

15 PRIME INVESTMENT INTERNATIONAL,
16 INC, a California corporation; XINGYU LIU,
an individual; SOUTHERN CALIFORNIA
17 EDISON COMPANY, a corporation; SHARON
A. BARRERA, an individual; DOES 1 through
18 100 inclusive; and all persons unknown
claiming any title or interest in or to the
19 property sought to be condemned herein,

20 Defendants.

Case No. CIVSB2222702

Assigned for All Purposes to:
Honorable Gilbert Ochoa
Dept. S24

NOTICE OF LIS PENDENS

[APN 0459-132-30]

Date Action Filed: October 6, 2022
Trial Date: None

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1 **NOTICE IS HEREBY GIVEN** that Plaintiff City of Adelanto (“City”) has commenced an
2 action in the above-entitled matter in the Superior Court of the State of California for the County of
3 San Bernardino against the above-named defendants.

4 The purpose of said action is to condemn and take by right of eminent domain approximately
5 a permanent utilities easement over a 53 foot wide and 658 foot long strip of the larger parcel
6 (approximately 34,874 square feet of property) adjacent to the City’s existing right-of-way, as more
7 particularly described in Exhibit A, attached hereto and incorporated by this reference, and further
8 described in the Complaint on file with the Superior Court.

9 The names of the owners or those who may have an interest in the real property include:

| Defendant | Possible Interest |
|---|---|
| PRIME INVESTMENT INTERNATIONAL, INC, a California corporation | Fee owner of Record, 50% Interest as Tenant in Common |
| XINGYU LIU, an individual | Fee owner of Record, 50% Interest as Tenant in Common |
| SOUTHERN CALIFORNIA EDISON COMPANY, a corporation | Easement for underground and above-ground Electrical Supply Systems and Communication Systems |
| SHARON A. BARRERA, an individual | Deed of Trust |

18 Dated: April 26, 2023

OLIVAREZ MADRUGA LAW ORGANIZATION LLP

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20 By: 
21 Lloyd Pilchen
22 Attorneys for Plaintiff
23 CITY OF ADELANTO
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Exhibit A

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Adelanto
11600 Air Expressway
Adelanto, CA 92301
Attention: City Clerk

Portion of APN: 0459-132-30

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV& TAX CODE §11922

GRANT OF EASEMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged by **Prime Investment International, Inc. and Xingyu Liu ("Grantor")**, Grantor does hereby GRANT and CONVEY to the **City of Adelanto ("Grantee")**, and its successors and assigns, a permanent easement ("**Easement**") over, above, on, under, in, across, along and through that certain real property located in the City of Adelanto, County of San Bernardino, State of California, more fully described in EXHIBIT "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "**Easement Area**"), for the construction, placement, operation, and maintenance of utilities, appurtenant structures, and any other associated improvements, including but not limited to above-ground electricity, generation-tie ("gen-tie") transmission and/or communication lines, pipelines, and other above-ground improvements associated with the transmission of utilities or electricity, specifically including but not limited to overhead power poles and wires, as well as any subsurface or otherwise below ground appurtenances, structures, improvements or other utilities (collectively, the "**Facilities**").

The Easement includes the perpetual right to construct, repair, replace, remove, maintain, modify and/or adjust, as applicable, the Facilities, and any other utilities constructed or placed within the Easement Area, and appurtenances thereto, drainage structures, and appurtenances thereto, and such other related purposes, authorized by statute or deemed by common law to be compatible and consistent with the purpose(s) of the Easement, including without limitation the perpetual right of ingress/egress and the right of maintenance. The Easement includes and is granted together with the right of Grantee to remove obstructions, structures and/or other improvements, as well as to trim and remove trees and other vegetation, over, above, on, under, in, across, along and through the Easement Area.

This instrument, including, without limitation, the grants and other terms and provisions set forth herein, shall inure to the benefit of, and be binding upon, Grantor and Grantee and their respective heirs, successors and assigns, including, without limitation, any involuntary successor(s)-in-interest. Grantee may assign its rights and remedies in, to and/or under this instrument and may do so without obtaining the consent of or providing notice to Grantee.

Subject to the terms of this instrument, the covenants contained in this instrument shall run with the land.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this day of _____, 2022.

GRANTOR: PRIME INVESTMENT INTERNATIONAL, INC.
a California Corporation

Dated: _____

By: _____

Print Name: _____

Its: _____

Xingyu Liu,
an individual

By: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of San Bernardino)

On _____, 2022, before me, _____, Notary Public, personally appeared, _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

This is to certify that the interest in real property conveyed by this Easement Deed to the City of Adelanto ("City"), a California municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to the authority granted to it under Resolution _____, adopted on _____, and the Grantee consents to the recordation thereof by its duly authorized officer.

CITY OF ADELANTO
a Municipal Corporation

By: _____ (or designee)
Jessie Flores, City Manager

EXHIBIT "A"
LEGAL DESCRIPTION
APN: PORTION OF 0459-132-30

THE SOUTH 53.00 FEET OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER SECTION 29, TOWNSHIP 6 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

CONTAINING 0.80 ACRES MORE OR LESS.

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

NOTICE OF LIS PENDENS

as stated below:

Prime Investment International, Inc. Defendant
c/o James Wang, Agent for Service of Process
365 W. Garvey Avenue
Suite 101
Monterey Park. CA 91754-7407

(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27th, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Nationwide Legal, Inc.

MAJID FALLAHZ

(Type or print name)



(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed by the law office of Rutan & Tucker, LLP in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18575 Jamboree Road, 9th Floor, Irvine, CA 92612.

On April 28, 2023, I served on the interested parties in said action the within:

NOTICE OF LIS PENDENS

as stated below:

Xingyu Liu Defendant
17700 Castleton Street #469
City of Industry, CA 91748


(BY CERTIFIED MAIL) pursuant to CCP §1255.450(d), by placing a true copy thereof in sealed envelope(s) addressed as shown above.

In the course of my employment with Rutan & Tucker, LLP, I have, through first-hand personal observation, become readily familiar with Rutan & Tucker, LLP's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, I deposited such envelope(s) in an out-box for collection by other personnel of Rutan & Tucker, LLP, and for ultimate posting and placement with the U.S. Postal Service on that same day in the ordinary course of business. If the customary business practices of Rutan & Tucker, LLP with regard to collection and processing of correspondence and mailing were followed, and I am confident that they were, such envelope(s) were posted and placed in the United States mail at Irvine, California, that same date. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 28, 2023, at Irvine, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lauren Ramey
(Type or print name)



(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

NOTICE OF LIS PENDENS

as stated below:

Southern California Edison Company Defendant
c/o Cristina Limon, Agent for Service of Process
2244 Walnut Grove Avenue
Rosemead, CA 91770-3714

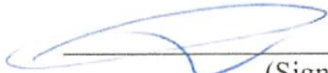
(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Nationwide Legal, Inc.

MARCELO FALGASZ
(Type or print name)


(Signature)

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PROOF OF SERVICE

*(City of Adelanto v. Prime Investment International, Inc., et al
San Bernardino Superior Court Case No. CIVSB2222702)*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 West Santa Ana Blvd., Suite 300, Santa Ana, CA 92701.

On April 27, 2023, I served the within:

NOTICE OF LIS PENDENS

as stated below:

Sharon A. Barrera
1360 W. 37th Street
San Pedro, CA 90731-6013

Defendant

(BY PERSONAL SERVICE) on the interested party(ies) in this action by personally delivering it in sealed envelope(s) to the address(es) of the person(s) above.

Executed on April 27, 2023, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Juan Guerra
(Type or print name)

Nationwide Legal, Inc.
[Signature]
(Signature)

AMENDED SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
MAR 09 2023
BY: Yvonne Taylor, Deputy

NOTICE TO DEFENDANTS:
(AVISO AL DEMANDADO):

PRIME INVESTMENT INTERNATIONAL, INC, a California corporation;
XINGYU LIU, an individual; SOUTHERN CALIFORNIA EDISON COMPANY, a
corporation; SHARON A. BARRERA, an individual;
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CITY OF ADELANTO, a California Charter City,

COPY

BY FAX

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SAN BERNARDINO SUPERIOR COURT
San Bernardino District
247 West Third Street
San Bernardino, CA 92415-0210
Tel. (909) 708-8678

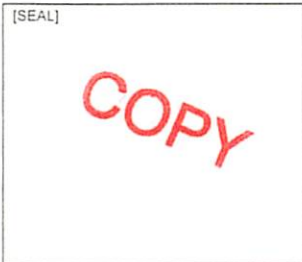
CASE NUMBER.
(Número del Caso)
CIVSB 2222702

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Lloyd Pilchen (State Bar No. 223546) Marc Tran (State Bar No. 306274) Tel. 213-744-0099 Fax 213-744-0093
OLIVAREZ MADRUGA LAW ORGANIZATION LLP
500 S. Grand Ave. 12th Floor, Los Angeles, CA 90071

DATE: (Fecha) MAR 09 2023 Clerk, by Yvonne Taylor, Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. [] as an individual defendant.
2. [] as the person sued under the fictitious name of (specify):
3. [] on behalf of (specify):
under: [] CCP 416.10 (corporation) [] CCP 416.60 (minor)
[] CCP 416.20 (defunct corporation) [] CCP 416.70 (conservatee)
[] CCP 416.40 (association or partnership) [] CCP 416.90 (authorized person)
[] other (specify):
4. [] by personal delivery on (date):

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| SHORT TITLE: CITY OF ADELANTO v. PRIME INVESTMENT INTERNATIONAL, INC, et al | CASE NUMBER: CIVSB 2222702 |
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

DOES 1 through 100 inclusive; and all persons unknown claiming any title or interest in or to the property sought to be condemned herein,